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Editorial

Compiled by C J Auriacombe

Technical Editor

Policy formation remains a key issue within the African Public Administration paradigm. In **'Citizen Participation and Policy Formulation: A Study of Bottom-up, Top-down, and Horizontal Scenarios in Local Councils in Western Uganda'**, David Mwesigwa and Betty Mubangizi argue that policy formulation remains an important phase in the management and operation of present-day local governments. Importantly, the authors question the following research statement: "Citizen participation has no significant contribution to policy formulation".

Using case study design, the article focuses on three districts in Western Uganda, namely Hoima, Masindi and Kibaale. The study is informed by Marxist Theory, and Pearson's Linear Correlation Coefficients are used by drawing 173 respondents from selected sub-counties and a municipal division within the stated districts. The researchers identify a range of Marxist claims, while empirically quantified evidence revolves around bottom-up, top-down and horizontal participation. Contrary to the research statement, the authors argue that citizen participation makes a positive contribution to policy formulation regarding problem identification, policy manifesto, policy agenda, policy debate, and policy decisions. Importantly, the authors advance the value of bottom-up participation in successful policy formulation. The authors conclude that, once the value of citizen participation is acknowledged, policy formulation will be improved enormously in the three Western Ugandan districts under investigation. Furthermore, the article recommends that technical officials and local councillors view each other as partners and take part in all decisive stages of policy formulation in the district. "In addition," state the authors, "mitigating the contribution of the factors negatively affecting successful citizen participation would go a long way towards improving the quality of policy formulation".

The future of the National Prosecuting Authority (NPA) that exercises its functions without fear, favour or prejudice, as mandated by the *Constitution*, hangs in the balance. In **'The National Prosecuting Authority (NPA) in a Nimbus between the Executive and the Judicature'**, Loammi Wolf investigates the current dichotomy with regard to jurisdiction over the NPA. In practice, the Westminster model's criminal justice system has been perpetuated after the new *Constitution* was adopted despite major differences between the

Westminster system and the constitutional state model. "Historically the prosecuting authorities in each of these two systems developed in a different context and that affects their constitutional status," states the author. The article points out that there are major differences between the Westminster system and the constitutional-state paradigm. According to the author, "The Westminster model is characterised by an uneven distribution of state power due to the doctrine of parliamentary sovereignty, no clear separation of powers as a result of class-based power-sharing constructs, little constraints to limit an abuse of power and no bill of rights guaranteeing fundamental rights". The constitutional state concept stands for the opposite. "The three branches of state power hold each other in equilibrium of power; there is a clear and definite separation of powers and these powers must be exercised within the parameters set by the Constitution. The courts were not really aware of these differences in state organisation at the time when the Constitution was certified," states the author.

According to the author, several provisions of the *National Prosecuting Authority Act* 32 of 1998 (NPA Act) are not in line with this constitutional separation of powers and treats the NPA as if it is still located in the executive branch and subject to ministerial orders. "These provisions could be challenged to secure the independence of the prosecuting authority in the manner envisaged by section 179(4) of the *Constitution*," states the author. In conclusion, the author highlights that clarity is needed on the location of the NPA in order to curb undue executive interference in criminal justice. "Several provisions of the *NPA Act* are not in line with the constitutional separation of powers and could be challenged to secure the independence of the prosecuting authority".

Public meetings have gained ritualistic status as a public participation strategy in local governance in South Africa, but they often fail to empower those who are "invited" to participate in their own development (Adams 2004:43; Everatt, Marais and Dube 2010:224; McComas, Besley and Black 2010:122 & Gwala 2011). In '**Public Meetings as a Participatory Method in Local Government: The Case of Khayamandi, Stellenbosch**', Prof M Gwala, Francois Theron and Ntuthuko Mchunu question the implementation and execution of public meetings. "Depending on the way they are planned, meetings often fail to provide empowering spaces because of the lack of an appropriate mix of strategies that precede, combine with and follow the meeting strategy," according to the authors.

In light of the above, the article seeks to evaluate public participation in public meetings as a strategy for participatory democracy within the Khayamandi community (Khayamandi is part of the Stellenbosch Municipality, which falls under the Cape Winelands District Municipality). The article

hypothesises that public participation in public meetings, such as ward committee meetings, can be effective if the public is given the space and scope to influence, direct and own decision-making processes and community based development. The article discusses public meetings – a democratic ritual gone wrong? It also investigates public participation models and strategies. The article concludes by providing research findings and recommendations. A public participation model is suggested for the Khayamandi community so that they are empowered and have the scope to *influence, direct, control* and *own* community-based development and decision-making processes. “If the public participation strategy is used correctly, Khayamandi could be in a position to achieve the appropriate level of citizen power. Once that happens, the impact on integrated community-based development and decision-making processes will be positive, with improved service delivery as a consequence,” recommend the authors.

The Constitution of the Republic of South Africa, 1996, stipulates that South African citizens have the right to basic healthcare. The government is under obligation to fulfil these promises, as proposed by the *White Paper on Transformation of Public Service Delivery in South Africa* (Eygelaar & Stellenberg 2012). In addition, *The National Health Act (RSA 2003)* states that the Department of Health (DOH) is committed to delivering quality healthcare to all South African citizens in an efficient and caring environment. But is this in fact the case?

In **‘Health Professionals and the Challenges that Contribute to a Lack of Provision of Services in the Ngwelezana Hospital, KwaZulu-Natal, South Africa’**, Nokukhanya Jili and Precious Nkosi assess the challenges health professionals face in the course of their work and how these challenges affect service provision in Ngwelezana Hospital, a public healthcare facility in KwaZulu-Natal. *The Department of Health: KwaZulu-Natal Strategic Plan (2010–2014)* emphasises that the public health sector needs the right placement of staff and skills mix to ensure appropriate placement and utilisation of available resources. However, a constant demand for public health services increases workload and clinical demands on healthcare providers. In light of this, the article explores whether health professionals at Ngwelezana Hospital experience any challenges in the course of their work. If so, what are those challenges? Furthermore, do these challenges serve as a barrier to patient satisfaction?

The article commences by acknowledging various theories on employee satisfaction and work-based performance. Hereafter a content analysis is conducted on questionnaires that were sent to a sample of 66 health professionals, including nurses and doctors. The authors use qualitative methods and certain aspects of quantitative analysis to analyse demographic information. The research reveals that healthcare professionals at the Ngwelezana Hospital

are unhappy with their working conditions and are experiencing a heavy workload. Other challenges health professionals face include constant lack of resources and feeling neglected by management. According to the authors, this affects health professionals' productivity, promotes absenteeism and ultimately leads to poor service delivery.

The authors make a number of recommendations to help mitigate the challenges the Ngwelezana Hospital faces. This includes reviewing hospital employees' work environment, lightening employees' workload to help counter burnout, as well as considering a strict intake of in-patients from the admissions department. Furthermore, the authors advise the Ngwelezana Hospital management to consider submitting correct statistics on the shortage of healthcare professionals to the provincial DOH. This way the department is made aware of the vacancies. In conclusion, the authors advise that a strategy be adopted to retain health professionals.

The discourse on the developmental state and developmental local government has developed into a theoretical framework that underlies the ambitions of both the South African state and local government's ability to achieve these goals. In **'The Municipal Institutional Capacity Model (MICM): A framework for improved municipal performance in South Africa'**, Louis Scheepers and Erwin Schwella report on the outcome of a non-positivist, descriptive and explanatory qualitative study into the development of the Municipal Institutional Capacity Model (MICM). The authors postulate that the MICM can be used as a framework to facilitate the development of tools to assess the institutional capacity of municipalities in South Africa.

According to the authors, "The MICM is based on a triangulation of various inputs, is diagnostic in orientation and is available to national and provincial governments in South Africa to help fulfil their constitutional obligation to monitor, support and strengthen local government". The model is constructed as three sections consisting of two capacity areas, namely a primary capacity area (leadership) and a secondary capacity area (innovation); and a set of four key institutional capacity elements, namely, long-term visioning and planning; fiscal management; public participation; and human resources.

As capacity areas, the authors recommend that leadership and innovation be applied to long-term visioning and planning, fiscal management, public participation and human resources. Importantly, the authors state that the MICM can serve as a framework to help predict the likely performance of municipalities in South Africa, given their institutional capacity. Furthermore, the authors stress that, "The MICM can help improve performance to help facilitate effective and ethical local governance in accordance with South African constitutional ideals, the NDP aspirations and the tenets of a successful constitutional democracy and capacitated developmental state".

Environmental leadership has many different meanings and provokes many different responses because the term environmental sustainability is widely used as a concept. Also the development of the concept sustainability has its root in the growing concerns regarding a range of socio-economic issues in terms of the inclusion of the environment in socio-economic issues with a shift towards an ecological paradigm in understanding the relationship between humanity and nature. In, **'The Dimensions of Environmental Leadership: Bringing Together the Nexus of Sustainable Development, the Environment and Leadership'**, Christelle Auriacombe and Vain Jarbandhan argue that this shift gave rise to the need for new thinking that recognises that the economy, society and the environment are interconnected and interdependent (the three pillars of sustainability) and governed through a set of interrelationships of a partnership between governments, businesses and voluntary organisations to support sustainable development globally.

To aid understanding of the different dimensions and variables influencing environmental sustainability in general and environmental leadership in particular their article provides a classification and mapping of different variables that influence environmental leadership as a new thought or attitude towards means of change to promote environmentally sustainable development. Their article attempts to draw together different documentary and literature sources to present an exploration of the current knowledge, views, trends, initiatives and approaches to environmental leadership and management; a historical and regulatory overview directing environmental leadership to promote environmentally sustainable development goals; and variables influencing global and national environmental leadership in pursuit of these goals.

The authors developed a classification model in terms of categories derived from their research to serve as an analytical model for the environmental leadership context, attributes and components. The categories in terms of the environmental leadership context include institutional, structural, operational and management interventions, cross-cutting theories, ecocentric management, ecological/environmental sustainability agenda and targeted operational sectors. The categories in terms of the leadership attributes and components include leadership personality characteristics, leadership behaviours, personal values, leadership styles and leadership skills.

To help improve service delivery, South African public institutions encourage the implementation of management systems that align institutional and individual performance. In **"Management challenges in the Alignment of Performance Indicators: The case of Overstrand Municipality"**, Gerda van Dijk and S Reyneke explore the management challenges that ensure alignment between individual and institutional performance indicators within Overstrand

Local Municipality. According to the authors, the role of management, with respect to aligning institutional performance indicators with individual performance agreements, is of paramount importance. In order to gain a better understanding of the current status quo within the Overstrand Municipality, the authors followed a qualitative research approach. A case study design was used while data was collected through a document review and unstructured interviews with senior managers.

The study findings highlight employees' negative perceptions of both individual and institutional performance management. According to the authors, this is indicative of management's inability to ensure alignment between these two management areas.

The article recommends that management facilitate an appropriate performance culture by aligning, planning, organising, leading and controlling both individual and institutional performance management. As such, the authors postulate that a Performance Management System (PMS) can be used to improve service delivery, because this is directly related to individual and institutional performance objectives being met. "While the goals of a municipality are identified through its institutional planning processes, the PMS should provide the framework for managing, measuring and evaluating the extent to which these goals are achieved, not only institutionally, but also individually," state the authors. The case study results highlight that the challenge is not developing PMSs, state the authors, but rather "senior managers' ability to ensure and facilitate alignment through proper and responsive management practices". Due to the relevance of performance management and service delivery in the South African government, Van Dijk and Reyneke call for a renewed emphasis on issues related to integration, coordination and cohesion between processes and systems within public institutions.

Although monitoring and evaluation (M&E) is a relatively new concept within the South African government, it is of utmost importance. In '**The Role of the Eastern Cape Provincial Department of Local Government and Traditional Affairs in Monitoring Municipal Performance**', Mabel Gopane and Harry Ballard explore the importance of M&E in government, with specific reference to the monitoring role that provincial governments in South Africa are mandated to play within local government. The consolidated report on local government performance in the Eastern Cape Province (ECP) has highlighted the need for effective M&E systems. According to the authors, recent service delivery protests across South Africa also serve as evidence that local government/municipalities are not performing.

With the aforementioned as the current status quo, the article looks at a study that investigates the role of the Eastern Cape Department of Local Government and Traditional Affairs (ECDLGTA), specifically the five

district municipalities. An extensive analysis of the current Government Wide Monitoring and Evaluation System (GWM&ES) is also provided in the article. According to Gopane and Ballard, the provincial sphere of government in the ECP should directly monitor all municipal programmes. “The misunderstanding of the role that the province is mandated to play in municipalities, and the miscommunication between the provincial and local government creates the issue of accountability for the poor performances of municipalities,” state the authors. The authors stress that, “Overall, the lack of M&E capacity; financial and human resources; and administrative will to improve governance are the core factors leading to the ineffective monitoring, as well as poor performances of municipalities”. In order to remedy this dire situation, the authors suggest that legislation that forms the basis for municipal monitoring should be reviewed at every opportunity. They conclude by stating that, “Evaluation mechanisms (feedback) should be developed, as there is no point in achieving successful monitoring alone without testing to ascertain if the remedies that are proposed are implemented, and, if so, whether or not they are successful”.

In **‘Assessment of the Effectiveness of the Infrastructure Development Portfolio Committee in the Gauteng Provincial Legislature’**, Eugenia Muzenda and Shana Mavee investigate the level of goal achievement by the Gauteng Provincial Legislature Infrastructure Development Portfolio Committee (GPL IDPC), which was established during the fourth legislative term in the 2009/10 financial year. The authors outline the reasons behind the identified level of performance and suggest areas of improvement for this Portfolio. This article seeks to document research that was conducted to assess the effectiveness of the GPL IDPC. Furthermore, the article aims to discover which challenges are applicable to the GPL IDPC, to what extent and how these challenges affect the progress towards achieving set goals/objectives and suggested improvements to be made. The main focus of the research is to assess the level of goal achievement by the Portfolio Committee; to identify and assess the main factors that contributed to sufficient or insufficient progress; and to recommend ways of improving progress towards goal achievement.

The research findings reveal that the GPL IDPC achieved 61% of its targets over the four financial years (2009/10–2012/13). Furthermore, the research revealed factors that influenced this level of performance, such as capacity issues for both Members of the Provincial Legislature (MPLs) and staff, more effective identification and involvement of stakeholders, and the congested programme of the institution. According to the authors, “These issues need to be addressed at the institutional level in order to improve the current level of goal achievement of the GPL IDPC. However, there are also issues that can be addressed at the committee level”. These include engaging in law-making

discussions, providing regular feedback to stakeholders, as well as gathering more independent information for verification purposes. The authors propose a number of ways to improve the performance of the Portfolio Committee. These include strengthening fieldwork approaches, capacitation of MPLs and administrators, continuity in the tenure of political leadership, strengthening the public participation function, and enhancing the working relationship between the legislature and the executive.

In **‘Contextualising Climate Change: Theoretical Considerations’**, Alouis Chilunjika and Dominique Uwizeyimana aim to provide an analysis of global warming and climate change and discuss anthropogenic and natural causes as the two main causes of global warming and climate change. The article seeks to bridge the knowledge gap that exists between the climate change scientist community and the lay people who are most likely to be affected by the effects of climate change and global warming. The objective of this article is to analyse what South Africa has achieved in terms of reducing the emissions of GhG responsible for the destruction of the Ozone-layer and global warming since it became a signatory to the international conventions dealing with GhG emissions and Ozone-layer depleting gases. The article deals with questions such as: What is climate change and what are its main causes? What are greenhouse gas (GhG) emissions and how do GhGs cause global warming, and why should a lay person living in a country such as South Africa be concerned with global warming or climate change?

The article indicates that South Africa’s performance in terms of the national GhG inventory is not impressive. The South African GhG emissions have been climbing since 1997 and are going to increase until at least 2035 because of its dependence on coal fired energy production. The analysis of South African GhG emissions shows that energy production is the main culprit in the production of GhG emissions.

The Level and Trend Assessments of South Africa’s GhG emissions show that the most economic factors which contribute to significant sources of GhG emissions in South Africa (excluding the Land sub-sector) in 2010 were the Energy industries (solid fuels), Road transportation, Manufacturing industries and Construction (solid fuels), and Enteric fermentation. More than 80% of South African GhG emissions are a result of energy production. The analysis shows that South Africa would need to find alternative sources of energy or better technology to produce energy with less or no GhG emissions into the atmosphere. According to the authors, “It therefore follows that South Africa needs to find alternative means of producing the energy it needs for growing its economy. There is definitely a need to move away from the dependency on coal-fired energy production as this is the main producer of the large quantities

of CO₂ emissions, if South Africa is going to make a significant reduction in its GhG production and emissions by the year 2035”.

Programme evaluation in South Africa is gradually shaping the manner in which government and private institutions assess the effectiveness, efficiency, outcomes and impacts of their respective programmes and policies. In **‘Ethical Challenges for Programme Evaluators: Critical Considerations for Programme Evaluation in South Africa’**, Tshilidzi Sithomola and Werner Webb state that the interest in programme and policy evaluation in South Africa is apparent in many government departments and the private sector. “However those who are charged with the evaluation mandate frequently encounter ethical issues throughout the entire programme evaluation process,” state the authors.

Notably, programme evaluators in South Africa and other countries across the world are required to subscribe to the prescriptions of governing policy instruments. In order to systematically unpack various dynamics around the origination of programme evaluation and its ethical issues, this article commences with a chronological chain of development that led this field to where it is today within the South African context. The article highlights that South African evaluators often employ the American Evaluation Association (AEA) and African Evaluation Association (AfrEA) guidelines due to the absence of local policy instruments to guide evaluations. As such, the researchers focus on practical proposals or remedies that may be adopted by the South African Monitoring and Evaluation Association (SAMEA) as a leading evaluation institution to strengthen the ethical stature of the evaluation fraternity in South Africa.

As a result of the abovementioned scenario, the article seeks to deal with a variety of ethical challenges that programme evaluators encounter when undertaking evaluations. These include ethical dilemmas at the entry stage of the evaluation, data collection methods, data analysis, reporting of findings, budget constraints and programme advocacy or the *clientism* phenomenon. Challenges that are evaluator prone, as well as those that are instigated by the commissioning agency are also discussed. In conclusion, the authors present mechanisms that could be implemented to enhance the ethical stature of the evaluation profession by addressing these challenges within the context of programme evaluation in South Africa.

Municipalities are expected to provide services to the communities in line with legislative requirements, and it becomes a violation of the law if certain aspects are not seriously considered. In **‘The Factors Affecting the Provision of Sustainable Water Services in the Mopani District Municipality in the Limpopo Province’**, Timothy Maake and Natasja Holtzhausen examine the manner in which the Mopani District Municipality in the Limpopo Province

provides water services and the factors that affect the provision of sustainable water services. In July 2003, the Minister of Water Affairs (now known as Water and Sanitation) appointed the Mopani District Municipality as the Water Service Authority in its area of jurisdiction, as determined by the Municipal Demarcation Board. According to section 11 of the *Water Services Act* (Act 108 of 1997), every Water Service Authority has a duty to all consumers or potential consumers in the area of jurisdiction to ensure efficient, affordable, economical and sustainable access to water services.

The article provides some of the key factors that affect sustainable provision of water services within Mopani District Municipality. Some of the factors have natural causes, such as dam levels that are gradually dropping due to the area's rainfall patterns. However, the authors postulate that policy-makers can attend to issues such as leadership and decisiveness. The findings suggest that water provision in the Mopani District Municipality is not sustainable, owing to the ageing infrastructure, inadequate water resources, poor planning, limited capacity in municipalities and the non-payment for water services by the households. The results show that it will take considerable time for the service to be sustainable unless the upgrading of the infrastructure as well as conservation management is prioritised.

Access to adequate food resources is entrenched in the Bill of Rights of the *Constitution of the Republic of South Africa*, 1996. But due to various constraints, this is not always the case. In **'The Implementation of the National Food and Nutrition Security Policy in South Africa: Strategies for Multisectoral Coordination'**, Mapula Nkwana investigates the complex nature of food security in the country. Through a conceptual and theoretical review of relevant literature, this article discusses the institutional arrangements that address the four pillars of food security, namely adequate availability, accessibility, utilisation and quality of food, as well as stability of food supply. Multiple departments across the agriculture, land reform, health and social development sectors address each of these pillars.

The author argues that Cabinet's approval of the *National Policy on Food and Nutrition Security*, along with the *Household Food and Nutrition Security Strategy* and *Fetsa Tlala Production Plan* shows Government's commitment to achieving food security. Despite this valiant attempt, the author argues that there are certain discrepancies pertaining to the current and proposed institutional programmes, strategies and policies relating to food security. According to Nkwana, "The multidimensional nature of food security necessitates a public policy approach that requires the coordination of government departments in the various sectors". To address the four pillars of food security, the article provides recommendations for multisectoral coordination in the implementation of the *National Policy on Food and*

Nutrition Security, taking cognisance of the current institutional arrangements, as well as those proposed in terms of the *Household Food and Nutrition Security Strategy* and the *Fetsa Tlala Production Plan*.

In **‘Towards Attaining Good Governance and Respect for Human Rights in South African Local Government’**, Paulus Hlongwane analyses the extent to which the South African local government sphere is fair, transparent and accountable in discharging its responsibilities and promoting human rights. Furthermore, the obligations of the citizens within the various local municipalities in South Africa are analysed to determine to which extent citizens are aware of the role they can play to advance good governance and protection of human rights.

The article explains the concept of good governance as a process by which all the spheres of government conduct public affairs in consultation with citizens to effectively manage public resources and promote human rights in a transparent and accountable manner. “Good governance should be firmly rooted in the following principles: efficiency and effectiveness, transparency, consensus, responsiveness, rule of law, accountability, equity and professionalism,” writes the author. In order to provide a holistic view of the current status quo, an analysis of local government’s approach to the management of service delivery is conducted. This is achieved by analysing scholarly published articles, local government’s publications and newspaper articles in relation to good governance. The article concludes that, due to the South African local government’s failure to ensure fairness, transparency and accountability on the one hand and the citizens’ role confusion on the other hand, good governance remains an elusive ideal while human rights remain precarious. The author contends that for South African local government to attain good governance, it is essential to fight corruption, deliver services, consult the public and manage public resources in an accountable and transparent manner.

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Citizen Participation and Policy Formulation

A Study of Bottom-up, Top-down, and Horizontal Scenarios in Local Councils in Western Uganda

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ABSTRACT

This article reports on research that aimed at assessing the contribution of citizen participation in policy formulation in Western Uganda. The central thesis statement was that “citizen participation has no significant contribution to policy formulation”. Using the case study design, the study focused on three districts (Hoima, Masindi and Kibaale), in Western Uganda. It was informed by Marxist Theory, and Pearson’s Linear Correlation Coefficients were used by drawing 173 respondents from selected sub-counties and a municipal division in Uganda’s Western region. It was found that citizen participation (bottom-up, top-bottom and horizontal) made a significantly positive contribution to policy formulation in the different elements of the dependent variables: problem identification, policy manifesto, policy agenda, policy debate, and policy decisions. It was therefore concluded that once the contribution of citizen participation to policy formulation is clearly considered, its improvement would be enormous. It is recommended that technical officials and local councillors, as critical components of the citizenry, be enabled to complement each other as partners—rather than as competitors—in order for them to take part in all the decisive stages of policy formulation in the district. In addition, mitigating the contribution of the factors negatively affecting successful citizen participation would go a long way towards improving the quality of policy formulation.

INTRODUCTION

Policy is significant in local service delivery as it directs the performance in specific local governments (LGs). Policy formulation thus remains an important phase in the management and operation of present-day LGs; significantly, it leads to improved relations between civil servants and elected councillors. It also increases the chances of successful and effective policy formulation. However, while the restoration of LGs based on the devolution of authority entrusts more powers and influence to local citizens, in reality true citizen participation is minimal at the very least or absent all together.

This article reports on a research that considered the contribution of citizen participation to policy formulation - with respect to problem identification, policy manifesto, policy agenda, policy debate, and policy decisions in selected local government entities in Western Uganda. This was done with a view to ascertain the contribution of citizen participation to policy formulation, and, by implication, the extent to which that participation contributes to effective policy formulation for the well-being of the citizens.

DECENTRALISATION IN UGANDA: A HISTORICAL PERSPECTIVE

Following British colonial rule between 1894 and 1962, it is believed that, because of the deficiency of citizen participation, Uganda, like several African countries, took longer to attain self-rule (Furley 2008:81; Laruni 2015:213). By implication, citizen participation stood out as one of the most important conditions for achieving what a small group, or even an individual, could not achieve. It is on this basis that—in this paper—the concept “citizen participation”, specifically in policy formulation, is presented as a precursor to successful local governance. The study concentrated on a Western Uganda community which has been pursuing local governance since the pre-colonial era, though policy implementation only took shape in 1962 and again in 1987 (Ojambo 2012:7). A highly centralised state was, by 1993, steadily turning into a decentralised one, following the transfer of power, functions and services from the central government to local councils (Ssonko 2013:31). Decentralisation was thus viewed as a solution to many of the problems affecting citizen participation and, as a pathway to poverty reduction and sustained development. Moreover, decentralisation became the basis on which government sought to promote good citizen participation, improved service delivery and poverty alleviation (Akin, Hutchinson and Strumpf 2005:1417).

The foundation of Uganda’s decentralisation framework was informed by the need to increase citizen participation, with the main consideration being

the need to reverse the over-centralisation introduced by the 1967 Republican Constitution. This step was taken because Uganda's Independence Constitution had established a highly decentralised system combining federalism in the Kingdom of Buganda with semi-federal status for the Kingdoms of Ankole, Bunyoro and Toro as well as the territory of Busoga (Brisset-Foucault 2013:509). Furthermore, the Independence Constitution provided for councils to be recognised in the districts of Acholi, Bugisu, Bukedia and Karamoja. All strategies were, in effect, aimed at introducing a system of citizen participation in local-level affairs. However, the Independence Constitution was abrogated in 1966 and replaced with a Republican Constitution, resulting in powers being re-centralised and local authorities being severely constrained.

The *coup-d'état* of 1971, orchestrated by military leader Idi Amin, dissolved district councils along with urban administrations, recognising only provincial administrations. Most governors, whom the President appointed, lacked appropriate knowledge and experience of citizen participation and as a result council discipline, local citizen leadership and service provision degenerated (Rondinelli, Nellis and Cheema 1983:34). During his second tenure (1981–1985) President Milton Obote remained half-hearted about making any efforts to re-establish citizen participation. The re-introduction of democratic citizen participation, therefore, embodies an important pact with the people of Uganda and is one of the main features of the 1995 Constitution (Government of Uganda 1995, Article 176 (2) (b)). The (Museveni) government was encouraged to take clear decisions in order to give confidence to the people of Uganda that the return to democratic citizen participation was a high priority. That decision was stimulated by the recognition that, as long as a society has the opportunity to define its own values and development, the members of that society will have some control over their destiny. In response to that recognition, one of the decisions, made in 1986, was to establish, from the village to the district, resistance councils and committees as policy-making organs (Lewis 2014:576).

The Government of Uganda officially launched the decentralisation policy on 2 October 1992 with the specific objectives of bringing about good citizen participation and improving service delivery to the population. From that time on, the term "citizen participation" was broadly recognised and appreciated, and it has remained notable as one of the means of successful public sector management. This is because, in their varying patterns and levels of development, governments need some form of decentralisation. The premise is oftentimes validated by the transference of responsibility for the implementation of rigidly centralised policies to locally based organisations. In this regard, therefore, this article specifically aimed at assessing the contribution of citizen participation to local governance by concentrating on policy formulation.

Participation approaches in Uganda: Bottom-up, top-down, or horizontal?

According to Wiebe (2000:579) participation includes an involvement of beneficiaries in the design and implementation of development projects. Embracing participation is, in itself an essential ingredient seeing that [a] it can lead to greater efficiency in the distribution of scarce resources and a more rationalised reaction to, and management of, poverty; and [b] it can counteract the community clashes resulting from unfairness. In Uganda's context, three approaches to participation are worth noting; bottom-up, top-down, and horizontal.

Bottom-up participation is an approach which allows citizens to work out certain guided tasks without trouble and they could connect with the development of their areas (Wagle 2006:386); it entails aggregating of lower council plans into the higher LG plan; it calls for local decision-making, community participation and grassroots mobilisation (Bottom and Crow 2011:222). That is why participatory planning could be developed through participatory rural appraisals. Bottom-up is supported because:

- There is ownership of the process and outcome by and among the target beneficiaries of a particular programme or project (Munzner and Shaw 2015:26).
- Participatory planning approaches are more appealing to development practitioners because identification of problems and implementation of solutions is done by the people themselves although with central government support (Pugh 2013:1267; Zapata 2013:373; Fenster and Misgav 2014:349).
- It allows locals the chance to set their own budgets—participative budgeting (Moir and Leyshon 2013:1003; Zhang and Yuguo 2011:281).
- It yields positive and increased capacities and goal achievement unlike top-down participation.
- It is purposed to work with the public to let them learn the methods of doing things.
- It enables participants more insights and more informed opinions on critical issues (Higgs, Young and Levy 2010:294).
- It leads to increased motivation, better information, increased understanding and commitment, and better communication (Ahimbisibwe and Nangoli 2012:104).

However, bottom-up participation may create negative control from senior managers and dysfunctional behaviour may lead to; bad decisions, slowness, disputes and pressure on local communities (Tagoe and Abakah 2015:374; Watson 2014:447). That is why building a culture in which government is

expected to involve citizens in vital decision-making; where accountability is demanded; where there is joint work to overcome social challenges and make good decisions; and where change is created by members who then set their own agendas and demand government response, is important.

Top-down participation is an approach that is set without allowing the ultimate beneficiaries to have the opportunity to take part in the process. It focuses on lobbying and bargaining with the decision-making authorities such as government agencies, building up of pressures through different campaign mechanisms or advocacy activities (John and McAteer 1998:111). It has been criticised by several practitioners due to being less hands-on for the community, although, in theory, it serves the community by making changes about the challenges encountered and improvements in public management (Koplowitz 2008:523; Jones, Munday and Roberts 2009:307). However, top-down ought to be re-enforced by other strategies. Top-down participation is preferred for some of its values:

- The LG can easily achieve a focused use of available resources from the different sources.
- The initial performance becomes a reliable platform for stakeholders to identify administration results (Chigbu 2015:336).
- When the different phases of policy formulation are concluded for the initial performance, a deeper and more established implementation of the policy solution is easy (Jones and Barkhuizen 2011:522).
- Procedures and continuation are not primarily influenced in a more vicious way compared with the bottom-up approach (Ahammed and Harvey 2004:74).

Horizontal participation involves a condition where power is distributed across groups that benefit from community services in order to create alliances and thus breeding what is called 'coordinance' rather than 'subordinance', negotiation instead of command and a symmetrical form of communication (Michels and Meijer 2008:166). This form of participation largely involves no attitude or feeling of dominance or lowliness among stakeholders (Tataw and Ekudayo 2012:735). Although it cannot be adopted alone, horizontal participation presents support for power in a more ideal interaction among small community groups for mutual tasks and competitive advantage. The challenge is that, Uganda embraced democratic decentralisation as an aspect of its reform process in 1992 with the purpose of promoting citizen participation in local governance. It was anticipated that the more citizens participate in the affairs that affect their lives collectively, the more sustainable community programmes and projects would be. Horizontal participation is often encouraged seeing that:

- It allows stakeholders to focus and invest time and energy on the collective goals (Rydin and Pennington 2000:156).
- It breeds teamwork which ensures the group has cohesion and moves the organisation to progress.
- It empowers stakeholders by emphasising training and giving them the necessary tools to succeed (Khazaei, Elliot and Joppe 2015:1058).
- It helps to increase satisfaction, given the fact that emphasis is put on creating an inclusive culture and environment – putting value on openness, cooperation, and collaboration (Forsythe and Ledbetter 2015: 334).

On the other hand, the absence of citizen participation was perceived, by government and critics, to be liable for poor local governance processes and activities. Citizen participation was thus treated as a key factor in nurturing effective policy formulation in LGs, however; that concern has not been systematically addressed by academics. Instead, most studies revolved around other issues like participatory budgeting processes (Moir and Leyshon 2013:1003; Zhang and Yuguo 2011:281), fiscal participation (Aguilar and Soques 2015:291), participatory community budget performance (Stewart *et al.* 2014:194), participatory monitoring and evaluation, and participatory resource management. Therefore, by failing to assess the contribution of citizen participation to local governance, LGs became ‘weaker’ and, as a result, policy formulation suffered tremendously. To make an input, this study considered assessing the contribution of citizen participation to local governance by looking at policy formulation.

PERCEIVED RELATIONSHIP BETWEEN CITIZEN PARTICIPATION AND POLICY FORMULATION

Citizen participation has been recognised, by different actors and academics, as a means of realising successful policy formulation (Michels 2006:323; Michels and De Graaf 2010:477). Importance is thus attached to the role of citizen participation in the attainment of sustainable development programmes and projects (Ganghua 2009:19; Agger 2010:541). For instance, efforts to achieve the Millennium Development Goals (MDGs) worldwide call for spirited citizen participation as one of the key conduits to policy formulation among LGs (Klinken 2003:73). Consequently, this article draws on Marxism which emphasises the importance of LGs based on contemporary capitalism (Resnick and Wolff 2013:153). The Marxists identify interests that are expressed, through LGs, by revolving around the local state and capitalist reproduction in addition to collective consumption and working-class interests (Resnick and

Wolff 2013:153). The Marxists' claims underscore the significance of citizen participation although it is based on lopsided relations. They further revolve their ideas around inter-governmental relations as well as the constraints on LGs. This is not to contradict the relevance of class consciousness as a pre-condition for exploitation of the masses and so the blend of most Marxist arguments reveals the extent to which the thrust of policy formulation ought to be built on effective citizen participation.

It is important for us to be conscious of the different beliefs and approaches, explicit or implicit, to politics and the state. After all, the Marxists are concerned with social movements and collective interests within specific historical circumstances. By implication, assessing the contribution of citizen participation to policy formulation becomes central to contemporary studies. On the other hand, the economic interpretation of LGs focuses on both public choice and collective consumption. The intersection between the two calls for an active citizenry, at all levels of local governance, which is aware of its needs and how to harness them. Although the neo-Marxists seem to hold back the difference between reality and rhetoric, as contended by Plato in his ideal state, the economic interpretation presents a clear-cut point concerning the importance of citizen participation to policy formulation (Michels and De Graaf 2010:477). The economic interpretation further raises critical concerns, including public responsiveness to individual preferences; the demand and supply of public goods; as well as the theoretical and practical problems.

THE RESEARCH DESIGN

The case study design was applied since the study intended to describe the characteristics of a contemporary phenomenon despite its having been part of academic discourse for some time. The case study enabled the researcher to easily collect data from the respondents without discriminating any of the individual elements. The quantitative research design was chosen because this study intended to generalise results from the sample. The choice of a case study design compares favourably with other scholars' recommendations. By triangulating both qualitative and quantitative methods (Onwuegbuzie and Leech 2005:382), a flexible and economical approach to a socio-scientific study as well as coverage of sufficient respondents were realised.

Questionnaire and the respondents

The study targeted three units of the population in the districts of Hoima, Masindi and Kibaale in Western Uganda, i.e., elected councillors, locally

appointed officials, and central government representatives. The entire district, sub-county, municipal, and municipal division councillors were considered and the proportionate stratified sampling technique was used to select the study respondents (248 though only 163 were realised—65.7%). In order to capture the heterogeneity of the population, a simple random sample was generated from each of the sub-populations (Haq and Shaddir 2013:232; Aladag and Cingi 2015:1014). 52% of the respondents were male while 48% were female; 10% were aged 18–30, 32% (30–39 years), 44% (39–49 years) and 14% (>49 years); ordinary level of education (11%), advanced level (26%), diploma (45%), first degree (11%), and above first degree (7%). One set of a self-administered questionnaire was prepared for two groups of respondents (local councillors and technical officials); section one covered demographic data of respondents, section two covered the independent variables (19 items; 40.4%), while section three covered the dependent variables (28 items; 59.6%). Two focus group discussions (8 items) were conducted among the remaining respondents in order to further explore policy formulation. FGDs were held in order for the researcher to hold in-depth discussions aimed at establishing some of the fundamental issues that could not be discovered through the self-administered questionnaires.

Measuring instruments

All the data collection instruments were analysed in order to establish internal consistency and validity. The outcomes of three of the five external consults (75%) were subjected to content validity tests (CVTs) (Ding and Hershberger 2002:286). The overall CVI was that the outcome of the inter-consult coefficient average for the five scales was 0.76 and seeing that it was more than 0.60, the instruments were considered valid. Further, a reliability test was conducted using Kuder-Richardson and outcomes reflected that: socio-demographic characteristics yielded 0.6511, citizen participation (0.7801), policy formulation (0.9192) and the overall average (0.783) was above 0.6, implying that all the scales used in the study were reliable.

Statistical analysis

Data was analysed using the statistical package for social scientists in order to establish the different relationships (Hilbe 2003:311). In addition, descriptive statistics through means and standard deviations were generated while the corresponding hypotheses were tested using Pearson's Linear Correlation Coefficient in order to assess the contribution of the independent variable to the dependent variable (Fouladi and Steiger 2008:930).

THE FINDINGS: CITIZEN PARTICIPATION AND POLICY FORMULATION

Citizen participation was measured using three variables namely; bottom-up participation, downward participation and horizontal participation. Bottom-up participation yielded an average mean of 3.18 and a standard deviation of 1.301, interpreted as moderate; and downward participation yielded an average mean of 3.05 and a standard deviation of 1.241, interpreted as moderate too. Horizontal participation yielded an average mean of 2.82 and a standard deviation of 1.323, interpreted as moderate. On the other hand, the dependent variable, policy formulation was measured using five variables, namely: problem identification which yielded an average mean of 2.88 and a standard deviation of 1.346, interpreted as moderate; and policy manifesto which yielded an average mean of 2.76 and a standard deviation of 1.347, interpreted as moderate too. Policy agenda yielded an average mean of 2.17 and a standard deviation of 1.268, interpreted as low. Policy debate yielded an average mean of 2.58 and a standard deviation of 1.271, interpreted as moderate. Policy decisions yielded an average mean of 2.20 and a standard deviation of 1.268, interpreted as low.

The outcomes from all seven items concerning problem identification revealed a mean of 2.88 and a standard deviation of 1.346. On average, problem identification was rated moderately on the success of policy formulation in the LG. The five items regarding policy manifesto were rated as “moderate” and given an overall mean of 2.76 \approx 3 and overall standard deviation of 1.347, which falls under “neutral” on the Likert scale. This implies that policy manifesto was generally modest, which suggests that the level of policy formulation through policy manifesto was still desirable in spite of the downward trend. Overall, policy agenda was rated “low”, thus given a mean of 2.17 and a standard deviation of 1.268 implies that overall, policy debate was rated “moderate”, with a mean of 2.58 and a standard deviation of 1.271. Policy debate was still considerable among citizens and so was the process of policy formulation. The study established that the majority of the respondents disagreed with the factors concerning policy decisions; consequently, the deficiency of an effective policy decision process contributed to a low level of policy formulation. The general mean for policy formulation was rated as “moderate” including; problem identification (mean=2.88; std. dev.=1.346), problem manifesto (mean=2.76; std. dev.=1.347), policy agenda (mean=2.17; std. dev.=1.268), policy debate (mean=2.58; std. dev.=1.271) and policy decision (mean=2.20; std. dev.=1.268). This was so because the overall mean was 2.52 while the overall standard deviation was 1.300. From the general outcomes, the study indicated that policy formulation was, generally, modest in LGs in spite of the setbacks faced at the policy decision phase.

The study hypothesised that “citizen participation has no significant contribution to policy formulation in Western Uganda”. The Pearson’s linear correlation coefficient (PLCC) outcomes were generated using all five items on policy formulation, including problem identification, policy manifesto, policy agenda, policy debate, and policy decisions. The outcomes indicated that there is a positive significant correlation between citizen participation and each of the aspects of policy formulation (all sigs < 0.05). In fact, the outcomes demonstrated that there is a positive significant correlation between citizen participation and problem identification ($r = 0.300$, Sig.= 0.000); policy manifesto ($r = 0.473$, Sig. = 0.000); policy agenda ($r = 0.522$, Sig. = 0.000); policy debate ($r = 0.278$, Sig. = 0.000); and, policy decisions ($r = 0.302$, Sig.= 0.000). Based on the outcomes, policy formulation yielded an r-value of 0.521 and Sig. of 0.000, thus pointing to the conclusion that citizen participation and policy formulation in Western Uganda were significantly correlated. The outcomes which were significant at 0.05 level of significance indicated that citizen participation makes a constructive contribution to policy formulation. Based on this outcome, the null hypothesis was rejected and a conclusion drawn that “citizen participation contributes positively to policy formulation in Western Uganda”.

Interpretation of findings

The study reveals that policy formulation was moderate (overall mean=2.52; overall SD=1.300) because of problem identification (mean=2.88; SD=1.346), policy manifesto (2.76; SD=1.347), policy agenda (mean=2.17; SD=1.268), policy debate (mean=2.58; SD=1.271), and policy decisions (mean=2.20; SD=1.268). The outcomes corroborate the Systems Model which prescribes that policy formulation involves estimating the impact of the policy on the local programmes and projects (Mitroff, 1975:76). The model stresses that policy formulation is a systematic and data-based alternative to intuitive ideas about the effects of policy options used in problem assessment and monitoring as a ‘before the view’ decision tool. The model emphasises that policy formulation, as a technique, puts data to use in deciding about, estimating and measuring the consequences of public policies such as whether any new district should be carved out of an existing district. And, the systems model points out that policy formulation provides maximum ideas with minimal costs about; the likely consequences of proposed policies, the actual consequences of the policies in place, and various approaches to be applied to implement or evaluate them, that is, cost-benefit analysis.

Citizen participation generated a mean of 3.02 and SD of 1.288, this is moderate while upward participation generated (mean=3.18; SD=1.301). In a

study conducted by Guttman and Ressler (2001:119) they found that it is not only about sharing opinions but bringing knowledge of the social environment and process, through partnership and collaboration, to the LG agenda. The outcomes further indicated that taking personal and social responsibility was a necessary component in several ways. For instance, they note, it aids the collection of information, reflection and analysis of the problems, application of indigenous knowledge and local experience, increasing knowledge and skill along with organising action groups to participate and manage resources. Nonetheless, the outcomes deviate from Eren (2015:156) whose study found that people did not value public affairs nor did they regularly consult their leaders. Although we can, arguably, impute that the study by Eren was conducted hardly a year ago; therefore, his views demonstrate that local stakeholders have a general laxity whenever it comes to consulting or raising any credible issue with their leaders. In view of that, the outcome concurs with the Marxists who proposed the need for a government that is composed of representatives, such as local councillors, acting in the best interests of society as a whole. The Marxists view the contribution of subordinate communities as 'direct' during local elections and indirect thereafter through elected members. This indicates that their ambition is to strike a practical participation in favour of the dominant class; termed as indirect participation and is, in effect, a condition that favours a smaller group living societal interests skewed since most of the direct beneficiaries were left outside.

Downward participation yielded a mean value of 3.05 and SD of 1.241. The outcome deviates from the findings of the study conducted by Bryson (2004:26) who found that all categories of stakeholders needed an opportunity to take part in affairs affecting them directly or indirectly. The outcomes further conflict with the views of Perella, Galli and Marcheggiani (2010:432); and Posner (2003:42), who emphasised that popular participation ensures sustainable local development as individual citizens are involved in various socio-economic development projects. Their views indicate that when leaders initiate council decisions in the LG, stakeholders will be denied the opportunity of taking part in affairs affecting them. In addition, leaders' initiation of council decisions would suppress local socio-economic development projects.

Horizontal participation yielded a mean value of 2.82 and SD of 1.323. In his study, "Liberalism, authoritarianism and the politics of decisionism in Thailand," Connors (2009:356) established that authoritarian self-serving bureaucrats and politicians take advantage of their own interests rather than those of national and local citizens. This, they achieve by holding the centre and through those whom they delegate or defer to. By inference, their results point towards the conviction that LG committees and departments are operated by individuals motivated by personal interests rather than teams concerned

with the general good. These outcomes suggest that citizen participation has a positive contribution to policy formulation, given the r-value of 0.521 and Sig. of 0.000. The outcomes generated using Pearson's linear correlation coefficient (PLCC) tests indicate that there is a positive significant correlation between citizen participation and policy formulation. This outcome was justified by the test results, where a positive significant correlation was realised between citizen participation and the problem identification yielded an r-value of 0.300; policy manifesto yielded an r-value of 0.473; policy agenda had an r-value of 0.522; policy debate had an r-value of 0.278; and policy decisions had an r-value of 0.302. Overall, the null hypothesis "citizen participation has no significant contribution to policy formulation in Western Uganda" was rejected.

The outcomes from the Pearson's linear correlation coefficient indicated that, given an r-value of 0.521 and Sig. of 0.000, the null hypothesis was rejected. The degree of the contribution of citizen participation to policy formulation is not only a fundamental predictor of problem identification and policy manifesto but, over time, policy debate. The evidence presented in this study clearly differs with the hypothetical argument earlier constructed. Using frequencies and standard deviations, it was established that, given the moderate degree of problem identification, policy manifesto, and policy debate, LGs have had an explicit contribution of citizen participation to the degree of policy formulation. Nonetheless, as the degree of citizen participation in policy formulation increases, the negative effects gradually wane. The study indicates that citizen participation makes an important contribution to the overall policy formulation process among LGs and, as a result, the presence of ineffective citizen participation leads to inequalities across the policy-makers' divide. The results corresponded with Marxism which lays importance on LGs based on contemporary capitalism (Lane and Wood 2009:532; Fumagalli 2011:9); issues of the local state and capitalist reproduction or collective consumption and working-class interests were exposed. This is what was earlier named by Marxists as lopsided relations (Resnick and Wolff 2013: 153). Although the outcomes did not specifically address issues of inter-governmental relations, its relevance was convincing, especially when approached from any of the three approaches of citizen participation.

LIMITATIONS

Although this study was meticulously planned and carried out, we are aware of possible limitations unique to the case study design as used in this research. The limitation, largely, relates to the issue of generalisability. In this study, one

can fault the possible lack of representativeness and the possibility to generalise the results as relating to the whole country. To generalise the results of a larger group would have involved more participants in more districts of the country, more time and a tremendous amount of money. Nonetheless, the research, through triangulation and an appropriate sampling strategy was able to generate data and draw conclusions that enable one to understand the phenomenon and set a reliable agenda for policy-makers.

CONCLUSION

This article assessed the contribution of citizen participation to policy formulation, with the aim of providing a broad framework to the three approaches to citizen participation and their interaction with policy formulation, exemplified by means of the Marxist Theory. The theory addressed three major concerns limiting citizen participation's full prospective. Moving away from "the contentions of Marxism"; the theory gives a precise approach for policy formulation. The article identified a range of Marxist claims with empirically quantified evidence, revolving around bottom-up participation, top-down participation, and horizontal participation. The article advanced the value of bottom-up participation as decisive for successful policy formulation. The reliability of Marxism needed to be enhanced by the adaption of bottom-up policy formulation strategies; the example of Uganda has revealed its practicability. Bottom-up participation thus offers a clear and sound mix applicable to a wide field of policy-making processes to the degree achievable within local government limits.

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The National Prosecuting Authority (NPA) in a Nimbus Between the Executive and the Judicature

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ABSTRACT

The future of the NPA that exercises its functions without fear, favour or prejudice, as mandated by the Constitution, hangs in the balance. Although one could improve on the provisions of section 179 of the *Constitution of the Republic of South Africa* of 1996 to regulate the constitutional status of the NPA with more clarity, there is sufficient scope for the Constitutional Court to protect the independence of the NPA. What is urgently required is clarity on the location of the NPA in order to curb undue executive interference in criminal justice. In practice, the Westminster model's criminal justice system has been perpetuated after the new Constitution was adopted although there are major differences between the Westminster system and the constitutional-state paradigm. Whereas prosecutors are located in the executive branch and are only functionally independent from the executive in the Westminster system, they are grouped together with the judiciary as second organ in the third branch of state power (judicature) in a constitutional state. This is the way Chapter 8 of the Constitution also regulates their status. Several provisions of the National Prosecuting Authority Act 32 of 1998 (NPA Act) are not in line with this constitutional separation of powers and treat the NPA as if it is still located in the executive branch and subject to ministerial orders. These provisions could be challenged to secure the independence of the prosecuting authority in the manner envisaged by section 179(4) of the Constitution.

INTRODUCTION

In practice, the Westminster model's criminal justice system has been perpetuated after the new Constitution was adopted although there are major differences between the Westminster system and the constitutional state model. Historically the prosecuting authorities in each of these two systems developed in a different context and that affects their constitutional status. The Westminster model is characterised by an uneven distribution of state power due to the doctrine of parliamentary sovereignty, no clear separation of powers as a result of class-based power-sharing constructs, little constraints to limit an abuse of power and no bill of rights guaranteeing fundamental rights.

The constitutional state concept stands for the opposite: the three branches of state power hold each other in equilibrium of power; there is a clear and definite separation of powers and these powers must be exercised within the parameters set by the Constitution. The courts were not really aware of these differences in state organisation at the time when the Constitution was certified. The relapsing to a perception that the prosecutors should be located in the executive branch is meanwhile severely hampering the independence of prosecutors and equal treatment in criminal justice. Although there are increasingly voices that call for a constitutional amendment, the wording of the relevant constitutional provision leaves ample scope to make the shift. What might be needed are a number of amendments of the National Prosecuting Act of 1998 that tilts too much power to the executive and legitimates executive control of the prosecuting system, which is not in line with the constitutional state paradigm.

DIFFERENT PROSECUTING MODELS

The constant evolutionary evolution of constitutional practice is often ahead of theoretical precepts that are inadequately formulated or updated in constitutions. The ideal of democracy that crystallised in the 18th century initially foresaw a separation of powers between the judiciary (courts), legislature, and executive. This is still the way many constitutions refer to it although another important state organ developed. The unsatisfactory outcome is that state prosecutors are often treated as a useful state organ that occupies an undefined space somewhere between the executive and the judiciary. It therefore seems appropriate to briefly highlight the characteristics of various prosecuting models.

The Anglo-American prosecuting model: Functional independence

The Attorney-general, whose office dates back to the 15th century in Great Britain acted as law officer of the Crown and was a member of cabinet. Sir William Blackstone recorded that the attorney-general was “the king’s immediate officer and the king’s nominal prosecutor” (Blackstone and Sharswood 1867:253). Initially criminal prosecutions were conducted by private persons but this was nominally in the name of the Crown.

The office of the Director of Public Prosecutions was first established in 1879 by the Prosecution of Offences Act. He was appointed by the attorney-general and was required to have a minimum of ten years’ experience (Kurland and Waters 1959:499–501, 526, 550). During the legislative debate, it was proposed that public prosecutors should generally conduct criminal investigations and prosecutions like in France, but the motion was not carried. These functions were left in the hands of private solicitors and the police despite the drawback that the police often also had to give evidence in the cases they prosecuted (Kurland and Waters 1959:528, 555–62). The Director of Public Prosecutions thus oversaw criminal prosecutions of a small number of important or difficult cases. The police continued to have responsibility for most prosecutions until 1986.

Prosecutors were introduced only in more recent history to split police functions into criminal investigations (police) and taking the matter to court (legally trained prosecutors) with the adoption of the Prosecution of Offences Act, 1985 that created the Crown Prosecution Service. Criminal procedure is still accusatory. These reforms attempted to strengthen the independence of prosecutors. However, until today the decision lies initially with the police to decide if evidence justifies a prosecution in England, Wales and Ireland. Only once they so decided, the police refer the case to the Crown Prosecution Service. The Act also did not abolish the right of the police to prosecute. (Brazier 1999:109–111; Jackson and Leopold 2001:372–374, 425; Fionda 1995; Mansfield and Peay 1987; and Hirschel *et al.* 2008).

The dominant state organisation model in the Anglo-American tradition is that the state prosecution service is located in the justice department. The prosecuting authorities have varying degrees of “functional independence” from the executive but are subject to oversight of the justice minister. Such oversight is *sui generis* and not comparable to the direct hierarchic ministerial oversight, which is typical for the internal administration of ordinary executive state departments that take administrative action. The location of the prosecutors in the executive branch nevertheless makes it easy for politicians to exercise undue influence on prosecutors to shield other politicians or executive office bearers from criminal prosecutions (Yalof 2012). Not surprisingly conflict between prosecutors and

political office bearers relating to the instigating of criminal proceedings arose early on. Thus the doctrine of independent aloofness took root in the UK during the 1920s to counter that (King 2000:157). Yet, political interference in the domain of state prosecution is no rarity even today (Wolf 2011a:66).

To summarise, although criminal prosecution has been professionalised insofar it is no longer left in the hands of private solicitors or the police, the prosecuting model of functional independence has distinct disadvantages: first, in practice it is not very effective to prevent politicians from meddling in criminal prosecutions; second, it blurs the boundaries between powers that should be exercised by the executive (regulated by administrative law) and powers that should be exercised by the prosecutors as law-enforcers of criminal justice (criminal law) (Wolf 2011b:724–5); third, it could thwart pivotal principles of justice insofar as the grip of the executive over prosecutors could lead to a pre-selection for prosecution which affects equal treatment of offenders (Whitman 2009:120–121; Wolf 2011a:97–97); and finally, it is possible to block access to the courts with unjustified *nolle prosequis* that are entered at the behest of the executive with the effect that prosecuting and judicial power is usurped along this route (Wolf 2011a:64).

Continental European models: Functional and structural independence

In criminal justice the path taken by the constitutional states of Europe over the last 200 years is very different from that in Anglo-American countries. Despite the slow evolutionary process, prosecutors are now regarded as the *de facto* second organ of the third branch of state power. Legal historically, the prosecutors were a split-off from the judiciary to separate the judicial functions of inquisitory investigations from adjudication. Thus, the separation of powers conceived of by Montesquieu was extended with a second organ in the third branch of state power next to the judiciary. This is the model that has been adopted in most of Continental Europe owing to a strong French influence during and in the aftermath of the Napoleonic conquests (Collin 2001; Rüping 1992:157; Schulz 2005:311–330; Dölemeyer 2005:85–103; and Wohlers 1994). The great codifications of public law in the second half of the 19th century formalised the location of prosecutors in the third branch of state power, i.e. a judicature consisting of the judiciary and prosecutors (Wohlers 1994:26–28; Haas 2008:31–36; and Wolf 2011a:67–68, 70–73).

Most of Central Europe and the Scandinavian countries follow the so-called ‘German model’ of prosecution (Tupman and Tupman 1999:37). Criminal procedure, with the exception of France, is not purely inquisitory but has incorporated many accusatory elements. Prosecutors are regarded as guardians

of the law who have the duty to exercise their powers benevolently and in service of justice (Haas 2008:17–30). They must consider both incriminating and exculpatory evidence, honour the binding force of statutes (the principle of legality), and secure equal treatment and prosecute all cases where there is sufficient (*prima facie*) evidence (Kelker 2006:390–391, 394–400; Hassemer 1992:529–540; and Lorenzen 1992:541–548). Unlike judges who are independent and not bound to instructions, prosecutors are bound by instructions from their direct superiors, i.e. senior prosecutors. The principle of legality, however, precludes arbitrary prosecutions or the granting of unjustified *nolle prosequis*. (Wolf 2011b:727).

Criminal investigations are prosecution-led and the decision whether or not to prosecute is taken by prosecutors in Germany, France, Italy, Sweden, Finland, Scotland, and the Netherlands (Tupman and Tupman 1999:37–38). Although prosecutors may make use of police assistance to investigate criminal offences, they always lead criminal investigations. The rationale behind this arrangement is twofold: first, it underscores that criminal investigations and prosecutions are not executive functions, and secondly, it ensures procedural fairness and respect for fundamental rights by trained lawyers in pre-trial criminal investigations.

The primary function of the police is to secure public safety and order (e.g. hazard prevention and minor traffic offences). These functions are administrative in nature and must be distinguished from prosecuting functions that focus on the investigation and prosecution of crime. The latter is regulated by criminal law, not administrative law (Wolf 2011a:68; and Wolf 2011b:706–712). The police are not the only civil servants of the executive branch who function as the helping hand of prosecutors. Prosecutors may also require tax, customs, and intelligence officers or civil servants from other state departments as the case may be, to assist them. In specialised and complex areas of corruption and commercial criminality prosecuting authorities usually have their own forensic teams, which – apart from prosecutors – include chartered accountants, commercial and financial experts, and IT specialists, who help to investigate such offences (Wolf 2011a:68).

It is the responsibility of the justice minister to keep these channels for assistance open, but the minister may not interfere in criminal prosecutions. The “external” oversight responsibilities of the justice minister are therefore different in nature from the Anglo-American systems. The role of the justice minister is basically to provide infrastructure for the courts, to manage the finances of the courts, and to co-ordinate leave of judges and prosecutors so that the courts would run smoothly. Legality and transparency of the justice minister’s actions are of utmost importance not to compromise the independence, reputation and standing of the judiciary and prosecutors (Kelker 2006:397; Geerds 1992: 297–316; and Wolf 2011a:72).

To summarise, in the constitutional state model, the prosecutors are *structurally* independent and do not merely have some degree of functional independence from the executive. The separation of powers in this paradigm distinguishes between the functions of making law (legislature), executing and implementing law (executive), and enforcing law through prosecution and adjudication (judicature consisting of two organs, i.e. the prosecutors and the judiciary). This model is based on equilibrium of power of the three branches of state power instead of the notion of parliamentary sovereignty (Westminster system) or a preponderance of power tilting towards the executive like the presidential system of the USA (Wolf 2011b:706, 711). This explains why corruption allegations in high profile cases such as former German Chancellor Helmut Kohl and former Federal President Christian Wulff were not spared from criminal investigations. It also explains the strong position of prosecutors in Italy, who fearlessly prosecuted former Prime Minister Berlusconi.

On the balance

In a comparative study, Yale law professor James Whitman has come to the conclusion that procedural fairness and equal treatment under US and UK criminal law lag far behind its European counterparts. Two major factors that influence this outcome are how the ideal of equality before the law is understood and the location of the prosecuting authority in the separation of powers. Whereas Anglo-American law generally requires that all people should face an equal threat of punishment, Continental European law additionally demands that all people face an equal threat of criminal investigation and prosecution. The normative quality of pre-conviction equality is therefore much higher in the constitutional states of Europe (Whitman 2003; 2009).

Prosecuting models typical for authoritarian regimes: No functional or structural independence

The prosecuting model where prosecutors do not have any functional or structural independence from the executive is typically found in authoritarian regimes. Such a constitutional system is usually characterised by executive dominance or hardly any separation of powers. The legal system is invariably targeted with both prosecutors and the judiciary being put under *de facto* executive control. Examples that could be mentioned are the Nazi dictatorship in Germany from 1933 to 1945 (Stolleis and Dunlop 1998:12–20) and Eastern European communist regimes (Schröder 2004). Something similar happened during the military dictatorships of South America in the era of the 1960s to the 1980s (Ríos-Figueroa 2012:267).

One of the dilemmas of countries that have experienced extreme abuse of human rights by state organs is that they presume that the adoption of a bill of rights and entrenching an independent judiciary would be sufficient to prevent such abuses of power in future. Unfortunately, the reform of prosecuting services to curb executive interference in criminal prosecutions often plays second fiddle to that.

THE AWKWARD TRANSITION IN SOUTH AFRICA

The status of the NPA is regulated ambivalently by section 179 of the Constitution and has not unequivocally made the shift away from the Westminster model. To start with, the basic structure of Chapter 8 which classifies the prosecutors and the judiciary as the state organs responsible for the administration of justice is fully consistent with the constitutional state paradigm of two state organs in the third branch of state power (Wolf 2011b:726–727). Moreover, if it was intended that the NPA should fall under the control of the executive branch, their status would have been regulated in Chapter 5 (Wolf 2011a:74; Wolf 2011b:727).

Three provisions of section 179 unquestionably also favour the constitutional state model. Section 179(2) confers the power “to institute criminal proceedings on behalf of the state” and “to carry out any necessary functions incidental to instituting criminal proceedings” upon the prosecuting authority – not upon the department of justice or the police (Wolf 2011a:74).

Section 179(5) further indicates that the national Director of Public Prosecutions (NDPP) is on a par with the justice minister because he determines prosecuting policy “in concurrence” with the minister. It does not signal a relationship of subordination typical of an internal executive hierarchy. In that case, the wording of the provision would have determined that the *minister* should determine prosecuting policy “in consultation with” or “on advice of” the national director. The liaising of the national director with the justice minister is on a *horizontal* level similar to the relation of the justice minister vis-à-vis the judiciary (Wolf 2011a:74; Wolf 2011b:728).

In addition, subsection (4) obliges the legislature to ensure that the prosecuting authority can exercise its functions “without fear, favour or prejudice.” It implies that prosecutors are not subject to ministerial orders and that this should be ensured statutorily. One would therefore presume that their institutional independence should be guaranteed – not merely some degree of functional independence where the prosecutors can still be manipulated by the executive.

There are two provisions of section 179, however, which create potential difficulties. Subsection (6) states that the minister of justice is “responsible

for the administration of justice” and “must exercise final responsibility over the prosecuting authority”. This provision could be interpreted to favour the Westminster model of functional independence of prosecutors where they form part of the executive branch. That would be in conflict, however, with the rest of the Constitution which endorses the constitutional state paradigm. The Constitutional Court has consistently applied the rule of harmonious interpretation of constitutional provisions (Wolf 2014:163) and it could therefore be expected that the Court will interpret this provision to be in line with the constitutional state paradigm. In Germany a similar provision regulating the external oversight of the justice minister has been interpreted restrictively. The courts held that ministerial responsibility for the prosecuting authority cannot be equated with ordinary executive ministerial responsibility. It is a *sui generis* power which implies that “responsibility” must be interpreted to mean that the justice minister has oversight to ensure that the channels for executive assistance in prosecutor-led criminal investigations are open and function properly (Wolf 2011a:74).

The real difficult nut to crack is section 179(1)(a). It provides that the national Director of the Prosecuting Authority should be appointed by the president in the capacity as “head of the executive”. The wording of the provision has cast the power in the format of a straightforward executive power. It was taken over directly from section 2(1) of the Attorney-General Act 92 of 1992 which was tailored to suit the Westminster model’s separation of powers. This provision clearly constitutes an anachronism in the separation of powers typical for a constitutional state (Wolf 2011b:727).

Although concerns were raised during the certification procedure of the Constitutional Court that the head of the prosecuting authority should not be a political appointee of the executive if the independence of the NPA should be guaranteed, they were disregarded (Wolf 2011a:76–78). The Court simply departed from the premises that the doctrine of separation of powers distinguishes between the legislature, the executive and the judiciary (the original Montesquie distinction) and did not offer a proper analysis of the functions of various state organs in a modern constitutional state. The Court correctly reasoned that the prosecuting authority is not part of the judiciary. It also did not explicitly canvass the exact location of the prosecution authority in the separation of powers. The court just added that “...even if it [the NPA] were part of the judiciary, the mere fact that the appointment of the head of the national prosecuting authority is made by the president does not in itself contravenes the doctrine of separation of powers” (*In re Certification of the Constitution of the RSA* 1996 4 SA 744 (CC) par 141).

The direct appointment (without any input by the Judicial Service Commission) of some of the highest judges by the president, also in the capacity

“as head of the national executive”, in terms of section 174(3) and (4) and section 175 of the Constitution causes a similar difficulty (Wolf 2011b:724). In this case, too, the Constitution explicitly specifies that the judiciary and courts are independent and subject only to the Constitution, and that no person or organ may interfere with the “functioning of the courts” (section 165(2) and (3) of the Constitution). One could therefore hardly argue that the mere appointment of the NDPP or the most senior judges by the president in the capacity “as head of the national executive” makes them subject to ministerial orders of the executive.

It certainly would have been preferable if the appointment power was merely an official act of inauguration by the president acting in the capacity as head of state (Wolf 2011a:75). This is the way most democratic states nowadays handle such appointments. Meanwhile prominent Constitutional Court judges have also lamented the excessive power that has been vested in the hands of the president with such appointments (*City Press*. 12 November 2014; *City Press* 21 June 2014).

It does not appear that the Constitutional Court was aware of the fact that in the constitutional state model the judiciary and prosecutors are grouped together in the third branch. Justice O’Regan, one of the original constitutional court judges, also does not make a distinction between the functional and structural independence of these state organs (O’Regan 2005:120–121, 128–130). In fairness it must be said that there was no research available in South Africa on the differences between the location of the prosecutors in the constitutional state model compared to the Westminster system at the time of the certification of the Constitution (Wolf 2011b:78).

Since the Constitution’s certification, there were cases where courts of a lower ranking perpetuated the perception that prosecutors are still located in the executive branch as it used to be under the former Westminster constitutions. The location of the prosecutors in the constitutional separation of powers was not the main issue, though, and thus the *obiter dicta* could be overruled by another court at any time. The *Travers* matter, for example, concerned the allocation of cases to be heard by a specific magistrate that was not very productive. In this context, Ismail AJ held that the prosecuting authority, “being part of the executive branch”, may decide which cases to allocate to specific magistrates on the court roll (*Travers v National Director of Public Prosecutions* 2007 3 SA 242 (T) par. 40). The prosecuting authority can do that anyway, however, because section 179(2) of the Constitution empowers it to institute criminal prosecutions. This has nothing to do with executive power or taking administrative action. In fact, the definition of “administrative action” in the Promotion of Administrative Justice Act specifically excludes a decision to prosecute or continue a prosecution (Wolf 2011b:708–711).

In *Yengeni's* case, again, it concerned a plea bargain agreement where the NPA (on pressure of the justice minister) promised the accused a light sentence which amounted to an attempt to fetter the court's free discretion on sentence or to seek to subject the court's sentencing function to a prior agreement by the prosecution and the defence. The court held that this would be in conflict with the principle of the independence of the judiciary (*S v Yengeni* 2006 1 SACR 405 (T) par. 23). The court focused only on the independence of the judiciary, and, without considering the independence of the prosecutors from the executive under section 179(4) of the Constitution, presumed that this was an attempt of executive interference in the sentencing competence of the court (par 24.).

As it is, there is enough room for the Constitutional Court to still make a ruling on the proper location of the prosecuting authority. In the *Certification* case, the court explicitly referred to the independence of the prosecuting authority in terms of section 179(4) and ruled: "There is accordingly a constitutional guarantee of independence, and any legislation or executive action inconsistent therewith would be subject to constitutional control by the courts" (*In re Certification of the Constitution of the RSA* 1996 4 SA 744 (CC) par 146).

A GOOD START DERAILED

Established in 1998, the NPA immediately had to deal with escalating levels of serious crime. Through a variety of innovations, including prosecution-driven investigations, specialised career-paths for prosecutors, a focus on performance measurement, and improved conditions of service, the NPA quickly became an employer of choice for a new generation of law graduates. Although the specialised units have performed well, the demise of the NPA's corruption-busting unit, the 'Scorpions', has been a severe blow to the prosecuting authority. The NPA has also been burdened with inconsistent, and at times, poor and unsuitable, leadership. Relatedly, political interference and the politicisation of the NPA have seriously undermined a once promising institution, negatively affecting staff morale and performance and sapping public confidence in the NPA (Schönteich 2014:5–11).

THE NPA ACT UNDER CLOSER SCRUTINY

The justice department and the presidency increasingly treat the prosecuting authority as if it were part of the executive branch and that the NDPP and prosecutors could be subjected to ministerial or presidential orders as if their relationship was of an internal executive hierarchic nature. This could be seen

from the clashes between Pikoli and Nxasana with the justice minister and the president. Part of the problem is the way in which the National NPA Act has regulated oversight and other powers of the executive and parliament in relation to the prosecuting authority. The following part will consider the weaknesses of the statutory appointment procedures of prosecutors and the suspension and removal from office of its leaders as well as other provisions that mandate executive and parliamentary infringement of prosecuting powers. Finally, the effect of the demise of the Scorpions will be broached briefly.

The appointment of the NDPP: Theory versus practice

From a theoretical perspective the Constitutional Court assumed that it would not contravene the doctrine of the separation of powers when the NDPP is a “political appointee” of the executive. The appointment of the top structure leaders of the NPA, however, reveals the weakness of the statutory regulation of such appointments. Section 10 of the NPA Act merely states that the “President must, in accordance with section 179 of the Constitution, appoint the National Director.” The provision contains no criteria for such appointment or even procedures for a pre-selection of applicants for the position by a neutral body similar to the Judicial Service Commission. Section 11 of the NPA Act further confers the power upon the president to appoint deputy directors after consultation with the justice minister and the NDPP, although their appointment by the executive is not constitutionally required. Apart from a serving NDPP, who is allowed to appoint an acting NDPP if he is absent or unable to perform his functions, the appointment of acting directors is also completely in the hand of the executive. Other prosecutors are appointed on recommendation of the NDPP by the Public Service Commission.

In practice, the appointment procedures have lead to the following outcome: The incumbent president invariably appointed NDPP’s who either came from the department of justice (Ngcuka, Pikoli, Simelane), who were pro-executive (Ngcuka, Simelane) or who could potentially be manipulated (Nxasana, Abrahams). Not a single NDPP has survived a full term of office, but the NDPP who survived longest (Ngcuka: 6 years) was the one who understood his office as a political position and not one of independence from the executive as prescribed by the Constitution. Here a brief overview:

- Ngcuka was regarded – and feared – as a protégé of President Mbeki. He famously said that he would only prosecute former Deputy President Zuma “if his president tells him to do so” (Feinstein 2007:173, 217, 230). Ngcuka acknowledged the political nature of his post in 2004: “A politically independent director of public prosecutions is wishful thinking” (*Mail & Guardian*. 30 May 2014).

- Simelane was another NDPP who interpreted his role as one of acting in service of the executive. As director-general of the justice department, he was actively involved in the executive's strategy to discredit Pikoli. After Pikoli was forced out of office with a golden handshake, President Zuma appointed Simelane as NDPP despite a public outcry (*The Times*. 29 November 2009). Justice Minister Radebe defended Simelane and rejected the Public Service Commission's call that he should face disciplinary measures on the basis of the findings of the Ginwala Inquiry (*Mail & Guardian*. 3 December 2009). Finally, Simelane was ruled unfit to hold office by the courts, but was reappointed as legal advisor to the Public Service Commission.
- The NDPPs who acted independently (Pikoli and Nxasana) and tried to protect the integrity of the NPA barely survived for two years of their 10 years' term of office and were forced out of office with a golden handshake.

A weakness of the statutory appointment procedure is that it does not provide suitable criteria for such appointments. Thus, persons have been appointed as NDPP or acting NDPP without having gained sufficient experience of public prosecutions in the NPA (Ngcuka, Pikoli, Nxasana). When persons were appointed from the NPA's stock of prosecutors, they were either appointed over the heads of more senior prosecutors (Abrahams and Jiba in an acting capacity) or were relatively inexperienced (Mpshe, also in an acting capacity). In the case of Mpshe, his inexperience and/or unsuitability for such an appointment had serious repercussions. He postponed the opening of a criminal trial against Zuma before the ANC's Polokwane conference of 2007 because a Zapiro cartoon portrayed him as the lapdog of President Mbeki (*The Daily Maverick*. 10 June 2015). Once Zuma was elected as ANC president, Mpshe still did not institute criminal proceedings and was eventually put under enormous pressure to find a "political solution" for the legal woes of an incumbent ANC president in the run-up to the 2009 general elections and succumbed. Justice Minister Radebe subsequently rewarded him with an appointment as acting judge.

During Jiba's tenure as acting NDPP, she exercised her functions in a decidedly pro-executive manner and often abused criminal justice procedures for which she was severely criticised by the judiciary (*Zuma v Democratic Alliance* [2014] ZASCA 101 par. 41). She previously faced internal disciplinary charges due to her involvement in a campaign against former Gauteng Scorpions boss Gerrie Nel that were aimed at thwarting the prosecution of former national police commissioner Jackie Selebi (*Mail & Guardian* 14 January 2011). President Zuma ensured her unwavering loyalty by pardoning her husband and erasing his criminal record for stealing a client's money from his trust fund (*City Press* 7 April 2012). In turn, she played a pivotal role in not

handing over the notorious spy tapes, which formed the basis for the dropping of 783 charges of corruption, racketeering and money laundering against Zuma just before the 2009 elections.

The appointment procedures have also been abused by President Zuma to keep the office of the NDPP vacant after the Simelane fiasco. Instead a protégée of the president (Jiba) was appointed as acting NDPP for an undetermined period whilst the president himself (Zuma) was trying to fend off the reinstatement of criminal charges against him. After 22 months of this state of affairs, Nxasana was then a quick and unconsidered appointment to avoid being taken to court by the Council for the Advancement of the South African Constitution (Casac) in a bid to force the president's hand if the appointment is not made. (*Business Day* 30 August 2013.)

After Nxasana also crossed swords with the executive and was forced to leave with a generous golden handshake, President Zuma appointed Shaun Abrahams as his successor under a cloud of suspicion that Abrahams was recommended by Jiba, who probably was the president's preferred candidate. Such an appointment, however, was too risky given the court proceedings against her for perjury and an abuse of power and the presidency probably wanted to avoid another fiasco like that of Simelane.

Abrahams subsequently dropped charges of fraud and perjury against Jiba but did not provide a legal motivation for his decision (*Politicsweb* 18 August 2015). He disregarded critique of her by the Supreme Court of Appeal in the *Zuma* case (mentioned above) and overruled a high court judgment in which the KwaZulu-Natal High Court ruled that she acted in a mendacious manner and misled the court when charging Johan Booysen, a major-general in the police, with several offences under the Prevention of Organised Crime Act. Gorven J threw out the charges against Booysen, who was suspended at the time. The judge held that Jiba's charges against Booysen were "arbitrary, offend the principle of legality and, therefore, the rule of law and were unconstitutional" (*Booyesen v Acting National Director of Public Prosecutions and Others* 2014 (2) SACR 556 (KZD) par. 36).

Soon after his appointment, Abrahams reshuffled the top leadership structure of the NPA. Jiba has been appointed to lead a new division combining the National Prosecution Service and the National Specialised Prosecutions Service, which includes powerful agencies such as the Commercial Crime Unit. This came despite a pending bid by the General Council of the Bar to have her struck off the roll of advocates, a move that, if successful, would disqualify her from her current position. His announcements have prompted renewed allegations of the political capture of a crucial state institution that is supposed to act independently (*Mail & Guardian*. 19 August 2015; *Mail & Guardian* 21 Aug 2015; and *Daily Maverick* 20 August 2015.)

Two nongovernmental organisations, Corruption Watch and Freedom Under Law, have instituted legal proceedings that seek to set aside the removal of Nxasana from office and declare Abrahams' appointment invalid (*Politicsweb* 6 August 2015). The gist of the applicants' argument is twofold: First, it is argued that the removal of Nxasana has been purchased by means of a golden handshake, which is ultra vires of section 12(6) of the NPA Act. In particular, the NPA Act provides for very limited grounds for the removal or resignation of an NDPP and does not make provision for the type of settlement agreement concluded between Nxasana and the President. The settlement thus resulted in a contravention of the NPA Act and the Public Finance Management Act of 1999. Secondly, it is argued that President Zuma should be barred from appointing an NDPP on the basis of section 96(2)(b) of the Constitution because he has a conflict of interests since he is fighting off the reinstatement of criminal charges against him.

One may add that such a golden handshake is also a criminal offence in terms of the Prevention and Combating of Corrupt Activities Act 12 of 2004 (PRECCA). This Act was designed, inter alia, to heavily penalise the inducement of judges and prosecutors to accept a gratification to prevent corruption of legal processes. The rationale of sections 8 and 9 of the Act is to strengthen the independence of judges and prosecutors and to insulate them from undue influence not to exercise their powers impartially, without fear, favour and prejudice.

To summarise, the integrity of the criminal justice system has suffered considerably from this appointment procedure. In the *Simelane* case, the Constitutional Court attempted to curbed the unfettered discretion of the head of the executive to appoint an NDPP somewhat in that the court ruled that an appointee must be a fit and proper person (*Democratic Alliance v President of South Africa and Others* 2013 (1) SA 248 (CC)). The ruling is not adequate, however, to guarantee independence of the NPA from the executive or to insulate prosecutors from executive manipulation of the criminal justice system as we have seen.

A re-evaluation of the current appointment procedures is therefore essential. Prosecutors must be able to exercise their powers in such a way that they do not usurp judicial power or act as a filter for trials that reach the court in a way where arbitrary *nolle prosequis* become a form of non-judicial acquittals. The legislature could strengthen the position of the NDPP or deputy NDPP's in that it stipulates conditions for appointment, e.g. legal qualifications to qualify as advocate, ten years experience as an advocate or 15 years experience as a prosecutor, and a preference for career prosecutors with senior positions who have made their mark and enjoy the respect and trust of other prosecutors.

Both former President Motlanthe and the Democratic Alliance have canvassed either a constitutional amendment of section 179(1)(a) or an

amendment of sections 10 and 11 of the NPA Act to preclude or minimise executive control of senior prosecuting appointments (*Politicsweb* 10/02/2009); *Politicsweb*. 19/02/2009; and *Politicsweb* 21/01/2015). There is no reason why the Judicial Service Commission should not also scrutinise applications for the positions of NDPP and deputy NDPPs to make a pre-selection of potential candidates for the appointment similar to judicial appointments. Even the appointment of the public protector is subject to much stricter selection and appointment procedures (section 193(5) of the Constitution read with sections 1A, 2 and 2A of the Public Protector Act 23 of 1994).

The suspension and removal from office of an NDPP: A no-win situation

Section 12(6) and (7) of the NPA Act regulates procedures for the removal of an NDPP or a deputy director from office. The President may provisionally suspend the NDPP or a deputy director from office pending an enquiry into the fitness of the person to hold office. There are only grounds for a removal from office, viz. misconduct, continued ill-health, incapacity to carry out the duties of office efficiently, or on account thereof that the person is no longer a fit and proper person to hold office. Parliament must be informed about a removal from office within 14 days, and must pass a resolution within 30 days as to whether or not the restoration to the office of NDPP or deputy director is recommended. The second route to remove an NDPP or one of his deputies from office is when each of the respective Houses of Parliament in the same session requests such removal on any of the permissible grounds.

At first glance the procedures appear fair, but on closer scrutiny it clearly tilts the balance of power towards politicians in the executive and parliament. In practice these procedures have been abused by the executive to disrupt the ordinary course of criminal justice and to checkmate the rule of law, especially if powerful politicians or their friends are involved.

Just how perilous the position of the NDPP is, has been illustrated in recent history. Within four years President Mbeki subjected two NDPPs on spurious grounds to commissions of inquiry to consider their fitness to hold office. Ngcuka was accused to be an apartheid spy by persons who had an axe to grind him with. The Hefer commission of inquiry exonerated him in January 2004 (Hefer Report 2004). He continued in office until July and then resigned. Many political analysts believed that it was a pressurised resignation (*Mail & Guardian* 26 July 2004).

Investigations into alleged irregularities relating to the Travelgate scandal, the re-opening of the corruption case against Zuma after Shaik was found guilty of corruption, and the pending prosecution of police commissioner Jackie Selebi

brought Pikoli in conflict with the government. At the behest of President Mbeki, the justice minister ordered Pikoli to halt the arrest and prosecution of Selebi on charges of corruption; this was supposedly a matter of “national security”. When he refused, he was suspended from office, allegedly because of an “irretrievable breakdown of trust” between him and the justice minister. Such a ground could justify the firing of a director-general by a minister in the executive branch but is not applicable in relation to the heads of other branches of state power. The Ginwala commission of inquiry exonerated Pikoli, but he was nevertheless not reinstated in office. Pikoli took the matter to court, but a few days before the matter was due to be heard, he settled for a golden handshake. The emotional strain of the gruelling commission of inquiry that questioned his integrity in full public view, and not being reinstated in office despite having been exonerated, was too much in the end.

Nxasana was barely in office before President Zuma also announced a commission of inquiry into his fitness to hold office. The justice minister first tried to persuade Nxasana to step down on the pretext that he did not get a security clearance. The president’s pursuit of these complaints has been widely interpreted as a smokescreen for unhappiness about Nxasana’s resilient stance on cases potentially affecting Zuma and his perceived allies, e.g. suspended crime intelligence boss Mdluli who was charged with murder, and the two deputy directors of the NPA, Jiba and Mrwebi. After the North Gauteng High Court delivered a devastating indictment of their honesty and integrity, Nxasana asked Zuma to suspend them from office, but the president refused to do so. Nxasana pointed out that their fitness to hold office was far more questionable than the spurious reasons presented by the president to suspend him from office. The inquiry nevertheless proceeded but was halted at the last minute after Zuma’s lawyers realised that adv. Cassim, who was chairing the commission of inquiry, was likely to sweep his complaint that Nxasana was unfit to hold office aside and rule in Nxasana’s favour.

From the suspensions from office and inquiries that were held one can observe the following: The real reason why NDPPs have been suspended from office and/or subjected to an inquiry had little to do with the legality or integrity of how they performed their duties. Action was taken against them because they did not obey orders from the executive on how to perform their duties when presidents wanted to protect themselves and/or their friends and/or other politicians from criminal investigation and prosecution. This basically checkmates any prosecution for corruption or other offences committed by politicians. Any independent NDPP who performs his duties without fear, favour or prejudice risks to get sacked and this is likely to happen again in future.

The objectivity and neutrality of the chairperson of such a commission of inquiry is not necessarily guaranteed. The president can handpick somebody

he trusts: the Ginwala commission was a case in point. With the Ginwala inquiry it also became clear that the separation of powers were not upheld and boundaries between executive action relating to so-called “national security” matters were not clearly separated from prosecuting powers of the NPA.

One of the biggest drawbacks of the suspension procedures is that it can lay the prosecuting authority lame for long periods of time because its head is discredited and not able to take any decisions during the suspension from office. The suspension and dismissal of NDPPs meanwhile resembles a revolving door. Five NDPPs have been appointed within a period of seventeen years although each of them should have had a tenure period of ten years. If one counts the number of office holders, both as appointees or in an acting capacity during a vacancy, the office of the NDPP changed hands nine times during this period. This leaves the NPA with little stability and continuity.

The lengthy public inquiries cause severe stress and emotional strain for office holders who are subjected to these gruelling procedures in the public eye. Their professional integrity is questioned and often unjustly tainted. Compared to the strenuous and very public degradation of NDPPs during such enquiries, there are no consequences whatsoever for executive office holders that abuse their powers under section 12(6) of the NPA Act. Not even the arbitrary exercise of the powers under section 12(6) of the Act is penalised. Zuma suspended Nxasana although there was no convincing ground, but kept his protecting hand over Jiba and Mrwebi despite scathing court rulings about their track record as prosecutors. The unfairness of the procedures are further underscored by the fact that even if a commission of inquiry finds that an NDPP fit to hold office and recommends reinstatement in office, this could be arbitrarily overridden by the president or parliament as in the case of Pikoli.

In theory, executive interference in criminal prosecutions could be prosecuted. During the hearings of the Ginwala Commission, legal counsel for Pikoli pointed out that the justice minister acted unlawfully and interfered in criminal prosecutions, an offence that may lead to imprisonment of up to ten years upon conviction (section 32(1)(b) read with section 41(1) of the NPA Act). Yet, which prosecutor will dare to prosecute the justice minister under these circumstances?

There are clearly ground to challenge the constitutionality of section 12 (6) and (7) of the NPA Act. The procedures unconstitutionally block direct access to the Constitutional Court to resolve disputes between state organs in the manner envisaged by section 167(3)(b) of the Constitution. Currently the fairness or legality of such procedures could only be submitted for judicial review after the lengthy and gruelling procedures have been completed. It would be much fairer if the justice minister or NDPP would submit complaints relating to a demarcation of their respective powers directly to the Constitutional Court. Along this route the independence and standing of NPA is not compromised

and the state organs from different branches face each other on a par to settle the dispute.

Unconstitutional executive inroads upon prosecuting power in terms of NPA Act

There are a number of provisions of the NPA Act that ought to be re-evaluated because they confer powers upon the executive that amount to an inroad upon the sphere of state prosecutions and blur the boundaries between executive state administration and criminal justice. I will only briefly refer to some of the relevant provisions.

Section 7 of the Act confers the power upon the president to establish investigating directorates in the office of the NDPP by way of proclamation. Such a proclamation should be issued on recommendation of the justice minister, the police minister and the NDPP. This creates a type of executive cluster for justice and security and treats the NPA as an executive state organ (Wolf 2011a:95). It also allows the president to issue proclamations on the internal operation of the NPA and how it should be structured, which would be legitimate in relation to an executive department. The executive, however, has no such powers in relation to the courts (section 173 read with section 165(3) of the Constitution) or the NPA (section 179(4) and (5) of the Constitution). The legislature may create court structures or investigating units in the NPA by way of law but it may not delegate such regulating powers to the executive in a way that would compromise the separation of powers in that it infringe upon the domain of the judiciary and the prosecutors.

Section 24(3) of the Act confers the power upon the president to assign or impose the exercise of certain prosecuting functions upon a special director of the NPA, "subject to the directions of the NDPP". This provision also transgresses the separation of powers and blurs the boundaries between executive state administration and the administration of justice.

Section 33 of the Act regulates the justice minister's "final responsibility over prosecuting authority" in terms of section 179(6) of the Constitution. Subsection (2) empowers the minister to request information or a report with regard to any case or to provide the minister with reasons for any prosecuting decision taken by a director of the NPA. This is the domain of the NDPP, though. The danger of this provision is that it construes the external oversight of the justice minister as internal executive oversight in contravention of the constitutional separation of powers and the independence of the NPA, which is guaranteed by section 179(4) of the Constitution. It clearly exceeds the scope of powers of the minister under section 179(6) of the Constitution: it potentially creates the impression that the minister may take direct influence on criminal investigations and prosecutions, whereas this is the domain of the NDPP to oversee that (section 179(2) and (5)

of the Constitution). The power relationship foreseen by section 179(5) of the Constitution is not a hierarchical executive relationship but a *horizontal* power relationship between two organs of different branches of state power.

Section 40 of the Act further confers the power upon the justice minister to make regulations on the administration of criminal justice and the internal organisation of the NPA. Subsection (1) has been cast in a form that is typical of ministerial powers in the executive sphere. The provision is rather vague and does not clearly distinguish the scope of competence of the NDPP to make prosecuting policy and to run the NPA from executive powers of the minister in relation to the administration of the courts (infrastructure, the appointment of administrative personnel, etc.) The minister may also not make regulations on any crime like an ordinary cabinet minister may issue ministerial regulations on executive competencies to take administrative action. The regulation of criminal procedure is a matter for the legislature and does not fall in the sphere of competence of the justice minister. The justice minister may also not usurp powers of the NDPP to make policy for the NPA with such regulations. Section 179(5) of the Constitution specifies that the NDPP should make policy and the minister must concur to it, not the other way round.

Finally, it should be noted that section 13(5) of the South African Police Service Act 68 of 1995 confers prosecuting powers upon members of the police force in contravention of section 179(2) of the Constitution. The latter provision lays the foundation for prosecution-led criminal investigations and prosecution is solely a matter for prosecutors. There appears to be some confusion about the role of criminal investigations by the police. Section 205(3) of the Constitution sets out that the primary goal of the police force is to secure public safety and order. These functions are part of executive state administration. Although the police have powers of arrest, this should not be conflated with “law enforcement” in the sense of criminal prosecutions. The police undeniably play an important role in assisting in the investigation of crime, but the Constitution has not conferred the power upon them to lead criminal investigations or to prosecute criminal offences (Wolf 2011a:94–95).

Unconstitutional oversight by parliament in terms of NPA Act

Section 35 of the NPA Act provides that the NPA can be held accountable by parliament “in respect of its powers, functions, and duties under this Act, including decisions regarding the institution of prosecutions”. This is highly problematic, since these powers could be abused by politicians to intimidate prosecutors not to prosecute members of parliament or the executive as they must fear to “be held accountable” for that (Wolf 2011a:95). Various scandals such as the Travelgate, Oilgate, alleged corruption in the arms deal and the Nkandla scandal are cases in point.

This provision would probably not survive a challenge of constitutionality. Section 179(2) of the Constitution confers the exclusive power for prosecutions upon the NPA. It is the equivalent of provisions with a similar purpose that relate to the sphere of judicial power (sections 165 and 173 of the Constitution). Criminal justice functions involve two phases: the prosecutors must first scrupulously investigate allegations that a crime has been committed and if there is a case to answer, must proceed to court, where secondly, a court hears the matter and decides whether allegations have been proved beyond a reasonable doubt. Parliament may not hold the judiciary and the prosecutors accountable on how they exercise these powers.

Section 55 of the Constitution mandates parliamentary oversight in regard to only two categories of state organs: subsections (2)(a) and (2)(b)(i) empowers parliament to hold the executive accountable; and subsection (2)(b)(ii) permits oversight over “any organ of state” (e.g. Chapter 9 institutions). Such an “organ of state”, however, does not include the NPA or the judiciary. Section 239 of the Constitution determines that for purposes of section 55 oversight a “state organ” excludes “a court or a judicial officer”. This implies that parliament may not scrutinise how judges or prosecutors perform their functions in courts because their independence is guaranteed by section 179(4) and section 165(2) of the Constitution.

The effect of the demise of the NPA’s own corruption-busting unit

It was pointed out above prosecuting authorities in constitutional states usually have their own corruption-busting units with forensic teams to investigate complex crime. The “Scorpions” was such a unit. With the demise of the Scorpions, the NPA lost one of its most efficient units. The successor of the Scorpions, the so-called “Hawks”, have not performed so well, primarily because they are located in the SAPS and are controlled by the executive. Since the disbandment of the Scorpions in January 2009, there has been a 60% decline in arrests (14 793 in 2010 compared to 1 038 in 2015: April-October) and an astounding 83% plummet in conviction rates (7037 in 2010 compared to 288 in 2015: April-October) in the last six years of the Hawks’ existence (*Politicsweb* 29 October 2015).

CONCLUSION

The future of the NPA that exercises its functions without fear, favour or prejudice, as mandated by the Constitution, hangs in the balance. Although one could improve on the provisions of section 179 of the Constitution, there is sufficient scope for

the Constitutional Court to protect the independence of the NPA. It would take a bit more, though, than the half-hearted stance of the court in the judgments that lead to the demise of the Scorpions. A constitution is just as strong as the persons protecting it. What is required is clarity on the location of the NPA in order to curb undue executive interference in criminal justice. Several provisions of the NPA Act are not in line with the constitutional separation of powers and could be challenged to secure the independence of the prosecuting authority.

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Public Meetings as a Participatory Method in Local Government

The Case of Khayamandi, Stellenbosch

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ABSTRACT

Public participation facilitators regard public meetings as a “ritual”, central to participatory democracy in local governance in South Africa. As an over-exploited, stand-alone strategy it is not the most effective way to empower a public that is showing an increased level of frustration as a result of poor service delivery. Even with high attendance levels, the impact of meetings on participatory democracy has been disappointing. This relates to a lack of capacity among local government participation facilitators to plan empowering meetings for the intended beneficiaries to influence, direct, control and own local developmental spaces. Authentic participatory meetings, as part of an appropriate mix of strategies, can accommodate the current disillusionment of the public with the outcome of Developmental Local Governance (DLG). Well-executed public meetings as co-planning and management partnership regimes lead to “putting the good back in good local governance”. The article sought to evaluate levels of public participation during public meetings and ward committee meetings as a commonly used strategy for participatory democracy in Khayamandi (Khayamandi is part of the Stellenbosch Municipality which falls under the Cape Winelands District Municipality). A public participation model is proposed that the Khayamandi community needs to use in order for the public to be empowered and have the scope

to *influence, direct, control* and *own* community-based development and decision-making processes. If the public participation strategy is used correctly, Khayamandi could be in a position to achieve the appropriate level of citizen power. Once that happens, the impact on integrated community-based development and decision-making processes will be positive, with improved service delivery as a consequence.

INTRODUCTION

Public meetings have gained ritualistic status as a public participation strategy in local governance in South Africa, but they often fail to empower those who are “invited” to participate in their own development (Adams 2004:43; Everatt, Marais and Dube 2010:224; McComas, Besley and Black 2010:122; Gwala 2011). Depending on the way they are planned, meetings often fail to provide empowering spaces because of the lack of an appropriate mix of strategies that precede, combine with and follow the meeting strategy. Participatory strategies (for example, Integrated Development Plans and ward committees) facilitated by way of public meetings do not always allow for authentic participation, but often alienate the public by allowing facilitators to define both the problem and the solution from the perspective of the local authority.

Some forms of participation have degenerated into “feel-good” approaches which only entail “involvement” and “consultation” types of strategy, not empowering the participants. In others, facilitators exploit the meeting strategy as a stamp of approval, soliciting a wish list of public needs (Everatt *et al.* 2010:224), which defeat the ideals of DLG (RSA 1998; Parnell, Pieterse, Swilling and Wooldridge 2002; Van Donk, Swilling, Pieterse and Parnell 2008). DLG requires that a local authority and the public work together to find sustainable ways to improve good local governance (Mchunu and Theron 2014:39–52). Meetings should provide the public with an authentic space (Cornwall and Coelho 2007) to engage local authorities in dialogue, not act as a “smoke screen” to comply with local government legislation (RSA 2000).

With regard to participation, the International Labour Organisation (ILO) states that:

“what gives real meaning to popular participation is the collective effort by the people concerned in an organised framework to pool their efforts ... to attain objectives they set for themselves. In this regard participation is viewed as an active process in which the participants take initiatives and

take action that is stimulated by their own thinking and deliberation and over which they can exert effective control” (Rahman 1993:150).

The definition above emphasises authentic participation, active citizenship, deliberation, a social learning process and empowerment. The above ideals are implicit in DLG (RSA 1998; RSA 2000) policy frameworks, but to implement those remains daunting for facilitators. Is participation experienced by both facilitators and participants as a form of “tyranny of decision making” (Cooke and Kothari 2001), or as groups hijacking local interests, or can participation contribute towards a mutual social learning process establishing participatory spaces at local government level in South Africa? (See Theron and Mchunu 2014:111–128).

The ideal is that public meetings should establish deliberative spaces for the intended participating beneficiaries. Though not always clear on detail and process, local governance participation structures (RSA 1998; RSA 2000) exist which theoretically allow the public to influence, direct, control and own local development programmes/projects and the spaces allowed for this. If local government-sponsored “invited participatory spaces” (Hickey and Mohan 2004) continue to fail the public, the latter often “invent their own participation spaces” (Hickey and Mohan 2004), through protest action as a result of their frustration with the democratic deficit caused by poor service delivery (Mchunu and Theron 2013:105–128).

Although participation is a “buzzword” (Leal 2010:89–100) at local government level, it is experienced by many of its intended beneficiaries as a frustrating process (Theron, Ceasar and Davids 2007; Thompson 2007; Govender, Reddy and Pillay 2011; Masango 2009). In the Khayamandi case study “involvement” and “consultation” (see Gwala model below) were the preferred participation strategies, but still did not empower participants. This is problematic in that “involvement” and “consultation” strategies simply ask the public to “give input”, yet facilitators define both the problem and the solution. This top-down approach renders the public powerless regarding their ability to influence, direct, control and own their own local development spaces, as the Manila Declaration (1989) and the International Association for Public Participation (IAP2 2006) Core Values for Public Participation require.

Participation as a feature of citizenship requires social transformation (Good Governance Learning Network GGLN 2012, 2013) and locates the participatory democracy debate within the radical politics of development (Hickey and Mohan 2005:238). Social transformation envisages that the beneficiaries of development will be at the centre of their own development and that their contribution to public value is acknowledged (Theron and Mubangizi 2014:101–109). In this regard, the National Development Plan (RSA 2012:27)

recognises that active citizenry and social activism is a precondition for the success of democracy and good local governance (Van Donk 2013:12; Theron and Mchunu 2014:111–128).

From participatory democracy principles to context-specific strategy, multi-disciplinary approaches towards establishing participatory democracy seek to go beyond traditional prescriptive strategies (public manipulation, therapy, placation, involvement, consultation) to more deliberative, authentic and empowering participatory strategies of local governance. Empowering participation strategies seek to promote democracy, good governance, legitimacy, transparency, responsiveness, redress and openness in the spaces in which local government and the public engage, as also professed by the Batho Pele principles (RSA 1997; Siddle and Koelbe 2012:35–39).

Therefore, for the democratic deficits and the current legitimacy crisis in local government to be addressed, requires an innovative approach to participation. In the same vein, to address high public expectations and to move away from the current state of entitlement (South African Institute of Race Relations SAIRR 2014:27–30) calls for a rights-based approach in the formulation of policy and decision-making processes to establish caring local government. The principle of human rights, on which the rights-based approach is based, provides a way of grounding participation and empowerment in the need to entrench social justice (Cornwall and Musembi 2004:1417). Grounding human rights legislation in the rights-based approach brings an ethical and moral dimension to the participation and local development process (in line with the Batho Pele principles). It calls for the equitable sharing of resources and for the marginalised to assert their rights to those resources and spaces towards “claiming” back their stake in local governance, a Public Participation Planning Partnership (P4) with local authorities, not a challenge to the latter’s authority (Cornwall and Musembi 2004:1417).

The aim of this article is to evaluate public participation in public meetings as a strategy for participatory democracy within the Khayamandi community. The article hypothesises that public participation in public meetings, such as ward committee meetings, can be effective if the public is given the space and scope to influence, direct and own decision-making processes and community-based development. Public participation should ideally mediate between competing needs and priorities of various stakeholders by providing an opportunity for negotiation and integrative learning. Also where possible to reach a compromise in respect of their diverse viewpoints on, and for community development, thus promoting the ideals of good governance (Gwala 2011:10).

If meetings remain a popular participation strategy, the following questions need to be answered: What input can the public make in community-based development meetings such as ward committee meetings in Khayamandi? To

what extent does the community want to be a willing participant in its own development? Does the Khayamandi community have the capacity to *influence, direct and own* development? This capacity will be measured in terms of the level of responsibility that the public demonstrates, and willingness to learn and participate. These questions that will be addressed by the article are important as the success or failure of public meetings will be judged against them.

The article is comprised of five parts. It discusses public meetings – a democratic ritual gone wrong? It also discusses public participation models and strategies as well as a recommended public participation model for Khayamandi and Stellenbosch municipality. The problem statement and research methodology are provided. The article concludes by providing research findings and recommendations.

PUBLIC MEETINGS – A DEMOCRATIC RITUAL GONE WRONG?

Even though meetings remain a commonly used participation strategy, their value is often misunderstood (Williamson 2014:191; McComas *et al.* 2010:122). This emanates from the reliance on a routinised procedure that has been compared to a ritual (McComas *et al.* 2010:122). In this regard, Williamson (2014:192) and Howard, Lipsky and Marshall (1994:36) argue that a routinised procedure is useful because it minimises conflict as every member of the public has an equal right to participate in public meetings and development interventions. Conversley, Theron and Mchunu (2014) argue that a routinised procedure discourages public participation as it disempowers the public and empowers the facilitators to “tick the compliance boxes”. Like rituals, meetings are rule-governed strategies that draw the attention of participants to objects and feelings which they value. Features which characterise rituals are “formalism, traditionalism, invariance, rule governance, sacral symbolism and performance” (McComas *et al.* 2010:122; Adams 2004:44). In this light it is not surprising that meetings have not brought about radical social transformation and go against the participatory democratic ideals as expounded by the ILO definition above (Rahman 1993:150). The core problem is that meetings are not innovative and empowering to their intended beneficiaries.

In explaining this democratic deficit, scholars put forward different views about the potential of public meetings to allow the public scope to influence, direct, control and own decision-making processes. Adams (2004:43) posits that a public meeting provides the public with an opportunity to state their position and support it with an argument, it seldom allows participants to engage facilitators to persuade them to change their opinions. In other words meetings

lack the desired deliberative democracy element which defeats the ideals of good local governance (Adams 2004:44; Mchunu and Theron 2014:111–128; Theron and Ceasar 2014:129–144). Poorly planned and executed meetings normally close the space for the participating public to be able to influence, direct, control and own the development and decision-making processes that impact directly on their lives (Gutas 2005) which is the other factor that contributes to a meeting's value being misunderstood.

This is mainly as a result of using meetings as a standalone strategy thus failing to overcome the participatory democracy stalemate in local governance, while reinforcing the democratic deficit (Gwala 2011). For Everatt *et al.* (2010:224), public meetings are often exploited as a strategy to obtain a stamp of approval of the already made decisions and for soliciting a wish list of public needs. It is during this period that the public loses trust in local government's "invited spaces" (IDP and ward committee) participatory processes (Hickey and Mohan 2004) and resort to "inventing their own participatory spaces" (Hickey and Mohan 2004) in the form of public protests from which they find solace.

In light of the above, it is the ideal local democracy that is at stake, that ought to be achieved through authentic public participation. In this regard, Hartsliet and Auriacombe (2009:30) argue that there are two ways that democracy needs to be understood. First, "public ballot perspective" or what is commonly known as "representative democracy" (Hartsliet and Auriacombe 2009:30; Govender *et al.* 2011:183; The Deliberative Democracy Consortium 2004:3) which is based on the assumption that the elected politicians ought to serve and represent the needs of the public. According to Williamson (2014:191), this presupposes that by voting, the public is "signing a blank cheque" to the elected official to represent their interest while they do not directly participate in governance activities. This paradigm is problematic as it opens up decision-making processes to "elite capture" rather than enhancing public participation in decision-making processes (Everatt *et al.* 2010:223; Mansuri and Rao 2013:5).

Hartsliet and Auriacombe (2009:30) refer to the second paradigm as "public reasoning" or "deliberative democracy" (Govender *et al.* 2011:183; The Deliberative Democracy Consortium 2004:3) which emphasises direct representation through the public participating in government affairs that affect their lives. In other words, public reasoning is based on authentic and empowering public participation, collaboration and deliberation in decision-making processes. In the same vein, Everatt *et al.* (2010:223) correctly point out that "participation involves more than drawing people into existing political and development processes, it transforms those processes in ways that boost people's opportunities and capacities, generally to claim their rights". If this happens, participation becomes part of a "transformative and redistributive process" (Everatt *et al.* 2010:223; Hickey and Mohan 2005:9).

Turning back to deliberation which resonates with the second paradigm, public reasoning, The Deliberative Democracy Consortium (2004:3) defines deliberation as “a discursive approach to decision-making in which the public come together in a non-coercive environment to identify and discuss public problems and possible solutions”. This means that deliberation provides space for the public to enter and engage in neutral participatory spaces that empowers them to make informed decisions in line with their desires. This enables the public to use their “indigenous local knowledge systems” (Sillitoe, Dixon and Barr 2006:12–18) and build “social capital” (Emmett 2000:501–518) in a participatory process. The process of building social capital is summed up succinctly by the Deliberative Democracy Consortium (2004:3) and Govender *et al.* (2011:193) “that participation cultivates a mutual understanding, builds bonds of trust among citizens, decision makers and governing institutions, and can effect changes in political attitudes and behavior”.

Mansuri and Rao (2013:88) and The Deliberative Democracy Consortium (2004:3) refer to this value as the instrumental role of participation because deliberation reduces conflict during public meetings, makes decision-making processes easier and makes government more accountable to the public. In other words deliberation encourages a social learning process. This process, according to Korten (1990:484), is aimed at meeting the need for “... a flexible, sustained, experimental, action-based, capacity-building style of assistance...”.

Although public meetings remain a legal requirement in South Africa, their failure to achieve outcomes is a cause for concern. As Essau (2007:21) points out “the failure to engage with democratic practices and institutions has a profound impact on the equal ability of individuals to make and shape policy – thus raising serious concerns about the quality of such a democracy”. In this regard, Herberlein (1976:197–212) submits that participation facilitators need to understand the goals of participation, i.e. whether the goal is to provide information, co-opt participants, conceal the concerns of ritualism, or to enable facilitators and participants to interact meaningfully. In South Africa and in Khayamandi specifically, the first three goals are most popular and the fourth engenders dissent, mainly because facilitators do not understand the imperatives of participation that aims to enable the people to fulfil their concrete and abstract needs, to enhance a mutual social learning co-planning and partnership (P4 principle) process (between facilitators and participants); and to empower the public (Monaheng 2008:141–144).

Furthermore, facilitators should reflect on the fact that denying the public authentic participation in their own development is tantamount to denying them dignity. Dignity is recognised when the public is viewed as being capable of making their own decisions and accepting responsibility for their decisions. Through facilitating (authentic and empowering) participation, a local

government enables its public (Newman and Clarke 2009:10–26) to fulfil both their abstract and concrete needs. But as with any ritual, it is possible that the public meeting ritual produces latent, if not obvious, impacts on participants and outcomes (McComas *et al.* 2010:122). However, how authentic the developmental impacts generated through public meetings are on the local social meaning-giving contexts of the participating public, should be assessed by the priority attached to participation in IDPs in South Africa (Theron and Ceasar 2014:129–144) and by an assessment of municipal performance as, for example, the South African Institute of Race Relations 80/20 Report (2014) has done.

Regarding the above ILO definition, Groenewald (1989:258) states that in South Africa local governance spaces for participation stand or fail as a result of (1) the lack of ability of both facilitators and participants to address the unequal power relationship between the public and local government; (2) the inability of the public to gain access to local development spaces which would benefit them directly; (3) the public's own thinking, which directs their activities; and (4) the inability of the public to control the process of action which should follow the participation process.

In light of Groenewald's (1989:258) contention, how can it be expected that the public be satisfied with local government service delivery, their municipal participation facilitators, their local development programmes/projects and their municipality (and its IDP) if the perception exists that beneficiaries are not always benefiting through participating in local government affairs? Benington (2011:116) states that the "service delivery paradox" indicates the public's loss of trust not only in the governance system but in the promises of the participation process itself. Does public protest then become the alternative vehicle for participation because the public invents their own space for participation? (Mchunu and Theron 2013:105–128).

Facilitators often fail to act on local needs and expectations. As a result, the service delivery process becomes dislocated, disempowering beneficiaries from engaging with participatory spaces. In addition weak political will, poor coordination, institutional weaknesses and the limited capacity of municipalities and officials to facilitate participatory processes strengthen the vicious cycle of ineffective local governance (Pieterse and Van Donk 2008:51–75; SAIRR 2014). In this regard, Jones and Gaventa (2002) in Essau (2007:13) caution, for good local government to be achieved, "accountability must be accompanied by an environment that is shaped by transparency, trust, access to accurate and timeous information and a vigilant and alert citizenry".

To accommodate Groenewald's (1989: 256–271) four principles, as per the ILO definition, will require not only understanding participatory principles, but also constructing context-specific models against which an appropriate mix

of context-specific strategies must be identified. If the space for participatory democracy at local government is not understood holistically by facilitators and the participation “box” just ticked, meaning business as usual, more protest actions will be the result (Roefs and Atkinson 2010; Hough 2008; Municipal IQ Protest Monitor nd; Mchunu 2012; Mchunu and Theron 2013:105–128).

Despite these challenges, meetings are still one of the most popular strategies employed by local authorities in South Africa. Meetings can be used for information sharing, as a show of support, keeping officials on their toes, agenda setting, delaying officials from making decisions because of a public outcry, networking and influencing votes, but most importantly, if correctly planned, as powerful participation strategies (Adams 2004:46–41; McComas *et al.* 2010:122). If meetings are set to become a “democratic ritual”, they need to be properly located within context-specific models and appropriate participation strategies, largely because in many local government cases they have become “a symbolic activity with little concrete meaning” (McComas *et al.* 2010:122).

MODELS AND STRATEGIES FOR PARTICIPATORY CONTEXTS

Pretty, Guijit, Scoones and Thompson (1995), Oakley and Marsden (1984), IAP2 (2007) and Arnstein (1969) work with different types of participation, differentiating between top-down/passive/poor/anti-participation types and bottom-up/active/strong/pro-participation and empowering types. Models guide the facilitator to assess the impacts of the strategies chosen for a participation process; they also indicate which strategies will have certain outcomes, i.e. which ones are more/less relevant for a particular type of facilitation process and which ones will lead to poorer or better types of participation as shown in Table 1.

Participation facilitators need to take a decision about which mix of participation strategies is the most appropriate and why it is crucial. Participation guidelines (IAP2 2006; World Bank 1996; Creighton 2005; Swanepoel and De Beer 2011; Theron and Mchunu 2014) rank the use of meetings high, but the appropriate mix of strategies that need to be implemented in conjunction with meetings to strengthen their impact is not always clear among facilitators.

The IAP2 Participation Spectrum and Toolbox (IAP2 2006) presents three levels of strategies:

- **Level 1** Strategies which inform beneficiaries: information flyers in monthly bills; legal notices; briefings; central information contacts; information offices; phone-in lines; loud hailing; newspaper inserts; press releases; newsletters.

- **Level 2** Strategies which consult beneficiaries: public facilitation; surveys and comments forms based on questionnaires; interviews; feedback registers; telephone surveys; electronic democracy.
- **Level 3** Strategies which empower beneficiaries: direct dialogue techniques; focus groups; conferences; public meetings; workshops; panels; hearings; juries; task forces; symposia; field trips and participatory action research.

The choice of an appropriate mix of strategies from levels 1 to 3 should be carefully managed, as empowerment of the beneficiaries is a key aspect to participation (Creighton 2005:139–179). Though a well planned and executed public meeting ranks high (level 3), the case study shows that the empowerment level (level 3) was not achieved through the type of meetings held in Khayamandi. With reference to the case study, Gwala (2011:149) and Gwala and Theron (2012) warn that meetings must be properly designed in order to achieve empowering participation and that facilitators should consider a host of related aspects:

- Consider all stakeholders in the programme/project through advanced planning and communication on their expectations at the planned future meeting.
- The particular contribution through participation in the programme/project by each stakeholder (i.e. conduct a SWOT analysis).
- Appropriate time, day and location of the meeting, including transportation and technical/logistical considerations (i.e. level of technology/equipment available; pitch used by facilitators and skills levels of participants to follow and participate).
- An appropriate mix of participation strategies for advertising the meeting in advance (i.e. loud hailing, advertisements by post, the community radio and newsletter, as indicated under level 1).
- During the meeting focus on agenda setting, house rules, relevant protocols, meeting objectives and facilitating the participation of those in attendance (i.e. the lay-out and general environment must be conducive to participation).
- The type and format of the meeting.

During the meeting, in following house rules and related protocols, and most importantly gauging the ability of the participants to participate, it is wise to use an appropriate mix of action-reflection meeting strategies. These include an introductory role-play or “ice-breaking” activity, Samoan circles, large group/small group meetings for deliberating on selected issues (needs assessments) during break-away sessions, focus groups, brain-storming activities, fish-bowl inputs, further role-play, nominal group process and ranking processes to

harness the participant's attention and realisation that they can contribute to the process (Bradley and Schneider 2004; Creighton 2005; Chambers 2002; Kumar 2002).

To plan a public meeting requires covering three related sets of foci, i.e. (1) planning before, (2) planning during, and (3) planning after the meeting. This is a daunting task in a typical South African community/municipality. Many facilitators are not trained in participation strategies, but more in pitching a presentation to participants with different backgrounds, abilities, skills and needs. Facilitators need a group in the community with the following skills, which are often absent among those who use meetings as a strategy: communication, leadership, conflict resolution, mediation, negotiation, mobilisation, motivation, public speaking and operational writing (Swanepoel and De Beer 2011:137–146).

Depending on the local context and the realities of the intended beneficiaries of an envisaged participatory process, it is common sense that the facilitator should engage the intended beneficiaries on what participation strategy will be the most appropriate to their local realities and why. In this regard, the intended beneficiaries might not require participation by way of a public meeting, but through some other strategy. A participation process (through any of the level 1–3 examples of strategies) stands a chance to be innovative, empowering, legitimate and sustainable if the facilitator has planned the process in a holistic manner. It is strategically important from the outset to ensure direct input from the intended beneficiaries, especially with respect to the selection of strategies appropriate to the particular case.

Although public meetings are still the most popular vehicles for participation at local government level, such meetings cannot be considered as stand-alone strategies: participation must be based on an appropriate mix of strategies drawn from all three levels presented above (with, in this case, the public meeting as the key strategic focus, if so agreed upon by the stakeholders). The appropriate mix principle (depending on the local context) can include any relevant strategy drawn from levels 1–3 constructed around a public meeting. For argument sake, an example: the meeting is preceded by advertisements, loud hailing (level 1), followed by telephone surveys (level 2) and the focus groups or workshops from level 3. The golden rule is that the appropriate mix should not be a standardised blueprint in the participation facilitator's toolbox, but entail a selection of context specific "tools" for a particular situation.

The facilitator should realise that the selection of participation strategies (from levels 1–3) will indicate if they are informing (level 1), consulting (level 2) or (level 3) empowering the participants, which is the ideal. The warning here, as Arnstein's (1969) ladder of participation explains, is that if the facilitator selects only from levels 1 and 2, the participation process does nothing more than merely informing and consulting the public. The unfortunate reality is, as

is shown by the analysis of numerous IDPs, that many local authorities merely inform and consult with their public (Gutas 2005; Fokane 2008; Siphuma 2009; Leduka 2009; Gwala 2011; Mchunu 2012) leading to incapacitated IDPs. In these cases the beneficiaries who participate seldom stand any chance to influence, direct, control and own local development programmes/projects, the ideal stated by the Manila Declaration (1989); IAP2's Core Values for Public Participation and a host of South African legislative frameworks (RSA 1996; RSA 1998; RSA 2000).

Empowering participation is based on an analytical linkage between accepted participation principles, a model and an appropriate mix of context-specific strategies. In considering the appropriateness of the models in Pretty *et al.* (1995), Oakley and Marsden (1984), IAP2's Spectrum (2007) and Arnstein's (1969) for participation in the Khayamandi case study, Gwala (2011:103–104) warns against using meetings as stand-alone strategy. Based on the above arguments, Figure 1 presents a model which explains the challenge facing participation facilitators in Stellenbosch Municipality (and in other municipalities) regarding the predominance of meetings as participation strategy.

Table 1: The Gwala Model of Participation – applied to participation in Stellenbosch Municipality, the case of Khayamandi

Levels of participation	Characteristics of levels
Category A–Non-Participation	
1. Participation through manipulation	Members of the public are elected in, for example, a ward committee with no training, skill or ability to function at that level. This often results in participants “rubberstamping” decisions on matters that deprive the public of the opportunity to influence, direct, control and own decision-making processes and community-based development.
2. Participation through provision of data	The public’s input is required based on surveys and questionnaires. Their contribution in answering the surveys and questionnaires is taken as active participation. Sometimes the data collected is not verified. Decisions are made on behalf of the public who are deprived of the opportunity to influence, direct, control and own decision-making processes and community-based development.
3. Participation through therapy	Participation acts as “window dressing” as meetings that are masked as “participation” become business as usual at which participants are told what they want to hear, much of which consists of empty promises. The facilitators have an agenda which does not necessarily benefit the public and therefore the group is used as a vehicle to promote that agenda. Therapy strategies do not empower the public to influence, direct, control or own the decision-making process and community-based development.

Levels of participation	Characteristics of levels
Category B – Tokenism	
4. Participation by information sharing	The Ward, IDP committees and the public are presented with information on what is going to happen (or has happened) in a programme/project, as well as informed on how and when it will happen. The public provides no direct input and is therefore deprived of the opportunity to influence, direct, control and own decision-making processes and community-based development (see Gutas 2005).
5. Participation by consultation	The Ward, IDP committees and the public provide feedback on proposed changes to policy. The issues/solutions are pre-defined within a local government document. While solutions may be modified in the light of the public's response, a top-down approach acts as a "smokescreen" for what should have been authentic participation. The public play an insignificant role in decision-making regarding their development and cannot influence, direct, control and own the process. This does not lead to community-based development.
6. Participation by placation	It is at this level that the public begins to have some degree of influence, though tokenism is still apparent. A few handpicked individuals are put in some committees such as a Ward committee, IDP committee, etc., but with a "weak voice"; they can be easily outvoted and the scope for them to influence, direct, control and own the processes is minimal. This does not lead to community-based development.
Category C–Public Power	
7. Partnerships	The public is represented on committees to provide advice. Committees have been formed with predetermined objectives and purposes. The public provide advice for consideration in a community-based developmental agenda, act as partners in decision-making, enabling them to influence, direct, control and own the development agenda. This process is the start to community-based development.
8. Delegated power	The public is represented on a committee such as a Ward committee, IDP committee or economic development forum that jointly provides input, analyses information and develops strategies. The objectives of the committee are determined by its members, which results in the strengthening of local groups through information exchange and mutual social learning processes. The public takes a leading role in local decisions that contribute towards community-based development and decision-making processes, thus allowing them to influence, direct, control and own the development agenda and community-based development.

Levels of participation	Characteristics of levels
9. Citizen control	The public takes the initiative to form groups to meet their own objectives. The Ward committee is its contact to the local council through the Ward councillor. The public sources funding to achieve its objectives and has control over the use of the funds through the Ward committee. The economic development forum assists the public in generating resources for the accomplishment of its community-based development agenda and to participate in decision-making processes. At this level an enabling environment is created for the public to influence, direct, control and own decision-making processes. This is ideal community-based development.

Source: Gwala (2011:103–104)

Based on the Khayamandi case study, the above model presents three categories, A-C, spreading over nine levels. The first (A) category (levels 1–3) deals with the municipality/facilitator dictating to the public and not expecting them to participate. The second (B) category (levels 4–6) presents minimal participation of the public, while power to make decisions still rests with the municipality/facilitator. The third (C) category (levels 7–9) presents the public as the influencer, director, controller and owner of both decision-making processes as well as community-based development, the ideal for empowering and for sustainable development facilitation called for by both the Manila Declaration (1989) and IAP2 Core Values for Public Participation.

PROBLEM STATEMENT AND RESEARCH METHODOLOGY

Problem statement

The study was conducted in Khayamandi which is a suburb of Stellenbosch in the Western Cape Province of South Africa located off route R304. Khayamandi comprises of three wards: wards 13, 14 and 15 (Stellenbosch Municipality Integrated Development Plan 2007–2011). Although Khayamandi is one of the oldest settlements in Stellenbosch, it has seen little development as a result of neglect from the local authority. It is, therefore, not surprising that the informal settlements outnumber the formal settlements in Khayamandi partly due to the influx of migrants from the Eastern Cape Province.

Despite the fact that public meetings remain a frequently used public participation strategy, public turnout has been poor which indicates that there is community mistrust and lack of confidence in government officials. This is problematic as public meetings should ideally be used as mechanisms for the

public to meaningfully participate in development interventions meant for their benefit. As a result, Khayamandi has been plagued by community protests, political infighting, slow levels of service delivery and development and hostility towards some councillors who are perceived to be the cause of the derailment of community development.

Research objective and questions

The study sought to evaluate levels of public participation during public meetings and ward committee meetings as commonly used strategy for participatory democracy in Khayamandi. This aim was addressed through the following questions:

- What input can the public make in community-based development meetings such as ward committee meetings in Khayamandi?
- To what extent does the community want to be a willing participant in its own development?
- Does the Khayamandi community have the capacity to influence, direct, control and own their own development, in terms of their education level, political maturity and stability, transformational leadership, the level of responsibility that the public demonstrates and the willingness to learn and participate?

Research methodology

The study adopted qualitative and quantitative research paradigms. An evaluation research design (experimental and quasi-experimental outcomes studies) as proposed by Mouton (2006), Welman, Kruger and Mitchell (2006), Babbie and Mouton (2008) and Neuman (2003) best meets the purposes of this study as the main aim of any outcome and product evaluation study is to establish whether the intended and the unintended outcomes of the programme of strategy have materialised.

Questionnaires to conduct semi-structured interviews and a rating scale following a probability sampling route for small scale survey among community members were developed for utilisation in the collection of primary data. The sample that was used for this study consists of 30 residents drawn from each of the three wards in Khayamandi and was broken down as follows: 20% unemployed, 20% entrepreneurs, 20% working class, 20% Stellenbosch Municipality's employees (ward councilors, Development Workers and a representative of the Strategic Services Department responsible for councilor support), 20% South African Police Services, municipal clinic, social services and welfare; 35% of the sample were females and 10% residents with physical disabilities.

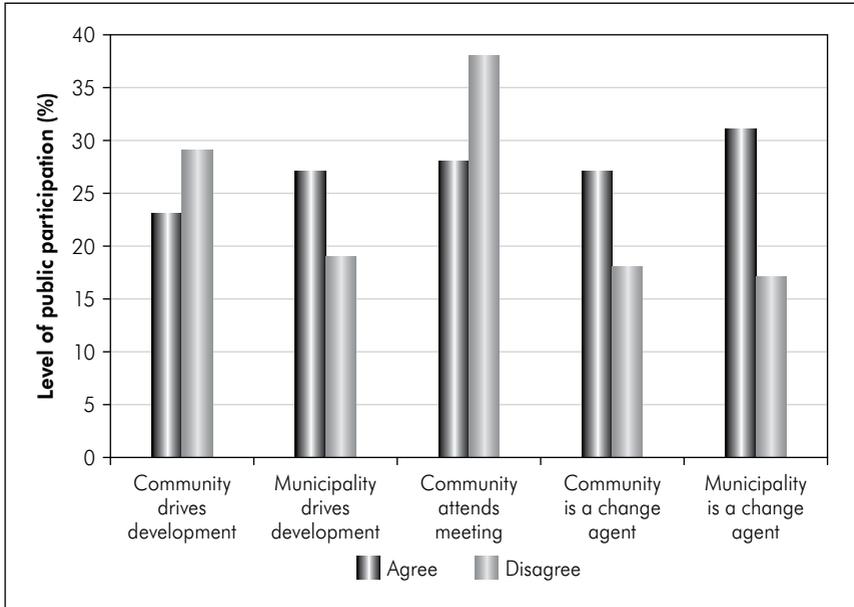
To ascertain whether the municipality is satisfied with the progress it is making in bringing development to Khayamandi, personal interviews with the Executive Mayor, the Municipal Manager, Councillor Support Officers and Strategic Services Department representative were conducted. Focus group discussions with civic leaders, political leaders and church leaders were conducted. To augment the above, one of the authors used participatory observation techniques during council meetings, ward committee meetings and public meetings.

RESEARCH FINDINGS

Gwala (2011:101) and Gwala and Theron (2012) state that meetings are one of the commonly used participation strategies employed by Stellenbosch Municipality, but often neither properly planned nor presented, and as a result they fail to achieve their purpose of enabling the public to participate. In this regard, Gwala (2011:137) indicates that 61% of the respondents feel that participation at Khayamandi is not innovative, empowering, legitimate and sustainable. Meetings often do not take place, fail or are poorly attended in Khayamandi as a result of a combination of factors, ranging from late arrival by both facilitators and participants, facilitators often not being well versed with meeting procedures, and cancellation of meetings at short notice (Gwala 2011:89–111).

A favourable view of participation through meetings as a strategy to engage the public develops when an effort is made to plan meetings properly and to make beneficiaries aware of their contributions and responsibilities during the meeting (Burkey 1993). In the light of the above, Figure 1 shows that the Khayamandi public, who participated through IDP meetings as a participation strategy, hardly influenced local development and decision-making processes that affected their lives. According to Figure 1, the participation process in Khayamandi often reflects the general notion in municipal planning that participation is “someone else’s problem”, all but that of the particular office that is supposed to drive it as shown by lack of allocation of tasks to specific individuals to enable the ward committee to receive feedback on items discussed in previous meetings. Gwala (2011) shows that the Stellenbosch Municipality subscribes to a top-down approach to planning and decision-making, as shown by the percentage of the public who feels that development is driven and defined by the facilitators and not the participants. It is therefore not surprising that a high percentage of community members feel that the municipality is a change agent. The high percentage of the public who do not attend meetings could indicate the high levels of frustration with the municipality’s participatory agenda.

Figure 1: Levels of public participation in development in Khayamandi

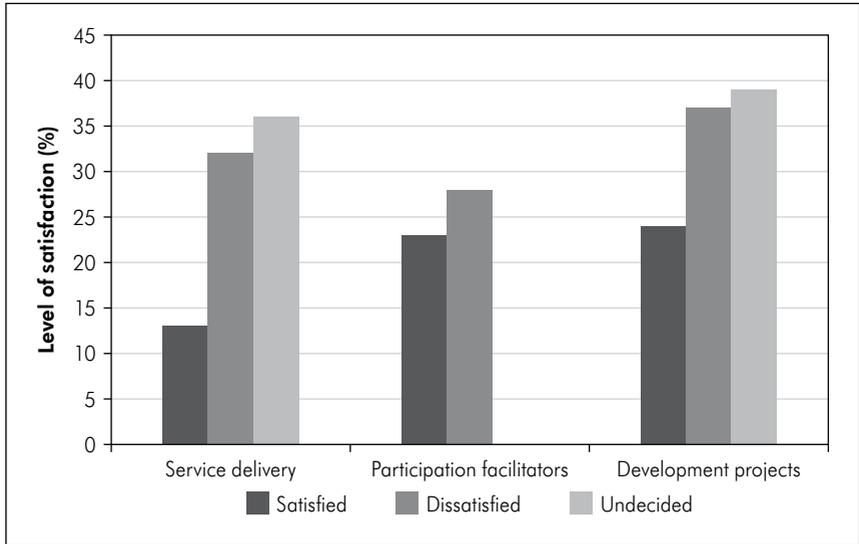


Source: Gwala (2011)

Figure 2, depicts the public’s level of satisfaction with service delivery, the participation facilitators and development programmes/projects constructed on the basis of “participation” in the Khayamandi case study. Figure 2 shows the high levels of dissatisfaction with service delivery, facilitators and development programmes/projects, which explains why the local government is often the target of service delivery protests. Besides poor participation strategies, poor service delivery is compounded by a lack of planning, poor coordination and absence of integration at local government level.

Furthermore, the majority of community members do not agree that the public is afforded an opportunity to *influence, direct and own* development in Khayamandi. Research analysis shows that over 55% of the questionnaire respondents expressed this view, while approximately 44% of the respondents agree that the public is afforded such an opportunity. This is demonstrated by the lack of ownership, care and protection of the few developments that have taken place, for example the tourist centre, the stadium, etc. (Gwala 2011:141). In spite of the mayoral briefing meetings for stakeholders, the majority of the community members in Khayamandi still see themselves as left out of development activities in Khayamandi. The research results also show that 61% of the respondents see the local municipality as the decision-maker, owner and director of developments in

Figure 2: Public levels of satisfaction with service delivery, participation facilitators and development in Khayamandi



Source: Gwala (2011)

Khayamandi, while only 39% of the respondents see the community as the owner, director and decision-maker for integrated community-based development.

According to Kotze and Kotze (2008: 67–99) facilitators are often “dislocated” from the local meaning-giving context of their beneficiaries. Facilitators are struggling to comprehend the so-called “fragmented reality” in which they have to make a difference, often becoming isolated from both the local authority and the public beneficiaries.

Khayamandi is still located at the second category (B) in what the local authority calls “participation” which boils down to informing, consulting and placating the public. These strategies are common to IDPs in South African municipalities. The Khayamandi survey on the role of meetings in capacitating participation indicates that 51% of the respondents believed that they are not given the scope to influence, direct, control and own the development agenda. At least 50% of respondents indicated that local political representatives are not known to them; 53% indicated dissatisfaction with service delivery and 61% were unhappy with local development priorities (Gwala 2011:136).

In summary, research has shown that the input that the Khayamandi community makes in community-based development meetings is minimal. By means of interviews, the researcher’s observation and questionnaires (conducted by one of the authors), it was found that the Khayamandi community is willing and ready to

assume its role of influencing, directing and owning community-based development. The critical question is the one that deals with the *capacity* the community has to *influence, direct* and *own* decision-making processes in community-based development. The Khayamandi community is not yet capacitated to influence, direct and own decision-making processes and community-based development. True as this may be, at Khayamandi public participation in public meetings is still ineffective and therefore the public is denied the space and scope to *influence, direct* and *own* decision-making processes and community-based development.

CONCLUSION

In South Africa public participation is more preached than practised. The historically deprived “voices from below” and the new generation had high expectations of being “allowed” a stake in their own development spaces (invited spaces for participation). In considering a past which lacked a culture of participation and a host of new pieces of legislation to guide public participation after 1994, the new level of public protest (Municipal IQ Protest Monitor nd.; Mchunu and Theron 2013:105–128) (invented spaces for participation) indicates that the nation’s public (Newman and Clarke 2009:10–26) still call out to be heard.

Notwithstanding regulatory guidelines, approaches such as DLG and structures such as IDPs, a large percentage of the public find themselves outside the participatory spaces through which they can and should influence, direct, control and own their own development. Participation facilitators should be tasked, guided and trained to think innovatively about the contexts for public meetings. The authors of this article are of the opinion that innovative meetings should be based on an appropriate mix of additional and context-specific, relevant participation strategies that will strengthen the outcomes of public meetings.

To comprehend the holistic context towards conducting an innovative, appropriate and mixed-type of meeting calls for facilitators to understand the linkage between participation principles, models and strategies. If these are taken into account following a specific social accord/contract/compact between local government and its public, and if and when participation facilitators are guided by a Code of Ethics/Conduct, resulting in a P4, the possibility arises that revamped public meetings may play a role in empowering beneficiaries to claim their local spaces for participation.

RECOMMENDATIONS

Against the above background, the Khayamandi, Stellenbosch Municipality should:

- Promote revised Batho Pele principles as a platform to establish a P4 (Khan and Cranko 2002:262–275); to link a Code of Ethics/Conduct for facilitators to the Batho Pele principles to which local authorities are supposed to adhere (See IAP2's Code of Ethics). In addition, a social accord/contract/compact between stakeholders (Swanepoel and De Beer 2011:20–32) should be prioritised in each programme/project in which the public is the beneficiary.
- Take into account strategic planning considerations from the IAP2 (2006) and World Bank (1996) Participation Toolboxes towards establishing an appropriate and local context-specific mix of strategies with the direct input of the beneficiaries. It is suggested (levels 1–3) that the mix of strategies should be based on a well-balanced selection of strategies, in the light of the local context-specific realities and meaning-giving context for which participation is required (there is no such thing as a blueprint for participation).
- Benchmark successful experiences of participation outcomes at other local authorities. This can be followed by the re-orientation and training of facilitators as well as beneficiaries towards establishing P4s.
- Consider the Gwala Model as participation guideline along with the legislative provisions for participation to enable facilitators to contextualise both the principles of participation and the mix of strategies on which it can be based (consider also the Mchunu Model, Mchunu 2012:60; Mchunu and Theron 2013:10).
- This article postulates that facilitators in general, but specifically at Stellenbosch Municipality (Khayamandi), are required:
- To accept that, as a standalone strategy, meetings as vehicles for participatory democracy are normally not the only empowering process for the intended beneficiaries of local programmes/projects.
- To assess the local meaning-giving context of the intended programme/project (conduct a SWOT analysis) towards constructing a holistic picture of the opportunities and challenges the intended programme/project might face.
- To consider how the participation of the intended beneficiaries will impact on programme/project planning and outcome through their social capital and local knowledge.
- To consider, with the direct input of a representative group of the intended programme/project beneficiaries, which appropriate mix of other participation strategies (levels 1–3) in addition to meetings can be considered and why.
- To establish a P4 constructed on programme/project management principles between the facilitators and local beneficiaries by deliberating a social contract/compact stipulating programme/project aims; each participant's contribution; the intended programme/project cycle; the budget and monitoring and evaluation guidelines (Burke 1999:24–36).

In following the above, Khayamandi (and Stellenbosch Municipality) beneficiaries stand a greater chance to influence, direct, control and own the decision-making processes as well as community-based development currently rolled-out through the Stellenbosch Municipality's IDP.

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Health Professionals and the Challenges that Contribute to a Lack of Provision of Services in the Ngwelezana Hospital, KwaZulu-Natal, South Africa

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ABSTRACT

This article assesses the challenges faced by health professionals in the course of their work and how these challenges contribute to provision of services in the Ngwelezana Hospital, KwaZulu-Natal, South Africa. The study begins by acknowledging various theories on employee satisfaction and performance based on content-analysis of questionnaires sent to a sample of 66 health professionals, including nurses and doctors. The researchers used qualitative methods and some aspects of quantitative methods to analyse demographic information. The main findings of the article reveal that health professionals are unhappy with their working conditions and are experiencing a heavy workload. The article also revealed that some of the challenges that are faced by health professionals include constant lack of resources and 'feeling neglected by management' who are not satisfying their needs. This affects their work on a daily basis and it promotes absenteeism and unproductive health professionals. The article concluded by stating that human needs of health professionals are not taken into consideration and that affects the performance and the provision of services by the health professionals. In summary, the article recommended that the Ngwelezana Hospital should provide a more conducive work environment, which will enable employees to perform their duties effectively and efficiently. Furthermore, the study recommended that

in order to decrease the workload of health professionals, the hospital should consider having a strict intake of in-patients from the admissions department.

INTRODUCTION

The *Constitution of the Republic of South Africa, 1996*, stipulates that citizens of South Africa have the right to basic healthcare. The government is under obligation to fulfil these promises, as proposed in the White Paper on Transformation of Public Service Delivery in South Africa (Eygelhaar & Stellenberg 2012). The *National Health Act* (RSA 2003) states that the health department is committed to deliver quality healthcare to all South African citizens in an efficient and caring environment.

The Negotiated Service Delivery Agreement (NSDA) (RSA 2010:6) reported that the government spends 8.7% of its Gross Domestic Product (GDP) on health, which is more than any other African country, yet South Africa has shown poor health indicators and outcomes. Furthermore, the NSDA (RSA 2010:5) pointed out that there is a huge disparity between the public and private health sectors regarding the availability of financial and human resources, and the accessibility and delivery of human services.

There are many problems with the quality of care in the public health sector and many of these endanger the lives of patients, as well as adding to and reducing productivity (National Department of Health 2007). The Department of Health: KwaZulu-Natal Strategic Plan (2010–2014) emphasises that the public health sector needs the right placement of staff and skills mix in order to ensure appropriate placement and utilisation of available resources. A constant demand for public health services increases workload and clinical demands on healthcare providers.

Based on the foregoing, this article explores work-related challenges that health professionals in public hospitals tend to encounter when rendering services to their patients. The hospital that was used in this study was the Ngwelezana Hospital as it is a public hospital. The main aim was to investigate whether health professionals at the Ngwelezana Hospital experienced any challenges in the course of their work. If so, what were those challenges? Do these challenges serve as a barrier to patient satisfaction?

LITERATURE REVIEW

According to Coovadia, Jewkes, Barron, Sanders and McLntyre (2009:817) the public health system in South Africa has been transformed into an integrated,

comprehensive national service following 1994, but failures in leadership and stewardship, coupled with weak management have led to inadequate implementation of what are generally regarded as good policies. Pivotal facets of primary healthcare such as clinics are not in place and there is a substantial human resource crisis facing the public health sector (Coovadia *et al.* 2009:817).

Rowe and Moodley (2013:2) state that the public health sector in South Africa is funded by general tax. Although there are people who can afford to pay for primary healthcare in the private sector they rely on the state for secondary and tertiary care such as hospitals that provide healthcare from specialists, with 68% of the population depending entirely on the public health sector. This puts a burden on health professionals, even burn-out, in rendering services and performing medical tasks, exacerbated by a shortage of nurses and doctors.

In KwaZulu-Natal, health professionals in rural areas play a comprehensive and multi-skilled role, for which they are often inadequately prepared. Practices are often carried out in the absence of other health professionals, particularly doctors and nurses. Amalgamated services, downsizing and shortened hospital stays have all resulted in nurses in rural and remote communities having to care for patients with more complex problems (Booyens, 2001:596–597).

According to the KwaZulu-Natal Department of Health Annual Report (2010–2011) the quadruple burden of disease (partly due to the demographic transition, including heart disease, strokes, diabetes, hypertension, traditional diseases of poverty malnutrition and diarrhoeal diseases in children), injuries caused by road traffic accidents and violence, and the explosive rise of infectious diseases associated with the HIV/AIDS epidemic and TB, have a significant impact on health outcomes in the Province of KwaZulu-Natal. The infant, child, and maternal mortality rates are high, with the AIDS epidemic exacerbating the disease burden and increasing morbidity and mortality (Health Annual Report 2010–2011). For instance, Maharaj (2009:188) stated that the Province of KwaZulu-Natal consistently recorded the highest HIV prevalence for pregnant women since 1990, having increased from 38.7% in 2008 to 39.5% in 2009. Five districts, uThukela (46.4%); eThekweni (41.5%); Umgungundlovu (40.9%); Ilembe (40.6%); and Ugu (40.2%) exceeded 40% prevalence (Department of Health KwaZulu-Natal Annual Report 2010–2011).

Health professionals experience significant challenges with increasingly adverse events affecting both their patients and themselves. These contribute to high staff turnover as more health professionals seek other employment, thus making the profession less attractive to new recruits (Van Niekerk 2008:30). For instance, Smith, Solanki and Kimmie (1999:12–19) reported that in 1999, 86% of people were using public primary healthcare facilities and no healthcare fees were charged (although half still incurred travel costs), however, health workers felt that the free healthcare policy imposed an additional burden on them, and

it exacerbated the discontent among nurses that had culminated in a crippling countrywide strike in 1995. To buttress this further, Hall (2004:104–119) noted that nurse managers in clinics have experienced increased workloads and stress levels related to the high proportions of patients with AIDS related diseases and the time-consuming care required. This is seriously threatening the quality of healthcare in South Africa.

Pillay (2009:255) found that in the public health sector, nurses appeared to be significantly more dissatisfied with their work context and their managers than their private sector colleagues, raising questions about a potential lack of nursing management capacity in the public sector. This leads to nurses not achieving their optimum standards in terms of service delivery according to Pillay (2009:255). Nursing managers in the public sector need to improve the work environment by taking into consideration the aspirations and value systems of nurses that would be more likely to increase job satisfaction and consequently impact positively on individual, organisational, and broader health and social outcomes.

It has been 19 years since the replacement of apartheid by universal suffrage, yet the public health system is still failing with significant inefficiencies stemming from poor quality services (Mayosi, Flischer, Lalloo, Sitas, Tollman & Bradshaw 2009:934–947). There have been reports of ill-discipline, moonlighting in the private sector and absenteeism of public healthcare personnel (Bradshaw, Nannan & Laubscher 2006:10) and patients feel neglected and rejected by healthcare professionals, whilst complaining about slow service, rude staff and inadequate medication or attention when visiting public hospitals (Day & Gray 2008:241). If these issues are affecting the performance of public health institutions, what is the purpose of all these existing Acts, policies and plans, if quality service will not be rendered? If these Acts, policies and plans guide the performance of health professionals in order to ensure maximum customer satisfaction, then why is there still a crisis in the public health sector? This article investigates what causes these policies to be inactive in practice, and the key underlying factors preventing health professionals from adhering to policies to ensure quality in service delivery.

THEORETICAL FRAMEWORK

The theoretical framework of a research article relates to the philosophical basis on which the research takes place and forms the link between the theoretical aspects and practical components of the investigation undertaken. Theories are bodies of ideas, principles and doctrines that have been proved or are yet to be proven with evidence, but which form the basis of analysing social problems (Mertens 1998:26).

Scientific Management Theory

The theory relates to how the application of scientific methods to the management of workers could greatly improve productivity. Scientific management methods can improve the way tasks are performed and simplify jobs sufficiently for workers to perform to their full potential (Olum 2004:12). This theory relates to the study as in public hospitals, healthcare professionals (nurses and doctors) who have been trained are responsible for ensuring that patients are treated and attended to with care. Nurses and doctors have separate scopes of practice, which means that their workload is shared amongst the employees so each can perform individually at their best. Both nurses and doctors report to senior management in their departments regarding their work tasks. In order for these health professionals to be effective in the course of their work there should be a good working relationship amongst themselves and also with management. It is within the responsibility of hospital managers to ensure that workers are working productively and meeting the goals of the organisation.

Human Relations Theory

According to Chase (1941:4), human relations refer to how organisations manage and interact with their employees in an effort to improve employee and organisational effectiveness. In addition, human relations involves such fundamental issues as individual, group, and organisational needs, motivation, and attempts to improve the quality of work life (Taylor 1911:72). This theory relates to the study as employees, before they appear as representatives of health institutions, are individuals with needs, feelings, motives and defined attitudes. Their individuality needs to be recognised before they can appear as employees as this has an impact on their productivity in the workplace. In order for the employee to make his or her best effort, the employee should feel fulfilled. Professional employees within public hospitals should be treated well and have their individual needs satisfied to ensure that both as an individual and an employee they deliver quality service to those who seek their assistance.

Bureaucracy Theory

Max Weber's theory of bureaucracy states that the regular activities required for the purpose of the organisation are distributed in a fixed way as official duties. The organisation of offices follows the principle of hierarchy, that is; each lower office is under the control and supervision of a higher one (Blau and Meyer 1971:308). The emphasis of bureaucracy is on the division of labour, with

highly skilled employees in each position. Work procedures are clearly defined with consistent organisational rules.

This theory is as relevant here as with the operation of a public hospital and its health professionals' issues of specialisation and jurisdiction are consistent with bureaucratisation. The job description of a staff nurse is different from that of a sister nurse. Nurses and doctors have separate work-related tasks and doctors are superior to nurses, yet both report to their respective managerial departments who in turn have senior management to report to, therefore the hierarchy of work jurisdiction and task specialisation is specific.

Resource-dependency Theory

According to Sheppard (1995:28–62) resource dependency theory suggests a variety of ways in which an organisation can ensure the supply of resources critical to its survival. Pfeffer & Salancik (1978:61) held the view that the resource dependency theory argues that the key to organisational survival is the ability to acquire and maintain resources. Organisations must enter into exchanges with others to determine how they can affect survival through the management of demands, particularly those of the interest groups on which they depend for resources and support.

This theory is relevant as resource management in a public health organisation such as Ngwelezana Hospital is critical to its survival, bearing in mind that resource dependency management relations is a challenge that employees can face in such an organisation. For instance, in Ngwelezana Hospital patients come to the hospital to seek medical attention so that they can be treated. The hospital's main function is to provide patients with essential services by providing medication, professional personnel to assist patients and using relevant equipment to perform medical tasks. This article examines whether the hospital has enough resources for it to perform its function. In the event that these resources are not enough, does this contribute to service delivery challenges that the professional personnel may be experiencing?

The above theories are most appropriate for this article but only to explain operational aspects of health service delivery in the province. Given their weaknesses, it may be best to combine their positive aspects for a more efficient and effective delivery of health services in South Africa as a whole.

RESEARCH DESIGN AND METHODOLOGY

This article is based on a qualitative study that employed open-ended questionnaires to collect data from respondents, analysed by means of content

analysis. The study targeted nurses and doctors at Ngwelezana Hospital, a hospital situated in the north of Kwazulu-Natal, South Africa. The hospital employed 800 nurses and 120 medical doctors making a total of 920 health professionals. The study used stratified random sampling whereby the targeted population was divided into homogeneous subgroups, with a simple random sample then being taken from each. There were two categories, the first comprising nurses, the second doctors. The study used the following formula to determine sample size.

$$S = \frac{N \times n}{100}$$

S = sample size

N = number of units in the population 1 to N

n = decide on the sample size that you need

100 = given percentage

Number of Nurses in Ngwelezana = 800	Number of Doctors in Ngwelezana = 120
Therefore $S = \frac{800 \times 10}{100}$ = 80	Therefore $S = \frac{120 \times 20}{100}$ = 24
Total sample size = 104	

The researchers administered questionnaires to the participants in English and isiZulu so they could choose the language they preferred to use. The questionnaires had two sections: Section A and Section B. Section A consisted of demographic information, such as gender, age, race and profession. Section B consisted of open-ended questions giving the respondents the opportunity to express their opinions, attitudes and suggestions pertaining to service delivery in Ngwelezana Hospital. Primary and secondary data collected was textually analysed and was carefully and scientifically presented in percentages.

DATA ANALYSIS

This section presents the findings from the data collected in detail in terms using frequencies and themes relative to the objectives of the study. It also discusses these findings in relation to the broad research objectives and questions.

Respondents' demographics

The first phase of the results is the respondents' demographics followed by the qualitative results.

Gender of the respondents

Of the 104 questionnaires that were distributed, 66 were returned, representing a 66% return rate. All the questionnaires received were filled in completely. Of the 66 questionnaires returned 41 (62%) respondents were females while 25 (38%) were males (see Table and Figure 1. below). This suggests that most of the health professionals at the studied areas are females.

Table 1: Gender

	Frequency	Percent
Male	25	37.9
Female	41	62.1
Total	66	100.0

Figure 1: Gender of respondents

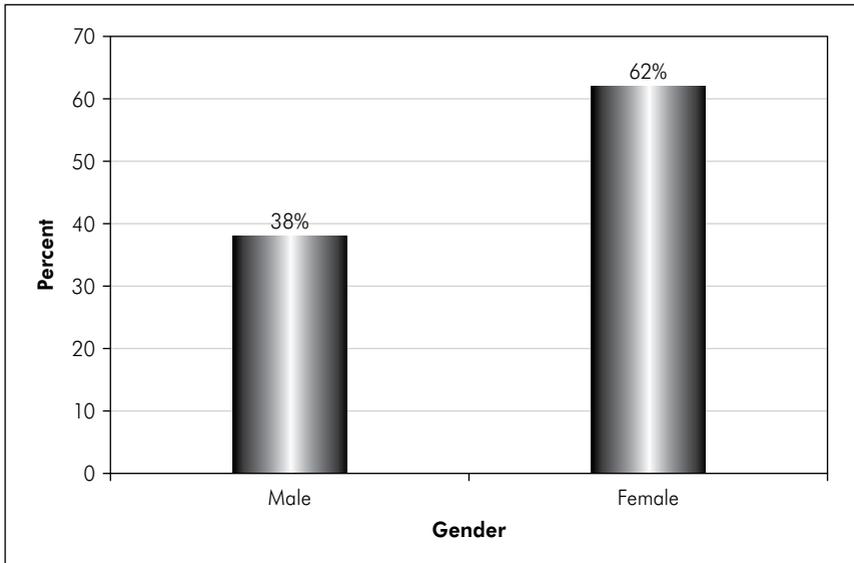
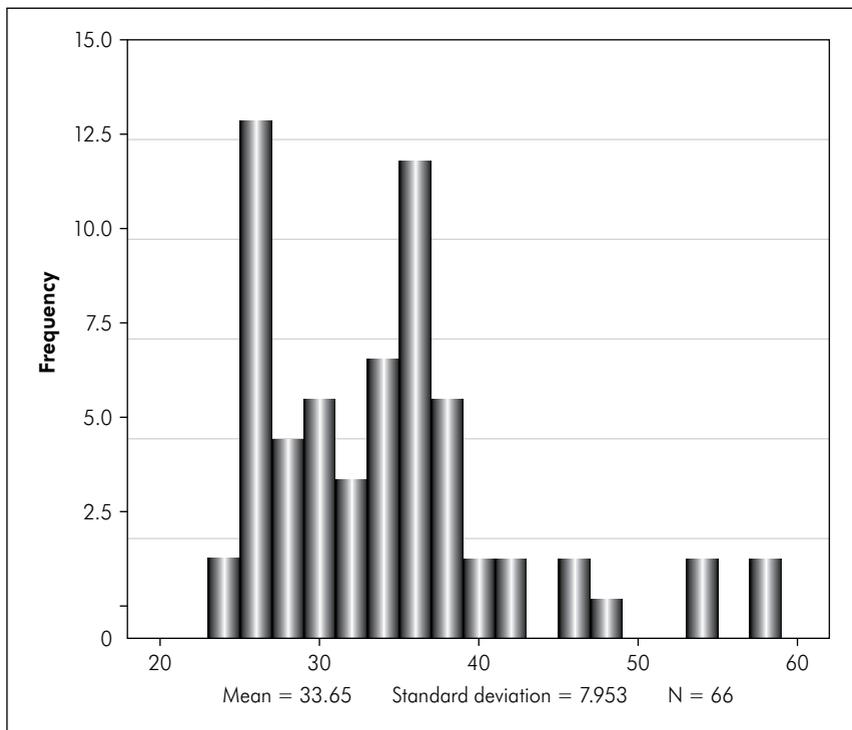


Figure 2: Age of the respondents



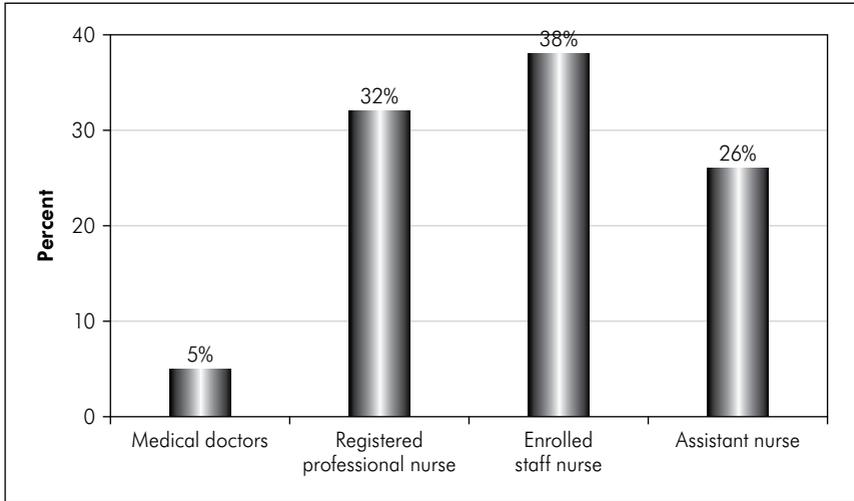
Age of the respondents

In Figure 2, the average age distribution of the respondents was 33.65. This is indicative that most of the respondents who participated in this study ranged around the age of 33 and above. The age factor also indicated that most of the young health professionals are in the private sector, but this could be uniquely relevant to Ngwelezana Hospital.

Profession of the respondents

Figure 3 shows that most 25 (38%) of the respondents were Enrolled staff nurses, while 21 (32%) were Registered professional nurses. A minority of the respondents were Assistants 17 (26%) and Medical Doctors 3 (5%). At the time the questionnaires were distributed most of the Medical Doctors indicated that they were busy and short staffed. This provides the reason for the small number of doctors who participated in the study.

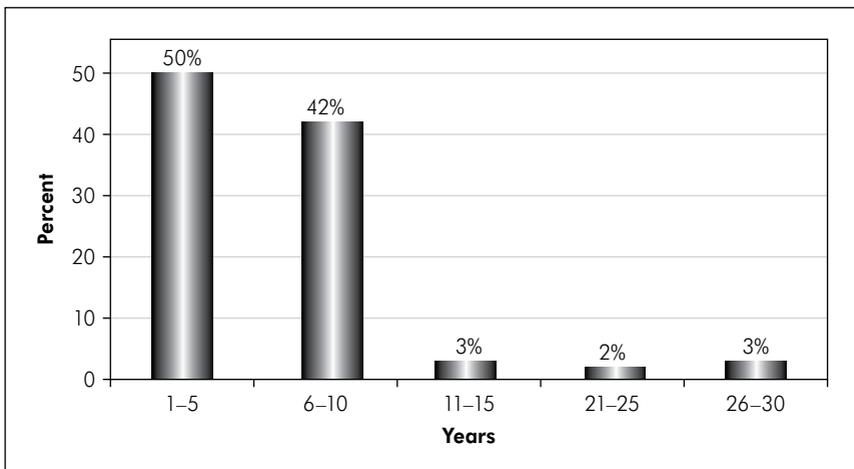
Figure 3: Profession of the respondents



Length of service among respondents

Figure 4 depicts the years of service that different respondents have committed to the hospital. The majority of 33 (50%) of the health professionals had worked in Ngwelezana for five years, 42% had worked for 6–10 years and only 2% had worked more than 20 years.

Figure 4: Respondents' years of service



Themes relative to the objectives of the study

Since the study used a semi-structured questionnaire, the qualitative responses were analysed by means of extracting themes from the responses of the respondents. The results presented and discussed are arranged in terms of main themes extrapolated from the objectives of the study and sub-themes identified from the responses of the respondents.

Perceived challenges faced by health professionals at Ngwelezana Hospital

Among the many challenges that could have been encountered by health professionals in the Ngwelezana Hospital, respondents perceived the following as the most persistent factors that pose a challenge to them:

- Working conditions.
- Workload.
- Insufficient resources.
- Overcrowded wards.
- Employees feeling neglected.

According to the respondents, working conditions are not conducive in their workplace and this affects health professionals when performing their duties. The working environment does not support execution of their duties in many ways. Most of the respondents highlighted that as medical practitioners as well as professional and registered nurses they should work with a proportional number of patients. However, from time to time they are confronted with large numbers of patients who cannot even be treated fairly due to insufficient material. These findings concur with those of Hall (2004:112), who also discovered that nurse managers in clinics were experiencing increased workloads and stress levels relating to the high number of patients.

As a consequence, numerous health professionals could be experiencing job burnout and occupational stress. In the event that this persists in the hospital, more health professionals would leave for a much more conducive work environment. Van Niekerk (2008:30) found these factors contributed to high turnover, rendering the profession less attractive to new recruits, whilst Coomber and Barribal (2007:309) suggest that excessive workload among health professionals contributed to dissatisfaction in their work.

The workplace setting within Ngwelezana Hospital is contradictory to the bureaucracy theory that stresses organisations should be well controlled and supervised, with specialisation, jurisdiction and job description paramount for work satisfaction and productivity. Ngwelezana Hospital is failing to

retain skilled doctors and nurses; there is a poor management system, poor coordination and incompetent superiors.

The nature of the perceived problems

When respondents were asked about the nature of the problems they encounter on a daily basis, as they discharge their duties the following sub-themes emerged:

- Shortage of working equipment for long periods.
- Mixture of infectious with non-infectious patients.
- Slow operation of laboratories.
- Poor management systems.
- Poor coordination.
- Poor referring system.
- Demotivated employees.
- Lack of coordination between management and systems.
- Incompetent superiors.

When probed further, some respondents shed more light on the factors that threaten their operations: “we sometimes fall short of simple equipment as surgical items such as gloves and masks and this exposes us to infectious diseases engulfing our patients”. The findings indicate that while the problems of equipment shortage affect the main objective of the health institutions, the lives of the health professionals are at risk. This could further jeopardise the quality of services which are supposed to be rendered by the public health institutions such as hospitals.

Perceived sources and causes of problems encountered by health professionals

The respondents indicated various sources that lead to the problems they encounter in the workplace, for example

- Poor planning and budgeting.
- Lack of skilled workforce.
- Unadvertised vacancies.
- Unmaintained equipment.
- Procurement problems.
- Lack of strategy to retain professionals.

When respondents were asked about the sources of these factors which have emerged, they indicated numerous things, such as poor planning and poor management. This duty often rests with the management of the organisation. In

this case, hospital management are perceived by the respondents to be failing to do proper planning including budgeting. Generally, the consequences of poor resource planning can be seen in the form of workplace stress, staff conflicts, poor productivity, increased absenteeism and ultimately poor retention of trained workforce. Healthcare professionals, especially those with personal responsibilities, could find it difficult to manage work when they are confronted with unplanned schedule changes at short notice. Poor resource management, leading to poor retention of employees influences employee relationships in a negative way and can also result in poor public relations. Reduction in the quality of products leaves a negative impact on the brand name in this case government and the hospital's names are discredited.

The findings of the study revealed that there are numerous factors that are affecting the functioning of the health professionals in the studied hospital. According to the respondents, these factors are central to poor service delivery in the Ngwelezana Hospital. The respondents indicated that the existence of effective and efficient healthcare depends on the quality of work life experienced by the healthcare professionals. The literature also concurs with the fact that employees' wellbeing is important to ensure that they function to their full potential. Among other factors that were perceived by the respondents to cause challenges to their work, were working conditions and workload. This suggests that public hospitals suffer from poor work conditions and insufficient personnel, especially health professionals. The identified problems are arguably the direct source of other unintended work related problems which are experienced by healthcare professionals, such as overcrowded wards. However, health professionals did indicate that if these problems were to be addressed it could improve the quality of service within the Ngwelezana Hospital.

CONCLUSION

This article reported on the perceptions of health professionals on service delivery challenges, with specific reference to service delivery challenges at Ngwelezana Hospital in KwaZulu-Natal Province, South Africa. It has revealed the nature of the challenges that health professionals face during the course of their work and how these prevent them from delivering quality service to those that seek medical attention on a day-to-day basis.

The health of a nation is its wealth. While the state has good policies on paper towards ensuring effective health service delivery, the implementation on the ground is very poor. A radical approach that takes into consideration organisational efficiency and the human needs of health professionals is urgently needed to revamp the health sector. Accordingly, a number of possible

solutions have been identified and suggested to reduce or eliminate these challenges. This study suggests that government and Ngwelezana Hospital review and implement the aforementioned recommendations.

RECOMMENDATIONS

- The findings of the study suggest that Ngwelezana Hospital should urgently review its work environment.
- The hospital should decrease the workload of health professionals; it should consider having a strict intake of in-patients from the admissions department.
- Furthermore, the hospital needs to avoid burnout, absenteeism and unproductiveness of health professionals due to increased workload.
- The hospital should consider submitting correct statistics on the shortage of healthcare professionals to the Provincial Department of Health so that the department can be aware of the vacancies that need to be filled.
- Ngwelezana Hospital could adopt a strategy to retain health professionals. The hospital should review salary structure, compensation methods such as reward systems, performance appraisals and giving incentives to health professionals as a strategy that will reinforce behaviour and increase productivity.
- The hospital management should consider the use of a bottom-up approach in terms of open policies and include subordinates in decision-making processes.
- The system of selecting people for top managerial positions should be conducted by people with experience and leadership skills. Those people recruited for top managerial positions must be provided with frequent workshops in order for them to be productive in their line of work.
- The hospital should urgently look at the practice of mixing of infectious with non-infectious patients, as this not only increases the spread of disease but also increases costs.
- This study suggests that the hospital should review the improvement of its laboratory services and get more advanced equipment to reduce the number of specimens transported to other laboratories as far away as Durban.

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The Municipal Institutional Capacity Model (MICM)

A framework for improved municipal performance in South Africa

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ABSTRACT

This article reports on the outcome of a non-positivist, descriptive and explanatory qualitative study into the development of an institutional capacity model for municipalities in South Africa. The model, the Municipal Institutional Capacity Model (MICM), is based on a triangulation of the following inputs: the continuities between the different eras of local government development in South Africa; the developmental mandate of local government; the constitutional and legislative mandate of local government in South Africa; the status quo in respect of local government performance in South Africa; and the discourse on institutional capacity and capacity measurement. The MICM is constructed in three sections consisting of two capacity areas, namely, a primary capacity area (leadership) and a secondary capacity area (innovation); and a set of four key institutional capacity elements, namely (1) long-term visioning and planning; (2) fiscal management; (3) public participation; and (4) human resources. The MICM underwent both internal as well as external validation. The internal validation consisted of calibrating the MICM with the inputs mentioned above. The external validation consisted of an expert validation workshop in which four experts engaged with the MICM and considered whether the MICM provides predictive and structural validity and whether the model outputs agree with an external entity, in this case,

municipalities in South Africa. The MICM is proffered as a framework to develop tools to predict the likely performance of municipalities in South Africa, given their institutional capacity.

INTRODUCTION

This article reports on the outcome of a non-positivist, descriptive and explanatory qualitative study into the development of an institutional capacity model, the Municipal Institutional Capacity Model (MICM), for municipalities in South Africa. The MICM can be used as a framework to facilitate the development of tools for the assessment of the institutional capacity of municipalities in South Africa.

As background to the development of the MICM, and also as a key informant towards the ultimate design and construction of the model, six eras in the development of the South African state, with special reference to the system of local government, are identified and described, namely (1) the pre-colonial era; (2) the colonial era (laying the basis for race-based governance); (3) the Union years (institutionalising race-based governance); (4) the apartheid era (entrenching race-based governance); (5) the pre-negotiations phase (challenging race-based governance); and (6) the democratic era.

At the centre of the South African local government system lies a set of developmental ambitions, contained in the White Paper on Local Government, the Constitution and the suite of local government legislation that regulates local government in South Africa. The lofty ideals contained in this framework create a standard against which to measure the system of local government and the outputs and outcomes that it produces. At the same time, the discourse on the developmental state and developmental local government has developed into a theoretical framework that underlies the developmental ambitions of both the South African state and the importance of the system of local government in achieving these ambitions.

DEVELOPMENTAL LOCAL GOVERNMENT

Poverty and its debilitating effects constitute the topic of human enquiry throughout the world. The General Assembly of the United Nations (UN) at its 55th session in September 2000 ratified the United Nations Millennium Declaration (UNMD), which committed signatories of the Declaration to the eradication of global poverty and the advancement of peace and stability by

2015 (Mathews and Ohadi 2008:751). The Declaration, which was ratified by 189 nations and signed by 147 heads of state (United Nations Development Programme, 2010), includes a list of eight goals, known as the Millennium Development Goals (MDGs), which “provide a clear, comprehensive and quantitative approach towards poverty reduction” (Mathews and Ohadi 2008:752). These goals are to eradicate extreme poverty and hunger; achieve universal primary education; promote gender equality and empower women; reduce child mortality; improve maternal health; combat HIV/Aids and other diseases; ensure environmental sustainability; and develop a global partnership for development.

In pursuit of the MDGs, questions are increasingly raised about the role that the state should play in mitigating the impact of poverty on people and the environment. In South Africa, the notion of a developmental state, that is, a state in which government leads a strong, concerted effort for economic growth (Levin 2009:944), has become a popular topic in this discourse on poverty alleviation.

Local government and individual municipalities are important elements of the developmental state in South Africa; it can thus be argued that the success or failure of the South African developmental state hinges on the ability of the system of local government and the 278 municipalities individually to discharge their constitutional mandate in an efficient, effective and sustainable manner. Koma (2010:113) avers in this regard, “a developmental state implies that municipalities assume a greater and significant role in economic and social development”. In South Africa, developmental local government is presented as a theoretical discourse for underpinning this important role for local government in the development context.

According to Pieterse and Van Donk (2008:52), the very core of the South African local government system is embodied in its developmental ambitions, which in turn are defined in the White Paper on Local Government of 1998 (South Africa (Republic) 1998:38) 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”.

The drafters of the *South African Constitution*, 1996, and the legislation that flows from it have thus created lofty ideals against which to measure the system of local government and the outputs and outcomes that it produces. Atkinson (2002:2) notes that a development-oriented government requires that its internal relationships be set up in a manner that will result in the attainment of specific developmental goals. She also points to three questions in relation to the design of the local government system in South Africa and the important role that it must play in achieving the broader developmental objectives of the country, and even the continent (Atkinson 2002:4). These questions are:

- How would developmental local governments look?
- How would they function?
- What would their relationship be with the rest of the governmental system?

Powell (2012:11–12) provides some answers to the above questions, and these are mostly not positive. Powell states that the vision for developmental local government included the following four elements: (1) the country would be divided into municipalities with an elected municipal council; (2) there would be integration of racially divided group areas with a common tax base; programmes of national reconstruction and development would be guided by local development plans; (3) there would be partnerships between citizens and municipalities to build non-racial communities; and (4) expenditure would be redirected to services in poor black communities. According to him, these lofty ideals were not realised and he describes this non-realisation (Powell 2012:12) in the following terms:

“[In] the four terms of national government, local government reforms were not unfolding episodes in a continuous, uninterrupted process of implementing the White Paper’s vision for developmental local government. Policy and local institutions were shaped less by original design than by changing political and economic realities in the country, competing national policy objectives, often by strategic miscalculations, and more lately by competition for power in the ANC”.

The outcome of eighteen years of local government reform was not the new society imagined in the White Paper, but the imperfect transition that is local government today. Formal electoral competition coexists with increasingly violent public protests between elections. Pockets of performance endure amidst systemic corruption and mismanagement, while the expectations of policy makers continually exceed local delivery capacity and the skills base of the economy. Local government is a reflection of South African society, and the deeper fault lines in our society have consistently shaped the design and impact of policy.

Implementing a developmental state and making developmental local government a reality requires a capable state, also in the local sphere. The National Planning Commission (NPC) (National Planning Commission 2011) considers this matter of such importance that it devotes an entire chapter in the National Development Plan (NDP) to it. The NPC identifies the following seven factors as precursors to uneven performance at local, provincial and national level: (1) tensions in the political/administrative interface; (2) instability of the administrative leadership; (3) skills deficit; (4) erosion of accountability and authority; (5) poor organisational design; (6) inappropriate staffing; and (7) low staff morale. These factors seem to confirm the persistent local government

developmental challenges identified in the State of Local Government Report issued by the Department of Cooperative Government & Traditional Affairs (South Africa (Republic) 2009:4).

Developmental local government provides a coherent framework within which local government transformation and development can take place. Even though the discourse on the developmental state and local government is characterised by differences of opinion and conflict, this is not uncommon in the social sciences.

METHODOLOGY

This was a non-positivist, descriptive and explanatory qualitative study and made use of the emic perspective of the researcher as a local government practitioner; this resulted in rich, detailed and textured data (Webb and Auriacombe 2006:592).

The research methods used were a combination of a literature study and model construction. The literature study, contained throughout the study, provided a conceptual basis on which the model construction was based. Secondary sources, including books, journal articles, Internet articles and material from international donor and capacity-building agencies were consulted and critically analysed. The model construction, on the other hand, resulted from examining existing capacity assessment models and determining their effectiveness in assessing the institutional capacity of municipalities in South Africa. Accordingly, through the literature review, the elements that impact on the institutional capacity of municipalities were distilled and a new model for institutional capacity assessment in local government was developed.

A slight adaptation of the eight-step process described by DeVellis (2003:60–101) was used as a basis for developing the MICM. These eight steps are:

- Define what must be measured.
- Create a list of the elements that impact on institutional capacity.
- Determine the format for measurement.
- Subject the list of elements to review by experts.
- Consider inclusion of expert recommendation.
- Rank and score the list of elements.
- Develop a sample institutional capacity model.
- Verify and test the institutional capacity model in a 'live' environment.

The model was validated by internal as well as external validation processes. The internal validation consisted of a triangulation of the calibration of the MICM with (1) the continuities between the different eras of local government development in South Africa; (2) the developmental mandate of local government; (3) the constitutional and legislative mandate of local government

in South Africa; (4) the status quo in respect of local government performance in South Africa; and (5) the discourse on institutional capacity and capacity measurement. The external validation, in turn, consisted of an expert validation workshop in which four experts considered whether the MICM provides predictive and structural validity and whether the model outputs agree with the external entity that is the subject of the dissertation, namely, municipalities in South Africa. The external validation workshop made use of an adaptation of the Delphi method to guide the programme of the workshop.

It can be said that the MICM is a result of the examination of the literature in respect of the development of local government in what is today known as the Republic of South Africa: literature on institutional capacity, its definition, the elements that it consists of, its usefulness and existing capacity models, and model development and model validation. The MICM fused the applicable parts of the literature referred to into a workable theoretical model that can be used as a basis to inform institutional strengthening of individual municipalities and the system of local government as a whole.

THE EVOLUTION OF THE SOUTH AFRICAN STATE

Thompson (2001:1) posits: “[M]any historians of the white South African establishment start their history books with a brief reference to the voyage of Vasco da Gama round the Cape of Good Hope in 1497–98 and then rush to the arrival of the first white settlers in 1652.” Similarly, writers often use the establishment of a refreshment station by the Dutch East India Company (DEIC) in what today is known as Cape Town as the commencement of systems of government in South Africa. Also, the commencement of local government is traced to the implementation of the system of *heemraden* in 1682 and the appointment of the first *landroost* in 1685. The promulgation of the Cape Municipal Ordinance in 1836 is also identified as a key milestone in the development of the system of local government in South Africa (see, for instance, Floyd 1952:97, Green 1957:1; Cloete 1997:9; Tsatsire, Raga, Taylor and Nealer 2009:130; Van der Waldt 2007:3–5).

Some historians have, however, challenged the bias evident in the historiography of writers that were shaped by the colonial, imperialist and apartheid environments in which they researched and wrote. Elphick (1977), Elphick and Giliomee (1989) and Thompson (2001) describe the political systems that characterised the communities of Khoikhoi that the European visitors (Bartolomeu Dias in Mossel Bay in 1487, Vasco da Gama in 1497 and Jan van Riebeeck in 1652) encountered in the south-western Cape. In addition to these communities of Khoikhoi, other communities, including the Nguni

and Sotho/Tswana, as well as the Mapungubwe state that could be found at the junction of the Sashe and Limpopo rivers (Hall 2010:113), could be found in what today is known as South Africa. Adding the political and governance systems of these indigenous communities to the narrative on the development of the South African state and the system of local government in South Africa is not only long overdue, but might also hold clues to understanding contemporary political and governance processes in South Africa.

As background to the study, and also as a key informant towards the ultimate design and construction of the model, six eras in the development of the South African state, with special reference to the system of local government, are identified and described, namely (1) the pre-colonial era; (2) the colonial era (laying the basis for race-based governance); (3) the Union years (institutionalising race-based governance); (4) the apartheid era (entrenching race-based governance); (5) the pre-negotiations phase (challenging race-based governance); and (6) the democratic era.

Post-1994 South Africa can be described as a constitutional democracy in which, inter alia, the *Constitution of the Republic of South Africa*, Act 200 of 1996 (the Constitution) is supreme and the rule of law is applicable. One of the consequences of this statement of values as found in Sections 1 and 2 of the Constitution is that the duties, objectives and rights of local government are codified in a suite of legislation starting with the Constitution itself, and also including a range of other national, provincial and local government legislation. The Constitution, 1996, situates local government at the heart of an ambitious programme aimed at dealing with developmental backlogs, the eradication of poverty, the implementation of sustainable development, and the provision of safe and secure environments (Mogale 2003:227; Buhlungu & Atkinson 2007:30).

Notwithstanding the above developmental and constitutional intentions and the increase in access to services experienced by a large proportion of the population of South Africa, there seems to be widespread dissatisfaction with the quality and quantity of service delivery in many municipalities. Allan (2006: slide 6) identifies the greatest challenge to the new system of local government as “the ability to deliver services within the new system”. He further states that municipalities were largely left to their own devices in the new environment and were exposed to untested methods listed in the *Local Government: Municipal Systems Act*, 2000. In this context, the ability to meet service delivery expectations would hinge on two things: (1) local capacity to deliver, and (2) access to adequate resources. Local government in general, as well as individual municipalities, clearly struggle to meet these service delivery expectations. Koma (2010:112) states in this regard: “[T]he performance of numerous municipalities across the country has thus far clearly demonstrated huge deficiencies in as far as the fulfilment of both their constitutional and legislative obligations is concerned.”

INSTITUTIONAL CAPACITY

According to Gelderblom (2003:8), “the term ‘institution’ is often used to describe what sociologists call ‘formal organizations’”. These formal organisations include universities, municipalities, private corporations, hospitals, etc. This view is in agreement with that of Brinkerhoff (1994:137) who posits that the ‘institution’ is a general term that ranges in meaning from, on the one hand, being defined as a set of lasting rules or arrangements of behaviour underpinned by societal norms and values, and on the other “as systematized patterns of roles, in short, as organizations, that is, formal collectivities that coordinate the actions of groups of individuals to achieve specified goals ... This definition is frequently narrowed to those organizations located in the public sector: ministries, parastatals, agencies, commissions, etc.” The *Concise Oxford English Dictionary* (2009:486) defines institution similarly, as “an important organization or public body”.

The concept ‘capacity’, like most concepts in the social sciences, does not lend itself to a generally agreed upon definition. Instead, the definition employed is often based on the social science disciplines of sociology, political science, economics, etc., that the user of the concept is schooled in. These social science disciplines also place emphasis on different aspects and components of the respective concepts (European Commission 2005:6).

Ability seems to be the common concept found in most definitions of capacity. This cannot be faulted, as capacity, in real terms, has to do with the execution of tasks, functions, powers or other actions. Being able to do what is required is a key part of having the capacity to do what is required. There is, however, in our view, another key element that seems to be absent in most of the existing definitions of capacity found in the literature. This element is the commitment to do something, often referred to as political commitment. This element can often be influenced by a collective commitment or lack thereof by a group of people or influential individuals. Examples of this are the commitment of political office bearers to facilitate public participation, the commitment of management teams to improve efficiency, or the commitment by organised labour to improve productivity.

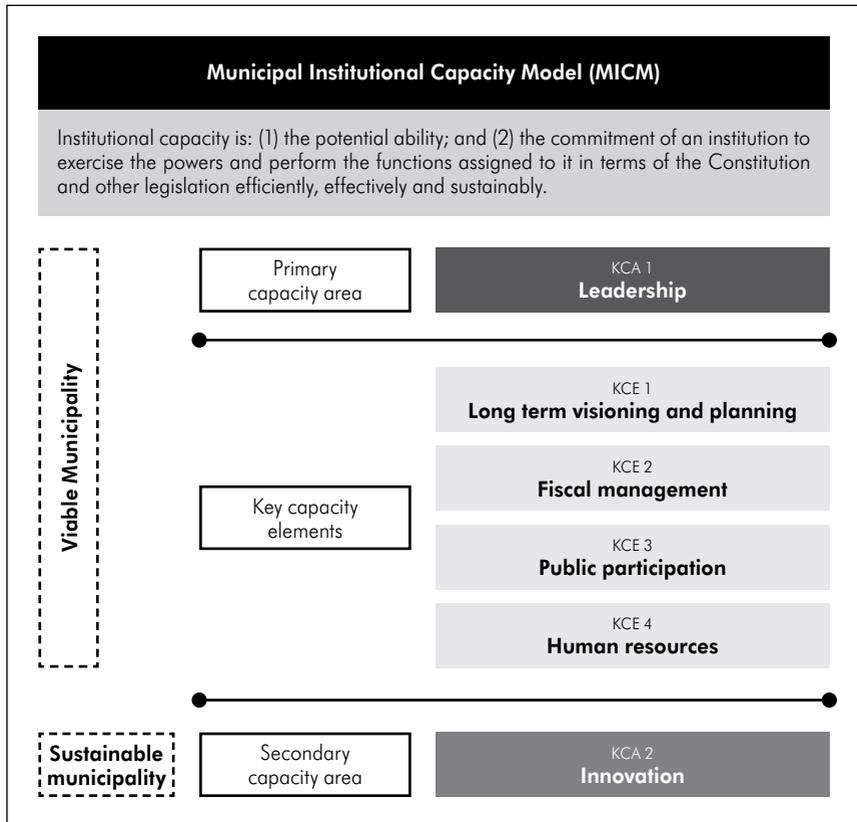
Based on the literature consulted, institutional capacity is defined in the study as: (1) the potential ability; and (2) the commitment of an institution to exercise the powers and perform the functions assigned to it in terms of the Constitution and other legislation efficiently, effectively and sustainably.

THE MUNICIPAL INSTITUTIONAL CAPACITY MODEL

The MICM is a theoretical model dealing with ‘what’ local governments should do on the one hand, and ‘how’ they should do it on the other. The MICM is

concerned with the potential of municipalities, based on their institutional capacity elements, to perform the functions and powers allocated to them in terms of the Constitution and other legislation. The model attempts to determine the viability as well as the sustainability of municipalities, enabled by their natural, social and environmental endowments and their institutional capacity (leadership & innovation, long-term visioning & planning, revenue, public participation, and human resources) to perform their constitutional mandate. It can therefore serve as framework to develop tools to predict what the likely performance of a municipality will be, given its institutional capacity (the meso level). These predictions can in turn be used to influence changes at the macro level (the system of local government as a whole). The impact of the model, notwithstanding its application on the meso level, will thus be at the macro level.

Figure 1: The Municipal Institutional Capacity Model



The model is constructed as three sections consisting of two capacity areas, namely a primary capacity area (leadership) and a secondary capacity area (innovation); and a set of four key institutional capacity elements, namely, (1) long-term visioning & planning; (2) fiscal management; (3) public participation; and (4) human resources. The model should be read in sequence, namely the primary capacity areas and key institutional capacity elements representing a viable municipality; when the secondary capacity area is added, the basis for sustainability is laid. It can be graphically depicted in Figure 1.

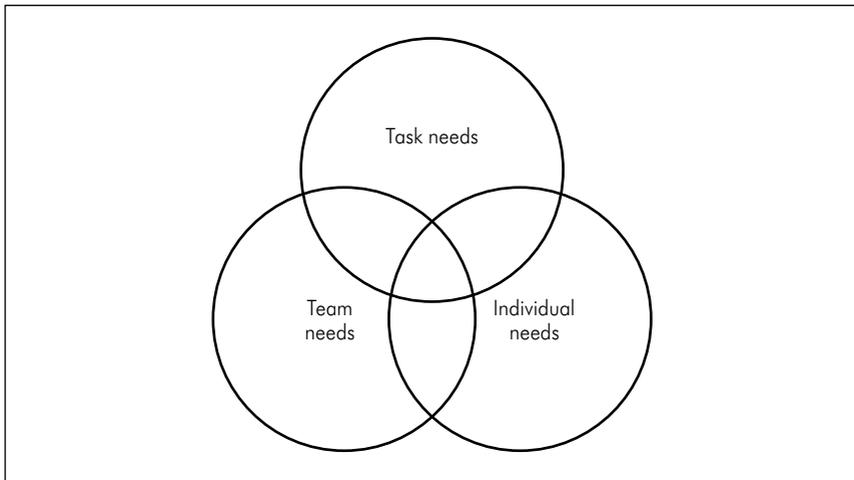
Key capacity areas

The MICM consist of two key capacity areas, namely leadership and innovation, which can be described as follows.

Leadership

According to Bass (quoted in Den Hartog & Koopman 2011:168), “The study of leadership rivals in age the emergence of civilization, which shaped its leaders as much as it was shaped by them. From its infancy, the study of history has been the study of leaders – what they did and why they did it.” This view is also expressed by Schwella (2013:69). This also holds true for local government in South Africa. Olivier (2011:68) refers to Rost, who provides 221 definitions of leadership in which leaders represent others in different ways, including from

Figure 2: The Task, Team & Individual Needs Overlap Presented by Adair and Thomas



Source: Adair and Thomas (2004:125)

dictating to them, on the one hand, to discreetly influencing them on the other. Schwella (2013:69), on his part, notes five approaches to leadership, namely, (1) the traits approach, (2) behavioural approach, (3) situational or contingency approach, (4) transformational or new charismatic approach, and (5) the social learning approach. Schwella (2013:68–69) also identifies the specific contextual realities of public sector leadership as, inter alia, including the following:

- Public leadership takes place within the social political system, creating the need to understand and work with political processes and role players. The status and motivation of political role players are not the same as those of board members of any company.
- Public leaders have to work with public pressure and protest. In the public domain, these matters are necessary for functional democratic purposes and are not signs of something that might have gone wrong as they may be interpreted in the private sector context.
- Public leaders should actively pursue a sense of democratic public accountability where openness is not only tolerated or accepted, but also actively encouraged.

The leadership element of the MICM is also fashioned on the model presented by Adair and Thomas (2004:118–130). This model is premised on the overlap of three ‘needs’ and is presented as follows:

Adair and Thomas further identify seven qualities of leadership, and these qualities underpin the leadership element in the MICM. These leadership qualities are:

Table 1: Seven Qualities of Leadership Identified by Adair and Thomas

Seven qualities of leadership		
1	Enthusiasm:	try naming a leader without it!
2	Integrity:	meaning both personal wholeness and sticking to values outside yourself, primarily goodness and truth – this quality makes people trust a leader
3	Toughness:	demanding, with high standards, resilient, tenacious and with the aim of being respected (not necessarily popular)
4	Fairness:	impartial, rewarding/penalising performance without ‘favourites’, treating individuals differently but equally
5	Warmth:	the heart as well as the mind being engaged, loving what is being done and caring for people – cold fish do not make good leaders
6	Humility:	the opposite of arrogance, being a listener and without an overwhelming ego
7	Confidence:	not over-confidence (which leads to arrogance), but with self-confidence which people know whether you have or have not got it

Source: Adair and Thomas (2004:121)

Innovation

Just like the term 'leadership', 'innovation' is also a term that almost defies definition. Also, innovation is closely related to leadership, as the one is nearly impossible without the other. Selman (2002:1) notes in this regard:

"Innovation and leadership are closely related. Leadership always has some focus on bringing about a better future. In this sense, leaders are necessarily innovators. We would not normally consider a spectator of the status quo to be a leader".

O'Sullivan and Dooley (2008:4) make interesting observations on the definition of the term 'innovation'. They equally are of the view that the term is difficult to define and in fact opine "the term is often poorly understood and can be sometimes confused with related terms such as change, invention, design, and creativity". They then quote the definition provided by the 1998 edition of the *New Oxford Dictionary of English* which simply defines innovation as "making changes to something established by introducing something new", and take this basic definition and expand it through various steps to eventually conclude with the following definition:

"Applying innovation is the application of practical tools and techniques that make changes, large and small, to products, processes, and services that result in the introduction of something new for the organization that adds value to customers and contributes to the knowledge store of the organization".

Innovation thus adds value and is not only about change, but in fact, change for the better. This view is also supported by Selman (2002:2).

Innovation, even though more prevalent in the private sector, can also be found in the public sector (Borins 2002:467; O'Sullivan and Dooley 2008:4; Hughes, Moore and Kataria 2011:4). However, according to Borins (ibid.), conventional wisdom holds that public sector innovation is a "virtual oxymoron". Borins lists four reasons why this is so. These reasons are: (1) according to public choice theory, public sector agencies are usually monopolies and therefore experience no competitive pressure to innovate; (2) the interest of the media, opposition parties and the public in exposing public sector failures (also known as management in a fishbowl) forms a prevailing inhibition to innovation; (3) the drive to minimise corruption and ensure due process serves as a barrier to innovation; and (4) the observation by organisational sociologists that public sector organisations are usually large bureaucracies that are structured to perform their core tasks with stability and consistency, and, in doing so, resist change or disruption of these tasks.

Notwithstanding the above barriers to innovation, the context within which local government in South Africa finds itself, makes innovation a key component of any effort aimed at improving the capacity of individual municipalities and the system of local government as a whole. Even though the state and other role players have committed substantial resources to building local government capacity, developmental challenges in local government persist. Innovation is a key element that will assist in building sustainable capacity in South Africa's 278 municipalities.

In assessing whether a municipality has a focus on innovation, it has to be determined whether the municipality understands the nature of the fast-changing technological, social, economic, political and natural environments that it is exposed to and whether it is prepared to consider new ways of meeting the challenges posed by these fast-changing environments, notwithstanding the constitutional and legislative strictures that bind it. This requires that municipalities: (1) identify the importance of innovation, (2) develop strategies to integrate innovation into their operations, and (3) implement those strategies.

Key capacity elements

The key capacity elements of the MICM are as follows:

Long-term visioning and planning

Municipalities are required by the Constitution and the legislation applicable to local government to be efficient, effective and sustainable. In ensuring this efficiency and effectiveness (short-term objectives) and sustainability (long-term objective) requires of municipalities to properly plan for the future to ensure that they are able to meet the increasing basic and developmental needs of their communities and citizens.

The Municipal Systems Act requires of municipalities to adopt a single, inclusive and strategic plan, called an Integrated Development Plan (IDP) which must, inter alia, (1) link, integrate and co-ordinate plans and have regard for proposals for the development of the municipality; (2) align the resources and capacity of the municipality with the implementation of the plan; and (3) provide the policy framework and underlying basis for the annual budget.

Drucker, as early as 1958, identified the difficulty in defining long-term planning (Drucker, 1958:238), and he postulates that it is easier to define long-term planning by what it is not, as opposed to what it is. He identifies three things that long-term planning is not. Firstly, it is not forecasting, as, according to him, human beings can neither predict nor control the future. In fact, it is precisely this reason that makes long-term planning necessary. Secondly, it does not deal with future decisions but instead with the impact on the future of current decisions, or

as Drucker puts it, the “futuraity of present decisions”. Thirdly, it is not an attempt to minimise or eliminate risk but the ability to identify and take the right risks.

A municipality’s ability to do long-term visioning and planning is a key area in determining the institutional capacity of municipalities in South Africa, and is therefore included in the MICM.

Fiscal management

South Africa has been implementing a system of fiscal decentralisation since the previous apartheid system was replaced by a democratic dispensation in 1994 (Momoniati, 2001:1). Municipalities in South Africa have revenue-raising capacity, and should (1) raise the revenue due to them, and (2) utilise the revenue so raised effectively, efficiently and sustainably. The theoretical basis for this fiscal decentralisation is concisely summarised by Schoeman (2006:111) as being grounded in the “so-called First Generation theory” of having government closer to the people (based on work by Arrow, Musgrave, Samuelson, et al.). This theory is premised on the basic view that decentralised government will address the challenges in relation to allocative inefficiency through making it possible for smaller communities to take charge of their government and ensuring that it is increasingly relevant and accountable.

The ability to raise the revenue due to them; utilise this revenue efficiently, effectively and sustainably; and report on this spending through annual financial statements and in-year reporting requirements set by the National Treasury and/or Provincial Treasuries, therefore forms an important part of a municipality’s institutional capacity. This is represented in the MICM as KCA2, namely fiscal management.

Section 229 of the Constitution determines that a municipality may impose (1) rates on property and surcharges on fees for services provided by or on behalf of the municipality; and (2) if authorised by national legislation, other taxes, levies and duties appropriate to local government or to the category of local government into which that municipality falls, but no municipality may impose income tax, value-added tax, general sales tax or customs duty.

A municipality’s ability to raise the revenue due to it; use it efficiently, effectively and sustainably; and report on such utilisation; is therefore a key area in determining the institutional capacity of municipalities in South Africa and is therefore included in the MICM.

Public participation

Like most terms in the social sciences, the term ‘democracy’ is open to various definitions and is often based on the social science disciplines, for example, sociology, political science, economics, etc., that the proponent of the definition emanates from (Bassiouni 1998:2).

The word 'democracy' is derived from the Greek words *demos*, which means 'people' and *kratos*, which means 'power' or 'rule' (thus rule by the people). The famous words of Abraham Lincoln, "government of the people, by the people, and for the people", is an apt summary of this term.

Beetham (1998) avers that democracy can be approached from either the perspective of the citizen or the perspective of government. He expresses a preference for using the citizen as the starting point of democracy and states in this regard that it is "from the citizens that democratic governments receive their authorisation, and it is to the citizens that they remain accountable and responsive, both directly and through the mediating organs of parliament and public opinion" (Beetham 1998:22).

South Africa is described in the founding provisions of the *Constitution of the Republic of South Africa, Act 200 of 1996* (the Constitution) (South Africa (Republic), 1996), as a sovereign, democratic state based, inter alia, on the values of human dignity, equality, human rights, non-racialism and non-sexism, the rule of law, universal adult suffrage, regular elections and a multi-party system of democratic government. Ramaphosa (1998:72), however, boldly asserts, "unless applied to the lives of ordinary people in a specific situation, democracy remains a nebulous and untested concept".

Besides being representative, the South African local government system can also be described as participatory. Citizens are not only entitled to vote every five years, but also have the right in terms of the *Local Government: Municipal Systems Act, Act 32 of 2000* (the Systems Act) (South Africa (Republic), 2000), to: (1) contribute to the decision-making processes of the municipality; and (2) submit recommendations, representations and complaints to the municipal council, other political structures, political office bearers or the administration of the municipality. In addition, Chapter 4 of the Systems Act specifically deals with community participation and determines in Section 16(1) that: "A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance."

Meyer-Resende (2011:15) identifies the right to participate in public affairs and to stand for and vote in elections as a basic element of democracy. This right is available to South Africans and should be used, together with other forms of democratic expression, to ensure that they receive the benefits of the rights available to them in the Constitution. It can therefore be said that the South African local government system provides opportunities, (1) through regular elections; and (2) through mechanisms in legislation enabling citizen participation, for communities and individuals to actively participate in their own governance.

The views of Manor (2004:5–6) about the socio-political disadvantages that poor people face and how this reduces the ability of poor individuals and

communities to share in the benefits of democratisation should be noted. He lists their socio-political disadvantages:

- They are the least confident.
- They are the least well organised.
- They are the least capable of articulating their concerns.
- They are the least knowledgeable about the political and policy processes.
- They are the least able to gain access to those two processes, to benefits that flow from them, and to public services and legal protection.
- They are the least skilled at exerting influence over those two processes.
- They are the least well connected (with one another and with influential people).
- They are the least independent of larger economic forces (Manor 2004:5–6).

At the same time, one should also not adopt a defeatist approach, accepting that socio-economic conditions will always dictate a situation where poor communities find it difficult to use formal democratic systems and processes. Kulipossa (2004:773) refers to fieldwork he carried out in the Vilankulo Municipality in the Bazaruto region of Mozambique. His words on this warrant repetition:

“In particular, the municipal government has been relatively effective in providing political education, responding swiftly and appropriately to local problems, promoting citizenship and participation, fostering innovation and learning, building and articulating community identity, emphasising diversity, and dispersing power”.

From the work of Kulipossa it is evident that South African communities, even though they have been subjected to generations of repression and exclusion from the democratic process, can use the formal democratic processes available in the Constitution and legislation. It however requires that municipalities and their political and administrative leadership create the space for communities to participate, take the inputs of communities seriously, and allow such inputs to influence the decisions and actions of the municipality as well as how resources are allocated.

Being a participative state is a key feature of the South African state as well as the South African system of local government, and is therefore a key area in determining the institutional capacity of municipalities in South Africa. It is therefore included in the MICM.

Human resources

It is an oft-quoted cliché that an organisation’s human resources are its most important resources. This also holds true for local government in modern-day South Africa, with one difference, namely, that it is one of the important

resources that a municipality needs to be viable and sustainable. Human resources as capacity elements stand in a mutual causal relationship with other capacity elements of a municipality. For example, if a municipality has a strong revenue base it will most likely have the ability to employ the best officials and thus have a strong human resource base. Conversely, if a municipality has a strong human resource base it is more likely that such a municipality can develop a strong revenue base. The same logic is applicable to the relationship between human resources and the other elements of local government contained in the MICM.

The Constitution and other legislation applicable to local government, directly and indirectly, refer to the administrative arm of local government. The Constitution determines that a municipality must strive to achieve the objects of local government within its administrative capacity; and structure and manage its administration, 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.

The National Development Plan (National Planning Commission 2011:364) identifies uneven state capacity, also in the local sphere, as a precursor to the performance of the public service, as a result of the interaction between a composite set of factors including “tensions in the political-administrative interface, instability of the administrative leadership, skills deficits, the erosion of accountability and authority, poor organisational design, inappropriate staffing and low staff morale”. The NPC then proposes a set of measures to address the capacity and performance gaps identified (National Planning Commission 2011:365–366).

Human resources are key in the establishment of the developmental state and developmental local government in South Africa. It is therefore a key area in determining the institutional capacity of municipalities in South Africa and is therefore included in the MICM.

CONCLUSION

This article reported on the development of an institutional capacity model for municipalities in South Africa, named the Municipal Institutional Capacity Model (MICM). The MICM is based on a triangulation of various inputs, is diagnostic in orientation and is available to national and provincial governments in South Africa in pursuit of fulfilling their constitutional obligation to monitor, support and strengthen local government.

The model is constructed as three sections consisting of two capacity areas, namely a primary capacity area (leadership) and a secondary capacity area (innovation); and a set of four key institutional capacity elements, namely, (1)

long-term visioning & planning; (2) fiscal management; (3) public participation; and (4) human resources.

In respect of leadership as primary capacity area, leadership competencies required are enthusiasm, integrity, toughness, fairness, warmth, humility, and confidence.

In respect of innovation, it has to be determined whether the municipality understands the nature of the fast-changing technological, social, economic, political and natural environments that it is exposed to and whether it is prepared to consider new ways of meeting the challenges posed by these fast-changing environments, notwithstanding the constitutional and legislative strictures that bind it. This requires that municipalities: (1) identify the importance of innovation, (2) develop strategies to integrate innovation into their operations, and (3) implement those strategies.

Leadership and innovation as capacity areas then have to be applied in the capacity areas of:

- Long-term visioning and planning: enhancing the ability of the municipality to do long-term visioning and planning is a key area in determining institutional capacity of municipalities in South Africa.
- Fiscal management: improving the ability of a municipality to raise the revenue due to them, to utilise this revenue efficiently, effectively and sustainably, and to report on this spending through annual financial statements and in-year reporting requirements set by the National Treasury and/or Provincial Treasuries, therefore forms an important part of a municipality's institutional capacity.
- Public participation: to sustain and enhance a democratic governance system where the municipality as an example of democratic government receives authorisation from citizens and remains accountable and responsive to citizens, both directly and through the mediating organs of legislatures and public opinion.
- Human resources: where the effective and productive utilisation of human resources has to and will contribute to quality service delivery and good governance in accordance with the ideals and aspirations of the Constitution, the NDP and the notion of a successful developmental state.

The MICM can serve as a framework to:

- develop tools to predict the likely performance of municipalities in South Africa, given their institutional capacity; and
- improve this performance towards the ideals of effective and ethical local governance in accordance with South African constitutional ideals, the NDP aspirations and the tenets of a successful constitutional democracy and capacitated developmental state.

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The Dimensions of Environmental Leadership

Bringing together the nexus of Sustainable Development, the Environment and Leadership

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ABSTRACT

Environment, conservation and development theories emerged towards the end of the 1980s to provide a theoretical paradigm to develop a new vision for national and international sustainable development; to ease the pressures on natural resource utilisation; and to lead to the formulation of new socio-economic development challenges (*cf.* Van der Waldt and Auriacombe 2014). This gave rise to the need for new thinking with the recognition that the economy, society and the environment are interconnected and interdependent (the three pillars of sustainability) and governed through a set of interrelationships of a partnership between governments, businesses and voluntary organisations to support sustainable development globally.

To design and implement a multiple environmental policies, strategies and programmes is a complex operation in South Africa due to limited human capacity, weak intergovernmental coordination, the lack of definition of responsibility among national, provincial and local authorities and the chronic shortage of resources. Further challenges include a lack of political will and lack of environmentally sustainable leadership to support the environmental agenda (Van der Waldt and Auriacombe 2014).

“Better understanding of complex phenomena requires a multi-disciplinary approach” (Jabareen 2009:50) and to aid understanding and interpretation of the different dimensions and variables influencing

environmental sustainability in general and environmental leadership in particular this article provides a conceptual framework to reconstruct a unified model, classification and mapping of different variables that influence environmental leadership as a new thought or attitude towards means of change to promote environmentally sustainable development.

This article uses a metasynthesis and attempts to draw together different documentary and literature sources to present an exploration of the current knowledge, views, trends, initiatives and approaches of environmental leadership and management; a historical and regulatory overview directing environmental leadership to promote environmentally sustainable development goals; and variables influencing global and national environmental leadership in pursuit of these goals.

INTRODUCTION AND METHODOLOGY

There are many challenges that the process of sustainable socio-economic development requires of the relevant political, administrative, as well as community leaders to effectively play their part in facilitating the process. The pursuit of sustainable development has been increasingly supported by high-level political backing and an expansive array of institutional and administrative processes, regulatory frameworks, strategies, mechanisms and tools globally.

However, despite this favourable environment, no significant research has been done to classify the role of environmental leadership into these interventions. Also this concept needs more clarity of meaning, concentrating on long-term environmental sustainability, which requires a strong base of principles that link sustainability to environmental leadership.

The literature available on the subject of environmental leadership is “limited and incomplete” (Boiral, Cayer and Baron. 2009:483; Egri and Herman 2000 and Moe 2012:42–43). Egri and Herman (2000) surveyed a cross-section of environmental leaders in both for-profit and non-profit organisations to develop a people-profile of leaders in the North American environmental sector. The question that was posed by these authors also revolved around the issue of how environmental leaders differed from traditional leaders (see the later section clarifying concepts).

Environmental leadership requires the ecocentric values to underpin organisations and environmental decision-makers should rather focus on ecocentric decision-making that includes sustainability as key to the organisation’s strategic thrusts; interdependent inclusiveness, which includes

all stakeholders, and environmental functioning for good governance. Leadership is seen as a collective dynamic, where the divergence between leader and follower is based on social influence (through words and deeds). Policy-makers have a close connection to environmental issues, therefore the environment of public administration is all encompassing.

Contemporary ‘...social phenomena are complex and linked to multiple bodies of knowledge that belong to different disciplines’ (Jabareen 2009:50). This article uses a metasynthesis involving a series of overlapping, repeating steps for synthesising data from selected studies (Nelson 2006:e13). According to Nelson (2006:e13), this method include, “identifying an area worthy of synthesis, selecting studies, reading the studies, extracting and juxtaposing key data from individual studies, determining how studies are related, translating studies into each other, and finally, effectively communicating the metasynthesis to the target audience”. Thereafter the article attempted to construct a conceptual framework as a qualitative tool to investigate complex phenomena where the concepts that constitute the conceptual framework support each other. According to Jabareen (2009:51) a conceptual framework is “a network or a plane of interlinked concepts that together provide a comprehensive understanding of a phenomenon or phenomena”...and... “not merely a collection of concepts but, rather, a construct in which each concept plays an integral role”. Miles and Huberman (in Jabareen 2009:50), add that it “lays out the key factors, constructs, or variables, and presumes relationships among them”.

In description to develop a model or a conceptual framework “data may be organized according to themes or categories by way of coding” (Strauss and Corbin 1990:20). According to Mishler (1990:431), in a more general sense, “qualitative studies ultimately aim to describe and explain a pattern of relationships, which can only be done with a set of conceptually specified categories”. Open coding as a technique of qualitative research is applied to the raw data obtained in the above noted sources in an attempt to develop themes or groups of similar pieces of larger data to select core categories during the data analysis. This will identify interrelationships among these categories and present a cohesive message about environmental leadership for sustainable development (Auriacombe 2009). A classification model in terms of categories is developed from the above exploration to serve as an analytical model for the environmental leadership context, attributes and components. The categories in terms of the environmental leadership context include institutional, structural, operational and management interventions, cross cutting theories, ecocentric management, an ecological/environmental sustainability agenda and targeted operational sectors. The categories in terms of the leadership attributes and components include leadership personality

characteristics, leadership behaviours, personal values, leadership styles and leadership skills.

BACKGROUND AND RATIONALE

Environmental leadership has many different meanings and provokes many different responses due to the fact that environmental sustainability is a widely used phrase, idea and concept. In broad terms, the development of the concept sustainability is an attempt to combine growing concerns about a range of socio-economic issues in terms of the inclusion of the environment in socio-economic issues and an important shift towards an ecological paradigm in understanding the relationship between humanity and nature (Hopwood, Mellor and O'Brien 2005:38). Until very recently, the environment has been largely perceived as external to the well-being of humanity, mostly to be used and exploited with a few special areas preserved for wilderness conservation. Environmental and natural problems were seen as mostly local that could be overcome with human knowledge, technology and natural resource management (Chasek and Wagner 2012). Economic growth dominated the issue of human relationships with increasing production as the main focus to promote well-being (Castro 2004:195). As concerns for the environment and its ability to sustain current consumption levels grow, globally the move towards sustainable development is becoming increasingly significant (Haque 1999). There has been an acknowledgment that the earth's supply of natural resources is not infinite. Faced with the real threat of climate change, sustainable development becomes more pertinent and significant for countries globally (Saunders 2014:220–232).

The focus on sustainable development is the result of the growing awareness of the global interventions to surmount environmental and socio-economic problems. The concept of sustainable development has been on the international agenda since the United Nations Conference on the Human Environment in Stockholm in 1972 (Saunders 2014:220–232). Sustainability and sustainable development have been interpreted in numerous ways, with sustainable development having gained increasing recognition worldwide as a conceptual framework for development that recognises the interdependencies between economic growth, social equity and environmental integrity (Saunders 2014:220–232).

According to Cloete and Auriacombe (2013) development is conceived as an outcome of governmental interventions in society that succeed in empowering people to consider feasible options in their lives and to make informed choices for the future. The Brundtland Commission's Report conceptualise sustainable development as development that "meets the needs of the present without

compromising the ability of future generations to meet theirs". The World Commission on Environment and Development (1987:8), manifested a new trend based on the interrelationship of environmental and socio-economic developmental problems and argued that "ecology and economy are becoming more interwoven – locally, regionally, nationally and globally" (Wackernagel and Rees 1996:38).

The World Commission on Environment and Development (1987) also points to the world wide interconnectedness, hence according to Wackernagel and Rees (1996:38) "environmental problems are not local but global, so that actions and impacts have to be considered internationally to avoid displacing problems from one area to another by actions such as releasing pollution that crosses boundaries, moving polluting industries to another location or using up more than an equitable share of the earth's resources (by and ecological footprint)". There is also confusion about the goals and means within theories and approaches dealing with both environmental and socio-economic issues. This confusion has inevitably flowed into ideas of environmental leadership to promote sustainability. The looseness of these concepts and their theoretical underpinnings has led to the use of the notion of sustainable development or sustainability as a buzz-word for politicians and institutional leaders in the public and private sectors (Saunders 2014:220–232). This may risk plunging into

Table 1: Comparison of the Dominant Social Paradigm (DSP) and the New Ecological Paradigm (NEP)

Dominant Social Paradigm (Dsp)	New Ecological Paradigm (Nep)
Humans have the right to modify the natural environment to suit their needs.	The earth's carrying-capacity is being reached.
Humans were created to rule over nature.	The balance of nature is delicate and is easily upset.
Plants and animals exist for exclusive human consumption.	Human interference in nature produces disastrous results.
Human ingenuity will see to it that the earth remains liveable.	Humans must live in harmony with nature in order to survive.
The balance of nature is strong enough to cope with the impact of modern industrial nations.	The earth has limited space and resources.
The environmental crisis is being exaggerated.	There are limits to growth and expansion that industrialisation has brought.
Humans will surmount the environment, master it and control it.	Plants and animals have as much right to exist as humans do.

Source: (Adapted from Dunlap and Van Lierre in Boiral et al. 2009 and Shafer in Boiral et al. 2009:483).

meaninglessness if a proper conceptual and analytical framework based on the different theories and approaches is not developed to provide clarity on the relationships between the many different concepts and applications under the umbrella term “sustainability”.

Boiral *et al.* (2009:482) support the view of Egri and Herman (2000) noted above when they comment that the new ecological paradigms (NEP) of environmental values are different to that of the dominant social paradigm (DSP) value system of leadership. It collaborates with the distinction in Table 1 that the environment is rarely considered for its sustainability in the DSP paradigm. Table 1 indicates this distinction.

It is evident that managers/leaders involved in the new ecological paradigm must be able to deal with the following aspects (Egri and Herman 2000; Boiral *et al.* 2009; Moe 2012):

- the complexity of environmental issues;
- to integrate contradictory outlook/s;
- to understand and address the expectations of a wide range of players; and
- to profoundly change organisational practice.

Environmental managers need a diverse range of skills namely: regulatory, technological, human, social, ethical and political skills and require a “skills and knowledge set” that they can call on when dealing with environmental challenges (Boiral *et al.* 2009:483).

HISTORICAL AND REGULATORY CONTEXT

An outcome of the 1992 United Nations Conference on Environment and Development (UNCED), commonly known as the *Rio Earth Summit*, was Agenda 21 that led to the establishment of a comprehensive plan for global, national, and local action on sustainable development (Castro 2004:196 and United Nations 1992a). Agenda 21 is thus the action plan for issues that should be on the global agenda for the twenty-first century. It is a 300-page document divided into 40 chapters that have been grouped into four sections of which Section 11 deals with Conservation and Management of Resources for Development (Van der Waldt and Auriacombe 2014; Castro 2004:196 and Langlois, Campbell, Prieur-Richard, Karesh and Daszak 2012:385 and United Nations 1992). This focus includes atmospheric protection, combating deforestation, protecting fragile environments, conservation of biological diversity (biodiversity), control of pollution and the management of biotechnology, and radioactive wastes (Van der Waldt and Auriacombe 2014; Castro 2004:196; Langlois, Campbell, Prieur-Richard, Karesh and Daszak 2012:385 and Lele 1991:610).

South Africa did not participate officially at the United Nations Conference on Environment and Development (UNCED) in 2002 (also known as Rio 1992). However, a country report, *“Building the foundation for sustainable development in South Africa”* was prepared which described the state of the environment in South Africa (Van der Waldt and Auriacombe 2014). The report also highlighted responses to the challenges of sustainable development, and provided an agenda for action. A follow-up document, giving a general overview of the environmental situation and its management in South Africa, was published early in 1996 (Van der Waldt and Auriacombe 2014).

The Commission on Sustainable Development (CSD) was formed following the UNCED and is a high-level global forum on sustainable development (United Nations 1992). The CSD recognises government, civil society, business and industry as major stakeholders in development. Member countries need to provide regular progress reports to the CSD (United Nations 1992 and Van der Waldt and Auriacombe 2014). South Africa participated officially for the first time in the meetings of the CSD at its third session in April 1995. In the case of South Africa, the Department of Environmental Affairs and Tourism, the Department of Foreign Affairs, the Department of Trade and Industry, and the Departments of Minerals and Energy and Science and Technology, submit highlights of the South African Country Report, which is an update on progress made in the country. South Africa’s key environmental objectives for the CSD include *inter alia* providing a profile of South Africa’s response to climate change (Van der Waldt and Auriacombe 2014 and United Nations Conference on Environment and Development (UNDP) 2013).

The delegation to the fourth session of the CSD in 1996 was considerably larger, represented more national departments and demonstrated the commitment of South Africa to participate fully in CSD meetings. Two International Conventions/Agreements have been ratified by the South African Government since UNCED. They are the *Basel Convention* (ratified in May 1994), and the *Convention on Biological Diversity* (ratified in September 1995). South Africa furthermore signed the *Convention on Desertification*, the *Framework Convention on Climate Change*, and the *World Heritage Convention* (Van der Waldt and Auriacombe 2014).

Various Agenda 21-related initiatives were launched in South Africa under the auspices of the *Committee for Sustainable Development* established in 1997. The United Nations Development Programme (UNDP) has been approached to assist South Africa in this regard through the UNDP Capacity 21 programme. The Department of Environmental Affairs and Tourism, with the assistance of the International Council for Local Environmental Initiatives and the United States Agency for International Development (USAID) organised an African Regional Seminar in 1995, with the theme *Towards Urban Reconstruction*

and Development. The Seminar focused mainly on two topics, namely the experience of non-African countries with the implementation of Local Agenda 21 initiatives, and African initiatives (Van der Waldt and Auriacombe 2014).

Eight developmental priorities, the Millennium Development Goals (MDGs), were derived from the Millennium Declaration, signed by 189 countries, in September 2000 and from further agreement by member states at the 2005 World Summit (Sachs 2012:2206–2211 and Van der Waldt and Auriacombe 2014). The goals and targets are interrelated and interdependent. Goal 7 for example is to ensure environmental sustainability and should thus be seen as an integrated whole. The idea is that all countries in the world act in a partnership that will be conducive to development and to the elimination of poverty. As a member state of the United Nations (UN), South Africa is a signatory to this agreement. Every year during the annual State of the Nation Address (SONA), it is expected that the President provides an update on progress made with the implementation of the MDGs (Van der Waldt and Auriacombe 2014). On 25 September 2015 a set of Sustainable Development goals (SDGs) was adopted by the UN to follow on the 15 year MDG period (United Nations 2015). The Government-wide Monitoring and Evaluation System (2007) is designed to monitor and measure progress made.

For a number of countries in Africa, attention has been directed at investigating the impact of structural adjustment initiatives on the environment. Especially the International Monetary Fund and the World Bank supported structural adjustment programmes because some government policies had a harmful impact on the environment (Cavalcanti 2000:87). The New Partnership for Africa's Development (NEPAD) aimed to establish a partnership to address the challenges that Africans face. The principles that underpin this partnership are that development is a process of empowerment and self-reliance" (NEPAD 2001). The NEPAD programme provides a framework of interaction with the rest of the world, including the industrialised countries and multilateral organisations. It is based on the agenda set by African people through their own initiatives and of their own volition, to shape their own destiny. The challenge for Africa, therefore, is to develop the capacity to sustain growth at levels required to achieve poverty reduction and sustainable development. This, in turn, depends on other factors such as infrastructure, capital accumulation, human capital, institutions, structural diversification, competitiveness, health, and good stewardship of the environment through environmental protection programmes" (NEPAD 2001).

The Constitution of the Republic of South Africa, 1996 makes it clear that the state must protect, respect and fulfil the rights as enshrined in the Bill of Rights. Section 24 on the environment indicates that everyone has the right:

- to an environment that is not harmful to their health and well-being;

- to have the environment protected for the benefit of present and future generations through reasonable legislative; and other measures that:
 - prevent pollution and ecological degradation;
 - promote conservation; and
 - secure ecologically sustainable development and the use of natural resources while promoting justifiable economic and social development (*The Constitution of the Republic of South Africa, 1996*).

The South African government adopted the Reconstruction and Development Programme (RDP) in 1994 as its national strategy to combat poverty and unemployment and it was seen as South Africa's answer to structural adjustment programmes. The RDP was the result of inputs from a broad spectrum of society. The RDP was aimed to combat unemployment and consequential poverty by pursuing strategies and programmes which have been devised to meet the following cross-cutting goals: land reform, housing and service provision, water and sanitation, energy and electrification, environment, transport, social security and social welfare, education and training, telecommunications, and nutrition and health care (RDP 1994).

As the implementation of the RDP became bogged down in bureaucratic delays it was deemed necessary to provide a "fast-track" programme for development. This arose from the concerns of business and civics that projects became caught-up in lengthy administrative procedures. The legal profession was also concerned about a myriad of laws and regulations that embroiled developers in complicated and sometimes parallel legal processes. As a result the Development Facilitation Act 67 of 1995 (DFA) was promulgated in October 1995. The DFA (Section 2) listed nine principles, but for the purposes of this article the following principles are important: to promote integration with respect to social, economic, institutional and physical aspects of development; promote the integrated development of rural and urban areas in support of each other; optimise the use of existing resources; discourage urban sprawl; contribute to more compact cities and towns; and contribute to the correction of the historically distorted spatial patterns of South African cities and towns and the better use of oversupplied infrastructure (Van der Waldt and Auriacombe 2014). The White Paper on Local Government, 1998 translated the objectives of sections 152 and 153 of the Constitution into the term 'developmental local government'. The White Paper contextualised developmental local government as local government committed to working with citizens and groups within the community to find sustainable ways to meet their social and economic needs and improve the quality of their lives.

The National Environment Management Act 107 of 1998 (NEMA) established the concepts of participatory, cooperative and developmental governance in

environmental management. This law has undergone a process of amendments to regulate the environment much more persistently (Department of Environmental Affairs (DEA) Strategic Plan 2009–2014 Internet Source www.environment.gov.za). The Mineral and Petroleum Resources Development Act 28 of 2002 also effectively nationalised mineral assets and led to the Mining Charter of 2004.

The World Summit on Sustainable Development held in South Africa in 2002 was tasked with reinvigorating the global commitment to sustainable development and delivered a number of key outcomes including a political declaration, the Johannesburg Plan of Implementation (JPOI) of 2002, and a range of partnership initiatives. The JPOI requires that: “States should take immediate steps to make progress in the formulation and elaboration of national strategies for sustainable development and begin their implementation by 2005” (Johannesburg Plan of Implementation (JPOI) 2002). Following the World Summit, the then Departments of Environmental Affairs and Tourism and Foreign Affairs were mandated by Cabinet to formulate a *National Strategy for Sustainable Development* (Van der Waldt and Auriacombe 2014).

The National Framework for Sustainable Development (NFSD) of 2008 provided a new wave of thinking aimed at promoting effective stewardship of natural, social, and economic resources (National Framework for Sustainable Development (NFSD) 2008). It is a forward-looking strategy that regards sustainable development as a long-term commitment that combines environmental protection, social equity and economic efficiency, in line with the country’s vision and values. The National Framework provides a valuable step in defining key sustainable development principles for the country, while being mindful of global challenges and growth ideals (Van der Waldt and Auriacombe 2014).

The process of the NSSD comprises three phases. **Phase one** occurred from 2003 to 2008. An analysis of long-term economic, social and environmental trends and related policy initiatives was undertaken in this phase. This informed the vision, goals and strategic priorities for sustainable development and culminated in the NFSD, which was adopted by the Cabinet in June 2008 (Van der Waldt and Auriacombe 2014).

From 2009 to 2010 **Phase two** was undertaken and involved the formulation of a strategy and action plan for the period 2010–2014 to facilitate the implementation of the vision, goals and strategic priorities as outlined in the NFSD. It included proposals for an institutional framework to drive sustainable development and for a process of monitoring and evaluation of progress in implementing the NSSD (Van der Waldt and Auriacombe 2014).

Phase three is from 2011 until 2014 and onwards (2015–2020) (DEA 2011). Although many relevant activities are already being implemented, a

formal implementation of the action plan will commence on approval of the action plan. Implementation will be accompanied by ongoing monitoring and evaluation of progress towards a sustainable society which will also then provide feedback for a system of adaptive management (DEA 2011).

The goals of the NSSD are (DEA 2011):

- To develop and promote new social and economic goals based on ecological sustainability and build a culture that recognises that socio-economic systems are dependent on and embedded within ecosystems;
- To increase awareness and understanding of the value of ecosystem services to human well-being;
- To ensure effective integration of sustainability concerns into all policies, planning and decision-making at national, provincial and local levels;
- To ensure effective integration and collaboration across all functions and sectors; and
- To monitor, evaluate and report performance and progress in respect of ecological sustainability.

The strategy is premised on five strategic priorities which are: enhancing systems for integrated planning and implementation; sustaining our ecosystems and using natural resources efficiently; towards a Green Economy; building sustainable communities; and responding effectively to climate change. Under the strategic priority, '*Towards a Green Economy*' ([www.environment.gov.za/climate change](http://www.environment.gov.za/climate%20change)), the objective is a transition towards a resource efficient, low carbon and pro-employment growth path. One of the goals for this objective is supporting regulatory frameworks and the interventions are a *National Green Economy Strategy* and *Green Economy Implementation Plans* (Green Economy Implementation Plans 2010). The National Climate Change Response White Paper of 2011 (The National Climate Change Response White Paper of 2011 and [www.environment.gov.za/climate change](http://www.environment.gov.za/climate%20change)), is government's response to the challenges of rapid climate change. The White Paper has as its vision "an effective climate change response and the long-term, just transition to a climate-resilient and lower carbon economy and society". It aims to make a fair effort to stabilise greenhouse gas concentrations (The National Climate Change Response White Paper of 2011 and [www.environment.gov.za/climate change](http://www.environment.gov.za/climate%20change)). The Integrated Resource Plan of 2010 (IRP) also has as its central objective to determine the country's long-term electricity demands. The IRP currently allocates 17800 MW (42%) of renewable based energy generation by 2030 ([www.environment.gov.za/climate change](http://www.environment.gov.za/climate%20change)).

The Medium Term Strategic Framework (MTSF) 2009–2014 (National Planning Commission (NPC) 2009) is a statement of government's intent as far as a future development and economic vision are concerned. It identifies

the development challenges facing South Africa and outlines the medium-term strategy for improving living conditions of South Africans. The MTSF base document is meant to guide planning and resource allocation across all spheres of government. National and provincial departments, in particular, need to develop their five-year strategic plans and budget requirements, taking into account the medium-term imperatives. Similarly, informed by the MTSF municipalities are expected to adapt their IDPs in line with the national medium-term priorities (National Planning Commission (NPC) 2009).

Within this MTSF framework the overall objective is to develop and implement a comprehensive development strategy that will meet the development needs of all South Africans. The MTSF provides a critical interface between South Africa's national development planning strategies and the Millennium Development Goals. At the strategy level the eight MDGs are thus integral to the South African Government's development priorities (Van der Waldt and Auriacombe 2014).

The NPC, under Minister Trevor Manuel, produced a second policy document, the National Development Plan (NDP) of 2011 which was officially launched on 19 February 2013, offering a long-term perspective (National Planning Commission (NPC) 2011). It defines a desired destination and identifies the role different sectors of society need to play in eliminating poverty and reducing inequality by 2030 (hence the name "Vision 2030"). According to the Plan, South Africa can realise these goals by drawing on the energies of its people, growing an inclusive economy, building capabilities, enhancing the capacity of the state, and promoting leadership and partnerships throughout society (National Planning Commission (NPC) 2011).

The NDP provides a broad strategic framework to guide key choices and actions. Its success will depend on all South Africans taking responsibility for the plan, led by the President and Cabinet. Notably the NDP emphasises three key policy and strategic directions (threads), namely (National Planning Commission (NPC) 2011):

- A **developmental** policy thread in line with the ideas of a developmental state and protection of the environment (natural resources as economic commodity);
- An **economic growth** policy thread is directed at the first economy; and
- An **interventionist** policy thread which is aimed at government interventions in the economy to ensure that the private industry and business community better allows the government to meet the goals of its developmental vision.

The NDP offers a long-term perspective for socio-economic development and presents a framework that identifies the role different sectors of society need to play in reaching its goals. The Plan aims to ensure that all South Africans attain

a decent standard of living through the elimination of poverty and reduction of inequality. The core elements of a decent standard of living identified in the Plan are (National Planning Commission (NPC) 2011):

- Housing, water, electricity and sanitation
- Safe and reliable public transport
- Quality education and skills development
- Safety and security
- Quality health care
- Social protection
- Employment
- Recreation and leisure
- Clean environment
- Adequate nutrition

The NDP has been approved and adopted by government and has received strong endorsement from the broader society. The question, however, within the context of this article, is ‘What is the environmental leadership role that environmental leaders need to fulfil within the NDP?’

The country’s growth path requires vast energy resources. However, the current government only depends on 2% of renewable energy, and 98% of its energy comes from non-renewable sources. This prompted the Department of Environmental Affairs (DEA) to adopt its Strategic Plan 2009–2014 for the environmental sector. The Plan has a distinct vision of promoting a “prosperous and equitable society living in harmony with our natural resources” (DEA Strategic Plan 2009–2014:12–13). The goal for the environment sector, *inter alia*, as described in the document is to continue to provide leadership and coordination of government’s approach to large, complex and cross-sectoral environmental issues, specifically by responding to climate change and championing sustainable development.

The priority focus for government is compliance and enforcing priorities. This is captured in Figure 1.

The DEA Strategic Plan also highlights the current reality and challenges linked to government compliance, enforcement and priorities. These include:

- Too few systems in place to guide officials;
- Shortfall in skills, especially technical skills, which hamper implementation and compliance;
- Challenges with knowledge management;
- Government officials and politicians (especially councillors and mayors) have to be capacitated to understand environmental affairs; and,
- Increase civil society participation (DEA Strategic Plan 2009–2014:21).

Figure 1: Priority focus for the South African government: Government compliance and enforcement of priorities



Source: (Adapted from DEA Strategic Plan 2009–2014:2)

In addition to the above initiatives the South African Government established a comprehensive framework for sustainable socio-economic development in the country. Some of the most significant legislation is the following:

- Agricultural Pests Act 36 of 1983
- Agricultural Products Standards Act 119 of 1990
- Development Facilitation Act 67 of 1995
- Local Government: Municipal Systems Act 32 of 2000 (MSA) (socio and economic development)
- Marine Living Resources Act 18 of 1998
- Mineral and Petroleum Resources Development Act 28 of 2002

- Municipal Finance Management Act 56 of 2003
- National Water Act 36 of 1998
- National Environmental Management Act 107 of 1998 (NEMA)
- National Forests Act 84 of 1998
- National Heritage Resources Act 25 of 1999
- National Environmental Management: Biodiversity Act 10 of 2004
- National Environmental Management: Air Quality Act 39 of 2004
- National Energy Regulator Act 40 of 2004
- National Environmental Management: Integrated Coastal Management Act 24 of 2008
- National Development Plan: Vision 2030 (NDP)
- Petroleum Products Act 120 of 1977
- *The Constitution of the Republic of South Africa* of 1996

CLARIFICATION OF ENVIRONMENTAL LEADERSHIP RELATED CONCEPTS

The following section provides an overview of certain leadership concepts underpinning the context of environmental leadership.

Leadership

A search of the Amazon online resource indicates that there are more than 60 000 books on the subject of leadership. The challenge still remains in finding an all-encompassing definition of the subject. Consequently, Burns in Van Wart (2003:214) concludes that “leadership is one of the most observed and least understood phenomena on earth”. According to Hellriegel, Jackson, Slocum, Staude, Amos, Klopper, Louw and Oosthuisen (2010:295) leadership involves “influencing others to act towards the attainment of a goal. It is based on interpersonal relationships, not administrative activities and directives”.

Visionary leadership

Visionary leadership was popular in the 1980s and 1990s; it has its roots in business management where leaders were trying to bring about change in their organisations. Charlton (1993:60) is of the opinion that a visionary leader is one who creates hope for the future and one who instills in others a sense of purpose. In essence visionary leaders are the ones who have the capability to seek future opportunities, and additionally turn those opportunities into deliverables. These types of leaders do things unconventionally and refocus the

institution into profitable entities (SALGA 2003–2004:16). Visionary leaders are those who seek futuristic solutions for everyday problems.

Transformational and transactional leadership

In the 1970s leadership theories moved away from looking merely at situational factors. The complexity of the global world, fluctuating foreign policy and international competitiveness forced scholars to investigate alternative models of leadership. Van Maurik (2001) identifies transformational theories of leadership as the “fourth generation of leadership theory”.

The concept transformational leadership was first coined by Downton in 1973 in a work titled *Rebel Leadership* (Bass and Avolio 1994:2; Northouse, 2001:132). It emerged as an important approach to leadership as evidenced in the classic work of the political sociologist James MacGregor Burns in 1978 entitled *Leadership* (in Hughes, Ginnet and Curphy 1999: 290; Northouse 2001:132). Since the early 1970s the transformational leadership approach has become the most popular approach to leadership and has been the one upon which most leadership scholars have relied and by which they have spent much time explaining leadership phenomena.

Yukl (1998:324) defines transformational leadership as “the process of building commitment to the organisation’s objectives and empowering followers to accomplish these objectives”. Northouse (2001:132) defines it as “the process whereby an individual engages with others and creates a connection that raises the level of motivation and morality in both the leader and the follower”.

Table 2: Transactional versus transformational leadership

Transactional leadership	Transformational leadership
Clarify goals and objectives to obtain immediate results	Establish a long-term vision
Create structures and processes for control	Create a climate of trust
Solve problems	Empower people to control themselves; manage problem solving
Maintain and improve the current situation	Change the current situation
Plan, organise and control	Coach and develop people
Guard and defend the culture	Challenge and change the culture
Power comes from position and authority in the organisation	Power comes from influencing a network of relationships

Daft (1999:427) states that transformational leaders have the ability to bring about organisational change. They also inspire others with a vision and they promote innovation in products and technology. Furthermore, they demonstrate a deep sense of confidence in themselves and inspire others to support their vision. Portugal and Yukl in Egri and Herman (2000:576) identified transformational leadership actions such as “articulating an appealing vision with environmental actions, changing perceptions about environmental issues, and taking symbolic actions to demonstrate personal commitment to environmental issues”, as essential aspects of environmental leadership. The authors also hypothesised that the profiles of transformational leadership mirrored that of environmental leaders.

Servant leadership

The explosion of interest in servant leadership gained momentum in the 1990s (Spears 1996:1). The concept of servant leadership was popularised by Robert Greenleaf in his book entitled *Servant Leadership*. Daft (1999:374) describes servant leadership as ‘leadership upside-down’. Bass in Stone and Patterson (2005:11) indicates that servant leadership is “close to the transformational components of inspiration and individualized consideration”. Spears (1996:2) stipulates that servant leadership is a long-term approach to life and work, it is a way of being, and has long-term potential to transform society.

Stewardship

The concept of stewardship is simple, yet difficult to actualise. The concept ‘stewardship’ has gained currency in a wide range of governance debates over the roles and responsibilities of industry, government, and citizens in various economic and partnership governance processes. On the one hand the term is simply used to signify choosing service over self-interest (Block 1996:6) to represent a leadership philosophy of a willingness to be accountable for results without using control as a means of achieving them. Broadly, the term is used to denote a leadership philosophy towards the good governance process. Stewardship forces an institution to accept accountability for its own outcomes. Hence, stewardship leaders equip subordinates with the power to influence institutional goals, systems and structures, and to become leaders themselves (Daft 1999:373).

Political leadership

Political leaders must play an important role in this collaborative process. It is expected of them to exercise their authority endorsed by the democratic

process with the ultimate aim of enhancing the quality of life of citizens. Furthermore, they require the skills of political leadership in determining and promoting policies to meet the needs of society through the development of vision statements and the provision of policy direction (Auriacombe and Van der Waldt 2014:87).

Administrative leadership

Administrative leaders and other career officials should contribute the ability, knowledge, skills and experience required to carry out the tasks of government in the respective fields of specialisation assigned to them (Auriacombe and Van der Waldt 2014:88).

Community leadership

Community leaders as the beneficiaries of municipal projects are often neglected as players in processes for the creation of opportunities for local economic development. The fact is that the inputs of society, particularly the community, are essential for targeting the right people for relevant developmental projects (Auriacombe and Van der Waldt 2014:89).

Traditional leadership

Traditional leadership has the following characteristics in terms of the role of the environment (Auriacombe and Van der Waldt 2014:90):

- Is more concerned with the economic and technological nuances of decision-making.
- The biophysical environment is not included when decisions are taken and made.
- The leader-follower relation is based on traditional institutional power.
- The role of the environment in public administration is viewed from an organisational point of view.

Environmental leadership

The concept of environmental leadership refers to the “ability of an individual or group to guide positive change toward a vision of an environmentally better future” (Berry and Gordon in Egri and Herman, 2000:572). Boiral, Cayer and Baron (2009:479) support the above definition by highlighting the ecocentric dimension of environmental leaders. Boiral *et al.* (2007:479) concludes that

environmental leadership is the “ability to influence individuals and mobilise organisations to realise a vision of long-term ecological sustainability”.

Environmental leadership is guided by a personal belief system that deeply values and identifies with nature whereas for the traditional notion of leadership the biophysical environment is seen as being in service to humankind. The environment is seen as a source of raw materials and energy to meet human demands and the environment is seen as a repository for human-generated waste (Adapted from Egri and Herman 2000:571–582).

CLASSIFICATION MODEL FOR ENVIRONMENTAL LEADERSHIP

According to Egri and Herman (2000:573) and Boiral *et al.* (2009:482) the role of environmental leadership values is crucial because environmental values often shape the behaviour of these leaders. Egri and Herman (2000:573) used a Personal Value Survey that was developed by Schwartz in Egri and Herman (2000:573) to map environmental leadership values. For instance the value of **universalism** indicates concern for the welfare of both people and the environment. **Benevolence** involves caring for others in one’s life. In their profiling of leadership behaviour, Egri and Herman (2000:575) also questioned the interrelationship, if any, between environmental leadership and transformational and transactional leadership. The authors were quick to point out that “many of the rich descriptions of environmental leaders were in fact, descriptions of transformational leaders” (Egri and Herman 2000:575).

In testing their hypothesis of environmental leaders being more likely to exhibit a transformational/new leadership/transactional style of leadership, Egri and Herman (2000:576–590) found that the leadership style of environmental leaders included both transformational and transactional leadership; that there was a need for high levels of technical, interpersonal and conceptual skills. It was noted that many of the leaders would exhibit visionary qualities of transformational leadership. When researching organisations, it was also found that ‘younger’ organisations would need visionary leaders with environmental knowledge.

Table 3 provides an ecocentric thrust for organisations in terms of the environmental leadership context, attributes and components *for inter alia* a value set, personality requirements, and leadership skills that are central to environmental leaders. The typology of environmental leadership in Table 3 is related to environmental leadership and management in the sense that these leaders advocate for significant change in current societal and organisational values in terms of ecologically sustainable practices (*cf.* Egri and Hermann 2000:573).

Table 3: Model for environmental leadership

Environmental Leadership Context				
Institutional, structural, operational and management interventions	Cross cutting theories	Eco-centric management	Ecological/ environmental sustainability agenda	Targeted operational sectors
Skills training, education and development	Leadership theories	Values	Ecological	Agriculture
Coordination of cooperative governance implementation	Great Man theories			Transport
Awareness campaigns	Traits theories	Eco-centered/ eco-centricism	Biological eco-systems	Education
Public participation	Behaviourist theories	Self-transcendence	Natural resources	Water
Resource management				
Integrated sustainability strategies and programmes	Contingency or situational theories	Openness to change	Socio-cultural	Forestry
Technological advancement	Influence theories	Adaptive management	Public	Land
Incentives and rewards for compliance	Charismatic leadership	Goals	Media	Mining
Global competitiveness	Visionary leadership	Sustainability	Educational institutions	Built environment
Foreign direct investment	Relation theories	Quality of life	Cultural institutions	Health
Reduction of ecological footprint	Emerging leadership theories	Production system Total Quality Environmental Management (TQEM)	Political and Economic stakeholders	Disaster management
Low carbon footprint strategies	Stewardship theory	Organisational system	Markets	
Energy security strategies				

Environmental Leadership Context				
Institutional, structural, operational and management interventions	Cross cutting theories	Eco-centric management	Ecological/ environmental sustainability agenda	Targeted operational sectors
Transportation strategies				
Risk management	Environmental and sustainability related theories	Adaptation	Government	
Development of green zones, -industry and – services strategies	World system theory	Orientation	Consumers	
Pollution control strategies	Complexity theory			
Environmental protection strategies	Chaos theory			
Waste disposal strategies				
Leisure and recreation strategies				
Ecological fiscal reforms and accounting	Growth theory	Network structures	Donors	
Taxation for non-compliance eg pollution taxes	Modernisation theory	Modes of governance	Inter- and intra-organisational factors	
Resilient cities	Development theories		Patterns	
Anti-poverty strategies	Sustainable development theories		Networks	
Housing strategies	Economic theory		Coalitions	
Spatial zoning and urban planning	Environmental theories		Individual	
Sustainable land use development strategies	Geology theories		Employees	

Environmental Leadership Context				
Institutional, structural, operational and management interventions	Cross cutting theories	Eco-centric management	Ecological/ environmental sustainability agenda	Targeted operational sectors
Crime reduction and public safety strategies	Urbanisation and regional planning theories		Owners	
Water resource management			Volunteers	
Reduction of deforestation			Shareholders	
Preservation of food security				
Preservation of biodiversity and eco-system services				
Reducing vulnerability of climate change impact strategies				

Leadership Attributes And Components				
Leadership personality characteristics	Leadership behaviours	Personal values	Leadership styles	Leadership skills
Self-confidence	Transformational	Achievement	Democratic or participatory leadership style	Interpersonal skills
Honesty and integrity				Diplomatic and tactful
Enthusiasm				Persuasive
Desire to lead	Innovator	Benevolence	Transactional leadership style	Technical skills
Independence	Facilitator	Conformity	Transformational leadership style	Conceptual skills
Energy and physical stamina	Broker	Hedonism	Inspirational leadership style (charismatic)	Political skills
Embrace change				Awareness of power and group dynamics

Leadership Attributes And Components				
Leadership personality characteristics	Leadership behaviours	Personal values	Leadership styles	Leadership skills
Accountable	Transactional	Power		Communication skills
Committed	Producer	Security		Eloquent
Passion for excellence	Coordinator	Self-direction		
Smart (intelligence and ability)	Directive	Stimulation		Educationally skilled
Good judgement				Knowledge
Decisiveness				Education
Creative	Monitor	Tradition		Organisational skills
Responsible	Visionary	Universalism		Understanding of group task
Tenacity	Participative			Awareness of vision and pursuit of goals
Innovative				Cooperative and enlist cooperation
				Strategic planning skills
	Supportive			Social skills
	Achievement oriented			

Sources: (Calibrated from the sources used to compile this article – see references)

The long-term sustainability of the environment is dependent upon the current government’s commitment to adapt to an environmentally friendly leadership model. The model (Table 3) could be adapted and used by the South African public sector. It is evident that the leadership behaviour/s (style/s) that could be adopted could be either transactional or transformational, depending on the situation that leaders find themselves in.

An environmentally aware transactional leader may use contingent rewards to elicit immediate responses from followers, whereas transformational leaders can use this style of leadership to establish long-term environmental vision for their organisations (see Table 2). In addition a transformational leader can use the four

"I's" (idealised influence, inspiration, intellectual stimulation and individualised consideration) to bring about change in followers to adapt to an environmentally friendly conscience. The transactional environmental leader can however, reward followers for adapting to an environmentally sustainable outlook (Table 3).

CONCLUSION

Ecologically sustainable public sector leadership requires that public organisations be transformed to promote a participatory form of governance so that the relevant stakeholders in the environmental sector are consulted in order to better manage the environment. It is evident that although the Department of Environmental Affairs has a comprehensive policy/ legal framework to safeguard the environment, very little or no attention is paid to the type of leader that is required to champion environmental issues. In addition, ecological sustainability requires South African public sector leaders to have the requisite skills, for example, technical skills and monitoring and evaluation skills to roll-out environmentally friendly development and reconstruction. The literature surveyed indicates that there is no "one size fits all" leadership style to embrace the environment from a leadership perspective. However, the literature strongly points to either a transformational or transactional leadership style to ensure the custodianship of the environment.

The literature also points to the fact that a leader who wishes to embrace the environment has to move his/her thinking from a dominant social paradigm to a new ecological paradigm of thinking. If South Africa is to promote environmentally sustainable development it has to promote a form of leadership that fosters social, economic and environmental development. Currently leaders focus on social and economic transformation at the behest of environmental custodianship. There should be a move to inculcate in public sector leaders the need to embrace environmental stewardship through training and development programmes.

Environmental leaders need to possess skills that promote ethical governance, skills of managing paradoxes and complex scenarios that are presented in balancing socio-economic and environmental issues. Managers/ leaders need the ability to manage change by mobilising community organisations and institutions. Furthermore, leaders need to be prepared to embrace ecological paradigm shifts and harness opportunities to mitigate environmental risks. It is incumbent on leaders to embrace practices that are environmentally sustainable.

The classification model of environmental leadership that is presented in this article could be used as a basis for the South African public sector to embrace an ecocentric view of leadership. This model identified the personal values, personality characteristics and leadership skills of environmental leaders,

which in turn informed leadership behaviours (styles), which led to ecocentric management and ecological sustainability. To conclude, environmental leadership has the potential to address fundamental challenges for humanity, now and for future generations.

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Management Challenges in the Alignment of Performance Indicators

The case of Overstrand Municipality

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ABSTRACT

Negative employee perceptions of performance management are pervasive throughout the public sector. Whether institutional or individual performance management is referred to, issues pertaining to coordination, integration and communication – all related to management functions – seem to be indicative of performance management. The article explores the management challenges in ensuring alignment between individual and institutional performance indicators, as is evident through the case study of the Overstrand Local Municipality. Qualitative research, specifically the case study design, was used and data collected through a document review and unstructured interviews with senior managers. The findings highlight the inability of management to ensure alignment which is apparent from the negative perceptions of employees to both individual and institutional performance management. Recommendations based upon best practice highlight the responsibility of managers in facilitating a performance culture suggesting appropriate performance management through the alignment in planning, organising, leading and control of both individual and institutional performance management.

INTRODUCTION

South African municipalities are plagued by service delivery protests, which place a renewed focus upon the ability of municipal management to implement

proper performance management systems. Grobler, Warnich, Carrell, Elbert and Hartfield (2006:481) state that obtaining better performance has been a consistent theme in all sectors for many years. Since the late 1970s, the terms performance measures, indicators, appraisals, value for money and quality have increasingly become part of a new lexicon regarding municipal management (Boland & Fowler 2000:418). During the 1980s and 1990s, the then government of South Africa initiated the restructuring of public institutions and their management, which led specifically to the introduction of and emphasis upon public sector performance measurement.

Performance management systems that align institutional performance with individual performance are currently encouraged in all South African public institutions, with a view to improving service delivery nationally, in all provinces, districts and local municipalities, and even in local communities. In this regard, the Department of Public Service and Administration encourages the monitoring of employees' performance by means of an employee performance management and development system (EPMDS). For local government, Section 67 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (MSA 2000) regards the monitoring, measurement and evaluation of the performance of employees as a platform from which to develop human resources and to hold municipal employees accountable to serve the public efficiently and effectively (South Africa 2000). However, it is not only the measurement of employee performance that is important, since, as Moorhead and Griffin (2004:200) argue, institutional performance management is a key component of any effective institution. Closely linked to that, Hilliard (1995:24) is of the opinion that performance improvement might be aimed at attaining a synergistic strategy, which will ultimately nurture a culture favourable to service excellence within the institutional sphere. As such, Section 38 of the MSA, 2000, prescribes that a municipality must, *inter alia*:

- establish a performance management system (PMS) that is in harmony with its resources, the best fit for its current position and aligned with the priorities, goals, benchmarks and objectives enclosed in the integrated development plan (IDP); and
- encourage a culture of good quality service delivery and performance management amongst its political structures, councillors and administration.

Therefore, performance management is achieved through the development of a PMS that comprises a predetermined set of guidelines for employees employed by an institution that is linked to the achievement of institutional goals and objectives. Employee performance management is guided by Part VIII, Section A of the Public Service Regulations of 2001, which argues that employee performance should be managed in a consultative, supportive

and non-discriminatory manner, with the aim of improving efficiency and effectiveness, as well as ensuring the alignment with the institution's strategic goals. For local government, Section 57 of the MSA, 2000, requires that the municipal manager and heads of department should sign performance agreements with employees. These performance contracts should include performance objectives, targets and timeframes, and standards and procedures to evaluate performance, with the intervals for evaluation being indicated. The performance objectives and targets must also be practical, measurable and based upon key performance indicators as set out in the IDP (South Africa 2000).

From the above it can be argued that the role of management, with respect to aligning institutional performance indicators with individual performance agreements, is of paramount importance. Against the above-mentioned background of the MSA, 2000, a PMS can therefore be used to improve service delivery, because this is directly related to individual and institutional performance objectives being met. Khoza (1994:6), reflecting upon the essence of the role of a PMS in service delivery, states that "[...] improving overall performance in the public sector thus requires innovative managerial practices and more creative approaches to performance management". The article will specifically focus upon the nature of these managerial practices in order to propose recommendations for the alignment between institutional and individual performance indicators.

Harrison (1993:248) rightly claims that "the purpose of performance management is to establish systems and methods that translate the strategic goals of a municipality into individual performance criteria terms". Due to the managerial and measurement nature of performance management, the strategy should be driven by top management, specifically since performance management is considered to be a strategic approach to management that will supply both managers and employees at different levels with the skills and methods to plan, observe, evaluate and appraise the performance of the municipality, in terms of indicators, benchmarks and objectives for efficiency and effectiveness (South Africa 2006:14–16). Before detailing the research methodology used for the purpose of the article, the theoretical model facilitating institutional performance management should be analysed.

MUNICIPAL SCORECARD FOR MUNICIPAL PERFORMANCE MANAGEMENT

The municipal scorecard model is suggested for semi-resourced and mainly rural, semi-rural/urban or mainly urban municipalities (South Africa 2006:75),

since it is used to assist municipalities to identify best practices, as well as areas for improvement. The municipal scorecard serves as a benchmarking tool that offers comparative information on the quality of services and the efficiency of the municipality (International Finance Corporation 2008).

The municipal scorecard is based on a systems approach whereby the cause-and-effect relationship assumes that a municipality's inputs will be used to achieve certain outputs, which would then lead to certain outcomes being met (Buffalo City Metropolitan 2011). The systems approach views the institution as a group of different parts that should remain in balance at all times. The action of each part influences the others (Smit, Cronje, Brevis, & Vrba 2007:38). The systems approach gives a holistic and comprehensive view of the system in an environment and offers the opportunity for different ideas and concepts to be integrated (Van der Walddt & Du Toit 1999:95).

The municipal scorecard model is used as a logical and visual method to present performance management information at institutional and individual levels. A municipal scorecard must be aligned to the strategic plan and the IDP of the municipality, and be directly relevant to objectives of developmental local government. The municipal scorecard is developed for measuring the relevant key performance areas (KPA's) for municipal service delivery and, thus, groups together indicators (costs, inputs, outputs, outcomes and process) into categories or perspectives, which constitute the five-year local government strategic agenda KPA's to manage performance. According to Craythorne (2006:122) a municipality is required to align its strategic planning with five specific strategic perspectives, namely:

- The Institutional Development Perspective in which all the input indicators are grouped together and should tell the municipality how well it is performing with respect to the management of its financial resources, human resources, information resources and institutional infrastructure.
- The Service Delivery Perspective which should provide an indication to a municipality of how it is performing in respect of the delivery of services and products. In this perspective all the output indicators are grouped together and this relates to the service delivery outputs of the municipality as a whole. The output indicators measure the results of a programme implemented by the municipality, which include the results of activities, processes and strategies.
- The Municipal Development Perspective which establishes the development priorities for the municipal area and the indicators should show whether the desired development outcomes were achieved.
- The Governance Process Perspective provides an indication of how the municipality is performing with respect to its engagement and relationship with its stakeholders in the process of governance. In addition, Du Toit,

Knipe, Van Niekerk, Van der Waldt and Doyle (2002:64) define governance as the actions undertaken to better the welfare of a society through the delivery of services. In this perspective, indicators dealing with public participation, citizen satisfaction and access to information are included. In order to be accountable and transparent, the public needs to have access to the relevant information of the municipality and be included in the decision-making process through public participation.

- The Financial Management Perspective focuses upon the cost indicator and should measure the performance of the municipality in terms of its financial management. The clear guidelines on financial management in the MFMA, 2003 enable municipalities to perform satisfactorily in this regard. The alignment of the individual and institutional performance indicators of the municipality will assist in this regard by ensuring that financial resources are used responsibly at all levels in working towards the common goals of the municipality.

From the above five perspectives it is clear that the municipal scorecard provides a balanced overview of all aspects of the performance of South African municipalities. The municipal scorecard is not the only performance management model used by municipalities. However, for the purpose of the article, specific attention will be placed on the Overstrand Local Municipality, as it uses a municipal scorecard model. The nature of the model can be understood by focusing on its three components (Overstrand Local Municipality 2008), namely:

- an institutional/municipal scorecard that encompasses the key performance indicators (KPIs) and targets of all the directorates, including the general KPIs and inter directorate KPIs and targets;
- the individual scorecards of the directors and, as the system devolves, also the individual scorecards of the departmental/functional managers and other employees in each directorate; and
- directorate scorecards that are not specific documents but, if need be, could be compiled as a collective of the KPIs and targets of the directors, departmental/functional managers and other employees in each directorate to which the system has been cascaded.

Since the focus of the article is to determine the management challenges faced by the Overstrand Local Municipality management in ensuring the proper alignment between individual and institutional performance management through the use of performance indicators, as detailed in a municipal scorecard, attention will now be given to the research methodology used.

RESEARCH METHODOLOGY

The research approach is a qualitative one involving the analysis of a single case study, namely the Overstrand Local Municipality. Qualitative research offers the researcher the opportunity to understand and explain the phenomena investigated without any predetermined boundaries (Strauss & Corbin 1990; *cf.* Krefting 1991; Henning 2005:3). Qualitative research offers distinctive strengths, such as the opportunity to study behaviour or attitudes, as well as offering flexibility in its design (Babbie 2008:343). A single case study may be small in respect of the total number of municipalities in South Africa, but since qualitative research attempts to create an in-depth understanding of a social phenomenon (in this case alignment of individual and institutional performance management indicators within a single municipality), care will be taken to include a large sample of the research population in the study, specifically senior management.

Data gathering was firstly undertaken through a document review by consulting various books and articles, as well as relevant legislation. Secondly, unstructured interviews were held, particularly with senior managers. Unstructured interviews typically refer to a series of questions asked by the interviewer, of which the sequence of questions can be changed and further questions can be asked in response to significant replies (Bryman 2004:113). Unstructured interviews were conducted with the municipal manager and the six directors from the following directorates: community services; finance; infrastructure and planning; local economic development; management services; and protection services. These managers were selected by making use of purposive sampling which was appropriate due to their managerial responsibilities and experiences in facilitating the alignment between individual and institutional performance management indicators. In the following section a thematic analysis of the findings will be discussed.

FINDINGS AND DELIBERATIONS

The Overstrand Local Municipality is located on the south western coastline of the Overberg District Municipal area bordering the City of Cape Town in the west and Cape Agulhas Local Municipality in the east. The municipality covers a land area of approximately 2 125km², with a population of 74 543 people in 2007, currently estimated at 87 000. The municipal area includes Hangklip/Kleinmond, Greater Hermanus, Stanford and Greater Gansbaai. Tourism is a major economic driver in the area and its popularity as a holiday destination results in a fourfold increase of its population over the holiday season (Overstrand Local Municipality 2011:7). The key performance areas of the

Overstrand Local Municipality, as listed in the IDP, are as follows (Overstrand Local Municipality 2011:19):

- improved service delivery.
- infrastructure development.
- financial viability.
- local economic development.
- safety and security, and
- development and the transformation of the institution in terms of skills development, as well as succession planning and performance management, with the aim of capacitating the municipality to meet objectives.

However, the Overstrand Local Municipality is not without its challenges. In its Annual Report (Overstrand Local Municipality 2010:28–131), housing backlogs, unemployment, infrastructure backlogs and funding were described as particularly challenging. More recently, good governance and public participation challenges included inexperienced councillors and ill-functioning ward committees. In the municipal transformation and institutional development area, the attainment of employment equity targets is challenging. The basic service delivery challenges experienced by the municipality relate specifically to infrastructure development and maintenance, while the scarcity of skilled employees exacerbates the situation (Overstrand Local Municipality 2011:28–131).

These challenges described above are attributed to municipal KPIs not being achieved. As such, the importance of managers aligning institutional performance indicators to individual employee outputs and outcomes becomes imperative. Through the document review and interviews the following themes emerged as indicative of the management challenges in facilitating the alignment between institutional and individual performance management.

Planning challenges in facilitating alignment

The vision, mission and goals of the institution are determined during the planning process. Management also has to plan how to reach these predetermined goals and how the needed resources will be acquired (Smit *et al.* 2007:10). Kroon (1995:9) describes planning as a visualisation of what the institution wants to achieve, and the formulation of long-term goals and short term objectives. Van der Walddt and Du Toit (1999:181) state that planning helps the institution to keep up with change and that plans can guide managers in the institution to achieve their goals. When planning is done successfully and clear goals are formulated, cooperation in a diverse workforce can be established. In turn, this cooperation can positively influence the realisation of goals, as well as the productivity of the institution (Smit *et al.* 2007:117).

From the above it can be deduced that the institutional PMS of a municipality would lie in the formulation of strategic goals and would therefore be the responsibility of senior management, as it is a strategic planning task. Once again, it is emphasised that all levels of management are of great importance in the implementation of the institutional PMS. Thus the alignment of responsibility flowing from strategic planning (senior management), tactical planning (middle management) and operational planning (supervisors) is clear. The design and implementation of the PMS implemented by the Overstrand Local Municipality should follow the same logical flow.

Managers identified that performance management is not manifested in a single system, but that the distinction is still made between individual and institutional performance management. Senior managers indicated that employees have a negative perception of both individual and institutional performance management, which is reflected in their behaviour towards the PMSs. Therefore, even though alignment is possible on paper, the practice thereof proves to be challenging. The municipality supports managers by providing training, and making the managers' part of the process of alignment and implementation of the PMS (Michaels 2013). Management is also supported by the legislation that guides them and by clearly setting goals (Reyneke-Naude 2013).

According to Groenewald (2013), the municipal manager of the municipality is responsible for ensuring that a PMS is implemented. Furthermore, every director, manager and supervisor should take responsibility for implementation, while the municipal council and executive mayor also have an important supervisory role. This statement by Groenewald (2013) clearly links to the aspects of strategic, tactical and operational planning, and the alignment thereof between all levels of management, as well as the commitment and responsibility of all managers to ensure the implementation of the PMS at all levels.

Regarding the effectiveness and shortcomings of the Overstrand Local Municipality's municipal scorecard model, Groenewald (2013) argues that the model is forthcoming from legislation, but that regulations should be better defined and focus more upon the core competencies higher up in the hierarchy. This statement indicates a need to ensure that all employees be made aware of their contributions to institutional performance through proper performance alignment.

Concerning the alignment of individual and institutional performance indicators and the role of senior managers in this regard, Müller (2013) states that the directors, together with managers, annually review the alignment between various strategic policies such as the IDP and the budget, thus focusing upon strategic alignment, but they do not ensure that policies are reflected in individual performance planning. Arrison (2013) explains that the strategic

policies are linked to the PMS in order to measure performance management on an institutional level, and the KPIs of the directors are influenced by individual performance management. Thus there should be alignment between the individual performance agreement of employees as well as the performance agreements of the directors. Bartman (2013) agrees that the vision and mission of the municipality should be linked and aligned to the service delivery and budget implementation plan (SDBIP), as well as individual KPIs. Arrison (2013) further states that the directors should meet with the managers in order to develop the KPIs. According to Bartman (2013), it is the responsibility of the senior managers to ensure that the key performance areas are aligned with the vision and goals of the municipality. All employees should know exactly what is expected of them (Michaels 2013). Reyneke-Naude (2013) agrees that senior managers have a responsibility to ensure alignment from the lowest to the highest level employees. From the above it could be argued that senior managers indicate an obligation towards ensuring alignment, but that none of them indicated an actual management function for ensuring it. In the next section, specific organising challenges will be highlighted.

Organising challenges in facilitating alignment

After the plans and goals of the institution have been set, management is tasked with allocating the various resources of the institution to specific employees and departments. Furthermore, roles and responsibilities are defined and policies and procedures are established in order to achieve the institutional goals (Smit *et al.* 2007:10). Kroon (1995:10) agrees that organising means allocating activities to individuals or divisions and assigning responsibility.

On the role of managers with respect to alignment, Arrison (2013) and Groenewald (2013) concur that each director should ensure that performance management under their directorate occurs at individual level. Performance is the function of each next level manager. Madikane (2013) agrees that senior management should be held accountable for their directorate. Bartman (2013) observes that the PMS indicates both problems and improvements in the institution and individuals can be held accountable. From the above statements from interviewees it is clear that senior managers are aware of their important role in ensuring alignment between individual and institutional performance. Good coordination can ensure that the alignment between the different levels of management flows effectively. Tripathi and Reddy (2008:161) define coordination as the management of interdependence in the institution. This interdependence can occur between departments and individuals. Organising is valuable for deploying resources effectively, ensuring synergy to ensure effectiveness and quality, and the coordination of activities (Smit

et al. 2007:188). In this way, performance can be checked both individually and institutionally. The role of senior managers in this regard is to ensure that performance management filters down in their directorate.

For Bartman (2013), consistency in a PMS is important and should be marketed (communicated) to employees to get their buy-in. The role of senior management should be to communicate the aim of the PMS and performance measurement in general, to lower level employees. This will ensure that employees understand the system and accept the concept.

Responsibility and accountability are also closely linked to organising. Smit *et al.* (2007:193) define responsibility as the duty to achieve goals by performing obligatory, predetermined activities, while accountability is seen as an assessment of how well responsibility was met. Mukherjee and Basu (2005:78) in turn define responsibility as an individual's obligation to perform an assigned task, while accountability is the acceptance of credit or blame resulting from their work.

Regarding the implementation of the PMS, Michaels (2013) mentions that it is the responsibility of all levels of management to ensure that the PMS is implemented effectively following a top-down approach. Reyneke-Naude (2013) sees the whole management *corps* as responsible for the PMS and the success of its implementation as dependent upon management, which leads the employees and sets an example. At the Overstand Local Municipality, although the managers recognise their responsibility with respect to the implementation of the PMS, it seems that the alignment thereof throughout all levels is inadequate. The negativity of employees towards the PMS implies that senior managers have not been successful in this regard.

Leadership challenges in facilitating alignment

Leadership is defined as a process aimed at directing the behaviour of others in order to accomplish the goals of the institution. The leader translates the plans of the institution into reality (Smit *et al.* 2007:271). The quality of leadership in the institution is directly linked to performance. In order to achieve greater performance, productivity and profitability, the managers in the institution should also be trained to be good leaders. Therefore managing and leading, go hand-in-hand to ensure better individual and institutional performance.

According to Müller (2013), managers (as leaders) should motivate and inspire employees to be innovative and to accomplish more with limited resources. Müller (2013) indicates that the system is not helpful when dealing with people and their personal problems and emotions. Madikane (2013) adds that, although the PMS is part of job satisfaction and motivation, each employee know whether they have delivered. The PMS is subjective and is not effective. These statements

support the negative perceptions, attitudes and behaviour employees associate with performance management in general. However, if alignment is properly managed and specifically planned for, employees would be placed in a position to understand their individual contributions to institutional performance.

Regarding leading as a management function and leadership at the Overstrand Local Municipality, Arrison (2013) states that capacity and resources are needed to be a successful leader, as many indicators are linked to the budget. Clear guidelines and good leadership are, moreover, important for the alignment of individual and institutional performance indicators, according to Bartman (2013). Michaels (2013) mentions that insight into the PMS should be encouraged so that employees do not perceive it as a forced-upon, compliance only system. For Reyneke-Naude (2013) it is critically important to be familiar with the institutional indicators, otherwise alignment cannot take place at the lower levels in order to achieve institutional goals. Madikane (2013) agrees with Arrison (2013) that support and capacity are vital to senior management. However, by focusing only upon the measurable outputs, leadership will not be successful. Employees need to feel motivated and encouraged to use the PMS and align their own performance to it.

According to Groenewald (2013), a challenge for senior management with the implementation of a PMS is to change employees' attitudes towards performance measurement. Groenewald (2013) adds that performance measurement is a strange concept to most people and should be introduced carefully. A possible explanation for this can be that employees are unfamiliar with performance measurement practices and are uncertain about the unknown. This again indicates that alignment has not happened.

From the above discourse it can be seen that performance management comprises a measure of control, which is the last management challenge in facilitating alignment.

Control challenges in facilitating alignment

According to Rossouw, Le Roux and Groenewald (2014:227) control takes place at the strategic level, the functional level and the operational level. Managers should exercise control in the institution to ensure that the predetermined goals of the institution are achieved. During control, the objective is to monitor performance to guarantee that the plans for the institution are followed. Any deviations from the plan can be identified and corrected through monitoring. During the measurement of performance, the degree to which goals were reached will be evident and feedback can be given (Smit *et al.* 2007:11).

Regarding measurement and monitoring in relation to the function of control, the Overstrand Local Municipality makes use of an electronic performance management programme named Ignite. Together with legislation, this makes

alignment and performance issues easy, according to Groenewald (2013). This statement is controversial in terms of the information received from interviewees and the evidence of difficulties regarding alignment in the municipality. In the case of underperformance by employees, management should be made aware of and try to rectify the problem. Furthermore, if employee performance is not aligned to institutional performance, even correcting the problem will have no effect on institutional effectiveness and efficiency. The Overstrand Local Municipality claims to be a centre of excellence and should therefore only provide quality services to the public, according to Michaels (2013). Therefore performance of employees should unquestionably be monitored, evaluated and controlled. Even with the existence of monitoring, evaluation and control, alignment is of the utmost importance. In order to successfully monitor, evaluate and control, the individual and institutional performance indicators should be aligned to determine whether goals have been achieved.

Reyneke-Naude (2013) indicates that the PMS provides employees with the tools they need to be professional and to measure performance in a uniform and consistent manner. Madikane (2013) agrees that the PMS is a positive tool and is helpful with organisation and prioritisation in the institution. These comments indicate that the focus is only on individual performance and the link with institutional performance is missing. Although employees are aware of their own goals, they are unaware of their contributions towards the realisation of institutional goals. This again indicates that proper alignment between the different levels have not been successful.

Managers are positive about the PMS and find the system highly beneficial. A successful PMS indicates problem areas as well as areas of excellence (Bartman 2013). In addition, Michaels (2013) states that management is negative about the guidelines and legislation regarding institutional and individual performance management, although the guidelines are extremely clear; they do not leave any discretion to the manager. Furthermore, Reyneke-Naude (2013) comments that not everyone is comfortable with the institutional side of performance management; and a clear picture are needed to see how institutional and individual performance management contribute to one another.

Thus within the Overstrand Local Municipality, performance management is not seen by senior management as a compliance issue, but rather as a tool that can improve the institution as a whole. However, this perspective is not shared by all and this has an enormous influence upon the employees as well as the institution, which implies that alignment remains a problem area in the municipality. Senior managers have the task of ensuring that individual and institutional goals are aligned, and that performance management is seen by all employees in their respective directorates as a way to keep the Overstrand Local Municipality a centre of excellence.

The senior managers agree that it is their responsibility to ensure the alignment of the different levels in the institution, and to ensure that the KPAs and goals of the municipality are aligned. However, regarding the alignment challenges in the planning phase of the PMS, it is evident that legislation and regulations can hinder alignment and impact negatively upon the efforts of senior management to enforce alignment in the institution. Thus, through the information gathered, it became clear that alignment is possible in theory, but the implementation thereof remains problematic. Furthermore, managers acknowledge their important role in ensuring alignment, but the integration of individual and institutional performance, as well as sufficient operational planning, is lacking. The negative perceptions, attitudes and behaviour that employees display towards performance management could be rectified through proper management.

SYNTHESIS – BEST PRACTICES AND RECOMMENDATIONS

In the municipal context, best practices should address activities that have an impact upon the external community. A best practice is defined as actions and processes to improve efficiency and deliver better services to the community (Du Plessis 2005:40). For the purpose of this article best practice examples will be taken from different municipalities and specific attention will be paid to how these municipalities are able to ensure alignment between institutional and employee performance management systems. Three specific best practices will be described, namely eThekweni Metropolitan Municipality, George Local Municipality and Theewaterskloof Local Municipality as is presented in Table 1.

The following general observations emerge from the above best practice examples:

- All the municipalities promote a supportive performance management culture, which is evident from their strategic and operational planning initiatives;
- All the municipalities place emphasis upon the importance of ensuring alignment, not only through policy processes, but also through the management of employees and their alignment with municipal performance indicators; and
- All the municipalities understand the importance of ensuring that managers are capable and committed towards managing through planning, organising, leading and control, specifically as it pertains to the alignment of individual and institutional performance management.

Thus, from the above, specific recommendations emerge:

- The Overstrand Local Municipality should investigate the manner in which integration and alignment were achieved using the electronic system in the best practice examples.

Table 1: Best practice examples for alignment between individual and institutional performance management

	eThekweni Metropolitan Municipality	George Local Municipality	Theewaterskloof Local Municipality
What?	<p>MS is the instrument that measures whether the targets set by the institution and its employees are achieved. Performance of municipality directly linked to performance of employees – managed simultaneously as well as separately.</p>	<p>PMS is the instrument that measures whether the targets set by the institution and its employees are achieved. PMS is provided as mechanism through which career development can be achieved.</p>	<p>The PMS intends to:</p> <ul style="list-style-type: none"> • ensure that all employees share a common vision and mission and that all the objectives and strategies of the municipality are realised; • establish a framework that provides effective and regular performance feedback and reporting in the institution; and • encourage a performance-oriented institutional culture within the municipality.
How?	<p>Success dependent on the following five key issues:</p> <ul style="list-style-type: none"> • top level management and the municipal council have to drive the system; • communication at all levels is essential; • the value of the PMS must be understood by all employees; • the system must provide learning opportunities through coaching and reviewing processes; and • performance management is a continuing process in the institution. 	<p>The IDP and PMS must be seamlessly integrated. Institutional performance is measured by a municipal scorecard at institutional level, while the SDBIP measures performance at the departmental level.</p> <ul style="list-style-type: none"> • The SDBIP is a tool that translates the IDP and budget into measurable criteria, and also allocates responsibility to each directorate. • The municipal scorecard is used to merge service delivery targets set by the municipal council and senior management, which provides a superordinate view of the municipal performance. • KPIs must be linked to the strategic objectives of the IDP, and aligned with the national and municipal KPAs. • Clear targets should be set quarterly and assigned to a senior manager. • The role of all managers at all levels is highlighted since the analyses of KPIs cannot be done without the input of the employees responsible for delivering on them. 	<p>The design and implementation of the PMS followed eight important principles:</p> <ul style="list-style-type: none"> • Simple • Politically acceptable and administratively manageable • Implementable • Transparent and accountable • Efficient and sustainable • Integrated • Objective • Reliable

	eThekwini Metropolitan Municipality	George Local Municipality	Theewaterskloof Local Municipality
Benefits of alignment	<ul style="list-style-type: none"> Ensuring the alignment of individual goals with that of the municipality and to synchronise efforts to achieve goals. Understanding what is expected from the employees, the expected timeframe and the expected standard. Recognising the key areas of accountability of employees. Determining whether performance objectives are met. Making qualified decisions within the employee's level of competencies. Giving employees learning and development opportunities to competently meet their performance goals. 	<ul style="list-style-type: none"> Provide better insight into tasks and clarify the duties and responsibilities associated with the position of the employee. Enable employees to visualise their position in the municipal structure and therefore help them to contribute to achieving the development objectives of the municipality. Assist employees to discover their strengths, recognise their weaknesses and develop the knowledge, skills and attitudes needed to overcome weaknesses to ultimately perform to their full potential. Enhance employee career development through focused training. 	<ul style="list-style-type: none"> PMS is integral in making objectives manageable and realistic. PMS focuses upon development thereby ensuring development of both employees and institution. The performance objectives of employees are linked to their directorate and the municipality. Once the municipal targets are set, it can cascade down to the different directorates and employees. There is collective recognition and achievement of these goals within respective directorates.
Nature of PMS process	<ul style="list-style-type: none"> Consultative. Clearly understood by all levels within institution. Supported by performance-driven management culture. 	<p>All managers have the responsibility to:</p> <ul style="list-style-type: none"> design KPIs that address the SDBIP, operational needs, service delivery improvement and other important departmental activities; plan performance and set targets for the institution; assign KPIs to employees; ensure that the SDBIP is implemented; monitor performance and document it; take corrective action if it is required; and communicate performance results to the municipal manager. 	<p>Recognise the value of a performance-based institutional culture, which encourages productivity and development by the alignment of individual and institutional performance goals with the mission, strategic goals and objectives of the municipality.</p> <p>The responsibility of executing the PMS falls to the senior managers, each of whom is responsible for performance in his or her directorate.</p>

Source: (eThekwini Metropolitan Municipality 2008; George Local Municipality 2011; Theewaterskloof Local Municipality 2013)

- Senior managers should cultivate a performance-driven institutional culture and lead by example through their actions and behaviour towards performance management.
- All the managers should jointly arrive at a common understanding of what alignment entails.
- This alignment initiative should be discussed with all managers responsible for aligning performance agreements with the municipal goals.
- Senior managers should pay more attention to tactical and operational planning in order to align individual and institutional performance.
- Employees should understand their individual contribution to institutional performance. This should happen if alignment is specifically planned for and properly managed.
- Managers should take a stronger leadership role in enforcing alignment through educating employees on performance management and leading by example.

The only way for managers to effectively address negative perceptions regarding performance management is to address them head-on. However, care should be taken that senior managers in particular do not confuse the issue by having different perceptions regarding their role and responsibility towards ensuring alignment. Even though they may not directly be held responsible for the individual performance of lower level employees, their own performance will be directly affected by it. Since their own performance is already aligned with municipal goals and strategies, the result will manifest itself in the inability of the municipality to meet its objectives and be responsive to its community.

CONCLUSION

Service delivery and protests related to municipal performance are relevant and contentious issues in the South African society, which places a renewed focus upon the ability of management to implement a proper PMS that aligns institutional and individual performance indicators. While the goals of a municipality are identified through its institutional planning processes, the PMS should provide the framework for managing, measuring and evaluating the extent to which these goals are achieved, not only institutionally, but also individually. Performance management is used as a tool to manage the performance of employees, as well as to ensure the proper alignment between individual and institutional performance indicators. Due to the relevance of performance management and service delivery in the South African government, a renewed emphasis needs to be placed upon issues related to

integration, coordination and cohesion between processes and systems inside an institution – such as ensuring alignment between individual and institutional performance management systems. As was seen from the analysis of the case study, the challenge does not lie in developing performance management systems, but rather in the ability of specifically senior managers to ensure and facilitate alignment through proper and responsive management practices.

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The Role of the Eastern Cape Provincial Department of Local Government and Traditional Affairs in Monitoring Municipal Performance

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ABSTRACT

Monitoring and evaluation (M&E) are relatively new concepts in the South African government. The article is based on exploring the importance of M&E in government, specifically the monitoring role that provincial governments in South Africa are mandated to play within local government. The article further explores the theory of M&E, and provides an overview of international best practices on which the different legislation that outline the responsibilities and relationships between provincial and local government, are based. The study was based in the Eastern Cape Province (ECP) to investigate the role of the Eastern Cape Department of Local Government and Traditional Affairs (ECDLGTA), and the system, which is employed to monitor district municipalities, as well as the difficulties that hinder effective M&E. The focus of the study is the five district municipalities. An extensive analysis of the current Government Wide Monitoring and Evaluation System (GWM&ES) is also provided in the article. Concluding remarks on the effectiveness of the M&E systems in provincial government are also provided.

INTRODUCTION

According to De Visser (2005:207), monitoring of local government is necessary in order to protect the development agendas of the national and provincial government, and to identify early signs of problems in municipalities that may require some form of intervention. Reference is made to international best practices on which the subsequent discussion is based. Fookes (1996:20) describes monitoring within local government as a means whereby municipal councils can consistently appraise their performance, reassess their approach and move closer to achieving their objectives through refining policies. The consolidated report on local government performance in the ECP gave evidence to the fact that there is a need for effective monitoring and evaluation systems between the provincial and local government in the ECP. The recent service delivery protests, which occurred across South Africa also serve as evidence that local government/municipalities are not performing.

INTERNATIONAL BEST PRACTICES

Chile and Colombia are rated as the best in terms of successful M&E systems in the world. The distinct characteristics of successful M&E systems, which were implemented in Chile and Colombia, are explained in the following section.

Chile

According to Burdescu, Villar, Mackay, Rojas and Saavedra (2005:1), Chile's M&E system is one of the strongest government M&E systems in the world solely owing to its location in the Ministerio de Hacienda (Ministry of Finance). Mackay, in Burdescu *et al.* (2005:1), states that "... Hacienda has succeeded in creating an evaluation factory, which includes a well-developed process for planning, commissioning, managing, reporting and using a range of types of evaluation". Chile's M&E system consists of six components, according to Mackay (2006:25–26), which involve the following:

- Ex ante cost-benefit analysis of all investment projects;
- Performance indicators;
- Comprehensive management reports;
- Evaluations of government programmes;
- Rigorous impact evaluations; and
- Comprehensive spending reviews (MacKay 2006:25–26).

The strengths and weaknesses of the Chile systems are presented in Table 1.

Table 1: Chile’s strengths and weaknesses

Strengths	Weaknesses
Graduated approach to M&E.	Unevenness exists in the quality of evaluations that are conducted; this is probably caused by cost and time constraints, which are imposed by the Ministry of Finance (MOF).
Evaluations are conducted in a fully transparent process, and are considered highly credible by other ministries and the congress.	Chile is probably not spending enough on evaluations.
All M&E information is reported publicly and sent to the congress.	There is a low level of utilisation because of low ownership of evaluation findings by sector ministries.
The M&E system is closely linked to the information needs of the Minister of Finance, especially for the budget process. There is high utilisation of M&E information in the budget.	There is an apparent absence of incentives for ministries and agencies to conduct their own evaluations.
Performance information is used to set performance targets for ministries and agencies; these are high.	
The MOF uses evaluation findings to impose management changes on ministries and agencies.	
The MOF closely monitors the extent of utilisation of its evaluation findings.	

Adapted from: (Mackay 2006:4–6)

Colombia

Burdescu *et al.* (2005:2) states that SINERGIA (Columbia’s national M&E system) has been in operation to track and measure public sector performance since 1994. According to Mackay (2006:31), SINERGIA places more emphasis on monitoring information than evaluation, which resulted in possible abolition of the system.

The strengths and weaknesses of the Colombian systems are presented in Table 2.

Table 2: Colombia’s strengths and weaknesses

Strengths	Weaknesses
Very high level of utilisation of monitoring subsystem by the president and his office.	Low-level utilisation of M&E information by the budget and planning directorates of the planning ministry and by the finance ministry.
Performance information used to set performance targets for ministers and their ministries and agencies. Public reporting of the extent to which performance targets are achieved; where they are not achieved, managers have to provide public explanations.	Concern about the reliability of monitoring data, which is supplied by sector ministries and agencies.
Evaluations are conducted externally in a transparent process and are considered highly credible by other ministries and congress.	Excessive reliance on donor funding of the evaluation agenda.
Evaluations are planned and conducted in a collaborative approach, which involves the planning department and sector ministries and agencies.	
All M&E information is reported publicly and sent to congress.	

Source: (Mackay 2006:7–9)

ESTABLISHMENT AND FUNCTIONS OF MUNICIPALITIES

According to Van Niekerk, Van der Walt and Jonker (2001:77), local government is often referred to as the ‘grass-roots government’ owing to its proximity and intimate relationship with communities. Van Niekerk *et al.* (2001:77) also describes the local sphere of government as “... an autonomous body, which in the limits of legislation, by the central and relevant provincial governments, has the powers and authority to provide services and amenities to residents in its area of jurisdiction, in an attempt to promote their well-being...”. Section 151(1) of the *Constitution of the Republic of South Africa* of 1996 states that the local sphere of government consists of municipalities, which must be established for the whole of the territory of the Republic. Section 151(3) continues to state that a municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation.

Section 152(1) of the Constitution (1996) also outlines the following objectives of local government, which are to provide democratic and accountable government for local communities; ensure the provision of services to

communities in a suitable manner; promote social and economic development; promote a safe and healthy environment; and encourage the involvement of communities and community organisations in matters of local government.

Local government is the key element of reconstruction and development in South Africa to help right the wrongs, which were brought about by Apartheid. The aims of democratising society and growing the economy inclusively can only be reached by way of a responsive, accountable, effective and efficient local government system that is part of a developmental state. According to the Turnaround Strategy (South Africa 2009:5), as issued by the Department of Cooperative Governance and Traditional Affairs, an ideal municipality should be able to:

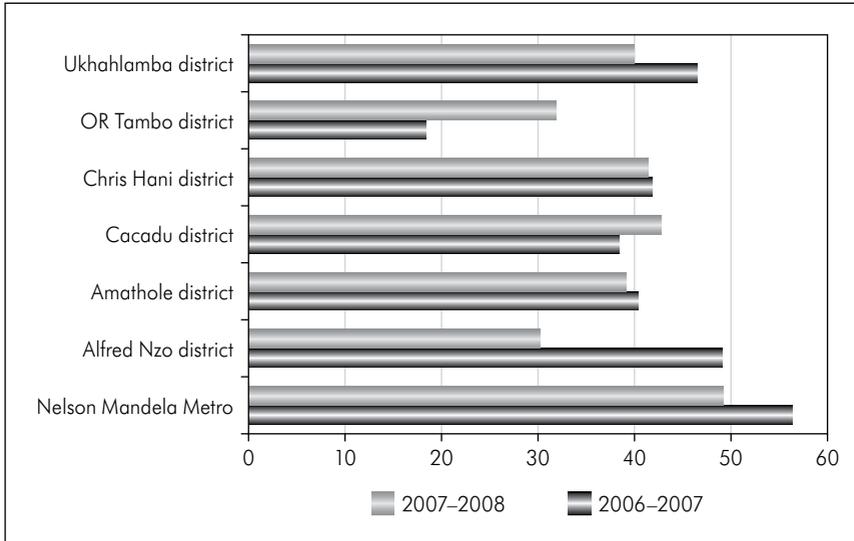
- Provide democratic and accountable government for local municipalities;
- Be responsive to the needs of society;
- Ensure the provision of services to communities in an appropriate manner;
- Promote social and economic development;
- Ensure a safe and healthy environment;
- Encourage the involvement of communities and community organisations in matters of local government;
- Promote social and economic development;
- Assign clear responsibilities for the management and coordination of the administrative units and mechanisms; and
- Facilitate the culture of public service and accountability amongst its staff (South Africa 2009).

Although the preceding paragraph purports what is involved, and how an effective and efficient municipality operates, South African municipalities do not possess these attributes. Instead, South Africa has recently been experiencing service delivery protests that have been initiated by unsatisfied communities. The protests are a result of a lack of improved service delivery in municipalities across all nine provinces.

PERFORMANCE STATUS OF THE EASTERN CAPE DISTRICT MUNICIPALITIES

The ECP is located in the south eastern part of South Africa. A total of 1 251 840 households are presumed to occupy all six districts, of which 32% is urbanised and 67.3% live in rural areas (Eastern Cape 2005:3). According to the Eastern Cape Socio Economic Consultative Council (ECSECC) (2011:1), the province was ranked the weakest in areas such as net migration; unsafe water for drinking; inadequate sanitation; poor school facilities and reliance on grants as a major source of income. The area is associated with extreme poverty and is naturally rural.

Figure 1: Average performance per district in all KPIs of KPA 1



Adapted from: (South Africa: Eastern Cape Department of Local Government and Traditional Affairs 2008:22)

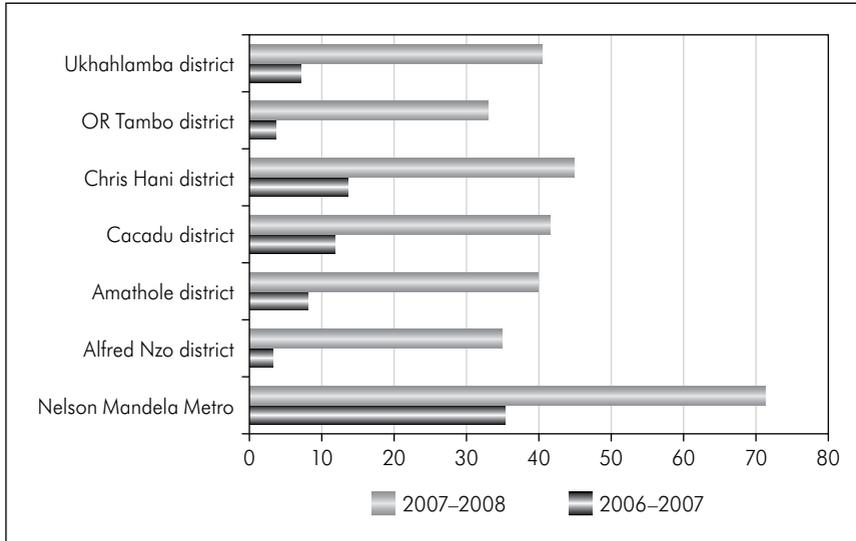
Municipal performance from 2006–2008

The ECDLGTA measures municipal performance by using six key performance areas, namely municipal transformation; basic service delivery; Local Economic Development (LED); municipal financial viability and management, as well as good governance. The performance results presented below were derived from the Consolidated Report on Municipal Performance for the 2006/2007 and 2007/2008 financial years. Due to the non-availability of a more recent report, only two reports that were available during the research period are presented in terms of each of the five KPAs.

KPA 1 – Municipal transformation and organisational transformation

KPA 1 aims to reflect how the organisational structures and employment patterns of municipalities contribute to municipal transformation and institutional development. Municipal performance with regard to meeting their IDP targets depends on the municipalities' capacity to transform themselves, as well as make proper use of available resources. The department utilised 13 key performance indicators (KPIs) to measure the municipal performance in KPA 1, but the results that were published in the consolidated reports only reflect four of the 13 KPIs. The KPIs are: vacancy rate in respect of all approved

Figure 2: Average performance per district across all KPIs of KPA 2



Adapted from: (South Africa: Eastern Cape Department of Local Government and Traditional Affairs 2008:28)

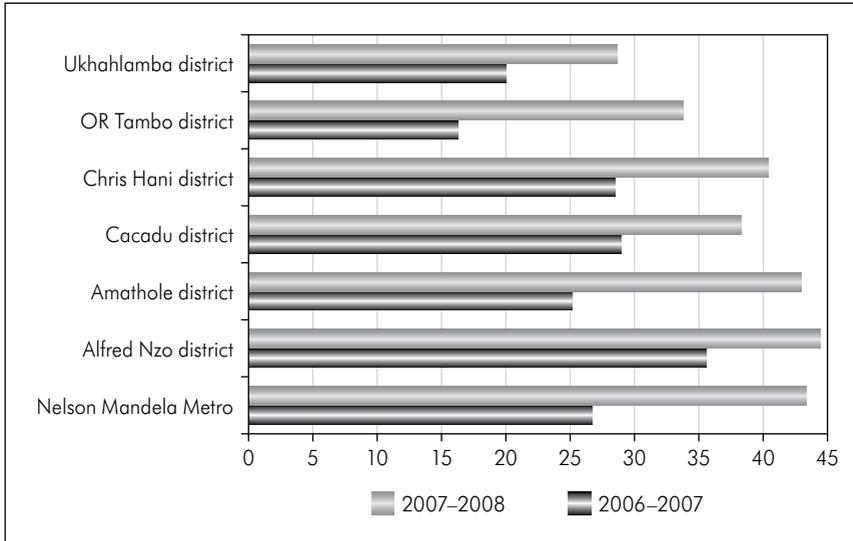
posts; filling of section 57 positions; employment equity; and performance management systems.

Figure 1 illustrates the overall performance of all district municipalities in the ECP in terms of the mentioned KPIs in KPA 1. Figure 1 shows a fluctuation in municipal performances in the 2006/2007 and 2007/2008 financial years. All the district municipalities performed below 50%. There was a decrease in the performance of other municipalities such as Ukahlamba, Amathole, Alfred Nzo and Nelson Mandela Metro, and there was little improvement in O R Tambo and Cacadu during the 2007/2008 financial year.

KPA 2 – Basic service delivery

Provision for basic service delivery is a core mandate of municipalities. The ECDLGTA used three KPIs to report on this KPA. The KPIs included: access to free basic services; bucket system eradication; and indigent policy implementation. Figure 2 presents the average performance of all districts in KPA 2. It also shows that municipalities improved immensely during the 2007/2008 period as opposed to a relatively low performance in the 2006/2007 financial year. Acknowledging the improvement is vital; however, the level of performance is still not satisfactory, since all the municipalities performed below 50% (South Africa: Eastern Cape Department of Local Government and Traditional Affairs 2008:28).

Figure 3: Average performance per district across all KPIs of KPA 2



Adapted from: (South Africa: Eastern Cape Department of Local Government and Traditional Affairs 2008:28).

KPA 3–Local economic development (LED)

Municipalities use the implementation of LED to ensure growth in the local economy; to promote the social economy; and to ensure socio-economic development. The ECDLTA used only three KPIs to report on this KPA. The KPIs included the following:

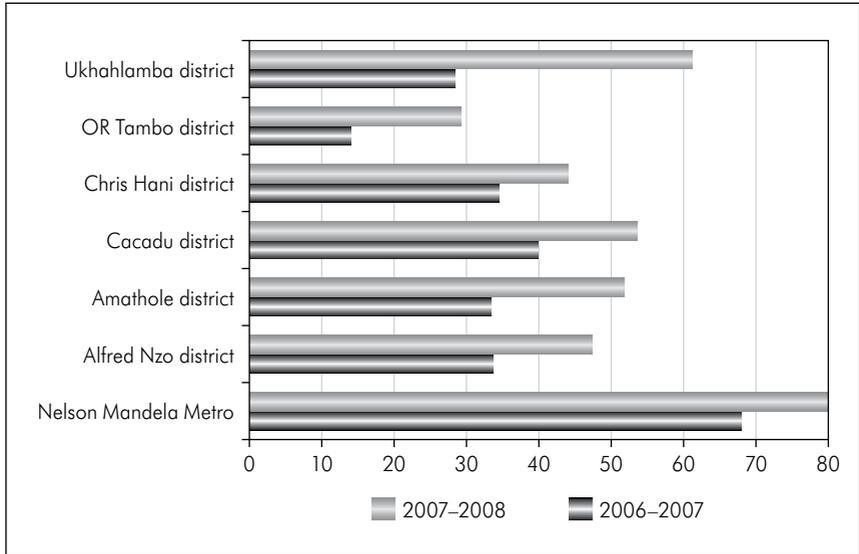
- Number of jobs created through infrastructure capital projects of the Extended Public Works Programme (EPWP) and Private Public Partnerships (PPP);
- Development and implementation of LED strategies and plans; and
- Capacity to implement LED in municipalities (South Africa: Eastern Cape Department of Local Government and Traditional Affairs 2008:28).

Overall performance in this KPA remains unsatisfactory, irrespective of the progress made in 2007/2008, as depicted in Figure 3. The figure also shows that none of the municipalities performed beyond 45%. Alfred Nzo and Nelson Mandela Metro are the highest performing municipalities with between 40 and 45% (South Africa: Eastern Cape Department of Local Government and Traditional Affairs 2008:28).

KPA 4–Municipal viability and management

This KPA was derived from the Municipal Financial Management Act of 2003 (MFMA). The MFMA was introduced in 2004 to provide municipalities with

Figure 4: Average performance per district across all KPIs of KPA 4



Adapted from: (South Africa: Eastern Cape Department of Local Government and Traditional Affairs consolidated report on municipal performance 2007/2008:52)

guidelines for effective systems to maximise their revenue potential, and to enable them to manage municipal finances effectively and transparently. This KPA aims to ensure that municipalities are accountable and financially stable. The Department used the following KPIs to measure this KPA:

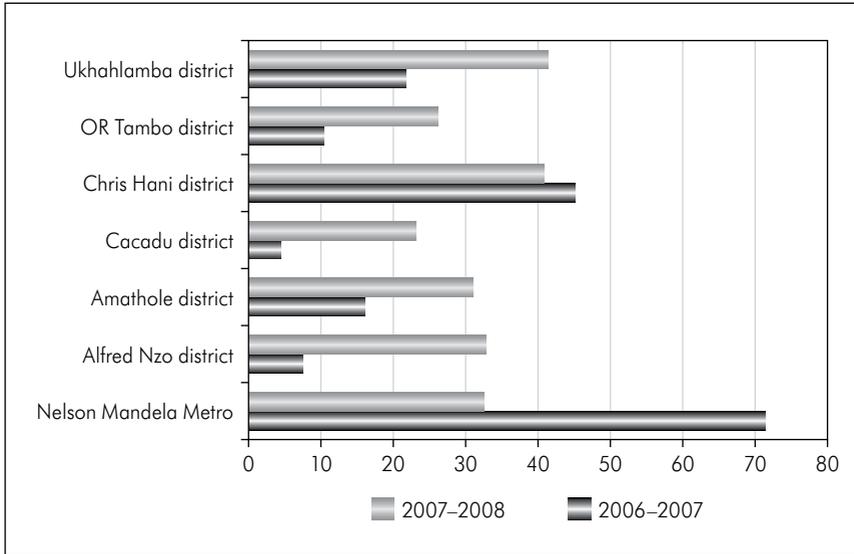
- financial viability;
- capital expenditure;
- budget expenditure and revenue sources; and
- compliance with the Municipal Finance Management Act (MFMA) .

Overall performance regarding this KPA has improved since the 2006/2007 financial year. Figure 4 shows that the Nelson Mandela Metropolitan Municipality performed better than all the other districts with an overall performance rate of almost 80%, followed by Ukahlamba district with 62%. O R Tambo and Chris Hani districts were the worst performing municipalities with a rate of 28% and 44%, respectively.

KPA 5–Good governance and public participation

KPA 5 aims to promote a seamless, open, ethical, professional and accountable system of governance. This KPA serves as a basis to ensure that there is maximum public participation in government through ward committees, community development workers (CDWs), presidential imbizos, as well as the house of

Figure 5: Average performance per district across all KPIs of KPA 5



Adapted from: (South Africa. Eastern Cape Department of Local Government and Traditional Affairs Consolidated Report on Municipal Performance 2007/2008:59)

traditional affairs. The ECDLGTA Consolidated Report on Municipal Performance (2008:52) used the following KPIs to measure performance in this KPA:

- Functionality of ward committees;
- Effective monitoring of CDWs; and
- Implementation of IGR (South Africa. Eastern Cape Department of Local Government and Traditional Affairs Consolidated Report on Municipal Performance 2007/2008:59)

Figure 5 shows that some municipalities' performances improved, whilst others such as Alfred Nzo, Chris Hani, and Nelson Mandela's performances decreased during the 2007/2008 financial year. The rest of the municipalities all performed below the 50% rate.

PROVINCIAL MONITORING AND EVALUATION OF LOCAL GOVERNMENT

Section 155(6)(a) of the Constitution (1996) states that "... each provincial government must establish municipalities in its province in a manner consistent with the legislation enacted in terms of subsections (2) and (3), and by legislative

or other measures must provide for the monitoring and support of local government". According to Smith (2002:11), the objective of monitoring should be to assess support, which is required by municipalities in order to strengthen their capacity. The Municipal Systems Act (32 of 2000) (MSA) guides provinces to monitor local government. Section 105(1) of the MSA (2000) requires the Member of Executive Council (MEC) for local government to establish mechanisms, processes and procedures to monitor municipalities to manage their own affairs, exercise their power and perform their duties; monitor their development capacity; and assess support, which is required by municipalities to strengthen their capacity to perform their duties and to fulfil their functions. Section 105(2) MSA (2000) authorises the MEC by notice in the Provincial Gazette to request that municipalities should submit any type of information to a specified organ of state at regular intervals or within a certain period of time.

Monitoring of local government by the provincial government includes the following:

- Receive and scrutinise annual reports;
- Interrogate annual reports;
- Compile consolidated reports for the province;
- Identify municipalities that have underperformed;
- Propose remedial action;
- Receive the national Minister's consolidated report on performance around general KPIs;
- Consult with organised local government on the general outcomes of the annual reports; and
- Develop a provincial monitoring regime in line with the dictates of the Systems Act. (South Africa: Provincial Department of Provincial and Local Government 2003:11).

The South African government report on the Local Government Turnaround Strategy, as issued by the Department of Cooperative Governance and Traditional Affairs (2009:20), proposed that the provincial government should:

- review policies and legislation;
- create a clean house for policy impacting on local government;
- establish a single window and entry point for the coordination of local government support and monitoring in COGTA;
- address the "one size fits all" approach by enabling municipalities to focus on functions that are suitable to their different sizes and capacity;
- mobilise greater state involvement in rural development;
- address socio-economic and institutional vulnerability of relevant municipalities;
- ensure a more enabling environment for service delivery, including a funding strategy for municipal infrastructure provision, operation and maintenance;

- improve spatial prioritisation of budgets and investments, and delivery of national functions and inter-sectoral alignment in municipalities;
- facilitate an intergovernmental agreement with a targeted set of municipalities and direct relevant conditional grants to incentives and fast-track upgrade of informal settlement;
- organised participation in the IDP process;
- allocate more resources towards the local government function;
- and improve performance and accountability, including better communication and involvement of municipalities and communities in the planning and execution of provincial functions in order to ensure effective service delivery in local government (Department of Cooperative Governance and Traditional Affairs 2009:20).

Monitoring and evaluation cannot be referred to interchangeably. Although the two are not the same, they do have one thing in common. Shapiro (2008:3) states that both 'monitoring' and 'evaluation' can assist an organisation/government to learn from what is being done, and how it is being done by focusing on:

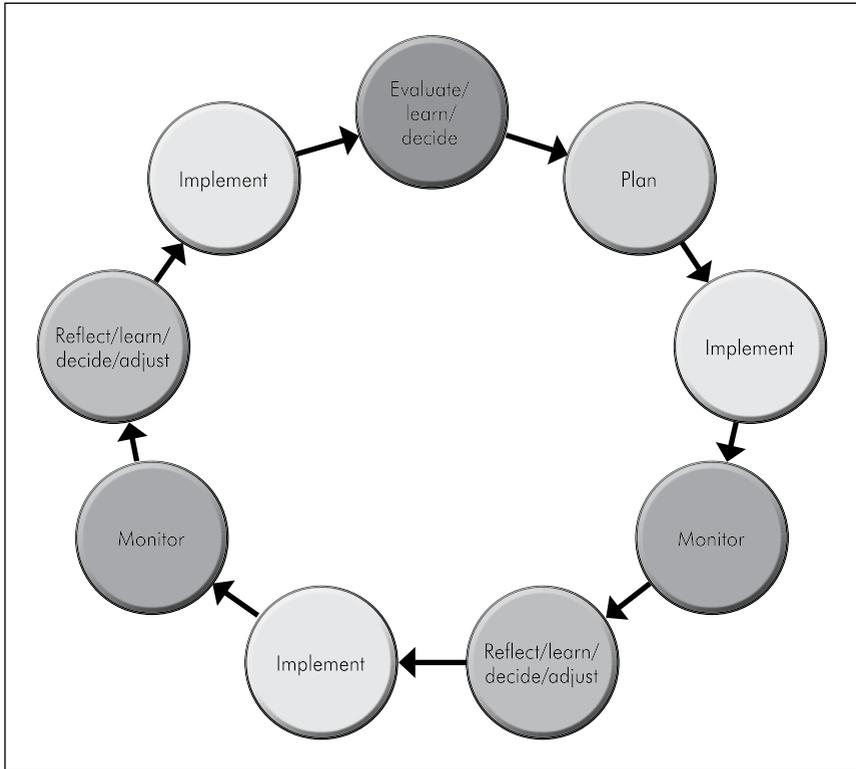
- Efficiency – assist in informing that input (for example, money, time, staff, equipment and other resources) is appropriate in terms of the output;
- Effectiveness – helps to measure the extent to which a development programme achieved the objectives that were set; and
- Impact – identifies whether the programme made a difference to the problem that needed to be addressed.

According to Shapiro (2008:5), M&E can help organisations to identify whether or not they are making a difference, because by way of M&E, an organisation can review progress; identify problems in planning or implementation; and make adjustments when necessary. Shapiro (2008:5) further states that M&E is not a "quick fix mechanism" that can make problems disappear without any hard work being put into it, nor is it a solution to a problem. According to Shapiro (2008:5), M&E is in fact "...valuable tools that can help an organisation to identify problems and their causes; suggest possible solutions to problems; raise questions about assumptions and strategy; push organisations to reflect on where they are going, and how they will get there; provide organisations with relevant information and insight; and increase the likelihood of a positive development difference".

Shapiro (2008:5) further states that the process of M&E is an ongoing cycle that commences with the evaluation of an existing project/programme. The process, as depicted in Figure 6, involves reflecting, learning and adjusting. Figure 6 also describes the repetitive nature of constant implementing, monitoring and reflecting.

M&E also contributes to sound governance. Mackay (2007:9) points out that M&E has the ability to provide information about government performance in terms

Figure 6: Monitoring and evaluation cycle



Source (Shapiro 2008:6)

of policies, programmes and projects, individual ministries, agencies, managers and their staff. M&E also provides a vital feature by informing government about effectiveness and ineffectiveness, as well as reasons for ineffectiveness.

According to Mackay (2007:9–10), M&E information can be useful for governments in different ways:

- To support policy-making, especially budget decision-making, performance budgeting and national planning;
- To help government ministries in their policy development and analysis work, as well as programme development;
- To help government ministries and agencies to manage activities at sector, programme and project levels (including government service delivery and management of staff); and
- To enhance transparency and support accountability relationships between government and parliament, civil society, sector ministries and donors with

regard to revealing the extent to which government has achieved its desired objectives.

Kusek and Rist (2001:17–19) provide common challenges that developing countries experience when developing M&E systems, namely:

- Government's failure to link performance to a public expenditure framework or strategy;
- Government being loosely interconnected with a lack of strong administrative cultures, as well as functioning without the discipline of transparent financial systems; and
- Developed countries that usually undertake a medium-term plan to guide their government priorities. Developing countries experience difficulties in doing the same owing to a lack of political will, a weak central agency and a lack of capacity in planning and analysis.

RESEARCH APPROACH

Semi-structured interviews and official document review methods were adopted. Official documents such as the ECP Consolidated Reports on Municipal Performance for 2007/2008–2009/2010 were reviewed. The 2011 report had not been released to the public during the data collection period.

Participants from the ECDLGTA were neglected. After analysing reports on the performance of municipalities, preliminary questions were formulated based on the current performance of municipalities in order to explore why the municipalities were not performing effectively.

Face-to-face interviews were conducted with representatives from the department of ECDLGTA, specifically relevant directorate officials who were responsible for local government monitoring and support. The interviews also included three officials who were directly responsible for the monitoring and evaluation of municipalities in the ECP.

The interviews were conducted in Xhosa and English, and took place at the ECDLGTA offices in Bisho (ECP). An interpreter was employed to ensure that the interviewees understood the questions, which were posed in English. A recorder was also utilised to record the interviews.

FINDINGS

Qualitative analysis of the results that emerged from the above methods was conducted, and the following findings were formulated:

- The study revealed that whilst the Constitution of 1996 provides for monitoring of local government by provincial government, a conflict exists between the two spheres, which results in municipalities not following through on advice, which is given by the provincial government, whilst also with-holding vital information.
- Municipalities are unclear about the role of provincial government in monitoring and evaluation.
- Legislation has no punitive measures for administrative non-compliance by municipalities.
- The ECP does not possess adequate and skilled staff to monitor municipalities effectively.
- Due to the ECP's past and rural nature, it is difficult for municipalities to attract and retain young and skilled staff.
- The ECP does not have a specific M&E system in place to monitor municipalities, but they do have measures that assist them to fulfil their monitoring mandate, as outlined in the Constitution (1996). One of these is the outcomes-based system, which was developed by the Ministry of Performance, Monitoring and Evaluation.
- The GWM&ES has not been fully implemented in provincial and local government.
- The ECP does not always attend to municipal needs effectively owing to the municipalities being dispersed.
- No monitoring and evaluation systems in municipalities exist to facilitate the monitoring of municipal programmes. Municipalities only monitor the performance of their staff and not the programmes.
- The use of service providers by municipalities to compile Integrated Development Plans (IDPs) causes non-correlation between municipal reports and IDPs, which in turn hinders effective monitoring.
- The ECP has established monitoring measures for municipalities, but no evaluation systems exist for municipalities or their programmes.

CONCLUDING REMARKS

The provincial sphere of government in the ECP should directly monitor all municipal programmes. The misunderstanding of the role that the province is mandated to play in municipalities, and the miscommunication between the provincial and local government creates the issue of accountability for the poor performances of municipalities. The notion of “interdependent, and interrelated” government spheres should be clarified, because “interdependent” means that the local sphere has the constitutional right to seek assistance from provincial

and national spheres of government, whilst national and provincial governments are obligated to support and strengthen the capacity of municipalities to manage their own affairs, exercise their powers and perform their functions. Interrelated refers to the duty of each sphere to cooperate with others in good faith for the greater good of the country. Therefore, the provincial sphere should act in good faith when dealing with local government, and must be open and transparent at all times with regard to possible or emerging problems. It will be beneficial for provincial and local government (municipalities) to arrange joint workshops that will educate both provincial and municipal employees on monitoring and evaluation in government; how it affects them, and what it will contribute to effective and efficient service delivery. The legislation that forms the basis for municipal monitoring should be reviewed at every opportunity. Evaluation mechanisms (feedback) should be developed, as there is no point in achieving successful monitoring alone without testing to ascertain if the remedies that are proposed are implemented, and, if so, whether or not they are successful.

Most African countries such as South Africa lack skills and well trained staff that have the ability to operate or follow M&E systems. Since there are no adequate or skilled staff in the provincial government to conduct proper monitoring of municipalities, the provincial government should enrol existing staff in training courses.

The provincial government is mandated to be involved in municipal IDP processes and development, and with effective involvement, the provincial government should be able to identify any irregularities in municipal IDPs so that the issue of non-compliance can be remedied from the start. Furthermore, evaluations of municipalities are also important, as there is no point in collecting performance information and not utilising the information to improve municipal performance. Overall, the lack of M&E capacity; financial and human resources; and administrative will to improve governance are the core factors, which lead to the ineffective monitoring, as well as poor performances of municipalities.

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Assessment of the Effectiveness of the Infrastructure Development Portfolio Committee in the Gauteng Provincial Legislature

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ABSTRACT

The article assesses the level of goal achievement by the Gauteng Provincial Legislature Infrastructure Development Portfolio Committee (GPL IDPC). It also outlines reasons behind the identified level of performance and suggests areas of improvement for this Portfolio Committee that was established during the fourth legislative term in the 2009/10 financial year.

The research findings revealed that the GPL IDPC achieved 61% of its targets over the four financial years (2009/10–2012/13). Research findings also revealed a number of factors that influenced this level of performance, such as capacity issues for both Members of the Provincial Legislature (MPLs) and staff, more effective identification and involvement of stakeholders, and the congested programme of the institution. These issues need to be addressed at the institutional level in order to improve the current level of goal achievement of the GPL IDPC. However, there are also issues that can be addressed at the committee level. These include engaging in law-making discussions, providing feedback systematically to stakeholders on a regular basis, as well as gathering more independent information for verification purposes.

INTRODUCTION

The *Constitution of the Republic of South Africa* (1996) requires the executive branch of government to account to the public through the national parliament

and provincial legislatures. It is against this background that most, if not all, legislatures across the world, including South Africa, have formed various specialist committees to hold the executive accountable. In most cases, the three commonly known mandates of legislatures (law-making, oversight and scrutiny, and public participation) are carried out at committee level (Mle and Qwase 2010:404). These mandates entail the following:

- Oversight and scrutiny: Legislatures are charged with a responsibility to oversee the work of the executive (government departments) and hold it to account.
- Law-making: The responsibility of legislatures is to enact laws.
- Public participation: The responsibility of legislatures is to facilitate public involvement in government decision-making processes (Gauteng Provincial Legislature 2014).

This article seeks to document findings of research that was conducted to assess the effectiveness of the GPL IDPC. The research aimed to find out which challenges are applicable to the GPL IDPC, to what extent and how these challenges affect the progress towards the achievement of set goals/objectives and suggested improvements to be made. Thus, the following three research objectives were the main focus of the research:

- to assess the level of goal achievement by the Portfolio Committee;
- to identify and assess the main factors that contributed to sufficient or insufficient progress; and
- to recommend ways of improving progress towards goal achievement.

A BRIEF OVERVIEW OF ROLES PLAYED BY PROVINCIAL LEGISLATURE COMMITTEES

Committees can make use of a number of oversight methods to oversee the work of the executive. These methods are classified into house-based and field-based oversight methods (Rapoo 2003:3). House-based oversight includes for example when the department meets with a committee to answer questions, and submit reports (e.g. annual and quarterly reports and Annual Performance Plans (APPs), etc.) in a committee room either within or outside the legislature premises. The main point here is that oversight work is done in house making use of various reports and submissions. Alternatively, a committee might decide to visit projects being implemented by a department, and this would be an example of a field-based oversight method (Rapoo 2003).

Rapoo (2003) points out that the results of a deep-stick study that he conducted across the nine South African provinces show an overreliance on

house-based oversight methods. He indicates that the executive has more expertise and financial resources that are incomparable to those found in the legislatures and committees. This points to an imbalance of resources between the executive and legislatures, which should be corrected to enable legislatures to execute their constitutional mandate effectively. According to Marleau and Montpetit (2000), in more advanced legislatures it is common to find 10 or more support staff serving on a single committee. However, this is not the case with most of the legislatures across the world as inadequate staffing, funding and lack of expertise are usually mentioned as some of the factors that make the work (law-making, oversight, and public participation) of most committees difficult (Marleau and Montpetit 2000).

Insufficient capacity in terms of numbers and skills forces committees to make use of house-based oversight methods, as opposed to field-based methods which require more resources. Field-based methods are desirable and considered credible, because they generate first-hand information. This is unlike secondary data, which might not be an accurate representation of facts on the ground, depending on what the original researcher intended to achieve (Bamberger, Rugh and Mabry 2006:109).

Motlanthe (2013 Internet Source) shares Marleau and Montpetit's (2000)'s sentiment with regard to the importance of a strong administrative support staff. He indicates that *"improving the institutional capacity of legislatures in the area of human resources especially maximising the existing research capacity [is crucial as this will] strengthen the legislatures' ability to conduct in-depth investigations and... help to enhance [their] ability to exercise authority independently and.... thereby enabling... [them] to make more meaningful contributions"* Motlanthe (2013 Internet Source).

A committee could also be weakened in terms of oversight and law-making if its political members do not have appropriate skills to engage the executive (Rapoo 2003:14). According to Motlanthe (2013 Internet Source) *"MPs who were skilled and well-informed were better able to fulfil their duties and responsibilities as public representatives, and were more proactive in lobbying, networking, and interacting with various sectors"*.

According to the Open Society Foundation (2006:3), another complication that is experienced by the South African legislative sector is that chairpersons of committees and the executive, e.g. the Minister or Member of the Executive Council (MEC), are usually from the same political party. In the view of the Open Society Foundation (2006), the above fact makes oversight complicated unless both the executive and the legislative arm are clear on their mandates, which is usually not the case. The *Constitution of the Republic of South Africa* (1996) clearly stipulates that the executive is charged with the responsibility of implementing policies whereas legislatures are required to oversee the

implementation of those policies by the executive. According to Rapoo (2003:4) South Africa's system of government at the provincial level emulates the British Westminster system of parliamentary government, whereby *"the government leadership within the executive has tended to dominate the legislature, including controlling government business within the legislature"*. This situation in most cases makes it difficult for chairpersons of committees to fully interrogate MECs who usually occupy higher ranks in the political party; and this compromises the oversight function of legislatures (Rapoo 2003).

The Open Society Foundation (2006:18) indicates that the effectiveness of a committee can be enhanced through continuity of tenure for political members that would have made it into the subsequent term. However, while reshuffling of political leaders is sometimes good as it helps get rid of incompetence in the system; if done improperly it could have serious negative repercussions in terms of service delivery. The situation could be exacerbated if a new person had to learn everything from scratch before starting to do the actual work (Open Society Foundation 2006).

Moving on to the public participation mandate; Muntingh (2012) indicates that its present state is chiefly focused on law-making and is minimal regarding the accountability and oversight mandate of parliaments. Nonetheless, Nyembezi and Waterhouse (2012) are of the view that there is very limited public participation in both processes, i.e. law-making and oversight. They argue that ordinary people play a very limited role in the development of policies that affect them, since this is done by a few privileged people such as the educated and politicians.

As indicated above parliaments or legislatures have three main functions or classical mandates, namely law-making, oversight, and representation (Mle and Qwase 2010). Nonetheless, other legislatures such as the GPL have a fourth mandate known as cooperative governance. According to the World Bank (2013 Internet Source) governance refers to the way in which authority is exercised through a country's political, economic, and social institutions. Making use of this definition: cooperative governance as a mandate of the GPL, means exercising of power by the institution in a supportive manner to the other organs of the State. Consequently the principal aim of cooperative governance is coordination of efforts among the various organs of the State for the benefit of the people of South Africa (Gauteng Provincial Legislature 2014:88). The fact that cooperative governance is not one of the classical mandates of legislatures makes information regarding the subject limited.

In South Africa, there is a lack of information regarding the effectiveness of parliaments in executing the mandates discussed above. This is mainly because the concept of Monitoring and Evaluation (M&E) in the government or public sector is still in its infancy. The main reason being that the Government Wide

Monitoring and Evaluation System (GWM&ES) that provides high-level direction for M&E in South Africa was only approved by cabinet in 2005 (Presidency 2011).

It is against this background that this article seeks to document findings of a research that was conducted to assess the effectiveness of the GPL IDPC. The study aimed to investigate whether the abovementioned challenges are also applicable to the GPL IDPC, to what extent, how the challenges affect progress towards the achievement of set goals/objectives and suggest improvements to be made. As already mentioned in the introduction, this translates into the following three research objectives:

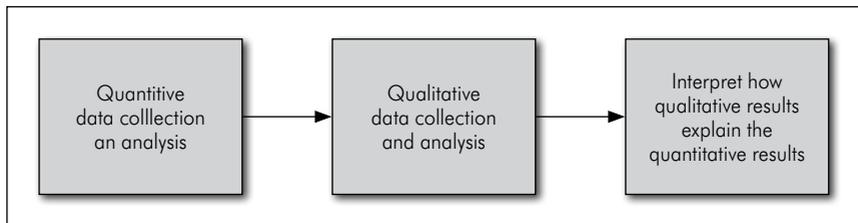
- to assess the level of goal achievement by the Portfolio Committee;
- to identify and assess the main factors that contributed to sufficient or insufficient progress; and
- to recommend ways of improving progress towards goal achievement.

RESEARCH METHODOLOGY

The study adopted a mixed methods approach whereby both qualitative and quantitative data was collected, analysed, and assessed within a broader qualitative research design. Qualitative findings were used to help clarify the quantitative results (Ivankova, Creswell and Clark 2011 in Maree 2011:266). This means that quantitative data was collected and analysed first. It was only after this stage that qualitative data was collected and analysed; refer to Figure 1.

Quantitative data was obtained from official documents. According to Nieuwenhuis (2011 in Maree 2011:82), generally in terms of documents, *“primary sources are data that is unpublished...and which the researcher has gathered from the participants or organisations directly e.g. reports [and] correspondences”*. This is different from secondary sources, i.e. books or articles that are based on previously published material.

Figure 1: A sequential flow of the quantitative and qualitative phases of data collection and analysis



Source: Drawn by author from Ivankova, Creswell, and Clark 2011 in Maree 2011:266.

Documents that were used included unpublished Portfolio Committee's strategic and business plans, annual performance reports, and oversight reports that the author gathered directly from the GPL. The 2009/10, 2010/11, 2011/12, and 2012/13 business plans formed part of the study, but the 2013/14 business plan did not because the research was concluded in the middle of the last financial year of the fourth legislature. The percentage of targets met for each of the four financial years was obtained from the respective committee business plans and performance reports. Microsoft Office Excel was used to analyse information from these documents. This information responds to the first objective of the study, i.e. assessing or measuring the level of goal achievement by the Portfolio Committee.

Semi-structured interviews were used to collect qualitative data. Stratified purposive sampling was used to select participants, whereby they were selected according to preselected criteria that were relevant to the study (Nieuwenhuis 2011 in Maree 2011:79). Ten participants were purposefully chosen based on the criteria of range (e.g. covering various stakeholders) and reputational leaders (people with useful information concerning the study) (Bamberger, Rugh, and Mabry 2006). The following groups of people were interviewed:

- Two MPLs from the Portfolio Committee (one from the ruling party and another from the opposition).
- Four representatives from the GPL. Three from the Speaker's office, and one from the Secretary to the Legislature's office.
- Three representatives from the Department of Infrastructure Development (DID). Two from the office of the Head of Department (HOD) and one from the office of the MEC.
- One stakeholder with a better understanding of the two main programmes of DID, i.e. Public Works and the Expanded Public Works Programme.

Recorded data was transcribed. Transcripts and detailed notes were thematically content-analysed using atlas-ti. Data was analysed concurrently with data collection and this enabled the identification and addressing of information/data gaps as early as possible. This also allowed for the theoretical saturation of data which is defined as *"the point in data collection when new data no longer brings additional insights to the research question"* (Nieuwenhuis 2011 in Maree 2011:79). This qualitative information responds to the second and third objectives of the study, which are identifying and assessing the main factors that contributed to sufficient or insufficient progress and finding ways of improving progress towards goal achievement respectively.

To ensure trustworthiness of findings, multiple data sources (e.g. Portfolio Committee business plans, oversight reports, performance reports, and key informants) were employed for triangulation or crystallisation purposes,

i.e. deeper understanding of a phenomenon (Nieuwenhuis 2011 in Maree 2011:81). To enhance the credibility of findings, fellow researchers assisted with the interpretation of data in a peer review session (Nieuwenhuis 2011 in Maree 2011:80). Data and its interpretations were also validated through a process whereby copies of a draft report were distributed, for endorsement, to participants/groups of people who were surveyed (Nieuwenhuis 2011 in Maree 2011:114). This process further enhanced the credibility of the research findings.

For the purposes of this article, goal achievement or effectiveness is measured in terms of whether the Portfolio Committee achieved what it indicated in the business plans and according to the perceptions of key informants.

AN OVERVIEW OF THE GPL IDPC

The Gauteng Provincial Legislature Infrastructure Development Portfolio Committee was established in the 2009/10 financial year following the separation of the Department of Public Transport, Roads and Public Works into two separate departments, namely the Department of Roads and Transport and DID.

During the fourth legislature, the GPL IDPC was made up of nine MPLs from five political parties. Four MPLs, including the chairperson of the Portfolio Committee were from the African National Congress (ANC). Two MPLs were from the Democratic Alliance (DA), and one each from the Congress of the People (COPE), Inkatha Freedom Party (IFP) and Freedom Front Plus (FF+).

The Portfolio Committee had two fulltime support staff from the Committees Support Unit (a Committee Administrator and a Committee Coordinator). The Portfolio Committee also had a fulltime researcher from the Research Unit. Other administrative units that supported the Portfolio Committee on a regular basis, but with no dedicated fulltime staff include the Information Centre, Communications, Documents and Services, Hansard (recording, transcribing, and translation services), Public Participation and Petitions, the National Council of Provinces (NCOP) and Legal.

The goals of the GPL IDPC for the fourth legislature were as follows:

- improved accountability by the executive to the Legislature in respect of service delivery;
- increased involvement of the people of Gauteng in the business of their Legislature;
- improved quality of laws passed that are responsive to the needs of the people of Gauteng; and
- strengthened GPL role in fostering cooperative governance (Gauteng Provincial Legislature (GPL IDPC) Business Plan 2009:2).

The GPL IDPC oversees the work of the Gauteng DID and any other work that is infrastructure development related within the province. The DID facilitates service delivery through the development, construction, and management of public infrastructure in the province, with the aim of creating decent jobs and promoting a better life for the citizenry of Gauteng (Gauteng Provincial Government 2012:581). The next section focuses on the level of achievement of the GPL IDPC in terms of the four goals stated above.

RESEARCH FINDINGS

This section presents findings and assessments from the quantitative and qualitative phases of the study. The next section focuses on the level of achievement of the GPL IDPC in terms of the four goals stated above.

Overall performance trends over the four year period

In the 2009/10 financial year, the Portfolio Committee had the following 14 targets:

- one committee oversight report on the departmental budget;
- one committee oversight report on the departmental annual report;
- two committee oversight reports on the departmental quarterlies;
- two Focused Intervention Studies² (FIS);
- one resolutions³ report;
- public participation during the budget process;
- public participation during the annual report process;
- public participation during the two quarterly report processes;
- public participation during the two FIS processes;
- provincial Bills initiated by the executive processed by the Portfolio Committee;
- NCOP/national Bills processed by the Portfolio Committee;
- laws initiated by MPLs or the Portfolio Committee;
- identification of stakeholders by the Portfolio Committee; and
- an updated Portfolio Committee stakeholder database (Gauteng Provincial Legislature 2009).

The first five targets are related to the oversight and scrutiny mandate; followed by four, three and two public participation, law-making and cooperative governance targets respectively.

It is important to indicate from the outset that some of these targets are vague. A target such as identification of stakeholders is not a target in actual

fact, but an activity. However, it should be noted that it is beyond the scope of this article to analyse the above targets, but to provide an assessment of whether the Portfolio Committee achieved what it had set out to achieve or not.

Of those 14 targets, seven were achieved, which translates to a 50% achievement. This average achievement is a result of the Portfolio Committee's poor performance in the areas of public participation (25% achievement) and law-making (0% achievement). The zero percent achievement with regards to the law-making mandate means that the Portfolio Committee did not process any provincial or national Bill and neither did it initiate any law. However, the Portfolio Committee performed well in the areas of oversight and scrutiny (80%) and cooperative governance (100%).

In the following financial year i.e. 2010/11, the Portfolio Committee increased its targets to 20. In addition to the 14 targets above, the following six were added:

- one micro prioritisation⁴;
- one committee inquiry⁵;
- one Bua Le Sechaba⁶;
- two Portfolio Committee meetings held outside the Legislature;
- one stakeholder relations workshop; and
- one international conference (Gauteng Provincial Legislature 2010)

The first two targets are oversight and scrutiny related and the following two are public participation targets whereas the last two are cooperative governance related.

Of the 20 targets, 12 (60%) were achieved. As in the 2009/10 financial year; fewer public participation (three out of six = 50%) and law-making (zero out of three = 0%) targets were reached. On the other hand, the Portfolio Committee reached a substantial number of oversight and scrutiny (five out of seven = 71%) and cooperative governance (four out of four = 100%) targets.

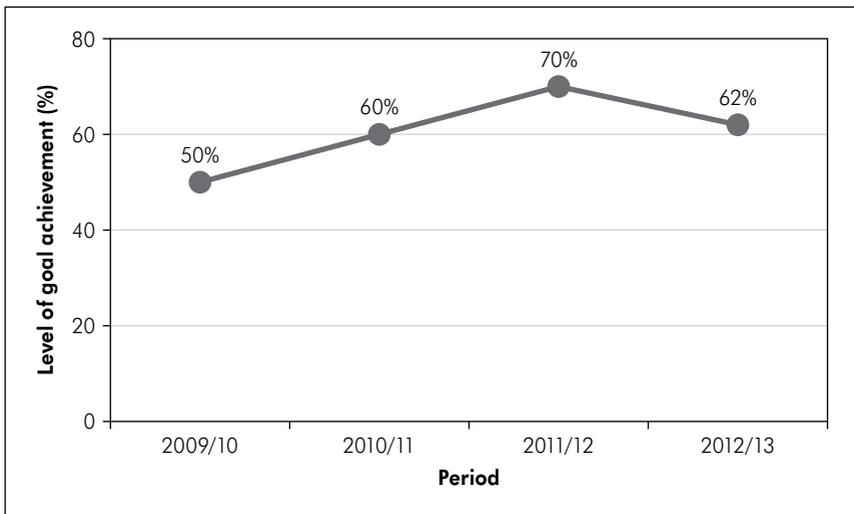
Another improvement is evident in the subsequent financial year, i.e. 2011/12, where 14 out of 20 targets were achieved, representing a 70% achievement. It should be noted that targets for the 2011/12 financial year were similar to those of the previous financial year except that the international conference target under cooperative governance was replaced with one inter-legislature study visit (Gauteng Provincial Legislature 2011). In the 2011/12 financial year the targets for law-making pulled the Portfolio Committee down, because none of the targets was achieved. On the other hand five out of seven oversight and scrutiny targets (71%) were achieved. Five out of six (83%) public participation targets were achieved, and all four cooperative governance targets were achieved.

Although achievement for the 2012/13 financial year is still above 50%, it should be noted that performance fell in comparison to the previous financial

years. Targets for the 2012/13 financial year were similar to those of the previous financial years with the following exceptions under the cooperative governance mandate: The inter-legislature study visit was replaced with an international study tour and one additional target was added i.e. participation in a local conference (Gauteng Provincial Legislature 2012). For the financial year in question, 13 out of 21 targets (62%) were achieved. In the same financial year, no law-making and 57% oversight and scrutiny targets were met. On the other hand, 83% of public participation and 80% cooperative governance targets were achieved.

It is, therefore, clear that the Portfolio Committee's performance rose steadily from 50% to 60% to 70% in the 2009/10, 2010/11 and 2011/12 financial years respectively. During the first two financial years, one could argue that the Portfolio Committee was still new, hence the average performance. In the third financial year, performance continued to increase because the Portfolio Committee was now established. However, during the fourth financial year, i.e. 2012/13, performance dropped to 62%. This is mainly because resolutions for the 2012/13 financial year were not considered, and the Portfolio Committee did not participate in a local conference. More information about these two items, i.e. resolutions and participation in a local conference will be provided below. Refer to Figure 2 for the Portfolio Committee's performance for the four years 2009/10 to 2012/13.

Figure 2: Level of goal achievement by the Portfolio Committee over a four-year period 2009/10 to 2012/13



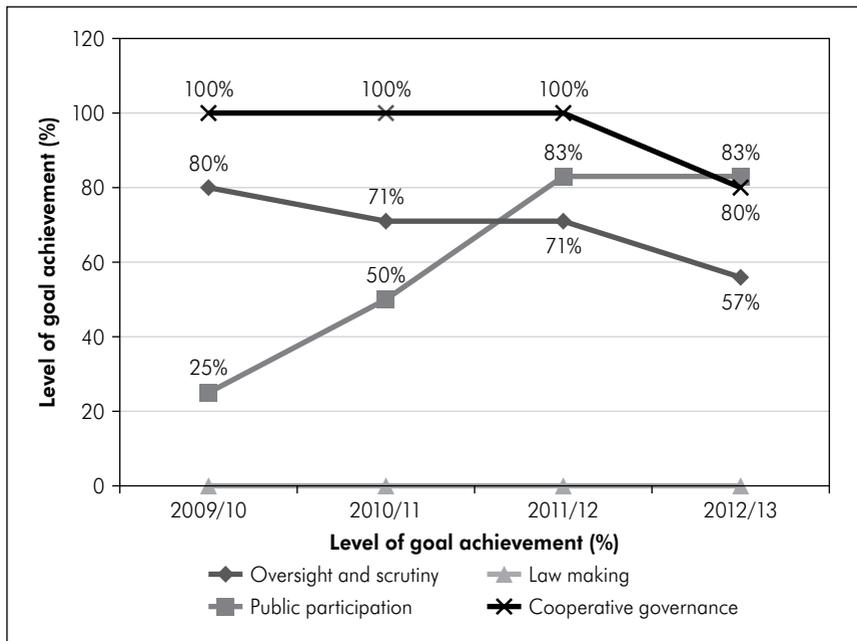
Source: (Authors)

When perusing the information presented above, it is important to observe that overall, the Portfolio Committee achieved 61% of its targets over a period of four years. In other words, goal achievement stands at 61% for the four-year period that was studied. The qualitative part of the study highlighted that this is a fair achievement in light of the fact that the Portfolio Committee and DID had been in existence for four years only; hence relatively new compared to other committees and departments such as Education and Health that were established in 1994. Participants of the qualitative part of the study were of the view that other committees, although they did not form part of the study, achieved well below 50% of their targets, while others achieved almost all their targets in the period under review. This suggests that although the Portfolio Committee performed relatively well, there is still room for improvement.

Performance trends per mandate/goal over the four year period

It is also vital to analyse information presented above from the perspective of the four strategic goals of the Portfolio Committee, refer to Figure 3.

Figure 3: Performance per strategic goal of the Portfolio Committee from 2009/10 to 2012/13



Source: (Authors)

Improved accountability by the executive (oversight and scrutiny)

The Portfolio Committee achieved on average 69% of its oversight and scrutiny targets over the four-year period. It is interesting to note that performance decreased as the number of targets increased over the years. In the 2009/10 financial year, 80% of the targets were achieved. In the following two financial years 71% of the targets were met, and performance fell to 57% in the 2012/13 financial year, refer to Figure 3. Performance decreased because the Portfolio Committee introduced targets such as micro prioritisation and committee inquiry, which were never achieved. In the 2012/13 financial year, performance fell even further, because the Portfolio Committee did not produce a resolutions report. Reasons for this level of performance are discussed below.

Respondents aired their views with regard to possible reasons behind the 69% achievement of oversight and scrutiny targets. Some of the reasons include changes in the executive leadership, the GPL's congested programme and poor understanding by MPLs of what oversight and scrutiny entail.

As indicated above, oversight activities such as micro prioritisation, committee inquiries, and resolutions tracking were not done. With regard to micro prioritisation, respondents indicated that there was/is no political will to drive it. Concerning the committee inquiries, respondents cited insufficient time and skills as reasons for not conducting the inquiry. On the issue of not dealing with resolutions in some of the financial years, respondents apportioned the blame to both the GPL and the executive. In respect of the GPL, respondents cited internal referral systems to deal with departmental submissions as weak, and the absence of pro-activeness of individual committees when it comes to resolutions. The executive was blamed for not responding to resolutions that would have been sent by the Portfolio Committee through the House. One of the respondents took the discussion further to indicate that it is not just about the department responding to resolutions of a committee, and a committee dealing with those resolutions, but also about the quality of the responses, which committees currently do not have full control over. Nonetheless, it is vital to emphasise the point that committees have full control over responses provided by the executive, but the question is whether committees want to use their powers fully or not; and it is beyond the scope of this article to tackle this huge subject.

Improved quality of laws passed that are responsive to the needs of the people of Gauteng (law-making)

It is clear from Figure 3 that over the four years the Portfolio Committee achieved nothing in terms of law-making. As indicated above under the oversight section, capacity and time constraints were mentioned by some respondents as hindrances to law-making.

Although the Portfolio Committee did not receive any national or provincial Bills to work on, it should be noted that members of the Portfolio Committee did not initiate any law during the four-year period. People who were interviewed for the qualitative part of the study provided various explanations, but the main one being that it was and still is beyond the work of the Portfolio Committee at provincial level i.e. it's not a provincial competency.

These respondents spoke referring mainly to Schedule 5 of the *Constitution of the Republic of South Africa* (1996), which says functional areas of exclusive provincial legislative competence include “abattoirs, ambulance services, archives other than national archives, libraries other than national libraries, liquor licences, museums other than national museums, provincial planning, provincial cultural matters, provincial recreation and amenities, provincial sport, provincial roads and traffic, veterinary services, excluding regulation of the profession”. It is clear that the list does not have anything on infrastructure development, and, therefore, from this perspective one can argue that there is not much the province can do in terms of law-making as far as infrastructure development is concerned.

There was one respondent who indicated that the Portfolio Committee did not make or introduce any law because it is not in its purview, but that of the executive and private/ individual members. Nonetheless, it should be noted that according to Section 119 of the *Constitution of the Republic of South Africa* (1996) this is not correct: The section clearly stipulates that “*Only members of the Executive Council of a province or a committee or member of a provincial legislature may introduce a Bill in the legislature; but only the member of the Executive Council who is responsible for financial matters in the province may introduce a money Bill in the legislature*”. It is clear from this section of the Constitution that committees can also introduce laws.

However, there are some respondents who admitted that although most of the laws that affect DID are made nationally, the province was supposed to be proactive and make recommendations to the National Assembly as per Section 104(5) of the *Constitution of the Republic of South Africa* (1996), which stipulates that “*A provincial legislature may recommend to the National Assembly legislation concerning any matter outside the authority of that legislature, or in respect of which an Act of parliament prevails over a provincial law*”.

Increased involvement of the people of Gauteng in the business of their legislature (public participation)

On average, the Portfolio Committee achieved 64% of its public participation targets over the four years. Public participation targets achieved increased from 25% to 50% to 83% in the 2009/10, 2010/11 and 2011/12 financial years respectively. Performance remains at 83% in the 2012/13 financial year (refer to Figure 3). Documents analysed indicate that the Portfolio Committee was still identifying relevant stakeholders to involve in its business; hence their limited

involvement during the infancy years of the Portfolio Committee. Involvement of the public/stakeholders increased sharply during the 2011/12 financial year because the Portfolio Committee had been established.

It is worth noting that quite a number (seven out of 10 = 70%) of the interviewees were in support of what is documented regarding public participation. Respondents believed that public participation is not being implemented properly because people are not given a sufficient platform to air their views, which leads to social instability.

Although there were respondents of the view that the GPL, and the Portfolio Committee in particular, are doing well in terms of public participation, most of the respondents indicated that more work in this area still needed to be done. These respondents put forward a number of reasons why public participation is not yet at the expected level. These include inappropriate materials used during engagement sessions with the public; insufficient guidance provided by the political leadership; disbandment of good public participation structures such as Community Development Forums (CDFs); and poor databases.

Strengthened Gauteng Provincial Legislature role in fostering cooperative governance

The Portfolio Committee achieved most of its targets in the area of cooperative governance at an average of 93% over the four years. It should be noted that all targets for the first three years were met. In the 2012/13 financial year only one target, i.e. participating in a local conference, was not met; refer to Figure 3 above. It is vital to indicate that although attending a conference might not be a good measure of cooperative governance, it formed part of this study because it was one of the key performance areas of the Portfolio Committee. In simple terms, cooperative governance entails the GPL working harmoniously with the other organs of the State such as Institutions Supporting Democracy (ISDs) and the legislative sector for the good of the people of South Africa, and this is less likely to be achieved through attending any infrastructure development related conference. This goal is more likely to be achieved, for example, through the GPL conducting joint oversight work with its counterpart committees at local and national levels.

Unlike the other three mandates i.e. law-making, oversight, and public participation, which are common even in literature, cooperative governance, as a mandate, is not very common. In the GPL, it was only introduced during the fourth legislature. As a result, not much has been done thus far.

As indicated above, all cooperative governance targets were met, save for one, i.e. conference attendance. However, respondents indicated that attending conferences should not be done for the sake of just doing it, but should yield positive results. The Portfolio Committee has to attend conferences that respond to the mandate of the DID. However, conferences that focus on one

government department building and maintaining infrastructure on behalf of other departments are hard to come by. In most cases infrastructure conferences or engagements are on economic infrastructure, such as roads, bridges and sewage, and very few on social infrastructures such as building and maintaining of state hospitals and schools—the latter being the mandate of the DID.

RECOMMENDED AREAS FOR IMPROVEMENT

Strengthen fieldwork approaches

To strengthen the oversight function of the Portfolio Committee, respondents indicated that there is a need for committees to move away from house-based oversight methodologies to field-based methodologies that allow for independent verification of information. Field-based methodologies include doing FISS, regular field visits, both announced and unannounced, and researchers going into the field to gather primary data.

Increasing the capacity of MPLs and administrators

First and foremost, MPLs should be placed in committees where they can add value in terms of relevant skills. An effort should be made to identify an individual's strengths, which is not the main focus at the moment, rather than making placements informed by other issues such as political party dynamics. Once this happens, improving the skills of MPLs should be done on an ongoing basis by them attending relevant courses/training.

With regard to administrators, a culture of learning and advancing skills should be promoted in the institution. Upgrading of skills should be incentivised. It is also recommended that the institution should do a skills/competence audit, and prioritise mending weak areas.

The institution should be clear on what impacts it wants to achieve, and then link those retrogressively to outcomes, outputs, activities, and inputs. In this case, inputs include the human capital (skills and numbers, i.e. quality and quantity). Once these are linked and synchronised, there is a better chance of achieving goals. The institution also needs to capacitate committees to improve in the area of goals, objectives, indicators and targets formulation.

Continuity of MPLs and MECs

As indicated in literature, there are some respondents who believe that the lack of continuity of the political leadership can negatively affect the achievement of goals. This is because new members might require learning the systems first before doing the actual work. This slows progress tremendously. Respondents recommended that in addition to making content and skills-based placements,

MPLs and MECs who make it into subsequent administrative terms should remain in the committees or departments they served during the previous term(s), and be moved only in situations where it is unavoidable, or where greater value is likely to be derived from the move. This means a cost benefit analysis has to be done before any movement/swapping is done. Where costs outweigh benefits, it is recommended that the movement/swapping should not take place.

Systematic performance assessments for MECs and chairpersons

On the issue of MECs and chairpersons supporting the same political party, most of the interviewees indicated that this has no effect on oversight and other mandates of the legislature. Respondents further indicated that a reasonably good relationship exists between the GPL and the executive, because the MECs and chairpersons are from the same political party. Nonetheless, some respondents indicated that this is not a good practice as evidenced in the area of resolutions management where committees at times put up with poor responses because of this type of an arrangement. If this practice of having MECs and chairpersons coming from the same political party is to be retained, it is recommended that service delivery results in the form of outputs, outcomes and impacts should be monitored and evaluated systematically; and both (chairpersons and MECs) should be held to account for the identified results.

Enhancing the working relationship between the Portfolio Committee and the executive

For the Portfolio Committee to understand fully how the executive operates, and vice versa, it is necessary for these parties to interact at an advanced level. This can be achieved through exchange programmes, i.e. the Portfolio Committee going to the executive, especially during the beginning of the term in order to learn and observe how the executive is run. This is done with the intention of understanding what the executive refers to as operational and strategic matters, and why. This also applies to the executive, i.e. understanding how the legislature/committee operates, and why certain questions are asked. In addition to doing this at the beginning of the term, it is also necessary to have such sessions regularly. For example, holding a workshop where the department presents its APP to the Portfolio Committee should be mandatory; and in that workshop a discussion on the expectations and roles of the two parties should be facilitated.

There is a need to have an up-to-date categorised stakeholders database in place

In most cases, inappropriate stakeholders attend meetings. This is because the institution does not possess a categorised updated database that reflects

the demographics, socio-economic, and political strata of the province. As a result, it is difficult to get meaningful inputs from stakeholders who attend GPL committee meetings. This means the issue of database(s) should be attended to as a matter of urgency.

Public education materials to be user-friendly

The other area is to simplify the language of public education materials used by the GPL, to make them user-friendly for various groups of people. At the moment, the materials are not suitable for the majority of the people of Gauteng because the language is too complicated for the intended beneficiaries.

Community engagements should be led by MPLs and done systematically and on a regular basis

Respondents also indicated that the institution is very weak in the area of community engagements especially to information or feedback provision concerning the work of committees. Some of the respondents indicated that it is necessary for MPLs to start leading the process of providing information/feedback to communities on a regular basis. This can be done in meetings; implementing the open-door policy; making use of grassroots level political structures, e.g. Parliamentary Constituency Offices and making use of technology such as cell phones. MPLs are encouraged to make use of the social media to interact with communities they represent.

Integration of the four mandates

Integrating the four mandates is an important area that was mentioned by respondents. There is a need to put mechanisms in place that encourage the linking of the four mandates, instead of dealing with each one of them in isolation. This could actually improve the performance of an organisation in all mandates. Such mechanisms include making it compulsory for committees to report on law-making, public participation, and cooperative governance in their oversight processes. The Chairperson of Committees' office is encouraged to introduce mechanisms such as reporting templates to assist and guide committees to report on these four mandates concurrently.

Strengthening the cooperative governance mandate

First and foremost, the institution needs to have a common understanding pertaining to what this mandate entails to inform targets of individual committees. This could be achieved through workshops and seminars, among other means, to unpack the mandate. Once a common understanding is achieved, immediate areas of consideration include integrating the GPL

programme and partnering with relevant structures such as municipalities, the NCOP and ISDs to execute the mandate of the institution in a coordinated and efficient manner.

Improving GPL planning processes

The programme of the legislature is heavily congested, which makes it difficult to perform all the activities with the necessary rigour to produce quality work. This problem is exacerbated by the fact that less time is allocated to committee work. There are situations where MPLs are required to be part of more than one meeting and this leads to cancellation of some meetings, hence the non-achievement of some targets. The institution should, therefore, improve in the area of planning to avoid clashing of activities. It is recommended that the institution should conduct an evaluation of its mechanisms and activities with a view to identifying what to continue doing, stop doing or modify. This will go a long way in decongesting the programme of the institution. Once this is done, priority or more time should be allocated to the business of the House and its committees. In other words, as per the model of the GPL, every institutional activity will then have to be planned around the core of the institution i.e. the House and its committees.

CONCLUSION

The research findings revealed that the GPL IDPC managed to achieve 61% of its targets over the four-year period (2009/10–2012/13). This is a fairly good achievement considering that the Portfolio Committee is relatively new, as it was only established during the fourth legislature. Research findings also revealed that compared to other committees, the GPL IDPC performed far better. However, there are some committees that did even better than the GPL IDPC. Although it was beyond the scope of the study to investigate the performance of other committees in detail, this suggests that there is still room for improvement for the GPL IDPC.

There are quite a number of factors that led to the kind of performance displayed above. These include insufficient capacity; lack of continuity of MPLs and MECs; lack of mechanisms in place to link the four mandates of the institution; and poor planning.

It is interesting to note that a substantial part of the research findings supports the current literature on issues such as capacitating MPLs and the administrative support staff, and that public participation is not yet at the required level. However, on the issue of chairpersons of committees and MECs coming from

the same political party, it is thought-provoking to note that views of most of the study respondents contradict what is documented in literature. Although some of the respondents agreed with literature, the majority held a view that the practice of having chairpersons of committees and MECs coming from the same political party should be retained because of the positive results it brings in terms of service delivery.

Quite a number of ways to improve the performance of the Portfolio Committee were put forward and these include: strengthening fieldwork approaches, capacitation of MPLs and administrators, continuity of tenure of political leadership, strengthening the public participation function, and enhancing the working relationship between the legislature and the executive.

NOTES

- 1 This article is partly based on a Masters dissertation in the Department of Public Management and Governance at the University of Johannesburg under the supervision of Ms S Mavee. Muzenda. E. 2014. *An evaluation of the effectiveness of the Gauteng Provincial Legislature's Infrastructure Development Portfolio Committee*. Unpublished Masters Dissertation, Johannesburg: University of Johannesburg.
- 2 A Focused Intervention Study (FIS) is an in-depth investigation conducted by a committee with regard to a specific area of work of a department.
- 3 Resolutions are decisions that would have been passed in the House for the executive to implement.
- 4 Micro prioritisation is a process for identifying government priorities for the subsequent financial year(s).
- 5 A committee inquiry is an oversight and scrutiny mechanism to hold the government accountable and involves summoning of witnesses and their protection with regard to the information they provide to the legislature.
- 6 Bua le Sechaba is a public participation tool that entails the legislature going to communities to interact with them on various issues including service delivery.

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Contextualising Climate Change

Theoretical Considerations

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ABSTRACT

This article aims to provide a conceptual and theoretical analysis of global warming and climate change as the two biggest environmental and humanitarian crises of our time. It also discusses the anthropogenic and natural causes as the two main causes of global warming and climate change. By doing so, the article seeks to bridge the knowledge gap that exists between the climate change scientist community and the lay people who are most likely to be affected by the effects of climate change and global warming. In order to do so, the article deals with questions such as: What is climate change and what are its main causes? What are greenhouse gas (GhG) emissions and how do greenhouse gases cause global warming, and why should a lay person living in a country such as South Africa be concerned with global warming or climate change? The methodology applied in the article is essentially qualitative and relies on a conceptual and theoretical analysis of available literature. The research found that the GhGs emitted by both natural and anthropogenic activities are behind the dramatic accumulation of CO₂ and other Ozone layer depleting gases. However, the anthropogenic sources have been by far the largest climate change drivers over the past half century. Burning coal to generate energy is the main source of CO₂ emissions. People need to reduce their dependency on coal fired energy production in order to contribute to the global efforts of combatting climate change and its effects.

INTRODUCTION

Climate change or global warming is one of the biggest environmental and humanitarian crises of our era. Climate change is changing our economy and communities in diverse ways. Scientists warn that if we do not aggressively reduce the emissions of the GhGs which are responsible for climate change now, the results will inevitably be catastrophic. *Climate change is the single biggest environmental and humanitarian crisis of our time. The Earth's atmosphere is overloaded with heat-trapping carbon dioxide, which threatens large-scale disruptions in climate with disastrous consequences.* Since the negative effects of climate change affect everyone, the efforts to aggressively reduce the GhG emissions will need cooperation among nations and individuals, irrespective of their level of education, field of study, or economic status. As a result, concepts such as “climate change and global warming have become mainstream topics in many science classrooms” over the past few decades (Raper & Zander 2009:441). The concepts have also recently entered the vocabulary of non-scientists, politicians and ordinary people on the street. The media is also abuzz with concepts such as global warming and climate change and politicians and global leaders are also increasingly using these terms in their rhetoric on a regular basis; yet few lay people understand what these terms mean. Few lay people also know enough about the causes and consequences of climate change and how it will affect their communities (Leiserowitz & Smith 2010b:1). The article attempts to fill the knowledge gap left by climate scientists and to contribute to the current debate on climate change. The article starts by contextualising climate change and global warming concepts. This is followed by a discussion on the causes and effects of climate change and the consequences global warming is having and is likely to keep having on people and other living creatures in the future. It will proceed with the reasons why South Africa should take the issues of global warming seriously and the efforts being made by the South African government to meet its climate change mitigation outcomes by the year 2050. The article concludes with a number of factors influencing South African GhG emissions that should be the main focus for government and everyone in South Africa in order to reduce South Africa's contributions to the global warming problem.

CONTEXTUALISING CLIMATE CHANGE

Recently, according to Leiserowitz & Smith (2010a:8) “global warming and climate change have been getting serious attention in the media”. However, despite increased attention and popularity, terms related to climate science such

as climate change and global warming can be confusing especially if they are used to educate non-climate scientists and lay people. Neither climate science nor its terms such as global warming and climate change are “easily explained in sound bites or brief newspaper articles” in a way that is easily understood by non-climate scientists and lay people (Hassol 2002:4). Confusion comes from the fact that “many well-intentioned reporters are ill equipped” to get the story about global warming and climate change right but “their mistakes are also often perpetuated and propagated by other reporters who use previous articles as source material for new ones” (Hassol 2002:4). As Hassol (2002:4) further argues “most scientists discuss their research in terms that the public cannot easily understand”. They also often use some terms and concepts “that mean different things to a lay audience than they do to scientists” (Hassol 2002:4). For example, as Hassol (2002:4) argues “when scientists speak of *aerosols*, they are referring to tiny atmospheric particles, while an *aerosol* is simply a spray can to a lay person” (Hassel 2002:4). The problem facing climate scientists and social scientists trying to sensitise lay people about climate change and global warming is to simplify the meaning of these terms.

CONCEPTUAL CLARIFICATION

According to Leiserowitz & Smith (2010a:8), “global warming refers to the idea that the world’s average temperature has been increasing over the past 150 years, may continue to increase even more in the future if no action is taken to stop it, and that the world’s climate may change as a result” (Leiserowitz & Smith 2010a:8). However, the most elaborate layman’s definition of the term global warming is perhaps provided by the National Academy of Sciences (2012:1) which states: “*Climate is commonly thought of as the expected weather conditions at a given location over time. People know when they go to New York City in winter, they should take a coat. When they visit the Pacific Northwest, they take an umbrella. Climate can be measured at many geographic scales—for example, cities, countries, or the entire globe—by such statistics as average temperatures, average number of rainy days, and the frequency of droughts. Climate change refers to changes in these statistics over years, decades, or even centuries*”.

Therefore, based on the fact that climate changes force people to take a certain level of precaution to protect themselves from the elements, it can be deduced that ‘global warming is an increase beyond man’s tolerance of the temperature in the atmosphere’ (Akoptaire 2007 in Emetu 2007:1).

According to the National Geographic (2014:1), scientists and non-scientists often use the term “climate change instead of global warming and sometimes

use the two terms interchangeably, even though the former is broader than the latter". According to the Intergovernmental Panel on Climate Change (IPCC) (2007:2) the term climate change refers to "any change in climate over time, whether that change is due to natural variability or as a result of human activity (anthropogenic)" (IPCC 2007:2). According to the online Merriam-Webster Dictionary, "the term '*anthropogenic*' comes from the Greek word *anthropos* which means human and the term *genic* which means to be caused or produced by" (*Merriam-Webster Dictionary* n.d.). The term anthropogenic, as used in the article, refers to the fact that any observed changes in the climate are not simply due to natural variability but to GhG emissions that have caused change in the climate that is also due to human activities (Anderson & Bausch 2006:7).

Based on these definitions, it can be deduced that climate change is caused by global warming and that global warming is caused by GhG emissions which are generated by a combination of natural and anthropogenic activities (Shah 2013). It is both human's and nature's activities which are responsible for the GhG emissions which are responsible for climate change. Climate change could include global warming or global cooling (Karl & Melillo 2009:2; Leiserowitz & Smith 2010b:67). The impacts of climate change include all the natural disasters and calamities the world is currently facing and will continue to face in the future (Adam 2013:2).

While the focus of this article is on global warming, global cooling is also a problem because "as the earth's average temperature climbs (global warming), winds and ocean currents move heat around the globe in ways that can cool some areas and warm others, thus changing the climate (weather, amount of rain and snow falling, wind, temperature etc.) in those areas" (National Geographic 2014 in Emetu 2007:3). Thus, the use of the term global warming throughout this article is not to ignore the fact that global cooling is also a problem, but because of consistency. The term global warming is preferred because, if there was no problem with global warming in one or more places on Planet Earth, there is a great chance that there would not be the problem of global cooling in the other areas. For example in his article '*To The Horror of Global Warming Alarmists, Global Cooling is Here*' Ferrara (2013:2) argues that 'faith in global warming is collapsing in formerly staunch Europe following increasingly severe winters which have now started continuing into spring'.

Duffy, Moran & Riley (2012:1) argue that "any problem is best solved if its root causes are first eliminated". This is because "if you only fix the symptoms – what you see on the surface – the problem will almost certainly happen again, which will lead you to fix it, again, and again, and again" (Bitting n.d.:1). Therefore, as Bitting (n.d.:1) further argues, "if, instead, you look deeper to figure out why the problem is occurring, you can fix the underlying systems and processes that cause the problem". Thus in order to combat global warming, one needs to

know first what its causes/drivers are and then deal with them head on. The following section attempts to provide the answer to this and other questions.

CLIMATE CHANGE CAUSES

According to the Union of Concerned Scientists (2009:1) climate change (in terms of global warming and cooling) has happened in the past, and long before humans were around. Many factors (often called climate drivers) can influence earth's climate (Ekwurzel, Cole, Frumhoff & Shaw 2009:1). Some of these climate drivers such as changes in the sun's intensity and volcanic eruptions are beyond human causes and control but others such as the production and emissions of heat-trapping gases (also known as GhG) in the atmosphere are partly within human control (Union of Concerned Scientists 2009:1). For example, the year 2011 was reported by the World Bank as the "fifth consecutive year flaring of gas associated with oil production has registered a drop worldwide, gas flaring by human activities decreased by 22% from 172 billion cubic meters (bcm) to 134 bcm" in the same year. It is also reported at the same time that approximately 140–150 billion cubic meters (bcm) of natural gas is flared into the atmosphere annually (World Bank 2011:1). The drop in natural gas flaring in 2011 and subsequent years is proof that humans are responsible for producing and increasing the quantity of natural gas flared in the atmosphere, but also proof that they can reduce the quantities of the natural gas flaring if they want to do so.

According to Ebrahim & Friedrichs (2013:1, citing calculations of the World Bank 2011), the current levels of natural gas flaring are "equivalent to three quarters of Russia's gas exports, or almost one third of the European Union's gas consumption". While gas flaring roughly accounts for 1% of global carbon emissions, it remains a regrettable practice from an economic viewpoint because a valuable resource is wasted and even more regrettable from an environmental perspective because 140–150 bcm of flared natural gas translates into 270–290 million tons of CO₂ emissions per year (Ebrahim & Friedrichs 2013:1). Russia and Nigeria are often cited as the largest flaring culprits, along with Iran, Iraq, US, Algeria, Kazakkhstan, Angola, Saudi Arabia and Venezuela (Ebrahim & Friedrichs 2013:1).

However, natural gas flaring is not the only, or even the biggest culprit as far as global warming is concerned. According to the World Nuclear Association (2013:3) "climate change, more commonly known as global warming is caused by both the natural and anthropogenic emissions of heat trapping gases". However, while acknowledging the effects of nature in the production of heat trapping gases, the Nature Conservancy singles out the anthropogenic activities

as the biggest producers of these harmful gases through “vehicles, power plants, industrial processes and deforestation” (World Nuclear Association 2013:3).

In 2007, the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (UNED-IPCC) went as far as stating: “it is a greater than 90% certainty that emissions of heat-trapping gases from human activities (as opposed to from natural mechanisms) have caused most of the observed increase in globally averaged temperatures since the mid-20th century” (UNED-IPCC 2007, in Leiserowitz & Smith 2010b:67). The views of the World Nuclear Association (2013:3) and the UNED-IPCC (2007) are also supported by Ekwurzel *et al.* (2009:1) who argue that “when all the natural and human-induced climate drivers are compared to one another, the dramatic accumulation of carbon from human sources is by far the largest climate change driver over the past half century”. In his 2013 article “*Not much climate change doubt, science says*”, Peter Hannam, an Environment Editor of *The Sydney Morning Herald* newspaper wrote that “97.1% of climate scientists from different parts of the world agree that humans are causing climate change and only about 1.9% reject that view” (Hannam 2013:1 in Clarke 2014:2). These figures, according to Clarke (2014:2) are based on “the finding of a University of Queensland-led study that surveyed the abstracts of almost 12 000 scientific papers from 1991–2011 and claims to be the largest peer-reviewed study of its kind”.

Clarke’s (2014:2) argument above clearly shows that, while “the popular media gives the impression that there is still argument over the reality of human induced climate change, ... the peer-reviewed literature of the climate scientists is almost 100% unanimous” that “human activities, especially the burning of fossil fuels (coal, oil, and gas), are responsible for most of the climate change currently being observed” in different parts of the world (National Academy of Sciences 2012:2 in Clarke 2014:2).

Scientific proof that human activities are the main causes of GhG emissions

According to Wallington, Srinivasan, Nielsen & Highwood (2013:7) recent findings that human activities are the main causes of GhG emissions are backed by scientific evidence which shows that “significant increases of global atmospheric concentrations of carbon dioxide (CO₂), methane (CH₄) and nitrous oxide (N₂O) and other harmful potent (or GhGs) have accumulated after the industrial revolution which started in early 1750” (Wallington, Srinivasan, Nielsen & Highwood 2013:7). For example, “the analysis of the ice samples show that the atmosphere contained 295ppm of CO₂ in 1910, 315 ppm in 1950 and 365ppm in 1998 to 379 ppm in 2005” (UNED-IPCC 2007:2). The acronyms “ppm (parts per million) or ppb (parts per billion, where 1 billion = 1,000 million) is the ratio

of the number of GhGs molecules to the total number of molecules of dry air" (UNED-IPCC 2007:3). For example, "1000 ppm means 1000 molecules of a GhG particles per million molecules of dry air" (UNED-IPCC 2007:3 in Stocker, Qin, Plattner, Tignor, Allen, & Boschung 2013:ii 2013:ii). According to The National Academy of Sciences (2012:3), the increase of ppm at any given time during this period constitutes "nearly 30% of CO₂ concentration in the atmosphere, more than double the methane gas, and a 15% rise in nitrous oxide concentration".

According to the UNED-IPCC (2007:2 in Filho & Manolas 2012:32) there is a consensus in the literature that "the atmospheric concentration of carbon dioxide in 2005 (180 to 300 ppm) exceeded by far the natural range over the last 650 000 years as determined from ice cores". During the 10 years (1995–2005), the average annual carbon dioxide concentration growth-rate of 1.9 ppm per year was "larger than it has been since the beginning of continuous direct atmospheric measurements in the 1960s when it averaged 1.4 ppm per year" (UNED-IPCC 2007:2). The fact that most GhG emissions which are responsible for causing climate change and global warming happened after the industrial revolution leaves no doubt that human activity is generally (though not solely) responsible for harming our environment (Adam 2013). Emetu (2007:20) argues that "With the eventual large scale burning of coal, oil and gas—literally fossil fuels (coal, oil and natural gases), that followed the industrial revolution, the entombed remains of plants and animals that lived a million years ago, the atmospheric levels of CO₂ accelerated".

Swilling (2012:22) argues that "Carbon Dioxide (CO₂) is by far the biggest contributor to the global warming problem the world is currently facing". According to Swilling (2012:22) "the main source of CO₂ emissions is the energy sector- which has been generating 89.7% of total CO₂ emissions since 1990 and 91.1% in 1994". Like most researchers and scientists on climate change, Swilling (2012:22) also argues that "the high CO₂ emissions levels observed between 1990 and 1994 was directly connected to the high energy intensive period that followed the industrial revolution". "Most scientists and researchers on climate change argue that burning coal is the dirtiest and biggest contributor of carbon dioxide and GhG emissions of all fossil fuels" (Natural Resources Defence Council (NRDC) 2005:1). Currently, according to the Centre for Biological Diversity (2005:1) "a whopping 86% of energy used worldwide is still coming from fossil fuel combustion". This percentage "correlates with the 89.7% of total CO₂ emissions over the years" (IPCC 2007:2).

Unfortunately, as the Centre for Biological Diversity (2005:1) continues to argue "fossil fuels are also the primary culprit behind climate change". According to the 2007 IPCC Fourth Assessment Report on Climate Change (IPCC 2007:2): "*The primary source of the increased atmospheric concentration of carbon dioxide since the pre-industrial period results from fossil fuel use, with land-use change providing another significant but smaller contribution. Fossil*

carbon dioxide emissions include those from the production, distribution and consumption of fossil fuels and as a by-product from cement production. An emission of 1 GtC corresponds to 3.67 GtCO₂. Annual fossil carbon dioxide emissions increased from an average of 6.4 [6.0 to 6.8] GtC (23.5 [22.0 to 25.0] GtCO₂) per year in the 1990s to 7.2 [6.9 to 7.5] GtC (26.4 [25.3 to 27.5] GtCO₂) per year in 2000–2005. Carbon dioxide emissions associated with land-use change are estimated to be 1.6 [0.5 to 2.7] GtC (5.9 [1.8 to 9.9] GtCO₂) per year over the 1990s..." (IPCC, 2007:2). According to Virgilio, Marshall, Zerbock & Holmes (2013:14), "One gigaton (Gt) is equal to one billion tons." Thus "five gigatonnes are equal to five billion tonnes of CO₂ emissions".

Leiserowitz & Smith (2010b:67) argue that the United States, is to blame for producing "more than 80% of greenhouse gas emissions—and 98% of CO₂ emissions alone". However, as mentioned above, CO₂ emissions are not the sole culprit for the current global warming problems. The UNEP-IPCC (2007:2) argues that other types of GhGs responsible for the destruction of atmospheric Ozone (O₃) include Methane gases (CH₄), Nitrous Oxide (N₂O) and Chlorofluorocarbons (CFCs). A combination of the harmful effects of these gases is responsible for global warming (Emetu 2007:3). In recognition that humans are not the only contributors to CO₂ levels, an organisation called Global Greenhouse Warming (n.d.:1) recommends that, at least another 1.6 GhG emissions from land-use should be added to the ones produced from fossil fuel and human activities.

Based on this analysis, it can be safely concluded that the main causes of global warming are the GhGs emitted by natural and anthropogenic activities and that, while the activities of nature are often beyond human control; people are responsible for, and are in control of their own activities. It is humanly possible to reduce the harmful effects of human activities on the environment in general and on climate change in particular. Thus the focus of this analysis is not on how to stop nature's activities and nature's harm on the environment; but how to balance people's activities that are responsible for producing the large quantities of GhG emissions which are responsible for the destruction of the O₃ layer and global warming problems. However, before going into the details of this debate, one needs to understand how and why the GhG emission is responsible for global warming.

THE PROCESS BY WHICH GHG EMISSION CAUSES GLOBAL WARMING

According to Hannam (2013:1) literature tends to agree that global warming is a direct result of the GhG build up in the atmosphere. According to Emetu (2007:1)

“as the GhGs build up in the earth’s atmosphere, they act as a big blanket or dome which traps the heat and reflects it back onto the earth’s surface”. “Once emitted back onto the earth’s surface, that heat overheats the planet, threatens our health, our economy and our environment” (Nature Conservancy 2007:1 in Emetu 2007:1). These GhGs are not necessarily the ones that overheat the planet. However, they have heat trapping capacity and the effect of the heat they trap and emit back onto the surface of the earth is what causes global warming (Emetu 2007:1). “Like the glass walls of a greenhouse, these gases let light in and keep heat from escaping into space but instead emit it back onto the planet” (National Geographic Society 2014:1). The more GhGs there are in the atmosphere, “the more heat gets trapped and radiated back onto the earth’s surface” (National Geographic Society 2014:1). Thus the more GhG emitted into the atmosphere, the more heat gets trapped and emitted back onto the earth’s surface, the higher the danger of global warming and the more the earth is likely to face the negative effects of global warming (National Geographic Society 2014:1).

In an attempt to explain the concept of global warming to a four year old child Robotman (2006 in Emetu 2007:3), uses an analogy of a person or a group of them sleeping in one bed and one or a number of them releasing a smelly gas into the blanket they are covering themselves with. Robotman (2006 in Emetu 2007:3) explains to the child that when in bed under a blanket, and you release a smelly gas “it gets all warm and stinky in the bed and the room”. According to Emetu (2007:3) this is what people are doing to the earth “when, through their industrial and economic activities, they release the harmful gases that are responsible for building up GhGs in the atmosphere”. All of the released GhGs such as CH_4 , N_2O , CFCs and CO_2 are “getting stocked in the atmosphere which is like our bed blankets and it is making our earth all warm” (Emetu 2007:3).

Unfortunately, people and industries in particular, which are releasing all the harmful GhGs are not, cannot and should not really be expected to stop doing so. People need transport, the manufacturing industries and both subsistence and mechanised/commercial farming in order to grow the economy which is necessary for their own socio-economic well-being (Auriacombe & Van der Waldt 2014). Since growing the economy produces a lot of GhG emissions and these gases have been positively linked to the current challenge of global warming, the only way to save all things that have life on land, air and water would be to adopt different and sustainable methods of producing clean energy (i.e. energy from sources that emit less GhGs into the atmosphere such as sun and wind energy). Failing to find methods of producing clean energy suggest all living creatures on earth should reconcile themselves to the effects and consequences of global warming.

CONSEQUENCES ASSOCIATED WITH GLOBAL WARMING

According to Flavin & Dunn (1997:9), literature on climate change and global warming shows that the threats that rapid climate change pose to society and the natural world are unprecedented. But, an ordinary person hearing about the issues of climate change or global warming in the media might ask what the fuss about climate change is, whether she/he is affected and how he/she is affected by climate change or why we should concern ourselves about it? Emetu (2007) cites a study conducted by Flavin & Dunn (1997:9) of the World Watch Institute (WWI) in 2002 which argues that the temperature change resulting from the projected doubling of effective CO₂ concentration in the next century could shift the ecological zone of one third of the world's forests northward at a rate beyond the maximum migration rates of most trees and shrubs, resulting in widespread forest death and wildfires (Flavin & Dunn 1997:9). The same study found that an increase in extreme weather such as floods and droughts is likely to exacerbate water and food scarcity. They also argue that the effects of climate change will be felt everywhere in the world. For example, because of climate change: wheat, rice and corn yields decline with 10% if temperature rises with 1 Degree Celsius (Flavin & Dunn 1997). Because of global warming, it was estimated that a third of the world's population (over 870 million) was suffering from malnutrition and 842 million people in the world did not have enough to eat in 2013 (UN World Food Programme 2014:1).

However, one does not need to be a climate change scientist to notice the harmful effects of climate change. The increase of natural disasters in recent years could be used to explain the impact of global warming on an ordinary person, no matter age, level of education or location. Few people could forget the devastating effects of the Tsunamis in New Orleans and the Mississippi Gulf in the US (2005), the Indonesian Islands (2004 and 2006), and the earthquake in Haiti and many other areas (World Watch Institute 2006:1). All of these natural disasters led to massive losses of human lives and properties and could be directly linked to the effect of global warming.

The research which was conducted by the National Academy of Sciences in 2012 shows that "natural disasters such as hurricanes are becoming more and more prevalent and more intense, and sea levels are continuously rising" (National Academy of Sciences 2012:2). According to Sutter (2009:1), chronic erosion and flooding are making remote areas such as the "Alaskan village of Shishmaref uninhabitable, so much so that the 1000 years old Inupiat Eskimo community wants to move from that entire village and find refuge somewhere else". Research, such as that conducted by Agarwal (2001:4) shows "that a 15–95cm rise in sea level could turn people now living on islands and in coastal areas into environmental refugees". Both Agarwal (2001) and Boyle (1999:80)

agree that “a 20-inch rise in sea level, predicted by 2100, could inundate 5 000 square miles of dry land and drown 15 to 60% of the US coastal wetlands”. If that was to happen, as Boyle (1999:80) continues to argue, “Louisiana could lose as much as 3 500 square miles of dry and wet land”. By some estimates, as Boyle (1999:87) puts it “a one-foot rise in sea level along the Gulf and Atlantic coasts is likely by 2050 and could even occur by 2025”. Some such as Gaan (2008:93) and Emetu (2007:22) observe that “a two-foot rise is inevitable in the next century”, but that “a four-foot rise” is also possible.

In the US alone, according to Titus (1986:2), “the majority of coastal wetland loss is already taking place in Louisiana, which loses fifty square miles of wetlands per year, mostly to open water”. As a result “navigation channels, canals, and flood control levees have impeded the natural mechanisms that once enabled the wetlands of the Mississippi Delta to keep pace with subsidence and rising sea level” (Titus 1986:2, in The National Service Center for Environmental Publications (NSCEP) 1988:iii). Titus (1986:2 in NSCEP 1988:iii) argues that “the majority of coastal wetland loss in South Carolina results from impoundments that have converted wetlands to open water during part of the year”. Gaan (2008:93) cites a study conducted by the US Environmental Protection Agency (USEPA) which estimates that a, “one-foot rise in sea level along the Gulf and Atlantic Coasts is likely to be seen by 2050”.

Some studies conducted on the African continent show that the continent faces serious climate change challenges. Emetu (2007:1) uses “the Victoria Island off the Lagos coast where most of Nigeria’s wealthier people live” to demonstrate the direct impact of global warming on some African countries. A study conducted by the Nigerian Institute for Oceanography and Marine Research (NIOMR), reviewing the potential effect of “global warming and sea level rise in Victoria Island”, found that “besides the possible loss of property, the landmass of Victoria Island and Lekki could shrink by as much as 230 square miles and could one day be completely submerged due to coastal and rising sea level” in the next few decades (NIOMR 2002:1–2). This is contrary to nearly 100 years ago when, according to NIOMR (2002:1–2) “the fine white sands of Victoria Island’s bar beach, stretched for about seven tenths of a mile wide”. According to NIOMR (2002:2), the same beach has now been “eaten away by rising waters to less than a third of a mile wide today”. Furthermore, “the increase of heat waves and expended range of infectious diseases such as malaria and cholera” resulting from climate change could cause major health problems for millions of poor people especially those in developing countries such as in Africa, Latin America and Southeast Asia” (Emetu 2007:14). Some reports such as the one in *The Asian Tribune* (2003:1), estimate that “approximately, 160 000 people are already dying every year as a result of the side effects of global warming such as malaria and malnutrition in developing countries”. Jones (2003:1) and

Doyle (2003:1) cite the World Climate Change Conference held in Moscow from 29 September to 3 October 2003 in which participants predicted that “the numbers of people dying from side-effects of climate change, such as malaria and malnutrition, could double by 2020” if no immediate action is taken right now to stop the effects of global warming. Unfortunately, computer models, such as that constructed by the US Department of Navy in 2004 estimated that “by 2050, the global temperature could be 3 degrees Fahrenheit warmer than it is today, and that in the next 100 years”. Planet Earth could get as “hot as it was 65 million years ago, when the dinosaurs disappeared” (US Department of Navy 2005:1 in Emetu 2007:18). The main question then is whether South Africa should also be worried about the effects of global warming or not.

REASONS TO WORRY ABOUT CLIMATE CHANGE AND ITS EFFECTS ON SOUTH AFRICA

South Africans, like the rest of the world’s inhabitants are not immune to the negative effects of global warming (Tillmann & Siemann 2011:1). In fact, according to the United Nations Climate Change Conference (COP17) (2011:1), and an unpublished document summarising the key findings of COP17 prepared by Wits Communications in 2011 as well as especially the 2015 Department of Environmental Affairs (DEA) report entitled “*Climate Change Awareness*” the following excerpt summarises what is predicted for South Africa if South Africans continue to burn fossil fuels and chop down the forests at current rates:

- *“South Africa’s coastal regions will warm by around 1–2°C by about 2050 and around 3–4°C by about 2100;*
- *South Africa’s interior regions will warm by around 3–4°C by about 2050 and around 6–7°C by about 2100;*
- *There will be significant changes in rainfall patterns and this, coupled with increased evaporation, will result in significant changes in respect of water availability, such as the western side of the country is likely to experience significant reductions in the flow of streams in the region;*
- *South Africa’s biodiversity will be severely impacted, especially the grasslands, fynbos and succulent Karoo where a high level of extinction is predicted;*
- *Small scale and homestead farmers in dry lands are most vulnerable to climate change and although intensive irrigated agriculture is better off than these farmers, irrigated lands remain vulnerable to reductions in available water;*
- *Some predictions suggest that maize production in summer rainfall areas and fruit and cereal production in winter rainfall areas may be badly affected;*

- *Commercial forestry is vulnerable to an increased frequency of wildfires and changes in available water in south-western regions;*
- *Rangelands are vulnerable to bush encroachment which reduces grazing lands;*
- *Alien invasive plant species are likely to spread more and have an ever-increasing negative impact on water resources;*
- *Although strong trends have already been detected in South Africa's seas, including rising sea levels and the warming of the Agulhas current and parts of the Benguela, we are not yet sure what impacts these could have on South Africa's seas, the creatures living in the seas or on the communities dependent on the sea;*
- *Because of South Africa's already poor health profile, South Africans are specifically vulnerable to new or exacerbated health threats resulting from climate change. For example, some effects of climate change may already be occurring due to changes in rainfall (droughts and floods) and temperature extremes and Cholera outbreaks have been associated with extreme weather events, especially in poor, high density settlements;*
- *There will be an increase in the frequency and severity of extreme weather events. Damage costs due to extreme weather-related events (flooding, fire, storms and drought) have already been conservatively estimated at being roughly 1 billion rand per year between 2000 and 2009" (United Nations Climate Change Conference (COP17) 2011:1; Wits Communications 2011:1–3; Govender 2011:1; DEA 2015:1).*

There is sufficient evidence to suggest that the situation succinctly described in the insert from the United Nations Climate Change Conference (COP17) in 2011 above is already taking place in South Africa and other different parts of Africa. For example, at the time of writing this article (October/November 2015), Crowley (2015:1) states that a warning has been issued informing South Africans that: *"South Africa is enduring its worst drought in 23 years, slashing corn, wheat and sugar production. More than 500 000 people in the eastern province of KwaZulu-Natal are facing severe hunger as a result of the drought, according to World Vision, a humanitarian organisation. Dry weather may continue through the summer months of November to February, the period of highest rainfall, and into the autumn, the South African Weather Service said Wednesday in a report on its website. Botswana, Zimbabwe and Malawi are also experiencing dry weather. El Nino, a global weather pattern that causes dry conditions in the sub-Saharan region, is on course to be the strongest since 1997–98"* (Crowley 2015:1).

The above two excerpts leave no doubt that South Africa, like the rest of the world and especially the developing countries is particularly vulnerable

to climate change (Marquard, Trollip & Winkler 2011:1). The consequences of climate change are likely to be worse in developing countries because, among other things, “a large proportion of their population has low resilience to extreme climate events (poverty; high disease burden; inadequate housing infrastructure and location)” (PACJA 2009:9; Govender 2011:1). Although the poor are only minor contributors to climate change, they are the most vulnerable (Van der Bank 2014:32). There is no doubt that the rest of Africa is possibly even worse off because of “their already existing low levels of living standards, high levels of poverty, hunger, diseases and so on” (PACJA 2009:9). African countries will suffer the most because according to Chilunjika (2015), most developing countries especially in Africa lack basic infrastructures and the few that exist are in a poor condition. According to the *Economist* (2009:2) “even if environmental costs were distributed equally to every person on earth, developing countries would still bear 80% of the burden (because they account for 80% of world population)”. Based on this analysis, the only way to save the world in general, and people in developing countries in particular, is to get all people in all countries to work together towards finding ways to stop or reduce the rate of CO₂ and other GhGs they put into the atmosphere. Following is the analysis of South Africa’s GhG emissions over the past few decades.

SOUTH AFRICA’S GHG INVENTORIES

In August 1997, according to the Department of Environmental Affairs (DEA) (2009:7) (formerly known as the Department of Environmental Affairs and Tourism (DEAT)) “the Republic of South Africa joined the majority of countries in the international community in ratifying the United Nations Framework Convention on Climate Change (UNFCCC)”. The UNFCCC “is an international environmental treaty negotiated at the United Nations Conference on Environment and Development (UNCED), informally known as the Earth Summit, held in Rio de Janeiro from 3 to 14 June 1992” (United Nations 1992:1). The UNFCCC “was opened for signature on 9 May 1992, after an Intergovernmental Negotiating Committee produced the text of the Framework Convention as a report following its meeting in New York from 30 April to 9 May 1992” (United Nations 1992:5). It came into force on 21 March 1994. The UNFCCC states that “the main objective of the treaty is to stabilise GhGs concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system” (UNCED 1992:5). As of March 2014, the UNFCCC has 196 parties (UNCED 1992:5).

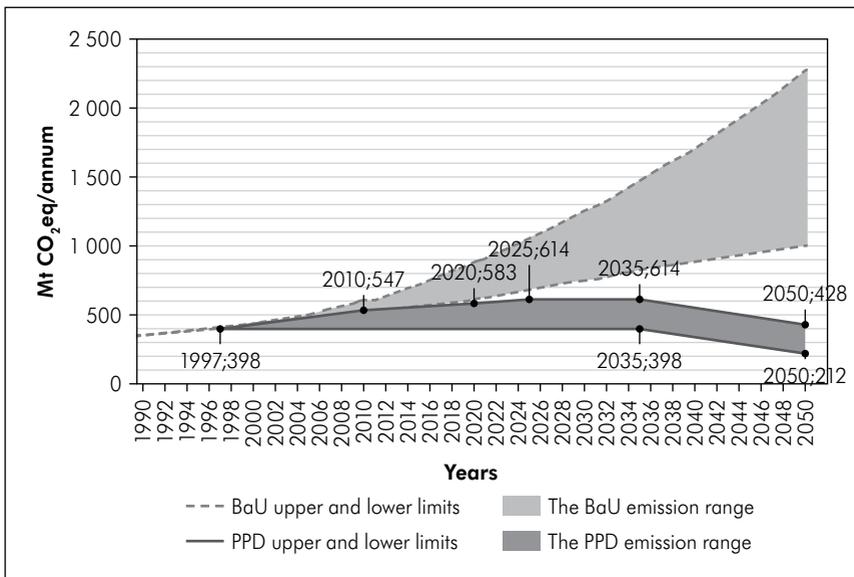
South Africa is a member of the UNFCCC and is required to undertake several projects related to climate change and provide annual reports on the

GhG emissions situation to the UNFCCC (DEAT 2009:ii). This includes the preparation of the GhG inventories, which comprises one of the outputs of the agreed National Communications to the UNFCCC (DEA 2010:22). The first national GhG inventory in South Africa was compiled in 1998 and the activity data used was for the year 1990 (DEA 2010). South Africa compiled the second GhG inventory for the year 1994 and this was published 10 years later in 2004 (DEA 2010). For both 1990 and 1994 the GhG inventories were compiled based on the 1996 guidelines of IPCC (DEA 2010:22). The third national GhG inventory was compiled in 2000 using activity data from the year 2000 (DEA 2010). The 2000 GhG inventory is said to have been more extensive as it reported on the GhG trends for a 10-year period (2000–2010) (DEA 2010:12). Following are some of the factors that influence the South African GhG emissions and an analysis of the desired South African climate change mitigation outcomes.

THE DESIRED SOUTH AFRICAN CLIMATE CHANGE MITIGATION OUTCOMES: 1997–2050

Figure 1 shows South African climate change mitigation outcomes. The Figure shows the desired peak, plateau and decline starting in 1997 to 2050. Figure

Figure 1: The desired South African climate mitigation outcomes: 1997–2050



(Source: Burton & Coetzee 2012:1, citing DEA 2011:36).

1 shows that South Africa produced 398 Ggt of GhG in 1997. By 2010 South Africa had almost doubled its 1997 GhG emissions to 547Ggt of GhG emissions. While South Africa aims to reduce its GhG emissions in the long term, it is projected that its GhG emissions will grow to as high as 614 Ggt in 2025 and stay at that level until 2035 (Marquard, *et. al.* 2011:8). As Figure 1 shows, it is only in 2035 that South Africa aims to start a decline in GhG emissions and to achieve 428 GhG emissions in 2050 (Marquard *et al.* 2011:8).

As argued previously in this article, it is important to target and remove the root causes of the GhG emissions, if South Africa is going to succeed in its plans to reduce its GhG emissions by 2035. The following paragraphs summarise a number of main contributing factors to the South African GhG emissions, the process of global warming and its consequences for Planet Earth.

THE MAIN FACTORS INFLUENCING THE SOUTH AFRICAN GHG EMISSIONS

There are various factors that can influence a nation's GhG emissions. They include government's infrastructure, population growth, geography, economic growth, energy consumption, technology development, climate and soils, agriculture and land-use management (DEA 2010:22). In the South African context, these are further categorised in four main inventory sectors, namely: (1) Energy, (2) Industrial Processes and Product Use (IPPU), (3) Agriculture, Forestry and Other Land Use (AFOLU), and (4) Waste (DEA 2010:26). Following is an analysis of these four main inventory sectors in terms of "Level Assessment" and "Trend Assessment" (GhG Inventory for South Africa: 2000–2010 (DEA 2010:13)). These analyses often exclude the Land sub-sector because of the problem of acquiring data in this sub-sector and the fact that land and forestry usually act as CO₂ sinks (World Nuclear Association 2013:3). In fact, according to the World Nuclear Association (2013:3) "study of the atmospheric carbon cycle shows that ... both oceans and some terrestrial ecosystems provide sinks which function as a negative feedback, that is to say, they have increased their uptake as the atmospheric concentration has increased". As the following Table shows, the levels of GhG emissions increase when the data for land use is removed and increase when it is added to the calculation of GhG emissions.

Level Assessment results for 2010 (with 2000 as the base year)

Table 1 summarises the Level Assessment of GhG in 2010. A Level Assessment of South Africa's GhG emissions shows that "the most significant sources of GhG emissions in South Africa (excluding the *Land* sub-sector) in 2010 were

the *Energy industries* (solid fuels), *Road transportation*, *Manufacturing industries and Construction* (solid fuels), and *Enteric fermentation*" (DEA 2010:30). Table 1 shows that the top contributing sectors to South Africa's GhG emissions are energy industries – Solid Fuels (324,244.75 Ggt CO₂), Road Transport (42,515.18 Ggt CO₂). Other emissions from Energy Production include Manufacturing Industries and Construction–Solid Fuels (35,142.52 Ggt CO₂), Enteric Fermentation (27,299.46 Ggt CO₂) and other related Energy Sectors such as Other Solid Fuels (27,024.86 Ggt CO₂) to name but a few (GhG Inventory for South Africa: 2000–2010 (DEA 2010:13). These figures clearly show that South Africa should first focus on its Energy Industries (Solid Fuels) and then any of these other top GhG emissions contributing sectors in order to achieve its GhG emissions reduction targets.

Table 1: Level assessment results for 2010, excluding the Land sub-sector contributions

IPCC Category	GhG	2010 (Gg CO ₂)
Energy Industries–Solid Fuels	CO ₂	324,244.75
Road Transportation	CO ₂	42,515.18
Manufacturing Industries and Construction–Solid Fuels	CO ₂	35,142.52
Enteric Fermentation	CH ₄	27,299.46
Other Sectors–Solid Fuels	CO ₂	27,024.86
Other Emissions from Energy Production	CO ₂	22,181.07
Other Sectors–Liquid Fuels	CO ₂	17,589.76
Solid Waste Disposal	CH ₄	16,568.60
Iron and Steel Production	CO ₂	12,448.40
Ferroalloys Production	CO ₂	6,457.98
Cement production	CO ₂	4,186.73
Energy Industries–Liquid Fuels	CO ₂	4,051.68
Manufacturing Industries and Construction–Gaseous Fuels	CO ₂	3,837.58
Civil Aviation	CO ₂	3,657.68
Indirect N ₂ O Emissions from Managed Soils	N ₂ O	3,392.06
Total		550,598.3

(Sources: Table 1 adapted from DEA 2010:10).

Table 2: Trend Assessment results for 2010 (with 2000 as the base year), excluding Land sub-sector

iPCC Category	GhG	2000 Year Estimate Ex0 (Gg CO ₂ eq)	2010 Year Estimate Ext (Gg CO ₂ eq)	Trend Assessment (Ttxt)	% Contribution to Trend
Other Sectors–Solid Fuels	CO ₂	5,578.19	27024.86	0.0433	0.2741
Other Emissions from Energy Production	CO ₂	26,658.56	22181.07	0.0240	0.1520
Enteric Fermentation	CH ₄	29,601.08	27299.46	0.0209	0.1323
Iron and Steel Production	CO ₂	15,385.78	12448.40	0.0146	0.0925
Solid Waste Disposal	CH ₄	9,704.24	16568.60	0.0096	0.0608
Energy Industries–Solid Fuels	CO ₂	256,361.41	324244.75	0.0086	0.0548
Energy Industries–Liquid Fuels	CO ₂	4,715.48	4,051.68	0.0040	0.0251
Road Transportation	CO ₂	32,623.34	42,515.18	0.0038	0.0241
Other Sectors–Liquid Fuels	CO ₂	12,766.46	17,589.76	0.0035	0.0224
Indirect N ₂ O Emissions from Managed Soils	N ₂ O	3,992.53	3,392.06	0.0034	0.0218
Manufacturing Industries and Construction–Solid Fuels	CO ₂	29,056.22	35,142.52	0.0025	0.0158
Civil Aviation	CO ₂	2,040.00	3,657.68	0.0024	0.0152
Manufacturing Industries and Construction–Gaseous Fuels	CO ₂	2,217.75	3,837.58	0.0023	0.0146
Refrigeration and Air Conditioning	HFCs, PFCs	0.00	799.88	0.0017	0.0109
Direct N ₂ O Emissions from Managed Soils	N ₂ O	2,520.34	2,524.81	0.0017	0.0109
Nitric Acid Production	N ₂ O	499.06	104.78	0.0011	0.0071
Aluminium production	PFCs	2,156.76	2,229.04	0.0010	0.0064
Total		435,877.2	545,612.1		

(Table 2 adopted by the author from DEA 2010:10).

Trend Assessment results for 2010 (with 2000 as the base year), excluding Land sub-sector

Table 2 summarises the Trend Assessment results for 2010 (with 2000 as the base year), excluding Land sub-sector. There are striking similarities between the Level Assessment presented above and the Trend Assessment in Table 2. Table 2 shows that Energy Industries–Solid Fuels (324,244.75 Ggt CO₂), Road Transportation (42,515.18 Ggt CO₂), Manufacturing Industries and Construction–Solid Fuels (35142.52 Ggt CO₂) and Enteric Fermentation (27299.46 Ggt CO₂) were the top key categories (Table 2) (DEA 2010:30). However, when the *Land* sub-sector was included, then *Forest land* becomes the 14th and 4th most important key category in the Level and Trend Assessments, respectively (DEA 2010:30).

COMBINED SUMMARY OF NATIONAL EMISSION AND REMOVAL TRENDS (2000–2010)

The combined summary shows clearly where the problem in South Africa lies and where South Africa should focus if it wants to meet its GhG emissions target for 2050. Table 3 presents the contribution of the main sectors to the trend in national CO₂ emissions (excluding *Land*) and then (including land) in the calculation. The analysis of the data (excluding land) in Table 3 shows that the emissions increased by 27.1% between 2000 and 2010. The Energy sector was by far the largest contributor to CO₂ emissions in South Africa, contributing an average of 88.9% between 2000 and 2010, with the categories *Energy Industries* (70.6%), *Transport* (10%) and *Manufacturing industries and Construction* (8.4%) being the major contributors to CO₂ emissions in 2010 (DEA 2010:35). However, the addition of land data reduces the GhG emissions as clearly demonstrated in the last column of Table 3. It looks like land acts as a GhG emission sink.

TRENDS FOR AGGREGATED GHG EMISSIONS

In 2010 the total GhG emissions (excluding the *Land* sub-sector) in South Africa were estimated at 579,256 Gg CO₂eq (DEA 2010). Figure 2 shows “the trends and relative contributions of the different gases to the aggregated national GhG emissions (excluding *Land*)” (UNFCCC 2009:31). There was a 27.1% and 12% increase in CO₂ and CH₄ (in CO₂ equivalent) respectively between 2000 and 2010, and a slight decline (1.8%) in N₂O emissions over this period (DEA 2010). Fluorinated gases (F-gases) increased from 2,157 Gg CO₂ equivalent in 2000 to 2,229 Gg CO₂ equivalent in 2010. The analysis of Figure 2 leads one to conclude

Table 3: Combined Summary of national emissions and removal trends (2000–2010)

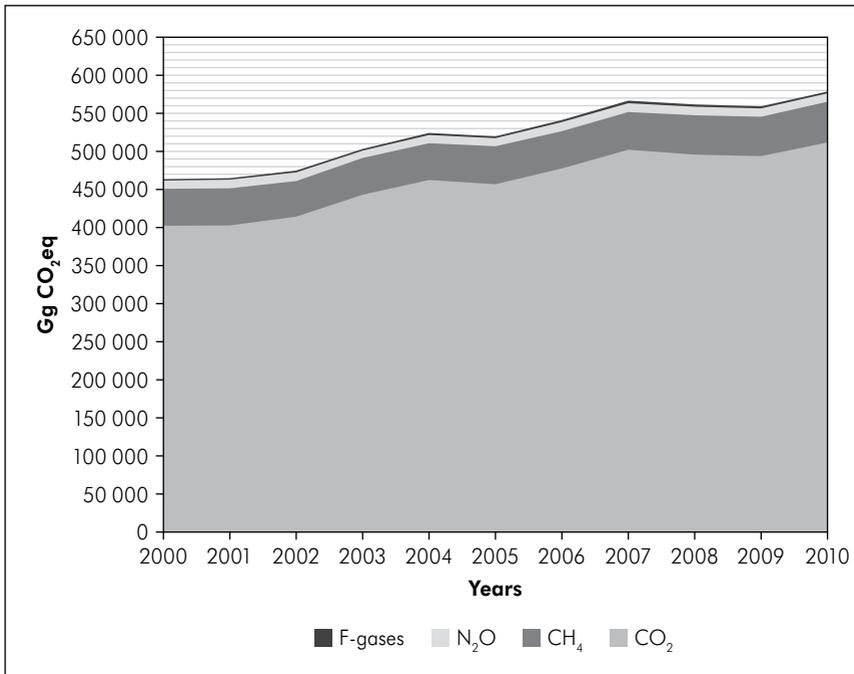
	Energy	IPPU	AFOLU (excl. Land)	AFOLU (incl. Land, (Gg CO ₂ eq.))	Waste	Total (excl. Land)	Total (incl. Land)	Effect of adding Land to Total calculation
2000	381 790	29 961	39 565	9 037	12 434	463 750	433 221	-30 529
2001	383 620	28 652	39 725	12 772	13 122	465 118	438 166	-26 952
2002	392 107	30 368	38 916	16 060	13 789	475 180	452 324	-22 856
2003	421 121	30 987	36 995	10 310	14 477	503 581	476 895	-26 686
2004	439 835	32 548	37 049	19 545	15 179	524 611	507 107	-17 504
2005	433 719	33 400	37 235	29 667	15 907	520 262	512 693	-7 569
2006	453 536	34 190	37 148	23 869	16 649	541 523	528 244	-13 279
2007	479 058	33 871	36 522	23 435	17 409	566 860	553 773	-13 087
2008	475 817	30 229	37 580	25 280	18 170	561 797	549 497	-12 300
2009	476 346	27 456	36 658	21 688	18 989	559 450	544 480	-14 970
2010	495 432	29 634	37 577	18 248	19 806	582 449	563 120	-19 329
Total	4, 832,381	341,296	414,970	209, 911	175, 931	5,764,581	5,559,520	-205 061

(Source: Table 3 adopted by the authors using data from DEA 2010).

that South Africa needs to find strategies to seriously reduce all the major GhG emissions, but the CO₂ emissions seem to need more attention than any other GhG if South Africa wants to make a dent in its GhG emissions and to achieve its 2050 targets. Unfortunately, according to Burton and Coetzee (2012:1) “although there is an overall desire to shift from the use of coal (current 90% reliance to 65% in 2030), there are serious challenges in achieving this objective”. This is because, as these authors continue to argue “several powerful energy-intensive industries and mining companies such as Xstrata, Exxaro, Anglo American & the Chamber of Mines had representatives on the Technical Reference Group consulted by the Department of Energy” (Burton & Coetzee 2012:1).

Thus the challenge on the part of the South African government is to get these powerful companies to buy into the idea of reducing the GhG emissions. This is a serious challenge to the South African government because most of these companies have powerful government officials and politicians who might hamper any move to reduce the use of coal to generate energy for South Africa because of their personal interests. Some politicians are shareholders in these coal mining companies. Pieter

Figure 2: GhGs: Trend and emissions levels (excluding Land sub-sector) (2000–2010)



(Source: GhG Inventory for South Africa: 2000 – 2010, DEA 2010:13).

van Dalen, the Democratic Alliance (DA) Member of Parliament was cited in the *Rand Daily Mail* (25 November 2015) as alleging that Cyril Ramaphosa, a senior member of the ruling party ANC was for many years, before becoming Deputy President, the owner of Shanduka Investments a coal mining company which has over many years become the biggest coal producer, “producing 50% of the Junior Mining Sector producer market share” (Van Dalen 2015:1).

CONCLUSION

The objective of this research was to analyse what South Africa has achieved in terms of reducing the emissions of GhG responsible for the destruction of the Ozone-layer and global warming since it became a signatory of the international conventions dealing with GhG emissions and Ozone-layer depleting gases. The research provided conclusive evidence to suggest that many types of GhGs are present in the atmosphere, such as Methane gases (CH₄), Nitrous Oxide (N₂O), Chlorofluorocarbons (CFCs) and Ozone (O₃) that are responsible for global warming. However, the dramatic accumulation of CO₂ from anthropogenic sources has been by far the largest climate change driver over the past half century and is likely to remain so if nothing is done to reduce its emissions. In line with international trends, the South African GhG emissions are also dominated by CO₂ gas emissions. The CO₂ contributes about 88.9% of all GhG emissions for South Africa between 2000 and 2010. Thus South Africa needs to find ways to reduce its CO₂ gas emissions significantly if it wants to make a contribution to the reduction of Ozone-layer depletion in the atmosphere.

The article shows that South Africa’s performance in terms of national GhG inventory is not impressive. The South African GhG emissions have been climbing since 1997 and are going to increase until at least 2035 because of its dependence on coal fired energy production. The analysis of South African GhG emissions shows that energy production (examples) is the main culprit in the production of GhG emissions. This finding confirms the already existing statement by some such as Brown & Taylor (2014:44), that “it is *extremely likely* that human influence has been the dominant cause of the observed warming since the mid-20th century” as discussed in different sections of this article. It therefore follows that South Africa needs to find alternative means of producing the energy it needs for growing its economy. There is definitely a need to move away from the dependency on coal-fired energy production as this is the main producer of the large quantities of CO₂ emissions, if South Africa is going to make a significant reduction in its GhG production and emissions by the year 2035.

The Level and Trend Assessments of South Africa’s GhG emissions shows that the most economic factors which contribute to significant sources of GhG

emissions in South Africa (excluding the Land sub-sector) in 2010 were the Energy industries (solid fuels), Road transportation, Manufacturing industries and Construction (solid fuels), and Enteric fermentation. More than 80% of South African GhG emissions are a result of energy production. The analysis shows that South Africa would need to find alternative sources of energy or better technology to produce energy with less or no GhG emissions into the atmosphere. Without alternative sources of energy or advanced technology to reduce CO₂ emissions and the greenhouse emissions South Africa will not be able to make a dent in its current GhG emissions let alone achieve its 2050 targets.

NOTE

- 1 This article is partly based on an ongoing doctoral study that is being completed at UJ under the supervision of Dr D E Uwizeyimana: Chilunjika A. 2015. *The Performance of Automated Toll Revenue Mobilisation Systems in Zimbabwe*. Johannesburg: University of Johannesburg.

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Ethical Challenges for Programme Evaluators

Critical Considerations for Programme Evaluation in South Africa

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ABSTRACT

Programme and policy evaluations are comprehensively used to measure achievements against invested resources into programmes for example of education, health, infrastructure development, public safety and economic development initiatives. The interest in programme and policy evaluation in South Africa is also apparent in many government departments and the private sector alike to assess the utilisation of the resources that are continuously invested in their policies and programmes. The spirit of good ethical decorum underpins an effective and unquestionable execution of official responsibilities in any profession. However, those who are charged with the evaluation mandate, frequently encounter ethical issues throughout the entire programme evaluation process. This article deals with a variety of ethical challenges that programme evaluators encounter when undertaking evaluations. These challenges revolve around internal influences (those challenges that are caused by the evaluators) and external influences (those ethical dilemmas that are instigated by the commissioning agency).

Through the review of literature, official documents, and related documentary sources, the article presents a qualitative, descriptive and analytical approach to comprehensively conceptualise the area of exploration, offering guidance and suggestions for mechanisms that may be put in place to enhance the ethical stature of the evaluation profession by addressing several challenges within the context of programme evaluation in South Africa.

INTRODUCTION

Programme evaluators in South Africa and other countries across the world are also constantly confronted with unpredictable ethical dilemmas hampering the conventional expectations of their valued profession. To deal with these ethical dilemmas, they are required to be knowledgeable, morally devoted and sincere to the institutional norms and procedures that guide their conduct within their official space. Programme evaluators are required to subscribe to the prescriptions of governing policy instruments in order to avoid undesirable practices when they conduct evaluations. Prominent evaluation associations such as the American Evaluation Association (AEA) and African Evaluation Association (AfrEA) were crucially instrumental in the development of policies and regulations to guide the professional decorum of their programme and policy evaluators. Currently the South African Monitoring and Evaluation Association (SAMEA) does not have an ethics policy or legislation that local programme evaluators may use when rendering their evaluation services. Local programme evaluators are coerced to draw ethical guidelines and principles from international evaluation organisations such as the American Evaluation Association (AEA) and the African Evaluation Association (AfrEA). Consequently, the article seeks to explore a variety of ethical challenges that programme evaluators encounter when undertaking evaluations. Evaluator prone challenges are caused by various issues in multiple stages of the evaluation of the programme. The article analyses challenges such as ethical dilemmas at the entry stage of the evaluation, data collection methods, data analysis, reporting of findings, budget constraints and programme advocacy or *clientism*. In order to systematically unpack the dynamics of programme evaluation and its ethical issues, the article also provides a historical overview will of developments that led this field to where it is today in the South Africa.

Although South African programme evaluators subscribe to the international guidelines and principles for ethically compliant conduct, it is apparent that these principles are not a panacea to the challenges that they encounter when they assess programmes and policies. This implies that there should also be other supplementary measures and mechanisms that are available to the evaluators when they are confronted with uncertain ethical dilemmas. Hence, this article proposes various measures that programme evaluation institutions (in this case SAMEA) can put in place in order to address certain inadequacies that are not sufficiently covered by the international evaluation associations' guiding principles. These proposed ethics enhancing mechanisms can help programme evaluators to conduct evaluations in an effective and efficient manner to be credible, valid, reliable and useful to the commissioning agency. Such results can certainly be applied by the commissioning agency in an endeavor to from the outset direct the programme to achieve the desirable outcomes.

EVALUATION DEVELOPMENT IN SOUTH AFRICA

Although it is not comprehensively practiced like in the developed countries such as the United States of America, Canada, Australia and England, the roots of evaluation studies in South Africa can be traced back to the 1980s and early 1990s. Similar to the developed countries, South Africa's interest in evaluation was engendered by multi-site education evaluations. This interest was demonstrated by educational evaluation studies that were regularly undertaken by institutions such as the Joint Trust (JET) and the Independent Development Trust (IDT). Consequently, educational evaluation research gave root to the rise of evaluation in other realms within South African governmental units and non-governmental organisations (Babbie & Mouton 2011:336).

Some government departments (Land Affairs, Public Works, Health and Social Welfare) also started with systematic evaluation studies. The main aim was to keep track of the Reconstruction and Development Programme (RDP) which was one of the first initiatives of the new political dispensation in 1994. These developments led to a young promising culture of applied evaluation research in South Africa that also resulted to the establishment of SAMEA. The establishment of SAMEA is a manifestation of more professional and institutionalised evaluation services in the research circles of South Africa (Babbie & Mouton 2011:337).

Another important indication of the South African government's commitment to monitoring and evaluation took place when the President of the Republic (Jacob Zuma) established the Department of Performance Monitoring and Evaluation (DPME) in the Presidency. The main aim of introducing institutionalised monitoring and evaluation is to ensure that there is effective and efficient use of resources across all spheres of government (national, provincial and local government). Performance monitoring and evaluation is done through the execution of periodic assessments of the impact of government's work on target groups and analysing the results to improve government's policymaking processes and decisions (Public Service Commission 2012:13).

ETHICAL CHALLENGES ENCOUNTERED BY EVALUATORS (INTERNAL INFLUENCES)

Professional evaluators are required to be well trained in order to deliver quality services in areas such as planning, designing, organising, collecting data, analysing data and presenting impartial findings of the evaluation. They should also be equipped with skills and mechanisms that they can use when dealing with internal and external pressures during the evaluation process. These pressures

are often caused by external stakeholders such as, programme managers, team members, donors and recipients. When internal evaluation decisions and processes are ethically deficient programme evaluators often experience challenges when changes are made to initial plans, the structure and reporting of findings to meet the needs of all the stakeholders involved in the programme. Consequently, programme evaluators without strong ethical standards often accept unjustified adjustments proposed by programme managers, programme recipients and donors. The acceptance of such adjustments always leads to ethical dilemmas that are not in line with the guiding principles, standards and conventional ethics of the evaluation field.

Ethical challenges at entry or contract stage

At the entry stage of the evaluation, programme evaluators are entrusted with responsibilities such as ensuring that there are no inadequacies and inappropriate dimensions that may later derail the evaluation. This implies that programme evaluators in collaboration with relevant stakeholders must unequivocally establish their terms and conditions which are guided by conventional evaluation guidelines prior to the formal commencement of the assessment of a programme. This obligatory role requires all parties involved in the evaluation to state (in writing) necessary processes (what is to be done, how, by whom and when) that will guide the evaluation. Although there are rigorous checks that need to be done in order to ensure that this stage is properly done, there are evaluators who still overlook some of the critical aspects (Sithomola 2014:39). This is often aggravated by programme evaluators' failure to adequately specify, justify and clearly explain the type of evaluation that they intend to undertake as well as specifications regarding the evaluation design, methodology, interpretation and reporting of findings. Additionally, failure to complete all the necessary processes of this stage has often allowed stakeholders to manipulate the findings of the evaluation. As a result of the abovementioned inadequacies, the contracting or entry phase of the evaluation pose serious problems and jeopardise subsequent phases of the programme evaluation (Morris 2008:17).

Although there are guiding principles to guide this evaluation phase, there are evaluators who still fall victim to these inadequacies due to a lack of due diligence. Some blindly follow the requirements set by the commissioning agency without questioning the credibility and validity of the project. This occurs when the evaluator fails to question matters that may appear suspicious or issues that may pose a danger in the later phases of programme evaluation (House 1993:29).

Ethical problems in designing the evaluation

The evaluation design is based on the development of an adequate methodology that must be adopted to carry out the programme evaluation. The chosen methodology is influenced not just by technical concerns and issues surrounding the programme, but also by political, cultural, logistical, financial and ethical concerns. Consequently, the evaluator may sometimes fail to obtain the acceptance of the overall evaluation design methodology from all the involved parties which may cause some major ethical problems throughout the evaluation of the programme. For instance, programme evaluators may be coerced to employ a design that they may deem inappropriate to carry out an unflawed programme evaluation (Morris & Cohn 1993:637). Failure to agree on the methods to be used in the evaluation may lead to a lack of identification with the theory of change and inappropriate assumptions about the programme. This occurs as a build-up of failures in the contracting phase. If pertinent stakeholders are not meaningfully consulted initially, the likelihood that they will eagerly offer their impartial cooperation later in the evaluation might be limited (Morris 2008:18).

In addition, many programme evaluators think that abiding by conventional research methods guarantees that their conduct will be ethical, even though some methods may actually compound the evaluators' ethical dilemmas. In reality this is not always the case, as conventional or widely accepted research methods still need to be adequately contextualised to all unique scenarios prior to their use (House 1993:29).

Data collection stage

Even though informal data gathering starts with the initial discussion between the evaluator and potential evaluation client, official data gathering is usually a result of the evaluation's formal design. Programme evaluation practitioners concur that they encounter various and challenging dilemmas during the data collection process. This often happens in the collection of sensitive information from participating groups. These obstacles revolve around topics such as teenage gangs, domestic violence or difficult to reach groups such as illegal drug consumers, ethnic minorities and the homeless. This raises serious ethical issues for programme evaluators. There are documented cases where evaluators dishonoured procedures and the sensitive use of appropriate qualitative methods that included *inter alia* observation, individual interviews, and key informants. These issues are certainly relevant to the evaluator since data constraints may exert pressures to neglect the sensitivities of the aforementioned programme evaluation participants. Many programme evaluators

agree that the rights and dignity of those providing data have frequently been compromised. Programme evaluators also agree that they experience difficulties in assuring that their data-gathering procedures will protect the anonymity and confidentiality of evaluation participants (Bamberger, Rugh & Mabry 2006:105).

The data collection phase may also lead evaluators to information about behaviour that is illegal, unethical or perilous to others. This may raise a question of, what the evaluator should do with such information since participant's anonymity and confidentiality are assured. Programme evaluation policy instruments' technicalities are not always clear about what the evaluator should do in these circumstances. Despite legal requirements that may be clear on the course of action to be taken, programme evaluators find themselves trapped between honouring legal requirements and keeping the information confidential as promised to the participants (Morris 2008:19).

Data analysis and interpretation

In many instances human beings guide their actions on the basis of self-interests. Although this kind of demeanour is not welcomed in the realm of professional evaluation, there is evidence that programme evaluators experience subliminal bias that affect their actions and objective decision-making abilities when analysing and interpreting evaluation data. Consequently, such bias leads to a skewed presentation of findings and recommendations. This can be substantiated by two identified human variables identified by Cutt and Murray (2004:40) that are always problematic in the evaluation of public policies and programmes: the "look good avoid blame" (LGAB) mind-set and the "subjective interpretation of reality" phenomenon (SIR).

Look good avoid blame (LGAB) mind-set

This behaviour has at times been employed by programme evaluators who needed to succeed and avoid associating themselves with any kind of failure or inability. Ideally, programme evaluation must impartially reveal both the weaknesses and strengths of the programme. However, programme evaluators may choose to cover up issues that revolve around their professional competencies (data analysis capabilities) without paying attention to aspects that will reveal their weaknesses. As a result of this intentional deceit, the commissioning agency and other critical stakeholders are most likely to receive an incomplete data analysis report. Therefore, recommendations that are drawn from such a report will only partially remedy the shortcomings or fail to bring any improvement to the programme (Cutt & Murray 2004:40).

Subjective interpretation of reality (SIR) phenomenon

The subjective interpretation of evaluation data leads to suboptimal decision-making and the ultimate peril of this phenomenon is catastrophic errors to programme evaluation. This phenomenon occurs as a result of programme evaluators' fixed pre-existing attitudes and beliefs regarding what works and what does not work. These beliefs and attitudes may have negative impacts on the ethics and objectives of the evaluators' interpretation of the data and results (Morra-Imas & Rist 2009:500).

The evaluation community agrees that this is the phase where most evaluators struggle to limit their personal involvement in order not to lose credibility when the information is analysed, interpreted and reported to the clients and other key stakeholders. Evaluators often let their personal views impair their professional objectivity, which impacts on the evaluator's objective analytical and interpretation abilities. This implies that programme evaluators could become personally too involved and lose their objectivity of the actual impact of the programme (Morris 2008:19).

According to a study conducted by Morris (2008:19), this is the stage where the evaluator is most likely to have ethical conflict. The study (Morris 2008) revolved around a variety of challenges during programme evaluation. Various scenarios were selected in order to realise the goal of the study, and commentaries by pairs of respected and experienced evaluators were used to measure how they respond to certain evaluation scenarios. These commentators were given a uniform set of questions to guide their assessment of similar cases.

The major outcome of the study was that programme evaluators found themselves often coerced by the commissioning agency to misinterpret findings of the evaluation (Morris 2008:19). Many of those who took part in the study agreed that this is open to unethical conduct. The pressure is normally exerted on evaluators by superior figures within an organisation. The commissioning agency's agenda is to portray a programme in a positive light despite evident shortcomings. Evaluators may be requested to rephrase some of their statements to make them less insensitive or not to exclude certain negative information in the report (Morris 2008:20).

Reporting of findings

Programme evaluators may also encounter ethical challenges when reporting on the discoveries that they have made during the evaluation of the programme. Often, the findings of the evaluation are modified to manoeuvre around negative and embarrassing findings. Some programme evaluators may fabricate and exaggerate the successes of the programme's outcomes. This implies that

programme evaluators may opt to falsify and release selectively findings to pursue personal or stakeholders' agendas (Stufflebeam & Shinkfield 1986:47). This is often caused by subjective advocacy for the programme or an endeavour to please programme managers who may award the evaluator with future evaluations. Additional unethical behaviour displayed in this regard is stalling the release of the findings. By the time the evaluators decide to report on the findings, the report and its discoveries are deemed irrelevant (Newman & Brown 1996:37).

Another ethical challenge that evaluators have, is the communication of findings in relation to the issue of confidentiality. Being forced to violate or disregard the confidentiality of the participants' information has proven to be a challenge for evaluators. For example, influential clients may ask the evaluator to identify the source or the individual that provided certain information, or they may ask the evaluator to divulge data sets that lead to the identification of the source or the individual who provided the information (Patton 2008:531).

Evaluators may also find it difficult to present clear, complete and fair findings. Clients could pressurise them to present incomplete and inaccurate reports (Posavac & Carey 1997:99).

Lastly, the evaluator may knowingly undertake projects that they cannot complete on time. When they complete or decide to report on the findings, the information is either ignored or the organisation is no longer interested in the original idea or the evaluation (Posavac & Carey 1997:100).

Budget constraints

Programme evaluations are expensive because programme evaluators and their teams need to be paid and surveys must be produced and mailed. Moreover, phone accounts and other technologies needed for a certain evaluation may add costs to institutional finances. Site visits may also add to the institutional accounts. It is the responsibility of the evaluator to make estimations of the funds that will be needed to carry out a credible and useful evaluation. It is important to negotiate the costs of the evaluation with all the stakeholders within a programme. However, since most clients have little knowledge of the evaluation practices, some evaluators charge exorbitant amounts of money, (which implies that they end up purchasing unnecessary items that have little or no importance to the programme). They may also use these expenses for their personal accounts. The evaluator may insist on conducting an expensive evaluation with insufficient funds in order to get contracts and payments; thus the evaluation outcomes would not be as expected by the commissioning agency since it was conducted with inadequate funds. This may lead to modifications of the procedures to accommodate critical aspects of the

programme. Sometimes, these adjustments can be overdone to avoid some questions from the stakeholders of the programme (Posavac & Carey 1997:63).

Moreover, budget constraints often reduce the utilization of mixed-methods because the application of different data collection methods is usually costly and time consuming as compared to a mono-method. This may lead to mono-method bias since the programme evaluator is prevented from using various data collection methods or a different number of independent indicators of the key variables (Bamberger *et al.* 2006:66).

Although there are cases where programme evaluators encountered a genuine lack of funds to conduct uncompromised programme evaluation, there are cases where some evaluators use this constraint as an excuse because of their reluctance to explore different data collection methods. This may be driven by their personal inclinations towards certain data collection techniques or approaches. The evaluation team may also use budget constraints as a shield to avoid revelations of negative evidence in a programme. This implies that even though the evaluators have data on certain negative evidence, reports or findings, they may choose to cite budget constraints as the main obstacle. This can be intentionally done as a way to avoid more investigations into a certain issue that may uncover discrepancies that the evaluator does not want to bring to the surface. The evaluator may do this in order to protect the organisation's image or avoid the termination of the programme (Bamberger *et al.* 2006:66).

In addition to the aforementioned issues, a lack of funds can lead to over simplification of the sample design to save time and to accommodate limited resources available. However, this may seriously compromise the representativeness of the sample. Additionally, the evaluator may use lack of funds as an excuse to avoid extensive coverage of secondary data (Mathison 2004: Internet Source). This is intentionally done in order to avoid in-depth comparative analysis and interpretation of primary and secondary data about the programme and its building blocks.

The evaluator's programme advocacy and clientism

Professional programme evaluators should not serve the programme or the interests of specific individuals. They are always expected to be honest about the programme while impartially serving the interests and needs of all stakeholders (commissioning agency, programme recipients and donors). However, due to the interpersonal difficulties and attachments to the programme, evaluators may find themselves playing a role of advocacy within the evaluation of a programme (Smith 2002:200). This implies that whenever the evaluator forms close ties with programme staff, the truth about the programme could be

influenced. Consequentially, such advocacy attachments hamper the objectivity and neutrality that are key foundations to quality programme evaluations (Patton 2008:555). These interactions may lead to discussions that may change the evaluation's questions and report. These aspects may be shifted towards positive outcomes even though there are serious shortcomings that the evaluator should report on. This occurs as a result of the evaluator's close interactions with the commission agency's staff and other stakeholders in a programme (Scriven, Chelimsky & Shadish 1997:480).

Sometimes, programme evaluators agree to assume evaluation responsibilities that they clearly know are beyond their capabilities. This implies that the processes, findings and recommendations are highly unlikely to improve the undesirable conditions of the programme or policy (Patton 2008:555).

Programme evaluators may also involve themselves with client pleasing mischievous conduct in the evaluation of a policy or programme. There is a general understanding among evaluators that programme managers' and directors' interests may supersede those of ordinary stakeholders (subordinates or the people that an intervention is meant to assist). If the evaluator subscribes to this, the evaluator runs the risk of unethically contributing to the clientism phenomenon. Notably, evaluators may fall into the client's trap, whereby they follow and do anything that the client requests or demands without considering possible motives for such demands. This clientism phenomenon may coerce the evaluator to deliberately preclude or soften certain issues that could bring a negative reflection on an organisation or programme (House 1993:29).

This implies that some programme evaluators are driven by the desire to please their clients and to secure future contracts with such clients. Consequently, serious unethical repercussions that could put the programme's findings and the profession in jeopardy may emerge (Scriven 1991:82).

Furthermore, programme evaluators' mischievous conduct to support stakeholders' unethical agendas may include the following:

- Shifting or not stating the measurement standards.
- Applying inappropriate criteria to programme evaluation decision-making.
- Applying inappropriate values and ideological filters to the interpretation of data, and unfairly decide not to use some of the sources which they deem not relevant to the project even though it may be proven otherwise.
- Using information that is not consistent with the conclusions that may be drawn out of the evaluation processes (Morris & Cohn 1993: Internet Source).

Therefore, programme evaluators may intentionally choose to derail the programme evaluation without any concern about the validity and credibility of the findings and recommendations of the assessment (Bamberger *et al.* 2006:27).

ETHICAL ISSUES CAUSED BY THE COMMISSIONING AGENCY (EXTERNAL INFLUENCES)

Programme evaluation is generally carried out within a specific external political setting. There is consequently a greater chance that the evaluation may be derailed to advance stakeholders' institutional illegitimate agendas. Even though programme evaluators are always required to present truthful findings without distortion of any nature, there are those (stakeholders) who may seek to influence or utilise such findings to attract donors for continued funding or other gratuitous reasons (Sithomola 2014:38). This means that they may choose to accept or decline findings from the evaluation report. Furthermore, powerful political figures within the commissioning institutions may choose to concur with the findings, only if they are in favour of their legitimate or illegitimate political agendas. As such, the evaluation findings will be deemed factual and scientific only if they represent the views and the ideological pursuits of certain individuals. In most cases, if the findings of the evaluation are not supported by key and influential stakeholders, they are either treated as probable or a worst case scenario is that the evaluator is accused of being biased (Everitt & Hardiker 1996:50).

Additionally, politics determines the manner in which the findings are presented in an attempt to expand the programme or improve the reputation of the commissioning institution. Many evaluators concur that they have experienced this challenge where evaluation findings that may seem to uncover problematic elements within a programme are suppressed by dominant individuals within the commissioning agencies. Various evaluation practitioners who have taken part in this study stated that this tactic is exercised by political heads and policy managers within the commissioning agency who believe that incriminating findings may lead to undesired occurrences such as, budget reductions, a programme reconstruction or the termination of the programme. This is where the evaluator needs to apply high ethical principles and guidelines in order to save the integrity of the findings and the profession as a whole (Morra-Imas & Rist 2009:500).

Many evaluators have found that political leaders and programme managers use their power to support, express and create a particular reflection of the programme (favourable facade). Individuals may pressurise the evaluator not to publish or report on certain findings to avoid unjustifiable and embarrassing elements within the programme or policy. This may lead to the evaluator's lack objectivity and neutrality in terms of producing an unbiased and credible programme evaluation. In so doing the evaluator may contribute to the use of the evaluation as a tool to advance illegitimate organisational agendas.

Due to the dynamic nature of the evaluation field, evaluators often operate in conflicting environments. Programme evaluators are generally trapped in the following opposing imperatives:

- Assisting administrators to better understand and improve their programmes.
- Establishing and discovering facts about the programme even though such facts may not favour the stakeholder's envisaged outcomes.
- Building and augmenting the knowledge base of all those individuals involved in carrying out the programme and its evaluation.

Striking a balance is a daunting task for a programme evaluator. However, ignoring one of these variables may be deemed as unprofessional and unethical conduct. In order to overcome this, programme evaluators must give due attention to the abovementioned aspects (Palumbo 1987:21).

Furthermore, stakeholders such as recipients and participants may also possess their own agendas and concerns about an intervention or public policy. Stakeholders that are passively involved in the processes of programme evaluation may state that they were not fully involved in the identification of the evaluation's key questions. They may also stipulate that the evaluation focused on irrelevant and inappropriate aspects of the programme. As a result, such stakeholders may denigrate the evaluator and the commissioning agency by expressing their views on how the evaluation should have been managed and conducted (Morra-Imas & Rist 2009:503).

On the basis of the data that have been collected, a substantial number of respondents pointed out that people or institutions being evaluated do not always welcome procedural scrutiny of their activities. This implies that they may choose to react by:

- Refuting the need for an evaluation, citing that the evaluation would consume too much time and request deference of such programme evaluations.
- Seek to create close relationships with the evaluators in order to influence them to arrive at the clients or recipients envisaged and desired findings about the programme.
- Intentionally omit and alter the information that evaluators request them to provide. They use this tactic to conceal information that can be used by programme evaluators expose to their irregularities.
- Providing the evaluators with large volumes of information to make it impossible for the evaluators to distinguish between relevant and irrelevant information.
- Knowingly give programme evaluators new and important information towards the end of the evaluation. This information becomes redundant since the phases in which it was meant to serve have already been concluded as well as time frames set for the completion of the evaluation. This makes it impossible for programme evaluators to go back to the initial stages to integrate such information (Sithomola 2014:52).

PROPOSALS TO IMPROVE ETHICAL PROGRAMME EVALUATION IN SOUTH AFRICA

Although SAMEA does not have its own programme evaluation guiding principles, local evaluators have improvised guidelines through the use of international policy instruments to guide their conduct when carrying out evaluations. However, the use of internationally designed principles are time consuming exercises in terms of contextualisation, interpretation, application and adaptation to the South African evaluation settings. It is therefore, more important that SAMEA develops its own guiding principles that are tailored to serve the evaluation dynamics that local evaluators encounter in evaluation. Moreover, it should also be borne in mind that policy instruments cannot always cover all possible ethical dilemmas that are experienced by programme evaluators. As such supplementary mechanisms such as continuous education and training, knowledge sharing forums, ownership of the policy, enhanced commitment and establishing an ethics office can also be put in place in order to afford evaluators with multiple tools to guide their conduct.

Development of local evaluation standards

The establishment of SAMEA is a positive intervention for many local programme evaluators. One of the key objectives of SAMEA is the promotion of high quality, intellectual, ethical and professional standards in monitoring and evaluation. However, little has been done to realise some all the objectives. The association needs to follow suit of institutions such as AEA and AfrEA that were crucially instrumental in the formulation of the guiding principles to guide the conduct of their members. The development of local guidelines will assist South African evaluators to not only rely on the international guiding principles for evaluation. Furthermore, programme evaluators will be able to avert time consuming impediments such as contextualisation, interpretation and application of international principles to the local settings as it is currently practiced. It is recommended that SAMEA should have its own guidelines that are dedicated to address South African evaluation challenges. This could be done by extracting and contextualising the most relevant principles and guidelines from AfrEA's and AEA's policy instruments. Moreover, contextualisation of the extracted guidelines and principles could be adapted to suit the local programme evaluation needs and quality (Sithomola 2014:85).

Ownership of ethics policy instruments

Any success of SAMEA's principles and guidelines should be assessed on the grounds of evaluators' attitudes, awareness, orientations and ultimate adherence. These factors should motivate evaluators with a sense of ownership of ethics

guiding policies during evaluations. Moreover, they have the potential to transform institutions and to dramatically improve the outcomes that an organisation wishes to achieve within the realm of ethics. However, this can only be done to an extent that appropriate principles and guidelines utilised by institutions, evaluators and stakeholders, as a valid and relevant reflection of the core values that position or define such institutions. For these policy instruments to have the desired outcomes of changing the evaluation culture and improving the quality of evaluations, they must be owned by all the key stakeholders of evaluation institutions across the entire monitoring and evaluation community in South Africa (Sithomola 2014:81). To achieve this ideal degree of ownership, there should be an approach that focuses on synthesising both bottom-up and top-down implementation that will complement each other towards achieving improved ethics awareness in evaluation (Inter-American Development Bank 2007:13).

Continuous education and training

Programme evaluation institutions need to rethink the manner in which they have been dealing with issues surrounding ethical challenges in evaluation. Education and training could be used to improve the implementation of programme evaluation principles and guidelines. Currently, local programme evaluators only resort to evaluation ethical principles and guidelines for guidance with, little emphasis on education and training as supplementary measures to consolidate the ethical standing of the evaluation community. As such, it is recommended that evaluation institutions should intensify or introduce continuous evaluation education and training to deal with a wide range of ethical concerns that programme evaluators may have regarding evaluation ethical dynamics (Sithomola 2014:96).

Possible educational programmes may involve practical strategies for example advanced discussion groups, panels, real case illustrations and evaluation focus groups. The idea behind these interventions is to ensure that programme evaluators need not only resort to guidelines and principles in their endeavour to tackle contentious policy evaluation dilemmas but also to act as mechanisms for provocative questions and allow for the determination of what additions or exceptions should be made to address the unique ethical issues that always surface during programme evaluation.

By devoting sufficient time to this exercise, evaluation institutions will be providing a testimony to the pertinence that they place on the desired ethical practices. These practices will also provide evaluators with a better understanding of certain principles and guidelines. It can be inferred that an ongoing process of ethical education is an integral component that needs to be taken into consideration to strengthen programme evaluators' ethical standing (Kaptein 1998:167).

Enhanced commitment

Furthermore, the evaluation network in South Africa must put an emphasis on commitment. Encouragement to achieve desired levels of commitment from the evaluators must also be done on a regular basis. The main focus of such commitment must be on professionally accepted ways of conducting programme evaluations. In order for any guideline or principle to be effective, each evaluator needs to display a high level of commitment which is derived and motivated by a sense of ownership as explained above. Local evaluation networks can develop or have all these policy instruments, but without commitment, these instruments may not be duly applied. Programme evaluators must also commit themselves to these principles without unwarranted duress. The evaluators must enjoy the programme evaluation duties that they carry out on a daily basis and must be given autonomy to deliver their tasks. Lack of autonomy may decrease commitment that is expected from the evaluator (Kizza 2010:59). To enhance evaluators' commitment to local evaluation principles, SAMEA and other local evaluation organisations must have an opening statement (Preamble) about the expected ethical standards in the beginning of their charters. This preamble must categorically state the level or degree of commitment that is required from the professionals in the evaluation community (Kizza 2010:41). The main aim of the preamble is to constantly remind evaluators about the seriousness of their institutions to ethical evaluations. This preamble must contain an abridged version of ethics policy instruments used by the local evaluation networks, for example:

- Evaluators must be honest and trustworthy;
- Evaluators must honour human rights;
- Evaluators must strive to achieve the highest quality in all the services that they deliver; and
- Evaluators must honour contracts, agreements and assigned responsibilities (Sithomola 2014:81).

Establishment of an ethics office

An ethics platform, division or project group on ethics, can also be used to enhance institutional moral standing. This structure does not exist in most of the prominent associations globally. The primary role of this structure could be to develop, modify and perpetuate ethical policy instruments as well as to protect moral aspects of the evaluation community. This office could also be highly instrumental to stimulate the organisation of ethics within the local evaluation settings. Furthermore, this office can be used to coordinate activities relating to ethics management as well as other management processes that occur within

professional evaluation institutions. Such a platform could also assist programme evaluators to develop synergy and cohesion in the measures and activities that are normally undertaken during the programme evaluation process (Grinnell, Gabor & Unrau 2012:73). Crucial responsibilities that this office could fulfil include among others, development of possible sanctions, the construction of a categorised code of conduct, praising those who are committed to principles, follow-up and feedback.

CONCLUSION

Programme evaluation in South Africa is gradually shaping the manner in which government and private institutions assess the effectiveness, efficiency, outcomes and impacts of their respective programmes and policies. This article investigated numerous ethical challenges that programme evaluators are prone to encounter during their evaluation duties as commissioned by commissioning agencies. Evaluation challenges may erupt due to internal and external influences. This article unpacked challenges that are evaluator prone as well as those that are instigated by the commissioning agency. Discussions regarding these challenges enabled the authors to clarify the negative impact that these challenges may pose on the credibility and validity of evaluation results. Another critical obstacle that has been explored is the lack of evaluation ethics guiding principles in South Africa. Many evaluators find themselves adopting international institutions' policies around ethical challenges that they encounter in evaluations. The article highlighted that AEA's guiding principles and AfrEA's guidelines are frequently employed by South African evaluators due to the absence of local policy instruments to guide evaluations. Subsequently, the article focused on practical proposals or remedies that may be adopted by SAMEA as a leading evaluation institution to strengthen the ethics stature and to provide local standards and guidelines for the evaluation community in South Africa.

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Factors Affecting the Provision of Sustainable Water Services in the Mopani District Municipality, Limpopo Province

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ABSTRACT

In July 2003 the Minister of Water Affairs, now known as Water and Sanitation appointed the Mopani District Municipality in the Limpopo Province as the Water Service Authority for their area of jurisdiction as determined by the Municipal Demarcation Board. According to section 11 of the *Water Services Act* 108 of 1997, every Water Service Authority has a duty to all consumers or potential consumers in the area of jurisdiction to progressively ensure efficient, affordable, economical and sustainable access to water services. In response to this obligation the Mopani District Municipality appointed all five local municipalities as water service providers. In addition, the Mopani District Municipality has signed a bulk water supply agreement with the Lepelle Northern Water Board in the area of the Ba-Phalaborwa and Greater Letaba municipalities based on the fact that the board has the abstraction license and the bulk infrastructure for purifying water. This article examines the manner in which the Mopani District Municipality provided water services and the factors affecting the provision of sustainable water services. The findings suggest that the provision of water in the Mopani District Municipality is not sustainable owing to the ageing infrastructure, inadequate water resources, poor planning, limited capacity in municipalities and the non-payment of water services by the households. The results show that it will take considerable time for the service to be sustainable, especially in the rural areas unless the upgrading of the infrastructure as well as effective and efficient conservation management is prioritised.

INTRODUCTION

Following the establishment of local government through the provisions of the *Constitution of the Republic of South Africa, 1996* the role of local government was redefined to be responsive to the needs of the community and more developmental in nature. Municipalities are expected to conduct the business of providing services to the communities in line with what is required by legislation. The same applies to the manner in which municipalities plan to provide services to the community wherein there are specific legislative requirements that must be fulfilled in this regard.

The provision of services to communities in a sustainable manner is a constitutional obligation and this implies that municipalities must render services to communities continuously without failure but at the same time the service must be paid for in order to have adequate resources to employ staff and to maintain the infrastructure meant to deliver the service. It is against the spirit of the Constitution of 1996 to find communities still without services and that is a matter that requires urgent attention by municipalities.

In the context of the Constitution of 1996 it can be argued that the word sustainable is used to put an emphasis on increasing the provision of basic services to the communities such as water, while ensuring that there will be adequate resources to ensure that the service will continue to be provided in the future. In this regard, these resources will include among others financial resources used for the production of goods and services and the adequacy of water from for example, the river system. If there is limited water from a particular catchment area that supplies a particular river system, any development initiative must take that reality into consideration. Secondly the service must be paid for in order to ensure that it is continuously available without any interruptions as a result of infrastructure that is not reliable or not able to cope with an increasing demand.

For the provision of the Constitution of 1996 to be realised when it comes to sustainable services, section 12 of the *Water Services Act 108 of 1997* requires a Water Service Authority to draft a water service development plan. The sole purpose of the plan is to define the area of jurisdiction in terms of the size of the population in order to determine the extent of access to water service in order to plan on how to extend the water services to all consumers. In simple terms the water services development plan assist to assess the access to water services and to plan for the future.

CONTEXTUALISING WATER SERVICES

The *Water Services Act 108 of 1997* and the *National Water Act 36 of 1998* were promulgated, to provide for improved equity, sustainability, efficiency

and integrated water resources management. According to section 1 (xix) of the *Water Services Act* 108 of 1997 water services include water supply services and sanitation services. In this regard this implies that the usage of the word “services” when referring to water incorporates both water supply and sanitation. Section 1 (xvii) of the *Water Services Act* 108 of 1997 defines sanitation services as the collection, removal, disposal or purification of human excreta, domestic waste-water, sewage and effluent resulting from the use of water for commercial purposes. In this regard, the existence of A sewage treatment plant in urban settlements represent sanitation services while in the rural areas sewage treatment are in the form of the Ventilated Improved Pit (VIP) toilets.

Furthermore, the above mentioned Act also states that water supply services means the abstraction, conveyance, treatment and distribution of potable water; and it is done through a water services work infrastructure system. In terms of the *Water Services Act of 1997* a reservoir, dam, well, pump house, borehole, pumping installation, purification work, access road, electricity, pipeline, meter, fitting or apparatus built. For water supply to be realised, the above mentioned infrastructure are key hence some of them are also regarded as water resources. A simple example of a water resource is a dam, a well or a borehole. If in any nearby distance to a community such resources are not available to provide water as a service, water provision then becomes an unaffordable exercise if not a difficult mission to accomplish. This issue is also important for a municipality’s Integrated Development Plan (IDP) which must consist of sectoral plans for water services. There is thus a direct relationship between spatial planning, environmental management and water services provision.

MOPANI DISTRICT MUNICIPALITY IN CONTEXT

The Mopani District Municipality is situated in the North-eastern part of the Limpopo Province, 70 km and 50 km from Polokwane, along provincial roads R81 and R71 respectively. It is located, on global view, between the Longitudes: 29 52’E to 31 52’E and Latitudes: 23 0’S to 24 38’S, with 31 E as the central meridian (IDP 2013/14:30).

It is bordered in the east by Mozambique, in the north, by the Vhembe District Municipality through the Thulamela and Makhado municipalities, in the south, by Mpumalanga province through Ehlanzeni District Municipality (Bushbuckridge, Thaba-Chweu and Greater Tubatse) and, to the west, by Capricorn District Municipality (Molemole, Polokwane and Lepelle-Nkumpi), in the south-west, by the Sekhukhune District Municipality (Fetakgomo). The

district spans a total area of 2 001 100 ha (20 011 km²), inclusive of the portion of the Kruger National Park from Olifants to Tshingwedzi camps or Lepelle to Tshingwedzi rivers. There are 16 urban areas (towns and townships), 354 villages (rural settlements) and a total of 125 wards (IDP 2013/14:30).

The Mopani District Municipality consist of five local municipalities, namely Ba-Phalaborwa Municipality (BPM), Greater Giyani Municipality (GGM), Greater Letaba Municipality (GLM), Greater Tzaneen Municipality (GTM) and Maruleng Municipality (MLM). The municipalities within the Mopani District Municipality have developed, approved and implemented their IDPs which are aligned in accordance to the legislative and regulatory framework governing local government.

According to the IDP (2013/14:48) of the Mopani District Municipality, the majority of households in Ba-Phalaborwa (77.3%) have access to RDP standard water, Greater Tzaneen at 53.6%, Greater Letaba at 60.7%, Greater Giyani at 57.3% and Maruleng the lowest at 49.9%. However, reviewing the households access to the various sources of water per local municipality as a percentage of the district, it becomes clear that the level of services are higher in Ba-Phalaborwa with 35.3% of the households within the district with access to water inside their dwellings, especially when taking into consideration that only 12.9% of the households in the district reside in Ba-Phalaborwa.

The IDP (2013/14:50) of the district states that most people use pit latrines, followed by those without any sanitation services at all. The situation is worse in Greater Giyani with 54% of the households not having access to sanitation. Greater Letaba has the highest usage of pit latrines at 51.5%, while flush toilets are more prevalent in Ba-Phalaborwa with 39.8%, which correlates with the availability of piped water within the houses.

In terms of the provisions of energy the IDP (2013/14:51) confirms that two local municipalities are providing electricity and they are Ba-Phalaborwa Municipality (BPM) and Greater Tzaneen Municipality (GTM). In the areas of the Greater Giyani Municipality (GGM), the Maruleng Municipality (MLM) and the Greater Letaba Municipality (GLM) electricity is still provided by ESKOM the Mopani District Municipality has a role of providing bulk electricity to the local municipalities. However, this function is yet to be fully undertaken.

The debt book of the district municipality in terms of water services over a period of five years is R555 million while the total debt book inclusive of other services in the entire district is R1,1 billion. The municipality will receive an amount of R 375 million for the Municipal Infrastructure Grant and the district municipality does not have any reserves to augment the grant for purposes of infrastructure investment. In this regard, the district municipality seems to be doing well in terms of the eradication of backlogs but that does not seem to have an influence on the socio-economic status of the area, given the Mopani

District Municipality's dependency on grants, the high debt book and the required funding for future infrastructure investment.

According to the IDP (2013/14:29) the government sector is the largest employer in the district with 39% of those that are employed in the Greater Giyani working for various government departments. The second largest employer is the farming sector employing 25.9%. This is however, not the case when considering the municipalities separately with the mining sector employing the second largest portion of the Ba-Phalaborwa population (19.5%). Greater Giyani has the highest level of unemployment with 47% of the population not being employed. The number of people unemployed as a percentage of the total employable population of the district (287 405) is 39%. It should be noted that of the unemployed people in the district, approximately 60% are women.

In terms of the IDP of the Mopani District Municipality, a notable percentage of people in the district have no income. The labour force alone, 89.1% of the population in the Greater Giyani Municipality earns less than R800 per month, in Greater Letaba it is 92.2% which is the worst situation while it is much better in Ba-Phalaborwa with only 75% of the labour force earning less than R800 per month (IDP 2013/14:30).

The IDP (2013/14) of the Mopani District Municipality has confirmed that access to basic services by the communities since the year 2000 has improved to an extent that the service that still seems to be a challenge is the waste management. While access to basic services seems impressive, the same cannot be confirmed when it comes to the financial viability of the municipalities within the Mopani District Municipality.

WATER SERVICE DELIVERY MECHANISMS IN THE MOPANI DISTRICT MUNICIPALITY

As the Water Services Authority the Mopani District Municipality has a constitutional obligation to ensure that all citizens within its jurisdiction have access to safe, reliable, affordable and sustainable water services. In achieving the constitutional obligation the Mopani District Municipality conducted a capacity assessment of all the local municipalities in the district in order to determine proper and effective water services delivery mechanisms as envisaged by section 78 of the *Local Government: Municipal Systems Act* 32 of 2000. The Section 78 assessment, undertaken in 2005/06, recommended the creation of a municipal water services entity as the most efficient institutional arrangement to achieve this objective. The benefits of this recommendation are therefore outlined below.

The legal basis for the establishment of the water entity

Section 78 of the *Local Government: Municipal Systems Act 32 of 2000* requires municipalities to undertake a detailed assessment of its resources, capacity and performance in respect to particular municipal services when there are fundamental changes to the scope of these services. The assessment in terms of section 78 of the *Local Government: Municipal Systems Act 32 of 2000* was later called the section 78 process or assessment within the municipal circle. In the case of the Mopani District Municipality, the Section 78 assessment was triggered by two events, namely the allocation of the Water Services Authority function to the District Municipality and the imminent transfer of the water services infrastructure from the then Department of Water Affairs and Forestry.

The Section 78 process was undertaken by the National Joint Response Task Team (NJRTT) through their appointed consultants within the Mopani District Municipality. The NJRTT was a national government coordinating committee whose membership included the National Treasury, the then Department of Water Affairs and Forestry now referred to as the Department of Water and Sanitation, the then Department of Provincial and Local Government, now known as the Department of Cooperative Governance and Traditional Affairs (CoGTA) and the South African Local Government Association (SALGA). The sole mandate of this committee was to effect improvements to service delivery through supporting municipalities in addressing their institutional challenges. The Section 78 recommendation therefore carries the full support of all of the national departments as well as SALGA that were involved in the process.

The Section 78 assessment for the Mopani District Municipality was concluded in February 2005. The findings revealed that the status of water services provision was inadequate and that the three local municipalities being Greater Giyani Municipality (GGM), Greater Letaba Municipality (GLM) and Maruleng Municipality (MLM) did not have sufficient internal capacity to provide water services effectively. The Section 78 process was a fairly consultative process that used clearly defined criterion in drawing the above conclusions. The representatives of the NJRTT spent a considerable amount of time engaging each of the local municipalities to obtain information on service delivery and then again in presenting their findings to the officials and other affected stakeholders.

According to the Mopani Section 78(3) Report (2005:10), the recommendation for a regional approach to water service provision, in this case the consolidation of service provision to the three local municipalities, were supported by national policy. In this respect, the Strategic Framework for Water Services and the Institutional Reform Policy (both developed by the then Department of Water Affairs and Forestry) promote the merits of a

regional approach to service delivery as being the most efficient, affordable and sustainable service delivery mechanisms. The framework argued that in the case of poor municipalities, pooling of resources would provide economies of scale and would allow for the resources to be leveraged for the benefit of the region. The choice of a municipal entity is again supported by section 86 (c) and (h) of the *Local Government: Municipal Systems Act 32 of 2000*.

Benefits for the establishment of the water entity

The Mopani Section 78(3) Report (2005:11) highlighted that it was difficult to produce a quantitative assessment of costs and benefits of a municipal entity, however the compelling qualitative motivations that support the concept of the municipal entity as a service delivery mechanism were identified as outlined below. The Mopani Section 78(3) Report (2005:15–17) further acknowledges the existence of some drawbacks such as the costs for setting up the entity and the integration of staff dealing with water services. However these are far outweighed by the benefits as highlighted in the report and presented below.

Optimisation of resources

Most of the local municipalities have limited technical capacity to operate and maintain water services infrastructure. A case in point is the continuing water supply problems that were encountered in Greater Giyani Municipality as highlighted in the Mopani Section 78(3) Report (2005:23). Water supply was erratic and unreliable and there were high levels of water loss through leakages in the infrastructure. The report further acknowledges that it is not acceptable that half of the town did not have water supply most of the time. This example of the Greater Giyani Municipality was used as an example however the situation was similar even in the other local municipalities.

Despite the transfer of personnel from the former Department of Water Affairs and Forestry, the human resource skills shortage still persisted thereby negatively affecting service delivery. Pooling together the limited technical skills that existed, will give the municipalities an opportunity to leverage on the skills gap and will provide opportunities for greater knowledge sharing between those that are experienced and those that are less experienced.

Another critical benefit as outlined in the Mopani Section 78(3) Report (2005:17) is that there will be no losses of jobs through the creation of the municipal entity and in fact there was an expectation to create additional jobs in the short to medium term. In terms of jobs requiring lower levels of skills, staff that are deemed surplus through the former Department of Water Affairs and Forestry transfer process, will be retrained to support service delivery processes.

It has been argued the Mopani Section 78(3) Report (2005:16) that a municipal entity will be able to attract and recruit skilled staff more easily than would be the case for a municipality. Municipalities are often perceived as bureaucratic given the extensive policy and legislation to be held accountable to its citizens, not only in process but also in culture. In this regard according to the Mopani Section 78(3) Report (2005:16) a municipal entity is perceived as being more professional and will therefore be able to recruit personnel more easily. This phenomenon is evident in the case of water boards that despite their rural location (in some cases) are still able to attract skilled personnel.

Accordingly, the Mopani Section 78(3) Report (2005:15) stated that the consolidation of the water services function will also allow the municipal entity to better negotiate with suppliers to drive down prices thereby facilitating a more affordable service to consumers. The entity will have more leverage and a more capacitated team than the individual municipalities.

Accountability for service delivery

In terms of the Mopani Section 78(3) Report (2005:15-16) the creation of a ring fenced entity will allow for greater transparency and accountability in managing water services provision. Ring fencing ensures that the focus of the entity will be solely on water services provision and as such it would not be competing with other municipal services for funding and resources. It also facilitates better management and decision making and will allow for improvement through comparison and benchmarking with other water services institutions.

The Mopani Section 78(3) Report (2005:16) further stated that the creation of a separate municipal entity as a benefit will allow for the separation of the water services authority and water services provider functions thereby allowing for more effective regulation of water services provision. The argument presented by the Mopani Section 78(3) Report (2005:16) states that while a municipal entity is wholly owned by the municipality the operations will be separate from that of the municipality. Accordingly the assessment report also highlights that the water services authority is essentially the regulator and if the municipality fulfils both the service provider and the regulator role it is likely that the objectivity and the independence of the regulatory function will be compromised. In terms of the model recommended in the assessment report, it allows for the establishment of a contract management unit to fulfil the role of the water services authority which will include regulating tariffs and tariff increases, reliability of water services provision, water quality, negotiating with bulk suppliers and ensuring compliance with the water services development plans.

Financial sustainability

The creation of a municipal entity will provide opportunities for cross subsidisation according to the Mopani Section 78(3) report (2005). The Mopani Section 78(3) Report (2005) highlighted the fact that some municipalities have bigger commercial centres and hence a more stable revenue base than others and the ability to pool together the resources will ensure that water services provision becomes more sustainable for the entire region.

In terms of the Mopani Section 78(3) Report (2005:61), the subsidies for water services were provided on a sliding scale, decreasing over a 3 year period by the former Department of Water Affairs and Forestry. In this regard, the water services provider was expected to make up the shortfall of the subsidy by increasing revenue collection of water services. According to the Mopani Section 78(3) Report (2005), it was envisaged that a ring fenced municipal entity will be more focussed on revenue collection and thus facilitate sustainability and self-sufficiency of the municipal water services.

The Mopani Section 78(3) Report (2005:15) concluded that it is common that revenue collected or surpluses generated for a particular municipal service are used to cover costs associated with other municipal functions, often to the detriment of that particular municipal service. In this respect funds that could have been used to operate and maintain the infrastructure are used to cover other operational or administrative costs of the municipality. In this regard, the assessment report confirmed that creating a ring fenced municipal entity will ensure that funds collected for water services provision will be used to cover costs associated with water services provision.

Improvement in service delivery

The last benefit as identified by the Mopani Section 78(3) Report (2005:47–49) is the improvement in service delivery. The Mopani Section 78(3) Report (2005) has alluded to the fact that the creation of the municipal entity can facilitate considerable improvements in water services delivery. In terms of the Mopani Section 78(3) Report (2005), the municipalities have a political mandate to ensure a better life for all but as matters stand, the levels of service that are provided to those with access to water is inadequate and there are a substantial number of households without access to water services. The Mopani Section 78(3) Report (2005) further acknowledges that the creation of the municipal entity itself does not guarantee an improvement in service delivery, though is expected that it will create a fertile environment and platform for service delivery improvement.

According to the Mopani Section 78(3) Report (2005), the fragmentation of service provision does not allow for effective coordination, resulting in inefficient

use of resources, duplication of effort and infrastructure and in some cases over capitalisation in infrastructure. In this regard there is a need according to the report for effective integration of planning activities and institutional structures and the creation of a municipal entity will facilitate this objective.

THE INSTITUTIONAL ARRANGEMENTS FOR THE PROVISION OF WATER SERVICES IN MOPANI DISTRICT MUNICIPALITY

The recommendation of the Mopani Section 78(3) Report (2005) as presented and approved by the municipal councils were never thoroughly implemented due to the fact that the Mopani district municipality placed the process on suspension through a Council Resolution Number 684/2008 dated 12 December 2008 and later decided to completely withdraw the establishment of a water entity through the Council Resolution Number 9/2009 dated 13 March 2009. In this regard, the two decisions meant that the assessment report as required by section 78 of the *Local Government: Municipal Systems Act 32 of 2000* was no longer effective and as a result a different mechanism had to be developed.

Given the financial resources already utilised in the report by the municipality, the former Department of Water Affairs and Forestry, National Treasury and SALGA against the Council Resolution of 12 December 2008, given the political environment at the time, due consideration of the financial impact was not considered despite several recommendations to the Council by the administration. As a result another report dated June 2009 was then submitted to Council for the establishment of an internal directorate for water services in the Mopani District Municipality. After the establishment of the directorate all local municipalities were then appointed as water service providers despite the previous recommendation by the National Joint Response Task Team. In this regard water service providers agreements were signed between the district municipality as a water service authority and the five local municipalities as the water service providers (Mopani District Municipality IDP: 2009/10).

In terms of the content of the signed agreements, the local municipalities were to provide water services within their area of jurisdiction and thereafter collect revenue for water and utilise it for water services with a surplus sent to the district municipality. As envisaged by the assessment report, such arrangements were not honoured by all local municipalities in the sense that money collected for water services was used to subsidise other services within the municipalities with nothing sent to the district municipality as highlighted in the June 2014 Auditor-General's report for Mopani District Municipality (Auditor-General's Report for the Mopani District Municipality 2014).

Table 1: Conditional assessment of the water services infrastructure

Water Treatment	Class	Design capacity	Summer Daily Demand	WWTW (Sewerage)	Class	Design capacity	Average flow
Nondweni	D	1 000kl/day	1 300kl/day	Lulekani	C	3.5Ml/day	1.53Ml/day
Nkuri/Mapuwe	C	3 600kl/day	3 950kl/day	Namakgale	C	6.31Ml/day	3.5Ml/day
Zava	D	444kl/day	7 07kl/day	Phalaborwa	C	8Ml/day	4.3Ml/day
Giyani	C	29 400kl/day	21 600kl/day	Giyani	C	2.1Ml/day	4.89Ml/day
Middle Letaba	C	36 000kl/day	6 675kl/day	Kgapane	C	2.4Ml/day	1.32Ml/day
Leitsiele	D	1 400kl/day	1 297kl/day	Modjadiskloof	E	1.1Ml/day	Not measured
Thabana	C	6 900kl/day	8 684kl/day	Senwamokgope	D	Not known	Not measured
Thapane	C	4 500kl/day	3 729kl/day	Dr CN Phatudi	E	Not known	Not measured
Tzaneen	C	9 000kl/day	8 943kl/day	Lenyenye	E	0.4Ml/day	0.8Ml/day
Tzaneen Dam	C	6 000kl/day	8 364kl/day	Nkwankowa	C	4.5Ml/day	5Ml/day
The Oaks	C	1 500kl/day	454kl/day	Tzaneen	B	8Ml/day	5Ml/day

Source: (Mopani District Municipality Conditional Assessment Report 2012)

THE FUNCTIONAL ASSESSMENT CONDUCTED ON THE BULK WATER INFRASTRUCTURE

The Department of Water and Sanitation appointed Thandabatho Managers, an engineering firm, on behalf of the Mopani District Municipality to conduct a status quo assessment of all the water infrastructure facilities within the district in 2013. In terms of the report by Thandabatho Managers, the district municipality has approximately 44 surface- and groundwater schemes and these schemes comprise 1,930km of bulk pipelines, 416 reservoirs and 46 pump stations. Table 1 outlines the design capacity and the level of utilisation of the scheme thereof as reflected in the report.

In terms of Table 1, three of the water schemes are class D while eight of them are class C and with regard to the waste water treatment works (WWTW), three are class E, one class D, six are class C and only one is a class B. In terms of the Regulations Relating to Compulsory National Standards for Process Controllers and Water Services Works (2013), a water scheme is classified in accordance to the points awarded based on factors such as the population supplied, design capacity, operating procedures, operating processes, control processes and special processes. According to the Regulations Relating to Compulsory National Standards for Process Controllers and Water Services Works (2013), class A has over 90 points awarded, class B between 70 – 90 points, class C between 50 – 69 points, class D between 30 – 49 points while class E has less than 30 points. According to the Blue Drop Framework (2014:101) there is a minimum class (Works Class) required for process controllers per shift, supervision and operations and maintenance support services requirements. Table 2 outlines the works classes and the human capital required.

According to the Table 2, for a class E water scheme a Process Controller with a Class I is required to be at the plant all the time while a supervisor at Class V can

Table 2: Minimum Class of Process Controller requirements–2014

Works class	Class of Process Controller per shift	Class of Process Controller for Supervision	Operation and maintenance support services requirements
E	Class I	Class V	Electrician Fitter Instrumentation technician
D	Class II	Class V	
C	Class III	Class V	
B	Class IV	Class V	
A	Class IV	Class V	

Source: (Blue Drop Framework 2014)

be a fulltime employee or a contracted person with the requisite requirements who does not have to be fulltime but must visit the plant on a weekly basis. For a Class D, there is a need for a Class II Process Controller to be at the plant per shift while the supervisor arrangements are the same with that of a Class E plant. A Process Controller with a Class III must be on the plant for a Class C plant per shift with the supervisor coming once per week as per the previous explanation.

According to the Regulations Relating to Compulsory National Standards for Process Controllers and Water Services Works (2013), a process controller is “any natural person who has achieved the relevant competencies to effectively operate a unit process at a water services work or who is qualified and authorised to design and supervise the construction, installation, operation and maintenance of any water services work and who is employed by a water services institution”. In this regard, any person who must work in the water works for purposes of designing, installing, supervising, operating and maintaining any water services work must be qualified and authorised to do so.

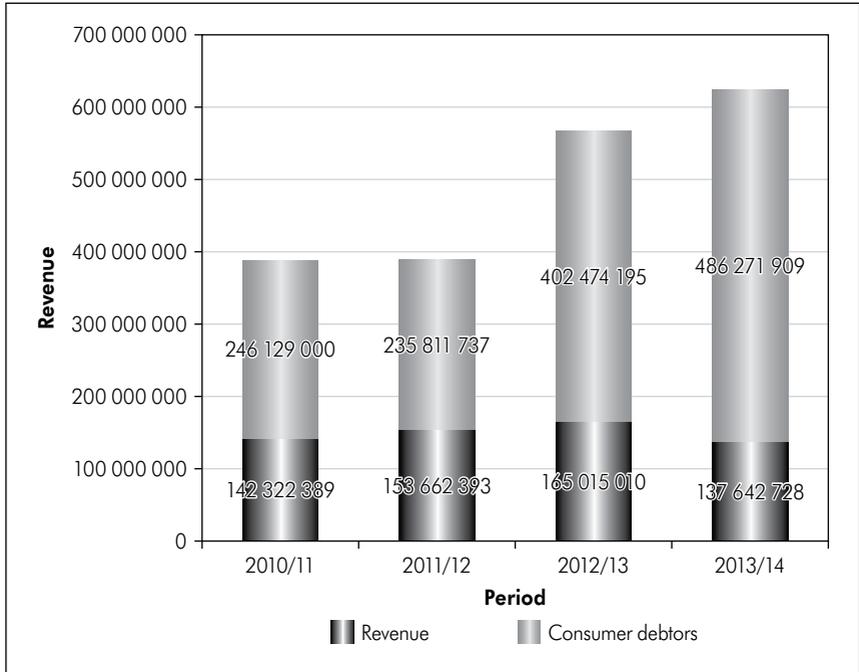
When it comes to Class B and A plants, there is a need for a Class IV Process Controller per shift at the plant and a supervisor at Class V on a fulltime basis. This is the only instance wherein for these classes of plants, a supervisor must be fulltime whether outsourced or a water service institution. In simple terms the lower the class, the less risks that require high level skills while a higher class demand more focused attention. However the water quality either for a class E or class A must meet with the requirements set for water quality. Again in all the plants irrespective of the class, there must be an electrician, fitter and instrumentation technician at all times according to the Blue Drop and No Drop Handbook (2013:101).

According to the Blue Drop and No Drop Handbook (2013:97–100) the educational requirements range from Grade 8 to B Tech or four year BSc both in appropriate field. The situation in terms of the qualified and authorised process controllers as employed by the water service authority and the water service providers in the waste water treatment does not differ with what is outlined above on the number of process controllers per a classification of the water works. In other words the situation is the same with regard to the employment of process controllers within the water works (purification plants) and the waste water works (sewerage plants).

REVENUE COLLECTION ON WATER SERVICES

According to the signed water service provider agreement (Mopani District Municipality IDP: 2009/10) between the district municipality and the five local municipalities, the responsibility to bill and collect revenue for water services lies with the five local municipalities who should in turn provide the cash and

Figure 1: Revenue versus consumer debtors



Source: (Mopani District Municipality Audited Financial Statements 2010/11 – 2013/14)

the financial reports to the district as a water service authority. In simple terms this means that the local municipalities were expected to collect the money and pass it over to the district and for the district to reimburse the municipalities for all the expenditures incurred. The graph above outlines the revenue collected for water services against the consumer debtors from the 2010/11 to the 2013/14 financial years as audited by the Office of the Auditor-General of South Africa.

During the 2010/11 financial year, the municipality received a total of R 142,322,389 for water services and the debt for water services was R 246,129,000 at year end. In this regard the municipality collected less money than it is owed by the household consumers which implies that the municipality will have a shortfall to run the service in the next financial year. In 2011/12 financial year, the revenue collected for the water services increased by almost 7% to R 153,662,393 whilst the consumer debtor also dropped by almost 4.2% to R 235,811, 737. For the financial year 2012/13, the revenue collection for water services was R 165,015,010 while for the same year the consumer debtors entailed R 402,474,195. The revenue collected has increased and the consumer debtors almost doubled as compared to the previous financial year. In 2013/14 financial year, revenue collected for water services was

R 137,642,728 while the consumer debtors were standing at R 486,271,909 (Mopani District Municipality Audited Financial Statements 2010/11–2013/14).

Comparatively speaking, there was a drop in revenue collected and an increase in the debtors at year end as compared to the previous financial year. In a nutshell the situation above clearly demonstrate a financial position that does not assist in rendering a sustainable service and in business terms it could be argued that the service is run at a huge loss. For the service to be sustainable the revenue collected must be higher than the expenditure but given the consumer debtors, it is quite clear that the municipality was not able to recover the production cost. As previously outlined the municipality is also receiving grants which were not included in the revenue received so as to correctly determine the performance of the trading services which in this case was water services.

COST TO BRING THE SCHEMES IN GOOD OPERATIONAL CONDITIONS

Given the fact that majority of the schemes within Mopani District Municipality were transferred from the former Department of Water Affairs and they seem to be ineffective and inefficient in providing water services, the Department of Water and Sanitation and the Department of Cooperative Governance and Traditional Affairs appointed consulting engineers through the Municipal

Table 3: Water service provision

Class	Description	Total number of settlements	Total number of households	Total number of population	Total needy households
1	Communities having no formal water infrastructure	0	0	0	0
2	Communities requiring extension to existing infrastructure	54	25 699	107 851	2 490
3	Communities with access to infrastructure but no access to water because of functionality problems	268	237 678	1 013 682	38 783
4	Communities with access to infrastructure but no access to water because of source problems	7	6 317	27 696	1 703

Source: (Water Master Plan for Mopani District Municipality 2014)

Table 4: Budget allocation for water provision

Municipality	Existing/ new projects	Total project cost	2010/11 Budget allocation	2011/12 Budget allocation	2012/13 Budget allocation	Total budget allocation
Ba-Phalaborwa	Existing	92,491,259.00	36,500,000	18,000,000	0	54,500,000
	New	9,009,000.00				
Greater Giyani	Existing	169,443,652.59	24,000,000	77,000,000		101,000,000
	New	85,064,000.00				
Greater Letaba	Existing	251,429,840.57	61,500,000	49,000,000		110,500,000
	New	110,508,000.00				
Greater Tzaneen	Existing	1,452,636,904.91	241,000,000	275,000,000	315,000,000	831,500,000
	New	65,628,000.00				
Maruleng	Existing	321,791,747.00	27,000,000	88,000,000		115,000,000
	New	25,619,000.00				
Totals		2,583,621,404.62	390,000,000	507,500,000	315,000,000	1,212,500,000

Source: (Water Master Plan for Mopani District Municipality 2014)

Table 5: Short term, medium term and long term costing for water provision

Municipality	Short term costing	Medium term costing	Long term costing
Ba-Phalaborwa	1,635,000	2,358,000	5,016,000
Greater Giyani	12,026,000	52,840,000	20,198,000
Greater Letaba	7,507,000	61,093,000	41,908,000
Greater Tzaneen	7,250,000	47,259,000	11,119,000
Maruleng	1,262,000	14,773,000	9,584,000
Totals	29,680,000	178,323,000	87,825,000

Source: (Water Master Plan for Mopani District Municipality 2014)

Infrastructure Support Programme (MISA) to undertake a further study to determine the cost of refurbishing and upgrading the schemes (Water Master Plan for Mopani District Municipality 2014).

In order to get to the costing of the services required, the report depicted four classes of communities with the different levels of services. Table 3 highlight the state of water service provision per class:

In terms of the Water Master Plan for Mopani District Municipality (2014), a total of 327 settlements have water related problems which affected a total of forty two thousand nine hundred and seventy six (42 976) households out of the two hundred and sixty nine thousand six hundred and ninety four (269 694) households. Majority of the affected households is as a result of the functionality problems of the schemes as alluded to previously. What is encouraging emanating from the report is that there are no communities within Mopani District Municipality without a formal water infrastructure.

The Water Master Plan for Mopani District Municipality (2014) then further determined what it will cost the government to make sure that all households are at the same level when it comes to water provision. In this regard the following financial projections were highlighted by the Water Master Plan for Mopani District Municipality (2014) in Table 4.

Emanating from the same report, there are new projects which have been identified in terms of the different levels of service in each local municipality. These new projects were then grouped into short term, medium term and long term costing. Table 5 gives a reflection of the costing per municipality.

In order for the district municipality to improve the water service provision, there is a need to deal with the short term problems that were identified in the report such as the normal operation and maintenance and these will require an additional amount of R 29,680,000 while for the medium term the amount of

money required is R 178,323,000 and for the long term problems R 87,825,000 is required. The observation is that the water service provision in Mopani District Municipality has not as yet reached a sustainable stage hence the need for additional funding over and above the Municipal Infrastructure Grant and the Municipal Water Infrastructure Grant.

FACTORS AFFECTING THE PROVISION OF WATER SERVICES IN A SUSTAINABLE MANNER

The focus of this article is mainly on exploring and identifying the factors that affect sustainable water service provision within the Mopani District Municipality in the Limpopo Province in order to assist in developing a long term solution. These factors are not exhaustive and should be read in conjunction with other legislative requirements dealing with development within communities.

Poor planning and intergovernmental relations

The value chain for the provision of water services starts with the identification and development of the source whereby a certain amount of allocated water will be abstracted to be purified at the plant. The design capacity versus the level of demand or usage of the plants as outlined above is a clear indication of poor planning and weak intergovernmental relations. According to the transfer agreement signed in August 2008 between the Mopani District Municipality and the then Department of Water Affairs and Forestry, it was stated that a joint conditional assessment of the scheme will be conducted which will then lead into both the department and the district municipality approaching the National Treasury for funding of the upgrade and refurbishment programme of the schemes. If indeed proper planning was done prior transfer, the process would have involved making financial and human resources as required by the standards to be made available for the municipality. In this regard, the municipality continued to operate an infrastructure which does not meet with the required operating standards (Mopani District Municipality IDP: 2011 – 2016).

Despite the poor planning, the intergovernmental relations in managing the water services were very minimal if not non-existent. This is evident in the process towards approving the upgrade for the Tours Water Plant which is located within the Greater Tzaneen Municipality. According to the public participation report dated 2010 and the door-to-door report of the African National Congress as the ruling party within the district municipality, the inadequate water supply in Tours village was one of the critical services which also prompted the community to intend boycotting voting during the 2011 Local

Government elections. The municipality then identified the need to upgrade the scheme in order to improve the water supply and the project was finally included in the 2011/12 IDP and the MTEF Budget. As part of funding this type of projects under the Municipal Infrastructure Grant, the designs were done and as such a technical report was also needed for the final approval of the Department of Water before the project can commence. The process for approving the technical report dragged up to a point whereby meetings between the department and the district municipality were held to deal with the submission (Mopani District Municipality IDP: 2011 – 2016).

According to the correspondences and minutes between the Mopani District Municipality and the Department of Water and Sanitation, the approval was delayed because one section of the department wanted an abstraction licence of the water prior approving the technical report whereas the other section in the same department required the approved technical report before issuing the licence (Minutes of the meetings held during 2014). This is one typical example of instances wherein the weak intergovernmental relations have a negative effect on sustainable water provision. The technical report was finally approved in the 2014/15 financial year and now the project can commence. This implies that the sustainable provision of water in the area was delayed by almost five years just for the implementation of the project which might still take another two years.

In decisive leadership

One of the critical factors in successful institutions is the role played by the leaders and this is equally important in local government which includes both political and administrative leadership. The implementation of decisions taken determines how serious an organisation is towards achieving the set goals and it has been observed that within the district municipality decision making particularly on water service provision has affected the successful provision of the service to the communities (Council Resolution Number 684/2008:2008).

The decision taken by the Council of the municipality to establish a water entity as a way of improving the provision of the service was the most appropriate one given the human and financial constraints within the district. As it stands the municipality does not have borrowing capacity whereas with the entity the situation could have been much better. The withdrawal of the decision to establish the water entity has led to the infrastructure continuing to be in a state of decay owing to the poor operation and maintenance and insufficient funding to even do preventative maintenance (Mopani District Municipality IDP:2011 – 2016).

Similarly, the relaxation of the credit control and debt collection policy by various municipal councils is not doing local government any good. In this

regard the municipalities are losing possible revenue while the cost of running the service is increasing annually. In most municipalities within the district there are no longer reports submitted to municipal councils on the implementation of credit control and debt collection whereby even the cut-off list will be attached to the report. This assisted members of the Council to measure the effectiveness of the policy and the implementation thereof so as to make informed decisions (Auditor- General's Report for the Mopani District Municipality 2014).

Service delivery model

The current water services delivery arrangements are not effective and efficient as anticipated by the section 78 Report (2005). The findings of the report revealed the lack of capacity in three of the municipalities plus the district municipality hence the establishment of a water entity. The chosen model to appoint all the local municipalities as the water service providers did not yield any better results than the establishment of a water entity except the increase in service delivery protests by different communities. This resulted in the challenges for water services being attended on an urgent basis given the community pressure and in this regard the services will not be sustainable.

Inadequate water resources

There could be effective planning, good intergovernmental relations and effective leadership and appropriate service delivery model but if the water source is inadequate, the implementation will be slowed down. The current water sources within the Mopani District Municipality are the streams, wells, rivers and boreholes of which the water from the rivers becomes the main source.

According to the data available at the website for the Department of Water and Sanitation (2015), the status of the dam levels within the Mopani District Municipality clearly demonstrates a dire need for more rainfall in order to have consistent and adequate water to abstract from the rivers. Only three dams are between ninety 94 and 100% full. The lowest dam level is experienced in Middle Letaba which is at 37% full as at the week of the 28 June 2015. If this situation continues, the underground water will also begin to feel a strain thereby either running dry or highly stretched (Department of Water and Sanitation State of Dams 2015).

Capacity of the water infrastructure

Majority of the water infrastructure within the district municipality were designed almost more than 30 years ago. At that time there was no anticipation of

connecting rural settlements to the infrastructure but now with the dawn of a new democracy, every citizen has got the right to access to clean water. This implies that for an infrastructure that was planned to services a few households must not cover a higher number of households hence the water infrastructure is highly stretched as outlined above. Majority of the water infrastructure in the district is operating above the design capacity whilst the bulk pipeline are either very old or highly invested with illegal collections which then make it difficult for water to be stored in the reservoirs prior distribution. Even if it might rain accordingly, there will still be a greater challenge to ensure that both the water and waste water treatment plants are upgraded to meet with the consumer demand let alone also replacing old pipes (Department of Water and Sanitation 2015).

Financial management

For the upgrade and replacement of old water infrastructure to take place, more money is required but it is very unfortunate to note that proper financial management is not in place. As indicated above, the municipality is being owed substantial amounts of money by consumers and that makes it very difficult to plan for the proper management of the water services.

Financial management includes issues such as budgeting for water services which also caters for the tariffs to be applied. In the case of the Mopani District Municipality, it was observed that the tariffs charged to the consumers seem not to be cost reflecting in the sense that when the municipality plans the budget, it does so guided by the threshold increase as determined by National Treasury (Mopani District Municipality IDP:2011–2016). However when parastatals such as Eskom increases the tariffs, it becomes more than what was planned. In simple terms the municipality is struggling to ensure that when costing is done, it has taken into consideration all the factors that can create a financial problem.

Poor implementation of water service by-laws

As outlined above regarding the households that receive water supply and sewage within the district, some of the settlements are in the rural areas where there are no controls over the usage of water despite the existence of the water service by-laws. In order for water to be sustainable within the district, there must be measures to conserve and control the demand for water whether surface or underground. The fact that water in rural areas is not metered, is a clear indication of the lack of the water conservation and demand management plans (Water Master Plan for Mopani District Municipality 2014).

The second aspect to be concerned of is the high levels of illegal connections particularly on the bulk pipeline as a result of poor implementation of water

services by-laws. Once illegal connections are allowed on the bulk pipeline, this implies that water will not be in a position to reach the storage tanks and reservoirs from where they must be distributed to the consumers. When communities do not receive water, they ultimately resort to protests. A typical example is the service delivery protest that took place in 2013 in an area called Petanenge Village within the Greater Tzaneen Municipality which was televised on national televisions. Members of the community particularly women, marched to the municipality and took off their clothes in protest of the lack of water. Members of that community did not want to critically analyse aspects that make them to be without water which amongst them is illegal connections but instead chose to ignore focus only on what they want which is water. This is as a result of the failure by the municipal councils to enforce the by-laws as indicated above.

FINDINGS AND CONCLUSIONS

The article has provided some of the key factors that affect sustainable provision of water services within the Mopani District Municipality. Some of the factors are more of a natural cause and there is too little that can be done to reverse or correct it. This refers to instances where the dam levels are gradually dropping as a result of the rainfall patterns within the area. However issues such as the leadership and decisiveness can be attended to by the policy makers.

It is important to ensure that at the policy level there is a better understanding of what is required and expected out of the institutions they are leading. Once there is a better understanding, elected representatives will be able to pick up any deviations from the legal framework thereby engaging with the respective authorities in good time. There are certain matters that require the attention of elected representatives to work together is removing the bottlenecks. Currently the majority of the elected representatives do not understand the importance of sound intergovernmental relations.

Planning for water services will not practically take place without the availability of appropriate resources. The lack of capacity to operate the water infrastructure clearly becomes a serious limitation to achieve the constitutional mandate. There is a need to match the human capital with the task at hand and also to do likewise with the financial allocations. There are certain water infrastructure that are getting more allocation but bring too little income or at the worse even nothing. This situation requires the policy makers to ensure that the allocation of resources must be commensurate with the desired goals. Unless the Mopani District Municipality confront these factors urgently, the provision of water services in a sustainable manner will just remain a dream for its community. Whilst there is a need to upgrade and or refurbish the water

infrastructure within the district, such must be done in full understanding of the level of impact and the quick return on investment.

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The Implementation of the National Food and Nutrition Security Policy in South Africa

Strategies for Multisectoral Coordination

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ABSTRACT

In South Africa, the right to access to adequate food is entrenched in the Bill of Rights of the *Constitution of the Republic of South Africa*, 1996. The government of South Africa has committed itself to promote and protect the right to access to adequate food, and to directly afford this right to people who are unable to enjoy it for reasons they cannot control. Access to adequate food is one of the pillars of food security, interrelated with food availability, food utilisation and stability of food supply. The approval of the National Policy on Food and Nutrition Security and the Household Food and Nutrition Security Strategy in 2013 by the cabinet indicates a commitment by government to promote the eradication of hunger and the achievement of food security. There is however fragmentation in the current and proposed institutional arrangements applicable to food security in the Policy and the Strategy. This article advocates for a coordinated approach in the implementation of the National Policy on Food and Nutrition Security, as the guiding framework for maximising synergy between government departments and civil society. The article recommends strategies to promote the coordination and collaboration of the various government departments that are responsible for implementing programmes that have an impact on the four pillars of food security.

INTRODUCTION

According to McCalla and Revoredo (1999:96) food security implies that every individual has access to enough food to maintain a healthy and active life. The

United Nations Food and Agriculture Organisation (2009) define food security as access by all people at all times to food required for a healthy life. The National Policy for Food and Nutrition Security identifies four pillars of food security in South Africa namely; adequate availability of food, accessibility of food, utilisation and quality of food and stability of food supply. The multidimensional nature of food security necessitates a public policy approach that requires the coordination of government departments in the various sectors. The National Policy on Food and Nutrition Security was approved by the cabinet with the aim of providing a framework to streamline and harmonise the various initiatives by diverse government departments, civil society and the private sector. The policy was approved with the Household Food and Nutrition Security Strategy and the Fetsa Tlala Production Plan. Through a conceptual and theoretical review of relevant literature, this article provides a discussion of the institutional arrangements to address the four pillars of food security.

THE FOUR PILLARS OF FOOD SECURITY IN SOUTH AFRICA

This section of the article identifies the four pillars of food security in South Africa and provides an overview of the government departments responsible for each pillar. The aim of this section is to contextualise food security in the current public policy framework and to highlight the need for a coordinated approach between government departments.

Food availability

According to the National Development Agency (2013:3) food availability refers to the production and procurement of adequate quantities of food available on a continuous basis. The Integrated Food Security Strategy, 2002, views food availability as the effective and continuous supply of food at both nationally and in households. Food availability is affected by market conditions and the production activities in the agricultural sector. The Department of Agriculture, Forestry and Fisheries (DAFF) is the lead department in terms of ensuring availability of food in South Africa. According to Statistics South Africa (2015:41) 18.3% of the households in South Africa participate in agricultural activities. 77.5 % of the population who engage in agricultural activities, rely on agriculture as an extra source of food, 5.1% utilise agricultural activities as an extra source of income, 1.9% of households engage in agricultural activities as the main source of income and 9.6% of households in South Africa undertake agricultural activities as a central food source (Statistics South Africa 2015:41). Nationally, South Africa is able to produce sufficient food and is able import the

food that cannot be produced within the country in order to provide enough food to its citizens. The National Self-sufficiency index indicates that South Africa is self-sufficient in maize, sugar, citrus, fruit, vegetables, milk and chicken (Du Toit 2011:8). The importance of the agricultural sector to food security is evident in that participation in agricultural activities assists households with extra sources of income and agriculture is significant to decrease the impacts of poverty and hunger. The agricultural sector, through the DAFF is one of the sectors that have a significant role in addressing the food availability pillar of food security.

Food access

Food access refers to the accessibility of adequate resources to obtain appropriate foods for a nutritious diet and food distribution relates to the provision of food at the right time to places where the food is needed. According to the Food and Agriculture Organisation (2013:20), economic access to food is determined by the income that households and individuals have at their disposal, the fluctuations in the prices of food and the way in which individuals and households have access to social assistance. Economic access to food is also determined by people's power to procure food. Physical access is determined by the infrastructure that is available in terms of roads, railways and ports of entry.

In 2014, 11.4% of households were vulnerable to hunger and 13.1% of individuals in South Africa experienced vulnerability to hunger, 22.5% of households experienced complex food access and 26.2% of individuals experienced complex food access (Statistics South Africa 2015:59). South Africa faces a challenge at the household level, where there are some households that do not have access to adequate food. Food access is one of the pillars of food security and therefore the inability to access adequate food is a challenge to household food security. The challenge of food security in South Africa exists at the household level where 5.9% of the total household population in South Africa suffered from severe access to food, and 16.6% of households, experienced inadequate food access. 77.6% of households have adequate access to food (Statistics South Africa 2015:60).

Social protection is important for hunger reduction in different ways; protection for the most vulnerable and contribution to more rapid economic growth and to strengthen the ability of the poor to access food. Hunger and malnutrition reduction require short and long-term interventions. The Department of Social Development (DSD) provides nutritious meals through the Early Childhood Development Centres, and through food distribution centres, food parcels are provided to vulnerable individuals (Department of

Social Development 2013:2). The Programme for Social Relief and Distress implemented by the DSD is one of the key programmes in ensuring economic access to food, this programme along with the Expanded Public Works Programme and the Community Works Development Programme implemented by the Departments of Public Works and the Department of Cooperative Governance and Traditional Affairs (COGTA) respectively, are aimed at assisting households and individuals with income to procure food.

Food utilisation

Food utilisation refers to the final use of food by households and individuals. It is important for individuals to use food for their nutritional wellbeing, and the preparation of food must provide the maximum nutrients. Two key factors influence food utilisation; dietary diversity and food preservation and utilisation. According to the National Policy on Food and Nutrition Security the diversity of diet is pivotal to the attainment of food and nutrition security, since diverse diets tend to be richer in micro and macro-nutrients. The consequences are high levels of micro-nutrient deficiency induced diseases in South Africa, arising from insufficient Vitamin A and Zinc, and manifesting as anemia. The Department of Health established the food fortification of maize meal and wheat flour with the aim of addressing deficiencies of micro-nutrients including iron, zinc, Vitamin A, folic acid, thiamin and riboflavin (Republic of South Africa 2013:9). The Department of Health is also responsible for introducing micro-nutrient sprinkles to food that is already prepared. It is important to acknowledge the importance of nutrition education in terms of food utilisation. Nutrition education is essential to educate individuals in planning their meals and also for interpreting the nutritional indices and the information on the proper preparation of food in order to retain the micro-nutrients that may be lost in food preparation. The Department of Health and the Department of Basic Education are responsible for nutrition education in South Africa. The Department of Basic Education is responsible for the implementation of the National School Nutrition Programme which includes nutrition education.

Stability of food supply

The fourth pillar of food security in South Africa is the stability of food supply. The supply of food in South Africa is impacted by natural, market, political and economic conditions. The multiple pillars of food security necessitate a multidimensional and multisectoral approach to policy implementation as each pillar of food security is addressed by various government programmes including school feeding, programmes for social relief and distress, support

for smallholder and subsistence farmers, Community Works Development Programmes and Expanded Public Works Programmes. The multisectoral and multidimensional nature of food security is evident in the diverse programmes aimed at addressing each of the four pillars. It is of significance to this research to highlight that this is not an exhaustive discussion on the multisectoral programmes and strategies in place in order to promote the attainment of the right to sufficient access to food provided by government.

LEGISLATIVE FRAMEWORK APPLICABLE TO FOOD SECURITY IN SOUTH AFRICA

The need for a coordinated approach in addressing the pillars of food security can also be contextualised in the legislative framework in South Africa. The right to access to food is a constitutional right entrenched in the Bill of Rights of the *Constitution of the Republic of South Africa, 1996*. Sections 27(1) 28(1) and 35(2) of the *Constitution of the Republic of South Africa, 1996*, entrenches the right to access to sufficient water and food to all citizens, the right of every child to basic nutrition and the right of detained person and sentenced prisoners to access to basic nutrition.

The *Constitution of the Republic of South Africa, 1996* emphasises the requirement that the state must take reasonable and other measures within its available resources to achieve the realisation of these rights. Section 8 of the *Constitution of the Republic of South Africa, 1996*, binds all organs of state to ensure that the rights in the Bill of Rights are protected, promoted and respected. The government of South Africa is constitutionally bound to promote adequate access to food.

The White Paper on Agriculture, 1995, recognises the contribution of agriculture in the improvement of income, food security, employment and the quality of life. *The White Paper on Agriculture, 1995*, states the need for a multidimensional view to enhance household and national food security. South Africa is a net food exporter and is self-sufficient in terms of maize, wheat, vegetables, sugar and sunflowers (Du Toit 2011:8). *The White Paper on Land Reform, 1997*, identifies land reform as a way to ensure that more households will be able to continually access enough food. *The White Paper on Land Reform, 1997*, also identifies the consequences of the absence of household level security on the physical and mental development of children, and this is of importance to the Department of Basic Education which aims to improve the physical and mental development of children through its National School Nutrition Programme. Household food security is impacted by agricultural activities as sources of food and income, and household food security has an

impact on nutrition, health and education, and thus requires a multisectoral approach to food security.

The *White Paper on Land Reform, 1997*, makes provision for the access to productive land through which households have opportunities to access to more food and financial resources to purchase food. The *White Paper on Land Reform, 1997*, recognises the contribution of land to economic growth and poverty alleviation, and highlights the impact of poverty and income on food security and identifies the need for coordinated effort between the agricultural sector and other sectors. The *New Growth Path* identifies three challenges: poverty, inequality and unemployment that directly impact the ability of people to access food. The *New Growth Path* also recognises a microeconomic package that aims to contain the impact of increases in the prices of basic food items. Since 1994 economic policies in South Africa have focused on poverty reduction, and promoting employment. In terms of food security the agricultural sector plays a significant role in employment. In terms of multisectoral coordination, economic policies are relevant to other sectors which aim to promote the ability of people to access food and promote food security.

South Africa still faces many developmental challenges. The National Development Plan is a strategy developed by the National Planning Commission in the office of the Presidency in 2011 and provides a strategic framework to guide key choices and actions in order to achieve specific goals in 2030. The aim of the National Development Plan is to ensure that South Africans attain a decent standard of living by focusing on the provision of basic services, public transport, the development of human capacity, health care services and adequate nutrition (National Planning Commission 2011:41). Food and nutrition security are regarded as a top priority in South Africa as stated in the National Development Plan. The National Development Plan identifies poverty as a principal challenge in South Africa.

In order to alleviate poverty, social welfare policies are crucial. The DSD administers social security with the South African Social Security Agency (SASSA), as mandated by the *Social Assistance Act, 2004* (Act 13 of 2004) and the *South African Social Security Act, 2004* (Act 9 of 2004). It is evident that the ability of people to access food influences a person's food security. The role of the DSD becomes imperative as the department responsible to ensure that those that do not have the material resources to access their basic needs, such as food, are provided with assistance. For the purpose of this article the DSD and the Social Relief and Distress programme focus on the income opportunities created for the purpose of assisting individuals in terms of income generation.

The *White Paper on Social Welfare, 1997*, stated the necessity of government departments to work together in order to guarantee that people who suffer from malnutrition are assisted with programmes such as feeding programmes, public

works, capacity building and other programmes that contribute to household food security. Poverty cannot be measured by income only; there is a need for the different sectors to work together in terms of the different programmes they offer related to poverty reduction and food security. School feeding programmes are provided for as part of the programmes made provision for in the *White Paper on Social Welfare*, 1997. The school feeding programme offered by the Department of Basic Education is the National School Nutrition Programme. The National School Nutrition Programme is the key programme relevant to the nutrition and food safety element of food security. There is a clear link between the agriculture, economy, social, health and education policies in South Africa.

The National Policy on Food and Nutrition Security acknowledges the complex nature of food security and aims to provide a framework for synergy between the various programmes and policies in place. The Household Strategy on Food and Nutrition Security specifically targets the availability and affordability of food to households and identifies a need for interaction between the spheres of government. The multidimensional nature of food security is evident in the legislative framework applicable to food security in South Africa.

INSTITUTIONAL ARRANGEMENTS FOR FOOD SECURITY IN SOUTH AFRICA

According to Macqueen, Zapata, Campbell, Baral, Camara, Chavez, Grouwels, Kafeero, Kamara, Rametsteiner, and Rodas (2014:ix) multisectoral platforms are processes which often become institutionalised bodies, drawing together various stakeholder representatives from different sectors to make decisions. Multisectoral platforms are formed to connect and harness the advantages of collaboration in dealing with challenges that span more than one sectoral jurisdiction and require a coordinated response in policy formulation and implementation.

The difference between multisectoral platforms and dialogue is that members go beyond networking; they make commitments, resource those commitments and hold each other accountable to coordinated responses. The public policy context for food security in South Africa has since 1994 reflected recognition for the multisectoral nature of food security in South Africa. This is displayed in the institutional arrangements for food security identified in the Reconstruction and Development Programme (1994), the Integrated Food Security Strategy (2002), Outcome 7 (2010), the Household Strategy on Food and Nutrition Security (2013), Fetsa Tlala Production Plan (2013) and the National Policy on Food and Nutrition Security (2013). The challenge remains that there are currently a myriad of task teams for food security in South Africa.

The National Policy on Food and Nutrition Security

The National Policy on Food and Nutrition Security identifies a National Food and Nutrition Security Advisory Committee comprised of organised agriculture, food security and consumer bodies and representatives of organised committees chaired by the Deputy President. The National Policy on Food and Nutrition Security highlights that the same committees will be established in the provinces and municipalities. The Policy does not indicate how these structures could be established. There are no clear guidelines on how the participation of civil society organisations and the private sector will be fostered in the implementation of the National Policy on Food and Nutrition Security. The DAFF cannot determine the service delivery performance of the departments of agriculture and there is currently a need for comprehensive evaluation for provincial service delivery in the provinces (Financial Fiscal Commission 2014). The *Constitution of the Republic of South Africa*, 1996, identifies agriculture as a function of national and provincial departments which have to consider directives as guiding principles but these are not mandatory. The provinces do not need to be accountable to the national DAFF. It is therefore significant that there is a need for a synergy between all three spheres of government in the forming of the provincial and municipal advisory committees. The National Policy does not indicate the way in which the advisory committee would function specifically in relation to the proposed institutional arrangements in the Household Food and Nutrition Security Strategy, the Fetsa Tlala Production Plan and the established Outcome 7. The National Policy on Food and Nutrition Security will not be implemented in isolation and there is a need for an explanation on how the advisory committee will be aligned with institutional arrangements that currently existed.

The Household Food and Nutrition Security Strategy

In 2013 three key guiding strategies were approved by cabinet, the Fetsa Tlala Production Plan and the Household Food and Nutrition Security Strategy as well as the National Policy of Food and Nutrition Policy. The approved Household Food and Nutrition Security Strategy also indicates a multisectoral approach to food security through the inclusion of different sector departments involved in the different pillars of food security in South Africa. Table 1 depicts the Household Food and Nutrition Security Strategy.

The Strategy identifies the need for a Ministerial Household Food Security advisory committee and the significance of the role of the Department of Rural Development and Land Reform (DRDLR), Department of Water Affairs (DWA) and the Department of Science and Technology (DST).

Table 1: The proposed institutional arrangements for the Household Food and Nutrition Security Strategy

National Working Group	Departments involved
Food Fortification	DOH
Improving access and availability of food	DAFF (DTI and EDD)
Support for small scale producers and food production	DAFF
Nutritional needs of the most vulnerable and most food insecure	DSD

Source: Adapted from The Household Food and Nutrition Security Strategy 2013

A centralised food control system

Food control is a concurrent responsibility that requires multiple government departments from all spheres of government. Currently three government departments share the responsibility for food control in South Africa; the DAFF, the Department of Health and the Department of Trade and Industry (DTI).

Table 2: The Outcome 7 government departments

Outcome 1 DAFF & DRDLR	DWA,CoGTA, DTI, DED, Provincial Departments of Agriculture and Rural Development, Tourism, DST	Other relevant national and provincial sector departments Finance institutions, Land Bank, Farmer organisations, Local Government, public entities etc.
Outcome 2 DAFF	DRDLR,DBE, DoH, DTI,DPW,DSD,DWA,DoCG, DHS, DoCG, provincial sector departments, Local Government, Traditional leaders	Farmer’s organisations, NGOs, CBOs, Public entities, Private sector, and competition commission etc.
Outcome 3 DRDLR	DoH, DAFF DWA, DST,DBE, DSD, DHA, DHET, DHS COGTA, DoL, DMR, , Energy, DOC, DOT DPW,NYDA, Tourism	Provincial government departments, Local Government, SOEs, public entities
Outcome 4 DRDLR	DTI DPW, DAFF, DWA, DSD, DoL, DED, DPW, Mineral Resources, Tourism, DEA,DOC,DST, ,YDA	Provincial government departments, Local government, SOE, Public Entities, Financing institutions, Private sector, Farmers organisations, construction industry
Outcome 5 COGTAand DRDLR	DTA, DAC, SRSA, Provincial DoCOG Provincial depts. with rural development function, SRAC, YDA	SALGA, MDB, ward committees, CDWS, Local Government, NGOs, CBOs, NPOs ,social and sports clubs and sports bodies

Source: Adapted from The Presidency 2010

The DAFF is the lead regulatory authority tasked with the responsibility for food security, the Department of Health is responsible for foodstuffs and the DTI through the National Regulator of Compulsory specifications is responsible for canned meat, meat products, canned and frozen fish. The DTI is also responsible for accessible and sustainable meat placement for consumer products (Department of Agriculture, Forestry and Fisheries, Department of Health and Department of Trade and Industry 2013:12). Outcome 7 identifies five outcomes that are led by DAFF, Department of Rural Development and Land Reform and Cooperative Governance and Traditional Affairs respectively and support departments as well as the private sector, provincial and local governments and civil society. This is a further indication of the recognition of the multisectoral participation of government departments in the multisectoral platforms applicable to food security in South Africa Outcome 7 has five outputs with a representation by similar departments led by the DRDLR and DAFF. Table 2 depicts the five outputs and the institutional arrangements for Outcome 7.

The Fetsa Tlala Production Plan

The Fetsa Tlala Production Plan identifies the following institutional arrangements for a task team to implement the Production Initiative; DAFF (Convenor), DRDLR, DWA, DTI, DSD, DPW, NT, and PDAs. The Fetsa Tlala Production Plan also indicates a multisectoral approach to food production as a pillar of food security in South Africa. The leadership of the programme is done by the DAFF (DAFF 2013:11).

A challenge in multisectoral coordination identified in this article is the interface between the DAFF and the DRDLR as convenors of multisectoral platforms for food security. The DAFF is responsible for establishing a national task team comprised of government departments and the private sector in the implementation of the Fetsa Tlala Production Plan. The Department has a role as convenor and coordinator and will also serve as the secretariat for the task team (DAFF 2013:11).

The DRDLR is responsible for coordinating the activities of Outcome 7 (The Presidency 2010) which aims to ensure vibrant sustainable rural communities and food security for all. The DRDLR is the chair of the implementation forum whereas the DAFF is the co-chair. The two government departments each have their own mandates with regard to ensuring food security in South Africa; both the departments are sectoral in nature in that they concentrate and target a particular segment of the economy, the agricultural sector and rural development and land reform. There needs to be a clear interface and clarification of the roles between these two departments as convenors of multisectoral platforms for food security in South Africa. In terms of policy coordination and effective implementation as the main aim of these processes it, requires participation

from decision-makers in some form, multisectoral platforms can benefit from inputs and participation from broader constituencies.

A further challenge in ensuring multisectoral integration in South Africa is in the lack of convening power by a government department over other line ministries. The DAFF has no convening powers over other sector departments and therefore the role of the department as a convenor of working groups and task teams applicable to food security in South Africa presents a challenge to multisectoral coordination as there is no obligation for the other departments to attend the meetings if there is no law for enforceability.

Chitiga-Mabugu, Nchemachena, Karuaihe, Motala, Tsoanamatsie, Mashile (2013:7) state that the institutional location for coordinating a national response is a limitation in ensuring the emergence of a multi-dimensional response to food security in South Africa. There is a need for clarity regarding the way in which DAFF can coordinate other ministries. The sectoral coordination of multisectoral platforms by the DAFF is also highlighted by Drimie and Ruysenaar (2003) the challenges that were evident in the Integrated Food Security Strategy is that coordination was done by the DAFF in the food security directorate. This challenge is evident in the coordination of the Fetsa Tlala Production Plan where DAFF is the convenor.

The DAFF information management functions are to coordinate the review, generation and to update food security information and enhance the coordination of the Food Insecurity and Vulnerability Information Systems (DAFF 2015). In order to effectively address food security in South Africa, it is imperative to develop a national database of food security information. The key strategies, policies and programmes that have been developed in South Africa applicable to food security have since 1994 established task teams and working groups as a multisectoral platform for coordination. Each of the task teams consists of a lead department and supporting departments that are responsible for a specific pillar of food security in South Africa with a sector department such as the DAFF and the DRDLR as a convenor of the task team or group. The task teams that have been established identify similar departments as key stakeholders in ensuring that all the pillars of food security are addressed. This article argues that the numerous task teams and working groups create a need for multisectoral integration.

STRATEGIES FOR MULTISECTORAL COORDINATION

The introduction of the *National Policy on Food and Nutrition Security* was aimed at addressing the challenges of the *Integrated Food Security Strategy* in coordinating and streamlining different sectors and programmes addressing food security. The strategies recommended in this article are aimed at addressing the above mentioned challenges.

An assessment of the current institutional capacity for public policy implementation

The coordination of activities by government departments, each with its own organisational structure, vision, mission and strategic objectives creates the need for an assessment of institutional capacity to carry out activities that are common to a task team or working group. Institutions that lack the financial and administrative capacity to implement their own activities also hamper multisectoral coordination. Benson (2008) identifies the lack of capacity in implementation; monitoring and evaluation can be a barrier to multisectoral coordination. Management involves the task of policy planning, capacity for policy analysis, organisation of work, decision-making, roles and responsibilities, accountability and feedback review and evaluation (Garret and Natalicchio 2011:33). It is vital for the institution responsible for the management of multisectoral platforms to be able to work with, and around rules, structures and partners in bureaucracies and other organisations.

Two key elements are highlighted as challenges in the institutional capacity of the government departments to implement their programmes; the funding for programmes and human capital management capacity. The National Development Plan (2012:361) asserts that the social sector is currently fragmented and under-resourced and facing challenges and constraints from the apartheid era. There is a lack of coordination and integration of systems, weak and limited funds available and capacity shortages. In South Africa the implementation of programmes as identified in the Policy, the Household Strategy and the Fetsa Tlala have to take into consideration the allocation of budget items by the National Treasury. There are no funds that are specifically dedicated to food security in all spheres of government. An analysis of the capacity of government departments that are involved in the public policymaking, implementation, monitoring and evaluation is recommended. A determination needs to be made on who the representatives from the different government departments are on the multisectoral platforms and also on where in the organisational structure, the interested stakeholders are placed. There are skills shortages and fragmentation in the social sector and it is therefore important that an environmental analysis is made to ascertain the extent to which adequate capacity exists to achieve policy goals prior to targets being set.

Clearly defined guidelines for institutional arrangements in the provincial and local government spheres are recommended

The National Food and Nutrition Security Policy will be implemented under the leadership of the DSD and the DAFF. The Policy states that similar structures are to be convened in the provinces and local spheres of government. It

is imperative given the multidimensional and multisectoral nature of food security, that the policy be implemented with clear and specific work-based implementation plans that clearly indicate the role of the various departments in the national and provincial sphere involved and their role in policy-making, implementation, analysis and monitoring and evaluation.

The development of guidelines for participation by the local sphere of government in the implementation of the Policy is advocated for and recommended in this research. Section 152 of the *Constitution of the Republic of South Africa*, 1996 identifies the provision of a safe and healthy environment and the promotion of social and economic development as the objects of local government. The inclusion of municipalities in the public policy process is significant as municipalities are responsible for the provision of basic services which have an impact on food access, food use, food production and stability of food supply which are pillars of food security. If there is no water or electricity households cannot prepare and cook certain kinds of food. The local sphere of government is at the coalface of service delivery and in this sense is the sphere closest to the people. COGTA (2009:21) states that progress and success of the local government system in South Africa is increasingly being overwhelmed by factors such as poor governance, service delivery failures, their capacity and performance and by the unique challenges experienced in the varying spatial locations of municipalities. Challenges relate to the availability of human resource capacity, degree of economic activity and overall institutional strength. Some municipalities face huge infrastructure backlogs, the negative impacts of demographic change and prevailing apartheid-based socio-economic legacies. It is of significance to note that the 278 municipalities have unique characteristics for which a one-size-fit all approach is inadequate. It is important therefore that municipalities are included in the engagement of stakeholders and role-players in the development of guidelines for an advisory committee to lead the implementation of the National Policy on Food and Nutrition Security.

Evidence-based decision-making for policy monitoring and evaluation

A criteria and consideration used by the Food and Agriculture Organisation considered to be a critical feature in the enabling environment for food security is evidence-based decision-making. Decision-making of food security is based on evidence generated and functional systems that monitor trends, track and map actions and assess impacts in a timely manner and enabling lessons learned to be fed back into the policy process (The United Nations Food and Agricultural Organisation 2014:20). The United States Agency for International Development (2013) highlights the importance of the existence of quality data for monitoring the

policy objectives and to set performance targets to monitor the achievement of policy objectives. Policy evaluation is an assessment activity and can be conducted before implementation, during implementation and after implementation. Evaluation is used in order to generate information on a policy and to inform decision-making.

Pre-implementation evaluation such as a feasibility study is used in order to avoid administrative inefficiencies (Ille 2014:193). The DAFF, Subsistence Farming Directorate, the Information Management Unit are responsible for coordinating the monitoring of food security policy information in South Africa (DAFF 2015). In addition to the surveys such as the General Household Survey and the Labour Force Survey, that are used to inform the pillars of food security in South Africa, the various departments responsible for food security programmes have their own indicators and monitoring, evaluation and reporting systems. It is important to investigate the systems in place and the extent to which the various government departments provide information that enables a clear picture of the state of food security in South Africa. It is recommended that uniformity is applied to the indicators used for monitoring and evaluation of government programmes aimed at addressing the four pillars of food security.

The active participation of civil society and private sector organisations in public policy implementation

Reddy and Govender (2014:172) differentiate between policy role-players and policy stakeholders. Policy stakeholders are defined as those having either direct or indirect influence on policy-making. Direct policy stakeholders are political institutions and actors including governments and public institutions and researchers. Indirect policy stakeholders are interest groups, non-governmental organisations, and academic institutions. Policy role-players are directly involved in the process of formulation, implementation and evaluation of the policy. The role-players are actual participants in the policy process. Public participation processes serve to strengthen institutions of representative democracy by democratising those institutions. In a participatory democracy, the public is actively involved in the decision-making processes of the government.

Civil society organisations have platforms where they are able to communicate policies and strategies that aim to address food security both globally and nationally depending on the prevalent conditions in each country. Civil society organisations highlight the need for strategies to include the participation of marginalised groups, such as women, children, youth, small holder farmers, indigenous peoples, pastoralists and fishers in order to be effective (Chitiga-Mabugu *et al.* 2013 viii).

The *National Policy on Food and Nutrition Security* identifies the participation of civil society and the private sector in the advisory committee; however it is not clear what the roles of these organisations will be. It is also important

to note that civil society includes a wide array of non-governmental and non-profit organisations, community groups, charitable organisations, labour unions, indigenous groups, faith based organisations, professional associations and foundations. There is a need to clearly state how these organisations will be included in the institutional arrangements in all three spheres of government. Timney (2011:87) states that in some situations public input in decisions of administration is likely to be solicited after administrators have defined the problem and developed proposed solutions. Even though the citizens are provided an opportunity to provide input what they recommend often does not change the outcome as the most important decisions are already taken. It is recommended that clear guidelines for the participation of civil society and non-governmental organisations are set out in the implementation and work-based plans of the policy. There is a need for the establishment of avenues of communication and collaboration between government and these organisations and for civil society to be included in the development of policy implementation plans.

CONCLUSION

Food security is multisectoral and multidimensional in nature as it consists of four pillars that require the participation and active involvement of various government departments. In South Africa, each of the four pillars of food security is addressed by multiple departments across the agriculture, land reform, health and social development sectors. The introduction of the Integrated Food Security Strategy in 2002 and the National Policy on Food and Nutrition Security in 2013 indicate the recognition by government of the need for a coordinated approach to addressing food security. The main aim of this article is specifically to provide recommendations for multisectoral coordination in the implementation of the National Policy on Food and Nutrition Security, taking cognisance of the current institutional arrangements and those proposed in terms of the *Household Food and Nutrition Security Strategy* and the *Fetsa Tlala Production Plan*. It is envisaged through this article that the participation by different policy role-players and stakeholders may be coordinated to promote a multisectoral approach to addressing the four pillars of food security.

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Towards Attaining Good Governance and Respect for Human Rights in South African Local Government

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ABSTRACT

The purpose of this article is to analyse the extent to which South African local government sphere is fair, transparent and accountable in discharging its responsibilities and promoting human rights. The obligations of the citizens within the various municipalities in South Africa are analysed to determine the extent to which they are aware of the role they can play to advance good governance and protection of human rights. An analysis of local government's approach to the management of service delivery has been meticulously conducted. This has been achieved through the review of scholarly published articles, local government's publications and newspaper articles in relation to good governance. This article contends that for the South African local government to attain good governance, it is essential to fight corruption, deliver services, consult the public and manage public resources in an accountable and transparent manner. It is also important for the citizens to support the local government by paying for services, to engage peacefully with local authorities and vote out political leaders who do not deliver on their mandate. This article concludes that due to the South African local government's failure to ensure fairness, transparency and accountability, on the one hand and the citizens' role confusion on the other hand, good governance remains an elusive ideal while human rights remain precarious.

INTRODUCTION

The purpose of this article is to analyse the extent to which the South African local government is fair, transparent and accountable in discharging its responsibilities

and promoting human rights. Therefore, the obligations of the citizens within the various local municipalities in South Africa are analysed to determine the extent to which citizens are aware of the role they can play to advance good governance and protection of human rights. Good governance cannot be divorced from human rights particularly at the local government level. In point of fact, human rights set the performance criteria against which government officials can be held accountable (United Nations 2007:1). This indicates that without human rights charters, government officials within all the spheres of government could find it easier to override the rule of law, policies and misappropriate state resources to the detriment of fundamental rights of the citizens. In addition, the United Nations (2007:1–2) insist that the government needs to create an enabling and conducive environment in order to ensure sustainable protection of human rights. However, if the local government is determined to attain this, it will be vital for the municipalities in South Africa to be fair, transparent and accountable to the citizens by fulfilling their important roles.

In order to understand whether the South African local government is fair, transparent and accountable, it is essential to reflect on the role and responsibilities of the municipalities. This critical exercise should include among other things, the municipalities' engagement with local communities through consultation, ensuring accountability and transparency, addressing corruption, educating the citizens and being responsive to the demands of the citizens. It is essential to point out that a reflection on the aforementioned roles and responsibilities should suffice to determine whether human rights are protected and advanced by the South African local government.

Furthermore, it is important to emphasise the role which the local government needs to play in promoting good governance without paying attention to the duties and responsibilities of the citizens, in advancing good governance. The citizens can make significant contributions in this respect by paying for services, supporting the municipalities and actively engaging with their local municipalities within the parameters of the law. To amplify this point, Good Governance Learning Network (2008:20) assert that good governance is threatened when the engagement between the government and citizens traverse the legal margins and the established constitutional precepts. Moreover, it is imperative to examine the manner in which service delivery protestations are managed to understand the current approach of the local government to these incidents. Such an understanding of the current approach to management of service delivery protestations should assist to identify a more viable alternative. This article concludes that due to the South African local government's failure to ensure fairness, transparency and accountability, on the one hand and the citizens' role confusion on the other hand, good governance remains an elusive ideal while human rights remain precarious.

CONCEPTUALISATION OF GOOD GOVERNANCE

Good governance can mean different things to different people in various contexts. In other words, to define the concept of good governance is not easy if the debate and challenges about the concept are taken into consideration (Grindle 2007:555). Good governance can be defined as “the exercise of authority through political and institutional processes that are transparent and accountable, and encourage public participation” (United Nations 2007:2). Good governance can also be viewed as “a process by which public institutions conduct public affairs, manage public resources and guarantee the realisation of human rights” (Good Governance Learning Network 2008:11). Based on the two definitions above, it is suffice to describe good governance as a process by which all spheres of government conduct public affairs in consultation with the citizenry to effectively manage public resources and promote human rights in a transparent and accountable fashion. Therefore, good governance is concerned with the effective distribution and management of resources to eliminate corrupt activities within government institutions (Fourie 2009:1114).

Furthermore, the Provincial Government of Western Cape (PGWC) (2009:7–8) and the Good Governance Learning Network (2008:12–13) outline the principles of good governance as follows:

- Efficiency and effectiveness: local government should endeavour to achieve the ideal goals or objectives that are in the best interest of the community, using the minimal available resources.
- Participation: all the actors at local government should be afforded an opportunity to participate in decision-making processes that affect them directly or indirectly.
- Transparency: government institutions should provide relevant, timely and accurate information about processes that affect other stakeholders, especially, the citizens.
- Consensus oriented: it is important to achieve or strike a balance between the general interest of the public and the elite group. Ultimately, an agreement must be reached to deliver in terms of the wider interest of the society.
- Responsiveness: the government institutions are expected to respond to the demands or needs of the citizenry within a reasonable period of time.
- Rule of law: requires that all the policies, regulations and statutes should be impartially applied in order to prevent and safeguard human rights.
- Accountability: public managers must be able to give unambiguous account to those who are affected by their decisions and actions.
- Equity and inclusiveness: all groups including the marginalised people should feel valued by the local government, particularly through inclusion in the various processes.

- Professionalism: public administrators should maintain high professional etiquettes or standards in the provision of services.

An absence of any of the nine principles of good governance at the local government level in South Africa may raise concern with regard to what constitutes good governance. Lack of or slow response to the demands of the citizenry in respect of service delivery at local government poses a challenge to the ideal of good governance in South Africa. Again, the aforementioned principles of good governance suggest that the local municipalities and their respective citizens should be aware of their roles and responsibilities so that the ideal of good governance could be realised. The next section will critically assess the various roles and responsibilities of the municipalities towards their citizens in order to attain good governance.

ROLE AND RESPONSIBILITIES OF MUNICIPALITIES IN ADVANCING GOOD GOVERNANCE

The role and responsibilities of the municipalities set out below should be understood in the context of the objectives of local government as expressed in section 152 of the *Constitution of the Republic of South Africa*, 1996 as amended.

Consultation

Consultation is one of the central Batho Pele (people first) principles. This principle suggests that the constituencies of the municipalities will be consulted in decisions or issues that affect them. It is vital to point out that good governance is possible where greater citizen participation and consultation accompanied by accountability on the part of public officials is evident (Good Governance Learning Network 2008:11). If this is not correctly undertaken, tensions between the municipalities and the citizens may arise. This could be exacerbated by a circumstance where the citizens are not informed about the intentions of their local authorities. For example, on 29 March 2015 the residents of Orlando East in Soweto embarked on a protestation due to the installation of prepaid water meters without consultation or communication with the affected residents (Diale 2015:3). The chairperson of the Orlando East Community Task Team, Seth Mazibuko raised a concern in relation to lack of consultation: “Our problem is that there was never public participation or public consultation...” (Diale 2015:3). This problem confirms the assertion that the senior municipal officials in South Africa lack the necessary capacity and skills to ensure citizen participation and engagement, which counteracts a meaningful and fruitful

form of community participation in the affairs of the local government (Good Governance Learning Network 2008:12).

The municipalities should be able to justify decisions which affect their communities. If for instance, the municipality decides to increase water rates, it is important to discuss the matter with the communities concerned and furnish compelling reasons for their decisions. Moreover, efforts should be taken to avoid surprises, especially in circumstances where communities are not informed about critical decisions that have financial implications. At the same time, when such decisions are communicated, it is imperative to consider the method utilised to communicate those decisions e.g. local newspaper publications, community radio stations etc. An appropriate communication method should be identified in order to reach out to the larger community. The United Nations (2007:5) highlight that the local communities should be furnished with credible and objective information concerning issues that affect them, in a language which they comprehend, which is in consistent with human rights principles and transparency in decision-making.

In order to consult effectively, the local authorities will have to ensure that the voice of their communities is heard and responded to. In other words, the municipalities have to be responsive to the demands of the public. By so doing, consultation could help the municipalities to discuss their challenges with their communities and furnish reasons for the slow pace in response to their demands. In addition, such a consultative process could allow the municipalities to obtain valuable inputs from communities. It is critical to ensure that the inputs of the communities are genuinely considered. A failure to consult with the communities may also result in loss of trust in local authorities. In support of this view, McEwan (2003:475) indicates that the exclusion of poor communities in the decision-making process at Khayelitsha in the vicinity of Cape Town has created a feeling of alienation. When consultation between the municipalities and communities takes place appropriately, accusations of absence of participatory platform and exclusion in the decision-making process can be allayed. A major challenge facing the South African local government is that municipal officials are not keen to engage directly with their communities; they are antagonistic towards active participation by the citizens in public affairs (Good Governance Learning Network 2008:26).

Accountability and transparency

Thornhill (2015:79) points out that accountability denotes taking responsibility to achieve desirable outcomes, complying with procedures, implementation of programmes, effective management of public funds and abiding by the rule of law. Service delivery would be enhanced if accountability was evident within all spheres of government, particularly the local government (Kanyane

2010:81). Therefore, Public officials within the local municipalities should be able to provide valid reasons for their actions or lack of action in relation to the various aspects that concern the municipality and its functions. To attain this ideal situation, it is critical for the local authorities not to be defensive when members of the community question decisions which in their opinion seem to be irrational. Instead of viewing that as a provocative challenge, this should provide the public officials with an opportunity to clarify issues that are not obvious to members of the community. However, a challenge is that the political elite disregard the rule of law which is evidenced by attempts to suppress the public protector's reports and court judgements, compounded by flouting of rules and procedures which undermine the principle of accountability (Runji 2015:13). In support of this argument, Kanyane (2010:85) contends that when the principle of the rule of law is not appropriately upheld by all spheres of government, accountability becomes non-existent. Furthermore, Thornhill (2015:95) contends that the fact that the majority of the South Africans are not aware of the forums through which they can raise their concerns; has given the government officials an opportunity to flout the principle of accountability.

The public officials have to be prepared to take any form of criticism from the community. In fact, the public officials' actions and decisions have to be transparent enough to their communities. Thornhill (2015:82) contends that transparency can be promoted successfully only if the citizens are given access to information which is accurate, timely and relevant so as to hold the public officials accountable for their action. A failure by public officials to provide information to which the public is entitled, constitutes a violation of citizens' right to information as provided for in section 32 of the South African Constitution of 1996 as amended (South Africa 2005:17). With regard to the issue of transparency, Fourie (2009:1118) is of the opinion that transparency can become a reality if proper lines of reporting, duties, and responsibilities, checks and balances are used within the local government.

Provision of basic services

It is the responsibility of the municipalities to ensure that their citizens have access to basic services such as electricity, sanitation, housing and water (Botes, Brynard, Fourie and Roux 1997:215). Water is not only an important resource but a human rights issue as it is clearly articulated in section 27(1) (b) of the *Constitution of the Republic of South Africa*, which states that "everyone has the right to have access to...water" (South Africa 2005:15). While water remains a human rights issue on the one hand, money is a scarce resource without which the provision of basic services such as water, electricity, sanitation etc could become difficult on the other hand (Botes *et al.* 1997:141). Moreover, local

government or municipalities need resources such as money and well trained and knowledgeable people in order to function optimally to deliver basic services to their citizens. Therefore, municipalities need to ensure that efficient and effective ways of collecting revenue from service users are in place.

Bauer (2009:39) reports that in 2006 the Matjhabeng Municipality in the Free State was not able to send out accounts for electricity and water charges due to insufficient funds to buy stamps. These types of situations arise due to inefficient financial management practices within the local municipalities. According to Fjeldstad (2004:542) lack of compliance and inefficient collection of revenues in relation to water and electricity charges creates some financial challenges. By the year 2001, the South African municipalities were owed more than R6.5 billion for services provided to the users (Booyesen 2001:674). During November 2014, consumers owed the Tshwane Metropolitan Municipality an amount of R6.6 billion in unpaid municipal bills (Mudzuli 2014:1). This demonstrates that the municipalities are faced with the mammoth task of identifying appropriate methods of ensuring that consumers pay for services provided. A major challenge pertaining to dealing with non-payment for basic services within the municipalities is the question of whether the municipalities should terminate service provision or install prepaid systems. With regard to the termination of service provision, Fjeldstad (2004:552) argues that terminating service provision and sequestration of property of the non-payers may create a hostile atmosphere and resistance from the citizens. Nevertheless, the municipalities need to ensure the correct billing systems for water and electricity. This will alleviate the justification for non-payment for services provided by the municipality due to incorrect billing systems.

Another critical issue is that the provision of basic services by municipalities needs to take place on an equitable basis. This means that the municipalities have to see to it that the provision of services does not exclude certain groups of citizens due to their political affiliation, support or racial differences. Uwezeyimani and Cloete (2013:69–72) report that the allocation of low cost housing to the citizens in Cape Town in the Western Cape Province was based on political affiliation in order to manipulate people for political support. In contrast to this situation, section 9 of the South African Constitution of 1996 as amended, states that a government institution may not unjustifiably discriminate against any person on controversial grounds (South Africa 2005:9). Basically, this suggests that the provision of services based on an unfair discriminatory basis constitutes a violation of human rights.

Address corruption

The municipalities in South Africa need to take proactive steps or measures to combat corruption in all its forms. If such measures are well implemented the

municipalities will be able to save sufficient amounts of money from theft which could be utilised to deliver quality services to their communities. Again, corruption is an antithesis of good governance in that government institutions experiencing high incidents of corruption will find it difficult to achieve the ideal of good governance. Kanyane (2010:81) argues that incidents of fraud and corruption within all spheres of government are signs of weaknesses of governance. According to Atkinson (2007:67) corruption in the local government is high and prevalent which can prove difficult to address. For example, the residents of Dipaleseng Municipality in Mpumalanga embarked on several protests between 2009 and 2010 due to maladministration, fraud and corruption in their municipality (Yende 2012:14). Again, in 2014 the residents of Madibeng Municipality complained about lack of service delivery and corruption which occurred due to poor tender management processes (Mudzuli 2014:2). In order for the municipalities to deal with corruption relating to the illegal awarding of tenders, it will be crucial for them to undertake an investigation into the ongoing illegal tenders and contracts to establish whether they are legitimate and terminate illegitimate contracts. Furthermore, heavy penalties should be dealt out to those who facilitated the award of the contract as well as the contractor. In fact, such penalties should include the sequestration of property of both the corruptor and the corruptee in order to recoup damages suffered by the municipalities. However, to realise this goal it will require that competent, knowledgeable, skilled and reliable people be appointed to conduct investigations.

Municipalities must establish proper checks and balances in order to prevent misappropriation of public funds. In addition, the municipal officials need to understand that they are the custodians of public monies and therefore need to spend the money with the utmost care. A challenge in this regard, is that although corruption is understood and seen as a violation of important constitutional principles, the municipalities are targeted by senior political leaders who are engaged in illicit tendering processes, soliciting bribes and allowing unauthorised expenditures to take place (Managa 2012:4). Atkinson (2007:64) adds that the situation is exacerbated by poor political deployment which debilitates the principle of accountability; hence corruption is mushrooming within the municipalities. Therefore, it is necessary to point out that the absence of political will to address pervasive corruption in the local government will plunge municipalities into financial crisis.

Educate the citizens

The citizens need to be made aware of the various ways through which they can engage with their local municipalities in relation to the different issues that affect them. Atkinson (2007:64) says that the residents within the various

municipalities in South Africa are not aware of their rights to participate in ward committees. On the other hand the municipalities also need to recognise the different channels through which the communities raise their concerns. Otherwise, it will be a futile exercise and misleading of the communities if the complaints raised through available channels are not noticed by the municipalities. The existing avenues through which citizens can influence important decisions made by local authorities should be understood by both poor and affluent communities. In fact, empowering and educating the people will leave them feeling confident and informed about crucial processes and procedures in respect of local governance (King, Feltey & Susel 1998:324).

Responsiveness

Addressing the demands and desires of the communities is important for municipalities which have a vision of achieving good governance. The municipalities should have a clear programme of action which outlines their planned activities. More importantly, the programme of action should reflect the aspirations of the local communities who are the ultimate recipients of the services to be rendered by their respective municipalities. Managa (2012:2) points out that politicians have a tendency of making promises to please voters during election campaigns which unrealistically increase the expectations of the citizens that after the elections their service delivery demands would be addressed. Care should be exercised by the political leaders within the municipalities when they campaign during the local government elections. As a matter of fact, political leaders should avoid making service delivery promises which are not going to be acted upon. Unfulfilled promises may tend to give rise to service delivery protestations and unintended consequences where political leaders at local municipalities may be asked to relieve themselves of their duties due to pressure from their communities.

Again, the local authorities should avoid the reactive nature of response to service delivery demands after protest actions within municipalities. At the municipal level the citizens constantly complain about the absence of adequate response from the local authorities pertaining to service delivery demands (Atkinson, 2007:63). *The Sowetan* (2015:12) highlights that it is imperative for the local authorities to improve service delivery before citizens embark on service delivery protestations. Surprisingly, Atkinson (2007:65) asserts that the South African government is aware of the lack of responsiveness to service delivery demands or grievances at municipalities, yet less is done to rectify the current status quo. Proactive response to service delivery challenges is necessary to ensure better prioritisation of complaints relating to burst pipes, leakages, contaminated water and theft of electricity cables. Furthermore, this

will also result in improved maintenance of existing water reticulation systems and other infrastructures within the municipal boundaries.

Runji (2015:13) points out that there is a common inclination by ward councillors within municipalities to leave for suburban areas where they would enjoy better quality services once they are elected to represent the citizens in their areas. This trend makes it difficult to find relevant and immediate responses to service delivery problems experienced by local people as a result of the departure of their representatives. In effect, the poor communities within the municipalities in South African are cynical due to lack of improvements to their living conditions (McEwan 2003:475). Therefore, it is vital for the representatives to stay in the areas which they represent at the local council throughout the term of their office so that they could be accessible to the communities they represent. The attainment of good governance must not be viewed as the unilateral responsibility of the local government but as joint responsibility between the government and the citizens. The citizens must be aware of their role in advancing good governance wherein human rights are respected and protected.

DUTIES AND RESPONSIBILITIES OF THE CITIZENS IN PROMOTING GOOD GOVERNANCE

While the responsibility for ensuring good governance can be viewed as a shared obligation between the local government and the citizens, it is essential to highlight or reflect on the duties of the citizens in advancing good governance.

Pay for services

The citizens have an important role to fulfil in order to ensure sustainable delivery of services. The citizens who are the recipients of the services delivered by the local authorities have the duty and responsibility of paying for services received. Service charges such as electricity, water, sewage, refuse removal etc. constitute the largest source of income for municipalities in South Africa (Botes *et al.* 1997:240; Fjeldsta 2004:539). This suggests that without a sustained payment for services rendered by the municipalities, it will be difficult for municipalities to deliver services in a sustainable manner.

Non-payment for services provided by the municipality is prevalent in South Africa which is evidenced by the amount of monies owed to the municipalities. According to Fjeldstad (2004:540), non-payment for basic services which are sources of income for municipalities poses a major challenge to the notion of good governance. With regard to non-payment for basic services, Managa

(2012:3) asserts that unemployment places citizens in an anomalous position whereby they struggle to pay for services received. Moreover, the issue of non-payment can be attributed to the challenge of a citizen's ability-to-pay other than the willingness-to-pay (Booyesen 2001:647; Fjeldstad 2004:540). Booyesen (2001:683–684) adds that poverty levels within the communities contributes to the citizen's ability-to-pay for basic services, although it is not the sole reason.

Another challenge faced by the municipalities is a “culture of entitlement”, which is a belief held by the members of the community that whether or not they pay for services, they have the right to be provided or have access to services on a continuous basis despite defaulting on payments (Fjeldstad 2004:546). On 6 May 2015, the residents of Orlando West in Soweto took to the streets protesting against the installation of prepaid electricity meters and demanded that they should pay a fixed rate of between R250 and R400 per month for electricity irrespective of the amount of electricity they use on a monthly basis (Seleka 2015:5). When making a close assessment of the demands by the residents of Orlando West in Soweto, it would seem that the residents are not willing to pay for services they receive or use. Charging citizens a fixed rate for services consumed on one hand while the citizens are consuming more than what they are paying on the other hand could mean that ultimately the municipalities in South Africa will collapse and fail to maintain service delivery infrastructure. However, this does not also imply that the municipalities should overcharge citizens for basic services. In support of this view, Botes *et al.* (1997:141) state that it is essential for the local government authorities to ensure that they do not overcharge the citizens through levies, taxes and tariffs. As a matter of fact, high service charges may tend to be put forward by citizens as a reason for defaulting payments for services provided or received (Fjeldstad 2004:545). Furthermore, the citizens should be made to understand that payment for service will increase or bolster service delivery while the local authorities need to address contributing to non-payment for services.

Support the local government

Communities can support their respective local authorities by acting responsibly. Acting responsibly includes amongst other things, avoiding illegal dumping of waste and littering. This could result in environmental degradation. In actual fact, such irresponsible actions can cost the municipalities large sums of money which could otherwise be used to address other services delivery challenges. For example, the Sol Plaatje Municipality is facing the challenge of addressing illegal dumping which has prompted it to allocate an amount of R300 000 to improve environmental cleanliness (Luphahla 2015:9). Illegal dumping of waste by any person violates another person's right to an environment which is not

hazardous to his/her health as articulated in section 24 of the South African Constitution of 1996 as amended (South Africa 2005:13). The situation will require the municipality to introduce strict by-laws to regulate illegal dumping of waste which should be accompanied by heavy penalties for transgression.

Again, the citizens should avoid vandalising public property such as clinics, public halls, public roads, signposts, municipal offices, launching attacks on councillors etc. On 2 July 2007, the residents of Metsimaholo township in the Free State burnt a municipal building and killed a councillor during a service delivery protestation (Good Governance Learning Network 2008:20). The citizens should exercise caution to ensure that they do not misuse their right to demonstrate peacefully to encroach upon the rights of fellow human beings. In fact, the citizens need to respect the human's right to life. There is a common trend in South Africa that residents embark on violent service delivery protestations whenever they are not satisfied with service delivery (Bauer 2009:42). As a consequence, the residents of Bekkersdal area in the Westonaria Local Municipality are left without libraries, clinics, halls and sports facilities because these facilities were burnt and vandalised during the service delivery protestations (Westonaria Local Municipality 2014:2). The notion that the local authorities will respond to the service delivery protestations after vandalising public property should be discarded. As a matter of fact, the citizens embark on service delivery protestations when the local authorities do not attend to their demands with a belief that their voices will be heard (Managa 2012:2). Therefore, the local authorities should not allow the protestations to escalate into violence before appropriate steps are taken to engage with the communities concerned. The citizens also need to realise that damaging public property could result in a prolonged failure by the local municipalities to deliver the required services. Such a delay is likely to be caused by reparations of the damages which the local municipalities need to do before addressing new demands, and budgetary constraints.

Engage peacefully with local authorities

It is imperative for the local communities to familiarise themselves with the various methods through which they can continuously engage with local authorities. This could result in greater benefits for the municipalities and their constituencies as a result of an ongoing exchange of information. By so doing, the municipalities will deliver services which reflect the actual aspirations of their constituencies. Furthermore, the citizens will have to attend public meetings convened by the local municipalities in order to raise issues of greater importance in their area. In addition, participation in the ward committee meetings could also be instrumental as a forum where citizens can express their desires. A major challenge in respect

of ward committees is that they are politicised and also not appropriately representative of the people within communities (Atkinson 2007:64). In actual fact, the poor and the marginalised people do not experience the genuine essence of participatory democracy due to regulatory provisions (Esau 2011:56). It is important to have representatives from different political parties, interest groups or non-governmental organisations in the ward committees so that their inputs could be forwarded to the local authorities. This could improve the level of debate and engagement between the local people and their representatives.

Another important issue is that the local communities together with municipalities need to identify potential people who can represent them at various forums. Such leaders have to be accessible to the communities they represent, understand local government processes as well as statutes. Moreover, the community representatives should be recognised by the local authorities as the mouthpiece of the local people. A failure to recognise the people identified as community leaders could result in tensions between the local people and the municipalities. The community leaders should also be in position to control and positively influence the citizens to allow the senior leadership within the municipalities to engage with them peacefully. This will prevent a replay of incidents such as those that took place in 2004 where the residents of Vrede, Warden and Memel townships heckled their mayor and councillors as they attempted to address them in relation to their grievances (Atkinson 2007:55). As much as the citizens need to be listened to, they should allow the local authorities to engage peacefully with them. The executive mayor of Westonaria Local Municipality, Councillor Nonkoliso Tundzi, expressed concern about the community leaders who would disrupt municipal officials when they engage on critical issues during public meetings (Westonaria Local Municipality 2014:2). Constructive and meaningful engagement with communities is essential and can only be attained when leaders of the communities are cooperative and willing to listen to the local authorities. While the citizens may have valid grievances, they need to apply the *audi alteram partem rule*, which suggests that another person should be granted an opportunity to state his/her version. The local authorities must be given a fair opportunity and be listened to.

Change political leadership at municipal level

The political leaders within the municipalities are seen as the driving force behind the various programmes undertaken by the municipalities. Bauer (2009:43) points out that an appropriate method of holding the leadership accountable is to vote them out of office when they do not deliver according to their mandate. Surprisingly, in South Africa, during the local government elections the poor communities who have not received the services promised

to them before, continue to vote the same political leadership into power (Runji 2015:13). Thornhill (2015:96) argues that if the citizens continue the trajectory of voting for the incompetent political leadership, they should bear the consequences of their ignorance. According to Bauer (2009:43), the fact that the African National Congress (ANC) is considered as the political party that freed the South African multitudes from the apartheid regime, makes the people obdurate to vote out its leadership. Nonetheless, the citizens should be aware of the fact that their loyalty to a specific political party should not overshadow the need for political leadership that can ensure delivery of quality services to the people. In point of fact, the citizens should be aware that they can put an end to their service delivery challenges through votes. Without competent, knowledgeable and skilled political leadership within the local government, efficient and effective service delivery will be difficult to attain.

While service delivery remains a reality facing most of the people of South Africa on the one hand, the local government is facing the challenges with regard to the management of service delivery protestations on the other hand.

MANAGEMENT OF SERVICE DELIVERY PROTESTATIONS WITHIN MUNICIPALITIES

An important question perhaps that faces the different municipalities in South Africa; is how to respond to the service delivery protestations? There may not be a standard procedure within municipalities in terms of handling rioting residents but what is important is that the local authorities need to avail themselves to respond to the grievances of the communities. However, an aspect that could stall any form of dialogue between the local authorities and their communities is the perceived unwillingness of the municipalities to address problems identified before protestations. For instance, when the municipal officials who have to address the communities are the reason for such protest actions, it could be difficult to assuage the rioting people (Atkinson 2007:54). In such circumstances, the municipalities need to be tactful and strategic in identifying appropriate political leadership who will address dissatisfied multitudes. At the same time, it will be necessary for the municipality to identify community leaders who are willing to engage with the municipality and put forward the detailed concerns or grievances of the communities.

A crucial matter that needs a thoughtful review by the local government in South Africa is that of sending the police to deal with communities during service delivery protestations which are deemed to be violent (Runji 2015:13). In essence, the political leadership should realise that service delivery protestations are evidence that the citizens need the local authorities to account

for their failure to deliver on their service delivery promises (Thornhill 2015:93). In addition, Esau (2011:56) maintains that service delivery protestations are the machinery used by the citizens in South Africa to elicit government's response to their demands. Although the grievances and concerns that led to the various protestations across the country are genuine, the deployment of police officials cannot resolve the actual problems (Tau 2014a:4). The presence of police officials in areas affected by service delivery protests will not remedy the situation in the absence of relevant people who need to address disgruntled communities. In point of fact, police officers are seen as the agents of the government which is failing to deliver on its promises (Tau 2014b:4). This could also lead to the escalation of resistance and violence in the affected areas.

On Monday, the 13th of January 2014, the police officers shot and killed two community members who were part of the protest against lack of water supply in the Mothutlung area (Tau 2014a:3). The Council for the Advancement of the South African Constitution (Casac) criticised the South African Police Service (SAPS) for using maximum force in dealing with community members during service delivery protestations (Tau 2014b:3). The senior officials from municipalities affected by riots should take initiatives to address communities before the situation becomes more volatile or ensue in bloodshed due to confrontations between police and members of the community.

Section 11 of the South African Constitution of 1996 as amended states that, "everyone has the right to life". With regard to the issue of the right to life, during the service delivery protestations within different municipalities in South Africa, the confrontation between the police officials and the citizens who are dissatisfied, ensue in loss of lives. At the same time people sustain bodily injuries when the police use force to disperse the crowd which translates into gross violation of human rights. Besides, the police will be viewed as machinery through which the local government can silence the voice of the multitudes, particularly if the political leadership does not respond in the initial stages of the protestations. Therefore, the public officials within the local government in South Africa need to take proactive steps to create an environment within which the citizens can articulate their concerns without any fear of victimisation. A hostile environment where the grievances of the marginalised and poor are ignored, will make it difficult to achieve good governance.

CONCLUSIONS

The article has explained the concept of good governance as a process by which all the spheres of government conduct public affairs in consultation with the citizens to effectively manage public resources and promote human rights in a

transparent and accountable manner. Good governance should be firmly rooted on the following principles: efficiency and effectiveness, transparency, consensus oriented, responsiveness, rule of law, accountability, equity, and professionalism. Unfortunately, most of these precepts outlined above are not appropriately upheld by the local government in South Africa. Therefore, it is essential to point out that if any of the aforementioned principles that underlie good governance is flouted, it will be difficult to attain an ideal state of good governance in local government.

Again, the local government has an important role to play in establishing and safeguarding good governance. It is the immutable role of the local government to ensure that citizens are consulted and properly informed about decisions that affect them. Failure by the local government authorities to provide accurate information to the citizens in respect of those issues that concern them amounts to violation of their rights to information. In cases where unintended omissions are made, it is pivotal to take corrective measures in order to mend the situation. Such a response would reflect on the local government's willingness to uphold the good governance principle of accountability. The principle of accountability and transparency has been weakened by the local government's failure to be fair, transparent and accountable in discharging its obligations.

Moreover, another factor that points to the absence of good governance is corruption which is pervasive in the South African local government. Less effort is made by local government to increase awareness about the various avenues through which the public can engage effectively with their authorities, which allows public officials to evade accountability. In point of fact, the local government is less responsive to the basic needs such as water which fundamentally translates into transgression of the citizens' right to have access to water.

While local government has an important role to fulfil towards good governance, the citizens should also be aware that they need to be active role players in order for local government to realise this ideal. It is not uncommon for the citizens within the various municipalities in South Africa to default paying for the basic services to which they are entitled. When the local authorities are not able to provide basic services due to insufficient funds or budget which is a consequence of defaulting payments, the citizens take to the streets to vandalise public property and attacking fellow residents and councillors. Despite the local government's failure to deliver services, it is essential for the citizens to realise that their actions also are inexcusable since such action does not advance good governance but perpetuates violations of fellow human's rights.

Service delivery protestations signify the absence of mutual understanding between the South African local government and the citizens. The local government should be more strategic and tactful in response to service delivery protestations which have escalated into violence. The police officials should not respond to the service delivery protests alone but they should be accompanied by responsible

local government officials. This could ensure peaceful engagement between the local people and the authorities. In essence, the local authorities should adopt a rectification approach in managing service delivery approach rather than sending the police alone which could be construed as a punitive approach. Furthermore, the absence of positive collaborative relationship between local government and the citizens suggests that good governance has not yet been realised in South Africa. Due to the South African local government's failure to ensure fairness, transparency and accountability, on the one hand and the citizens' role confusion on the other hand, good governance remains an elusive ideal while human rights remain precarious.

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