



VOLUME 17 ISSUE 3

Administratio Publica



ASSADPAM

Journal of the Association of
Southern African Schools and Departments
of Public Administration and Management

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ISSN 1015-4833

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Administratio Publica is a peer-reviewed journal accredited with the South African Department of Education and produced four times a year and aims to promote academic scholarship in public administration and management and related fields. Analytical articles in the form of original theoretical and empirical articles, debates, research viewpoints, review articles and book reviews in English will be considered for publication.

Page fees and Journal subscription

- Individual and institutional annual subscription 2009: Local R500.00; Foreign - Dollar 100.00; Euro 77.00.
- Authors are required to pay a fee of R200.00 per page for any manuscript printed in the Journal. Payment is due on receiving confirmation from the Editor that a contribution is to be published in a specific issue of the Journal. Payment for a special institutional issue of the Journal is R30 000.00 per Journal. Payment should be made directly to the University of Johannesburg, but proof of payment must also be submitted to the Editor to avoid any possible delay in the publication of a contribution.

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Editorial perspectives

Co-operative sustainable service delivery and democratic development

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FOREWORD

There is no refuting the importance of the national departments, provincial administrations and municipalities in supplying the fundamental needs of an open society, and in providing a platform for orderly and co-operative service delivery and purposeful democratic development. These are indisputably important problems that will not be solved overnight, and for which there are no precedents. Without fear of contradiction, it can be contended that the South African public is currently undertaking the most comprehensive and impatient evaluation of post-1994 public service delivery. The following aspects have already been minutely analysed and debated: insufficient, incompetent and unskilled staff in certain areas of local government, as well as insufficient allocation of funds to provide services and organisational structures that do not include workable procedures and internal control measures.

The contributions in this issue – even if only by implication – all touch upon the challenges arising from co-operative sustainable service delivery and democratic development. The editorial committee of *Administratio Publica* encourages contributions on these themes to stimulate the more expansive debate. In this issue, additional challenges to create a sustainable developmental state, monitoring and evaluation approaches, learning needs and sustainable partnerships between higher education and public sector institutions, the role of the Public Administration Leadership and Management Academy (PALAMA) and higher education institutions, as well as the constitutional court's role in an open democratic society are added as contributions to this debate.

Implications of a single public service initiative: A local government perspective

The Public Administration and Management Bill or the so-called *Single Public Service Bill* was introduced into parliament in 2008. The Bill is perceived as a document with far-reaching consequences and implications for both provincial and local government, and is deemed to be controversial, since it aims to erode the autonomy of the current dispensation of local government. Furthermore, institutions and actions of national, provincial and local government will change dramatically as both spheres will be regarded as a single 'sphere' in terms of a practical service delivery perspective (see Ballard 2009).

Harry Ballard questions the motivation and desired intention of the national Department of Public Service and Administration to introduce this Bill, in the first article, "**Implications of a single public service initiative: a local government perspective**". His motivation is premised on three tenets, namely eradication of poverty, under-development and improved co-ordination and integration. His article also explores implications for local government and questions the assumption of the national government that no development and performance has taken place (Ballard 2009).

The national government has continuously expressed its concern over the slow-paced provision of essential and emergency services to all communities in a sustainable manner, whilst delivering the social and economic development agenda, as well as the service delivery problems between the three spheres and other public bodies that have not achieved desired levels of co-operation, compounded by the vast differences in capacity between larger and smaller municipalities. Since 2005, the national Department of Public Service and Administration has reviewed the existing structures of the three spheres of government and related powers. It has also examined alternatives such as strengthening local government and removing the provincial government sphere. An alternative to this would be to strengthen the supervision and co-ordination roles of provincial government with local government, which has been reduced to the role of agencies. Furthermore, according to Ballard, the previous National Minister of Public Service and Administration, Ms Geraldine Fraser-Moleketi, argued that a developmental state requires a strong centre, which is an important vehicle to defeat poverty within the concept of co-operative governance (Ballard 2009).

As a means to explore these issues, Ballard also provides the theoretical context with regard to various forms of government, theoretical approaches to development, development trends and backlogs. He also outlines the implications for local government in terms of accountability; governance; legislation; inter-governmental relations, as well as systems relating to human resources.

Local government's contribution to a sustainable developmental state: Opportunities and challenges

Against this background, in “**Local government's contribution to a sustainable developmental state: opportunities and challenges**”, Chris Thornhill explores current developmental trends in most countries of the world, including Africa. It has become evident that municipal structures are required to play more significant roles in community development and not only in delivering traditional municipal services, as agents of the developmental state. He argues that the consequences of this expanded role of the state are that municipalities have to develop new approaches and policies, new financing measures, additional capacities to the functions they have to perform through *inter alia* negotiating new relationships with other governmental structures and the private sector (Thornhill 2009).

He states that local government's survival in the developmental state is dependent on its ability to adapt to the developmental role it is expected to play to promote community development as a constituent level (sphere) of government. Furthermore, he cautions that democratic values have to be maintained. Thus, municipalities have to endeavour to provide more services that require integrated systems, less cumbersome decision making processes and faster implementation without neglecting governance requirements. According to him, the challenge is that municipalities must assist communities to accept the consequences of democracy in decision-making, but simultaneously to acknowledge the need for increased efficiency and effectiveness in service delivery. In this article, attention is also paid to the capacity of municipal structures to assume their new role and the extent to which the private sector could be utilised to achieve the developmental goals of the state. The problem of developmental government *versus* democracy or developmental government *in support of* democracy is also addressed (Thornhill 2009).

Thornhill argues that the system of local government in a developmental state should be assigned sufficient resources to provide sustainable services; allocated powers and functions to satisfy community needs; acknowledge the need for direct community involvement in needs assessment as well as opportunities to monitor policy implementation; and is accepted politically as an equal partner in all policies promoting social development (Thornhill 2009).

Innovative decentralised democracy and the conundrum of inclusion: Cape Town's ward committees

Since the early 1990s, both more and less developed countries have searched for alternative formulas to address the observed problem of weak democratic

legitimacy. These initiatives include forums that function as intermediaries between citizens and the elected local councils. However, scholars increasingly question the extent to which these new mechanisms really succeed in including all citizens. In their article “**Innovative decentralised democracy and the conundrum of inclusion: an analysis of Cape Town’s ward committees**”, Liesbeth Van Parys, Eva Beuselincx and Marleen Brans provide an interesting assessment of some of the strengths and weaknesses of the ward committee system in Cape Town. Each ward has a deliberation committee, composed of representatives of civil society organisations and is endowed with advisory power towards local government (see Van Parys *et al.* 2009).

In a theoretical context, their article focuses on the relationship between civil society organisations and their sector representatives. Firstly, it concludes that the limited availability of information, equipment (resources) and infrastructure; the limited degree of organisation at the sectoral level; and existing political tensions (all context-related elements) undermine the potential success of this initiative. Secondly, sectoral representation also complicates the system.

Not all sectors seem to have the organisational capacity to efficiently and effectively participate in the participation initiative. This weakens the ward committee system’s ability to foster inclusion and democratic legitimacy. For the purpose of their article, they focus on one particular component of what could be called the ‘inclusion chain’ of the ward committee system. For this reason, the relationship between civil society organisations and their sector representatives is investigated. Whether organisational representation is a valuable option at all to enhance the inclusion of citizens in decision-making, is questioned in their article. It is argued that this system only serves to organise the ‘organised’. Moreover, there is a tension between community representation and ward members’ individual opinion-formulation (Van Parys *et al.* 2009).

A new typology of monitoring and evaluation approaches

Constructing typologies as a conceptual framework that classifies evaluation phenomena in terms of the elements they have in common can follow an “emic” or an “etic” approach. An emic approach focuses on first order concepts, where the classification is based on categories of meaning in terms of the people being studied. An etic approach focuses on second order concepts. The typology is connected to the researcher’s own concepts and/or typologies, or those used by other researchers in the field, as found in relevant literature.

In their article, “**A new typology of monitoring and evaluation approaches**”, Babette Rabie and Fanie Cloete follow an etic approach and state that the evaluation or determination of the relative worth of something must be undertaken in order to compare alternatives before making choices amongst

them. The article is based on a review of previous authors' attempts to classify the most authoritative evaluation theories and theorists' approaches. It aims to provide an improved classification system that includes contemporary approaches and encourages continuous thought and debate on how best to approach evaluation.

According to them, informal evaluations inform daily decisions on how good or bad, desirable or undesirable something is. Formal evaluations involve the same kind of judgment, but are more systematic and rigorous than their informal counterparts, with appropriate controls for the validity and reliability of the findings and conclusions. They argue that the continual development of new evaluation approaches informing the evaluation of public policies and programmes necessitates the re-grouping and re-classification of approaches. Similar focus should be placed on a new typology to make sense of the different approaches and the linkages between classic and contemporary approaches (Rabie and Cloete 2009).

They further argue that two specialised social science disciplines largely influenced the evaluation profession, namely public policy analysis and general social research approaches and methods. The policy analysis field is characterised by a shift from opinion-driven policy choices, to evidence-influenced and -based policy-making that explicitly takes normative decision drivers to resolve societal problems into account. In similar vain, new research theories, methodologies and technologies in the social research field brought greater research efficiency, effectiveness and sophistication to the field of evaluation research (Rabie and Cloete 2009).

In light of the above, they provide a brief discussion of the development of these two paradigmatic changes and their respective influences on the evaluation profession in their article. According to them, the evaluation profession emerged from various disciplines during the first half of the 20th century. During its formative years it was dominated by an American perspective. It manifested in studies that originated from educational programme evaluation in terms of a juvenile delinquency programme enacted by the United States (U.S.) Congress in 1962 as the first federally funded evaluation study.

They further argue that the systematic evaluation of public programmes already started towards the end of the Second World War (1943) in the U.S. with the vast expansion of government social programmes throughout the 20th century. Consequently, the evaluation field exploded in the 1960's and 1970's with the expansion of social policies and programmes aimed at affecting various normative and empirical goals to promote socio-economic development. During this period numerous evaluations were performed in response to federal, state and local programme managers' mandates. Cost constraints and a concern about the success of social programmes in achieving outcomes fuelled the evaluation

profession in the U.S. During this time the main aim of evaluation efforts was to rationalise resource allocation and the management of programmes.

The 1970's were marked by an increasing resistance to the expansion of social development programmes, partly as a result of the increased funding needed to sustain these programmes and the apparent ineffectiveness of many initiatives. The 1980's saw a decline in evaluation activities under the budget cuts of the Reagan administration. By the 1990's, fiscal and social conservatism started to thwart further expansion of government programmes, leading also to a decline in funding available for evaluation studies (Rabie and Cloete 2009).

In light of the above, they argue that the continual development of new evaluation approaches informing the evaluation of public policies and programmes, necessitates the re-grouping and re-classification of approaches with similar focus in a new typology to make sense of the different approaches and the linkages between classic and contemporary approaches (Rabie and Cloete 2009).

Addressing learning needs in public management – The value of sustainable partnerships between higher education and public sector institutions in South Africa

In another context where the South African public sector has frequently been criticised for poor service delivery, it can be argued that a contributory factor is a lack of effective and efficient human capacity to deliver quality public services. In the article **“Addressing learning needs in public management - The value of sustainable partnerships between higher education and public sector institutions in South Africa”**, Nirmala Dorasamy addresses the role of partnerships between higher education and public sector institutions in order to improve public service regeneration. She argues that these institutions should share knowledge, skills and expertise in structured and sustainable relationships, directed toward addressing learning needs in public management.

Her article explores impediments to effective partnerships between higher education and public sector institutions and suggests areas of focus for such partnerships to make sustainable contributions toward addressing learning needs in public management. In doing this, it aims to highlight the capacity for partnerships to unlock value retained within these institutions, thereby collaboratively contributing to improved service delivery through appropriate public management programmes.

This article argues that the higher education-public sector partnership model enables both higher education and public sector institutions in South Africa to respond to new educational demands and opportunities at both national and international levels more effectively. Therefore, partnerships between higher

education and public sector institutions are crucial in developing open system disciplinary approaches and programmes that focus on leadership, technology, culture and values, as well as learning and assessment.

Integrated national plans between the partners must be responsive to capacity building to stay ahead in education and training within globalised conditions of work. New skills and competencies necessary to deal with transformation and diversity have challenged employability. Innovative practices for employability require partnership planning of programmes to meet the skills and knowledge required for effective and efficient public service delivery. Knowledge transfer, management and dissemination are integral elements for such partnerships. It requires a sustained and proactive endorsement of the need for transformation from higher education and public sector institutions in addressing learning needs with a common focus on transformation (Dorasamy 2009).

Governance for Sustainable Development: The Role of PALAMA and Higher Education Institutions in South Africa

This contribution by Enayat Hamza and John Bardill illustrates such a partnership (between higher education institutions and a public sector institution), as argued in the above article. In their article, **“Governance for sustainable development: The role of PALAMA and Higher Education Institutions in South Africa”**, the authors contextualise the public sector’s ability and capacity to equip itself to meet the needs of a developmental state. Within this paradigm, state institutions seek to promote sustainable growth and development, reduce poverty and inequality, and improve the quality of life of all citizens.

There is a general consensus that education is one of the fundamental requirements for achieving sustainable development. This was emphasised at the Earth Summit in Rio de Janeiro in 1992. It was further underscored at the World Summit on Sustainable Development (WSSD) held in South Africa some 10 years later. Three years later, in 2005, the United Nations General Assembly adopted the “Decade of Education for Sustainable Development January 2005 -December 2014”. Its intention was to provide a framework for the improving and integrating education to ensure sustainable development.

Events such as these have placed the role of education and training institutions under the spotlight. In particular, they raise important questions concerning the role of schools and administrative institutes in absorbing the theme of “sustainable development” into developing education and training programmes that can contribute towards the practical achievement of a sustainable future (Hamza and Bardill 2009).

Furthermore, in responding to this challenge, government introduced a new framework for the education and training of public servants. This framework assigned key roles to its own reconstituted training institution, the South African Management Development Institute (SAMDI) and higher education institutions (HEIs). Although both these sets of institutions has made noticeable strides over the following decade, serious concerns remained on their ability to deliver the necessary skills, capacity and commitment among public servants.

A particular problem was that SAMDI and HEIs were frequently in competition with regard to providing public sector training, rather than collaborating with each other effectively. Therefore, government highlighted continuous weaknesses in the human resources and skills capacity within state institutions as one of the key binding constraints in realising the core objectives of its Accelerated and Shared Growth Initiative for South Africa (AsgiSA). Launched in February 2005, this initiative aims to halve poverty and unemployment by 2014 (Hamza and Bardill 2009).

Hamza and Bardill state that concerns about the effectiveness of the current framework for public to service training and education prompted government to establish a Ministerial Committee (MINCOM) in 2006. This government-appointed committee endeavours to assess the performance and effectiveness of both SAMDI and HEIs. Moreover, it made recommendations to ensure a more effective framework.

The MINCOM report highlighted a range of weaknesses in the current public service training and education training. It proposed the reconstitution of SAMDI into a new Academy, with a new structure and vision, and a much more collaborative rather than competitive relationship with HEIs and other training providers (Ministry of Public Service and Administration, 2006 in Hamza and Bardill 2009). In 2008, the new academy was officially launched as the Public Administration Leadership and Management Academy (PALAMA).

Consequently, their article explores the role and performance of SAMDI and HEIs in the period since 1994. It analyses the challenges that PALAMA, HEIs and other stakeholders are likely to face in meeting the education and training challenges of a sustainable developmental state. The article also provides a broad and more general overview of the role and functions of higher education institutions in promoting sustainable development, as well as debates concerning the nature and role of public sector education and training (Hamza and Bardill 2009).

The Constitutional Court of South Africa and the open society

The purpose of the South African Constitution, identified by the Constitutional Court, is to promote the values that underlie 'an open and democratic society'.

The South African Constitution is, as Justice Albie Sachs said in his judgment on the *Mhlungu* case, an intensely value-laden document, and never more so than in the words with which it, repeatedly sums up its intent for South African society – “an open and democratic society based on human dignity, equality and freedom” (Langlands and Venter 2009). One concept within that phrase – the concept of an open society – is of particular interest to Maggie Langlands and Albert Venter in their article, “**The Constitutional Court of South Africa and the open society**”.

In the article, the authors state that the concept of an open society was given currency by the philosopher Karl Popper in his 1945 book. In the book Popper explores an open society as a society that functions through critical feedback to policy-makers from those affected by policy. Furthermore, it argues that political institutions are an essential feature of the open society, as they help enable such critique.

In Popper's vision, policy-makers welcome criticism as a constructive contribution to policy development. South African policy-makers' response to criticism, however, ranges from dismissal to outrage to blatant attempts to silence criticism through regulation or legislation.

In the case of criticism from the courts (in the form of judgments against government agencies) the response has frequently been non-compliance with court orders – even Constitutional Court orders. Initially the Constitutional Court was somewhat reticent about exerting its powers, to the extent of being taxed by some with undue deference towards government. With the confidence of greater experience, however, and in the face of state non-compliance with a number of its orders, the Court has shown signs of increased assertiveness. The Court is urged to maintain its assertive approach and to arm its judgments with the teeth of structural interdicts (Langlands and Venter 2009).

What is an open society? What should one understand by the Constitution's use of the term? As the interpretative authority on the Constitution, what does the Constitutional Court understand by an open society? They address these questions in their article and contend that one recognised authority on the open society is the philosopher who made the idea famous – Karl Popper. The Popperian concept of an open society is very specific, as will be argued by the two authors.

Whether the Constitutional Court interprets the concept in Popper's terms requires consideration. Likewise, the question of whether or not the Constitutional Court is playing a part in establishing an open society remains open for debate.

An important question arises: Can South Africa be considered an open society from a Popperian perspective? According to the authors, there is no clear answer, except that the Constitutional Court must be a pivotal entity in the

process of establishing such a society. To fulfill this role, however, they suggest that the Court is required to be more assertive than it has been in the past (Langlands and Venter 2009).

IN CONCLUSION

This is the third edition of *Administratio Publica* for 2009. Its initial purpose was to publish articles of established researchers in order to serve the lecturers and students in the discipline of Public Administration and Public Management with two issues per annum. However, it has grown into an accredited journal of four issues per annum to include international and other scholars and to be compared to international standards. The next issue, however, exhibits in clear terms how the original aims have shifted over the past five years. The fourth issue will be allocated to the research contributions of emerging researchers. This resulting from a workshop for these authors in Stellenbosch at the 2009 Association of Southern African Schools and Departments of Public Administration and Management's (ASSADPAM) annual conference in September. This will hopefully further stimulate publications in public administration and management theory, research and practice.

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Implications of a single public service initiative:

A local government perspective

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ABSTRACT

The Public Administration and Management Bill or the so-called Single Public Service Bill was introduced into parliament in 2008. The Bill will have far reaching consequences and implications for provincial and local government, and is deemed to be controversial, since it erodes the autonomy of local government, as provided for in the *Constitution of the Republic of South Africa Act of 1996*. Furthermore, institutions and actions of national, provincial and local government will change dramatically as both spheres will be regarded as one from a practical service delivery perspective.

The national government has continuously expressed its concern at the slow-paced provision of essential and emergency services in a sustainable manner to all communities, whilst delivering the social and economic development agenda. Furthermore, the previous National Minister of Public Service and Administration, Ms Geraldine Fraser-Moleketi, argued that a developmental state requires a strong centre, which is an important vehicle to defeat poverty within the concept of co-operative governance.

This article questions the motivation and desired intention of the above national department to introduce this Bill. The motivation is premised on three tenets, namely eradication of poverty, under-development and improved co-ordination and integration. The article also explores implications for local government and questions the assumption of the national government that no development and performance has taken place.

INTRODUCTION

The national government has continuously expressed its concern at the slow pace of provisions of essential and emergency services in a sustainable manner to all communities, whilst delivering the social and economic development agenda. Local government has, in terms of the provisions contained in section 153, chapter seven of the *Constitution of the Republic of South Africa, 1996* (Act 108 of 1996), been designated, *inter alia*, with this responsibility.

In order to facilitate the above, various initiatives were introduced, which ranged from establishing new municipal boundaries, development of improved financial control, introduction of the Generally Accepted Municipal Accounting Practice (GAMAP) standards, to the launch of Project Consolidate.

The initiatives listed above, as well as certain other initiatives such as Project Consolidate, have neither fully improved the lives of citizens nor contributed towards ongoing social and economic upliftment, despite continued growth in the economy of between 3 and 5%, which is within the national governments' macro economic target (Statistics South Africa 2007). However, this trend has lost momentum owing to the current economic decline.

The national government has continuously adopted an approach that a development state must be established to defeat poverty, which requires that all three spheres of government must work together, hence promulgation of the *Inter-government Relations Framework Act, 2005* (Act 13 of 2005) and the *Inter-government Fiscal Relations Act, 1997* (Act 97 of 1997).

Despite this intention and design, the relationship between the three spheres and other public bodies have not achieved desired levels of co-operation as manifested, for example, in the relationship between the Cape Town City Council and the Provincial Government Department of Local Government. A further manifestation involves vast differences in capacity between larger and smaller municipalities.

Since 2005 the National Department of Public Service and Administration has reviewed the existing structures of the three spheres of government and related powers and has also examined alternatives such as strengthening local government and removing the provincial government sphere or, alternatively strengthening the supervision and co-ordination role of provincial government with local government, which has been reduced to the role of agencies. However, in both cases, a strong central power control base is proposed.

This article questions the motivation and desired intention of the national department of public service and administration to introduce the Public

Administration and Management Bill or the so-called Single Public Service Bill. The article also attempts to explore implications for local government and questions the motivation that no development and performance has taken place in terms of the evaluation of the content of the submitted financial statements and integrated development plans as required by statute.

As means to achieve this purpose, a theoretical context is provided with regard to various forms of government, theoretical approaches to development, development trends and backlogs, as well as outline implications for local government in terms of the following:

- accountability;
- governance;
- legislation;
- inter-governmental relations; and
- systems, which relate to human resources.

THEORETICAL OVERVIEW OF FORMS OF GOVERNMENT

In order to contextualize the foregoing, it is necessary to explain and distinguish between various forms of government. Reference is made to the South African situation as it relates to provisions, which are contained in the *Constitution of the Republic of South Africa of 1996*, particularly with regard to the issue of autonomy.

Tansey (1995:144) confirms that the distribution of powers is haphazard in practice with an international trend drawn towards a greater concentration of power, which is centralized at the highest level of government. Advantages of a unitary form of government are that it ensures uniformity of laws and administration. Disadvantages are listed below:

- over-centralized control of local affairs;
- unsuitable for large and culturally heterogeneous communities in which local problems require specific rather than standardised policies (as in the case of South Africa); and
- public interest in public affairs is discouraged owing to the impact of a centralised bureaucracy.

Several factors contribute towards this trend for centralisation. The most important factor being national government, which is the favoured sphere of government in the country as it has the greatest concentration of expertise.

Contrary to a centralised approach, is a federal system, which permits lower levels or spheres to operate with a certain degree of independence from the national level or sphere. Local government in a devolved system negotiates a

local interpretation of national policies within a framework of national statutory guidance. Closer interpretation of the Constitution of 1996 reveals that a system of devolution operates, whereby powers are created and allocated to local government for execution (refer to schedules 4 and 5 of the Constitution of 1996 (Act 108 of 1996)).

Within a decentralized system, however, local bureaucrats would merely interpret and apply national policies and be granted some discretion to interpret national policy and consult local opinion.

In practice, all systems have some measure of co-ordination and co-operation between various levels. International writers refer to this manifestation as co-operative federalism. In South Africa local government is deemed to be independent with a guaranteed autonomy in terms of section 41(1)(g) of the Constitution of 1996, which states that the national and provincial government must :“...*exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity ...*”.

Despite the foregoing theoretical and statutory exposition and contextualisation, the national department of Public Service and Administration promotes acceptance of more power to the centre, whereby national government will set goals from the centre, monitor administration and exercise overall supervision of provincial and local government.

MOTIVATION FOR A SINGLE PUBLIC SERVICE (SPS)

On 1 November 2007, former Minister of Public Service and Administration, Ms Geraldine Fraser-Moleketi, in a key note address to the 8th Annual Conference of SAAPAM in Cape Town, argued that a developmental state requires a strong centre, which is an important vehicle to defeat poverty within the concept of co-operative governance.

The former minister stated that service delivery was hampered when national frameworks and policies do not extend to local government in areas of service delivery, public administration and management, and “... *a continued “siloised” approach in the delivery of services resulting in poor integration of delivery efforts across government; and marked differences in remuneration and conditions of service in the public service and local government, which make mobility and transfer of functions difficult*”(Fraser-Moleketi, 2008).

The former minister further stated that in order to address these challenges, it was necessary to introduce the Single Public Service concept. Motivation to introduce the SPS is summarised below:

- “strategic intervention to strengthen and enhance government across all three spheres;
- due to a lack of co-ordination and integration, it would ensure effectiveness of government initiatives and efforts on the ground;
- create a single easy window of access to services;
- ensure a fair distribution of human resources and expertise to strengthen the capacity at those points of access, especially at local level;
- integrate the three spheres of government into a common institutional framework;
- establish a public service with harmonious systems, conditions of service and norms;
- promote more efficient co-ordination, which facilitates seamless service delivery; and
- cluster services for the convenience of citizens through a “single window”, whether a physical structure or in cyberspace”.

In support of the foregoing, the Director-General of the Department of Public Service and Administration stated at the same conference that this was **not** an exercise in “recentralisation” – “the approach of a decentralised human resource management framework is maintained in the Single Public Service” (SAAPAM Annual Conference 2 November 2008).

The Director-General (2007) stated that as part of implementing the Single Public Service, work was currently proceeding through various initiatives, which include:

- implementation of the access strategy;
- development of a single public service GIS;
- development of a citizens relations portal;
- drafting of a single public service legislation;
- development of human resources and remuneration norms and standards for institutions and spheres of government; and
- development of an anti-corruption strategy and standards of conduct.

The rationale and motivation for a Single Public Service, as detailed above, is premised on a lack of capacity and underdevelopment. (World Bank 1990, Singh 1986, Todaro 1989, Davids 2005, Mogale 2005 & Theron & Wetmore 2005).

Actual development and performance trends are also provided. The Western Cape has been selected as a case-study for analysis and no attempt is made to project and generalise findings for the remaining eight (8) provinces within South Africa.

DEVELOPMENT THEORY AND PRACTICE

According to Todaro (1989:26), development, especially in developing countries, evolved through a number of stages, which commenced in the early 1960's where central government was acknowledged as the principle engine for development coupled with a decentralised integrated approach. Todaro (1989:26) further contends that, upon the commencement of the 1970's, greater recognition of local initiatives or structures was granted in the form of Non-Government Organisations (NGO) and other intermediary organisations to support local initiatives. In view of the foregoing, the international trend has been to move away from the top-down approach (state-centred) owing to a lack of institutional and management capacity

The international trend has been adopted in South Africa where, according to Davids (2005), public participation, social learning, empowerment and sustainability are key components of the people-centred approach that currently guides delivery of municipal services. The approach is driven, according to Mogale (2005:219), through formulation of linkages between development, service delivery and local citizen participation, which is apparent in the Integrated Development Plan, as detailed in the Local Government : *Municipal Systems Act, 2000* (Act 32 of 2000).

Theron and Wetmore (2005:155) adopt the international view that a municipality's ability to meet the needs of local communities should not be driven by a paternalistic top-down approach, which is also prescriptive. Municipalities should, therefore, adopt an approach that enables it to obtain a better understanding of local dynamics within a particular community so that these, in turn, can be accommodated into the overall vision and development strategies for the area.

Theron and Wetmore (2005:115) further state that the foregoing is achieved through actors who have an improved understanding of the local situation, as it is created by their own social reality. Theron and Wetmore (2005:115) regard this principle as key within developmental local government and recommend development of partnerships between municipalities and stakeholders in order to achieve this.

In order to provide a template to facilitate analysis of the current state of development and performance in the Western Cape, it is necessary to outline characteristics of a developing state, as formulated by Singh (1986), which are still relevant within contemporary society:

- low levels of living;
- low levels of productivity;
- high population growth and dependency burdens;
- high and rising levels of unemployment;

- dependence on agricultural production and primary product exports; and
- dominance, dependence and vulnerability in international relations.

CURRENT ECONOMIC AND SOCIAL SCENARIO SKETCH

Indicators and trends for the Western Cape are provided below, which question the negative scenario portrayed by former Minister, Ms Geraldine Fraser-Moleketi and which support the current development approach, which is detailed in the *Systems Act, 2000* (Act 32 of 2000) and supported by the above author. These indicators and trends are that:

- 7% of the country's population resides here;
- the economy is about R94 billion per annum;
- the 2010 soccer World Cup, the property boom and its growing profile as a tourist destination has infused a renewed level of confidence in the city;
- over 265 000 families need shelter and services;
- approximately 365 000 people are unemployed;
- there is an annual influx mainly from the Eastern Cape of about 40 000 to 50 000 people; and
- 33% of households (1 m people) live below or marginally above the household poverty line.

IMPLICATIONS OF SPS BILL

Closer scrutiny of the explanatory note, which was issued with the above Bill, has revealed the following implications, which are far-reaching for municipalities in terms of the impact and encroachment of its constitutional autonomy. The following matters have been identified and are summarised below:

- limits placed on the terms and conditions of employment;
- creation of a generic framework of applicable norms and standards for policy-making;
- appointments and other career incidents of all staff is vested in the municipal council;
- restructuring can only take place after consultation with the minister;
- creation of a cadre of senior managers;
- establishment of minimum and maximum remuneration and benefits; and
- transfer, secondments and transfers linked to transfer functions without the consent of the employee.

Taking cognisance of the foregoing, motivation for the Bill, which is based on the previous former Ministers' contention that there is a lack of performance and under-development, is further questioned.

CURRENT STATE OF MUNICIPAL DEVELOPMENT AND PERFORMANCE

In order to test the above rationale and motivation, the Human Development Index (HDI) measurement was utilised, as calculated by Hartle (2007), an MPA graduate at the University of Stellenbosch who assessed national growth and provincial development strategies on the inhabitants of the City of Cape Town. The three respective strategies are:

- the national growth, employment and redistribution strategy (GEAR);
- the growth and development strategy of the Western Cape (Ikapa Elihlumayo); and
- the Integrated Development Plan of the Cape Town City Council.

In addition, performance of the 30 local authorities in the Western Cape Province in terms of the submitted 2005/2006 financial statements and the Integrated Development Plans, was also examined.

The HDI is calculated by first defining the lowest level that a country occupies with respect to the specific variable, which is utilised. This is termed as the deprivation level. The three components of the HDI are life expectancy, education and the GDP index. Hartle's (2007) study demonstrated that the HDI for the City of Cape Town increased for three consecutive years. The HDI of South Africa and the Western Cape Province demonstrated a similar pattern, since it increased from 2003 to 2004, but then decreased in 2005.

Hartle's (2007) results indicate that the integrated local development strategy contributed positively to human development over a three year period, which questions the national ministers' contention that no development is taking place – perhaps the percentage increase is too small and incremental with no real impact at grassroots level. However, it should be agreed that the development strategy has shown an incremental increase in positive externalities.

The foregoing is qualified, as it is conceded that Hartle's study was undertaken to ascertain whether the HDI could be utilised to assess quality of life and not to formulate conclusions on performance, which relate to development, as presented above. However, an assumption is made that there is a positive correlation between quality of life and development, especially when referring to Singh's (1986:37) characteristics of a developmental state.

In order to assess municipal performance, two criteria were identified, namely the submission of:

- financial statements; and
- integrated development plans.

Financial Management: 2005/06

In terms of section 126 of the *Municipal Finance Management Act, 2003* (Act 56 of 2003), the Accounting Officer of a municipality must prepare the financial statements of the municipality and, within two months after the end of the financial year (31 August) to which those statements relate, should submit the statements to the Auditor-General for auditing.

The assessment report from the Auditor-General reflected that 30% of municipalities had an unqualified opinion, while 54% of municipalities had a qualified opinion. A total of 5% of municipalities had a disclaimer of opinion or an adverse opinion.

Integrated Development Plan (IDP)

In terms of section 32(1)(a) of the *Local Government: Municipal Systems Act, 2000* (Act 32 of 2000), the municipal manager of the municipality must submit a copy of the integrated development plan, as adopted by the council of the municipality, to the MEC for local government in that province within 10 days of its adoption.

In 2007/08 all 30 municipalities submitted their IDPs, of which 26 were credible. Additional information was requested from four municipalities, while in all cases the spatial development element was positive.

The current reality, as outlined above, should be improved, however, the situation does not reflect a weak scenario when assessing measurement of development and management capacity.

OTHER ARGUMENTS AGAINST THE SPS

Cloete (2008:4) criticises the proposed promulgation of the Bill on the basis that there is no need to restructure local government and that a lack of transformation and service delivery in all three spheres of government can be attributed to inadequate implementation of the current constitutional structure. Cloete (2008:4) proposes the following factors to support this contention:

- revenues collected nationally are not shared equitably;
- functions are delegated to local government without resources;

- weak quality of municipal councillors;
- weak political leadership and management;
- party political turf battles;
- weak selection of municipal councillors; and
- bad appointments.

IMPLICATIONS FOR LOCAL GOVERNMENT

Implications of the Bill for local government are discussed in terms of the following elements, namely:

- accountability;
- governance;
- legislative principles;
- inter-government relations; and
- municipal systems, which relate to human resources.

Accountability

In terms of section 152(1) of the Constitution of 1996, municipalities are accountable, *inter alia*, for the following:

- to ensure the provision of services to communities in a sustainable manner; and
- to promote social and economic development.

Furthermore, section 153(a) of the *Constitution of South Africa of 1996* 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.

Municipalities within a democratic society, therefore, operate within a framework of constraints. Municipal officials are the implementers of policy and are accountable for their actions to their superiors, courts and the public. In this way municipal administration is accountable to the electorate through its politically elected heads and, therefore, they are accountable to the public.

In terms of the SPS, it is clear that this accountability is still vested with municipalities despite the increased influence and direct role by the former minister of Public Services and Administration with regard to guidance in respect of policy-making and staff matters.

However, despite the advocated seamless service delivery model associated with a one-stop service delivery, developmental duties of municipalities have not been transferred to provincial and national government.

Governance

Governance is closely linked to accountability, which, according to Cloete (2008), reflects a style of interaction between, in this case, the municipality and the society that it governs. Cloete (2008:5-6) contends that governance is concerned with the relationship with people. Cloete (2008:5-6) proposes four criteria to assess whether the style of governance is good or bad, namely:

- the degree of trust in government;
- the degree of responsiveness in the relationship with society;
- the degree of accountability towards its voters; and
- the nature of authority.

In conjunction with the above normative criteria, which is difficult to measure and is subject to external perception and bias, the King Report of 2002 identified the following seven primary characteristics of good governance in terms of its external relationship.

Discipline. Commitment by the organisation's senior management to standards of correct and proper behaviour.

Transparency. The ease with which an outsider can meaningfully analyse the organisations' actions and performance.

Independence. The extent to which conflicts of interest are avoided.

Accountability. Addressing communities' rights to receive information relating to the stewardship of the organisation's assets and its performance.

Responsibility. Acceptance of all consequences of the organisation's behaviour and actions, including a commitment to improvement where required.

Fairness. Acknowledgement of, respect for and balance between the rights and interests of the organisation's various stakeholders.

Social responsibility. The organisation's demonstratable commitment to ethical standards and its appreciation of the social, environmental and economic impact of its activities on the community in which it operates (King Report 2002:11).

In addition, the Batho Pele principles have been proposed for implementation in order to provide a policy framework and a practical implementation strategy for service delivery, especially in relation to the how, and not to the what. The question, which is now asked is whether the Bill will improve and ensure continuous adherence to a good style of governance and further adherence to the seven principles that were proposed by the King Report (2002), taking into account that various departments in both national and provincial government have continuously had to account to the Auditor-General.

Legislative Principles

The Public Service Act, 1994 (Act 103 of 1994) should be repealed as it only makes provision for regulation of employment conditions for public servants, as local government employees are covered by a separate bargaining council and legislation.

The salary structure for the three spheres of government should also be harmonised with implementation of a uniform performance appraisal system.

Pascal Moloi, in his article published in the *Journal of the Institute of Municipal Finance Officers* (2007:39), states that the proposed Bill has two objectives, namely:

- to facilitate transfer of functions between municipalities and the public service; and
- to facilitate the deployment of individuals to administrative components requiring their skills.

Inter-Government Relations

A further question is whether the two objectives of the proposed Bill erodes the status of municipalities in terms of section 151(3) and (4) of the Constitution of 1996, which expressly states that the municipality has the right to govern, on its own initiative "... and the national and provincial government may not compromise or impede its ability to exercise its powers and to perform its duties...".

Hence, by implication, the national government concedes that the spirit of Chapter 3 of the Constitution of 1996, which deals with co-operative government, is not adhered to, nor has the intention of the *Intergovernmental Relations Act of 2005*, (Act 13 of 2005) been achieved, which is to facilitate inter-governmental relations and to settle disputes.

Who will initiate the final decision regarding these transfers? Who will determine criteria for these transfers and the process that should be adopted, whether inclusive of all role-players?

Systems, which relate to human resources

The Bill will also impact on the following human resources systems:

- market related benchmarks;
- remuneration frameworks;
- job evaluation and grading; and
- performance measurement.

Furthermore, owing to prevailing variables that relate to the job market, which is diverse in accordance with industry, sector, vocation and, more importantly, geographic location, will certainly compound this matter.

CONCLUSION

An interim government strategy should be implemented in order to obtain full unitary power from a centralised perspective, which would dictate and dominate all policy and decision-making to ensure that the ruling party's philosophy and credo is implemented and sustained despite the views of opposing minorities.

Motivation for implementation of the content of the Public Administration and Management Bill has been questioned, especially with reference to the macro-socio and economic trends in the Western Cape, as well as local government performance and human development.

Implementation of this bill will challenge the capacity of institutions on all three spheres, resources, skills and competencies. A feasibility study should be undertaken on the following factors:

- weakening of local governance and accountability;
- a lack of commitment; weakening of skills base; and
- difficulty in attracting scarce skills and competencies.

The analysis of the evidence contained in the official documentation within the context of the constitutional and legislative provisions as well as the proposed theoretical approaches to development and performance, reveals that the motivation for the implementation of the sps is not justified.

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Local government's contribution to a sustainable developmental state: Opportunities and challenges

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ABSTRACT

Traditionally local government had been considered as government closest to the people. The constituent units of local government were required to provide services of a local nature to the inhabitants of the *polis*. These services were required to meet the basic needs of urbanised communities, e.g. potable water; refuse removal and sanitation services. With the development of national states, municipalities were assigned the additional responsibility to act as supporting structures within these larger geographical areas to cater for the peculiar needs of communities resulting *inter alia* in an increase in the variety of services required as a result of urban demands.

Current trends in most countries of the world, including Africa, indicate that municipal structures are required to play more significant roles in community development. Municipalities are no longer involved in the delivery of only traditional municipal services, but have to promote the social wellbeing of the communities they serve and to provide avenues to give expression to their political ideals. These responsibilities have to be carried out by municipalities as *agents* of the developmental state. The consequences of this expanded role of the state are that municipalities have to develop new approaches to the functions they have to perform. New policies have to be adopted; new financing measures have to be considered; additional capacities have to be inculcated; and new relationships have to be negotiated with other governmental structures and the private sector.

Local government's survival in the developmental state is dependent on its ability to adapt to the developmental role it is expected to play to promote community development as constituent level (sphere) of government. However, democratic values have to be maintained. Thus municipalities have to endeavour to provide more services, requiring integrated systems, less cumbersome decision making processes and faster implementation without neglecting governance requirements. The challenge thus is to assist communities to accept the consequences of democracy in decision making, but simultaneously to acknowledge the need for increased efficiency and effectiveness in service delivery

This article focuses on the possible transformation of the system of local government in a developmental state to guarantee its viability as an agent for development. Attention will be devoted to the capacity of municipal structures to assume their new role and the extent to which the private sector could be utilised to achieve the developmental goals of the state. The problem of developmental government *versus* democracy or developmental government *in support of* democracy will be addressed.

It will also be argued that the system of local government in a developmental state should be assigned sufficient resources to provide sustainable services; allocated powers and functions to satisfy community needs; acknowledge the need for direct community involvement in needs assessment as well as opportunities to monitor policy implementation; and is accepted politically as an equal partner in all policies promoting social development.

As a result of the significant developments in the Republic of South Africa since democratisation in 1994 this country will be used as a case study. However, the study will consider the plight of other African countries as well to determine the replicability of increased direct governmental involvement and governance in promoting development.

INTRODUCTION

Local government is traditionally viewed as government closest to the people. It is probably also the oldest form of democracy as it is defined currently. Therefore, local government and its administrative structures were required to take decisions based on the *will of the people* i.e. true democracy. As cities grew in size and national states developed in the Western world pure democracy made way for representative democracy. This development posed

new challenges regarding the establishment and the reflection of the will of the inhabitants of a city and ultimately the national state.

In the context of the contemporary state and urbanised communities the role of government is becoming more complex. Cities consist of diverse communities with divergent needs. The state consists of even greater diverse communities comprising the state. Therefore, a reconsideration of the role of communities in a democratic government is imperative. The situation is also aggravated by the complexity of responsibilities of the state. These include *inter alia* social services, economic stability, environmental protection, political education, educational advancement and health promotion. Local government is required to act as agent to provide services related to these functions. This has a significant effect on the system especially in a developmental state in which the public sector is required to play a prominent role.

The article addresses the reconsideration of the role of the system of local government in a developmental state to guarantee its viability as an agent for development. Attention will be devoted to the capacity of municipal structures to assume their new roles and the extent to which the private sector could be utilised to achieve the developmental goals of the state. The problem of developmental government *versus* democracy or developmental government *in support of* democracy will be addressed. It will also be argued that the system of local government in a developmental state should be assigned sufficient resources to provide sustainable services; allocated powers and functions to satisfy community needs; acknowledge the need for direct community involvement in needs assessment as well as opportunities to monitor policy implementation; and is accepted politically as an equal partner in policies and related executive responsibilities to promote all the facets of development.

LOCAL GOVERNMENT

Decentralised government

The sphere or level of local government is a creation of each state. Its composition, functions and powers are determined according to the role the state requires it to play. Therefore, it could be expected that the system of local government and administration will possess the characteristics peculiar to a particular state and will also reflect the current governing party's (or alliance's) policies regarding the decentralisation of functions.

In a number of African countries the tendency was, after independence was obtained from the colonial power, towards centralisation with a view to promote nation building and consolidating the factions operating in the country. However,

in many instances centralisation was also promoted to increase the ruling party's dominance in the state. In the latter case local government was assigned only limited powers and functions and service rendering was centralised, allowing the government to directly influence community life in every area of the country without necessarily complying with the principles of a democratic state. This also resulted in the demise of locally developed democracy. Consequently local government was not awarded a high status in governmental systems as possible contributors to service delivery and community development.

In most countries local government is considered as the third or even the fourth tier of government, i.e. subordinate to the national and regional and in some cases to sub regional structures. In Uganda with a highly centralised system of government (Nyirinkindi 2007:iv) the district is the highest level of local government. Below the district, city divisions, town councils (for urban areas) and sub counties (for rural areas) have been created since the reforms of 1995 (Kakumba 2008:92). Although extensive reforms were legislated through the *Local Government (Resistance Councils) Statute, 1993*, the system had not been accepted country wide and thus remains highly centralised. In the Ugandan system, the district local council is the highest political organ with a district chairperson as the political head, elected by universal adult suffrage. The lower levels of local government in the form of municipalities, city divisions and sub counties supplement the system of local government through administrative units.

Municipalities, city divisions and town councils are largely autonomous from the districts as far as financial and planning matters are concerned, unlike sub counties in rural areas (*loc. cit.*). However, the functions and powers of local government structures are still largely centrally defined. No clear policy or legal framework defines the delegated functions to be performed (*loc. cit.*). The central government unilaterally determines the general policy and the financial capacity of local governments through grants to the tune of 90% of their total budgets (*loc. cit.*). Funding provided by national government is mostly specifically earmarked, thus raising the question of the degree of local autonomy in policy making (Nyirinkindi 2007:v). Uganda's Constitution, 1995, endorses the concept of decentralisation to promote democracy (Nyirinkindi 2007:11). The Local Government Act referred to, provides local government structures with a framework to implement the strategies required to act as service delivery agents, but due to the constraints alluded to, they may not have the capacity attain the stated goals.

Nigeria has been organised as a federal state since 1954 and consists of 774 local government areas (Afrobarometer 2008:1). Services are supposed to be provided concurrently between the federal and the state governments. (Khemani 2004:np). A study undertaken in 2002 in Nigeria confirmed that local government is in dire straits. Salaries are not paid regularly by the national state to e.g. health staff and to primary school teachers. Although local government

has been granted full jurisdiction for the provision of these services they lack the financial resources to perform these duties. Local government is increasingly dependent on the federal government's revenue transfers (Khemani 2004:np).

The *Constitution of the Federal Republic of Nigeria, 1999*, establishes a system of local government consisting of democratically elected local government councils (Afrobarometer 2008:1). Local government is, in accordance with the Constitution, an important structure for economic development. It is required to promote rural development, reduce poverty and inequality, but major problems are encountered in local government administration (Afrobarometer 2008:6). The provision or lack of funding by the Federal Government is just one of the challenges facing local government (Olanipekun 1988:7). Thus local government could find it impossible to achieve the lofty goals regarding development in their respective areas.

Chapters 2 and 20 of the Ghanaian Constitution *inter alia* state: "Ghana shall have a system of local government and administration which shall, as far as is practicable, be decentralised" (Ferrazzi 2006:3). Local government issues are dealt with rather extensively in the above mentioned Constitution. The following characteristics are noteworthy for the purposes of this discussion (Ferrazzi 2006:3):

- people are to be given the opportunity to participate in local government;
- district assemblies have deliberative, legislative and executive powers and are the highest political authorities in the districts; and
- further decentralisation of central government's functions is envisaged as governed by the relevant laws.

It should be obvious that the intention of local government autonomy is clearly enunciated. However, significant central governmental involvement still exists e.g. as the district's chief executive officer is appointed by the President (*loc. cit.*). The President also appoints 30% of a district assembly's members. It should be noted that within the broad term of local government a plethora of local level institutions exist e.g. districts (currently 138); urban councils; town councils; area councils; and unit committees (*loc. cit.*). This variety of institutions makes it difficult to establish whether there is indeed a hierarchy of local government structures in Ghana. Ferrazzi argues in the report: *Ghana Local Government Act, 1993: a comparative analysis in the context of the review of the Act* that in spite of the clear intentions contained in the Constitution some challenges remain. These include possible instability of policies; and insufficient democratic scrutiny which could endanger the effectiveness and legitimacy of the laws passed to regulate local government (Ferrazzi 2006:8).

South Africa has adopted its first democratic governmental system in 1994 with the election of its first non racial democratically elected Parliament. The *Constitution of the Republic of South Africa, 1996* (which superseded the interim

Constitution of the Republic of South Africa, 1993 (Act 200 of 1993) defines the structure of government as follows (Section 40 (1)): "In the Republic, government is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated".

It should be obvious that in the case of South Africa, local government is not considered subservient to the other two spheres of government. The sphere of local government is also assigned original powers in the Constitution, 1996 through section 156. This section empowers municipalities as the constituent units of the sphere of government to legislate and execute the functions assigned to them in two schedules to the Constitution, 1996. Thus, municipalities are not hierarchically linked to the national or provincial government, but are considered as equal partners in promoting the development of the South African society. The heading to section 153 of the Constitution, 1996, commissions municipalities to perform *developmental duties*. The quoted section states unequivocally that a municipality *must* give priority to the basic needs of society and promote the social and economic development of the community. Municipalities are also required by the Constitution, 1996 to participate in national and provincial development programmes (Section 153 (a)).

Regular free and fair municipal elections have been held in South Africa in 1995; 2000; 2006 and the next is scheduled for 2011. Municipalities as constituent units of the sphere of local government have been established for the whole territory of the Republic (section 151(1) Constitution, 1996) and are required "... to encourage the involvement of communities and community organisations in the matters of local government" (section 152(1)(e) Constitution, 1996).

Powers and functions

The effectiveness of any system of local government and administration is highly dependent on the functions and powers assigned to it. In the case of South Africa the Constitution, 1996, assigns legislative and executive authority to the council and states the objects of local government as follows:

- to provide 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 a safe and healthy environment; and
- to encourage the involvement of communities and community organisations in the matters of government.

The functions of local government are set out in schedules 4 and 5 of the South African Constitution, 1996. These include *inter alia*:

- functions performed concurrently with the national and provincial spheres e.g. air pollution, child care facilities, local tourism, municipal planning and municipal health services;
- functions performed in functional areas of exclusive provincial competence e.g. local amenities, local sport facilities, municipal roads, noise pollution and refuse removal.

The quality and the extent of the services to be provided are not identified e.g. the health, housing and environmental functions performed concurrently with the provincial and the national spheres are not stated clearly in the Constitution, 1996. Functions and powers are also assigned in legislation e.g. housing to selected municipalities and welfare services. However, municipalities cannot solely be held accountable in the case of possible under performance as in many cases they lack clear policy guidelines from national or provincial governments; or/and financial and human resource capacity to fulfil their extensive obligations.

Uganda, as a case in point, provides in article 180 of its *Constitution of the Republic of Uganda, 1995*, that local government is the highest political authority within its area of jurisdiction and bestows it with legislative and executive authority (Nyirinkindi 2007:11). The functions of local government as contained in the Fourth Schedule to the Ugandan Constitution include *inter alia* (Afrobarometer 2008:2):

- establishment, maintenance and regulation of slaughter houses and related matters;
- construction and maintenance of roads, street lighting, parks, open spaces and such public facilities as the House of Assembly may prescribe;
- collection of rates, radio and television licences;
- assessment of privately owned houses for the purposes of levying rates; and
- in collaboration with the government of a state provide and maintain primary, adult and vocational education and health services.

It should be obvious from these functions assigned to local government that they relate to the traditional services rendered by local government. As already alluded to, the Ugandan local government's dependency on central government for 90% of its funding detracts from its ability to act independently. Although substantial revenue allocations have during the past decade been made to local government, they still lack the commensurate infrastructural development to carry out their functions (Afrobarometer 2006:2). Nigerian local government is supposed to be the main implementers of health care policies and programmes. However, the current Constitution, 1999, "... is ambiguous with regard to the authority and autonomy of local governments in providing basic services, such

as primary health, for which they have been assigned responsibility through sectoral directives” (Khemani 2004:np).

The inability of the Nigerian local government to perform effectively is partly attributed to corruption, interference by state governors, ineffective accountability mechanisms and the absence of free and fair electoral processes (*Loc. cit.*). It is also reported that government on various levels fail to collect revenue (e.g. from oil), thus inhibiting local government’s ability to contribute to the improvement of people’s lives. Furthermore, the lack of accountability negates the notion of local government being government closest to the people.

The Ghanaian Constitution is clear regarding the role of local government and provides *inter alia* that (Ferrazzi 2006:3):

- local government should have adequate financial resources;
- local government should have control over its staff; and
- district assemblies’ common fund will receive not less than 5% of national revenues, such revenues are distributed among district assemblies on the basis of a formula as determined by Parliament.

It may appear as though local government, in all its forms in Ghana, is assured of a fixed minimum percentage of its funds. However, no reason could be found for the basis on which the 5% was calculated. Thus local government could be assigned more functions than could be covered from the central government’s grant (Ferrazzi 2006:4). The Constitution also determines that Parliament shall by law, prescribe the functions of district assemblies and take the required steps for the decentralisation of functions and projects to district assemblies (*loc. cit.*). The Constitution conceptualises the functions of local government as being derived from central government. Thus, it could be deduced that local government enjoys some autonomy as the state, through the Constitution, assigns functions and powers, not government. (Ferrazzi 2006:20). However, no clarity exists in the Constitution concerning the functions assigned to districts which could be delegated to lower levels of government. Thus a hiatus may occur in the expectation that a service could be provided by as lower tier local government, but due to lack of capacity it is not delivered.

DEVELOPMENTAL STATE

Characteristics

In an attempt to clarify the role of a public service and thus also the municipal service rendering structures in an African context, attention should be devoted to the role the state is supposed to play in society. Therefore, a discussion of the

state as developmental entity must be clarified. In this regard it should be noted that most of the African countries are in a disadvantageous position in relation to many developed countries in the northern hemisphere concerning their capacity to initiate development. African countries often experience (CAFRAD 2006:36):

- a low economic growth rate;
- a lack of a vibrant private sector to generate economic power;
- a lack of a credible democratic government to promote free and fair competition in the market place to ensure efficient and effective service delivery based on competitive bids;
- a general lack of commitment by the private sector to promote social development in favour of economic and financial stability; and
- long-standing structural problems after independence e.g. Ethiopia, Sudan and the DRC.

The current social and economic conditions demand of the state to become directly involved in acting as the developmental driver in addition to its normal service rendering duties to its citizens. However, these efforts are often thwarted by public officials' unwillingness or inability to accept transformation (CAFRAD 2006:25), or/and a lack of capacity to implement reform, e.g. as reported by Ethiopia (CAFRAD: 2006:37).

The developmental state is defined as a state where politics have assured that power, autonomy and capacity are centralized in order to achieve explicit developmental goals (Van Dijk and Croucamp 2007:665). The focus of the developmental state is to initiate and directly influence economic growth as a precursor for social development and political stability. Leftwich (1995) has identified six major components that define the developmental state, including:

- a determined developmental elite;
- relative autonomy;
- a powerful, competent and insulated bureaucracy;
- a weak and subordinate civil society;
- the effective management of non-state economic interests; and
- legitimacy and performance.

It may seem as though the main emphasis of the developmental state is economic growth. However, economic development provides the means to drive social development and could engender political stability. It has to be noted that even a developmental state should acknowledge the presence and the importance of civil society in determining the goals to be pursued through state policies. Perhaps the greatest impediment to the creation of a developmental state is the need for a vibrant society intent on improving their quality of life. In the South African context the Constitution, 1996 requires communities to participate in

determining policy and policy outcomes. Namibia also has a number of vibrant civil society organisations (CAFRAD 2006:80). These structures reflect on the social as well as the constitutional imperatives considered as preconditions for the promotion of the general welfare of society. Under the conditions where civil society reaches a stage where they can largely meet their own needs the *raison d'être* for a developmental state recedes.

Governmental system

The following governmental characteristics, identified by Leftwich (1995: 378-380) (quoted by Nzewi and Kuye 2007: 199) could be mentioned to indicate the political environment within which the services are delivered in a developmental state:

- *Autocratic leadership*: Some African countries manifest more than 30 years of authoritarian rule (in non democratic states) or a one party state (with democratic government). These political characteristics inhibit the free flow of information from civil society and also pose a challenge regarding the acknowledgement of real needs (as opposed to perceived needs) in determining policies and services delivered.
- *Bureaucratic elite*: There is a core of developmental elites running the (bureaucracy) public service. Such a bureaucracy is not necessarily committed to the goals of development. Political commitment may be the overriding consideration. Some countries have senior public officials who are committed to national ideological objectives which, in some cases, may be fuelled by political pressure, threats and factionalism, influencing them to support politically driven initiatives. This, so-called elite, may tend to promote policies based on ideological grounds and neglect the notion of policies aimed at promoting the general welfare, which may be contrary to their own values and factional interests.
- *Weak civil participation*: State autonomy is enshrined in most African states. This means that civil society (whose strength is seen by the advocates of good governance as a formula for good governance), is weakened and in most cases controlled and financed by the state. Especially in states experiencing civil unrest, civil society cannot organise itself into effective structures to make scientifically supported proposals to government. Simultaneously, government is faced with the problem of identifying which policy options would be acceptable and be supported by the majority of civil society.

The characteristics of the developmental state had been discussed to establish whether it could make the contribution required for efficient and effective service delivery; whether it could actually promote development; whether it

could indeed fulfil the role the private sector could play in creating wealth and development which in turn allows society to meet their needs without undue state intervention.

Developmental imperatives

The developmental state has to facilitate development in all areas to improve the general conditions of its inhabitants. Local government is often the most significant role player. However, the role assigned to them differs from one country to the next. In the case of Uganda, local governments constitute an integral part of the national public sector and are subsidiary structures (not subordinate). Even the *Local Government Act, 1997* "...is rather reticent in defining the relationship between Central and Local Governments in terms of concrete mandates and targets" (Nyirinkindi 2007:17). The Local government Act mostly focuses on inspection, monitoring capacity and co-ordination aspects of the relationship, without advocating local government initiating development. In fact scholars are divided on the question as to whether decentralisation could increase social welfare (Nyirinkindi 2007:18). Evidence indicates that the benefits accrue to the local elites rather than the common citizens, services and goods are intended for (*loc. cit.*). It had been found that discrepancies are rife and that there is even a tendency to rely on privately provided services due to the low quality of government services (*loc. cit.*). Zambia does not have an act constituting its public service, although the *Constitution of Zambia Act, 1996*, provides for the establishment of a Cabinet Office as the highest administrative office in the public service. There is a general lack of commitment by the private sector to promote social development in favour of economic and financial stability. These conditions demand of the state to become directly involved in acting as the developmental structure in addition to its normal duties to its citizens.

The Fourth Schedule to the Nigerian Constitution, 1999, clearly requires of local government to participate in the government of a state (regional government) in respect of *inter alia* (Khemani 2004:np) :

- the provision of primary , adult and vocational education;
- the development of agriculture and natural resources;
- the provision and maintenance of health services; and
- such other functions as may be conferred on a local government council by the House of Assembly of a state.

The financing of such decentralised functions in Nigeria does not contribute to efficient service delivery as local governments do not seem to be allocated sufficient resources. Thus, local government does not possess the

capacity to actively promote the services designated by the federal or the state governments.

The Ghanain Constitution assigns a wide range of functions to district assemblies. The districts are assigned planning functions (art 12(1)) and for the purposes of development planning each district has to establish a planning authority (Art 46(1)). The *Local Government Act, 1993* also makes the district responsible for the overall development of the district (art. 10(3)(a)(ii)). Functions may be delegated to other local government structures, but no certainty is provided concerning the availability of funds to actually provide the services commensurate with the functions. Local government may raise revenue through rates, but the revenue may be seriously hampered by the ability of citizens to pay (Ferrazzi 2006:25). Thus it may also have a detrimental effect on the governmental obligations assigned to local government.

After consultation with interested parties, the former South African Ministry for Provincial Affairs and Constitutional Development (Now the Ministry of Co-operative Governance and Traditional Affairs) published government's policy guidelines: *The White Paper on Local Government* in 1998 (The Ministry, 1998). The White Paper *inter alia* provides for (White Paper, 1998: x *et seq*):

Firstly local government should be developmental. This implies that local government should exercise its powers and perform its functions in a manner maximising their impact on social development and economic growth; aligning the roles of the members of the public and each sphere of government; and democratising development, meaning that each municipal community should be afforded the opportunity to be involved in development.

Secondly local government is accepted as a sphere of government in its own right. Thus local government is no longer viewed as subordinate to provincial and national government. The Constitution also requires spheres of government to exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of another sphere (Included as Section 41(1)(g) in the Constitution, 1996).

Thirdly the White Paper recognises the existence of metropolitan municipalities (as already instituted in the interim phase). Two other categories of municipality are identified to cater for citizens living outside the metropolitan areas. These are categorised as category B or local municipalities i.e. municipalities rendering services in urbanised areas and category C municipalities which could be labelled as district municipalities. This latter category of municipality would also include category B municipalities in its geographical area. This categorisation affords municipalities to play a developmental role throughout the whole territory of South Africa.

Fourthly the policy addresses the political structure of the new system of local government. Provision is made for dynamic leadership in the political structure.

Furthermore, powers could be delegated to provide for wider participation in political processes. The policy guidelines also provide for a mixed electoral system, implying that a council should partly consist of ward representatives and partly of proportional representatives elected on a party list system.

Fifthly the White Paper attends to the core of the *raison d'être* of municipal government and administration *viz.* service delivery. In this regard provision is made for municipalities to utilise the full spectrum of service delivery options including contracting out, public-private partnerships and related mechanisms.

Sixthly and as could be expected, the policy document addresses the vexing issue of financing local government services. The White Paper acknowledges the extensive services required to redress the injustices of the past, but also notes the need for sustainable municipalities. Thus it proposes that municipalities should be assigned revenue sources and that provision should also be made for intergovernmental transfers to supplement their revenue and enable them to provide the extensive services now entrusted to the newly established sphere of local government. Specific provision must also be made for budgeting, accounting, financial reporting, and the introduction of *Generally Accepted Accounting Practices*.

The system currently in existence only became fully operational in 2006. The result is that local government is faced with a serious lack of human resources with the required capacity to administer the new municipalities and render the wide range of services in newly demarcated areas including formerly disadvantaged communities, who were not even part of the local sphere of government.

The challenges regarding capacity have been highlighted in the Municipal Demarcation Board's 2007/2008 report. The challenges include matters such as municipalities *performing poorly* i.e. giving effect to less than 25% of their assigned functions (MDB 2008: 133). The Demarcation Board also found that in some cases the poor performance could be attributed to non-viable areas (particularly in the former *bantustans*) (MDB 2008:38). This clearly illustrates that the original demarcation of these municipalities should be reconsidered. The Board further reported on managerial incapacity due to *inter alia* the extent of the service backlog in former disadvantaged areas; lack of financial reserves and dependence on grants by national government; household indigency; managerial inexperience and incapacity; and community expectations exceeding the capacity of the municipality (MDB 2008:143)

It should be mentioned that various successes have been achieved in South Africa since democratisation in 1994. The Department of Health as the national government's executive arm responsible for the concurrent health function has succeeded in increasing access to primary health care with an additional five million people benefiting since 1994 (Naidoo 2004:230). However, major challenges remain, e.g. some clinics in rural areas (municipal category C) stand

empty due to shortage of doctors and nurses as well as other health workers (Naidoo 2004:236). Thus one of the critical services required to improve the quality of life of society cannot be provided by the state and consequently the private sector is expanding its area of operation to the detriment of the indigent that have to rely on public institutions for medical care which in turn do not have the capacity to provide the services required.

Housing has been identified as a concurrent function in Schedule 4 to the South African Constitution, 1996. This implies that the provincial and national spheres of government are jointly responsible for the provision of housing. The local sphere is not identified as a partner in this regard, but it is responsible for infrastructure and some municipalities are designated as providers. The housing backlog has not been reduced to acceptable limits and although ± 1,45 million houses have been built from 1994 to 2004 (Naidoo 2004:251), lack of local leadership capacity, red tape and bureaucracy (Naidoo 2004:256), shoddy workmanship, corrupt practices and financial constraints have limited the degree of the success. Government (national, provincial and local) has succeeded in performing its developmental duty in one regard as at least 90% of the self building projects involve women as most vulnerable group in society. However, it has failed in another regard as the housing backlog has not decreased noticeably and various communities are demanding faster action by government.

Failing public sector

Firstly corruption is a significant negative factor in any efforts to allow a state to be effective in performing a developmental role. It diverts funds from developmental programmes to individuals or elite groups, thus preventing development in favour of society. The fact that South Africa is ranked as the second most corrupt country in the region of 52 states with a corruption perception index score of 5,4 does not bode well for the country's development. http://info.worldbank.org/governance/wgi/sc_chart_print.asp accessed 2008/08/06. It is obvious that the Country as well as many other African countries require that attention to be paid to this malady thwarting noble policies aimed at improving the livelihoods of citizens in all areas.

A *second* major inhibiting phenomenon in the public sector is the increased interference of politicians in the normal administrative activities of the state. The Second Pan-African Conference of Ministers of Civil Service held in 1998 in Morocco *inter alia* put the following question at the outset of the conference (Department of Economic and Social Development 2000:9): "What are the causes and the consequences of public administration's decline in the esteem of both the officials and the public they are supposed to serve? The 'withering' of this institution, once vibrant, has been attributed to political interference....

Table 1 Free basic municipal water services

| Province | 2005 Number | Percentage | 2006 Number | Percentage |
|--------------|-------------|------------|-------------|------------|
| Eastern Cape | 547 892 | 47,1 | 620 664 | 50,4 |
| Limpopo | 565 811 | 49,1 | 571 883 | 43,6 |
| North West | 393 541 | 58,7 | 742 743 | 62,1 |

Table 2 Free basic municipal sewerage and sanitation services

| Province | 2005 Number | Percentage | 2006 Number | Percentage |
|----------------|-------------|------------|-------------|------------|
| Eastern Cape | 396 294 | 43,8 | 411 691 | 44,8 |
| Kwa Zulu-Natal | 214 381 | 18,4 | 546 724 | 41,1 |
| Limpopo | 148503 | 24,5 | 109 973 | 17,1 |
| North West | 63 228 | 12,2 | 106 472 | 19,1 |
| Northern Cape | 66 571 | 35,6 | 77 848 | 38,5 |

Table 3 Free basic municipal electricity services

| Province | 2005 Number | Percentage | 2006 Number | Percentage |
|----------------|-------------|------------|-------------|------------|
| Eastern Cape | 251 946 | 36,9 | 305 245 | 39,1 |
| Kwa Zulu-Natal | 135 883 | 12,5 | 131 371 | 11,9 |
| Limpopo | 113 674 | 17,0 | 155 853 | 22,1 |
| Mpumalanga | 149 215 | 29,9 | 215 123 | 39,4 |
| North West | 100 748 | 21,9 | 112 733 | 21,8 |

and the global shift from a state led development strategy to reducing that role, among other factors”.

A *third* limitation in the efforts of a developmental state to promote development is the absence or otiose role played by civil society. In Zambia and in Zimbabwe, a number of Non Governmental Organisations (NGOs) exist, but public opinion is rarely solicited on public administrative issues (CAFRAD 2006:137,143). Thus the expectations of society and their aspirations are not necessarily accommodated in policies and executive actions.

During the Second Pan-African conference of Ministers of Civil Service held in Morocco in 1998, Prof Ourzik highlighted the socio-economic and technological challenges that should be addressed by the African public service and argued (Department of Economic and Social Development 1998: 17). "Facing up to the economic challenges requires that the public service adapt its missions and structures to the new role of the State, take due cognisance of the impact of globalisation and liberalisation, and institute measures aimed at improving performance and global competitiveness..., the public service would need to undertake activities in support of human and civic rights".

It could be argued that the public service supported by local government, should undertake activities required as a result of the developmental role the state is required to play. If the public sector and the local government structures supporting it fail, the goals of the developmental state cannot be attained. In South Africa, government has developed *Development Indicators* (2008) to monitor the rate of success with its developmental policies. As far as the basic services are concerned, i.e. the responsibility of municipalities, some concerns could be raised regarding the slow rate of increasing service delivery by municipalities as monitored by provinces (regional governments), e.g. (Compiled from Development Indicators):

In many instances municipalities in South Africa fail to increase the rate of service delivery as could be deduced from the three tables. This failure is partly due to lack of capacity. In some cases it may be due to insufficient infrastructure e.g. in rural areas or lack of employees to cater for the urbanizing communities. The following table provides examples of the number of households per municipal employee as an indication of the challenges faced by municipal employees to render efficient services (Municipal Demarcation Board 2008:31):

It could be deduced from tables 4 and 5 that, especially district municipalities are under extreme pressure regarding the availability of municipal employees to render services. In local municipalities (urban areas) the situation has improved significantly since 2002, but in the case of district municipalities the employee/

Table 4 Households per employee: district municipalities (selected provinces)

| Province | 2002/2003 | 2007/2008 |
|----------------|-----------|-----------|
| Eastern Cape | 372 | 412 |
| Gauteng | 187 | 366 |
| Kwa Zulu-Natal | 151 | 339 |
| Limpopo | 54 | 149 |

Table 5 Households per employee: local municipalities (selected provinces)

| Province | 2002 | 2007 |
|----------------|------|------|
| Eastern Cape | 230 | 162 |
| Gauteng | 74 | 62 |
| Kwa Zulu-Natal | 594 | 255 |
| Limpopo | 821 | 246 |

household relationship has decreased. Thus a danger sign is visible regarding the municipal sphere's capacity to increase its responsibilities as required in a developmental state.

Developmental capacity

To act in a developmental capacity, a state requires a stable public sector and capacitated public (and municipal) service. In addition to these conditions sufficient funding should be made available to the development agencies and departments to achieve their respective goals. Furthermore, civil society must be afforded sufficient opportunities to express their demands and raise their concerns in cases where the state cannot or does not meet their expectations. Table 6 (compiled from CAFRAD 2006) provides some indications of the situation in selected African countries:

From Table 6 it could be deduced that some African states have succeeded in developing structures or procedures required for developmental purposes. However, in most cases some of the crucial characteristics are still absent. In the case of the municipal level/sphere more characteristics are absent e.g.

- local government mostly lacks the human resource capacity to perform developmental duties;
- in many instances local government lacks the financial resources through own revenue or allocations by national or regional government to perform the functions assigned to them;
- due to the centralised nature of government, local government is often not assigned adequate powers to give effect to its obligations;
- the functions assigned to local government are sometimes restricted to essential services to the exclusion of social services thus preventing it from becoming involved in developmental policies; and
- local government in some case lack the independent status required to meet the developmental needs of the communities it is supposed to serve.

Table 6 Developmental capacity (selected African countries)

| Country | Civil Society | Accountability | Public Service |
|--------------|---|---------------------------------------|--|
| Botswana | No deliberate effort to solicit inputs from society | Accountable government | Public service neutral (career) |
| Eritrea | No public opinion polls | Endeavouring to improve | Stable public service No resistance to change |
| Ethiopia | Public opinions limited. NGOs involved in social services, co-operate with government | System of accountability in operation | Lack of capacity Reputation declining |
| Malawi | No structured opinion polls Interest in government activities increasing | System of accountability exists | High turnover of trained personnel No link between performance and reward Low morale |
| Namibia | Variety of NGOs exist Committees established to improve liaison Public private partnerships exist | System of accountability exists | Skills exist Training high priority |
| Nigeria | Public opinion institutionalised but not tradition Channels for media involvement exist Strong government business consultation | Not addressed in report | Being restructured to become professionalised Management Information system poor Weak culture of action and policy research |
| Zambia | Promoting public participation in policy formulation | Not addressed in report | Career public service Efforts to improve performance Neutral to changes in government Negative attitude towards work |
| South Africa | Entrenched in Constitution Participation obligatory | Extensive legal framework | Public service politicised Lack of skills Lack of permanency |

CONCLUSIONS

The article identified the nature and structure of government in the contemporary African state by considering particular characteristics from selected countries.

Attention was paid to the requirements for a state to be considered as a developmental state. The attention focussed mainly on local government, but within the context of a state's governmental structure. It was indicated that in some countries local government may reveal some of the requirements to be classified as developmental arms of national and regional government. However, it was found that in various countries local government cannot fulfil the duties required to be viewed as developmental. The future of local government in a developmental state is uncertain. It appears as though insufficient status is afforded to local government to play the role required. Civil society is often not consulted effectively or is excluded from policy making, thus forfeiting the right to exercise their democratic rights. Local government should be properly acknowledged in the governmental system e.g. through the constitution; civil society should be afforded opportunities to state their views and be relatively certain that their views will be accommodated in policies; and should be afforded the financial and human resources to perform their developmental duties. If these conditions are met, local government could survive and thrive in a developmental state. If local government is not capacitated to play a developmental role the state will probably fail in achieving its developmental goals. This could even put democracy under pressure.

NOTES

1 This article is based on a paper delivered at the Annual Conference of the *International Association of Schools and Institutes of Administration (IASIA)* in Rio de Janeiro on 6 August 2009.

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Innovative decentralised democracy and the conundrum of inclusion:

An analysis of Cape Town's ward committees

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ABSTRACT

Since the early 1990s, both more and less developed countries have searched for alternative formulas to address the observed problem of weak democratic legitimacy. These initiatives include forums that function as intermediary between citizens and the elected local council. However, scholars increasingly question the extent to which these new mechanisms really succeed in including all citizens. This paper assesses some of the strengths and weaknesses of the ward committee system in Cape Town. Each ward has a deliberation committee, composed of representatives of civil society organisations and is endowed with advisory power in local government.

The article focuses on the relationship between civil society organisations and their sector representatives. It concludes, firstly, that context related elements, such as the limited availability of information, equipment (resources) and infrastructure; the limited degree of organisation at the sectoral level; and existing political tensions undermine the potential success of this initiative. Secondly, sectoral representation also complicates the system. Not all sectors seem to have the organisational capacity to participate in the - initiative efficiently and effectively. For this reason, the

power of the ward committee system to foster inclusion and democratic legitimacy is weakened. Finally, it is questioned whether organisational representation is a valuable option to enhance the inclusion of citizens in decision-making. It only organises the 'organised', and there is a tension between community representation and individual opinion-formulation by ward members.

INTRODUCTION¹

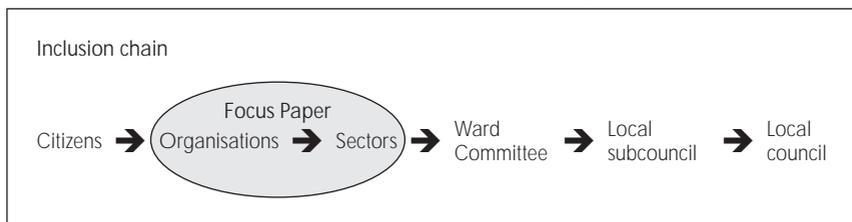
In many countries, the traditional system of representative democracy has recently been challenged by the government's incapacity to deal with citizens' needs in a responsive way. Since the early 1990s, developing countries in particular, have been searching for alternative formulas to address the observed problem of weak democratic legitimacy that was explicitly supported by a broad range of major donor initiatives (Cornwall & Gaventa 2006; Selee & Tulchin 2004). Research indicates that, especially the poor, women, and ethnic or religious minorities are often excluded from participation *via* the traditional channels of voting, lobbying and campaigning and, consequently, are not heard by government (Goetz & Jenkins 2005; Gaventa & Valderrama 1999; Fung & Wright 2001). Goetz & Jenkins (2005) speak of a 'crisis of representation'. Elected representatives often belong to an elite group. Their priorities and needs differ from those whom they represent. Moreover, the represented group cannot adequately force their representatives to address their needs.

Even local government – commonly regarded as a noteworthy democratic lever, due to its geographical proximity to its citizens – faces the issue of weak democratic legitimacy. As a result, local governments all over the world experiment with new participatory initiatives that explicitly aim to include all citizens (Cornwall & Gaventa 2006; Selee & Tulchin 2004). These initiatives include forums that function as intermediaries between citizens and the elected local councils. The municipal planning initiative in Bolivia (Cornwall & Gaventa 2006) and the Panchayat village governance system in India (Fung & Wright 2001) are examples of such initiatives.

However, scholars increasingly question the extent to which these new mechanisms truly succeed in including all citizens. They seem to suffer from the same lack of inclusion than the traditional system of representative democracy, implying, once again, a problem of weak democratic legitimacy (Cornwall 2002b; Goetz & Jenkins 2005).

In this article, we investigate some of the strengths and weaknesses of the ward committee system in Cape Town (South Africa). This system provides each ward with a deliberation committee, composed of representatives of civil society organisations and is endowed with advisory power in local government. For the purpose of this article we focus on one particular component of what could be called the 'inclusion chain' of the ward committee system: the relationship between civil society organisations and their sector representatives. Schematically, this inclusion chain (and the article's focus) includes the following components:

Figure 1 Inclusion chain within the ward committee system



Source ???

The notion of inclusion (and the consecutive democratic legitimacy) is analysed by taking into account two aspects of the committee system. This includes its input (representation) and throughput (authorisation and accountability) legitimisation. In the first section of the paper, these two components are introduced, by referring to the conceptual framework of democratic legitimacy of Haus and Heinelt (2005). Based on Klok and Denters (2005), an analytical framework is developed in the following section, linking the concepts of input and throughput legitimisation with the key components of the Institutional Analysis and Development framework developed by Ostrom *et al.* (1994). This section is followed by the empirical part of this paper. It starts with some methodological reflections and a descriptive analysis of the ward committee system itself, as well as of ward 50 where research has been conducted. This is followed by the empirical results regarding the level of inclusion in ward 50. In the final section, conclusions are drawn and directions for further research are explored.

THE SEARCH FOR INCLUSION: A CONCEPTUAL FRAMEWORK

Since the 1990s, numerous initiatives promoting citizen participation at local government level have been launched in developing countries². These

innovations have been fuelled by local government's desire to overcome its lack of democratic legitimacy due to the limited inclusion of its citizens in the traditional representative democracy³. The objective of enhancing inclusion is twofold: give more citizens (1) more influence (2) in local government policy decisions, in between elections. Thus, the first aim is to involve as many citizens as possible in these new participation initiatives (Cornwall & Gaventa 2006: 409). This implies that, ideally speaking; every citizen should be permitted to participate directly in these initiatives, on an equal basis. In practice, however, citizens largely participate indirectly, through representatives. The second aim is for these new forms of participation to strengthen citizens' influence in actual decision-making. In this respect– in contrast to the traditional representative democracy – participation is not limited to the casting of a vote. Rather, it entails that participants actively deliberate on the policy issues at stake (Fung & Wright 2001:27).

In sum, these new channels should bring all citizens' 'voices' – the articulation of their needs – to the 'ears' of policy-makers (Goetz & Jenkins 2005:28). However, as is the case with the traditional representative democracy, the influence of citizens is limited when citizens' representatives fail to stand up for their needs (Goetz & Jenkins 2005:30). Indeed, when representatives do not act on the wishes of their constituents, the 'voices' of the latter – however hard these may be – will fade away on their way to the 'ears' of policy-makers, resulting once again in exclusion.

Admittedly, even the most innovative type of participatory initiatives operates with some form of representation (and, therefore, indirect participation). In practice, this representation is often organised through existing organisations. It is therefore essential to take into account at least two components of the organisational representation process. These components act as preconditions for guaranteeing a genuine form of inclusion. Firstly, in line with the 'more citizens' and 'more voices' credo, this entails that a broad, well-equilibrated sample of organisations should be involved and, secondly, that representatives of these organisations should actually stand up for the priorities and needs expressed by the citizens they represent. In the remainder of this section, these two components of inclusion are further elaborated. Building on the notion of democratic legitimacy, as developed by Haus & Heinelt (2005) who draw on Scharpf (1999), these components will be labelled input and throughput legitimisation respectively⁴.

Input legitimisation: Representation of all organisations

According to Haus and Heinelt (2005:14) a first requirement for the democratic legitimacy of participation initiatives is their compliance with the principle of

input legitimation. This entails 'authentic participation'. Thus, citizens should have the possibility to articulate consent or dissent, and to influence decisions on policies (Haus & Heinelt 2005:14-15). Ideally, this means that *all* citizens are involved in these participation initiatives on an equal basis. However, as stated previously, in practice this is hardly feasible, as deliberation requires small groups, making a selection of citizens necessary (Haus & Heinelt 2005:24). Selecting a limited number of citizens on the one hand, and ensuring the inclusion of a wide range of societal subgroups on the other, requires us to explore the circumstances under which input legitimation is ensured in the case of organisational representation.

Firstly, input legitimation has a good chance to be fostered in situations where a high percentage of the population actually belongs to one or more civil society organisations (the latter ones acting as intermediary structures for selecting representatives). Yet, as indicated by Cornwall (2002b:25), this is not self-evident. Not all citizens –especially poorer communities – are organised in such a fashion. Also, Cornwall (2005:21) notes that civil society organisations might be exclusionary, as some of them are only open to those who share a particular identity (based on religion or ethnicity) and therefore exclude others.

A second issue concerns the right of civil society organisations to actually join participatory forums. Two elements have to be taken into account here. Firstly, in some cases, the organisational affiliation of certain groups of citizens (for example, organisations of mutual collective sustenance of the poor) are simply not recognised by government (Friedman 2006:6-7). Secondly, government might deliberately exclude certain organisations to take part in participation initiatives. In these cases government might be anxious that these organisations would be offered a legitimate channel to exert voice, which might undermine its power base (Luckham *et al.* 2000:66).

A final issue to be addressed regards the equal representation of organisations. More precisely, the question arises to what extent organisations should each have an equal number of representatives, or whether the number of representatives should be in proportion to the size of each organisation (Mansbridge 1999:634). Moreover, it should be noted that the issue of equality is also related to the question of whether the different organisations' representatives occupy an equal position in the participation initiative. Thus, whether they all have equal rights and duties.

Throughput legitimation: Authorisation and accountability of the representative

As argued previously, input legitimation only guarantees one aspect of inclusion, as it does not necessarily assure that the representative will really promote

citizens' needs. More precisely, Mansbridge (1999: 640) warns against the 'danger of blind loyalty'. This can happen when representatives are believed to stand up for the needs and priorities of the citizens they represent, merely because they are 'one of them'. In order to find out what exactly is required for representation to lead to the actual inclusion of citizens' needs and priorities, it is worthwhile to have a closer look at Haus' & Heinelt's concept of throughput legitimation.

For Haus and Heinelt (2005:15), throughput legitimation refers to the transparency of the institutions and processes involved in the participation initiative. According to the authors, transparency is required so that citizens can understand who is responsible for which decisions. This, in turn, should enable citizens to hold their representatives accountable for what they have (not) done (Haus & Heinelt 2005:15). Although we consider this to be a valuable interpretation of throughput legitimation, we believe it to be defined too narrowly.

A first addition to Haus' and Heinelt's perspective can be derived from Brinkerhoff's definition of accountability. According to Brinkerhoff (2006:270-271), accountability involves both answerability and enforcement. Answerability refers to the obligation of representatives to answer questions for information (transparency) about – and even justification for – their (non) decisions / actions⁵. Enforcement entails the possibility for citizens to sanction representatives when dissatisfied with the decisions / actions taken or the rationale given for these actions.

A second expansion of throughput legitimation also appears to be necessary. As Young (2002:129) notes, inclusive representation does not only depend on instances of accountability during a representative's mandate period. It is equally important that the representative is given authorisation, permitting him / her to speak for – and possibly bind – the organisation (Young 2002:130). More specifically, Young conceptualises representation as a process that consists of alternating moments of accountability and (re) authorisation (Young 2002: 129). According to her (2002: 130), the authorisation moments are essential, given the internal heterogeneity of organisations. Indeed, considering all members of an organisation to have the same opinion, insights and priorities, one runs the risk of neglecting important areas within an organisation (Mansbridge 1999:637). Therefore, it is important that all members of the organisation participate in the authorisation process. This will ensure that the members are all able to co-decide on the mandate of their representative and, thus, get ensure that their views are included.

In conclusion, one can say that throughput legitimation refers to an ever-repeating cycle of both instances of authorisation. This includes collective agreement on the mandate, as well as instances of accountability, which encompasses judgement of the representative, and, if necessary, appropriate

sanctioning of his / her (non) actions. Both aspects of this form of legitimation are necessary to guarantee an optimal level of inclusion. Not only do they ensure that citizens are not merely formally represented, but also that the representatives advocate citizens' real needs and priorities.

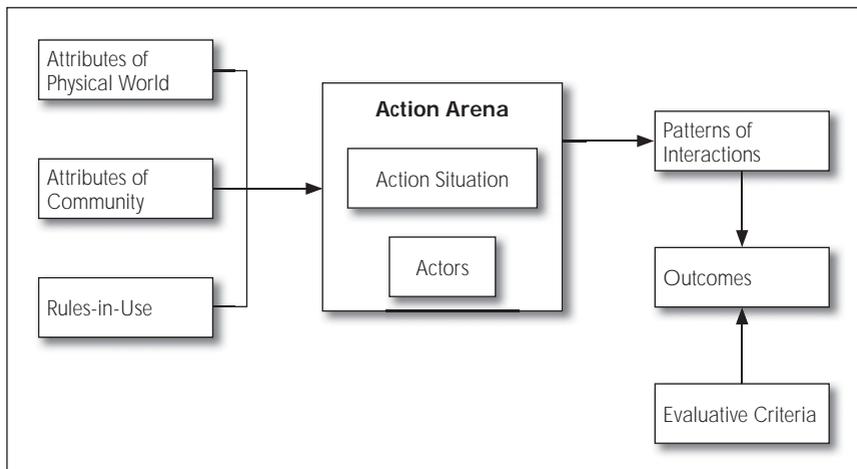
MEASURING INCLUSION: TOWARDS AN ANALYTICAL FRAMEWORK

In order to make the core concepts of our conceptual framework more tangible and measurable, this section links our conceptual framework with the Institutional Analysis and Development (IAD) framework, as developed by Ostrom *et al.* Firstly, the initial IAD framework is briefly presented. This is followed by a revised version, as developed by Klok and Denters⁶. Next we proceed with the development of our own analytical framework.

The initial IAD framework of Ostrom *et al.*

The IAD framework has been developed from the 1970s onwards⁷ by Ostrom and her colleagues (Ostrom 1999:59). Since then, it has been applied to a diverse range of institutional settings. Rooted in institutional rational choice theory, the framework combines an actor-centred and an institution-centred approach (Klok & Denters 2005:41).

Figure 2 The Institutional Analysis and Development Framework (Ostrom, Garnder & Walker 1994: 37)



The 'action arena' (see *Figure 2*) constitutes the pivotal element of the IAD. It is the social space where the interactions between actors take place and it comprises the action situation and the actors.

The 'action situation' involves "*participants (1) in given positions (2) who must decide among diverse actions (3) in light of the information (4) they possess about how actions are linked (5) to potential outcomes (6) and the costs and benefits (7) assigned to actions and outcomes*" (Ostrom *et al.* 1994:29; numbers added). Each of these seven elements is linked to a particular set of rules in use: boundary, position, authority, information, scope, aggregation and pay-off rules respectively (Ostrom *et al.* 1994: 41-42). *Box 1* gives a more detailed overview of these rules, as well as some basic examples, taken from the case study material we collected on Cape Town's ward committee system.

The 'actors' are those who participate in the action situation. Four attributes are distinguished to explain their behaviour: their preferences of actions and outcomes; the ways they acquire, process, retain and use information; the selection criteria they use for deciding on a course of action; and the resources they bring into a situation (Ostrom *et al.* 1994:33).

Box 1 Definition and examples of IAD rules⁸

Position rules prescribe which positions are to be distinguished in a particular (sub-) arena.

Examples: ward councillor, sector representative, representatives of an organisation.

Boundary rules prescribe how the various positions in an arena become occupied.

Example: Sector representatives are appointed by the representatives of the organisations belonging to the sector/cluster they represent.

Authority rules prescribe the allocation of rights and obligations for every position. These rules determine the means available for a position holder to perform his / her duties and define the (legitimate) behavioural alternatives that are open to an actor in a position.

Example: The ward councillor has the duty to preside over the ward committee meetings and the right to vote in these meetings, while the PR councillor is only deployed to the ward committee as ex-officio member. Sectors can discharge their representative in any case.

Scope rules prescribe the possible outcomes of interaction in a particular arena: (a) the limits to the content of the outcome of the arena

and (b) the status of the outcome of the (sub) arena in relation to the other (sub) arenas of the entire process.

Example: (a) a ward committee may make recommendations on any matter affecting the ward; (b) the ward committee is only an advisory body.

Aggregation rules prescribe how (collective) decisions and other outcomes in an arena are being made on the basis of different position holders' contributions.

Example: Organisations in the sector need to appoint a representative that is mutually agreed upon through an election. If no consensus is reached another election must ensue or lots may be drawn. The ward committee should strive to reach-consensus about decisions. If consensus cannot be reached, the majority of members present will determine the result of the matter.

Information rules prescribe which information is available to the various position holders.

Internal information rules prescribe how various incumbents should relate to one another in terms of providing and granting access to information. Thus, they specify what should be going on inside the arena.

Example: Every member of the ward committee must receive notice of a coming meeting at the address s/he specified in writing.

External information rules pertain to the public nature of meetings and the requirement to provide explicit and written justification for decisions.

Example: Ward committee members must adopt the principle of transparency to promote openness. Moreover, ward committee meetings are open to the public and the press.

Pay-off rules contain prescriptions regarding: (a) the costs and benefits generated in the arena itself; (b) the costs and benefits that are part of an outcome; and (c) the consequences of decisions.

Example: (a) The council offers administrative support to all committees, the committee members do not get a remuneration; (b) a police officer gives a speech in the ward committee after the committee decided to invite him; a ward councillor promotes the list of priorities that has been decided upon in the committee; and (c) the committee may be dissolved by the Speaker when fraud or corruption has taken place.

Finally, three factors affecting the action arena are distinguished: rules-in use (see above), attributes of the physical world and attributes of the community. the IAD framework is illustrated graphically in *Figure 1*.

The application of the IAD framework by Klok and Denters

The IAD framework has been applied to research on participation by Klok and Denters (2005).⁹ Their insights are relevant to us, as these scholars also refer to the conceptual framework of Haus and Heinelt, which we introduced in the previous section.

Klok and Denters connect the concepts of input and throughput legitimation with several elements of the IAD framework, in order to analyse the institutional arrangement of a participation initiative. More specifically, they link the concepts of input and throughput legitimation to the 'rules-in-use' of the IAD framework. This would be a necessary step to investigate whether or not rules decided upon by government – prescribing the presumed behaviour of the different actors in the participation initiative – comply with the requirements of input and throughput legitimation. When this institutional arrangement, or set of rules, designed by government - does not comply with the foundations of input and throughput legitimation (two preconditions for inclusion), this can be due to several reasons. Firstly, a lack of experience with participation initiatives on the side of government may result in 'growing pains'. Secondly, local government's commitment to bring citizens' voices to its ears may appear to be merely rhetoric in practice. In this respect, Cornwall (2002b) speaks of the problem of 'invited spaces of participation'. Within this paradigm, the government inviting participants decides who can participate and on what terms participation takes place. This is endorsed by Luckham *et al.* (2000: 66), who state that institutions and procedures may lack democratic legitimacy as the inviters often belong to an elite group who is liable to choose institutions and procedures which entrench its power.

However, as Klok and Denters (2005:45) points out, both contextual variables and actors' actual behaviour are at play. More specifically, such contextual factors can be linked to two elements of the IAD framework: the attributes of the physical world and the attributes of the community, completed with the actors' attributes. This is Other scholars, such as Cornwall, confirms this. The author refers to the 'actual political, social, cultural and historical particularities of the place' in which participation initiatives take place (Cornwall 2002a:51). Consequently, she makes a plea to approach participation as a 'situated practice'. Thus, locating the *spaces* for participation – the institutional arrangement – in the *places* in which they occur (Cornwall 2000a:51; original emphasis).

Acting upon Cornwall and Klok and Denters's advice, the next section presents an analytical framework. It takes into account both the institutional and contextual requirements for analysing the key components of inclusion: input and throughput legitimation.

Linking the IAD framework with input and throughput legitimation

Having explored the initial IAD framework in conjunction with Klok and Denters' complementary insights, we now proceed with developing the analytical framework for our ward committees' case. Firstly, we provide a schematic overview of the key components of the literature review, as presented in the previous section. Secondly, we introduce a few preliminary remarks regarding our case study. This will guide the further translation of our analytical framework into the specific setting of the ward committees. Next, the key elements of the institutional arrangement hampering or fostering input and throughput legitimation are identified. This is done by linking these two components to the so-called rules-in-use. And finally, relevant contextual factors are identified and linked to the attributes of the physical world, the attributes of the community and the attributes of the actors.

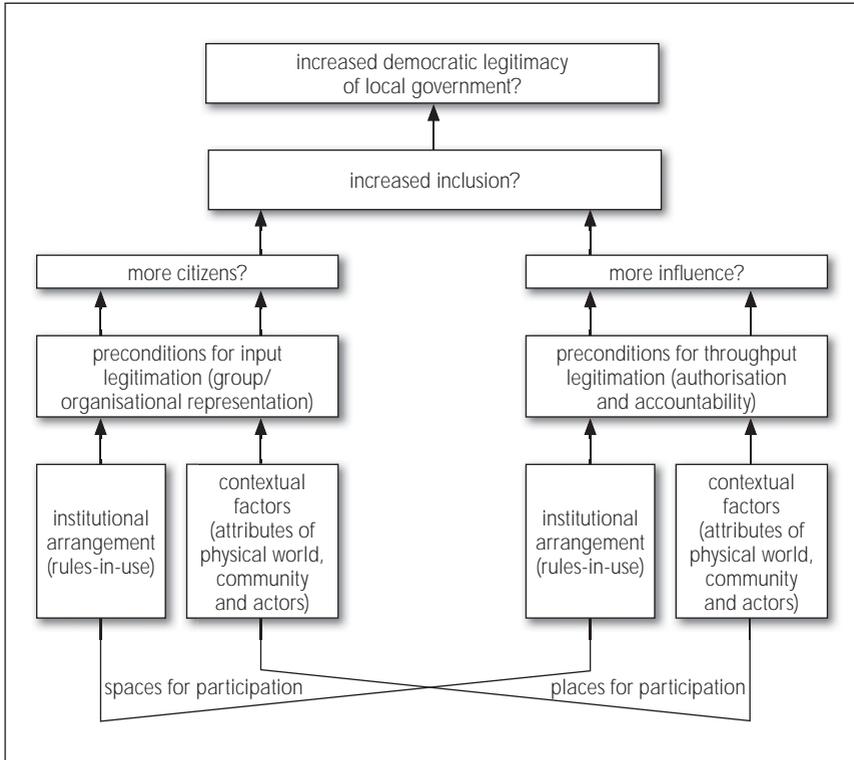
Schematic overview of the integrated analytical framework

In the previous section, key insights of several authors were introduced. In order to visualise the complementary characteristics of the valuable insights of each presents, we provide a brief schematic overview that tries to integrate the key components and how they relate to each other¹⁰:

Preliminary remarks related to the empirical analysis

Since we aim to apply the analytical framework to the ward committee system, it should be noted that the latter is a special case of organisational representation. The ward committee does not consist of representatives of individual organisations, but rather of representatives of sectors (groups) of organisations (for example organisations in the field of culture, religion and sports). Consequently, in order to fully assess whether the ward committee system complies with the institutional and contextual requirements of input and throughput legitimation, two levels of analysis can and should be investigated. These include the level of the individual organisations, as well as the level of the sectors (aggregation of organisations). Put differently, both the relationship between the - organisations' members and the delegates of these organisations, and the relationship between the delegates of the organisations belonging to one sector and the sector representative - can be analysed. Due to the time and budget constraints of the field research carried out in South Africa, our focus has been limited to the issue of inclusion at the sector level, the intermediary level situated between the ward committee and the individual organisations. Therefore, the translation of our schematic analytical framework presented in 3.3.1 will particularly focus on sector representation¹¹. However, the framework

Figure 3 Schematic overview of analytical framework



as presented in Figure 3 can be used to analyse other components of the 'inclusion chain' (see *Figure 1*) of the ward committee system.

Focusing on sector representation also necessitates a particular interpretation of the issues of input and throughput legitimacy. In this case, input legitimacy refers to the representation of the different organisations at sector representation level. Throughput legitimacy, in turn, refers to the accountability and authorisation processes that take place between a sector representative and the organisations belonging to a sector.

Spaces for participation: input and throughput legitimacy and the institutional arrangement

In order to speak of genuine inclusion, a participation initiative's institutional framework must comply with the basic principles of input (group representation) and throughput (accountability and authorisation) legitimacy. Therefore, our empirical analysis needs to encompass the identification and critical assessment

of the rules that have been enacted by the inviting government to regulate the participation process. In accordance with Klok and Denters (2005), this implies, that the IAD rules that are relevant to input and throughput legitimation, respectively, be identified. Secondly, one has to define the requirements these rules should comply with (the actual format of the rules) in order to institutionally guarantee input and throughput legitimation. During the final stage of actual empirical analysis this set of requirements needs to be compared to the specified rules of the institutional framework of the participation initiative under study. This way, one can assess the degree of compliance, indicating the obtained degree of input and throughput legitimation as far as the institutional arrangement is concerned. In the remainder of this section, the institutional preconditions for respectively input and throughput legitimation will be identified step-by-step.

- ***Input legitimation (group representation)***

With regard to input legitimation, two institutional preconditions have been touched upon in section 2.1. Firstly, the rules need to provide the opportunity for all civil society organisations to be included in the forum. Secondly, they should ensure equal representation. Klok & Denters (2005:45) indicate that, in this case, the position, boundary and authority rules of the IAD framework are relevant¹². The first precondition stipulates that the rules should not exclude any civil society organisation. – This mandate is fulfilled when the boundary rules do not exclude any civil society organisation within the different sectors¹³. Of course, this does not necessary entail that all organisations are involved on an equal footing. Hence, a second precondition – equal representation – needs to be met. This precondition can be assessed by examining the position and authority rules. More precisely, the position rules should confer an equal number of representatives to every sector. The authority rules, in turn, should confer equal rights and duties to all sector representatives.

- ***Throughput legitimation (transparency, justification, enforcement and authorisation)***

In contrast to input legitimation, Klok and Denters' insights on throughput legitimation can only serve as a starting point for our analysis. These insights are based on the definition of throughput legitimation by Haus and Heinelt, which we considered to be too narrow. However, they help us with the transparency requirement of throughput legitimation, which, according to Klok and Denters (2005:46), should be ensured by the information and aggregation rules. Indeed, information rules should force representatives to supply all sector organisations with information on their actions and on the results of their deliberation in the participation forum. Aggregation rules, on the other hand, shed light on representatives' responsibility to clarify what

they are entitled to and for what they are exactly responsible for pertaining to the organisations they represent.

For justification, enforcement and authorisation aspects of throughput legitimation, we can no longer build on Klok and Denters. However, the IAD framework appears to be applicable to these requirements as well. Firstly, for justification to be ensured, information rules should require representatives to justify their (non) actions towards their sector organisations. Therefore, they should be forced to hold meetings with these sector organisations. These meetings should be announced and open to the public; while the minutes should be distributed to parties involved. With regard to the requirement of enforcement, it is appropriate to examine the pay-off and authority rules, as these rules should give sector organisations the right (referring to authority) to impose (referring to pay off) the appropriate sanctions to their representative under prescribed circumstances. Finally, the requirement of authorisation should be fulfilled by the boundary and authority rules. These should give all organisations in each sector (boundary) the right (authority) to be equally involved in the authorisation process of the sector representative.

Places for participation: Input and throughput legitimation and the contextual factors

Whether input and throughput legitimation are guaranteed does not only depend on the democratic legitimacy of the institutional framework, as argued previously. The actual interactions of actors can deviate from what the rules prescribe, as other factors also guide actors' behavioural choices. In the IAD framework, these 'other factors' are taken into account through the attributes of the physical world, the community and of the actors (Klok & Denters 2005:45). In this section we try to identify the most relevant contextual factors for input and throughput legitimation, based on a review of some key contributions of participation literature¹⁴.

- ***Attributes of the physical world***

A first category of contextual factors in the IAD framework is the attributes of the physical world, as the physical and material conditions influencing the action arena (Ostrom *et al.* 1994:44). A few crucial attributes can be mentioned here.

Firstly, with regard to throughput legitimation, one should consider the availability of suitable accommodation for organising meetings. Indeed, the consultation and feedback moments between representatives and their sectoral organisations can only take place when sufficient meeting halls are available. Moreover, these should be easily accessible for both the representatives and the delegates of the organisations belonging to a sector (also for disabled persons). Accessibility also entails that there should be public transport available for all the actors to get there.

Related to the accommodation is the design of the meeting room. As Cornwall (2002b: 7) notes, interactions between actors may be totally different depending on the way they are organised in the room (e.g. rows versus a circle¹⁵).

A last factor refers to the available communication tools (Ostrom *et al.* 1994:44). Indeed, input legitimation depends – among others factors – on the extent to which organisations are informed about the existence of the participation initiatives. Thus, government needs to be able to invite them personally, by mail or in extreme cases via local media. The availability or lack of communication tools can also have considerable impact on the throughput legitimation. The lack of communication devices can seriously hamper the information flow between the represented and the representatives.

- **Attributes of the community**

A second category of factors concerns the attributes of the community in which the action situation is located, also termed 'culture' (Ostrom *et al.* 1994:45).

A first element regards the generally accepted norms and values in the community. Indeed, as Blair (2000:24) and Goetz and Jenkins (2005:41) note, norms in the social sphere may lead to exclusion of certain groups, as they confer informal rights and duties to sexes, ethnicities or religious groups. Patriarchal norms leading to exclusion of women in public life is an example of this. These norms may lead to a lack of throughput legitimation when some delegates of organisations are not included or not taken seriously in the sectoral representative's authorisation process of the for instance¹⁶.

Exclusion might also flow from inequalities between actors, stemming from material disparities, class backgrounds, differences in knowledge and information and in personal capacities (Fung & Wright 2001:33). This may lead to both a problem of input legitimation, when organisations are excluded from sector representation, and a lack of throughput legitimation, when it is hard for sectors to hold their representative accountable because s/he is situated in a more powerful position due to one or more of these inequalities. Another important community attribute is the existence of divisions (Luckham *et al.* 2000:23) – political, religious, ethnic or racial – in a community that is often wrongly believed to be homogeneous (e.g. Wasserman 2001:173). These divisions might hamper throughput legitimation when they encumber interactions between the representative and the organisations' delegates causing deficient authorisation and feedback processes.

A last element concerns the degree to which sectors are organised. As Rosenblum (1997:729) notes, accountability depends, to a large extent, on the self-organisation of groups. One can expect less cumbersome consultation and feedback from sector representatives when the sectors are already

reasonably well organised among themselves – especially where at least one kind of forum exists where different organisations meet regularly.

- **Attributes of the actors**

Finally, the attributes of actors – the representatives and the delegates of the organisations – should be taken into consideration (Ostrom *et al.* 1994:33).

The lack of actors' capabilities is a primary factor that can hamper inclusion. Actors should master the language that is used for interaction (Russell & Vidler 2000:79) and be literate to a certain extent (Williams *et al.* 2003:34). Indeed, for input legitimation to be realised, organisation delegates should know about the existence of the participation initiative and that there is an opportunity to elect a sector representative. Throughput legitimation, in turn, depends on their ability to acquire and digest information from the representative and on their capacity to enter into discussion with the representative with regard to his/her behaviour.

Another relevant factor is the resources that actors are forced to sacrifice. Attending sectoral meetings between sectoral organisations and their representative, requires considerable sacrifices in terms of time and money (such as for travelling) (Fung & Wright 2001:37). In order to obtain real throughput legitimation, representatives should also have the resources (such as money for stamps and letters, a telephone, internet connection, money for travelling) to communicate with their sectoral organisations.

EMPIRICAL ANALYSIS

Data collection and analysis

Our empirical analysis is based on a study of the applied – (and omitted) inclusion mechanisms in Cape Town's ward committee system. For that purpose, a single case – ward 50 – was selected. Field research was carried out in August and September 2006. The applied research methods include semi-structured interviews¹⁷ with key actors (nineteen in total)¹⁸, a focus group with ordinary citizens, field visits, and document analyses (including legislation, policy documents, press articles, as well as minutes of council, subcouncil, and ward committee meetings). The collected documents and transcribed interviews were analysed by coding and linking together relevant passages, using the key concepts of our analytical framework as point of departure.

It should be noted that the research project was subject to a number of restrictions. Firstly, due to time and budget constraints, only one ward could be investigated. The choice for ward 50¹⁹ was mainly guided by practical considerations, as this study is part of an ongoing research project; and contacts

with ward 50 had already been established. The selection of only one ward on the basis of pragmatic considerations implies that this study faces an issue of limited external validity. However, it can be argued that, most likely, not a single ward would guarantee perfect representation at city level. This is mostly due to South Africa's history of geographical segregation of races during Apartheid. In order to strengthen the external validity of this study and to take into account particular contextual factors at ward level, it is recommendable that this study would be further replicated.

The mobility restrictions during the field research due to safety restrictions can be considered as another constraint. Notably, this has hampered data collection to an extent. Because of safety considerations, the Multi Purpose Centre (MPC), commonly associated with the ANC, had to be used as operating base. However, field visits allowed for interaction with a broad range of persons from different areas and considerably counterbalanced this potential bias.

Finally, it should be noted that the ward committees in Cape Town had been dissolved in February 2006. It was therefore impossible to participate in the actual ward committee and sector meetings. However, this problem should not be overestimated as audiotapes and other data sources regarding ward committee and sector meetings have been analysed instead.

Presentation of the ward committee system in Cape Town and ward 50

The ward committee system

One of the important reforms of the post-apartheid government in South Africa has been the introduction of a new vision on the role of local government, called 'developmental local government'. In the *White Paper on Local Government* it is defined as: "*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*" (RSA 1998: Section B (1)).

Accordingly, a 'popular' element is expected to complement the fiscal and administrative aspects of the South African democratic decentralisation programme (see Pieterse 2002; Niksic 2004). This commitment of the post-apartheid government to citizen participation should not be understood merely as a jump on the international participatory development bandwagon. It should primarily be viewed as an attempt to make government more responsive and accountable to the needs of those who have been excluded during apartheid (Friedman 2006:1). The involvement of citizens in local government is, more precisely, provided for via a system of representative democracy and a range of additional channels for participation – one of them being the ward committee system, which will be discussed here²⁰.

The ward committee system is provided in the national legislation by the *Municipal Structures Act No 117 of 1998* – a broad legal framework that gives local governments²¹ reasonable autonomy to adjust the system to local needs. A ward committee is expected to act as an intermediary between the residents of the ward, on the one hand, and the ward councillor²² who represents the ward in the subcouncil and council on the other²³. It is conferred with advisory power on all issues affecting the ward and especially with regard to the Integrated and Development Plan, the budget and the Performance Management System.²⁴ Each committee consists of the ward councillor presiding over the committee, the PR councillor as *ex officio* member, and ten appointed representatives of either sectors of civil society organisations or geographical areas²⁵ in the ward.

In August 2004 the City of Cape Town decided to introduce a sectoral-type ward committee system (Council of the City of Cape Town 2004)²⁶. In every single ward (hundred in total) formal meetings have been held during which delegates of the organisations belonging to each sector²⁷ appointed their sector representative either in consensus, by election or – in extreme cases – by drawing of lots. The ward committees were operational between November 2004 and February 2006, during which time they were dissolved in view of the municipal elections. As a result of these elections, the Democratic Alliance (DA) was able to take over power from the ANC-led coalition. As the DA – in contrast to ANC – is not in favour of the ward committee system, it was not reintroduced. However, according to a compromise reached between ANC and DA in October 2006 after a long period of political conflict, the DA would have agreed to reinstall the system in the near future ('ANC Backs off Bid to Strip Zille of Power' 31.10.2006).

Ward 50

Ward 50 falls within the boundaries of Bonteheuwel, a township created in the 1960s, where coloured people, who previously lived in areas declared as 'whites only' had been forced to move to, as a result of the enforcement of the *Group Areas Act* during apartheid (Hitner & Jenkins 1976:8). Today, about 98,5% of the residents of ward 50 are coloured people, while the total percentage of coloureds in the city is only 48% (Department of Strategic Development Information & GIS 2006)²⁸.

Compared to the city's average, households in ward 50 are better accommodated when it comes to services such as water, sanitation, electricity and refuse removal. However, the residents of ward 50 are less-educated²⁹; the economically active aged 15 to 65 are slightly less employed (only 68,5%); and households earn less per annum,³⁰ when compared to the city's average. Illiteracy, unemployment and poverty are considered to be prevalent in the ward; and ward 50 faces limited availability of facilities, as it only has one legal tavern and one supermarket. Other formal shops and a movie theatre in the

civic centre have been closed in recent years due to an upsurge in violence in the area. Finally, the ward has been chosen for several governmental renewal projects, as it suffers from crime problems (especially gang rivalry), drug abuse and environmental and moral deterioration.³¹

Although it is difficult to make a judgement about the level of formal organisation of the civil society in the ward, we believe ward 50 can be considered as fairly organised, given that quite a few organisations have been identified in the different sectors relevant in the framework of the ward committee system.³² The sectors themselves, however, are very poorly organised. This is apart from the sports organisations that are assembled in the Bonteheuwel Sports Board. Many of these organisations, such as Bonteheuwel Churches in Action, different soup kitchens, Bonteheuwel Community News, several street committees, the Green Club (community garden) and the Paralegal Office, are dedicated to promote a positive change in the ward, addressing a wide range of issues. Yet, throughout many interviews, it has been observed that energy and interest for these efforts are often lost due to a power struggle between the two political parties, namely DA and ANC.

Inclusion and the ward committee system in Cape Town - ward 50

As noted previously, the analysis of inclusion mechanisms of ward 50, as presented in this paper, focuses on one particular level of the inclusion schema (see *Figure 1*). It specifically pertains to the sector level, or the relationship between the representatives of the sectors on the one hand and the (delegates of) organisations in the sector they represent on the other. This is an essential level to study, as the inclusion of citizens' needs and priorities heavily depends on the extent to which sectors are able to steer and hold their sector representatives accountable.

Input legitimation

In order to assess the compliance of the ward committee system with input legitimation, both the institutional arrangement and contextual factors have to be dealt with.

- ***Institutional arrangement***³³

For the analysis of the institutional arrangement, requirements regarding boundary, position and authority rules have been identified. To what extent have these requirements been met?

The observed boundary rules prescribe that a ward committee should consist of: *"the widest range of interest groups which are established or operative in the ward, including but not limited to the following categories: youth, women, (...)"* (Council of the City of Cape Town 2004: section 6; underlining added).

Since it is not further defined what should be exactly understood under 'interest groups', boundary rules can be considered not to hamper the inclusion of any particular type of civil society organisation. Yet, for an organisation to be included, this organisation should also belong to a sector that is granted representation by the boundary rules. Three sectors – tourism, traditional leaders and trade unions – from the list of the 'Guidelines for the Establishment and Operation of Municipal Ward Committees' of the national government were not granted representation in ward 50. However, it can be argued that this exclusion is not problematic for input legitimation in ward 50. Based on our findings, local citizens do not consider these sectors of particular relevance to ward 50 .

With regard to the issue of equal representation, the analysis made clear that the position rules of the committee system confer an equal number of representatives – in this case one – to every sector. The authority rules, in turn, confer equal rights and duties to all sector representatives. Therefore, it can be stated that the formal institutional framework does not provoke a problem of exclusion.

- ***Contextual factors***

Despite the favourable institutional arrangement, our research revealed that in reality not all organisations were represented at sectoral level. This was, the case for the Bonteheuwel Community Women's Support Group, the Educare Forum and the mosque, which were not aware of the existence of the ward committee. Several contextual factors have been identified, providing an explanation for this observation. In the first place, some attributes of the physical world reduced inclusion. More precisely, government administration did not have a complete database at its disposal, regrouping all existing organisations in the ward. Consequently, not all organisations were informed of the existence of the ward committee and were thus excluded. This was worsened by the fact that the administration did not make use of all available communication tools, such as a road show, or advertisements via radio, TV and local newspapers to inform the ward and its citizens on the existence of the ward committee system³⁴. In similar vein, a particular attribute of the actors impacted on input legitimation. Some sector representatives complained of a lack of resources on their side. According to the representatives, this hampered their ability to detect and contact organisations belonging to their sector but that were not yet included in the database.

Throughput legitimation

Throughput legitimation consists of several aspects, namely authorisation, transparency, justification and enforcement, for which both the institutional

arrangement and contextual factors have to be analysed. Each of them is illustrated in this section.

- **Authorisation**

For authorisation to be guaranteed institutionally, the boundary and authority rules should give all organisations the right to be involved in the authorisation process of the sector representative on an equal footing. The observed institutional framework of the ward committee system should meet this requirement. The latter stipulates that every organisation in the sector is invited to submit a nomination, and that in case of different nominated candidates; every organisation in the sector should choose one representative in the sector, in consensus or by election or – in extreme cases – by drawing of lot.

In practice, however, due to a community-related attribute, in this case important political tensions³⁵ organisations were not all equally included in the process. More precisely, the dominant political parties in the ward, the DA and ANC, tried to interfere in the nomination process of the education, trade, civil society and cultural sectors in several ways.³⁶ In the sector of education for example, a drawing of lots took place to choose between two candidates, each coming from one of the parties. This included the head of the local DA branch that presented himself as a candidate, as he was member of a school governing board, as well as a member of ANC who had no relation at all with the sector. With regard to the cultural sector, the DA interfered in the nomination process of the Friends of the Library in order to make a DA member the nominee of this organisation. The trade sector, in turn, did not manage to appoint a representative at all, though it was not clear whether this is due to political tensions.

Furthermore, the authorisation process might³⁷ have been hampered by an attribute of the physical world, namely a lack of easy access to meeting rooms. A first element here is a lack of public transportation in the ward. Another equally important obstacle is the safety problem in the ward, which considerably affects the mobility of citizens – especially that of women.³⁸

- **Transparency and justification**

For transparency and justification as aspects of throughput legitimation, we can be brief on the institutional arrangement. Aggregation rules exist. Thus it is clear who is responsible and who can be held accountable for what. There are no information rules, however, obliging the representatives to convey information to their sectors, neither to hold meetings for consultation and feedback (although the national framework recommends municipalities to define such rules). According to the 'Code of Conduct for Members of the Ward Committees' (Council of the City of Cape Town 2004: Annexure A2), members of the committee should 'adopt the principle of accountability (...) and transparency'. Yet this code cannot be enforced.

Although no rules forced them to do so, two representatives managed to organise a meeting with the sector they represent. However, in the case of the education sector, the meetings had a low turnout, while the civil society sector's meeting did not take place in the end. Some representatives kept in touch with existing sectoral forums. Unfortunately, these did not cover the entire sector. For example, the education sector's representative reported back to the principals' forum covering primary and secondary schools in the ward but not the crèches. In turn, the religious sector representative was in touch with the forum of Christian churches, but neglected the Muslim community. However, there appeared to be one exception. The sport representative could consult and report back to the Bonteheuwel sports board, which seems to cover most of the sport organisations.

One important contextual factor (an attribute of the physical world) that weakened the throughput legitimation was a lack of easily accessible meeting rooms. Notably, several sector representatives pinpointed this. Moreover, some rooms were considered to be 'inaccessible', given their lack of political neutrality. This is for instance the case for the MPC, which is run by an ANC-dominated management.

Most likely, other factors such as certain attributes of the community (political tensions) and attributes of the actors (lack of resources) influenced the level of throughput legitimation. With regard to the political tensions, it is conceivable that politically affiliated representatives might have been less keen to stay in contact with their sector, because they may have been motivated by their political programme and directed by the local party branch rather than anything else. However, sufficiently reliable data are lacking to draw final conclusions on this issue.

Resource availability is another contention point. Several sector representatives found it hard to stay in touch with their sectors, due to a lack of computer and telephone equipment, as well as a lack of writing material (even when the city provides for reimbursement of out-of-pocket expenses); and high transport expenses. Whereas representatives are allowed to make use of subcouncil's offices, this is not an ideal solution, since the office is situated about 10 km from the ward. Therefore, it is not easily accessible by less affluent representatives.

Finally, it should be noted that most sector representatives appreciated the training session the city organised. They considered it to be an opportunity to acquire insights and capacities (actors' attributes) on how to foster relationships with their sector.

- **Enforcement**

Enforcement is guaranteed institutionally as authority rules. It gives sectors the right to remove (pay off rule) their representative at any time. However,

no other less far-reaching sanctions than discharging the representative are provided for. Next to the sector itself, the council speaker is also allowed to discharge representatives, if they do not attend a sufficient number of meetings, or in case of corruption, insolvency, or incompatibility with other mandates, as well as when the representative does not execute the the sector's mandate.

In practice, only one representative has been discharged: due to inconsistency of mandates the speaker discharged the person. There was no evidence for supporting the claim that the sector had questioned the mandate of sector representatives. Most likely, and indicated by certain interviews, organisations did not take the ward committee seriously enough and therefore, were not really worried about their representative's actions. On the one hand, a failure of the ward committee system might have been expected from to the political tensions, which had assumed the upper hand in different projects and organisations in the ward before. On the other hand, a feeling of disappointment towards government might have been part of this lack of interest. For instance, one interviewee called the ward committee system 'just another window dressing thing'. Moreover, some coloured residents – referring to the current political era as 'black apartheid' due to the positive discrimination policy – turned their back on government.

Finally, two remarks can be made. Firstly, our expectation that an attribute of the community – power relations due to inequalities – would play a role could not be confirmed nor countered. Although the representatives belonged to the more affluent citizens in the ward, there was no indication that this power relation hampered accountability. Secondly, one ubiquitous attribute of the community was identified as encumbering all requirements of throughput legitimation: the lack of organisation of the sectors. In our research, the value of organisation stood out. Those sectors most compliant with the requirements of throughput legitimation, were indeed those that were best organised³⁹.

CONCLUSIONS⁴⁰

Despite the limitations of our research, due to its limited scope (only one link of the ward committee's inclusion chain has been examined) and scale (only one ward has been studied), a number of conclusions can be drawn regarding the ward committee system and its primary objective to foster inclusion and the democratic legitimacy of local government.

Firstly, the institutional framework seems to meet reasonably well with the preconditions to ensure the different aspects of input and throughput

legitimation. However, the input, and even more, the throughput legitimation of the ward committee system seem to be under pressure because of the limited availability of information, equipment (resources) and infrastructure; the limited degree of organisation at the sectoral level; and existing political tensions (all context-related elements). These observations underline the importance of taking into account both the institutional arrangement (formal setting) of a participation initiative and its context-related aspects – both at a conceptual and an empirical level of analysis.

Secondly, one can ask whether the choice to organise representation on the basis of sectoral variables is the optimal solution to guarantee genuine inclusion. This sectoral approach can be questioned. Not all sectors seem to have the organisational capacity to efficiently and effectively participate in the participation initiative. This, in turn, weakens the ward committee system's ability to foster inclusion and democratic legitimacy. Other criteria for organising the ward committee system, such as geographical representation, can be considered. However, as indicated by some interviewees, this could actually foster the politicisation of the initiative, which would weaken its credibility among citizens.

Finally, given the results of our investigation, we believe it can be questioned whether organisational representation is a valuable option at all to enhance the inclusion of citizens in decision-making. Two different issues need further exploration in this case.

In the first place, we agree with Friedman (2006:8) that participation initiatives based on an organisational representation system can be blamed for only 'organising the organised'. Indeed, as has been noted previously, only citizens belonging to organisations are represented in the ward committee and can thus – attempt to – make their voices heard. This is specifically a severe weakness of organisational representation, as those lacking an organisational base are often the weakest. Should organisational representation as a base for citizen participation be omitted henceforth? Although inclusion of all will never be within reach, there might still be a number of situations characterised by the necessary institutional and contextual preconditions for genuine input and throughput legitimation to be reached in cases of organisational representation. However, more research needs to be done to find out what these required enabling institutional and contextual factors might be.

Secondly, as Smith (2000:35) notes, it can be questioned whether organisational representation and deliberation are compatible at all. More precisely, he points to the conflicting nature of these two. According to him, there is a tension between the obligation that representatives should stick to their mandate (representation) and the need for representatives to review and adjust their points of view in light of the arguments brought to the table by

other participants (deliberation). Proof for Smith's standpoint was found in our research, as two representatives spontaneously identified this tension (for example tension between sector interests and the interests of the broader community) as being one of the more difficult parts of their function. Further research is needed to gain more insight into these dynamics, and eventually into the prospects of making organisational organisation and deliberation compatible.

NOTES

- 1 Paper submitted for the 'Deepening democracy in a fragmented society' Conference, Cape Town, September 19-21, 2007. Convenors: Prof. Dr. Chris Tapscott and Prof. Dr. Stefaan Marysse.
- 2 These innovations have not only been limited to the developing countries. Several European countries and the USA experiment with these more direct forms of participation (See Fung & Wright 2001; McLaverty 2002).
- 3 It is obvious that, next to exclusion, this lack of democratic legitimacy may also be the result of weak policy effectiveness on the side of government (see footnote 4).
- 4 It should be noted that Haus & Heinelt (2005:16) discern a third form of democratic legitimation. This output legitimation refers to the problem-solving capacity of government. This precondition of democratic legitimacy will not be considered here, as we focus on the preconditions of inclusion and not so much on the actual responsiveness of government towards citizens' needs.
- 5 A similar distinction is made by Goetz & Jenkins (2005:8) and Mulgan (2003:9).
- 6 Klok and Denters (2005) used this framework for their research regarding the complementariness between community participation and leadership. Their insights are highly relevant for our research, as these authors also extensively refer to the conceptual framework of Haus and Heinelt.
- 7 The framework has been developed from the beginning of the seventies onwards (Ostrom 1999:59). Its basic approach can be found in Kiser & Ostrom (1982).
- 8 Based on Klok & Denters 2005:62-63. Examples based on Rules for the Establishment of Ward Committees in the Metropolitan Area for the City of Cape Town (Council of the City of Cape Town 2004).
- 9 Additionally, Klok and Denters's research also encompassed an analysis at the level of output legitimation and also included the issue of leadership in their analysis. We will thus only partially make use of their insights.
- 10 The attributes of the actors are, together with the attributes of the physical world and the community, summarised under the label 'places for participation' to the extent that we define attributes here as stable traits of actors (the actual behaviour of actors is of course another level of analysis, that refers to the box of 'action arena' as defined in the framework of *Ostrom et al.*).

- 11 We do realise that our specific approach implies that we cover the issue of inclusion for the ward committee system only partially; the so caused limitations will be addressed more thoroughly in the concluding section of this paper
- 12 For a reminder of the definition of each of the IAD-rules, see Box 1.
- 13 At a second level of analysis, this also requires that no 'relevant' sector is excluded, representing a certain type and number of organisations (defining 'relevant' in this case is far from being straightforward; in our case study, this will be (over)simplified by referring to 'no blatant discriminatory' selection of sectors).
- 14 As compared to 3.3.3, we do not use a formal division between input and throughput in this section, as it seems more relevant to make the distinction between attributes of the physical world, the community and the actors.
- 15 his factor could, however, not be taken into consideration for our research, as it took place when the ward committee had been dissolved.
- 16 Note that this could neither be examined in our research as the ward committee was dissolved already.
- 17 Remark that in order to safeguard the anonymity of the interviewees no references will be made to interviews in this paper. Even referring to interviewees' functions without mentioning names was no option here as most interviewees can easily be identified on the basis of their functions. For instance, there is only one ward and one PR councillor in the ward.
- 18 Interviewees included sector representatives, the ward councillor, the proportional representation (PR) councillor, representatives of community based organisations and government officials.
- 19 Cape Town consisted, at that moment, of 100 wards.
- 20 Other citizen participation initiatives are for example the so called izimbizo's ('open-ended community meetings' where government officials listen to citizens' concerns; Friedman 2006:7), public meetings and mayoral listening campaigns (<http://www.capetown.gov.za>).
- 21 Remark that only metropolitan and local municipalities of certain types are allowed to have a ward committee system (RSA 1998: Section 72).
- 22 The ward councillor is elected at ward level during municipal elections via a first-past-the-post system. The councillor resides in both the subcouncil to which his/her ward belongs and in the council of the city. The PR-councillors, on the other hand, are elected via proportional representation at city level. These councillors reside in the council of the city and are assigned to a ward and subcouncil by the Speaker of council in consultation with the party whips.
- 23 There is one council in the City of Cape Town consisting of the ward and PR councillors, which are elected during municipal elections. Next to the council, at the moment of our investigation, Cape Town consisted of 20 subcouncils each comprising 4 to 6 wards.
- 24 More specifically ward committees are supposed to identify the priorities of the residents in the ward and communicate these to the ward councillor who in turn defends these in the subcouncil. In the subcouncil the different ward councillors select the most urgent priorities to which the ward allocation budget is then conferred. In the subcouncil the priorities identified by the ward committees have to compete, however, with proposals coming from the line departments too – even though these receive a budget directly from council as well. In practice the involvement

of the ward committees in the Performance Management System (City of Cape Town 2005:127) and even in the IDP – budget process has been very limited.

- 25 In the case of geographical representation, the ward is divided into ten geographical areas from each of which a representative is appointed.
- 26 The introduction of ward committees in Cape Town occurred quite late as compared to other municipalities. Amongst others, this is due to late provincial legislation giving local governments in the province the authority to establish ward committees and the lack of a majority in the council of the City of Cape Town in favour of ward committees (Davids 2005:80).
- 27 The (clusters of) sectors identified in ward 50 of Cape Town were Youth, Culture and Arts; Women; Business, Informal Traders and Agriculture; Civil Society, Ratepayers, CBO's and Residents Associations; Safety and Security; Religion; Senior Citizen and Disabled; Health, Environment and Welfare and Education. The identification of the sectors is the responsibility of the subcouncil preferably after public consultation of the ward – which however did not happen in the case of ward 50.
- 28 Other statistics cited in this section are based on the same source.
- 29 According to the 2001 Census data about 20% of the adults (20+) in ward 50 only had primary schooling or even no schooling at all, 49% had secondary schooling though could not reach grade 12 and only 0,21% attained a bachelor's degree or higher.
- 30 According to the 2001 Census data 88,62 % of the households in ward 50 earns less than R 76 800 per annum compared to 73% on city level.
- 31 Namely the 'No Messing' project in 1999 aimed at environmental restoration and raising civic pride and the Cape Renewal Strategy in 2004, which focused specifically on crime (e.g. the placing of CCTV cameras).
- 32 Yet, no data indicating to what extent individual residents belong to one or more organisations could be found.
- 33 The institutional framework of the ward committee system in Cape Town is incorporated in the following legislation: Rules for the establishment and Operation of Ward Committees in the Metropolitan Area for the City of Cape Town (Council of the City of Cape Town 2004).
- 34 We were not able to identify the reason (e.g. lack of staff, of financial resources or of commitment) for this deficiency.
- 35 During our research it became clear that these political tensions cannot be considered separately from a racial issue stemming from the everlasting consequences of apartheid: the feeling on the part of coloureds (voting predominantly DA) that they live in a new apartheid era – which they call 'black apartheid' – as a result of the positive discrimination (ANC) policy favouring 'blacks' above 'coloureds'. However, we witnessed no open racial tensions hampering inclusion. After all ward 50 is almost racially homogeneous.
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- 37 In fact political tensions are not limited to the arena of the ward committee though are a constant factor in the ward. These tensions are especially uptight between the local ANC branch – attaining 21% of the votes in ward elections – on the one hand, and the DA – attaining 49% – on the other. Both try to get as much influence in the ward as possible i.e. among others by assuming as many positions as possible in organisations in the ward.
- 38 We cannot draw final conclusions here as the authorisation meeting could not be attended, given that it took place months before the research was conducted and reliable data on this meeting at our disposal were limited.
- 39 Though as the authorisation meeting – on which all sector representatives were nominated – took place in the afternoon, the impact of this factor might have been limited.
- 40 The sport sector having one umbrella organisation i.e. the sports board and the sector religion having an umbrella organisation for most Christian churches which covers most of the organisations in the sector.

ACKNOWLEDGEMENTS

The authors would like to thank Joris Voets at the Public Management Institute, K.U. Leuven for his valuable feedback and comments, as well as the Flemish Interuniversity Council for their support and finally for Chris Tapscott and Michelle Essau for their hospitality.

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A new typology of monitoring and evaluation approaches

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ABSTRACT

The continual development of new evaluation approaches informing the evaluation of public policies and programmes, necessitates the re-grouping and re-classification of approaches with similar focus in a new typology to make sense of the different approaches and the linkages between classic and contemporary approaches. The article is based on a review of previous authors' attempts in classifying the most authoritative evaluation theories and theorists' approaches. The aim of the article is an improved classification system which includes contemporary approaches and encourages continuous thought and debate on how best to approach evaluation. The approach that is followed is therefore a theoretical re-conceptualisation approach after a critical qualitative assessment of the current literature on the topic. This article starts by summarising the influences of the policy and social sciences on the evaluation profession. It then provides a brief overview of alternative classification systems of evaluation approaches, before suggesting a new classification system based on three categories, namely scope, focused on interventions or parts thereof; philosophy, sub-divided into evaluation studies that focus on clarifying the intervention theory and those that emphasise participation, development and empowerment; and methodology, sub-divided into experimental and non-experimental evaluation studies. Various evaluation approaches within each of the three categories are also identified and summarised.

INTRODUCTION

The evaluation or determination of the relative worth of something must be undertaken in order to compare alternatives before make choices amongst them. Evaluation literally means 'to work out the value (of something)' in its Latin root 'valére' (Mark, Greene and Shaw 2006:6). Informal evaluations inform daily decisions on how good or bad, desirable or undesirable something is. Formal evaluations involve the same kind of judgement, but are more systematic and rigorous than their informal counterparts, with appropriate controls for the validity and reliability of the findings and conclusions.

The evaluation profession emerged from various disciplines during the first half of the 20th century. Dominated by an American perspective, studies on the origins of public programme evaluation cite Ralph Tyler's educational program evaluation (Alkin and Christie 2004:17-18) with the juvenile delinquency programme enacted by congress in 1962 as the first federally funded evaluation study (Weiss in Shadish, Cook and Leviton 1991:25). However, the systematic evaluation of public programmes already started towards the end of the Second World War (1943) in the United States (Auer 2007:541; deLeon and Vogenbeck 2007:504). The vast expansion of government social programmes throughout the 20th century is regarded as one of the critical drivers of programme evaluation (deLeon and Vogenbeck 2007:519; Shadish and Luellen in Mathison 2005:184). The evaluation field exploded in the 1960's and 1970's with the expansion of social policies and programmes aimed at affecting various normative and empirical goals to promote socio-economic development. During this period numerous evaluations were performed in response to federal, state and local programme managers mandates. Cost constraints and a concern about the success of social programmes in achieving outcomes fuelled the evaluation profession (Shadish and Luellen in Mathison 2005:185; Shadish, Cook and Leviton 1991:22). Chelimsky confirms that the main aim of evaluation efforts was to rationalise resource allocation and the management of programmes (2006:34). The 1970's was marked by an increasing resistance to the expansion of social development programmes, partly as a result of the increased funding needed to sustain these programmes and the apparent ineffectiveness of many initiatives (Freeman and Solomon in Rossi, Lipsey and Freeman 2004:14). The 1980's saw a decline in evaluation activities under the budget cuts of the Reagan administration (Cronbach in Shadish, Cook and Leviton 1991:27). By the 1990's, fiscal and social conservatism started to thwart further expansion of government programmes, leading also to a decline in funding available for evaluation studies. (Shadish and Luellen in Mathison 2005:186).

Two specialised social science disciplines largely influenced the evaluation profession, namely public policy analysis and general social research approaches

and methods. The policy analysis field is characterised by a shift from opinion-driven policy choices, to evidence-influenced and -based policy-making that explicitly takes normative decision drivers to resolve societal problems into account, while new social research theories, methodologies and technologies in the social research field brought greater research efficiency, effectiveness and sophistication to the field of evaluation research. A brief discussion of these two paradigmatic changes and their respective influences on the evaluation profession is provided below.

EVIDENCE-BASED POLICY-MAKING

The concept of 'the policy sciences' was crystallised by Harold D. Lasswell in 1943, who, together with his collaborator Lerner, re-conceptualised the intellectual tools needed to support problem-oriented, contextual, and multi-disciplinary and explicitly normative inquiry to promote equitable development (Brunner 1997:191; deLeon and Vogenbeck 2007:509; Auer 2007). This new development was a direct response to the horrors of the Second World War, in order to avoid future repetition of these tragedies. The main foci of the policy sciences developed from the design of social reconstruction programmes for Europe and later African and other colonies in the 1950s, to an explicit general evaluation focus of those programmes during the 1960s, a further shift to specific cost-benefit assessments (Nagel and Teasley 1998) and the improvement of policy programme implementation and termination in the 1970s, better post-Vietnam and Watergate democratic ethics and values in the 1980s, public choice, business process re-engineering and new public management in the 1990s, and the current emerging focus on governance, governing networks, complex systems and technology to improve programme outcomes and impacts in the first decade of the 21st century (Auer 2007:554; deLeon and Vogenbeck 2007:506).

Public policy research in the second half of the 20th century thus shifted from "sterile academic parlor games" to become problem and solution oriented, focused on the "real world". It is committed to particular values (deLeon and Vogenbeck 2007:514), "thus avoiding the value neutrality stance that social science ought to be totally objective" (Ascher 1986:365) and emphasised that the search for solutions to problems should not be lost in "scientific analysis" (Ascher 1986:370). Public policy analysis thus became more "than simply addressing big theoretical questions" but encompassed the difficult task of "clarifying goals, trends, conditions, projections and alternatives" within the social environment (Ascher 1986:371). Segone identifies an emerging shift from 'opinion-based' policy practice that relied either on selective evidence or on untested views of

individuals or groups, through 'evidence-influenced' to 'evidence-based' policy practices that place the best available evidence from research at the heart of policy development and implementation to improve policies (Segone 2009:17; Davies, Newcomer and Soydan 2006:175; Davies, 2008:3).

Segone attributes the emergent shift from opinion-based to evidence-influenced approaches to movements towards more transparent governance and better technical capacity to produce quality, trustworthy evidence (Segone 2009:18). This shift is also driven by international initiatives like the Millennium Development Goals Programme, World Bank initiatives, Transparency International and donor funding that emphasise the need to evaluate the success of public policies and programmes in order to protect donors' investment in these programmes (Kusek and Rist 2004:3-11; Valadez and Bamberger 1994:5-7). Internal fiscal constraints, pressures for public accountability and the failure of past programmes to produce results also emphasise evaluation to ensure resources are allocated to the most pressing problems and the most effective and efficient programmes to address these problems (Rossi *et al.* 2004:15; Boyle and Lemaire 1999:3 and 181). Ideally, however, policy practices should be evidence-based, but this implies depoliticising political discretions to a bigger extent to curb decision drivers like hidden agendas and other subjective priorities of decision-makers that are not necessarily evidence-based. This outcome is not attainable in current political decision-making systems.

SOCIAL RESEARCH

Up to the end of the Second World War, social research comprised mainly of qualitative research designs and methods because of a lack of adequate quantitative empirical methodologies and technologies to analyse and assess big data sets with the required scientific rigour. While education and health programme evaluation studies were already undertaken since the mid eighteenth century, programme evaluation only attained the minimum necessary level of measurement, sampling and statistical sophistication during the fifties and sixties in order to realise the hope that social science research could mimic the success of physical science research in solving technological problems in the social arena (Mouton 2007:492; Shadish and Luellen in Mathison 2005:184). One of the most influential stimuli in this regard was Campbell and Stanley's 1966 article on '*Experimental and Quasi-Experimental Designs for Research*' that reformed social science research by emphasising experimental design and randomisation, internal and external validity and alternative 'quasi-experimental' designs (Alkin and Christie 2004:19-20). Suchman's 'Evaluative Research' (1967) applied these social research methods to evaluation and signified the birth of

evaluation research as an applied social research activity (Alkin and Christie 2004:22-25).

The second major innovation that enabled the increasing significance of quantitative approaches to programme evaluation is the development and maturity of the information society during the last decades of the 20th century, mainly as a result of the increasing sophistication of computer technologies. The development of the personal computer and increasingly sophisticated computer hardware and software operating systems as well as mathematical and statistical programmes enabled the mass collection, storage, processing, analysis and assessment of huge volumes of general social research data that was not possible until that time. This development facilitated the accuracy, validity, efficiency and effectiveness of general social research processes and outcomes, and also had an automatic beneficial overspill effect on more specialised policy, programme and project evaluation exercises where such research approaches and methodologies could be applied (Ayres 2008; Dubner and Levitt 2006).

In supporting the view of programme evaluation as an applied and specialised social research activity, Bickman defines evaluation research as an assessment of the strengths and weaknesses of a policy intervention, identifying ways to improve them, and determining whether desired outcomes are achieved (in Mathison 2005:141). Freeman and Rossi define evaluation research as “the systematic application of social research procedures for assessing the conceptualisation, design, implementation and utility of social intervention programmes” (in Mouton 2007:491). Scriven, however, is of the opinion that evaluation research is much more than just applied social research and that while evaluators need a repertoire of empirical research skills, they also require additional evaluative skills that enable them to search for side effects that may influence the evaluation conclusion, determine relevant technical, legal and scientific values and synthesis skills to integrate evaluative and factual information (Scriven 2003:7). This positivist conclusion by Scriven is controversial, because the question arises whether an academic social researcher should not also ideally have these skills? Distinctions between evaluation and such a positivist view of social research can also include value neutrality versus value laden studies, a conclusion about the merit or net benefits through the verification of values and standards and a shift from mere knowledge production in research to knowledge application in evaluation (Scriven 2003:7; Rossi *et al.* 2004:17; Weiss in Shadish, Cook and Leviton 1991:182). However, if one moves beyond this narrow behaviourist or positivist view of social research and accepts that intangible, normative variables also influence social attitudes, processes, structures and their consequences for society, then the putative distinction between social research and evaluation lapses. Evaluation has in fact moved beyond Campbell’s original behaviourist methodological focus in the 1960s to

embrace more intangible concepts such as utilisation, values, context, change, learning, strategy, politics, and organisational dynamics (McClintock 2003:14).

From this wider perspective, any evaluative social research conclusion is thus a blend of fact and value claims, and it also entails discovering the right criteria and standards for comparison with other social phenomena to make sufficiently rigorous generalisations to improve theory and practice (House 2004:219). From this perspective evaluation is nothing more than an applied social research activity.

EVALUATION APPROACHES: TOWARDS AN IMPROVED CLASSIFICATION SYSTEM

During its relatively short history, the evaluation profession has already been characterised by a variety of philosophies, approaches, models, traditions and practices. Classification schemes are usually criticised on the basis of what they include and exclude. However, the charting of evaluation approaches has a pragmatic purpose as it provides evaluation practitioners with the detail to make a choice amongst various evaluation approaches based on their inherent parameters, purposes and processes (Mathison 2005:257). It allows for the most appropriate fit between the evaluation exercise's purpose, its underlying values and the most appropriate methodologies to achieve the most rigorous results.

The first evaluation studies tested bold new reform approaches, while ignoring the effects of small changes to existing programmes or local practices for local goals. Over time evaluation approaches changed and diversified to reflect accumulating practical experience (Shadish, Cook and Leviton 1991:32). While early theories focused on methods for doing evaluations in natural field settings, later theories focused on the politics of applying methods in field settings, and how research fits into social policy (Shadish and Luellen in Mathison 2005:186).

Various attempts have been made to classify these alternative competing theories and models, signalling a natural growth in the evaluation discipline to assist better evaluation theory and practice (Mathison 2005:258). While every attempt adds value to the evaluation field in broadening understanding of the similarities and differences of various approaches to evaluation, none of the current classification attempts seem to cover the wide range of approaches that are currently in existence adequately and comprehensively enough. This might create confusion among scholars and practitioners to accurately understand the phenomena that they are dealing with.

Shadish, Cook and Leviton (1991) for example classify theories and theorists into three 'stages': stage one theories which introduce science and

experiments as means to address social problems, stage two theories and theorists that emphasise use and pragmatism, and stage three theories which try to integrate the scientific and pragmatic approaches. The problem with this classification is that it is a formalistic classification of the historical development of evaluation foci that only distinguishes between two variables, namely more rigorous methodologies for evaluation on the one hand versus less rigorous methodologies with a stronger focus on societal relevance and use on the other hand. This approach is not very useful because it does not distinguish between potentially different competing normative goals for the evaluation exercise and the scope or degree of comprehensiveness of the evaluation which has an important implication for decisions about the timeframes, resources and methodologies to be employed in the evaluation project.

Chen presents four types of evaluation strategies linked to the purpose of the evaluation. He distinguishes between evaluation strategy (the general direction taken by the evaluator to meet a particular purpose) and evaluation approach (the systematic set of procedures and principles guiding evaluators, including conceptualising problems, research method application and interpretation of data) (2005:144). Four types of strategies are identified, namely assessment strategies that provide information on the performance of the intervention, development strategies that assist in planning the intervention, enlightenment strategies that examine underlying assumptions and mechanisms to mediate observed effects, and partnership strategies that involve stakeholders in planning and implementing interventions (Chen 2005:144-148). While this approach provides a useful classification in terms of the objective that an evaluation study may pursue, it omits the focus and methodology of the evaluation study from the taxonomy, although Chen does address this peripherally in his steps to apply the taxonomy. Furthermore, while Chen's classification taxonomy describes the broad aim of each strategy, it fails to provide examples of approaches of other authors within the four aims which may clarify the issue better.

Alkin and Christie developed an evaluation tree with three main branches, namely use, methods and valuing (2004:12). Various evaluation theorists were sorted onto the three branches based on their (most) important contributions to the evaluation field. However, many theorists' contributions, especially those who have grown over time in the field and changed their viewpoint, span across the branches, resulting in a forced classification onto one branch that does not provide an accurate reflection of their contributions to the evaluation field. A focus on approaches, rather than authors, allow for overlapping and changing views.

Rossi *et al.* (2004:40) and Mouton's (2008) classification systems link evaluation to the programme life cycle (design, implementation and outcomes). Similarly, Owen (2006:41-54) distinguishes between proactive evaluation aimed

at synthesising previous evaluation findings, clarificative evaluation to clarify the underlying logic and intended outcomes of the intervention, interactive evaluation to improve the evaluation design, monitoring evaluation to track progress and refine the programme and finally impact evaluation for learning and accountability purposes. While this typology is useful in identifying the design, tracking implementation and evaluating final results, it ignores other variables and choices that need to be taken into consideration in deciding what approach to be followed during the evaluation exercise.

Stufflebeam identified a comprehensive shopping list of 26 approaches to evaluation classified into five categories: Pseudo-evaluations, Questions-and Methods-Oriented Evaluation Approaches (Quasi-Evaluation Studies), Improvement- and Accountability-Oriented Evaluation Approaches, Social Agenda and Advocacy Approaches, and Eclectic Evaluation Approaches (Stufflebeam and Shinkfield 2007). This is the most recent and comprehensive attempt at systematising evaluation approaches, and clearly Stufflebeam and Shinkfield has undertaken an exhaustive assessment of different evaluation approaches. Their proposed classification system is more useful than any of the previous attempts, but can still be refined further, because the 'shopping list' nature of the classification system makes it very unwieldy and clumsy, and still contains too many overlapping approaches.

Our alternative classification system proposed below attempts to supplement the identified weaknesses of the above classification schemes. It uses three main classification categories, namely the **scope** of the evaluation study, the approach or underpinning **philosophy** of the evaluation study, and lastly the evaluation study **design** and methodology which provides the parameters for collecting and assessing data to inform the evaluation. We have tried to build on the strong elements of the various classifications summarised above and added more dimensions that we regard as relevant and useful. The focus of our proposed model is to provide a more accurate combination of **parameters**, implicit or explicit **normative or value frameworks** underlying the evaluation exercise and alternative **designs and methodologies** for evaluation. The scope of the study defines the parameters of the evaluation. The particular objectives of the study informs the choice of philosophy or evaluation approach, and while "the various approaches to evaluation are all defensible, (they are) not necessarily equally defensible in any given evaluation situation" (Rossi *et al.* 2004:26). Finally, the specific evaluation designs and methodologies employed, evaluation question(s) and data sources provide for the selection of appropriate data collection, analysis and assessment methods.

The main evaluation approaches that emerged during the last 50 years of evaluation research will be discussed below within these three categories of the proposed new classification system.

Evaluation approaches based on scope

The functional, geographic or behavioural parameters of the evaluation determine and delimit the focus of the evaluation. The evaluation may be very broad, encompassing several of the dimensions or attributes of performance listed below, as is done during a comprehensive organisational performance review. A comprehensive evaluation therefore focuses on more than one and even in extreme cases on all of the aspects of the evaluation (integrated evaluation). Alternatively, the evaluation may be focused on a particular intervention, be that a policy, a programme, a project or a product; or limited to a particular development sector (eg the economy, political, financial, technological, cultural, environmental, educational, transport, health or other sectors of a community or society), geographical area or community; confined to a particular phase or stage of an intervention (such as its inputs, resource conversion or management processes, outputs, outcomes or impacts); or focused on the performance of individual staff members within the organisation or intervention. Only organisational evaluations are, however, dealt with below.

The main evaluation approaches based on scope, are the following:

- **Community-based evaluation** focuses on a particular community, which may be geographically based, or spatially spread, but with similar characteristics such as ethnicity, interest or ideology (Conner in Mathison 2005:69-70).
- **Sectoral evaluations** evaluate different sectoral policies, programmes and/or projects like transport, education, health and welfare.
- **Geographical evaluations** evaluate the consequences of specific location-based policies, programmes and/or projects like integrated community, local government, regional, provincial or national developmental initiatives.
- **Policy evaluation** can focus on either policy process assessment (how and why policies are devised and implemented) or policy content assessment (what interventions are considered or made), or both (Owen 2006:26).
- **Programme and project evaluation** systematically investigates the effectiveness of social intervention programmes/projects in ways that are adapted to their political and organisational environments to inform social actions that may improve social conditions. (Rossi *et al.* 2004:431). Program evaluation also assesses the program results and the extent to which the program caused those results" (Wholey, Hatry and Newcomer 2004:xxxiii).
- **Product evaluation** entails the evaluation of (not the process, but) only the product against quality assurance standards. In the social context, product evaluation measures, interprets, and judges the achievements to ascertain the extent to which the evaluand met the needs of the rightful beneficiaries (Stufflebeam and Shinkfield 2007:344-345).

- **Input evaluation** assesses only the required financial, human, physical, time, information and commitment resources. It enables decision makers to examine the feasibility of alternative strategies for addressing identified needs of targeted beneficiaries to prevent failure or waste of resources (Stufflebeam 2004:338-339).
- **Process or ongoing evaluation** investigates only the implementation of the programme, including whether the administrative and service objectives of the programme are being met; whether services are delivered in accordance to the goals of the program; whether services are delivered to appropriate recipients and whether eligible persons are omitted from the delivered service; whether clients are satisfied; whether the administrative, organisational and personnel functions are managed well; whether service delivery is well-organised and in line with programme design and other specifications and whether the project runs within the projected budgetary and time frames (Rossi *et al.* 2004:56-57, 78, 171).
- Output evaluation assesses the tangible product or service produced by the intervention in terms of the quantity, quality and diversity of services delivered. It is the easiest and most straight-forward focus for evaluation.
- Outcome evaluation focuses on the positive, neutral or negative intermediate sectoral results or consequences of a project/programme (i.e. progress made towards achieving the strategic goals) (Rossi *et al.*, 2004:224-225; Chen 2005:35; Weiss 1998:8). Outcome evaluations may focus on “the individual level (changes in knowledge, skills, attitudes), organisational level (changes in policies, practices, capacity), community level (changes in employment rates, school achievement, recycling), and the policy or government level (changes in laws, regulations, sources of funding)” (Mathison 2005:287).
- Impact evaluation or impact assessment focuses on final long term multi-sectoral consequences of the project/programme (i.e. progress towards achieving the transformative vision). It determines “the extent to which a program produces the intended improvements in the social conditions it addresses” (Weiss, 1998:8). It tests whether the desired effects of the social conditions that the programme intended to change, were attained and whether those changes included unintended side effects (Rossi *et al.* 2004:58, 427; Owen 2006:255).
- **Systemic evaluation** analyses the entire system, including the effect of external factors on the system, with the aim of improving its functioning (Rogers and Williams 2006:88).
- **Integrated evaluation** such as Stufflebeam's CIPP approach, logic models and logical frameworks combines the various focus areas into an overall assessment.

- Meta-evaluation evaluates the evaluation focus, content and process as well as the evaluators themselves (Scriven in Mathison 2005:249-251). Interpretations by evaluators and others should be scrutinized by colleagues and selected stakeholders... to identify shortcomings in design and poor interpretations" (Stufflebeam interpreted by Stake 2004:215).

Evaluation approaches based on an explicit philosophy or formal substantive theory

The various philosophical/theoretical approaches to evaluation range from "a largely positivistic perspective on the one hand where quantitative approaches are used to generate clinical information about measurable and calculable behaviour patterns analysed on the basis of so-called scientific criteria (e.g. the analysis of huge quantitative datasets), to the more normative, interpretative and constructivist approaches on the other hand which prioritise the identification and generation of local knowledge, learning and use within the context of different situations and cultures (e.g. the assessments of similarities and differences between specific case studies). This broad distinction of the two polar opposites of approaches in this category classifies adherents into two camps, the quantitative or 'scientific' versus the qualitative or interpretative, the former being seen as closer to the more rigorous natural sciences and the latter closer to the more 'fuzzy' social sciences" (Naidoo 2007:31).

Some of the previous evaluation approach classification attempts distinguish between value-driven and use-driven evaluation approaches. The problem with this distinction is that all evaluations inherently entail a value judgement (good or bad, in Scriven's simple distinction) and that all evaluations are goal-directed with a particular end-use or purpose in mind. A clearer distinction in terms of the underpinning philosophy of an evaluation is theory-driven versus participation-driven approaches, where theory-driven evaluation philosophies lean towards a more scientific approach to evaluation research with the general aim to expand knowledge, while participation-driven evaluation philosophies lean towards a more applied social improvement approach to evaluation research with the general aim of development, empowerment and creating shared understanding of the programme between the evaluators, beneficiaries and decision-makers.

Theory-based evaluation entails the identification of the critical success factors of the evaluation, linked to an in-depth understanding of the workings of a programme or activity (the "programme theory" or "programme logic." Summarised in the previous category). Theory-driven evaluation is therefore 'the systematic use of substantive knowledge about the phenomena under investigation and scientific methods to improve, to produce knowledge and feedback about, and to determine the merit, worth and significance

of evaluands" (Donaldson and Lipsey 2006:67) (e.g. assessing sectoral or integrated governmental interventions to reduce poverty, unemployment, crime and insecurity, and to improve health, education, quality of life and community development). The approaches in this category are all based on an implicit 'theory of change' (e.g. how to reduce crime, poverty and disease and achieve growth and development), which links the evaluation with intended improvements in practice (Rogers and Williams 2006:77). It does not assume simple linear cause-and effect relationships, but allows for the mapping and design of complex programmes. Where evaluation data indicates that critical success factors of a programme have not been achieved, it is concluded that the programme will be less likely to succeed (Kusek and Rist 2004:10).

These evaluations can be approached in a deductive or an inductive way. The following are specialised **deductive** approaches:

- Clarification evaluation, or the assessment of programme theory (about the above examples and others), assists to clarify or develop the programme plan (Chen 2005:127); to analyse the programme assumptions and theory (Rossi *et al.* 2004:93); to determine its reasonability, feasibility, ethics and appropriateness (Rossi *et al.* 2004:55), and improve coherence (Owen, 2006:191). Clarificatory evaluation tests the deductive or inductive causal logic of the intervention, the feasibility of the design, encourages consistency between design and implementation (Owen, 2006:192). A useful approach is to draw the causal "logic model" for the intervention to provide a picture of how it is believed the intervention will work to bring about desired results through a specific sequence of activities (Kellogg Foundation 2004:10).
- Illuminative evaluation is basically the same as clarification evaluation. It assesses the significant features, recurring issues and themes and critical processes of a programme to provide a comprehensive understanding of the complex reality surrounding a program: in short, to 'illuminate' (Hamilton in Mathison 2005:191-194). In contrast to clarification evaluation which is a deductive approach from within the perspective of a specific theoretical paradigm, illuminative evaluation, however, generally follows an inductive approach.
- Realist evaluation tries to establish why, where, and for whom programmes work or fail by identifying the mechanisms that produce observable programme effects. It can also test the mechanisms as well as other contextual factors that may have caused the observed effect (Henry in Mathison 2005:359). It thus tests whether there is an unequivocal causal relationship between a programme and its outcomes to establish beyond doubt that it was the actual programme which caused the measurable change, and not some other, unidentified, variable which may not exist in another social setting (Mouton 2008).

- Cluster evaluation and multisite evaluations look across a group of projects to identify common threads and themes across such projects (Russon in Mathison 2005:66-67). Cluster evaluation tries to establish impact through aggregating outcomes from multiple sites or projects, whereas multisite evaluation seeks to determine outcomes through aggregating indicators from multiple sites. Both approaches try to clarify and verify the validity of the theory of change concerned.

Goal-free evaluation is an example of an **inductive** theory-driven approach:

- **Goal-free evaluation** studies all aspects of the programme and notes all positive and negative aspects without focusing only on information that supports the goals (Posavac and Carey 1997:23-27). The evaluator remains purposely ignorant of a program's goals, searching for all effects of a program regardless of its developer's objectives. If the program is doing what it is supposed to do, the evaluation should confirm this, but the evaluator will also be more likely to uncover unanticipated effects that the goal-based evaluations would miss because of the preoccupation with stated goals" (Stufflebeam and Shinkfield 2007:374). Conceptualised in this way, goal-free evaluation is seen as the opposite of a **deductive** theory-driven approach to evaluation.
- **Participatory evaluation** is an overarching term for any evaluation approach that involves program staff or participants actively in decision making and other activities related to the planning and implementation of evaluation studies" (King in Mathison 2005:291-294). In participatory evaluation the evaluation team consists of the evaluator (either as team leader, or as supportive consultant) and representatives from stakeholder groups, who together plan, conduct and analyse the evaluation. The degree of participation can range from shared evaluator-participant responsibility for evaluation questions and activities, to participants' complete control of the evaluation process. With shared responsibility, the evaluator is responsible for the quality of the process and the outcomes, but designing and conducting the evaluation is done in collaboration with stakeholders. In evaluations where participants control the evaluation, the evaluator becomes a coach or facilitator who offers technical skills where needed. In a sense, all evaluations have some participation from stakeholders as evaluators need to interact with stakeholders to obtain information. However, a study has a participatory philosophy when the relationship between the evaluator and the participants provides participants with a substantial role in making decisions about the evaluation process.
- **Responsive evaluation** is not particularly responsive to program theory or stated goals but more to stakeholder concerns (Stake and Abma in Mathison

2005:376-379). In contrast to pre-ordinate goal-focused evaluation where the evaluator predetermines the evaluation plan, based on the programme goals, responsive evaluation orients the evaluation to the programme activities as oppose to the goals, thereby responding to various information needs and values with appropriate methods that emerge during the course of the programme implementation (Stake in Shadish, Cook and Leviton 1991:270). Responsive evaluation searches for pertinent issues and questions throughout the study and attempts to respond in a timely manner by collecting and reporting useful information, even if the need for such information had not been anticipated at the start of the study (Stufflebeam and Shinkfield 2007:415).

- **Naturalistic, constructivist, interpretivist or fourth-generation evaluation** attempts to blend the evaluation process into the lives of the people involved by focusing on both the tangible, countable reality and the intangible socially-constructed reality (what people believe to be real (Lincoln and Guba, 2004:228). "The merit or worth of the evaluand is judged in ways appropriate to the setting, expectations, values, assumptions, and dispositions of the participants, with minimal medications due to the inquiry processes used and assumptions held by the evaluator" (Williams in Mathison 2005:271). Values are assigned a central role in the evaluation, as they provide the basis for determining merit. The values of stakeholders, values inherent to the context or setting of the situation and conflict in values are critical in formulating judgements and conclusions about the evaluand (see Lincoln in Mathison 2005:161-164).
- **Utilisation-focused evaluation** is based on the premise that evaluations should be judged by their utility and actual use. Therefore, evaluators should facilitate the evaluation process and design the evaluation with careful consideration of how everything that is done, from beginning to end, will affect its use (Patton in Mouton 2007:504). A group of representative stakeholders clarify the outcomes, indicators, performance targets, data collection plan and intended uses of the findings will be used. The group's values (not the evaluator's) thus determine the nature of recommendations arising from the evaluation (Stufflebeam and Shinkfield 2007:434, 440). Patton argues that as evaluation cannot be value-free, "utilisation-focused evaluation answers the question of whose values will frame the evaluation by working with clearly identified, primary intended users who have the responsibility to apply evaluation finding and implement recommendations" (Patton 2004:277).
- **Appreciative inquiry** focuses on the strengths of a particular organisation or intervention with the assumption that focusing attention on the strengths will strengthen them further. Appreciative inquiry is based on the social

constructivist concept that “what you look for is what you will find, and where you think you are going is where you will end off” (McClintock 2003:15).

- **Evaluative inquiry** responds to a range of decision-makers’ information needs, of which determining the worth of the programme may be one (Owen 2006:17). “Evaluative inquiry consists of collecting data, including relevant variables and standards, resolving inconsistencies in the values, clarifying misunderstandings and misrepresentations, rectifying false facts and factual assumptions, distinguishing between wants and needs, identifying all relevant dimensions of merit, finding appropriate measures of these dimensions, weighing the dimensions, validating the standards, and arriving at an evaluative conclusion” (House in Owen 2006:17). It emphasises the importance of individual, team and organisational learning as a result of participating in the evaluation process (Mathison 2005:201).
- **Critical theory evaluation** aims to determine the merit, worth or value of something by unveiling false culturally based perspectives through a process of systematic inquiry (Greene 2006:129). “The evaluation is influenced by an explicit value position that we operate beneath layers of false consciousness contribute to our own and others’ exploitation and oppressions.... As a response, critical theory evaluation seeks to engage evaluation participants in a dialectic process of questioning the history of their ideas and thinking about how privileged narrative of the past and present will influence future value judgements: (MacNeil in Mathison 2005:92-94).
- **Empowerment evaluation** uses the evaluation process to foster self-determination with the help of the evaluator coach or critical friend. The evaluator helps the group to determine their mission, take stock through evaluation tools of the current reality and to set goals and strategies based on the self-assessment (Fetterman 2004:305). The evaluator needs to capacitate stakeholders to enable them to conduct independent evaluations, thereby altering the balance of power in program context by enhancing the influence of stakeholders (Rossi *et al.* 2004:51).
- **Democratic evaluation** considers all relevant interests, values, and perspectives to arrive at conclusions that are impartial to values (House and Howe (1999) and House 2004:220). Democratic evaluation allows the multiple reality of a program to be portrayed, providing decision-makers with a variety of perspectives and judgements to consider (MacDonald 1979 in Alkin and Christie 2004:40). House (1991 1993) argues that “evaluation is never value neutral; it should tilt in the direction of social justice by specifically addressing the needs and interests of the powerless” thereby promoting social justice to the poor and marginalised through the evaluation process (Alkin and Christie 2004:41). Evaluation thus becomes a

democratising force with evaluators advocating on behalf of disempowered groups (Mouton 2007:502).

Evaluation design and methodology

Advances in social research methods since the 1950's present the evaluation field with various options in designing studies to collect and analyse data that informs the evaluation process. Evaluation research studies may adopt either a **quantitative, a qualitative or mixed-methods design approach**, as the evaluator tries to find a workable balance between the emphasis placed on procedures that ensure the validity of findings and those that make findings timely, meaningful, and useful to consumers. Where that balancing point will be will depend on the purposes of the evaluation, the nature of the program, and the political or decision-making context (Rossi *et al.* 2004:25). Rossi refers to this as the "good-enough" rule, which entails choosing the best possible design, taking into account practicality and feasibility (paraphrased by Shadish, Cook and Leviton 1991:377).

While a particular evaluation approach such as the classic experimental study may be ideal, it may not be feasible. Lee Cronbach concluded in 1982 that "evaluation studies should be judged primarily by its contribution to public thinking and to the quality of service provided subsequent to the evaluation... An evaluation should inform and improve the operations of the social system with timeous feedback (not necessarily perfect information)" (Rossi *et al.* 2004:23-24). Given the advantages and disadvantages of different approaches, the OECD argues for "the use of a plurality of approaches that are able to gain from the complementarities in the information they can provide" (OECD 2007:24). Different research methodologies may be applied in different evaluation designs. Only the main evaluation designs that are applicable to evaluation studies are summarised below. This might exclude more technical research methodologies.

Quantitative evaluation approaches normally take the form of experimental designs. An **experimental design** advocates "a social experimental approach to reform where social programmes are retained, imitated, modified or discarded on the basis of apparent effectiveness on the multiple imperfect criteria available" (Rossi *et al.* 2004:23-24). When a clear statement of the program objective to be evaluated has been formulated, the evaluation may be viewed as a study of change. The program to be evaluated constitutes the causal or independent variable, and the desired change is similar to the effect or dependent variable... the project may be formulated in terms of a series of hypotheses that state that activities A,B and C will produce results X, Y and Z (Stufflebeam and Shinkfield 2007:277,281).

- **Classic experimental design** entails the random assignment of subjects to treatment and non-treatment conditions, and the pre- and post measurement of both groups. The impact of programmes is determined by comparing the outcomes of the groups to determine whether the intervention has produced the desired outcome (Mouton 2007:495; OECD 2007:22).
- **Quasi-experimental evaluation** attempts to overcome the problems with randomly assigning participants to interventions in real life – as opposed to laboratory conditions (Mouton, 2007:495). The term ‘quasi-experimental’ refers to approximations of randomised experiments and while their control of internal validity is not as reliable as true experimental design, they nevertheless provide valuable answers to cause-and-effect questions (Campbell in Shadish, Cook and Leviton 1991:120; Mark and Henry 2006:323). The validity of the quasi-experiment may be undermined by historical or seasonal events, maturation of the subjects, the effect of the test or instruments used on the subject’s behaviour, attrition of subjects from the programme and statistical regression that would have occurred naturally without any intervention (Reichardt and Mark 2004:128-129). Forms of quasi-experimental designs include pretest-posttest non-equivalent comparison group design, pretest-posttest no comparison group design, interrupted time-series designs, comparison group designs, and regression-discontinuity design where the conditions for being part of the experimental group is known and therefore ‘controllable’ (see Reichardt and Mark 2004).

Qualitative evaluation approaches are non-experimental approaches. They focus on the constructed nature of social programmes, the contextuality of social interventions and importance of focusing on processes of implementation, in addition to assessing programme outcomes and effects (Mouton 2008).

“Understanding the quality of the program requires understanding program activities in considerable detail. The measurement of outcomes and impact ... is often simplistic and of low validity” (Cronbach interpreted by Stake 2004:215).

Qualitative evaluation answers ‘why’ and ‘how’ questions (Wholey 2004:269). It is ideal when non-causal questions form the basis for the evaluation, when contextual knowledge, perspective and values of the evaluand is required before finalising the evaluation design, when the focus is on implementation rather than outcomes, when the purpose of the evaluation is formative, when it is important to study the intervention in its natural setting by means of unobtrusive measures (Pierre 2004:151; Mouton 2007: 497).

- **Case study evaluation** approaches see the evaluator analysing the goals, plans, resources, needs and problems of the case in its natural setting (as opposed to imposed experimental conditions) to prepare an in-depth report on the case, with descriptive and judgemental information, perceptions of

various stakeholders and experts, and summary conclusions (Stufflebeam and Shinkfield 2007:309-310). In the case study approach, the evaluator seek patterns of data to develop issues, triangulates key observations and bases for interpretation, selects alternative interpretations to pursue and develops assertions or generalisations about the case (Stufflebeam and Shinkfield 2007:314-315). Success case method compares the experiences of successful and unsuccessful participants to identify key factors that allowed successful participants to benefit from a particular intervention (Brinkerhoff in Mathison 2005:401-402; Rogers and Williams 2006:88).

- **Participatory action research** combines the investigative research process with education of less powerful stakeholders and subsequent action on the research results. The cycle starts with observation and reflection, which leads to a plan of change to guide action. The approach is best suited to action-orientated evaluation questions. (Rogers and Williams, 2006:83,84)
- **Grounded theory** provides an open-ended evaluation design where the evaluator's inductive sensitivity, ontology and epistemology is the preferred methodological paradigm (Auracombe 2009). Grounded theory is particularly helpful in goal-free evaluations where it assists in developing substantive theoretical propositions and extrapolations from the classification or coding of empirical data that might lead to theory building or change, rather than the testing of a theory as happens in a deductive theory-driven approach to evaluation.

CONCLUSION

Programme evaluation is a relatively recent applied research activity. It developed from different scholarly disciplines of which the policy sciences and social research methodology traditions had the most direct impacts on the development of this field of endeavour.

Due to the complexity of evaluation studies in practice, evaluation studies do not take "one" single approach to evaluation. Past attempts to classify different approaches to evaluation have not succeeded in accurately identifying the nature and most appropriate clustering of competing approaches. Such classification is necessary to enable evaluators to understand the different approaches to evaluation and also how they relate to, overlap or differ from one another.

The three revised categories of evaluation approaches proposed above is an attempt to improve the current state of evaluation approach classification, are not water-tight distinctions. In the summaries of these approaches it is clear how some are mutually exclusive, others overlap and many are related

or complementary. Dahler-Larsen views the diversity in approaches as an asset, as it sparks constant debate and new practices to new and old problems (2006:157). It also reinforces the holistic complexity of the social phenomena that we try to understand, and the fact that our current measuring instruments are still primitive and only able to provide us with approximations of the real nature of these phenomena.

In order to get the most accurate perspective of whatever we are trying to evaluate it is necessary to consider and apply different approaches. Thus, an outcome evaluation study may take a participatory approach to clarify the multiple aims and intended uses of the evaluation results, followed by a more theory-driven approach in the summative evaluation to determine whether the predetermined goals were reached as well as identifying potential unintended consequences. The nature of the evaluand will determine the appropriate quantitative or qualitative data gathering techniques, which will inform the design of the study in addition to the stated goals of the evaluation. As the different approaches emphasise different aspects of the evaluand, it can be argued that a combination of approaches will provide 'richer' evaluation data through a multifaceted evaluation focus. However, each additional approach implies more resources (including time) to bring it to fruition. It is the task of the evaluator to select the most appropriate balance of approaches to ensure the most accurate evaluation results within the limited resources available.

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Addressing learning needs in public management:

The value of sustainable partnerships between higher education and public sector institutions in South Africa

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ABSTRACT

The growing demand among learners for improved accessibility and convenience, lower costs and direct application of content to work settings is steadily changing the environment for higher education – both in South Africa and globally. With the challenges of a global, knowledge-based economy, traditional academic institutions are attempting to adapt purposes, structures and programmes, and new partnerships are emerging in response. Partnerships between higher education and public sector institutions will aid public service regeneration. There is a need to share knowledge, skills and expertise, as well as to build structured and sustainable relationships, directed toward addressing learning needs in public management.

The South African public sector has frequently been criticised for poor service delivery. It can be argued that a lack of effective and efficient human capacity contributes towards a failure to deliver quality public services. As an endeavour to improve public service delivery, partnerships between higher education and public sector institutions can be considered an important building block to address learning needs in public management.

This article explores impediments to effective partnerships between higher education and public sector institutions and suggests areas of

focus for such partnerships to make sustainable contributions toward addressing learning needs in public management. Consequently, it aims to highlight the capacity for partnerships to unlock value retained within these institutions, thereby collaboratively contributing to improved service delivery through appropriate public management programmes.

INTRODUCTION

In a highly globalised environment, the information age has necessitated a transformation in governance processes within higher education and the public sector. It challenges higher education and the public sector to revisit issues, such as management of knowledge and learning needs. This article argues that the higher education-public sector partnership model enables both higher education and public sector institutions in South Africa to have a greater response to new educational demands and opportunities at both national and international levels. Therefore, partnerships between higher education and public sector institutions are crucial in developing open system disciplinary approaches and programmes that focus on leadership, technology, culture and values, as well as learning and assessment. Integrated national plans between the partners must be responsive to capacity building to stay ahead in education and training within globalised working conditions.

While a partnership approach can be considered - imperative, impediments to effective partnerships must be noted. Effective partnerships can be hindered by insularity in higher education and the public sector. Within this paradigm both sectors pursue their own institutional goals to the detriment of holistic and integrated development of academic programmes in public management. Notably, a complexity of challenges underpins the facilitation of processes to create, apply, share and renew knowledge to enhance higher education and public sector performance. Sharing capacity within the partnership is crucial to address challenges such as commitment, sustainability and an endorsement of significant partnerships to ensure an improved public sector (Diamond 2006:283).

New skills and competencies necessary to deal with transformation and diversity have challenged individuals' employability. Innovative practices for employability require partnership planning of programmes to meet the skills and knowledge required for effective and efficient public service delivery. Knowledge transfer, management and dissemination are integral rationale for such partnerships.

Explicitly recognising education as an asset in a knowledge-based society requires both higher education and the public sector to endorse the need

for transformation in order to address learning needs in a sustainable and proactive fashion. Without a common focus, as well as a strategic approach to transformation management, transformation can become a secondary objective. Therefore, it is imperative to establish sustainable structures for cooperative decision making on public management teaching, learning and research. This will help ensure open learning in an open system public management system (Maddock 2002:15).

THE CASE OF SOUTH AFRICA: IMPERATIVES FOR CHANGE

While South Africa has had years of political democracy, processes of transformation are still underway in higher education and the public sector. South Africa still faces major challenges in respect of good governance, administration and embracing trends in globalisation.

Politicians, practitioners and academics argue that the complexity of problems in South Africa require explicit collaboration between higher education and public sector institutions, since these institutions do not have the capacity to individually address problems relating to effective and efficient public service delivery. While such partnerships can give impetus to addressing learning needs in public management, direct and sustained support from Government is necessary for success (Garrick, Chan and Lai 2004:332). Government policy to promote lifelong learning can lead to partnerships between higher education and public sector institutions in continuously providing new and relevant skills and knowledge.

Processes of transformation have made it necessary for public administration to shift from the systemic limitations of a dominant generic administrative process (McLennan and FitzGerald in Schwella in Wessels and Pauw 1999:342) to a more contextualised approach that takes environmental or contextual factors into account. In support of this, Gildenhuys (in Schwella in Wessels *et al.* 1999:343) emphasises the development of knowledge and skills in, among others, policy analysis, values, moral integrity, ethics and public management. Schwella (in Wessels *et al.* 1999:345-346) further stresses that cognisance must be taken of the political, social and economic context of public administration within a society. The quest is for real transformation, which requires sustainable collaboration between higher education and public sector institutions through partnerships.

Any attempt to focus on planning and co-ordination, promotion of articulation and mobility, and the effective evaluation of quality and efficiency within higher education and the public sector, necessitates constructive engagement (National

Commission on Higher Education 1996). While policy has focussed on the enabling mix of quality and expertise of human capital from both institutions to develop, implement and manage knowledge in this regard, the creation of learning environments through such partnerships remains an imperative. The orientation toward cooperative partnerships requires participatory structures and procedures fostering teaching, learning and research in public management to not only be established, but also to be functional. However, while the Education White Paper 3 (1997) acknowledges structural impediments to cooperative partnerships, inadequate progress is still evident in respect of identifying and overcoming such impediments. The lack of constructive interaction impacts on relevant knowledge generation that is appropriate to emerging national and global trends in public management.

Higher education institutions in South Africa are currently undergoing transformation because of the increasing demand among students for better accessibility, direct application of content to work and exposure to communication and learning technologies (Higgins 2007:269). In addition, ineffective management in many public sector institutions has negatively impacted on the successful delivery of services. It is argued that these diverse challenges can be addressed by forming partnerships that would be more responsive through collaborative endeavours than individuals would be able to.

Higher education institutions have for many years focussed on serving the educational needs of students toward preparation for a lifetime of work (Higher Education Act 1997). Currently, higher education institutions offering public management as a discipline are challenged to prepare students for a lifetime of learning so that they can contribute toward effective and efficient public service delivery. These trends compel higher education and public sector institutions to widen their roles through the collaborative development of public management programmes that accommodate different demands.

The effectiveness of these cooperative relations lends support to the relevance of public administration in a post-democratic South Africa. The public administration environment, which is increasingly based within the context of a global, knowledge-based economy, is forced to meet new conditions and to take advantage of emerging trends that have created opportunities and threats for both institutions. Experimentation with structure, form and process is needed to implement changes.

RATIONALE FOR ADOPTING THE PARTNERSHIP MODEL

Higher education institutions offering public management programmes are viewed as portals of expertise and knowledge amidst a dynamic environment.

Research is undertaken and programmes are offered within the context of relevance and applicability in the workplace.

In South Africa, an inefficient public sector workforce is a constant criticism. By targeting the specific challenges experienced in the public sector, higher education institutions can direct their expertise in the form of academic knowledge for wider use. In this regard, meaningful partnerships require outreach work based on academic programmes that do not only focus on the goals and functions of public sector management, but also employ work-based learning. In doing so, the partners can identify mutual areas that need to be focussed on.

Further, the partnership model necessitates concerted efforts of engagement in activities that are mutually beneficial, with partnership outcomes greater than individual outcomes. However, the needs of the partners, the problems that require attention and the exploration of new ideas require careful consideration. Ultimately, the opportunity to build capacity can be harnessed.

IMPEDIMENTS TO EFFECTIVE PARTNERSHIPS

In the South African context, the New Public Management Movement places a great demand on bringing about change in public service delivery. An important consideration for transformation is ensuring that employees in the public sector have the requisite skills and knowledge to deliver public services effectively and efficiently. Partnerships can play an important role in this regard. Any attempt to drive the process requires an exploration of the impediments to effective partnerships in addressing learning needs in public management.

Maddock (2002:14) contends that there is a need for sustained and proactive endorsement of modernisation at all levels of Government. It is necessary to support the transformation of public services, with proper understanding of the need for transformation and the acceptance of new priorities in public management. This endorsement needs to be reciprocated within higher education and public sector institutions as an impetus for effective partnerships, managing learning needs in public management. Therefore, it is important to realise that without a common focus on transformation and a strategic approach to transformation management within the realm of developing appropriate public management programmes, transformation will not be considered as a primary area of focus (Crous in Kuye, Thornhill and Fourie 2002:180).

When considering a country like South Africa, transformation within higher education and public sector institutions often neglects or underestimates the institutional and bureaucratic realities such as scarce resources, controlling management styles, unethical conduct and the power struggle between bureaucrats within existing institutions (Vil-Nkomo in Wessels *et al.* 1999:87).

This suggests that without strategic investments and commitment toward acknowledging such realities, transformation may be blurred by incremental change in the short to medium term. Effective partnerships must be supported by best practice that is not an end or a final solution, but through constant development of the best practice, it is made relevant to the public sector (Vil-Nkomo in Wessels *et al.* 1999:88). While transformation is a daunting challenge that mandates a partnership approach, partnership priorities must be precise and practical to achieve the desired outcomes. A partnership approach, while deemed an excellent vehicle toward addressing learning needs in public management, has to take cognisance of the South African context and the realities of our time.

It can be argued that the insularity of higher education institutions in curriculum planning and development is not uncommon. Any endeavour to lay a common foundation for a dynamic public sector requires constructive communication between higher education institutions. The sharing of expertise in developing learning outcomes and assessment criteria commensurate with national and global imperatives is vital for a common commitment to academic excellence and effective public sector delivery (Hagen 2002:210). This consideration requires particular attention, even though higher education institutions have scope to design educational offerings to realise their different missions, visions and plans (Higher Education Qualification Framework 2007:5). It is therefore important to note that effective partnerships among higher education institutions preclude effective partnerships between higher education and public sector institutions. In this regard, Maddock (2002:16) concurs that without dialogue, stakeholders will continue to speak from their own island of thinking and experience without making sense of each other's roles. Therefore, a need exists for the partners to constructively create opportunities for cooperative decision-making on teaching, learning and research needs.

While the acquisition of a plethora of knowledge continues to be important, the capacity to learn continuously and adapt to new conditions and learning needs will increasingly be the standard against which performance in the public sector will be measured (Lundvall and Borrás 1997 in Jorgensen 2004:94). Much of this depends on the ways in which people think and learn. This requires the public sector to be receptive to open learning principles in a flexible learning system. The activation of this receptiveness hinges on the capacity of partnerships to tap into "tacit knowledge" (Jorgensen 2004:94). This adds a dimension of risk taking, since change highlights and promotes the need to support risk takers. It may appear to be a contradiction that while higher education and public sector institutions may be risk averse, innovation in practice, management and public service delivery is by its nature, a risk (Diamond 2006:284). The extent to which risk is identified and accommodated is an important consideration.

Obstacles to achieving the expected outcomes of higher education and the public sector can significantly affect successful partnerships. Changing organisational expectations, lack of available time, inadequate in-depth research and analysis and lack of tangible outcomes can impact on the achievement of outcomes. Edmund, Hillier and Price (2007:173) argue that in the public sector, organisational aims take precedence over workforce development, thereby creating aims that are incompatible between higher education and public sector institutions. In light of this, the lack of consensus in identifying common outcomes considered to be of priority, can impede an effective partnership.

Differing and incommensurate desired outcomes can create difficulties within the partnership. In this regard, research by Henderson, McAdam and Leonard (2006:6) concluded that in the absence of established research-based outcomes for the academic side of the partnership, and action-orientated outcomes for the public sector side of the partnership, reconciling the outcomes becomes increasingly difficult. Gustava and Clegg (1995 in Henderson *et al.* 2006:7) add that methods of integrated working must be developed over time so that opportunities are created for shared learning and practitioner reflection within the partnership, rather than relying on pre-planned interventions.

There is little doubt that employability remains high on the agenda of higher education institutions. Yet, despite evidence of innovative practices to foster employability, it remains a problematic area. While there is sound rationale for connecting higher education and public sector institutions in addressing this problem, accessing evidence of constructive efforts in this regard is a challenge. While it is an expectation, there is no requirement for universities to offer programmes that meet public sector skills or workforce planning needs. The "desegregation" of academic management (Rae 2007:606) whereby individually planned academic units are not integrated with support services like career counselling, guidance services or when work experience is possibly organised from within a range of academic departments, can be barriers to integrated employability provision. Employability as a learning outcome must be the result of cumulative learning from courses together with parallel development *via* wider contextual learning. In this regard, Rae (2007:607) views employability as a product of a whole higher education experience combined with interactions with the workforce. If higher education and public sector institutions are not collaboratively giving attention to this, then employability is not comprehensively being given the expected consideration.

While higher education may provide the components of an employability programme, there has to be coherence and integration in the management and organisation of the programme within the institution as well as between the institution and the public sector. Rae (2007:608) attributes the failure of this to the lack of a direct need to relate programmes to employer demand and non-

involvement of employers in programme validations to ensure that academic standards meet employer requirements.

In the absence of definitive policy regarding the establishment of partnerships between higher education and public sector institutions as an imperative, coordinated strategic alliances have been affected. Government needs to clearly define roles and responsibilities of partnerships in an endeavour to establish and sustain such partnerships. Without an integrated strategic approach by partnerships to link learning needs to improved public service delivery, the scope for effective partnerships is inhibited (Hagen 2002:206). Furthermore, the problem of fragmented and uncoordinated approaches to addressing learning needs can be exacerbated. Effective partnerships, if seriously concerned with addressing learning needs, must be underpinned by structured and coordinated approaches guided by policy.

AREAS OF FOCUS FOR EFFECTIVE PARTNERSHIPS

In a developing country such as South Africa, both higher education and public sector institutions have been affected by core competencies, which have evolved and changed in a number of ways as a result of changes taking place at national and global levels. Public sector competency has to be strengthened by developing a sense of direction for the public service that takes into account its environment and global position in a realistic manner (Bertucci in Rosenbaum and Kauzya 2006:281). The quality of public service delivery has a significant relationship to the quality of governance. Similarly, the competency of higher education in meeting public sector needs must be developed against the dynamic environment of the public sector.

Transformation toward effective public service delivery requires strategic investment in human resources as well as a commitment to innovation (Vil-Nkomo in Wessels *et al.* 1999:88). While many higher education institutions may have strategic documents that make their partnership intentions clear, there does not appear to be any specific implementation documents addressing partnerships that specifically address learning needs in public management. In this regard, higher education and the public sector institutions have a critical role to play by collaboratively engaging in relevant skills development and the production, acquisition and application of new knowledge (*Education White Paper 3* 1997). The identification of scarce skills and strategies for the retention or development thereof is a vital area of focus.

Partnerships must include an enabling environment to give effect to development. The concept of a “learning organisation” (Jorgensen 2004:96) can be adapted to “learning partnerships” where shared knowledge, teamwork

and collaboration create the opportunity to capture and share learning. Learning partnerships not only facilitate learning within the partnership, but also the transfer and dissemination of learning beyond the partnership. Establishing good practice with regard to a learning culture within the partnership is not just a question of addressing learning needs, but ultimately readiness and willingness to engage in supporting learning. For instance, Patterson (1999:10) states that the transformational nature of learning requires partners to be proactive in their environment rather than merely reacting to the environment. In this respect, if higher education and the public sector are to adapt to a rapidly changing public management environment context, then new knowledge necessary for learning to take place, requires its application to improve performance. The pace at which this is currently taking place needs to be aligned to the new learning needs in a rapidly changing public environment.

Given that partnerships can be characterised by a vibrant and challenging intellectual community, it can serve as a platform for continuous evaluation of the public sector and analysis of approaches to public administration. However, any concerted effort in exploiting this opportunity is rarely evident. Rosenbaum (in Rosenbaum *et al.* 2006:150) notes that a community of excellence, based on a commitment to diversity, research and advancement can make a significant contribution to educational excellence. Some of the challenges in creating such communities include time, creativity and major investments in human and financial resources. Overcoming such challenges is a difficult task, but any endeavour to embrace partnerships as communities of excellence is a valuable one.

The Higher Education Qualification Framework (2007) guides higher education institutions to address holistic transformation in serving a new social order. It is crucial that the implications of the new framework for integrating all higher education qualifications into a single coherent and coordinated higher education sector within the National Qualification Framework, is not underestimated by higher education and public sector institutions. Given the challenges of diversity and its impact on performance, the effectiveness of curriculum and course design cannot be taken for granted, if the key role-players continue to operate distinctly from each other in this regard. It is imperative that a diverse range of educational expertise that can lead, design and implement educational processes (Scott, Yeld and Hendry 2007:19) is collaboratively engendered between higher education and public sector institutions. Addressing learning needs necessitates improving the effectiveness of educational processes as well as investing in capacity building to achieve this. In fulfilling their public obligations, partnerships need to recognise this as central to development. In doing so, partnerships can make a valid contribution to developing diverse and innovative public management programmes within the common parameters

and criteria provided by the new qualifications framework. Opportunity is created for revisiting the fundamental purposes of teaching and learning within the context of transformation, rather than merely reforming programmes in line with qualification requirements in a *laissez-faire* way (Griessel, Louw and Swart 1995:330). There can be little doubt that a well-developed partnership context is significant toward satisfying learning priorities within public management programmes in the spirit of globalisation and diversification as articulated in the Higher Education Qualification Framework (2007).

The growth in new knowledge has placed enormous resource pressure on individual higher education institutions trying to remain at the leading edge in their programmes. Public institutions are also experiencing similar pressure. Partnerships enable the sharing of expertise and resources between higher education and public sector institutions. This creates opportunities for the critical questioning of existing practices and procedures and in piloting new ideas. Knowledge transfer, knowledge management and dissemination are integral rationale underpinning such partnerships where there is a deliberate focus on powerful learning environments, skills production and realistic learning outcomes. Consequently, the rapidly changing nature of the public management environment and the rate at which knowledge can become outdated cannot be ignored (Kroukamp 2006:226).

It is intended that partnerships activate lifelong learning as a continuum rather than adopt “just in time” training geared to short-term learning (Jorgensen 2004:96). Against the backdrop of transformation, modern workforces need to be skilful at continuously creating, acquiring and transferring knowledge while taking advantage of new knowledge. The development of a culture of high quality lifelong learning requires a universal acceptance that skills development is an investment rather than a cost. This acceptance must be supported by systems and practices of learning that appropriately address the increasing demand for high level, up-to-date knowledge and skills. However, there continues to be widespread criticisms of inadequate and ineffective development in this regard. The Ministerial Committee Report of the South African Management and Development Institute (2007) identified the inability to retain competent employees, as well as ineffective management of performance as two of the challenges facing the public sector. In a country affected by low productivity and poor management capacity, attention must be given to problems of mission and purpose, criteria for appropriate competence and learning structures (Wessels in Kroukamp in Rosenbaum and Kauzya 2006:230).

Essentially, Public Administration as a discipline requires skills in logical argumentation, critical analysis and the understanding of meaning. It is common practice to interact with different sources that require different methodological skills. This necessitates higher education and their public sector partners to be

equipped with a wide variety of methodological skills to “exploit sources in an effort to obtain valid knowledge on specific objects of inquiry” (Wessels in Wessels *et al.* 1999:375). The implication is that effective partnerships are therefore dependent on the appropriate application of methods, skills and techniques used for knowledge development within a wide, complex and ever-changing public sector (Mouton in Wessels *et al.* 1999: 375). Furthermore, the management of innovation and information requires competencies in communication, decision-making, teamwork and systems thinking. A deliberate endeavour to develop capacity within the partnership in this regard requires consideration if the partnership is striving toward sustainable development.

There is frequent reference to the compulsion of higher education and public sector institutions to demonstrate public accountability. However, to accord credibility to the role of such a partnership in making the public sector responsive to national and global needs, a framework of partnership accountability needs to be established. In the absence of this, notable problems of implementing accountability will persist. Research has found that a quality partnership should be based on capability, commitment and compatibility (Hagen 2002:205). These attributes give impetus to being more innovative in anticipating needs, more reliable in meeting expectations and better able to achieve accountability for appropriate learning.

Formal practices of monitoring and evaluating expected outcomes of the partnership are crucial in determining the impact, quality and relevance of the partnership in addressing national and global needs. It can be argued that while monitoring and evaluation are important, emphasis should be placed on adopting frameworks, which connect with innovators within the partnership trying to establish new practice realities. Maddock (2002:33) notes that the tendency to do evaluations ahead of development and to search for outcomes and indicators before they have time to develop, often obscure innovation. If monitoring and evaluation do not develop a transforming approach, then opportunities for developing emergent practices through partnerships can be distorted. The possibility of online availability of work undertaken by these partnerships means that the public, students and academics can scrutinise their contributions and make recommendations for improved partnership performance.

There are continuing arguments that graduates are becoming increasingly unemployable because of the gaps between employer requirements and the skills and attributes presented by graduates (Kroukamp 2006:235). While employability related activity should become part of the “core” academic provision for public management, students should be enabled to recognise the importance of their skills development in employment. Herein lies the need for partnerships to recognise diverse learner needs and associated challenges in designing public management programmes, in an attempt to re-evaluate the role

of employability and the way in which this is managed within the relationship between higher education and public sector institutions.

Transformation inspired by a vision of a people-driven public administration characterised by quality, high ethical standards and professionalism, largely depends on fulfilling learning needs in a dynamic public service environment (*White Paper on Public Service Training and Education* 1997). If the public service is to function within the realm of international best practice, then an overarching policy framework is needed to provide clear guidelines for higher education and public sector partnerships. This can ensure coordinated workflow between the partners, which is responsive and appropriate to learning needs in public management. Such a policy can also make it mandatory for continuous research on specific generic skills required in the public sector as well as the availability of a database relating to results. In the absence of this, information sharing and dynamic interchange is inhibited. The curriculum of public administration can only earn employability relevance if higher education and public sector institutions consistently interact to amend learning outcomes. In doing so, they can redress obsolete areas of curriculum focus, thereby ensuring learning needs relevant to the public sector. This will not only improve the responsiveness of higher education to present and future public management needs, but it will also inform all stakeholders of the need for transformation, diversification and sustainability within the public sector.

The interactive process between higher education and the public sector should be reflected in a higher education/public sector plan. The plan must provide a framework that could focus on (Barnes and Phillips 2000:183):

- establishing formal structures for the partnerships,
- capacity building of the partners,
- capacity building of graduates,
- capacity building of under-graduates,
- monitoring and evaluating the effectiveness of the partnership
- promoting partnership goals, and
- quality assurance.

The relevance of the plan requires extensive consultative and negotiation processes between higher education and public sector institutions. Herein lies a major challenge for establishing effective and sustainable partnerships.

Research plays a key role in the production, development and dissemination of knowledge. It can be argued that higher education is an important starting point for basic research as it is a nurturing ground for intellectual development and international collaboration. *The Education White Paper 3* (1997) alludes to the lack of capacity, distribution and outcomes of research in the higher education system. In particular, research specifically directed at determining

learning needs in public management, must be undertaken between higher education and public sector institutions, since it is an important mechanism for developing appropriate learning capacity. The lack of any deliberate attempt toward the development of a research culture in this area requires attention.

Experiential learning has earned great advocacy in the principle of students applying knowledge and skills in real work situations. An important benefit that can be noted is the access by public management students to information communication technologies used by public sector institutions. However, the implementation of experiential learning requires a structured approach negotiated between higher education and public sector institutions. Currently, much evidence points to the uneven spectra of practices with regard to the management and integration of experiential learning in the workplace, both within and among higher education institutions. This raises concern about the value and impact of such experiential learning programmes. With a specific intention of creating an effective and efficient public sector, it is important that higher education institutions not only share best practice on experiential learning in public management among themselves, but that they also incorporate the public sector in the planning and coordination of their experiential learning programmes. An understanding of experiential learning within the National Qualifications Framework as well as the responsibilities of the respective role players in experiential learning must underpin this. Public sector institutions have an obligation to afford students opportunities to develop and apply the academic knowledge gained at higher education institutions to relevant problem areas in the public sector. Accessibility to the public sector for experiential learning is currently a challenge for many higher education institutions. A regulatory framework for experiential learning should be developed not only for higher education institutions, but also for the public sector. The quality management of experiential learning must be emphasised within the partnership to avoid a fragmented and unstructured approach.

The environment of demand-led learning emphasises the urgency to close the gap between subject-based higher education programmes and public sector needs. In this regard, Dealtry (2008:287) contends that good design and quality delivery of learning programmes require prioritisation. In the context of effective public service delivery, effective partnerships can give impetus to developmental thinking, integrated curriculum programme designs and new learning and knowledge innovation necessary for an effective public sector in a global environment. Achieving greater coherence between higher education programmes and public sector needs continues to be seen as an important catalyst for creative partnerships.

A major shift away from supply driven and input based learning requires an outcomes based approach whereby measurable competencies needed for the

performance of tasks are identified. The design of effective public management programmes must reflect on the acquisition of skills and knowledge to make learning relevant. The development of an outcomes based model arising from collaborations between higher education and public sector institutions, can form an important basis for evaluating the effectiveness of higher education programmes for public service delivery. An outcomes based model can also be strategically linked to the broader plans for institution building and transformation (*White Paper on Public Service Training and Education 1997*). An outcomes based model will assist higher education institutions in designing creative public management programmes within the context of uniform outcomes applicable throughout the public sector. The facilitation of processes to give effect to the implementation of this approach, requires concerted efforts from both higher education and public sector institutions.

IMPERATIVES FOR SUCCESSFUL PARTNERSHIPS: THE TEACHING COMPANY SCHEME AS AN EXEMPLAR

The necessity for partnerships to manage knowledge creation, innovation and dissemination as a result of the challenges created by a volatile and globally competitive knowledge focussed society, has forced both higher education institutions and the public sector to move away from being autonomous, self contained institutional systems.

Hagen (2002:214) analyses a university, industry and government partnership scheme in the United Kingdom as an exemplar to inform the imperatives for successful partnerships. Although private industry is part of the partnership, the areas contributing to success can be applicable to the public sector.

The success factors identified by Hagen (2002:214-215) are summarised below.

- Compatibility – strategies between the partners can be accomplished if the relationship is workable.
- Capability – partners need to identify complementary strengths and weaknesses, while operational capability in respect of competencies and resources must be evident.
- Commitment – partners must be willing to commit their time and resources to managing the partnership.
- Control – regular contact ensures that control is shared, without any one partner becoming dominant.
- Knowledge creation and dissemination – knowledge management first requires the application of formalised knowledge from the higher education institution to be applied to meet the specific needs within the public sector.

Since no prescriptive knowledge can be applied, improvised knowledge emerges, which is important for the transfer of knowledge from the generic base of the higher education institution to the specific needs of the public sector.

Hagen (2002:217) argues that the resultant learning is largely achieved through the commitment of resources, governance structures and the transfer from generic to specific knowledge.

The Teaching Company Scheme clearly shows that policy driven partnerships will not automatically produce successful results. Hagen's (2002:217) analysis demonstrates the importance of partnership selection, strategy implementation and the role of the individual partners. If higher education and public sector institutions are to achieve the objectives of their new transformational approach in addressing learning needs in public management, then an in-depth understanding of the complexities involved, the resources needed and the adoption of a long-term strategic approach is imperative (Hagen 2002:217).

CONCLUSION

Global and demographic trends invoke a need for learning that extends beyond immediate needs. It should be clear that addressing these needs requires a lifelong approach, which can be addressed by higher education and public sector partnerships. It seems reasonable to assert that commitment, clear understanding of roles and a sustainable approach to partnerships is integral to achieving the goals of a structured higher education and public sector partnership.

The successful implementation of the agenda of the partnership requires not only institutional change and structures, but also more creative and flexible investment in institutional and lifelong learning. It is vital that learning opportunities include the integration of knowledge and skills into the learners' practice. Partnerships between higher education institutions and the public sector are crucial vehicles for sustaining learning within the framework of evolving skills and competencies.

It is important to note that partnerships that link learning with public sector development are useful as they provide a basis for developing the necessary skills base. However, they need to be underpinned by clear authority, trust, open communication and teamwork. A successful partnership will not only provide appropriate learning opportunities, but will also provide the basis for delivering high quality learning necessary for effective and efficient public service delivery.

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Governance for Sustainable Development:

The Role of PALAMA and Higher Education Institutions in South Africa

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ABSTRACT

The South African public service is confronted with the challenge of equipping itself to meet the needs of a developmental state that seeks to promote sustainable growth and development, reduce poverty and inequality, and improve the quality of life of all citizens. Concerns about its ability and capacity to rise effectively to this challenge led to the appointment in 2006 of a Ministerial Committee (MINCOM) to assess the role and performance of the then South African Management Development Institute (SAMDI), as well as higher education institutions (HEIs) in the provision of public service education and training. The MINCOM report identified a number of serious weaknesses in the existing arrangements, and proposed that SAMDI be reconstituted as a new Academy with a new vision and mandate, and charged in particular with the responsibility of forging a much more collaborative relationship with HEIs than had existed in the past. The new Public Administration Leadership and Management Academy (PALAMA) was launched in August 2008.

Through a detailed review of the literature and documents relating to public sector training and education in South Africa, this article explores the role and performance of SAMDI and HEIs in the period since 1994, and analyses the challenges that are likely to be faced by PALAMA, HEIs and other stakeholders in meeting the education and training challenges of a sustainable developmental state. The study is contextualized through

a broader and more general overview of the role and functions of higher education institutions in promoting sustainable development, as well as debates concerning the nature and role of public sector education and training.

INTRODUCTION

“Making development sustainable means moving beyond a narrow, albeit important, concern with economic growth *per se* to considerations relating to the quality of that growth. That is, ensuring that peoples’ basic needs are being met, that the resource base is conserved, that there is a sustainable population level, that environmental and cross-sectoral concerns are integrated into decision-making processes, and that communities are empowered... Sustainable development needs to be at the very heart of South Africa’s development programme, as it places many of these concerns, and in particular meeting basic needs, at the centre of the agenda of the growth process itself” (Munslow, Fitzgerald, and Mc Lennan 1997:3-4).

There is increased recognition around the world that the manner in which a country is governed has a direct bearing on the overall development and sustainability of its people and resources. Governance for sustainable development relates directly to how societies and institutions choose options and reach decisions that affect the future and well-being of a nation and its people. The creation of an appropriate governance system to promote sustainable development, together with an efficient, effective and accountable public service to support this, is one of the greatest challenges facing developing countries today.

There is a general consensus that education is one of the fundamental requirements for the achievement of sustainable development. This was emphasised at the Earth Summit in Rio de Janeiro in 1992 and was further underscored at the World Summit on Sustainable Development (WSSD) held in South Africa some 10 years later. Three years later, in 2005, the United Nations General Assembly adopted the “Decade of Education for Sustainable Development January 2005–December 2014” with the intention of providing a framework for the improvement and integration of education for sustainable development. Events such as these have placed the role of education and training institutions under the spotlight. In particular, they raise important questions concerning the role of schools and institutes of administration in absorbing the theme of “sustainable development” into the development of education and

training programmes that can contribute towards the practical achievement of a sustainable future.

The first point of departure may be to ask the question: "What is education for sustainable development?" Responding to this question, Rebello (2003:4) suggests that it is "a dynamic concept that utilizes all aspects of public awareness, education and training to create or enhance an understanding of the linkages among the issues of sustainable development and to develop the knowledge, skills, perspectives and values which will empower people of all ages to assume responsibility for creating and enjoying a sustainable future." Rebello's emphasis on the general role of education and training clearly has important and specific implications for the education and training of public servants, particularly in those societies attempting to negotiate the difficult path between economic reform on the one hand and political democratisation on the other.

Linking sustainable development and the education and training of public servants was one of the major challenges that the new democratic government in South Africa had to confront in 1994. Faced with the daunting task of transforming the economic, social and political landscape of the country, the Government identified the institutional transformation and reform of the public sector as one of its main programmes in its 1994 *White Paper on Reconstruction and Development* for driving the implementation of its reconstruction and development agenda (South Africa. Office of the President 1994). In addressing the challenges of transforming the South African Public Service, a key issue was the education and training of existing and new public servants (Mc Lennan and Wooldridge 1995:91), to provide them with the necessary skills, competencies and commitment to meet the needs of the new developmental state, in ways that would help to promote economic growth and employment, reduce poverty and inequality, and provide a better quality of life for all citizens.

In responding to this challenge, the Government introduced a new framework for the education and training of public servants that assigned key roles to both its own reconstituted training institution, the South African Management Development Institute (SAMDI) and higher education institutions (HEIs). Although noticeable strides were made by both these sets of institutions over the following decade, serious concerns remained about their ability to deliver the necessary skills, capacity and commitment amongst public servants. A particular problem was that SAMDI and HEIs were frequently in competition in the provision of public sector training, rather than collaborating effectively with each other. Continuing weaknesses in the human resources and skills capacity of state institutions were therefore highlighted by the Government as one of the key binding constraints on the effective realisation of the core objectives of its Accelerated and Shared Growth Initiative for South Africa (ASGISA), launched in February 2005, which were to halve poverty and unemployment by 2014.

Concerns about the effectiveness of the current framework for public service training and education prompted the Government to establish a Ministerial Committee (MINCOM) in 2006 to assess the performance and effectiveness of both SAMDI and HEIs, and to make recommendations for a more effective framework. The MINCOM report highlighted a range of weaknesses in the current system of public service training and education and proposed the reconstitution of SAMDI into a new Academy, with a new structure and vision, and a much more collaborative rather than competitive relationship with HEIs and other training providers (South Africa. Ministry of Public Service and Administration 2006). In 2008 the new academy was officially launched as the Public Administration Leadership and Management Academy (PALAMA).

Through a detailed review of the literature and documents relating to public sector training and education, this paper explores the role and performance of SAMDI and HEIs in the period since 1994, and analyses the challenges that are likely to be faced by PALAMA, HEIs and other stakeholders in meeting the education and training challenges of a sustainable developmental state. In order to contextualize its examination of the South African case, the paper first provides a broader and more general overview of the role and functions of higher education institutions in promoting sustainable development, as well as debates concerning the nature and role of public sector education and training.

THE ROLE AND FUNCTIONS OF HIGHER EDUCATION INSTITUTIONS

Debates about the role and functions of higher education institutions (HEIs) have ranged for many years. Such debates have in recent years become more prominent due to the rapid changes in the global political, social, economic and technological environment, as well as the social, political, economic and technological challenges faced by societies. There is, however, general consensus that tertiary institutions have a vital role to play in contributing to a nation's development and economic prosperity.

The concept of sustainable development has been a relatively recent feature of the international education debates. However, a number of agreed themes have emanated from various international conferences and declarations during the past twenty years.¹ These declarations have advocated the incorporation of sustainable development as part of the core mission of HEIs, and that the administrators of these institutions should commit themselves to environmental sustainability in higher education. HEIs have been viewed as playing a catalytic role in linking education and sustainable development through scholarship and

the generation of scientific research for purposes of decision making and the education and training of leaders and teachers of tomorrow. HEIs have further sought to define their practical role in achieving education for sustainable development by attempting to find innovative approaches to curriculum change and the manner in which HEIs function (Rebello 2003:5-7).

The vital role that HEIs have to play in promoting sustainable development was further highlighted by the World Conference on Higher Education which was held in Paris, France, from 5-9 October 1998, and which declared that:

“...the core missions and values of higher education, in particular the mission to contribute to the sustainable development and improvement of society as a whole, should be preserved, reinforced and further expanded, namely, to educate highly qualified graduates and responsible citizens able to meet the needs of all sectors of human activity, by offering relevant qualifications, including professional training, which combine high-level knowledge and skills, using courses and content continually tailored to the present and future needs of society”

(World Conference on Higher Education 1998).

Scholars attending the International Association of Universities (IAU) Conference on Education for a Sustainable Future held in Prague in September 2003 also echoed the positive contribution that HEIs can and should make to sustainable development. Rebello (2003:5), for example, pointed to the unique contribution that universities have to make to help solve the overwhelming problems of a global society, and stressed that “the university system was seen as being uniquely equipped to lead the way by their special mission in teaching and training leaders of tomorrow...” Van Dam Mieras (2003:9) pointed to the need for HEIs to link sustainable development and societal demands for a more participative and multidisciplinary approach of generating knowledge. And Winkelmann (2003:3) stressed that “sustainable development is inherent in the mission of universities ...”

Despite these encouraging commitments to the vital role that HEIs can play, there are nevertheless doubts as to whether they are currently fulfilling this role. For example, the General Report of the IAU Conference of 2003 concluded with the following remarks:

“...the Johannesburg World Summit for Sustainable Development (WSSD) has made one thing unmistakably clear: the political leadership the world over is incapable of rising to the challenges of sustainability. Yet, most of the hundred or so world leaders who attended have a higher education degree from some of the world's most prestigious universities. This raises

some serious questions for the higher education sector. Why is it that those people, who contribute most to wreaking havoc on poor communities and the Earth's ecosystems, are also those with BAs, MScs, and PhDs and not the 'ignorant' poor from the South, they ask? The fact is that the higher education sector is failing society by producing leaders incapable of addressing the most pressing problems. If higher education is the 'nursery of tomorrow's leaders,' then the sector bears profound responsibilities to create a sustainable future"

(International Association of Universities, General Report 2003).

Such a statement raises some important questions as to whether tertiary institutions are ready or equipped to play a leading role in the quest to achieve more sustainable forms of development. This is especially the case with regard to developing countries, and particularly with regard to the role of HEIs in promoting good governance through the education and training of public servants, as one of the key pre-conditions for sustainable development.

EDUCATION AND TRAINING FOR THE PUBLIC SECTOR

Debates on how public servants ought to be educated and trained have also been long standing (Adedeji 1974:118). Such debates have been more prominent in recent years in the light of the developmental and global challenges faced by governments, especially those in the developing world. Important questions have been raised about the appropriateness of programmes offered by HEIs in meeting the education and training needs of public servants for a sustainable developmental state.

In order to respond effectively to the sustainable development challenges faced by most developing countries, it may be argued that a common feature of all developmental states is the need to establish a coherent and effective system of public administration and public sector training and capacity building. This naturally place higher education institutions in the spotlight. In this respect, the Final Report on the Standards of Excellence for Public Administration Education and Training released by the United Nations Department of Economic and Social Affairs and the International Association of Schools and Institutes of Administration (IASIA) stresses that:

"Because the public seeks high quality services, organisations in the public sector must be high performing. In order to perform highly, persons working in the public sector should be of the highest level of skill and preparation. Consequently, the institutions that educate and train these persons must be

always striving for excellence because, most assuredly, better governance is fundamentally related to the more effective preparation of public administrators”

(International Association of Schools and Institutes of Administration 2008).

An examination of the literature reveals a broad consensus on the important role that tertiary institutions have to play in preparing individuals to serve in the public service. Authors such as Davy and Reining (1958:168-169), as well as African and South African academics such as Lungu (1994:21), Bayat and Wissink (1994:277), and Kroukamp (2003:11), have stressed the unique role that HEIs should play in preparing administrators and leaders for the challenges of the public service. Together, with strong leadership on the part of government and the active participation and involvement of civil society, the role of HEIs can be viewed as essential ingredients to achieve a more developmental state.

However, in working towards the overall aim of governing for sustainable development, there are various implications that HEIs need to take into account. These include the need for such institutions to share a common sustainable developmental agenda; to share a common understanding of the sustainable development challenges facing civil society and government; to strategically align their programmes and activities to complement one another so that they operate coherently and effectively to contribute towards the sustainable development agenda of the country; and to proactively provide education, training and research services, which directly contribute towards governance for sustainable development.

The following sections of the article will review the extent to which these and other related issues have been taken into account by HEIs and government training institutions in South Africa in the period since 1994.

THE SOUTH AFRICAN CASE

Background to Public Sector Education and Training

In the post-1994 period, the public sector education and training landscape in South Africa, was shaped by a number of policy and strategy documents that articulated the important roles that both government training institutions and institutions of higher learning would play in developing the human resource capacity of public servants required for the development and transformation in the country. These included, among others, the *White Paper*

on the Transformation of the Public Service (South Africa. Department of Public Service and Administration 1995); the *White Paper on Public Service Training and Education* (South Africa. Department of Public Service and Administration 1997); the *Human Resource Development Strategy for the Public Service, 2002-2006* (South Africa. Department of Public Service and Administration 2002); the *White Paper on Human Resource Management in the Public Service* (South Africa. Department of Public Service and Administration, 1997); and the Human Resource Development Strategic Framework for the Public Service-Vision 2015 (South Africa. Department of Public Service and Administration 2007).

The *White Paper on the Transformation of the Public Service* (WPTPS) stressed that the development of an effective system of public service training and education was not only a key transformation goal in its own right, in building individual and institutional capacity for good governance, but was also critical for the success of the transformation process more generally. Such a system, it was argued, should help, amongst other things, to equip public servants with the necessary skills, competencies and knowledge to perform their jobs more effectively; to reorient themselves to the socio-economic and political changes that had arisen from the dawn of a new democracy; to facilitate a more development oriented approach to their work; and to contribute to the development of a more representative public service (South Africa. Department of Public Service and Administration 1995:53).

The framework outlined in the WPTPS for public service training and education, and human resource development more generally, was elaborated in more detail by subsequent policy documents, in particular the *White Paper on Public Service Training and Education* (WPPSTE), released in July 1997, as well as the *White Paper on Human Resource Management in the Public Service* which was introduced in December of the same year. Taken together, these policy documents created the basis for a new and improved system of human resources management and development that would be capable of building the capacity of all public servants, and in particular those from previously disadvantaged groups; that would be strategically aligned to the broader processes of transformation and institution building within the public sector; and that would be effectively planned and resourced in line with the individual needs of staff and the service delivery needs of individual departments (United Nations Development Programme 2000:118). In working towards the implementation of this new system, in ways which strengthened the governance capacity of the state for sustainable development, an important role was assigned by the WPPSTE to both the government training institution (formally known as SAMDI but now PALAMA) as well as to institutions of higher education (HEIs). It is to a critical examination of the role and contribution of these two sets of institutions that this article now turns.

The Public Administration Leadership and Management Academy (PALAMA)

PALAMA's predecessor, SAMDI, was established in 1994 under the *Public Service Act* of 1994 as a replacement for the apartheid-era Public Service Training Institute (Coetzer 2006:73). The PSTI had a near monopoly over the provision of in-service training of public servants but was viewed by the newly elected democratic government as an inappropriate vehicle for building the capacity of new and existing civil servants. Shortly after its establishment, a new era dawned for SAMDI with the introduction of the *White Paper on Public Service Training and Education*. In attempting to identify an appropriate education and training model for the provision of public sector education and training, the WPPSTE considered four key policy options, ranging from a highly centralized model (such as that in France) to a completely decentralized model (such as that in the United States). In selecting an appropriate model, the Government opted for the hybrid model, recommended in the WPPSTE, based on the "Centralized setting of norms and standards, together with decentralized provision by state and non-state providers in a competitive framework" (South Africa. Department of Public Service and Administration 1997:18).

This model was chosen on the basis that SAMDI by itself would not be able to meet the vast education and training needs of the public service. Instead a multiplicity of service providers would be required to tackle the desperate skills shortages and capacity challenges faced by the Government and the country. This shift towards a more competitive framework for the provision of public sector training was undoubtedly influenced by the New Public Administration (NPM) paradigm that was influential internationally at this time, particularly in countries such as Australia, the United Kingdom and New Zealand. A key feature of NPM was the advocacy of the application of business principles, including competition, to public sector management. NPM ideas gained currency in South Africa for a number of reasons, including the fact that technical support for public sector reforms was provided by countries where the NPM paradigm was particularly influential. In this context it is important to note the important role played by the British Civil Service College in the initial establishment and functioning of SAMDI.

In April 1998 SAMDI was de-scheduled as a government department due to a range of organisational problems, ranging from poor performance and inadequate or inappropriate staffing to its lack of effectiveness in coordinating the provision of public service training. These and other concerns were revealed, in particular, in the report on public service training published by the Parliamentary Portfolio Committee on Public Service and Administration in 1998.² In response to such concerns, SAMDI's status as an independent public

institution was changed by the Government during 1998, with the organisation being directly incorporated into the DPSA, as a Chief Directorate, where its future direction could be more effectively planned and aligned more closely to the transformation objectives outlined in the WPPSTE and other related policy documents.

In 1999, however, SAMDI was reconstituted as a Schedule 1 department with the appointment of its own Director General, and with a new mandate and vision (Hamza and Bardill, 2007:8). This new vision was “The creation of a self sustaining organisational transformation centre of excellence for public sector delivery” (South Africa. South African Management Development Institute, 2007a:3). The organisation aimed to achieve this vision through the delivery of demand driven education and training courses that would lead to an overall improvement in public service delivery. The emphasis on sustainability emanated from a Cabinet decision made in 1999 which required SAMDI to charge for courses rendered to government departments. SAMDI also sought to interpret its mandate as being both a player and referee in the field of public sector training and education. The implementation of its capacity building programmes was based on its partnerships and ability to manage networks of service providers to ensure the delivery of its programmes. SAMDI called this its “Associate Model” which in reality relied primarily on the out-sourcing of programmes to external service providers including tertiary institutions.

A review of some of SAMDI's achievements from this time indicates an improvement in the development of its research and knowledge management system, a marked increase in the staff establishment from 1999 to 2006, and an increase in its overall training delivery output. SAMDI also extended its reach from senior and middle management to junior management and lower levels where skills development was critically needed. Progress was also made in developing new instructional and curriculum design methodologies that sought to achieve more effective forms of ‘blended learning and a greater emphasis than previously on workplace-based experiential learning. Furthermore, SAMDI introduced and developed new training programmes in response to the changing learning needs of public servants and in areas where there was a considerable shortage of skills. SAMDI was also credited for the development of strategic partnerships with a number of HEIs in the country and the extension of its reach in other African countries (South Africa. Ministry of Public Service and Administration 2006:18-19).

Despite such achievements, and concerned that continuing capacity constraints in the public service represented a serious impediment to its developmental goals, in particular those associated with ASGISA, the Cabinet in 2005 requested the Minister of Public Service and Administration to report as to whether SAMDI was adequately positioned to address the future education and

training needs of public servants in a developmental state. In response to this request the Minister appointed a high level Ministerial Committee (MINCOM) in 2006 to review SAMDI's role. In its findings MINCOM found that SAMDI, as it was presently constituted, was unable to respond to the future education and training challenges of the public service. Some of SAMDI's identified weaknesses included the following:

- As a line department, SAMDI was characterized by an inherently rigid and bureaucratic structure unable to respond effectively to the fast changing needs of a developmental public service.
- In line with the requirements of the WPPSTE, which advocated a multiplicity of service providers in the provision of education and training, SAMDI was in direct competition with other service providers (including HEIs) in the market.
- SAMDI's cost-recovery model resulted in it being focused on short term gains as opposed to longer terms needs of a developmental state.
- Despite an increase in staffing, there was little evidence that this had been complemented by a proportionate or corresponding increase in the organisation's professional credentials and standing (South Africa. Ministry of Public Service and Administration 2006:19-22).

The general conclusion was that SAMDI in its current form was incapable of meeting the training and education needs of a public service in a developmental state. The current system, it was felt, in many ways encouraged competition between providers rather than co-operation, leading amongst other things to duplication and the inefficient use of available resources, as well as to concerns about the relevance and cost-effectiveness of many of the programmes and courses (Hamza & Bardill 2007:13). The Ministerial Committee's proposal that SAMDI be reconstituted into an Academy with a substantially different role and mandate was accepted by Cabinet in November 2006.

Under the leadership of a new Director-General, a total restructuring of the organisation was implemented, a modern and elegant new building was acquired, and perhaps most importantly a new strategic plan was developed for the proposed Academy (South Africa. South African Management Development Institute 2007b:11). This set out a number of important changes from SAMDI's previous role. These included a shift from being a provider to a facilitator and coordinator of training, and from being a competitor to a collaborator in the provision of public sector training and education.³ This it intended to achieve by changing the nature of its line and support functions (such as marketing of courses and the procurement of tenders) and by entering into partnerships with HEI for the delivery of its programmes. In addition, the new Academy would launch a 'massification' of its management training and induction programmes

to a much wider range of public servants, especially those at the junior and middle management levels. In August 2008, the new Public Administration Leadership and Management Academy (PALAMA) was launched by the State President and the Minister for Public Service and Administration.

In addition to PALAMA, four out of the nine provinces in South Africa have established their own academies to offer public service education and training to officials within the provincial administrations. These are the Western Cape, KwaZulu-Natal, Free State and Gauteng. The establishment of these provincial training bodies may partly be attributed to a lack of confidence in the ability of the old SAMDI to pro-actively respond to the vast education and training challenges faced by the provinces. The MINCOM report recommended the incorporation of these institutions into the new national Academy. Whilst Cabinet did not endorse this recommendation, efforts have been made by PALAMA to forge close collaboration with these academies and to ensure the effective alignment of their respective programmes and activities.

The Role of Higher Education Institutions

The need to involve higher education institutions (HEIs) as key role players and partners in addressing the knowledge and skills shortages of personnel in the public sector has been highlighted in a number of key policy documents in the period since 1994.⁴ The 1997 *White Paper on Public Service Training and Education*, for example, emphasized that:

“...the government will encourage the development of a multiplicity of education and training providers operating as equals in a market environment. These will include internal (eg. SAMDI and provincial training bodies) and external providers such as universities and technikons, NGOs and private training bodies”

(South Africa. Department of Public Service and Administration 1997:18).

The continuing need to involve HEIs is acknowledged in the Government's 2007 revised strategic human resource framework for the public service. This concedes that the full potential of HEIs in the provision of education and training programmes has not yet been attained, and goes on to stress that:

“HEIs and Further Education Training institutions must play a more direct role in the education of public servants. This must be done collaboratively and in partnership with Government departments in order to ensure currency and relevance in the content and approach to training. It must be undertaken through MOUs and incentive funding in order to maximize

interest in such partnerships and build consistency and commitment. Similarly the public service must provide support to learners so that they could participate in relevant programmes in higher education” (South Africa. Department of Public Service and Administration 2007:72).

Initially HEIs were not well placed to respond to these calls. Prior to 1994, Public Administration was offered largely at technikons and Afrikaans universities, rather than English speaking universities, and was dominated by the very narrow and ‘technicist’ administrative process model pioneered by J.J.N. Cloete. Such a model was a-historical and divorced from the socio-economic and political context within which public administration was actually practiced (Cameron 2005:3). In 1991, a number of ‘progressive’ Public Administration academics gathered at Mount Grace and founded the New Public Administration Initiative (NPAI) to try and transform the discipline in ways that were more “developmental oriented, responsive, efficient, economically innovative and proactive” (Mc Lennan 2007:3), and more likely therefore to meet the needs and challenges of the new democratic dispensation in South Africa. As a result, many HEIs transformed their departments of public administration into schools of governments/development management while others established new schools and departments. This transformation was characterized, amongst other things, by changes in the curriculum, the employment of additional and more representative staff, and the design and development of new academic programmes and short courses (Hamza and Bardiil 2007:9).

There are at present 21 HEIs in South Africa (comprising traditional universities and the former technikons, recently redesignated as universities of technology) that offer undergraduate and postgraduate programmes in public administration education, as well as a portfolio of short course training programmes. The Public Administration education and training programmes on offer at these institutions vary significantly in focus and content. Six of the 21 tertiary institutions established relatively major schools/institutes of public management or government during the period leading up to the first democratic elections or in its immediate aftermath. These schools offer a wide array of formal academic programmes in the field governance and public administration, particularly at the post-graduate level, and an even wider selection of training programmes addressed to meet the personnel needs of the public sector.

Public Administration and Management is taught at both the undergraduate and postgraduate level. At the undergraduate level most HEIs offer a Bachelor of Administration degree (B.Admin), the aim of which is to educate students in the normative theory of the field of study as well as to provide them with a range of relevant conceptual and analytical skills. Such programmes are not intended in the main to prepare students for a specific career, but rather to provide a solid

and relevant foundation that can be built upon, either by in-service training by public sector employers or by more specialised programmes at the post-graduate level. It is perhaps not surprising, therefore, that most of these undergraduate programmes have failed to meet government's expectations that they would prepare students for specific occupations in the public sector, and automatically enable them to settle into work and perform effectively. Whilst it can be argued that such expectations were in many ways unrealistic, legitimate concerns have been raised about the ability of B.Admin programmes to provide a relevant foundation that can be built upon. Despite the NPAI initiative, many programmes are still locked into a fairly narrow and 'technicist' approach, with insufficient attention paid to the broader and rapidly changing context, global, regional and local, within which the actual practice of public administration is situated. The doubtful relevance of undergraduate programmes in public administration and management has not only been called into question by government, but also by academics such as Dralle (2000:156-157) and Cameron (2005:14).

Postgraduate programmes (in particular honours and masters) in Public Administration and Management tend to have a more specific focus and are generally geared more towards preparing students for employment in the public sector. At this level, many schools and departments have attempted to align their postgraduate programmes more closely to the capacity needs of government, and to enhance their relevance, in particular through the introduction of more experiential and interactive teaching and learning methodologies, the use of real life case studies, the involvement of practitioners in their programmes, and the introduction of practical internships for their students. Whilst some authors have argued that such programmes have succeeded in offering a degree of specialisation for individuals seeking a profession in the public service (Fox (1998:173), others have expressed concern about their ability to equip students with the necessary skills and knowledge for management and leadership positions within the public service and, in particular, to keep up to date with the rapid changes in knowledge generation in the field of governance and public administration (Erasmus, Swanepoel and Schenk *et al.* 2005:323-324).

Since 1994, HEIs have also turned increasingly to the provision of short 'training' courses for the public sector. These have been designed to provide newly appointed public servants who had no prior experience of serving in government with the necessary skills, knowledge and competencies, as well as to provide refresher courses to those already in the employ of the public service with a view of changing their orientation. These programmes augment the formal teaching programmes of HEI and are aimed at addressing the critical skills shortages of the new public service. Today, short courses form part of broader portfolio of programmes offered by departments and schools of public management/government and are treated as a much needed 'third stream

income.’ Courses are often tailor-made to the expressed needs of government departments and are designed to help fill the skills and competency gaps of public servants.

While the MINCOM was established to review the role and performance of SAMDI, it also investigated the strengths and weaknesses of HEIs in the provision of Public Administration programmes. The MINCOM Report found that HEIs had made a definitive and positive contribution in many areas. These included the design, development and delivery of a broad range of formal teaching and learning programmes, as well as skills and competency based short course programmes that have been receptive to the needs of the public service in the period since 1994. HEIs have also improved the accreditation and quality assurance of their formal programmes and increasingly their short certificated courses through the Council on Higher Education (CHE) and its Higher Education Quality Committee (HEQC). Furthermore, they have also employed the use of more innovative, experiential and interactive teaching and learning methods, designed to develop critical thinking, problem solving and other related critical skills and competencies relevant to real working situations in the public sector.

Nevertheless, the MINCOM report also highlighted a number of important concerns. These included the following:

- The high number of graduates unemployed in the country is indicative of a continuing misalignment of their programmes with the skill requirements of the public (and private) sectors.
- HEIs do not necessarily fully understand or embrace the values of the public sector and are therefore not in a position to fully build the sense or mission, purpose and corporate identity that public servants require.
- HEIs are not suited to implementing new programmes or courses quickly in response to policy changes or revised political agendas.
- HEIs are better suited to providing education and training at the ‘high skills’ level rather than at the basic skills level where there is currently a critical skills shortage.
- There is little or no uniformity in the course offered by different HEI providers, and no benchmarking to achieve standards of excellence among different training providers (South Africa. Ministry of Public Service and Administration 2006:29).

As part of its planning and restructuring following Cabinet approval of the MINCOM recommendations, PALAMA conducted a survey of HEI programme offerings and attitudes towards the new vision for public sector training. Whilst revealing a wide range of formal academic and short course programmes in the institutions that responded to the survey, and a generally supportive response

to PALAMA's new vision and strategy, the draft report of this survey highlighted a number of additional challenges for HEIs in responding to PALAMA's new direction. Amongst others, these included the lack of capacity at many HEIs, in particular amongst the smaller departments and former historically disadvantaged institutions, to meet the planned expansion of management training envisaged by PALAMA; the under-representation of black and female staff; the low throughput rates at most of the HEIs; the confusing degree of diversity in the NQF levels at which similar programmes are offered and registered by the different institutions; the lack of appropriate alignment and articulation in many cases between short course and formal degree programmes; and the lack of clarity about the roles of different stakeholders in the new system of public service training and education (South Africa. Public Administration Leadership and Management Academy 2008:59).

CHALLENGES FOR THE WAY FORWARD

PALAMA's vision to enhance the overall scope, quality and impact of the human resources of the public service through the delivery of appropriate education and training programmes is commendable but nevertheless faced by a number of important challenges. Amongst others, these relate to the poor cohesion in the government's education and training strategy and policy; the capacity of institutions to whom delivery of programmes are out-sourced; the current consortia arrangements between HEIs; the lack of sustainable development themes in course delivery; conflicting goals between the requirements of the National Department of Education and government training institutes; and poor alignment between short course programmes and formal degree programmes. These challenges are elaborated in more detail below.

Poor Cohesion in Education and Training Strategy and Policy

An analysis of PALAMA as well as the four provincial academies suggests that there exists poor cohesion in terms of education and training strategy and policy. While PALAMA is required to provide the overall leadership and coordination in terms of public administration education and training in the country, there is no clear evidence of this at the moment. Instead, there continues to be duplication and fragmentation, particularly between the work of PALAMA and the provincial training academies. PALAMA offers a range of specialised and generic education and training programmes while at a provincial level most of the provincial academies also have as their primary focus the provision of generic management training. Some provincial academies, such as the Cape

Administrative Academy (CAA) and the KwaZulu-Natal Public Service Academy, have also extended their focus to include specialized training. The CAA also markets its courses to those public servants in the employ of both provincial and national government departments within the Western Cape Province, with the obvious potential for duplication and competition with courses offered by PALAMA. For example, both PALAMA and the CAA have designed their own executive development programmes for senior managers which are very similar in structure and content.

Capacity of Out-Sourced Institutions

In line with its strategy of leading and coordinating training activities in the public service, PALAMA, as noted earlier, has adopted a policy of out-sourcing all its training interventions, in particular to HEIs. The bulk of the programmes being offered by the provincial academies and institutes are also out-sourced to HEIs and other service providers. However, apart from the survey of HEI provision mentioned above, few attempts have been made by PALAMA or the provincial academies to determine the precise capacity of HEIs to deliver programmes on their behalf. As opposed to a more thorough assessment of the capacity that may exist at HEIs, PALAMA and the provincial academies currently gauge the capacity of HEIs by requiring them to indicate their expertise and number of staff to be assigned to a particular tender bid. This micro level assessment is insufficient and inadequate to determine whether HEIs indeed have the requisite institutional capacity to offer programmes out-sourced by PALAMA and the provincial academies.

Current Consortia Arrangements

At present PALAMA out-sources the bulk of its training courses to HEIs in South Africa. To a slightly lesser extent, so too do the four provincial academies. HEIs are required to bid for the provision of courses and programmes through a competitive tendering process. PALAMA encourages, and in many cases requires, HEIs to form consortiums in order to bid for the provision of particular courses or programmes, commonly on a regional basis.⁵ The formation of regional HEI consortiums is encouraged on the basis that a consortium arrangement between two or more institutions would enhance the institutional capacity of HEIs to deliver PALAMA's programmes. However, this has led in many ways to HEIs swapping and changing partners to bid for PALAMA contracts, thus perpetuating a competitive framework, rather than the collaborative framework that MINCOM was keen to establish. At the moment there is no formal body to represent the interests of all HEIs in discussions and negotiations with PALAMA.⁶

Until such time as one is formed, competition and rivalry between HEIs is likely to remain the order of the day.

Lack of Sustainable Development Themes in Course Delivery

Courses offered by both PALAMA and the provincial academies tend to focus on broad generic themes related to issues such as human resources management, finance and project management, leadership, personal development and policy. Very few courses focus on the practical achievement of sustainable development by examining such issues as poverty alleviation, gender equality, rural transformation, human rights, environmental conservation and protection, health promotion, or sustainable production. The survey of HEI academic and short course programmes, carried out by PALAMA in 2008, also reveals that most of these programmes have little to offer in terms of capturing the sustainable development theme (South Africa. Public Administration Leadership and Management Academy 2008).

Conflicting Goals between the National Department of Education and Government Training Institutes

In responding to the education needs of the public service, HEIs are faced with conflicting goals between PALAMA and the Department of Education. While PALAMA favours the development of more practically focused professional development programmes at the postgraduate level (in particular within MPA programmes), the Department of Education presently compels HEIs through the subsidy formula to focus their masters programmes more on academic research, including the requirement that structured masters programmes should have a minimum 50% thesis component. In addition, while various sectors of government, including the DPSA, PALAMA and the Office of the Presidency have accorded Public Administration education and training a high priority, the Department of Education has however placed these activities in its lowest funding category. This situation needs to be reconsidered if HEIs are to continue to play a critical role in the education and training of public servants.

Poor Alignment between Short Course Programmes and Formal Degree Programmes

There is at present a plethora of short course programmes on offer at various HEIs. In many instances, these courses are designed according to the expressed learning needs of a particular government department as reflected in their skills development plans. In most cases, these courses may be regarded as 'stand

alone' courses and do not articulate to a formal degree or diploma programme being offered at the same institution. Some HEIs have opted to design their short courses based on the South African Qualification (SAQA) unit standards as opposed to existing university standards. HEIs, however, have found it difficult to articulate these unit standards to their existing University programmes. The above problem is compounded by the fact that HEIs do not consider many of the SAQA qualifications as forming part of their broader programme offerings. In addition, it has often been difficult for HEIs to access funding for their short courses from the Sector Education and Training Authorities (SETAs), as the SETAs tend to privilege those courses based on SAQA unit standards rather than those University based standards approved by the Council on Higher Education.

SUGGESTIONS FOR THE WAY FORWARD

The analysis in this paper clearly indicates that PALAMA, HEIs and other training bodies (such as provincial academies) continue to be faced with a number of serious challenges. The following section of the paper provides a number of tentative suggestions for overcoming them, in ways which contribute towards more effective governance for sustainable development. These are based on discussions with practitioners and academics in the field of public administration.

Changing the Mindset of Academics and Practitioners

Perhaps the most challenging obstacle to overcome in addressing how to achieve "governance for sustainable development" may well be to change the mindset of both the academics and practitioners in the field of public administration. This requires a concerted effort on the part of all stakeholders to inspire educators and trainers to appreciate and acknowledge the importance of governing for sustainable development and hence infuse the theme into their curricula. Through careful changes and planning in the delivery of programmes, this would undoubtedly help to energise students and course participants to become more aware of the theme of sustainable development and hopefully translate this into practical sustainable development strategies and programmes in the public service.

Transformation of Curricula

Following the New Public Administration Initiative (NPAI) that emerged from the Mount Grace gathering in 1991, it is evident that significant changes have been made by HEIs and government training institutes in both the course content and

delivery methods of their public administration programmes. Nevertheless, it also seems clear that the majority of academic programmes and short courses still tend to favour a rather a-historical concentration on technical and organisational issues, such as human resource management, strategic management, finance, policy and planning, at the expense of issues related to the broader socio-economic and political context (global, regional and local), including issues related to sustainable development. According to PALAMA's 2008 draft report on the "Map of Public Administration and Management Course Offerings at HEIs," there is a dearth of courses and programmes in Public Administration that deal with social and environmental issues (South Africa. Public Administration Leadership and Management Academy 2008).

There is clearly an urgent need, therefore, to transform the Public Administration curricula by infusing sustainable development issues and themes into all or most programmes. Such curriculum changes could be accompanied by an acceleration of the 'Revolving Door Initiative, through which senior public service managers are attached to HEIs for a sabbatical period, and through which academics are similarly and temporarily attached to public service departments. This could make a contribution not only to improving the practical relevance of the formal programmes and short courses of HEIs, but also to updating the knowledge and skills of practitioners in issues related to sustainable development.

Multi-disciplinary Teaching and Training

Public servants are confronted by multi-faceted developmental challenges and require a broad range of competencies, knowledge and tools to solve problems. The adoption of a multi-disciplinary approach to the education and training of students is viewed as an important step towards achieving governance for sustainable development. No discipline can claim intellectual rights over the theme of sustainable development. On the contrary, sustainable development cuts across all disciplines and fields of study. It is important for this to be acknowledged and incorporated into the thinking and curriculum design policies of both HEIs and government training institutions.

Alignment of short courses with formal programmes

Many of the short courses offered by HEIs are aimed at improving the overall skills and competencies of public servants so that this may contribute towards enhancing their work performance. It is important that steps are taken to articulate these courses to formal academic programmes offered by HEI in order to promote life long learning and opportunities for progression.

Improved Cohesion, Coordination and Collaboration between HEIs and Government Training Academies

At a practical level, there is an urgent need for a more coherent and coordinated framework for the delivery of Public Administration education and training. One initiative in this direction could be the establishment by the schools and departments of public administration of a representative coordinating structure to engage at regular intervals with representatives of PALAMA. Another initiative that might be considered is the 'accrediting' of schools and departments by PALAMA according to their particular strengths and field of expertise. This should not be confused with the formal accreditation of programmes undertaken by the Council on Higher Education. Rather it would involve PALAMA (together perhaps in the relevant provinces with provincial training academies) assessing the capacity of the various HEIs to deliver high quality programmes in specific fields. Some institutions, for example, might have particular strengths in the areas of policy and leadership, for example, whilst others might have developed a reputation in the areas of project management and public sector finance. Institutions could then be approved as accredited providers in specific areas and for a specific time period, after which their performance could be reviewed and the accreditation either extended or revoked. They then could be approached directly by PALAMA to deliver specific programmes in their geographical area, or nationally given the necessary capacity and resources. Given that the current demand for training currently outstrips the capacity to deliver, this might be a more rational and collaborative way of ensuring the optimal use of the capacity that is available.

CONCLUSION

This article has sought to explore the roles of both government training academies and South African HEIs in meeting the education and training challenges of a developmental state. In exploring their respective roles, a number of challenges have been highlighted in working towards a public service that is effectively trained and capacitated to meet the needs and requirements of governing for sustainable development. Whilst there are no quick-fix solutions, a number of suggestions are proposed as a possible guide to the way forward. In this regard, consideration should perhaps also be given by schools and departments of public administration to a self-assessment of their programmes according to the new Standards of Excellence for Public Administration Education and Training set out by the United Nations Department of Economic and Social Affairs and IASIA. This might provide an opportunity for such institutions to carry out a

self inspection towards improving the overall relevance and quality of their programmes. At the same time, consideration might also be given to the idea that PALAMA initiate the accreditation of institutions involved in the provision of Public Administration education and training in South Africa.

NOTES

- 1 These include the Talloires Declaration of 1990; the Thessaloniki Declaration of 1997; the World Conference on Higher Education, 1998, Paris, France; the Luneburg Declaration for Higher Education of 2001; the Ubuntu Declaration on Education and Science and Technology for Sustainable Development of 2002, Johannesburg, South Africa; and the International Association of Universities (IAU) Conference on "Education for a sustainable future: Shaping the practical role of higher education for sustainable development" Prague, Czech Republic, 2003.
- 2 Particular concern was raised in the Portfolio Committee's report about the role of SAMDI, evidenced, for example, by the fact that 67 out of 102 SAMDI's pre-planned courses for the first half of 1998 had been withdrawn or cancelled. According to most of the provinces surveyed by the Committee, the problems surrounding the cancellation of such courses were more a reflection of SAMDI's poor performance than of inadequate budgeting or planning by the provincial administrations, as alleged by SAMDI's head at the time (South Africa. Portfolio Committee on Public Service and Administration, 1998:40).
- 3 Recent indications seem to suggest that the Government is currently re-thinking PALAMA's role as a facilitator rather than a direct provider of training. As the situation is by no means clear, this possible shift in PALAMA's role has not been taken into account in this paper.
- 4 In addition to the 1997 *White Paper on Public Service Training and Education*, these included the 1995 *White Paper on the Transformation of the Public Service*, the 1997 *White Paper on Human Resource Management in the Public Service*, and the 2002-2006 *Human Resource Development Strategy for the Public Service*.
- 5 For the purposes of the out-sourcing of its core training programmes, PALAMA uses the following regional divisions: the Southern Region, comprising the Eastern, Northern and Western Cape; the Central Region, comprising the Free State, KwaZulu-Natal and the North West; and the Northern region, comprising Gauteng, Limpopo and Mpumalanga.
- 6 The Association of Schools and Departments of Public Administration and Management (ASSADPAM) does sometimes try to play a role in this respect, although it is not formally constituted at present for this purpose.

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The Constitutional Court of South Africa and the open society

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ABSTRACT

The purpose of the South African Constitution, identified by the Constitutional Court, is to promote the values which underlie 'an open and democratic society'. The concept of an open society was given currency by the philosopher Karl Popper in his 1945 book, *The Open Society and its Enemies*. Popper's open society is one which functions through critical feedback to policy-makers from those affected by policy. Political institutions, to enable such critique are an essential feature of the open society. In Popper's vision, policy-makers welcome criticism as a constructive contribution to policy development. South African policy-makers' response to criticism, however, ranges from dismissal to outrage to blatant attempts to silence criticism through regulation or legislation. In the case of criticism from the courts (in the form of judgments against government agencies) the response has frequently been non-compliance with court orders, even Constitutional Court orders. Initially the Constitutional Court was somewhat reticent about exerting its powers, to the extent of being taxed by some with undue deference towards government. With the confidence of greater experience, however, and in the face of state non-compliance with a number of its orders, the Court has shown signs of increased assertiveness. The Court is urged to maintain its assertive approach and to arm its judgments with the teeth of structural interdicts.

INTRODUCTION

The South African Constitution is, as Justice Albie Sachs said in his judgment on the *Mhlungu* case (1995 para. 111), an intensely value-laden document, and never more so than in the words with which it, repeatedly, sums up its intent for South African society – “an open and democratic society based on human dignity, equality and freedom”. One concept within that phrase, the concept of an open society, is of particular interest.

What is an open society? What should one understand by the Constitution’s use of the term? As the interpretative authority on the Constitution, what does the Constitutional Court understand by an open society?

One recognised authority on the open society is the philosopher who made the idea famous – Karl Popper. The Popperian concept of an open society is very specific, as will be argued. Whether the Constitutional Court interprets the concept in Popper’s terms requires consideration, as does the question of whether or not the Constitutional Court is playing a part in establishing an open society. Can South Africa be considered an open society from a Popperian perspective? There is no clear answer, except that the Constitutional Court must be a pivotal entity in the process of establishing such a society. To fulfil this role, however, it is suggested that the Court requires to be more assertive than it has been.

KARL POPPER AND THE OPEN SOCIETY

The concept of an open society is most closely associated with the Austrian philosopher, Karl Popper. Popper was born in Vienna in 1902, into an upper-middle-class family of Jewish extraction (Shearmur 1996:18). He studied at the University of Vienna and became a schoolteacher, but because of his writings and lectures in philosophy, he travelled extensively, particularly to England, during the 1930s. Having forebodings about the future of Jews (even converted Jews) in Austria, he approached the Academic Assistance Council in the UK for help in securing a refugee placement. In the event, he accepted a lectureship in philosophy at Canterbury University College in New Zealand in 1937.

When Hitler occupied Austria in 1938, Popper felt that he could no longer hold back “whatever knowledge of political problems I had acquired since 1919” (Popper 2002:129). He wrote two “more or less complementary” books, *The Poverty of Historicism* and *The Open Society and its Enemies*, as what he refers to as his war effort (Popper 2002:131). *The Open Society* was completed in extremely difficult circumstances (such as meagre library resources and a university ethos, at Canterbury, uncooperative to the point of being obstructionist) and was finally published in England in 1945.

The Foundational Nature of Criticism to the Open Society

Popper does not give one comprehensive description of his vision of an open society in his book. In a later work, *The Myth of the Framework*, he describes an open society as “a society based on the ideas of not merely tolerating dissenting opinions but respecting them” (Shearmur 1996:5). But *The Open Society* presents his vision in an oblique fashion, and his readers must tease the details out of the text.

Bryan Magee explains why Popper chose the approach he did. It originated in Popper's philosophy of science, where he showed that, while scientific laws are not conclusively verifiable, they are conclusively falsifiable. (A regularly cited example relates to the colour of swans: countless repeated observations cannot lead to the conclusion that all swans are white, but just one observation of a black swan can lead to the conclusion that *not* all swans are white.) Scientific theories cannot be verified, but they can be falsified: knowledge and information are fallible. And so, however brilliant a scientific theory is, it must be subjected to scrutiny and rigorously tested: science advances through scientists criticising other scientists' hypotheses: knowledge advances through criticism. This belief of Popper's leads him to put forward most of his important ideas in the course of criticising other peoples': in *The Open Society* his arguments are advanced in criticism of Plato and Marx (Magee 1979:14, 22-23).

As in science, so too in society. As Magee puts it, Popper wants forms of society which permit of the untrammelled assertion of differing policy proposals, followed by criticism, followed by the genuine possibility of change in the light of that criticism (1979:74). But Popper does not lay this out directly: he builds his vision for society gradually, over the two volumes of his book, in the course of criticising both Plato and Marx for the closed societies they advocated.

The Popperian Open Society

Popper's imperatives for an open society, once they have been extricated from the text of his book, relate primarily to public policy-making and to social institutions. His first imperative is that state power should be limited, and strictly controlled through a system of institutional checks and balances (such as the separation of powers, regular general elections, representative government, independent courts). Second, public policy should not be aimed at achieving the utilitarian goal of the greatest happiness of the greatest number, but at preventing or eliminating exploitation, suffering and injustice – targeting the evils in a society, or what might be termed 'negative utilitarianism'. Third, instead of attempting to reconstruct society in its entirety, to attain an overarching Utopian vision, single institutions should be altered, in stages, with

each new stage being adjusted to account for the inevitable flaws and mistakes made at the previous stage. Fourth, the flaws and mistakes will be pointed out through criticism. Criticism is essential to the successful reconstruction of individual institutions, and therefore no obstacles to criticism in the political system or its institutions should be tolerated and social institutions to enable freedom of criticism, freedom of thought and freedom of speech must be created and supported. (The three leading examples of such social institutions are the media, the official parliamentary opposition, and the courts.) Finally, every individual in society being the potential source of valuable criticism, individualism and diversity must not just be tolerated but respected and, indeed, actively encouraged, for individualism and diversity enrich and improve the quality of criticism.

THE CONSTITUTIONAL COURT'S INTERPRETATION OF THE OPEN SOCIETY

Turning to the South African constitution and its (repeated) use of the term 'open society': is its use in the constitution to be interpreted in Popper's terms? The most authoritative interpreter of the constitution is the Constitutional Court, so the Court's judgments should shed some light on the subject.

The Court has made clear, on more than one occasion that the concept of an open society is central to the Constitution. In a case dealing with freedom of religion Justice Sachs said, "... the limitations clause and the interpretation clause [of the Constitution] both ... establish the notions of an *open* and democratic society as a primary point of reference for evaluating the bill of rights. The concept of an open society must indeed be regarded as one of the central features of the bill of rights and a key element in interpretation..." (Lawrence 1997: para. 146).

In an earlier judgment, Justice Sachs spoke of the necessity of considering the constitution holistically, saying, "The values that must suffuse the whole process are derived from the concept of an open and democratic society based on freedom and equality, several times referred to in the Constitution. The notion of an open and democratic society is thus not merely aspirational or decorative, it is normative, furnishing the matrix of ideals within which we work, the source from which we derive the principles and rules we apply, and the final measure we use for testing the legitimacy of impugned norms and conduct." (Coetzee v Government RSA 1995: para. 46).

But does the Constitutional Court put a Popperian interpretation on the term 'open society'? Only one Constitutional Court judge has ever mentioned Popper, and that was Justice Ackermann. He, however, focused on Popper's

ideas on freedom, and only briefly touched on the notion of criticism, saying that in an open society people are free to “question all received wisdom without limitations placed on them by the State” (*Ferreira v Levin* 1995: para. 50). While Popper is not mentioned in any judgments other than *Ferreira v Levin*, various judgments (particularly those of Justice Sachs) interpret an open society in Popper’s terms. Sachs J, in his judgment on the case concerning the constitutionality of the death penalty, expressed the view that the framers of the Constitution had rejected not only the law and practices that imposed domination and kept people apart, but those that prevented free discourse and rational debate (Makwanyane 1995: para. 391).

An even more directly Popperian interpretation of an open society was given by Justice Sachs in a more recent judgment when he said, “ ... we live in an open and democratic society in which everyone is free to criticise acts and failures of government at all stages of the legislative process.” (*Doctors for Life* 2006: para. 229).

And Sachs J again, in an early judgment: “The reason why full legislative authority, within the constitutional framework ... is entrusted to Parliament and Parliament alone, would seem to be that the procedures for open debate subject to ongoing press and public criticism ... are regarded as essential features of the open and democratic society contemplated by the Constitution.” (*Western Cape Legislature* 1995: para. 205).

Public criticism is a necessary condition for a Popperian open society: freedom to criticise, or – more accurately – freedom of expression, has been the subject of several Constitutional Court cases. In a 2001 judgment, Kriegler J said, “Freedom of expression, especially when gauged in conjunction with its accompanying fundamental freedoms, is of the utmost importance in the kind of open and democratic society the Constitution has set as our aspirational norm. Having regard to our recent past of thought control, censorship and enforced conformity to governmental theories, freedom of expression – the free and open exchange of ideas – is no less important than it is in the United States of America.” (*Mamabolo* 2001: para. 37). Langa DCJ, in a different judgment, said, succinctly, “It is in the public interest that people be free to speak their minds openly and robustly, and, in turn, to receive information, views and ideas.” (*Islamic Unity Convention* 2002: para. 37).

Moseneke J, in a 2005 judgment, said, “The importance of freedom of expression has been articulated and underscored by this and other courts in this country and indeed in other open democracies and by its inclusion in international law instruments. Suffice it to repeat that freedom of expression is a vital incidence of dignity, equal worth and freedom. It carries its own inherent worth and serves a collection of other intertwined constitutional ends in an open and democratic society.” (*Laugh It Off Promotions* 2005: para. 45).

In a case dealing with conflicting rights (the right to privacy and the right to freedom of expression), O'Regan J said, "Freedom of expression is important because it is an indispensable element of a democratic society. But it is indispensable not only because it makes democracy possible, but also because of its importance to the development of individuals, for it enables them to form and share opinions and thus enhances human dignity and autonomy." (NM v Smith 2007: para. 145).

Justice O'Regan's words recall Popper's imperative regarding the respect due to individuals and his insistence that every individual has the potential to add something unique to the ongoing critical debate. Other Constitutional Court judgments underscore the Popperian injunction to promote individualism and diversity: for example, Sachs J, in his judgment on a case dealing with Sunday trading of liquor, said: "Freedom of opinion and freedom of expression go hand in hand, and this section [section 15 of the Constitution, on freedom of religion, belief and opinion] testifies to a strong constitutional concern for openness and diversity" (Lawrence 1997: para. 145).

In his judgment regarding the decriminalization of sodomy, Sachs J said that the case "... concerns the nature of the open, democratic and pluralistic society contemplated by the Constitution ... [and] the meaning of the right to be different ..." (Gay and Lesbian Equality 1 1998: para. 107). "What becomes normal in an open society, then, is not an imposed and standardised form of behaviour that refuses to acknowledge difference, but the acceptance of the principle of difference itself, which accepts the variability of human behaviour" (para. 134). Another case dealt with the exercise of strongly held religious beliefs: Sachs J said, "... if a society is to be open and democratic in the fullest sense it needs to be tolerant and accepting of cultural pluralism." (Christian Education 2000: para. 23).

A 2002 case concerned the right of Rastafarians to use cannabis. In his judgment, Justice Ngcobo's statement that, "The protection of diversity is the hallmark of a free and open society" (Prince 2002: para. 49) suggests that he shares with Sachs J – and Popper – the belief that individualism and diversity must not just be tolerated but respected.

And back to Sachs J, in *Fourie*; "In the open and democratic society contemplated by the Constitution there must be mutually respectful co-existence ... The hallmark of an open and democratic society is its capacity to accommodate and manage difference of intensely-held world views and lifestyles in a reasonable and fair manner." (Fourie 2 2005: paras. 94, 95).

The accommodation and management of different intensely-held views embraces views which are diametrically opposed to each other and views which are critical of each other – in particular, views which are critical of public policy. The Constitutional Court clearly endorses the importance of criticism to public entities, as was evidenced, for example, in *State v Mamabolo*.

State v Mamabolo was a case of 'scandalising the court', brought by a High Court judge against a spokesman for the Department of Correctional Services, who had issued a statement that the judge had made a mistake in granting bail to AWB leader Eugene Terreblanche. The Constitutional Court held that, although it is important to deter disparaging remarks calculated to bring the judicial process into disrepute, Lord Atkin was right when he said, "... no wrong is committed by any member of the public who exercises the ordinary right of criticising in good faith in private or public the public act done in the seat of justice." (2001, para. 27).

Justice Kriegler, in the Mamabolo judgment, went on to say that informed and vocal public scrutiny not only promotes the impartiality, accessibility and effectiveness of the judiciary but it also performs another important constitutional function: "It constitutes a democratic check on the judiciary. The judiciary exercises public power and it is right that there be an appropriate check on such power." (para. 30). Justice Sachs, in the same judgment, went further: he suggested that bruising criticism could in many circumstances lead to improvement in the administration of justice, and he stated, "In an open and democratic society, freedom of speech and the right to expose all public institutions to criticism of the most robust and inconvenient kind, are vital" (paras.70, 71) and, "There are no intrinsically closed areas in an open and democratic society." (para. 77).

The Constitutional Court demonstrably supports Popper's demand that public institutions be open to critical feedback. Does it implement that requirement, by levelling its critical gaze at public policy-makers? Is it playing its role as a Popperian institution, the role of providing considered, impartial evaluation of state action or inaction?

THE CONSTITUTIONAL COURT AS CRITIC

Popper demands strict control of state power through a system of institutional checks and balances, among which would be (although Popper does not specify this) the independence of the courts. The independence of the courts is entrenched in the South African constitution, as is the supremacy of the Constitutional Court in all constitutional matters.

South Africa's constitution gives considerable power to the judiciary, entrenching a strong variant of judicial review (Klaaren 1997:10). The Constitutional Court was, for example, given the globally-unprecedented responsibility for certifying that the final Constitution accorded with the constitutional principles agreed upon in South Africa's negotiated settlement. The constitution also affords the Constitutional Court the power to decide

disputes between government bodies and to decide that the President or Parliament has failed to fulfil a constitutional obligation. The Court may also decide on the constitutionality of any amendment to the Constitution, and it is given the authority to make the final decision on whether an Act of Parliament is constitutional. These, says Klaaren, are broad judicial powers and reflect the important institutional role that the judiciary has assumed in South Africa (Klaaren 1997:11).

Criticism – in the form of unfavourable judgments – from the Constitutional Court is thus powerful criticism. Has the Court been prepared to level such criticism at the state, when warranted?

The Court was initially cautious, no doubt mindful of the fact that it is an unelected minority body, in contrast with the electorally-mandated legislature and executive. Moreover, as Klug states, the judiciary is comparatively weak, institutionally, and this requires circumspection on its part in any exercise of authority over the more resourced and powerful legislature and executive. The judiciary is ultimately reliant on the other arms of government to enforce its holdings, on the one hand, and to protect its independence, on the other (Klug 1997:189). A number of judgments from the first five years of the Court's existence suggested a degree, if not of deference, certainly of judicial restraint.

In *AZAPO v President of the Republic of South Africa* the Court unanimously decided "for the government" (Klaaren 1997:25). The family members of activists Steve Biko, Griffiths Mxenge and Fabian and Florence Ribiero, under the banner of the Azanian People's Organisation (AZAPO), brought a case in the Constitutional Court charging that it was unconstitutional to grant amnesty to those who had "unlawfully murdered and maimed leading activists" (1996:para. 8). The Constitutional Court's unanimous decision was that the Act was valid and not unconstitutional. Sarkin considers the Court's finding that the Constitution permits an Act of Parliament to override international law "narrow and unfortunate" and he comments that the Court is "reluctant rather than robust" in its determination of issues relating to resource allocation. In fact, he states that various judgments of the Constitutional Court indicate the Court's "inclination to allow Parliament to determine policy and govern with very little judicial interference" (Sarkin 1996:630,631)

Klug also reads carefulness to respect the legislature and the executive in the *Certification of the Constitution* judgment, on its face a bold assertion of the power of judicial review (1997:202). Although the Court declared the new text of the final Constitution 'unconstitutional', it was, says Klug, a very limited and circumscribed ruling. It demonstrated considerable deference to the democratic constitution-making process, asserting the Court's judicial, as opposed to political, mandate, and stating firmly that the Court had "no power,

no mandate and no right to express any view on the political choices made by the Constitutional Assembly in drafting the ... text." (Certification of the Constitution 1996: paras. 34, 35).

Another judgment in which many read deference was *Soobramoney*, a case brought by a sufferer of chronic renal failure who had been refused access to a state hospital's renal dialysis programme, on the grounds that he had no prospect of being cured by dialysis or of success if he received a kidney transplant. The Constitutional Court found that the failure to provide treatment to Mr Soobramoney did not violate the Bill of Rights. Scott and Alston (2000: 241) quote one crucial passage from the judgment as having been read by many to signal a deference bordering on abdication of a review role: this passage read, "These choices involve difficult decisions to be taken at the political level in fixing the health budget, and at the functional level in deciding upon the priorities to be met. A court will be slow to interfere with rational decisions taken in good faith by the political organs and medical authorities whose responsibility it is to deal with such matters." (Soobramoney 1997: para. 29).

Another case where the Constitutional Court was baldly charged with deference was that of *FNB t/a Wesbank*. In this case, the South African Revenue Service (SARS) had, in terms of section 114 of the Customs and Excise Act, seized vehicles among other movable property from the premises of two tax debtors: certain of the vehicles, however, were not the property of the debtors but were leased from First National Bank trading as Wesbank (FNB). FNB applied for a declaration that section 114 was unconstitutional, but the Constitutional Court rejected the constitutional challenge. Van der Walt feels that the Court's decision was overly sympathetic and lenient towards the legislature and its agencies, and goes so far as to say, "... the court is much too deferential towards the apparently awesome and uncontested powers of the fiscus." (2002:97). The judgment, he explains, professes to come to its final conclusion on the basis that the court is not willing to make a policy call in deciding that the fiscus can "get along without the use of such invasive measures", but in fact it does make a policy call – one in favour of the fiscus and against protecting the rights and interests of property owners (2002:112).

Was a degree of judicial restraint reasonable in the Court's early years? It is probably fair to say that to have stormed onto the scene with all guns blazing as an activist court would have been entirely inappropriate. Unquestionably a novitiate period was necessary in which the Court, as a judicial innovation in South Africa, felt its way. As time has gone on the Court has become more certain of its role and there is evidence of a change in the Court's attitude, as, it has to be said, the other arms of government have proven to be less compliant with Court orders than they might have been.

State Non-compliance

One of the very first judgments of the Court, *Makwanyane*, in June 1995, related to the unconstitutionality of the death penalty, and the Court ordered that lawful punishments should be substituted for capital punishment in every case already sentenced. No measures were enacted to ensure that this order was carried out, and it turned out that this ruling was not fully complied with by the state.

Although no one was executed, in May 2005 the sentences of 62 (out of 300-400) people who had been sentenced to death before the Constitutional Court ruling was handed down were still not substituted by alternative sentences. Ten years after the *Makwanyane* judgment, these people remained imprisoned, awaiting re-sentencing. The Constitutional Court expressed its dismay and issued a supervisory order, directing that the state agencies concerned provide reports on a three-monthly basis giving detailed information regarding the outstanding sentencing. Reports were made in September 2005, November 2005, February 2006, May 2006 and July 2006, with each report being considered by a conference of judges of the Constitutional Court and a new order being issued each time, until substitute sentences for the death penalty had been effected for all the people involved (*Sibiya* 2006).

The *Sibiya* case was not the first demonstration of Constitutional Court disapproval of state action. In the case of *Government of the RSA v Grootboom* (2000), the situation was that a community who had been on the waiting list for low-cost housing for some years was rendered homeless by eviction and came to court to challenge the failure by the state to deal with their situation. The unanimous finding of the Court was that the applicants' constitutional rights had been violated, because of the absence of a programme to ensure "temporary relief" for those without shelter. In short, Sunstein says, the Court held that the Constitution required not only a long-term plan to provide low-income shelter, but also a system to ensure short-term help for people who had no place to live (2001:8). Sunstein characterises the *Grootboom* decision as an extraordinary one: for the first time in the history of the world, he says, a constitutional court initiated a process that might succeed in the endeavour of ensuring judicial protection of socio-economic rights without placing courts in an unacceptable managerial role (2001:1).

A More Assertive Stance

The Court's 2000 judgment in *Grootboom* was highly critical of national policy, signalling a new attitude on its part. Yacoob J said, "The national government bears the overall responsibility for ensuring that the state complies with the obligations imposed upon it by section 26 (the right to access to adequate

housing). The nationwide housing programme falls short of obligations imposed upon national government to the extent that it fails to recognise that the state must provide for relief for those in desperate need. They are not to be ignored in the interests of an overall programme focussed on medium and long-term objectives.” (Grootboom 2000: para. 66).

Critical though the judgment may have been, Roux found the order without any practical relevance for the vulnerable people concerned. There was no directive that the state present the Court with a plan for how ending the violation would be addressed; no deadlines for the implementation of the plan; and no penalty if the state failed to perform (2002:50, 51). And Roux’s concerns turned out not to be misplaced. Swart reports that, eighteen months after the order was made, the Human Rights Commission reported that it had not been complied with. Indeed, three years after the order was made, the Commission (who had been instructed by the Court to monitor compliance) reported that none of the national housing programmes had taken steps to make provision for the homeless in crisis situations, and the *Grootboom* community remained without housing – or indeed, adequate shelter: all that had changed was that an ablution block had been provided (Swart 2005:215,216).

Nevertheless, the *Grootboom* judgment was not the only one in which the Constitutional Court expressed criticism of public policy. In 2001 the Court handed out a judicial rebuke to the executive for handing over a Tanzanian citizen, Mr Khalfan Khamis Mohamed, to the FBI, without first obtaining an undertaking that he would not be subject to the death penalty should he be found guilty of terrorism. The Court’s judgment was that the handing over of Mohamed to United States government agents for removal by them to the United States was unlawful, and the judgment criticized the government’s opposition to any court order expressing disapproval of Mohamed’s arrest, detention, interrogation and transfer to the FBI agents. The government submitted that any such an order would infringe the separation of powers between the judiciary and the executive, and that it was not for the Constitutional Court, or any other, to give instructions to the executive. The Court disagreed, saying “... there are important issues of legality and policy involved and it is necessary that we say plainly what our conclusions as to those issues are.” (2001: para. 71).

In 2002, in *Minister of Health v Treatment Action Campaign*, the Court had to determine whether the measures taken by the state in respect of the prevention of mother-to-child transmission of HIV were reasonable. Counsel for the government contended that under the separation of powers, the making of policy is the prerogative of the executive and not the courts, and courts cannot make orders that have the effect of requiring the executive to pursue a particular policy. The Court rejected this argument forcefully, saying that although each arm of government should respect the role of the other arms, “This does not

mean, however, that courts cannot or should not make orders that have an impact on policy. The primary duty of courts is to the Constitution and the law, which they must apply impartially and without fear, favour or prejudice." (TAC 2002: paras. 98, 99). In a unanimous judgment the Constitutional Court ordered that, in terms of the Constitution, the government was required to devise and implement, within its available resources, a programme to realise progressively the rights of pregnant women and their newborn children to have access to health services to combat mother-to-child transmission of HIV.

However, there was no order of supervisory jurisdiction, even in the face of publicly expressed opposition by the Minister of Health to implementation of the order even before it had been handed down (Pieterse 2004:416). Pieterse suggests that it may be speculated that it was precisely this that motivated the Court's deference, in that it wanted to send a message that it trusted the executive in duly implementing the orders of the judiciary. But once again very little direct action followed the Constitutional Court's orders, and only persistent and aggressive action on the part of the successful litigant, the Treatment Action Campaign, ensured some positive action from the state (Swart:2005, 224).

Judge Dennis Davis concluded that the Constitutional Court had surrendered its power to sanction government inertia (2006:318). Government, he says, has done little to produce the tangible benefits that victorious litigants are entitled to expect, but the Constitutional Court is reluctant to cross a judicial boundary which it has established for itself (2006:304). The less the burden on the Constitutional Court to exercise supervision over the executive, the more comfortable it feels in its role as the ultimate enforcer of accountability, in Davis's view.

Davis calls for structural interdicts as a way for the Court to follow through with implementation of its orders. This approach gives government the space to implement its commitments, but ensures its accountability, not only for conceptualising appropriate plans, but for carrying them out. In this way, he says, the courts can become a mechanism by which those most in need can engage with government and thus ensure that government is forced to account to them for the manner in which it responds to its constitutional obligations (2006:319).

There is undoubted merit in Davis's recommendation, and it seems that the Constitutional Court has come to the same conclusion. Its supervisory order in the *Sibiya* case and the regular follow-up reports it demanded evinces a new determination to hold government to account.

Of the constitutionally-institutionalised sources of critique, the courts – and primarily the Constitutional Court – are the most authoritative and the least-challenged by the ruling party. As an arm of government, the judiciary has particular and specific constitutional protection from interference, and it has

strongly rejected attempts to impose executive control on, for example, the administration and budgets of the courts (van Gass: 2006, Hartley: 2007).

However, for the courts to play the part Popper demands, and the part that the Constitution demands, criticism of public policy and of public officials' action (or inaction) must, evidently, be considerably more forceful if it is to penetrate the closed areas of government decision-making. Politicians do not take kindly to criticism, even from the courts, as is clearly evidenced by state non-compliance with court orders. Is South Africa unusual in this respect?

IS SOUTH AFRICA AN OPEN SOCIETY? HOW OPEN ARE POLITICIANS TO CRITICISM?

There are, it seems, closed areas even in the most open of existing societies. Shearmur (1996:4) makes the important point that decision-taking in significant parts of modern 'Western' societies often seems to be in the hands of people who do not have to answer to those who disagree with them, or even to explain to them why they believe that decisions should be taken as they think they should. Whether or not South Africa can be considered a modern 'Western' society, much decision-taking regarding policy seemingly takes place in the way Shearmur describes.

Just two examples of closed decision-taking amongst South African policy-makers will suffice. One example is current, and relates to leadership succession in the African National Congress (ANC) – and the country. As a *Sunday Times* opinion piece put it, "The ANC ... has a unique way of managing succession. It publicly pretends that there is no leadership race while in dark rooms plots are hatched to keep people out of the race or to promote a candidate..." (Makhanya 2007). The other example dates back to the early years of ANC government, when the redistributive economic policy of the Reconstruction and Development (RDP) programme (initiated by the South African Communist Party (SACP) and the Congress of South African Trade Unions (Cosatu) was replaced by the market-orientated Growth, Employment and Redistribution (GEAR) programme. The RDP's vision was a fairly-shared pie: GEAR's vision was South Africa as a model of fiscal prudence, accepted into the global economy, attracting local and international investment, fuelling economic growth through exports - and thus enabling social spending. The GEAR strategy was designed by politically neutral mainstream economists hand-picked by Thabo Mbeki and his trusted allies, William Gumede tells us, a team with liberal social democratic instincts who understood the need for some kind of redistribution. "All were sworn to secrecy and the entire process was shrouded in deepest confidentiality lest the left wing get wind of [the] plan" (Gumede 2005:87). The strategy was unveiled

and adopted by the ANC before its alliance partners, the SACP and Cosatu, - or anyone else – could object to such a conservative economic policy (in effect, a self-imposed structural adjustment programme).

Quite apart from closed decision-taking, very little openness to criticism is manifest amongst the South African political community. Politicians, from the President down, react defensively and even angrily when criticism is levelled at their policies or their implementation.

For example, the ANC tried to prevent publication of the report on the Truth and Reconciliation Commission, even resorting to legal action, because the report included criticism of the movement's own violations of human rights (Woods 2000:194).

Then there was the arms deal. In 1998, R21.8bn was committed to the purchase of arms for South Africa (an amount that escalated dramatically with currency fluctuations). Not only was there criticism of electing to spend such large sums on military hardware rather than poverty alleviation, very rapidly it became apparent that the deal was deeply flawed by corruption. When opposition parties exposed the corruption of the deal, there was vigorous denial and the whistle-blowers were accused of questioning the integrity of the cabinet. Andrew Feinstein, an ANC MP on parliament's public accounts committee who attacked the way the party handled the investigation into the allegations, was accused of being part of a conspiracy to bring down the government (Gumede 2005:140). Feinstein resigned in protest at the government's refusal to allow a full investigation, and he reports that as recently as January 2007, the President reiterated, at the World Economic Forum in Davos, that there was no corruption in the deal. This, after Tony Yengeni was jailed for covering up receiving a large discount on a luxury vehicle from one of the bidders in the deal, after Shabir Shaik has been jailed for fraud and corruption, partly associated with the arms deal, and after investigations in both Britain and Germany have identified that payments have been made to various parties involved in the deal (Feinstein 2007).

In November 2004, retired Anglican Archbishop Desmond Tutu, in a public speech, called for vigorous discourse and dissent and accused the ANC of stifling debate: President Mbeki reacted (in his on-line newsletter) by accusing the Archbishop of having no respect for the truth. A lengthy and acrimonious media debate ensued, during which the ANC insinuated that those who disagreed with its policies were members of a conspiratorial 'elite' determined to frustrate its transformation agenda (Msomi and Ndlangisa 2005). As Tony Leon puts it, dissent has come to be seen as unpatriotic and almost treasonous (2006:39).

In January 2005 the ANC's Internet-based magazine *ANC Today* published a six-week series entitled 'The Sociology of the Public Discourse in Democratic

South Africa'. The series took to task opposition parties, newspaper editors and columnists, and even ordinary citizens who had written critical letters to newspapers, claiming they were all part of an "elite" waging a "sustained campaign of attrition to wear down" the ANC and to undermine the newly-democratic state (Msomi and Ndlangisa 2005).

Crime has been a major source of public concern. In January 2007, President Mbeki said in a television interview that it was just a perception that crime was out of control; a public uproar ensued. The crime question was then discussed at the ANC cabinet *lekgotla* in January, where Mbeki apparently stated that the issue was being hijacked by reactionary forces to undermine the democratic movement (Robinson and Tabane 2007).

There is, however, nothing extraordinary in the response of South African politicians to criticism. As Shearmur points out, a politician, unlike an entrepreneur, is identified with his product to such an extent that if it is seriously defective, he is likely, politically, to die with it. He will accordingly be reluctant to be seen to accept criticism on any matter of importance, and should he change his views, this will be a constant source of political embarrassment (one has only to think of President Mbeki's views on HIV). Moreover, the politician is called to account infrequently, at election time, and in a rather ineffectual manner (Shearmur 1996:118). Critical scrutiny of the performance of government by its citizens, as called for by Popper, is something that neither politicians nor civil servants welcome, and something that they do much to evade (Shearmur 1996:121). The 'party-list' system of proportional representation in South Africa allows politicians to evade constituency accountability, for example.

The opposition Democratic Alliance (DA) charges that the government is undermining the constitution's demand for accountable, responsive and open government, through systematically deploying loyal and uncritical members of the ANC to all key organs of state; through ignoring findings and recommendations of the Auditor-General and judicial commissions regarding corruption; and through demonising all criticism as based on racism (Southall 2001:21)

All the evidence suggests that South Africa is not a fully open society – not in Popper's terms, that is. Criticism is not welcomed, and obstacles to criticism are not just tolerated but actively erected. However, it is probable that *no* existing society is open in Popper's sense. Popper himself did not welcome criticism: Magee reports that he responded by becoming enraged (1998:252). A society which embraced criticism would be one of saints, not humans. The best one can hope for is a society which institutionalises avenues for criticism and the means for protecting them. On that score, South Africa can be considered an open society, although frequent assaults are made on that openness.

CONCLUSION

Justice Sachs, in a telephone interview with the author (11 June 2007), said, "I think, all things considered, we are an amazingly open society, and one of the things considered is where we've come from." It is true that South Africa more-or-less fulfils Popper's imperatives for an open society: state power is limited (though perhaps not as limited as Popper would ideally have liked) and controlled through the institutional checks and balances of separation of powers, regular general elections, representative government and independent courts. Public policy generally does aim at preventing exploitation, suffering, poverty and other social evils (even if GEAR does not go as far as the RDP would have done). Social institutions to enable freedom of criticism, freedom of thought and freedom of speech have certainly been created and, to an extent, supported: the Constitution itself, the media, the parliamentary opposition, and the courts. Individualism and diversity is tolerated and, in general, respected: the right to be different is certainly given constitutional protection, through the Constitution itself and in the courts (consider only the Constitutional Court cases concerning homosexual and lesbian relationships – the *Gay and Lesbian Equality* cases, the *Satchwell* case, the *Du Toit* case, the *J&B* case, the *Fourie* cases).

Where Popper's imperatives remain unfulfilled is in his demand that no obstacles to criticism in the political system or its institutions should be tolerated. This demand is, however, probably far-fetched. It is unrealistic to expect any politician to accept, let alone welcome, criticism, and politicians will unquestionably continue to place obstacles in the path of critical expression. The bulwark against such obstructionism is the constitutionally-entrenched institutions for protecting "freedom of criticism, freedom of thought and freedom of speech" (Popper 1966 vol. ii:238). Paramount amongst these institutions, in South Africa, is the Constitutional Court.

The Constitutional Court has shown that it is prepared to level criticism at the state, in the form of judgments unfavourable to government. The state has, however, all too often not complied with orders of the Court. There is clearly a need for Court orders to be provided with teeth, in the shape of structural interdicts. Structural interdicts, as Swart explains, would involve the Court in ongoing supervision of the relevant state agencies: such agencies would usually be ordered to devise and present to court a plan of action to remedy the violation in question, and to report back to the court at regular intervals on its implementation (as happened with the substitution of sentences for capital punishment). Failing all other remedies, Swart suggests that arresting officials for contempt of court could be an effective way of combating lack of delivery and holding government accountable (2005:219, 240).

Davis calls for structural interdicts as a means by which the courts can become a mechanism by which those most in need can engage with government and thus ensure that government is forced to account to them for the manner in which it responds to its constitutional obligations (2006:319). Popper's second imperative is that public policy target social evils – exploitation, suffering, and injustice – such evils as are all too prevalent in South African society. It is incumbent on the Constitutional Court to hold government to account on behalf of those beset by those evils. This requires arming its judgments against the state with the teeth of structural interdicts, if those in desperate need are not to be left unprotected. The unsentenced prisoners of *Makwanyane/Sibiya*, the homeless of *Grootboom*, the pregnant women and their children of *TAC*, deserve no less.

NOTES

- 1 This article is partly based on the co-author's MA degree dissertation "An evaluation of the Constitutional Court's contribution towards the attainment of an open society in South Africa", under the supervision of Prof Albert Venter at the University of Johannesburg.

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ISSN 1015-4833