Design and Implementation of the 'Separation of Powers Governance Model' at the Local Sphere of Government: The Case of the City of Johannesburg Metropolitan Municipality

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Abstract: In 2005, the City of Johannesburg metropolitan municipality adopted the 'separation of powers' governance model that separates the executive and legislative functions of the Council to improve governance at local level. Despite this, we are not certain if separating legislative and executive functions of a municipality improves governance at local level. Therefore, it became prudent to assess this intervention. To do this, Chikwema and Wotela (2016) developed an interpretive and conceptual framework whose summary we share in this paper. Based on this proposed research framework, this paper shares some empirical evidence on the design and implementation arrangements of the 'separation of powers governance model' in the City of Johannesburg. Specifically, we interrogate the design of the 'separation of powers' governance model in the municipality, it's structures, powers and functions as well as its implementation arrangements. Other aspects that we look into are available resources and capacity for oversight leading us to outline its activities and procedures. This interrogation provided for establishing the logic underlying the 'separation of powers' governance model in the City of Johannesburg. We conclude that the overall review of governance arrangements and subsequent implementation of the 'separation of powers' governance model in the City of Johannesburg can be understood within the context of the democratic theory of governance. However, institutionalism is a more appropriate framework to explain the findings on the overall structure and configuration of the legislature in the City of Johannesburg. We also use the principal-agent theory to interrogate the implementation arrangements (processes and procedures) implemented to effect oversight, accountability, and public participation.

Keywords: Accountability, Design, Governance, Oversight, Transparency, Participation

1. Introduction

Oversight and accountability of the executive to the legislature are cardinal to good governance and ultimately democracy and political development. Conflating legislative and executive functions limits oversight, effectiveness of governance arrangements, accountability, and public participation. This is unfortunately the situation at local government level in South Africa. Visser (2005) concluded that the governance problems in municipalities in South Africa arise from poor accountability caused by weak oversight at municipality level-culminating in low levels of accountability, non-existent oversight and weak public participation processes. Further, the 2009 assessment of local governance in South Africa undertaken by the Department of Cooperative Governance and Traditional Affairs (COGTA) describes municipal governance as being 'in distress'- a position that we think has not changed eight years later.

The assessment identifies two root causes of distress (i.) non-separation of legislative and executive functions leading to (ii.) inadequate oversight, and hence weak accountability measures, (Department of Cooperative Governance and Traditional Affairs 2009). Similarly, Christmas (2009) points to the obscure division between executive and legislative roles in municipalities as the key cause of distress in municipal governance. Despite supposedly effective legislative provisions and implementing several interventions, McLennan (2009) concurs that governance arrangements in several South African municipalities are ineffective and remain a critical challenge. Feesha (2008) suggests, governance challenges including a lack of accountability and responsiveness at municipality level may imply a flawed design of local government in South Africa (Feesha 2008). To improve governance, the City of Johannesburg provided for an enhanced separation of executive and legislative functions in 2006. However, after implementing this governance model, we need to deduce the causal logic of the 'separation of powers' governance model and its implementation arrangements as the first step in ascertaining whether separating legislative

and executive functions can improve governance processes at municipal level.

To evaluate governance models in municipalities probably one should ask the question, 'does implementation of the 'separation of powers' governance model promote accountability, oversight, and public participation in local municipality?' To respond to this primary question a research should pursue three questions. First, what is the causal logic of the 'separation of powers' governance model and its implementation arrangements? Second, what challenges do municipalities face when implementing a 'separation of powers' governance model? Third, to what extent is the 'separation of powers' governance model promoting accountability, oversight and public participation in local government?

This paper pursues the first of the three research questions in the context of the City of Johannesburg Metropolitan Municipality - that is, 'what is the causal logic of the 'separation of powers governance model' and its implementation arrangements? This implies providing an overview and context of the 'separation of powers' governance model. The paper seeks to establish the design and implementation arrangements of the City of Johannesburg metropolitan municipality model, its structure, number and membership of oversight structures, powers and functions of oversight committees, resources and capacity available for oversight, as well as activities, processes, and procedures of the governance model. To establish this contextual understanding, the study interrogates official programme documentation of the model (which include: inception report, performance reports, committee establishment and membership reports, oversight committee reports, committee terms of reference among other documentation). First, we establish the theoretical and conceptual frameworks before articulating the research strategy, design, procedure and methods. Finally, we provide findings, summary and conclusion.
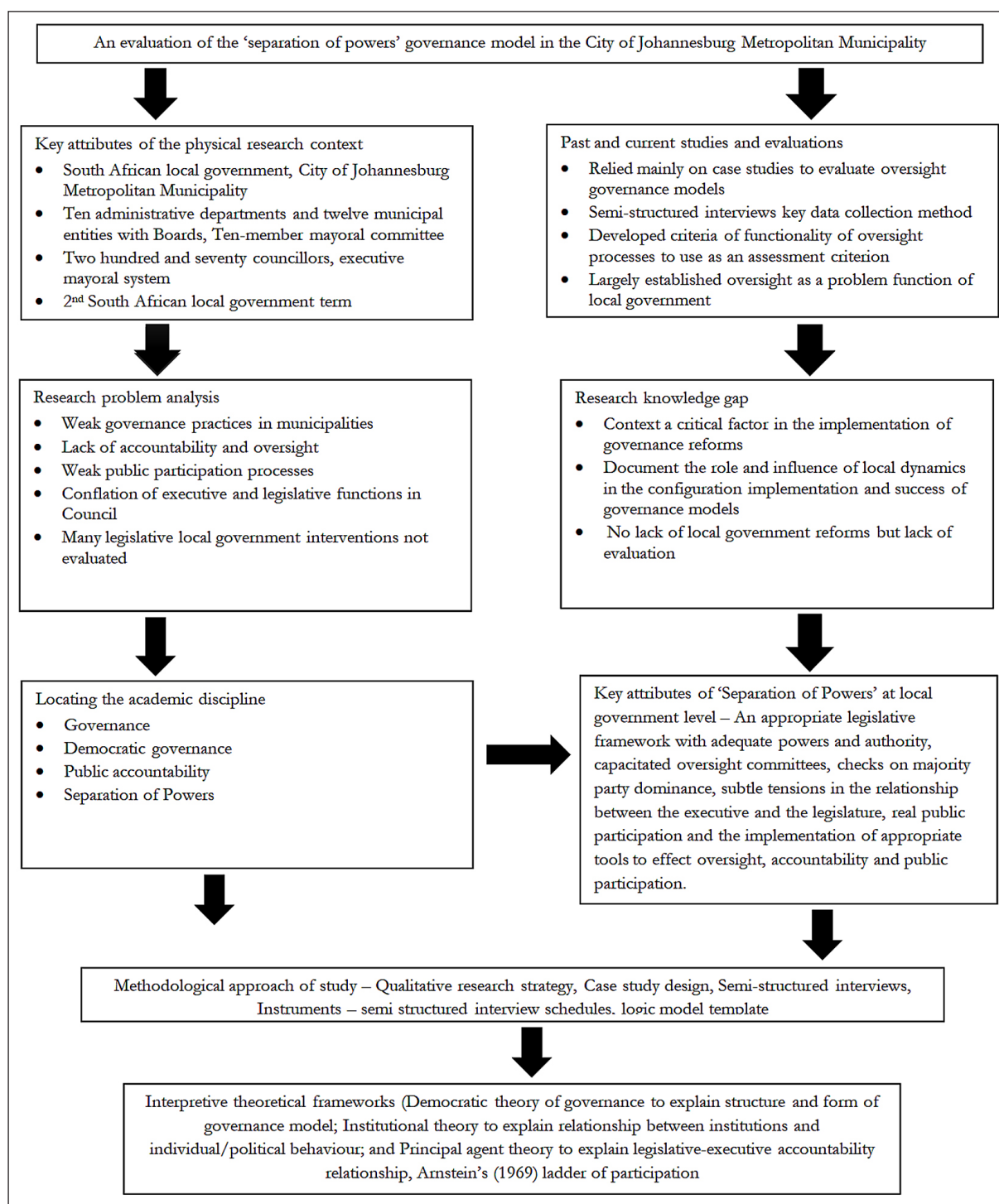
2. The Theoretical and Conceptual Framework

Figure 1 presents an updated conceptual framework for a formative assessment of the City of Johannesburg 'separation of powers' pilot project proposed by Chikwema and Wotela (2016). This study applied this conceptual framework to collect, collate, process, and analyse information as well as interpret the empirical results, therefore, it is important that we acquaint ourselves with this framework. Here we only provide a summary of its key aspects. First, our research problem (improved oversight and scrutiny) analysis in context of South African municipalities and more specifically the City of Johannesburg shows that governance arrangements of these sub-national entities are based on the checks and balances effect of the 'separation of powers' principle. This allows for oversight, scrutiny, accountability, and democratic governance. However, while the implementation of the doctrine is clear at provincial level, there are implementation challenges to the 'separation of powers' doctrine at local government sphere. While Section 133(2) of the South African Constitution (1996) explicitly provides for separation of legislative and executive functions at national and provincial government, this is not the case at local government level. As a result, governance arrangements - such as oversight, public participation and, therefore, accountability - at local sphere are weak partly because of conflated executive and legislative functions in council. As a result, there are attempts - for example, City of Johannesburg 'separation of powers' intervention (City of Johannesburg 2005) - to rectify these challenges with an emphasis on the 'separation of powers' between the legislature and the executive. Figure 1 on the following page illustrates the roadmap we followed to undertake the research.

Second, a review of similar past and current empirical research studies on and evaluations of governance arrangements in general and 'separation of power' in particular shows that knowledge on local dynamics that influence effectiveness of governance models is lacking (Chikwema & Wotela, 2016). Specifically, some studies such as Leach and Wingfield (1999) as well as Snape (2000) show that oversight is a problem at local government level because of three reasons informed by the local context. First, establishing effective committees is a challenge. Second, politicians meddle in oversight and scrutiny functions especially when the legislature is dominated by the ruling party. Last, oversight institutions are allocated inadequate constitutional powers. Therefore, if the objective of separating powers is oversight and scrutiny then we should focus on (i.) the nature of committees, (ii.) their structure and processes, (iii.) the capacity of scrutiny officers, (iv.) the resolution tracking, and (v.) the questioning arrangements as the leading attributes. These attributes can be used to assess and evaluate the practical institutional

Figure 1: Conceptual Framework for a Formative Evaluation of the City of Johannesburg 'Separation of Powers' Pilot Project

An evaluation of the 'separation of powers' governance model in the City of Johannesburg Metropolitan Municipality

Key attributes of the physical research context
- South African local government, City of Johannesburg Metropolitan Municipality
- Ten administrative departments and twelve municipal entities with Boards, Ten-member mayoral committee
- Two hundred and seventy councillors, executive mayoral system
- 2nd South African local government term

Past and current studies and evaluations
- Relied mainly on case studies to evaluate oversight governance models
- Semi-structured interviews key data collection method
- Developed criteria of functionality of oversight processes to use as an assessment criterion
- Largely established oversight as a problem function of local government

Research problem analysis
- Weak governance practices in municipalities
- Lack of accountability and oversight
- Weak public participation processes
- Conflation of executive and legislative functions in Council
- Many legislative local government interventions not evaluated

Research knowledge gap
- Context a critical factor in the implementation of governance reforms
- Document the role and influence of local dynamics in the configuration implementation and success of governance models
- No lack of local government reforms but lack of evaluation

Locating the academic discipline
- Governance
- Democratic governance
- Public accountability
- Separation of Powers

Key attributes of 'Separation of Powers' at local government level – An appropriate legislative framework with adequate powers and authority, capacitated oversight committees, checks on majority party dominance, subtle tensions in the relationship between the executive and the legislature, real public participation and the implementation of appropriate tools to effect oversight, accountability and public participation.

Methodological approach of study – Qualitative research strategy, Case study design, Semi-structured interviews, Instruments – semi structured interview schedules, logic model template

Interpretive theoretical frameworks (Democratic theory of governance to explain structure and form of governance model; Institutional theory to explain relationship between institutions and individual/political behaviour; and Principal agent theory to explain legislative-executive accountability relationship, Arnstein's (1969) ladder of participation

Source: Chikwema & Wotela (2016)

arrangements in South African local government in general and as practiced in the City of Johannesburg in particular. Further, their review exposes the following knowledge gaps on this subject. First, in South Africa, the challenge of local governments is not the absence of reforms but rather evaluating the contribution of the instituted local governance reforms.

Second, determining the influence of local dynamics when implementing governance reforms and assessing their impact. Last, accounting for public declarations that robust scrutiny is actually backed by practice. Being a formative evaluation, in this paper we interrogate the programme theory of the City of Johannesburg 'separation of powers' pilot project.

We focussed on the design logic operational arrangements of the model. With this knowledge in place, we then collected data and information on this project to compare its intentions to its reality.

To interpret these empirical results, we used (i.) the institutional theory to understand the physical and abstract structure of the governance model, (ii.) the principal-agent theory to understand the processes and procedures of the governance model and the (iii.) the democratic theory of governance to understand the broad framework within which the governance model was designed and implemented.

3. Research Strategy, Design, Procedure and Methods

We relied extensively on the qualitative processes of document analysis and semi-structured interviews to define the logic and programme theory of the City of Johannesburg's 'separation of powers' governance model and to assess the extent to which the implementation arrangements of the model followed this logic. We analyse official programme documentation of the model which include inception report, performance reports, committee establishment and membership reports, oversight committee reports, and committee terms of reference among other documentation.

Specifically, the document analysis focused on the inception report *'Report on the Proposed High-Level Legislative Structure of the City of Johannesburg'*, to establish the conceptualisation and objectives of the governance model; the *'Oversight and Scrutiny Framework for the City of Johannesburg Legislature'*, to determine the systems and procedures; *Terms of Reference of Committees* to obtain stated committee powers and functions for comparison; as well as *Oversight visit reports of Section 79 Committees, Oversight Reports of Committees on the Performance of City Departments and Entities* and *Oversight Committee Meeting Minutes* to determine and generate quantitative data on oversight committee outputs as well as volume of meetings; *Quarterly Performance Reports of City Departments and Entities* to determine the relevance of oversight focus areas to outcomes of the governance model.

The analysis of this documentation is complemented by thirty-five semi-structured interviews conducted with critical stakeholders of the 'separation of powers' governance model, including councillors, chairpersons of oversight committees, office bearers, whips of political parties represented in the City of Johannesburg Council as well as researchers and committee coordinators who supported the oversight committees. The interview schedule was organised into an introductory section and five other broad sections covering; i.) the objectives of the governance model; ii.) the effect of the governance model on governance processes in the City; iii.) the challenges/functionality of the governance model; iv.) public participation and v.) recommendations for the governance model. The analysis of official documentation on the 'separation of powers' governance model and the responses to interview questions provided insight on a number of factors which include; the stakeholder interpretation of the stated objectives and rationale of the governance model, their perceptions of the structure, number and membership of oversight structures, powers and functions of oversight committees, resources and capacity available for oversight, as well as activities, processes, and procedures of the governance model-attributes that we identified in the literature review as critical to the conceptualisation and implementation of similar governance models. Therefore, our findings are drawn from two key sources-the thirty-five stakeholder interviews and the document analysis conducted on key programme documentation. To organise the interview outcome, an identifier was created for all the interview transcripts and organised by category of participants and then labelled each of the interview schedules using numbers i.e. interview number 1 to 35. This helped to establish similarities and differences in the responses of people of a similar category as well as between categories. Using qualitative content analysis, several themes (informed by both the emerging data and literature review) were developed from the research question, interview transcripts and the programme documentation, allowing categories to emerge out of data. These categories of data were arranged using a designed Microsoft Excel spreadsheets. See Table 1 on the following page.

In the first column of the excel worksheet, we inserted all the relevant themes that emerged from the research questions, literature, the interviews and programme documentation. Each subsequent column was numbered in accordance with the corresponding interview number. Each interview transcript was read looking for interviewee responses that were relevant to an identified theme.

Table 1: Illustration of Excel Spreadsheet Used to Organise and Analyse Interviews

To what extent does the 'SoP' governance model promote accountability oversight and public participation in the city of Johannesburg			
Theme	**interview 1**	**interview 2**	**interview 3**
Functionality of Separation of Powers		Honestly, I am not convinced by it; it has been frustrating to try and effectively change the direction of the City.	Accountability has been strengthened; There has been subtle tension: Model must improve service delivery without increasing decision making structures
Oversight, scrutiny and Accountability	Oversight committees are effective: Pass resolutions for implementation Chairpersons are tabling oversight reports. MMCs are accountable to Committees. The executive is cooperative.	We have researchers that support the work of the committee. In the health committee we conducted oversight visits on a monthly basis, surprise inspections and were able to pick up anomalies.	Oversight based on what is done and the quality of what is done has improved but there is room for improvement

Source: Authors

Where relevance was established the respondent's opinion was paraphrased along a relevant theme. This helped to disaggregate the information, clearly establishing what was relevant to each theme and identifying what was not directly relevant, in the process identifying what each respondent said about a particular theme, or whether they said anything at all about a theme. To determine the research story for each theme, the excel spreadsheet was read across each of the lines, one theme at a time. This helped to establish the different opinions, the dominant ones and those in complete contrast, and to establish the opinions that consistently appeared across the line. Through this process a theme-based-story related to the research question emerged.

4. Results and Discussion

This section provides for information that helped us deduce the causal logic of the 'separation of powers' governance model and its implementation arrangements. It provides for responses to three semi-structured interview questions pursing information on the (i.) objectives of the governance model, (ii.) institutional and organisational arrangement for implementing the governance model, and (iii.) activities and outputs of the 'separation of powers' governance model. It complements the outcome of the analysis of programme documentation. When establishing the theoretical and conceptual frameworks, we reviewed selected similar studies on and evaluations of governance models. In doing so, we reviewed their respective research approaches, designs, procedure and methods as well as their empirical results, findings, and conclusions that these studies have realised. Here we compare the empirical research results of these studies with ours.

We place our findings into two categories, those that reinforce already established perspectives, so most of our results and findings reinforce how governance models are established, structured, and operate. The second category of results and findings, however, is different from what was established in similar studies and thus reflect the peculiarity of South African local governments including Johannesburg. First, the objectives of the City of Johannesburg Municipality 'separation of powers' governance model - improving oversight, accountability and citizen engagement - and its causal logic echo those in Ashworth and Snape (2004) and Ashworth (2004). They found that one way of counter-balancing executive influence in decision making in Councils is to establish oversight and scrutiny committees and delegate the powers and functions that support this counter-balancing objective. They also established the link between oversight and organisational scrutiny and performance management which is mirrored in governance model of the City of Johannesburg which emphasises a performance evaluation objective in oversight committee terms of reference. Second, there is further agreement between our results and those of Ashworth (2003) who found that, as in the City of Johannesburg, often, committees are provided with a range of powers that, if implemented, are adequate to ensure effective implementation of the committees' mandates. However, it is also

common that committees are often unable to implement this wide range of powers fully, for a number of reasons. One reason is that the work of committees is largely skewed more towards routine performance monitoring, keeping committees focussed in a cycle of routine performance monitoring functions.

Using public accounts committees as an example, Ashworth (2003) also found, as is the situation in Johannesburg that the powers and functions of public accounts committees are limited to retrospective scrutiny of financial performance. Oversight committees in the City of Johannesburg and their specific role with regards to budgetary and financial scrutiny remains uncertain and yet to be clarified. In practice, due to limitations in the implementation of their seemingly adequate powers and functions, committees in the City of Johannesburg consider themselves powerless yet they have authority in their terms of reference which if exercised would make them powerful. Third, regarding the range of powers and authority of oversight committees, our results and findings echo the findings of Cole (2001); Ashworth (2003); Makhado and others (2012) that there exists a common set of core formal powers available to oversight committees which include power to call evidence sessions, to make recommendations to Council, as well as power to demand responses from the executive. An assessment of terms of reference of oversight committees reveals these powers and functions are also entrusted to oversight committees in the City of Johannesburg.

Similarly, on the chairing of oversight committees by majority party councillors, this arrangement is not unique to Johannesburg. Johnson and Hatter (2003) concluded that many local authorities in the United Kingdom and Scotland resolved to let the ruling party provide chairpersons for either all or most of the overview and scrutiny committees (Johnson & Hatter, 2003). There were some exceptions though, such as the equal spread of chairs in some Councils and the proportional spread of chairs in a few others. This was done to manage political dynamics as well as to increase the perception of objectivity in the governance processes. Fourth, and last, the study established that the concept of a committee of chairpersons as exists in the City of Johannesburg is not unique. It resonates with Johnson and Hatter's (2003) results and findings who conclude, based on the scrutiny model in the United Kingdom, that a

co-ordinating body such as the chairpersons' committee is extremely helpful because it allows for regular communication between the committee chairpersons and, therefore, eliminates overlaps. It also allows other committees to know what other committees are doing. Similarly, having a committee that oversees public funds is also not unique to the City of Johannesburg legislature. It is present at national and provincial level where it is referred to as the Standing Committee on Public Accounts (SCOPA). It is prevalent in international jurisdictions that have audit committees. The motivation for this committee is to improve management of public funds especially at a time when South African municipalities were failing to account for the resources disbursed to them (Makhado, Masehela & Mokhari, 2012).

There are however, some results and findings established in this study that are different from what has been established in past studies, which to some extent reflects the peculiarity of the City of Johannesburg context. First, Ashworth and Snape (2004), Ashworth (2003), as well as Leach, *et al*. (2003) emphasise the importance of policy development and review as a critical function of oversight and scrutiny committees. In the City of Johannesburg, the study found that the terms of reference of the oversight committees do not elevate policy development and review to strategic importance but emphasises the role of committees in the by-law process. The governance model retains policy development and strategy review to be a prerogative of the executive.

Second, we found the number and average size of oversight committees established in the City of Johannesburg to be high when compared to other similar jurisdictions (Cole, 2001; Ashworth & Snape, 2004; Sandford & Maer, 2004; Cole & McAllister, 2015). Sanford and Maer (2004) established that there are three basic options for structuring oversight committees – that is, either matching executive member portfolios or matching the executive's key service directorates or establishing cross-cutting committees which match neither portfolios nor directorates. They recommend that overview and scrutiny committees take on a cross-cutting structure rather than a narrow service-based structure to mitigate limited time available for oversight activities and improved coordination of oversight programme intervention. In contrast, in the City of Johannesburg, the ten oversight committees correspond to each executive portfolio while in the United Kingdom the decision to establish oversight

committees is based on key themes and areas of focus due to limited time available and restricted numbers due to smaller Councils (Sandford & Maer, 2004). For example, a study conducted when the United Kingdom initiated its local government model shows that none of the local authorities studied had more than six scrutiny committees and in many instances these committees covered one or two complete cabinet portfolios as well as small parts of other portfolios and often including issues which are not within the competence of the Council (Sandford & Maer, 2004). This approach tends to be efficient with regards of how committees dealt with their business. Third, in terms of decision-making powers of committees we established that committees in the City of Johannesburg do not have any decision-making powers, they can only make recommendations to Council. The study established that while this is similar to provincial and national oversight committees, it is significantly different to what was established elsewhere. Sanford and Mayer, (2004) established that a fundamental feature of the oversight and scrutiny model in the United Kingdom local government is that oversight committees are formally empowered to call-in executive decisions before they are approved or immediately after they are approved (Sanford & Mayer, 2004).

In Section 2, we provided for three frameworks that we can use to interpret the empirical research results on the design and implementation arrangements of the governance model as presented in Section 4. First, the democratic theory of governance which states that democratic governance is based on the enforcement of the fundamental values of democracy complemented by principles of governance which include public participation; second, the institutional theory which explains the nature and form of government institutions; third, the principal agent theory which is useful for explaining accountability relationships between citizens (principals) and executive (agents) as well as between the legislature (acting as principal) on behalf of citizens and the executive and bureaucracy. In varying degrees all the above frameworks are relevant to explain findings relating to (i.) motivation and conceptualisation of the governance model; (ii.) structure, and components of the governance model; and (iii.) processes and procedures of the governance model − critical aspects of the 'separation of powers governance model. In essence, the overall governance arrangements and subsequent implementation of the 'separation of powers' governance model in the City of Johannesburg can

be understood within the context of the democratic theory of governance. The implementation of the 'separation of powers' governance model resonates with the intent of improving democratic governance in local government in general through enhancing aspects of democratic governance using new political management arrangements. This theory explains the logic of improving accountability, public participation and oversight through emphasising the relative independence of legislative and executive functions.

The separation of powers principle and its advocacy for checks and balances helps explain the terms of reference of oversight committees and the powers and functions allocated to oversight committees. In its crude form, separation of powers is a separation of legislative, executive and judicial functions of government primarily to prevent abuse of power by any one of these bodies through a system of checks and balances (Samuels, 2002). The core assumption is that where sufficient checks and balances are applied and are fully functional the legislature and executive bodies discipline each other to the benefit of the electorate. The powers and functions of the City of Johannesburg's oversight committees are derived from the need to create checks and balances which give effect to the separation of powers principle. The principal-agent theory also informs, to some extent, the allocation of a 'scrutineer' role to nonexecutive councillors inform the elevation of non-executive councillors to play a more significant role in local governance. This counters the dominance of one arm of government, primarily the executive, dominating other arms of government (Sweeting, 1999; Samuels, 2002; Wilson & Game, 2002). This explains why there is a strong emphasis on strengthening the role of non-executive councillors as compared to the executive in the new governance model. There is deliberate focus on ensuring that within the new governance model, the executive and the legislature are viewed as equal and that councillors play their representative roles.

Institutionalism is more appropriate to explain the findings on the overall structure and configuration of the legislature in the 'separation of powers' governance model in Johannesburg. This theory explains that based on historical and other political development factors, there exist templates of how particular institutions are structured and when new institutions are developed, they borrow their structure from these existing institutional templates, sometimes without due consideration of

the technical performance requirements (Peters, 1999). Organisations, according to institutional theory have to accommodate institutional expectations in order to prosper and survive even as those expectations may have little to do with the technical requirements of their expected performance. The physical structure and processes and procedures of the legislature of the City of Johannesburg are arranged like the parliament (National Assembly) of South Africa with a set number of oversight committees, even as there exist different and potentially more efficient structures (as shown elsewhere) to operationalise the separation of powers governance model. However, the choice of a parliament, according to the theory, has been defined prior to, as being the most appropriate way of organising a legislature. This explains the reproduction of a typically parliamentary structure, components and functions in the City of Johannesburg.

The structure, components, processes and procedures of the Johannesburg governance model were 'borrowed' from the structure of Westminster parliamentary tradition as applied to South African national and provincial legislatures. It mirrors the configuration of executive and legislative arms of government and the functions, roles and responsibilities of the national parliament and provincial legislatures. The similarities of the structure to the national and provincial government can therefore, be explained by this theory. The theory (sociological institutionalism components in particular) further suggest that public organizations, prefer not to be innovative because conformity reinforces their political legitimacy and improves the social image of their members, therefore adopting a similar structure in Johannesburg also presented legitimacy. A critical challenge, however, of this structure was that it overlooked the peculiarity of local government. The processes and procedures implemented to effect oversight, accountability and public participation as enshrined in the terms of reference of oversight committees in Johannesburg can also be viewed in the context of principal-agent theory. This is a useful analytical framework to explain executive-legislative accountability relations, specifically, how delegations of authority and accountability arrangements envisaged in the model were conceptualised and implemented. The new governance model emphasised the role of public representatives (Council) as agents of residents and principals of the executive, empowered by communities to hold the executive to account. The model also recognised the role of

the executive as agents of Council on one hand and principals and the administration on the other. It elevated and reaffirmed Council as the sole decision-making body of Council, accountable to the requirements of the Constitution.

The 'separation of powers' governance implemented in the City of Johannesburg while generally like the broad interpretation of separation of powers principle, also reflects adaptation in several instances. Again, this variation is of theoretical relevance. There is evidence that it is impossible to implement a formal separation of powers as envisaged in the principle and that in many instances many jurisdictions choose an understanding of the principle for implementation. One of the key reasons for this is that for a start, the executive is formed out of the legislature and the full Council sitting has both members of the legislature and executive, eliminating the possibility of a formal and clear separation between the two. This explains why the model implemented in Johannesburg has delegations that are unique to Johannesburg and could be substantially different if implemented in a different metropolitan municipality.

According to Lane (1994:220-221) the doctrine of separation of powers is not binding in terms of its implementation and that jurisdictions can alter its implementation. This is because it is impossible to implement a formal clear version of the separation of powers governance model as it would collapse government (Lane, 1994). This explains why in other jurisdictions; similar governance models are also referred to as 'fusion' or 'incoherent' or 'hybrid' application of different aspects of the separation of powers principle. The City of Johannesburg's model is no different, and it is a combination of aspects of the separation of powers principle perceived capable of functioning within the City's context. In the City of Johannesburg 'separation of powers' referred more to the elevation of legislative functions at local government level which is different from the classical separation of three arms of government, i.e. the executive, the legislative and the judiciary (Persson, Roland & Tabellini, 1997).

5. Conclusion and Recommendations

Despite some levels of variation, there is, generally, a commonly shared understanding of the logic of the 'separation of powers' governance model, and more specifically, its objectives as being improving

accountability through oversight and public participation. The establishment of the governance model presented a major transformation in the physical governance structure and governance arrangements of Council in Johannesburg, in line with the physical structure and governance arrangements applied in provincial and national legislature. The City of Johannesburg retained the use of committees, albeit increased in number and with a broad range of delegations and powers to implement legislative functions of Council. There are also a range of internal processes and mechanisms such as question time, motions and debates that support committees and council to execute its responsibilities. The City of Johannesburg also put in place significant physical and financial resources, insufficient in some instances to support the implementation of the governance model. The conclusion can be drawn that the governance model was implemented (physically and operationally) as intended, largely informed by the already existing templates of national and provincial legislatures in South Africa. The local political and organisational factors influenced and shaped the conceptualisation and implementation of the model leading to the City of Johannesburg implementing a merged/fused version of the separation of powers model, because the constitutional mandate of Council eliminated the possibility of a formal and physical separation between the executive and legislative arms of government as was possible with provincial and national spheres of government.

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