Local Government Elections 2000: From Transition to Consolidation

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Introduction

Fundamental to democracy is the notion that "the people shall govern". This implies that structures and systems are in place that provide citizens with a democratic right and responsibility to become involved in government and governance. The goal motivating the transformation of local government is to develop a framework and process that allows for effective government. This is a process that seeks to work closely with local citizens and communities to find ways of meeting their needs and developing strategies to improve their quality of life. Furthermore, it seeks innovative methods to enhance and sustain the delivery of services, especially to those communities most in need.

Building democracy means that everyone in a community – especially previously disadvantaged groups excluded from decision making – is able to participate fully in selecting and planning the development programmes that will meet their needs.

Local government transition aims to instigate new institutions, principles and support mechanisms that will provide:

• more efficient systems and structures
• delivery and development of basic services
• representative, accountable and effective leadership
• professional administration
• financial sustainability

Four pieces of legislation have been drafted that either have been, or are in the process of being, enacted to facilitate this process, namely the Municipal Demarcation Act 27 of 1998, the Municipal Structures Act 117 of 1998, the Municipal Electoral Act 27 of 2000 and the Municipal Systems Bill.

Voters participating in the forthcoming local elections are not only confronted with new pieces of legislation but also with a different voting system. The local government elections provide for the introduction of a "mixed" municipal electoral system that allows for both ward and proportional representation. The intention of the mixed system is to encourage local democracy and greater stability by ensuring that parties with significant support are fairly represented in municipal government.

To address the changes outlined above, the Electoral Institute of Southern Africa facilitated a round-table entitled *Local Government Elections 2000: From Transition to Consolidation*. The conference was jointly funded by the Konrad Adenauer Foundation and the Swedish Development Agency and was held from 20–21 September 2000 at the Cedar Park Convention Centre in Johannesburg, Gauteng.

The purpose of the roundtable was to draw together stakeholders engaged in local government. It was also an opportunity to inform participants of the legislative framework for local government and to allow voter educators to view available programmes and consider strategies for implementation. The

conference participants included representatives from political parties, non-governmental and community-based organisations, statutory bodies, governmental institutions and academics.

Discussions focused on the impact of the new local government legislation on citizen participation and the development of voter education programmes. Local government elections globally tend to elicit a poor response from the electorate. Taking into account the new legislation, a mixed electoral system and the 1999 national and provincial elections, stakeholders engaged in the local government election process need to seek creative and constructive ways to engage the electorate.

This roundtable is one response to that challenge.

Ilona Tip
Director: Elections and Democracy Services
Electoral Institute of Southern Africa

Opening Remarks

Michael Lange

INTRODUCTION

On behalf of the Konrad Adenauer Foundation (KAF), I would like to extend a very warm welcome to you all. This is the second conference KAF has jointly organised with the Electoral Institute of Southern Africa (EISA) and it is good to see the participation of so many eminent scholars.

This conference is entitled *Local Government Elections 2000: From Transition to Consolidation*. It will focus on South Africa's successful emergence from apartheid and its democratisation, whereby each citizen may now vote for parties and candidates of their choice in regular elections.

We hope that by assisting in organising this conference, KAF will contribute in a meaningful way to the consolidation of these initial stages of democracy in the new South Africa.

1. A BRIEF BACKGROUND

KAF is one of six political foundations in Germany today and is closely affiliated to the Christian Democratic Union Party, a centrist political party that was founded after the Second World War. The Foundation proudly bears the name of one of its founding members, Konrad Adenauer, who subsequently became the first Chancellor of post-war Germany.

KAF has cooperated with partners throughout the world for almost 40 years. Approximately 80 employees currently oversee some 200 projects and programmes in more than 100 countries. In this manner, the Foundation makes a unique contribution to policies serving peace and justice in international relations.

KAF currently runs a number of programmes in different parts of Africa, as well as in different provinces of South Africa. It cooperates not only with centrist political parties and their respective think-tanks, but also with reputable academic institutions.

The Foundation has been actively involved in projects focusing on constitutional issues since the start of its involvement in South Africa. Many of our research papers and seminar publications have also tackled problems related to constitutional issues

2. EFFECTIVE LOCAL GOVERNMENT AND DECENTRALISATION

It is vital for the rule of law, as well as for democracy, that public administration functions well. Many countries still subscribe to an exaggerated form of centralisation, which we believe hampers the initiative of individuals, communities and regions, thereby obstructing development.

The Foundation is therefore in favour of any endeavour that will encourage decentralisation and allow the individual to engage as much as possible in the organisation of his/her daily life.

KAF is aware that if democracy is to be understood and accepted by the people it must work well, particularly at local level. It is therefore of great importance that local politicians and administration officials are trained and educated to enable them to perform their duties efficiently, and in the best interests of the citizens.

Effective local government is an integral part of a functioning democracy. By facilitating conferences such as these, KAF attempts to assist the current transition process at local

government level, while offering an assessment of future challenges facing local government.

Local government has encountered teething problems in the past. Severe economic disparities continue to exist across South Africa and local governments do not yet have access to equal resources. This is especially evident when comparing wealthy urban centres and poor rural areas, as well as wealthier provinces and poorer provinces.

Solutions to the problems facing rural regions continue to be elusive, given the absence of a rates base and the high cost of developing infrastructure. While local government is guaranteed a share of national income, intergovernmental grants and subsidies have apparently not kept pace with the greater responsibilities accorded to local government.

At the same time, there is a misconception of the role and function of local government. Indications of these problems include a high degree of politicisation, resignations of experienced personnel, expensive amalgamations of structures, the duplication of positions and unrealistic budgeting.

Priorities that require ongoing attention include administrative, financial and technical capacity-building, effective service delivery, meeting the development needs of communities, local–provincial intergovernmental relations and economic promotion.

Many new bills have been promulgated or are currently under discussion. We hope that the formulation of policies in this regard will be dynamic and will reflect the views of all stakeholders, not only those of the politicians directly involved in drafting the bills.

3. THE DEMARCATION PROCESS

The forthcoming local government elections will finally conclude the process of transformation decided upon during the negotiations that ushered in South Africa's new political dispensation.

The Municipal Demarcation Board has decided on the boundaries of the six new megacities, 241 local councils, 52 district councils and district management areas in sparsely populated parts of the country. These structures will replace the 843 local councils previously in place.

The aim of the re-demarcation process was to transform local government by bridging the gap between rich and poor as well as between urban and rural areas. This can only be achieved by addressing the problems of access to basic services such as water, sanitation, electricity and other infrastructure.

In deciding on the new boundaries for municipalities, the board considered a number of factors including:
• the interdependence of people, communities and economies. This would involve factors such as employment, public transport, human settlement, migration patterns and access to services and recreational facilities.
• the relationship to districts, voting areas, health policy, population, existing or expected land use, type of land in the area and environmental implications.

It is apparent that the board has not given much consideration to the reservations and objections that traditional leaders (approximately 800), who are key players in rural areas, might have with regard to the demarcation process.

For example, in some cases the new boundaries divide rural communities previously under traditional leadership into more than one local council. Traditional leaders feel threatened and have sought intervention at the highest possible level to have the Demarcation Board's decisions reversed or altered.

CONCLUSION

As a political foundation we look with great interest to the forthcoming municipal elections that are expected to take place before the end of this year. We all hope that the minister responsible for local government, Sidney Mufamadi, is correct in his assessment that the process is on track and that preparations for the elections are running according to schedule.

The forthcoming local government elections are an opportunity for every South African citizen to assess the legislative conduct and performance of South Africa's recently re-elected democratic government.

KAF hopes that this conference will provide an opportunity to gain greater insight and understanding into some of the key issues affecting the local government election process in South Africa.

Service Delivery Within the Context of Developmental Local Government

Thomas Mogale

INTRODUCTION

South Africa has an estimated 37.9 million people,[1] stratified into racial and ethnic groupings as a result of decades of apartheid policy. The apartheid system favoured the white population, awarding them a life of abundant wealth, while the majority of the non-white population lived in poverty. Non-white people were denied access to land, basic services and human rights. Inevitably, seven years after a peaceful transition to democracy, the country still holds the odious distinction of having one of the highest income disparities in the world, second only to Brazil.

> "Inequality between rich and poor has increased dramatically since 1975. The World Bank describes South Africa as one of the world's most unequal economies, with 51.2% of annual income going to the richest 10% of the population and less than 3.9% of income earned by the poorest 40%. South Africa's Gini coefficient is 0.68, worse than that of the Bahamas, Brazil or Jamaica (and 33 other developing countries), according to a study on income patterns by the Human Sciences Research Council and University of Natal economists. The poorest half of the population

Indicators of income inequality, 1993

Income accruing to richest 10% of the population	51.2%
Income accruing to the poorest 40% of the population	3.9%

Source: World Bank, World Development Report, 1997

accounts for only 10% of consumption, while for the richest 5% the figure is 40%" (Marais, H., 1998:34).

In this respect, the table below is instructive.

The high level of unemployment, estimated at 40% of the economically active population, presently poses a threat to the South African economy. The 1998 Human Development Report places South Africa 89th in the Human Development Index (HDI) ranking and classifies it as a "Medium Human Development Country" (0.717 HDI) as well as a "Middle Income Country", with a real gross domestic product (GDP) of US$4332 per capita. However, while the poorest 20% of the population received a real GDP of US$516 per capita (1980–1994), the richest 20% received US$9897.

The present post-apartheid, democratically elected government in South Africa inherited a variety of administrative, financial, economic and political structures resulting from decades of apartheid rule. For example, the legal and administrative structures inherited were not intended to serve the broad population of the country, but rather small, divided ethnic or racial categories. The apartheid system was not known for upholding participatory norms for decision making. As a result, different sets of local government administrative structures for different racial groupings were imposed to administer discriminating policies, rather than to deliver basic services.

> "Apartheid policies have fundamentally distorted and damaged the spatial, social and economic environments in which people live, work, raise families, and seek to fulfil their aspirations."[2]

Given this context, there is an urgent need to accelerate service delivery to local communities. It has become vital that a strong, synergetic partnership among central and local governments, civil organisations and private institutions, be galvanised to rectify inefficiencies associated with the recent past.

Local government in South Africa has undergone a process of transformation from apartheid's highly unequal, racially classified local administrative apparatus to, ideally, an integrated, developmental, equitable and sustainable sphere of government. This transformation process involved three phases of transition: the pre-interim phase, the interim phase and the final phase. Local government is pivotal to reshaping and strengthening local communities. This can be achieved by intensifying service delivery, especially to the poor, thereby deepening the foundation for democratic, integrated, prosperous and truly non-racial local communities. Generous assistance should be diverted towards building the capacity of provincial and local government. Attention should also be focused on the reflective institutionalisation of service delivery instruments within the jurisdiction of local governments.

In 1993, the Local Government Transition Act (LGTA) provided the legislative framework for the three-phase transitional process towards a new local government system. Under this Act, new forms and structures of local governments, including transitional councils and municipalities, were created to respond to the increasing demand for the amalgamation of former racially based structures. However, after the elections of 1994 and the creation of nine new provinces[3] in the same year, the limitations and constraints of this new institutional framework became apparent during the interim transitional phase.

The signing of the new constitution heralded for South Africa the adoption of the relatively new and innovative concept of government manifesting itself through political and administrative systems. Adoption of this new concept marked the establishment of new relationships between public institutions, government structures and civil society. Broadly speaking, section 40 (1) of the constitution argued: "In the Republic, government is constituted as national, provincial and local spheres of government which are distinctive, interdependent and inter-

related." All spheres of government must observe the principles of cooperative governance and intergovernmental relations. These principles require them "to exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere" and to "cooperate with one another in mutual trust and good faith…".[4]

Theoretically, innovations brought about by these principles in the South African system oblige all spheres of government to help authorities in other spheres build their legislative and executive capacities. This would include the capacity to empower civil society and to secure the well-being of residents. In the case of municipalities, this approach is clearly indicated in Section 154 (1) of the constitution: "the national government and provincial governments, by legislative and other measures, must support and strengthen the capacity of municipalities to manage their own affairs, to exercise their power and to perform their functions."

Most importantly, the constitution regulates the transformation of the local government system, while providing it with a pivotal and distinctive role in the underpinning and promotion of social development and democracy at local level. For example, Chapter 7 of the constitution explains the role of municipalities in the developmental local government process.

Ironically, in the current South African context, local government lacks the necessary capacity. This, in a sense, represents an Achilles' heel in the implementation of the transformation ideals of the constitution. It has been widely documented that many local government structures suffer from a dearth of skills, particularly in financial and administrative areas. This compromises their ability to alter their approach from administrative to developmental and to deliver effective and efficient public services. It is therefore of extreme importance for the country that local governments, especially those in rural provinces, be capacitated and transformed so that they may play a developmental role. Intervention through sound governance and capacity building initiatives will create an environment conducive for local government to exercise its power and functions in a way that exerts maximum impact on the social development of communities.

To give effect to this new local government system, the White Paper on Local Government was issued in March 1998. This paper provides the national policy framework for the strengthening of local government capacity. It guides government institutions, non-governmental organisations (NGOs), South African citizens and international development agencies towards the establishment and underpinning of the new local government system and ethos. Seven major areas of intervention[5] key to transformation development objectives have subsequently been identified. Furthermore, this process has indicated the route to the final phase of political transition. This is occurring primarily through the adoption of optimal institutional arrangements and the call for a re-demarcation process. It has also drawn attention to the need for capacity to be built within municipalities.

On the whole, the White Paper called on municipalities to build social conditions favourable to development. They were also required to consolidate local democracy through, among others, raising awareness of human rights issues and promoting constitutional values and principles among citizens.

This strategy represented yet another step in the process of attaining the final local government system. Once elaborated upon, five areas were identified where intervention was a priority. Each area would provide a catalyst for other processes that would strengthen local government. The areas discussed were: developmental local government, political system, finance, services and administrative systems.

In addition, the strategy introduced two guiding principles for the implementation of the White Paper on Local Government in the above priority areas:

Firstly, as the transformation involves three spheres of government, the implementation should be seen as a crucial exercise in cooperative governance. The transformation process should therefore be guided by a forum representing the relevant stakeholders. At the same time, it should build on the existing programmes and initiatives, thereby increasing interaction and coordination between national and provincial support programmes.

Secondly, the capacity of several national and provincial institutions should be established or reoriented. Organisations such as the Local

Government Sector Education and Training Authority (LGSETA), local government associations and the LGBC should be strengthened to promote their role in supporting the transition phase.

Having set these principles, a set of support services were proposed to assist municipalities in performing their tasks. These services included supporting the establishment of the Municipal Demarcation Board, introducing a performance management system, developing administrative regulatory frameworks and developing communication strategies.

Finally, the strategy recommended the creation of the Local Government Transformation Programme (LGTP) as a cooperative governance vehicle for mobilising and coordinating programmes, resources and available personnel to support the establishment of the local government system. The strategy provided an outline for local government transformation within the framework of the three spheres of government. It suggests policy, legislative, training and other interventions that need to be effected within each focus area. It also sets the parameters within which all role-players – including government, NGOs, donors and the private sector – should operate.

1. DEVELOPMENTAL LOCAL GOVERNMENT

Like most human institutions – the family, the village, the city – the developmental local government was born before anybody thought of naming it. There are debates about when it was born and whether all developmental local governments are properly labelled or not. In this paper it is assumed that they existed before economists, political scientists or historians ever recognised them as such.

Firstly, what does developmental local government mean in the era of global capitalism? Bagchi defines it as one "that puts economic development as the top priority and is able to design effective instruments to promote such an objective" (Bagchi, 2000:398). The instruments identified include, *inter alia*, forging new formal institutions, the weaving of formal and informal networks of collaboration among the citizens and officials and the use of new opportunities for trade and profitable production. A prominent feature of the most successful developmental local governments is their ability to switch direction from market- to government-

directed growth, or vice versa depending on geo-political circumstances. They also combine both market and state direction in a synergistic manner when the opportunity allows.

Thus the degree and nature of a developmental local government's involvement in economic activity is likely to vary over time. Neither undiluted etatisme nor dogmatic commitment to the free market is likely to characterise a successful developmental local government. Similarly, the instruments for pursuing these goals are likely to change from state to state and epoch to epoch.

In the words of Minister Valli Moosa, the White Paper "spells out the framework and programme in terms of which the existing local government system will be radically transformed. It establishes the basis for a system of local government which is centrally concerned with working with local communities to find sustainable ways to meet the needs and improve the quality of life".

The White Paper presents certain models of local government and suggests criteria for choosing a model, based on effective governance and the ability to deliver services to disadvantaged sectors of society. The criteria include setting up viable and transforming administrative systems and financial management, effective service delivery targeting the poor and formerly disadvantaged groups, and promoting spatial and sectorial integrated development.

In order to assist local governments in meeting policy requirements and to speed up service delivery to the poor, extensive resource acquisition in terms of funding, human resources, appropriate institutions and concerted capacity building in a number of areas is crucial.

2. DEVELOPMENTAL LOCAL GOVERNMENT, *QUA VADIS*?

The constitution, the White Paper on Local Government and related documents all advocate that local government should aim to be more developmental in its approach. This aim should become a cornerstone in the transformation process. In pursuit of this goal, local government will need to be committed to working with citizens and groups within communities to develop sustainable methods of meeting the community's social, economic and material needs.

The basis for developmental local govern-

ment is set out in the constitution and the Bill of Rights. The constitution commits government to protecting human rights and meeting basic needs. While this has not always been apparent, these new responsibilities require local government to, *inter alia*, maximise social development and economic growth potential, integrate and coordinate development and democratise development. It must learn and lead.

In order for local government to be developmental, it needs to prioritise certain functions and community requirements. With a history of non-delivery and poverty, local government should be striving to provide household services and infrastructure; creating liveable, integrated cities, towns and rural areas; promote local economic development and playing a key role in community empowerment and the redistribution of resources.

National and provincial government is responsible for assisting local government with policy and the means to achieve this. The introduction of Integrated Development Planning (IDP) is an important policy initiative. It compels local governments to become more strategic in their approach to development and the allocation of resources towards achievement of these goals. The ability to integrate sectorial functions is the key to effective local government.

The Development Facilitation Act (DFA) has initiated integrated development through Chapter 1 principles and the Land Development Objectives (LDOs). Integrated planning is still, however, being driven by the Department of Provincial Affairs and Local Government. In addition to the LDOs – which are more service-delivery orientated – the IDPs need to include institutional plans with human resource development imperatives and financial plans which combine planning and budgeting. A key concept to be introduced into this is performance management for local government. This would ostensibly foster a culture of accountability for performance.

Developmental local government also requires that local democracy be developed and promoted. This would encourage greater participation from voters, citizen groups, consumers and end-users, as well as organised partners such as NGOs. The result will be the provision of a decent quality of life that will meet the social, economic and material needs of communities. Some of these aspects are new chal-

lenges to local government (e.g. being service or customer oriented) and will require considerable capacity building and support. The current level of resources and skills together with the need to shift attitudes and practices are areas that still require considerable intervention.

3. INTERGOVERNMENTAL RELATIONS

The new constitution describes government as having three spheres which, while separate, are also interdependent and interrelated. This requires cooperative governance. National government has a number of roles to play with respect to local government. The key roles, for the purposes of this paper, being to provide a framework for municipal capacity building, to support local government organisation and fiscal relations.

The provinces' responsibilities in the context of this study are: promoting developmental local government through the integrated development planning process and institutional development and capacity building. While provinces are not solely responsible for local government training and capacity building, municipalities have a responsibility towards their staff for this. Provinces should fund training programmes, assist with technical support, mentorship, exchange programmes and help with IDP processes.

4. CRITICAL SUPPORT AREA

The following analysis outlines local government critical support areas and demonstrates how they are interrelated and complement one another. The sequence of focus areas would need to be developed and agreed by all parties at the start of implementation.

4.1 Improvement of service delivery

The constitution and the White Paper on Local Government oblige local government to deliver a range of services to meet the social, economic and material needs of their communities. To achieve this, it is essential that the local government administrative system be transformed to respond to these needs.

Local government capacity can be achieved by introducing necessary planning techniques, management skills, effective administrative systems and by promoting improved relations with traditional leaders. In addition, various other approaches to service delivery, including partnerships with other role players, for example NGOs, civil society organisations (CSOs) and the private sector, should be made to assist in the process. This requirement of the constitution also focuses on promoting the participation of women in leadership positions of local government.

These key areas of local government reform should be addressed with the following approach:

4.1.1 Implementation of the IDP process manual
The IDP process manual was officially launched in September 1998 and will be implemented by all local authorities in the country. The IDP manuals are designed to assist local authorities in formulating integrated development plans by prioritising and strategically focusing their efforts and resources. Through this, training material will be produced and workshops will be conducted to facilitate the implementation of the IDP manual. Seminars could also be conducted in selected local governments to familiarise councillors and provincial administration officials with the options available for service delivery.

4.1.2 Implementation of local economic development links with developmental local government
As cited above, municipalities are grappling with their "developmental" role as dictated in the new constitution and the White Paper on Local Government. Confounded by unexpected financial and human resource constraints and massive difficulties in attempting mere service delivery, many smaller local authorities are completely overwhelmed. Furthermore, national and provincial government departments are rapidly producing policies, white papers and legislation that needs to be complied with and programmes that could possibly be accessed.

Understandably, some municipalities assume the "ostrich approach" to the external environment by merely continuing in their previous roles and functions. Others, however, aggressively pursue the "short gun-shot" approach of "shooting everything that flies", hoping that something will fall out of the sky. The problem with both these approaches is that neither will adequately lead to the "developmental" approach required from local government. If

the success of municipalities is to be measured in terms of their developmental results, then local authorities have to begin actively identifying the support systems necessary for them to meet their developmental mandate.

One of the desired "developmental" results is the "promotion and facilitation of local economic development". Unfortunately, some municipalities have become caught in a theoretical debate concerning local economic development (LED) and the definition of an economic role for local authorities. Perhaps this is a reaction to a perceived "top down" approach adopted by national government. It may also be a failure to understand the opportunities that LED strategies offer localities. We are aware of the uneven impact of globalisation on regions and sectors in South Africa. There is also the threat of deepening divisions between the so-called "core" and "periphery" and between the "skilled" and "unskilled". Unless local authorities seriously address questions of poverty, job creation and competitiveness and strengthen their strategies through networks and linkages, the existing economic landscape may be reinforced in terms of the economically marginalised. LED will contribute to the creation of opportunities for regeneration, economic participation and will positively enhance rates-generating economic activities.

4.1.3 Human resources development
Human resources development is critical for the success of the transformation programme. It will involve an assessment of training needs in order to plan training programmes, to prepare training material and organise workshops and seminars. In particular, the training sessions will focus on areas where major weaknesses have been observed, for example:
• local government administration
• project planning, management, monitoring and evaluation
• financial management
• budget preparation
• customer relations
Training outlines will be prepared in coordination with South African Local Government Association (Salga) and LGSETA to improve their commitment and contribution.

In view of the requirement to increase women's participation in local government, particular effort will be made to ensure gender balance in the selection of participants for training programmes. This will occur through specific mechanisms to be adopted at steering committee level.

4.1.4 Administrative systems and structures
Systems, procedures and administrative guidelines will need to be developed in a number of critical areas if local government efficiency is to be improved. Areas of weaknesses which will be addressed include financial planning, financial reporting, performance management systems and management information systems, including information technology strategies. The exercise will also include the streamlining of organisational structures to enhance administrative efficiency, including effective mechanisms for revenue collection. Workshops will be conducted to facilitate the implementation of the improved systems and procedures. Assistance will be provided in the following areas:
• financial management and accounting systems
• budgetary control procedures
• management information systems
• performance management systems
• project management, monitoring and evaluation manuals.

4.1.5 Relations between elected officials and traditional leaders
At present, relations between traditional leaders and elected local government officials in the two provinces are not good. Traditional leaders perceive that their role in the community will be diminished as local government is strengthened and takes control of the economic and administrative functions. The issue is further complicated as the role of traditional leaders within local government is not clearly defined either by national government or by the provinces.

The White Paper indicates, however, that traditional leaders should play an important role in the transformation process, as they are custodians of tribal land within their communities. The White Paper proposes a cooperative relationship. It is therefore essential that local government develop a mechanism to work with traditional leaders. The programme will assist in drafting a strategic framework for the relationship between traditional leaders and elected officials. Workshops will be conducted to dis-

cuss this issue and topics related to the role of traditional leaders and elected officials, service delivery and developmental local government.

4.1.6 Gender mainstreaming
Representation of women in local government leadership positions is currently inadequate. "Although women constitute more than 50% of the population, only 20% of municipal councillors are women."[6] This issue will be addressed through specific training programmes aimed at councillors, relevant local government officials and community leaders. Officials from the two provinces, North West Local Government Association (NOWELOGA) and the Northern Province Local Government Association (NPLGA), will also be invited to participate. Two sets of training programmes will be planned. The first will concern gender issues and will target all councillors, municipal officials and community leaders. The second training programme will be specifically formulated for women councillors and will aim at informing them on issues that are essential to their effective participation in local government affairs. Training topics will be identified by the programme management team. To this end, the Women's Development Foundation, the National Women's Coalition, the Commission on Gender Equality, the Office of the Status of Women, the Women's Empowerment Unit and Salga will be consulted.

4.1.7 Municipal service partnerships
This will involve assessing the advantages and disadvantages of entering into a partnership with the private sector and/or other interested organisations such as NGOs, community-based organisations (CBOs) and other municipalities, to provide municipal services for the community. There are various cooperative options that could be explored by providing information, organising demonstrations and training local government staff and other stakeholders, including representatives of business, labour and communities. Presentations will be organised by experts to share experiences from successful South African and international projects, as well as other government departments, to further increase understanding about local government service partnerships.

A national workshop on service partnerships should be organised to contribute to discussions at local, provincial and national level. Various parties should also be brought together to discuss problematic issues and innovative solutions.

4.2 Administrative systems and linkages
Due to structural and functional historical legacies, the number, size and capacity of transitional local councils (TLCs), inter-governmental linkages and networking structures have not always been what they should. This has prompted the formation of (political) intergovernmental forums headed by the premiers. These comprise Members of the Executive Council (MECs) and organised local government (NPLGA and NOWELOGA). They have only recently been formed, and their impact is therefore still to be felt.

In rural provinces the relationship between traditional leaders and local councillors is complicated by the existence of additional structures such as the House of Traditional Leaders which performs an advisory role. The effectiveness of their relationship varies, depending on the area or specific issues concerned.

The Provincial Coordinating Committee on Training (linked to the National Training Board) has recently been disbanded. This committee comprised councillors, unions and the Local Government and Traditional Authority (LG&TA) Department. It is to be replaced by a sectoral education and training authority (SETA), which will be run directly by the National Training Board. The Northern Province has indicated that it would like to apply to become an agent to undertake such training once it is approved. It has further indicated that it will create a special training unit to do so.

The relationship between the province and district councils is not always congenial, neither is the relationship between district councillors and local councillors. Mistrust is initiated by poorly articulated funding mechanisms and suspicion that redistribution of resources to areas traditionally marginalised by former apartheid policies prejudices other TLCs.

Transitional rural councils (TRCs) face considerable capacity constraints. They often have only one official who acts as the administrator, development facilitator and implementer. Officials tend to lack necessary skills and do not have fixed office premises.

4.3 Provision of infrastructure services

Through the Municipal Infrastructure Programme (MIP), the Extension of Municipal Services (EMIP) and the Bulk and Connector Infrastructure Grant (BCIG) (now all under the CMIP), many projects providing sewerage and water to a number of areas have been completed. The new CMIP grants include a portion to be used for capacity building. Where previously this was allocated on a project-by-project basis, provinces may now allocate a lump sum from the global allocation fund for general capacity building. In this way capacity building involving infrastructure delivery and project management can be provided on a broader basis by provincial and local authorities, instead of it being restricted to a particular project.

5. OVERALL OBSERVATIONS AND COMMENTS

5.1 Local government re-organisation

There are two key issues to local government re-organisation. Firstly, the current re-organisation has had a major impact on local government's ability to deliver services, the biggest being in those municipalities that have incorporated former homeland towns. Staff complements are divided along many modalities (culture, ethnicity, skills, language) with the result that the amalgamation is not an easy process. Duplication of functions have not all been rationalised. The fact that thousands of employees who are effectively servicing local government, are still employed by provincial structures creates problems with representation, as well as daily administrative problems.

Secondly, the process leading up to the next election will be characterised by further local government re-organisation which will have an impact on local government capacity. This is a factor that needs to be taken into consideration when developing training programmes, as it will have the following effect:

- Geographical areas of local government will be expanded to include areas which administrations may not be equipped to govern. They may need new skills, new organisational structures, etc.
- The number of staff members may be reduced placing an additional burden on the remaining staff. This requires that these people perform with greater efficiency and have higher skills levels. Skilled staff may resign

and resources spent on training will constitute a direct loss.
- Likewise, the number of councillors may be reduced and skilled councillors may resign.

5.2 Developmental local government

Smaller local governments are far from achieving this policy ideal. The new approach, supported by the DFA, does not appear to have been passed on to local level. The whole philosophical approach needs to be communicated far more extensively. Allied to this is the lack of understanding of the approach to the preparation of LDOs or IDPs. These are the mechanisms with which local government can effect change and become more developmental in their approach.

Unfortunately, they have become a technical requirement to be met by any means and this opportunity to transform local government from the "bottom up" is being lost due to a lack of understanding and the capacity to implement it.

The achievement of developmental local government has been prioritised by organised local government, DFID and GTZ. However, even these efforts may not be sufficient.

5.3 The ad hoc nature of training

Both provinces are in dire need of capacity building at both provincial and local level. However, the training that actually occurs is ad hoc in nature. The reasons for this include:
- the closure of training centres
- the restructuring and lack of capacity in organised local government institutions
- the lack of resources in provinces to develop well defined programmes
- the lack of resources in local government to identify training needs
- a lack of training coordination. Any training institution can approach a government department and promote its programmes and products, often without knowledge of how suitable the product will be for the beneficiaries
- a lack of funding generally, causing sporadic attempts when funds are available
- local governments lack information on training programmes, especially those that are available from national and provincial departments
- a lack of in-house, experienced staff at local

(and provincial) level to act as mentors to new staff.

5.4 Communication channels
Direct communication between national, provincial and local spheres of government is weak, a problem that is exacerbated where organised local government is weak.

Relationships between district councils and provinces are not good, even where provincial district offices exist. It would seem that roles and responsibilities are not clear. District councils and TLCs also communicate poorly, to the extent where larger TLCs treat district councils with suspicion and contempt, resulting in a waste of resources.

The ability of provinces to offer capacity and to empower local government is not exploited and often little support, other than financial, is given to lower spheres. District councils feel that considerable responsibility has been devolved on to them without the necessary concomitant resources to assist a rural local government.

While national departments supply training manuals on some subjects (e.g. IDPs), these are not always available or are not easy to apply without the necessary training.

5.5 Relationship with organised local government
Organised local government should play a key role in training, however, it lacks the capacity at present. As a result, organised local government tends to concentrate on rural areas. TLCs are not necessarily better capacitated than rural local councils (RLCs).

5.6 Relationships with traditional leadership
Traditional leadership still holds a strong position and there is currently a feeling that the institution is being undermined. If fears about the future of traditional leadership are not allayed, implementation of the White Paper on Local Government in rural areas is bound to fail. The relationship between traditional leadership, district councils and TRCs demands attention as it is, with few exceptions, characterised by mistrust and suspicion.

5.7 Dependence syndrome
While this is difficult to verbalise and quantify, there is clearly still an attitude among some

officials and councillors in both provinces, and particularly in local government, that they are unable to achieve much without massive subsidies from government. The economic realities in many of the smaller local government regions is harsh and subsidies are required in many instances. However, very few proactive steps have been taken to promote job creation, economic development, community upliftment, etc. A culture of entitlement is in danger of being promoted.

5.8 Local government structures
Local government structures are considered extremely complex, onerous and multilayered. This perception undermines the delivery of services. Local government–related structures are many, poorly understood and unwieldy, officials' roles and functions are unclear, encouraging duplication.

There is often a mismatch between organisational structures, strategy and capacity on the one hand, and policy-making structures, processes and objectives on the other. This results in little regard being shown to the DFA principles of development planning and insufficient and poor training accompanying IDPs and LDOs.

The coordination and management of decision making and implementation processes at all levels of local government is often hampered by a lack of resources.

5.9 Administrative structures and systems
Administrative structures do not correspond to strategy and functions and hence staff are unable to maintain clear job descriptions. Dedicated programme and management support for most local authorities is lacking, which leads to heavy reliance on provincial and national levels of government. Internal operations are hindered by inadequate capacity in budgeting, planning, general finance and administration skills. In addition, because of uncertainties concerning future configurations, local government structures cannot provide staff with clear career paths.

5.10 Financial management
This is a key area requiring capacity building as almost all the small municipalities lack skills in this area of management. While some national programmes will assist, even the efforts of

provincial government will not scratch the surface of the problem. Areas of financial management requiring attention are credit control, billing, bookkeeping, financial reporting and the management and preparation of integrated budgets.

ENDNOTES

1) Estimates of the Central Statistical Service, 1996.
2) The White Paper on Local Government, March 1998.
3) Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Mpumalanga, Northern Cape, Northern Province, North West, Western Cape, Chapter 6, Section 103, the Constitution, 1996.
4) The Constitution, Section 41 (1,g), 1996.
5) These are: (a) Developmental local government; (b) Cooperative government; (c) Institutional system; (d) Political system; (e) Administrative system; (f) Municipal finance; (g) Municipal transformation.
6) The White Paper on Local Government, March 1998, p88.

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Legislative Implications of the Demarcation Process

Hilary Monare

INTRODUCTION

Before 1994, municipal governance in South Africa was racially based and fragmented. There was much underdevelopment and governance was control-oriented with non-accountable administrations.

The 1990–94 negotiations were decided on three phases:
- *Pre-interim (1994–95):* nominated councils were established in areas where there were existing councils.
- *Interim (1995/6–2000):* transitional municipalities were elected, but on a "racial" base.
- *Democratic (2000–):* a new municipal system was established and democratic elections were held, based on the constitution.

1. GOVERNANCE

South Africa is divided into three spheres of government:
- national
- provincial (9 provinces)
- local

In terms of local government, the constitution allows for Category A municipalities. These are stand-alone municipalities which in South Africa are metropolitan areas – i.e. single mayors and administrations.

The rest of the country will be divided into district municipalities (Category C) and local municipalities (Category B.)

2. BROAD OBJECTIVES FOR MUNICIPALITIES

- More functional economic, financial and administrative bases (through the Municipal Demarcation Act).
- More representative and focused political structures that have significant powers (through the Municipal Structures Act).
- Better administrative systems allowing for greater participatory democracy (through the Municipal Systems Bill).
- More equitable, efficient and effective financial arrangements (through the Financial Management and Property Rating Bills).

3. MUNICIPAL DEMARCATION PROCESS

The Municipal Demarcation Act requires the Board to:
- cover the whole territory of South Africa with municipalities and
- consider a range of objectives and factors dealing with social and economic functionality, viability and ability to deliver services.

Cognisance must be taken of "areas of traditional rural communities".

4. MUNICIPAL RATIONALISATION

The Board has decided that there will be:
- 6 (Category A) metropolitan areas – Pretoria and Durban have traditional authorities within them
- 47 (Category C) district municipalities – 30 have traditional authorities within them
- 232 (Category B) local municipalities – 114 have traditional authorities within them
- district management areas in 17 of the district councils.

4.1 Category A (Metros)

In essence, these are the major economic centres of South Africa. Their contribution to the

South Africa's Metropolitans						
	Port Elizabeth	*Cape Town*	*Durban*	*East Rand*	*Johannesburg*	*Pretoria*
Area (km²)	195	2499	2299	1924	1625	2198
Households	22 591	653 076	646 918	543 063	733 984	431 197
Population	96 977	2 563 612	2 751 193	2 026 807	2 639 110	1 682 701
Density (population per km²)	49	1025	1196	1053	1623	765

gross geographic product (GGP) of each province is great. The metros will be single administrations and political structures.

4.1.1 Contribution to GGP of provinces by metros
• Port Elizabeth – 44%
• Johannesburg – 37.4%
• Pretoria – 23.7%
• East Rand – 24.9%
• Durban – 61.8%
• Cape Town – 72.6%

4.2 Cross-boundary municipalities
The constitution allows for municipalities to "straddle" provincial boundaries. There are a number of areas in South Africa where "white towns" are in one province and "black townships/villages" are in another. In these cases – if the provincial legislatures and National Assembly approve – cross-boundary municipalities (CBMs) may be established.

This has happened in a number of instances such as Pretoria and the East Rand. In addition, there are cross-boundary district councils (CBDCs) in the North West/Northern Cape (2), North West/Gauteng (1), Gauteng/Mpumalanga (1), Northern Province/Mpumalanga (2).

4.2.1 CBMs in financial terms
Examples:
• Mothibastadt–Kuruman: Northern Cape side R2720 per household versus North-West R333 per household.
• Kokstad–Mount Fletcher: KwaZulu-Natal R3073 per household versus Eastern Cape R53 per household.
Unfortunately, there will not be a CBDC across KwaZulu-Natal and Eastern Cape.

4.3 District municipalities
• The 47 district municipalities will consist of councillors coming from local municipalities,

district management areas (DMAs) and proportional representation.
• The 231 local municipalities will have councillors coming from wards and portional representation.

4.4 District management areas (DMAs)
In areas where the Board believes municipalities cannot be established, it can declare that area a district management area (DMA).

Municipal services will then be provided by the district municipalities.

The Board has designated some DMAs, for example, desert and semi-desert areas and state-managed conservation areas (such as the Kruger National Park).

5. TRADITIONAL RURAL COMMUNITIES
The constitution requires elected municipalities throughout South Africa. Traditional leaders have, however, argued that in traditional areas, the traditional authorities should be the municipalities. This has been discussed and deliberated on and the President has responded by saying that, for now, the constitution is to remain in place.

The President has, however:
• increased the representation of traditional leaders on municipalities (from 10% to 20% of elected councillors)
• identified ways in which governance can be promoted through the cooperative governance involving traditional leaders and
• requested the Municipal Demarcation Board (MDB) to re-look boundaries that might have split traditional authority areas. The MDB has done this, and many changes to accommodate this request by the President have been determined by the Board.

5.1 Demarcating traditional rural communities
Some of the difficulties facing the Board in

demarcating traditional rural communities
include:
- No complete record of all recognised tradi-
tional authority areas. In addition, not all tra-
ditional authorities are properly and legally
defined.
- Some traditional leaders argue that their area
of jurisdiction extends beyond the proclaimed
area.
- A number of land claims have not yet been
settled.
- Some traditional authorities comprise a num-
ber of non-contiguous parcels of land.

5.2 Traditional authorities
Traditional authorities presently recognised
include:
- Eastern Cape – 186
- Free State – 12
- KwaZulu-Natal – 277
- Mpumalanga – 47
- Northern Province – 189
- North-West – 62

There are, however, discrepancies and some
traditional authorities are landless.

6. DEVELOPMENTAL CHALLENGES
6.1 Backlogs in service delivery in traditional areas
There are huge developmental challenges in
areas of traditional rural communities.

The extent of all backlogs in water, electrici-
ty, telephones and sanitation in traditional
authority areas as a percentage of total provin-
cial backlogs is as follows:
- Eastern Cape: 50–60%
- KwaZulu-Natal: 60–80%
- Northern Province: 70–90%
- Mpumalanga: 40–60%
- North-West: 40–60%
- Free State: 20–30%.

6.2 The land question
- Area covered by traditional authorities:
68 944 km² (6%).
- Area covered by MDB municipalities which
have traditional authorities: 355 551 km²
(29%).
- Area covered by no traditional authorities:
864 042 km² (71%).

In other words, the demarcation process has
increased the area over which traditional leaders
will have influence, given that they will be rep-

resented on municipalities which extend over
areas larger than the traditional authorities. For
example, for the first time ever, Pretoria and
Durban will have traditional authorities that will
be represented on the metropolitan councils.

6.3 MDB approach
As a general policy approach, the MDB has
tried to ensure that outer boundaries of munici-
palities do not divide traditional authorities.
(Problems include topography, inadequate legal
descriptions, *de facto* versus *de jure* authority.)

It should be noted, however, that independent
of demarcation, there are also local disputes
over land which sometimes complicate reports
on demarcation.

As a general rule, the Board believes that
areas of traditional rural communities cannot be
islands of poverty in a sea of development. The
approach is therefore to incorporate "urban"
areas into traditional areas. This approach is,
however, more difficult to apply to ward
boundaries.

CHALLENGE 1: MATCHING CAPACITY AND DELIVERY NEEDS
In understanding financial capacity, the Board
has examined:
- management structures
- revenue base
- liquidity
- efficiency.

In understanding administrative capacity, we
must examine:
- management
- location of offices
- core support.

Clearly, there are great differences across the
country between municipalities. Key strategic
decisions must therefore be taken on how to
organise existing capacity as well as building
new capacity.

CHALLENGE 2: FUNCTIONS AND POWERS
All municipalities have the constitutional and
legislative powers and functions assigned to
them. It is clear, however, that in the short-term
there will need to be temporary assignments of
functions and powers to ensure that municipali-
ties continue to function.

Powers and functions
Schedule 4 Part B

- Air pollution
- Building regulations
- Child care facilities
- Electricity and gas reticulation
- Fire fighting services
- Local tourism
- Municipal airports
- Municipal planning
- Municipal health service
- Municipal public transport
- Municipal public works
- Pontoons, ferries, jetties, etc.
- Storm water management
- Trading regulations
- Water and sanitation services

Schedule 5 Part B
- Beaches and amusement facilities
- Billboards /advertisements in public places
- Cemeteries, etc.
- Cleansing
- Control of public nuisances
- Liquor control
- Animals
- Fencing and fences
- Licensing of dogs
- Licensing, etc. for the selling food to the public
- Local amenities
- Local sport facilities
- Markets
- Municipal abattoirs
- Municipal parks and recreation
- Municipal roads
- Noise pollution
- Pounds
- Public places
- Refuse removal, refuse dumps, etc.
- Street trading
- Street lighting
- Traffic and parking

CHALLENGE 3: INTEGRATED DEVELOPMENT PLANS

Integrated development plans will become the defining developmental programmes for municipalities. Substantial work will have to be done to ensure decisions are properly taken on:
- what the municipal priorities will be
- what the direction and nature of municipal growth will be
- how developmental nodes should be integrated.

CHALLENGE 4: ORGANISATIONAL TRANSFORMATION

The new municipalities will have to:
- create an institutional structure
- appoint senior management
- integrate and transform the municipalities' human resources, financial operations and service delivery components
- ensure there is an effective training and development component in place.

CHALLENGE 5: ALIGNMENT OF GOVERNMENT BOUNDARIES

One of the challenges is to ensure all three spheres of governance operate in a more integrated way. There must be an integrated approach to the alignment of government boundaries. National, provincial and local spheres must operate as a single unit in critical areas such as water, sanitation and sewerage, transport and health.

CHALLENGE 6: POLITICAL RESTRUCTURING

The question of how ward committees will work is important (empowerment through delegations):
- How will functions and powers be delegated?
- What is the strategic orientation each municipality will adopt? This includes debates over service delivery approaches and the like.

CHALLENGE 7: GOVERNANCE

The President's response to traditional leaders locates their contributions specifically in the broader area of governance.

The influence of traditional communities has been significantly broadened into the bases of economic and political power through the demarcation process:
- *Eastern Cape:* 22 municipalities will have traditional authorities within their boundaries and 17 with none.
- *KwaZulu-Natal:* 44 municipalities will have traditional authorities within their boundaries and 8 with none.
- *Northern Province:* 27 municipalities will have traditional authorities within their boundaries and 8 with none.
- *Mpumalanga:* 5 municipalities will have traditional authorities within their boundaries and 12 with none.
- *Free State:* 2 municipalities will have tradi-

tional authorities within their boundaries and 18 with none.
- *North-West:* 14 municipalities will have traditional authorities within their boundaries and 10 with none.
- *South Africa as a whole:* 114 municipalities will have traditional authorities within their boundaries and 118 with none.

The overlaps between municipal powers and those of traditional leaders/authorities are similar in many ways to those between municipalities and the state and large-scale private land owners. It must require effective conflict resolution.

The Board strongly believes these matters can only be resolved through ensuring there is cooperative governance

Increased representation of traditional leaders on municipalities (to 20%) means that most traditional leaders will probably be represented on at least one level of local government.

The question of the regulations required to be drafted by MECs dealing with roles and responsibilities of traditional leaders on the municipalities will further assist this cooperative governance model.

CONCLUSION

Much still needs to be done to ensure that the human, financial and technical resources required in the transition (next two years) and transformation (next ten years) phases are adequately addressed. In addition, the allocations of intergovernmental grants might well need to be restructured, particularly to assist in capacity development.
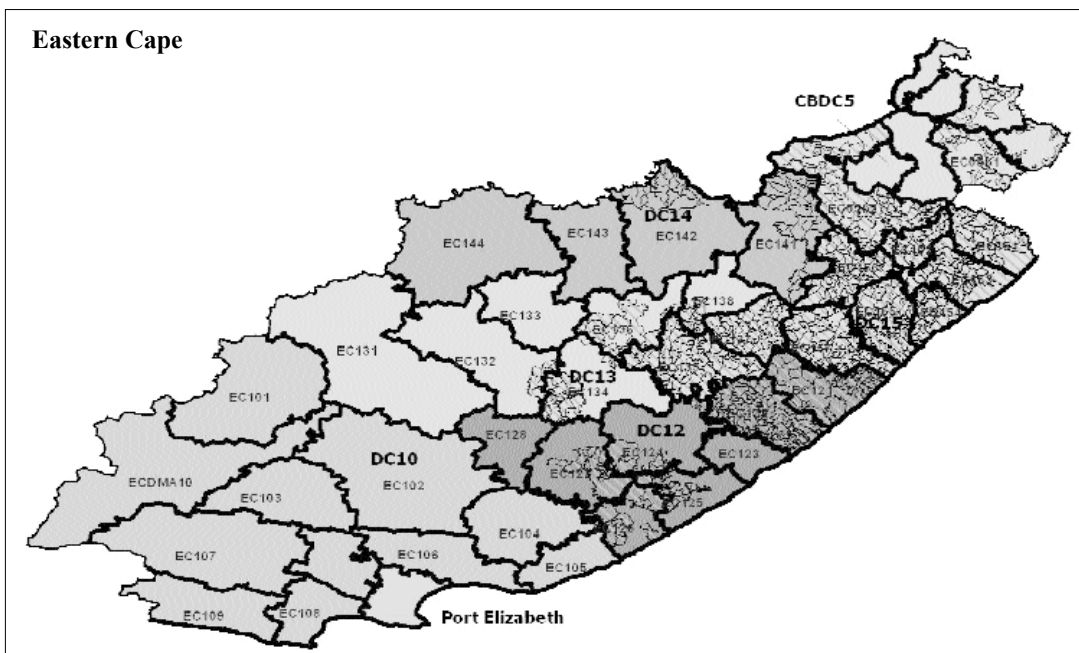
Eastern Cape

Free State

KwaZulu-Natal
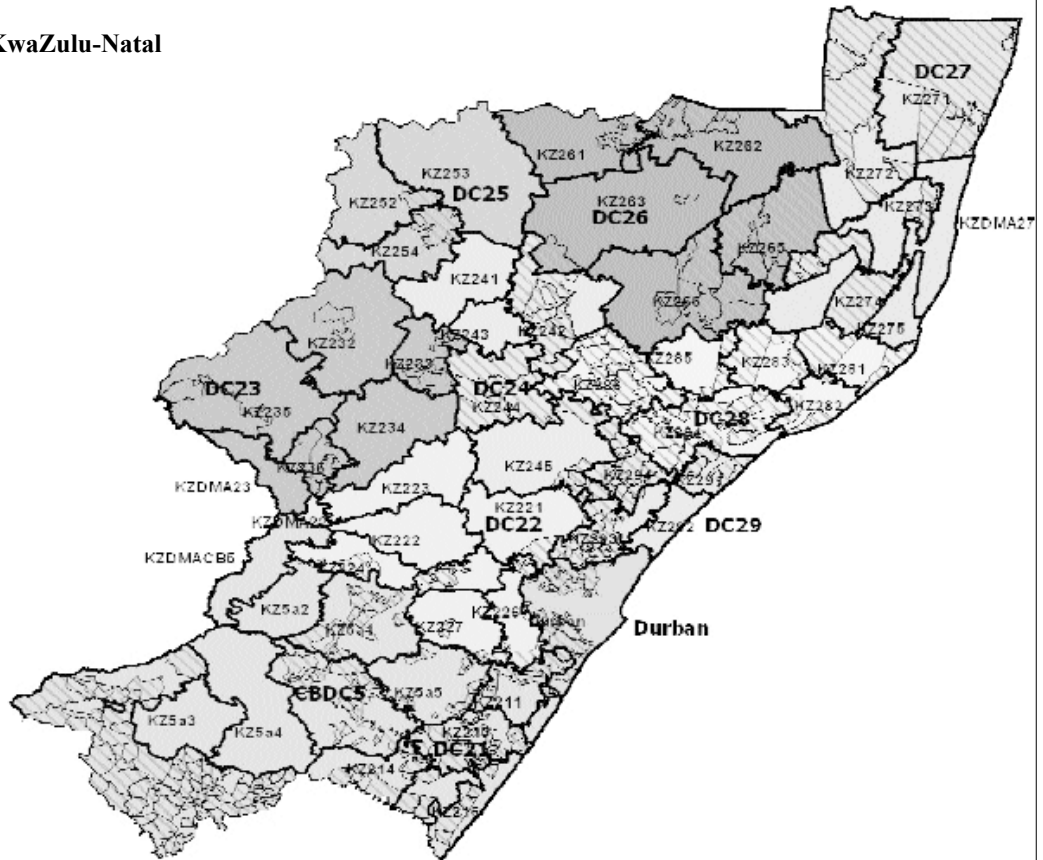
North-West

Mpumalanga

Gauteng

Western Cape

Northern Cape

Northern Province

The Impact of the Demarcation Process on Traditional Leadership

Nkosi M B Mzimela

INTRODUCTION

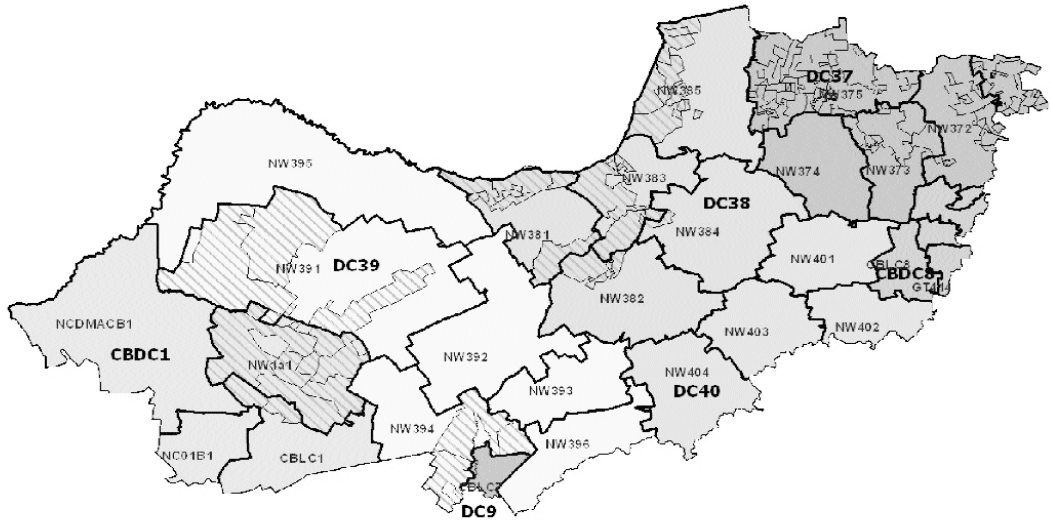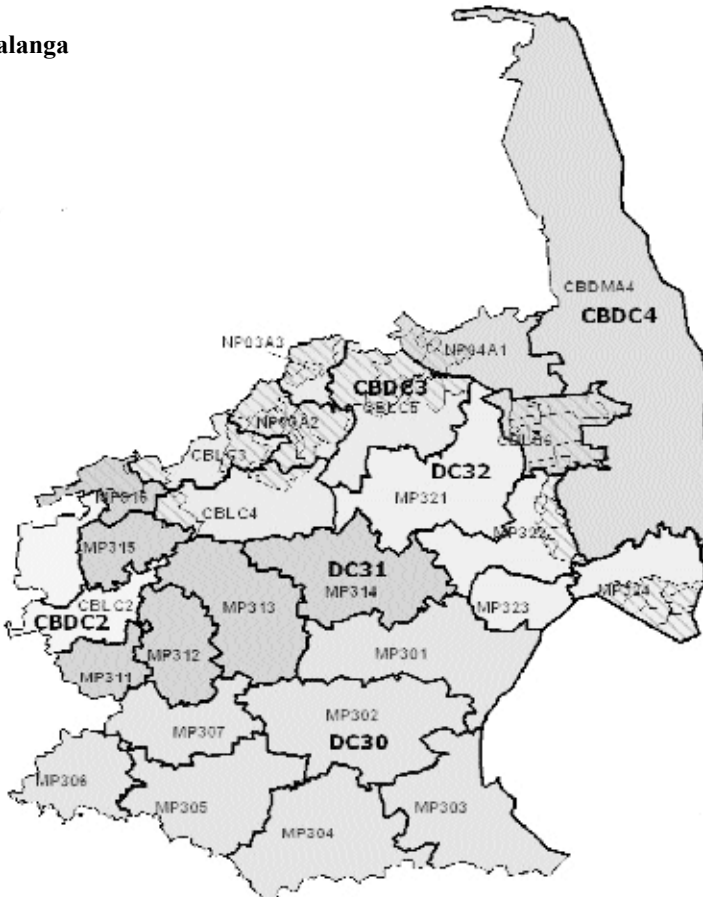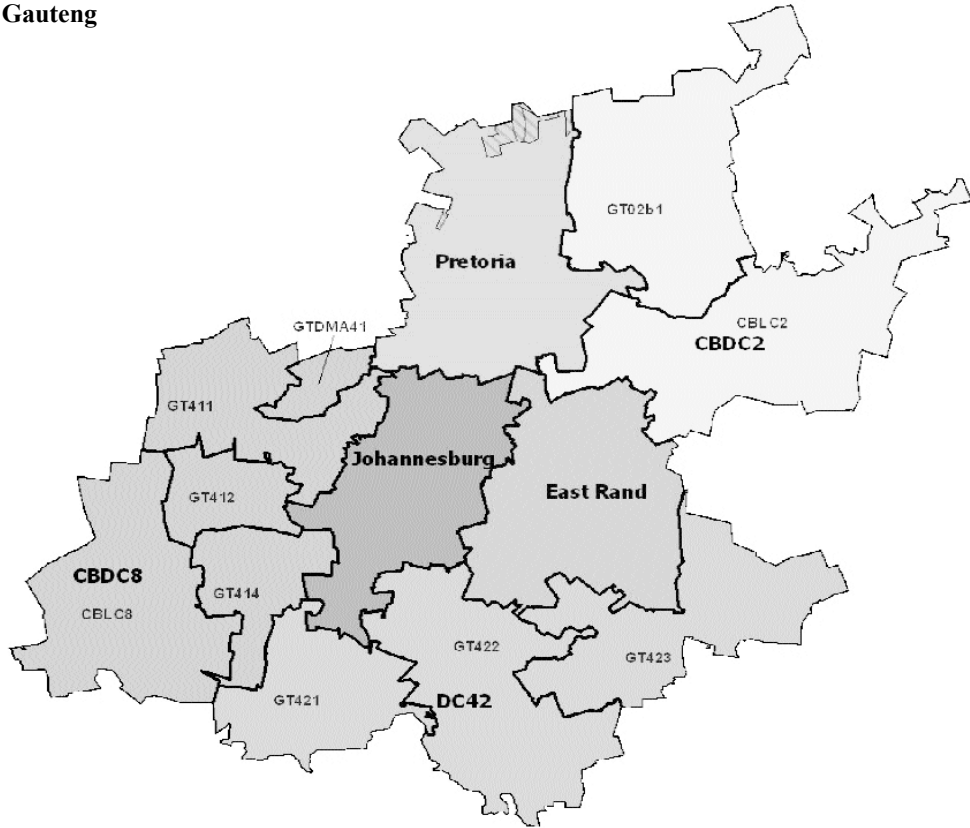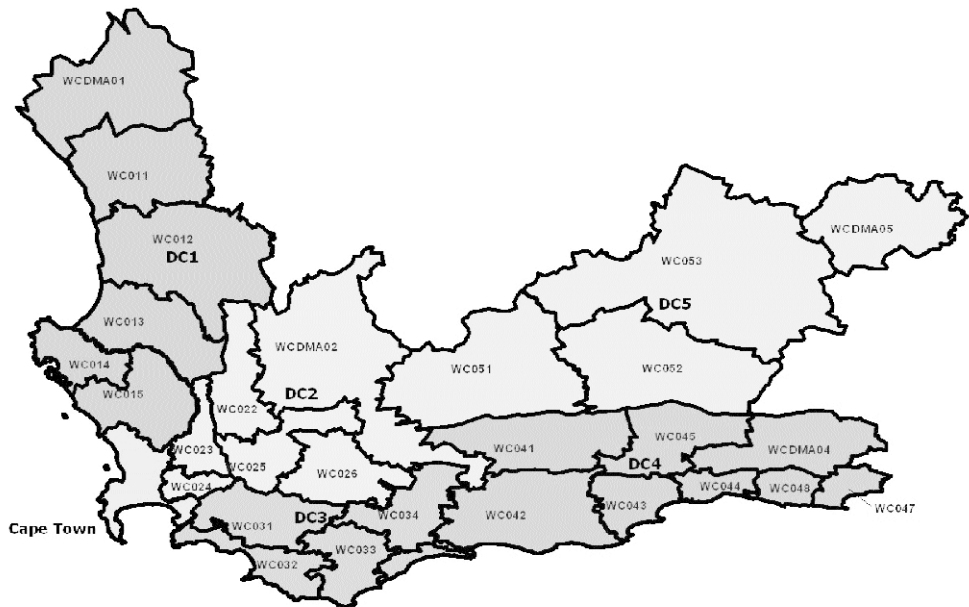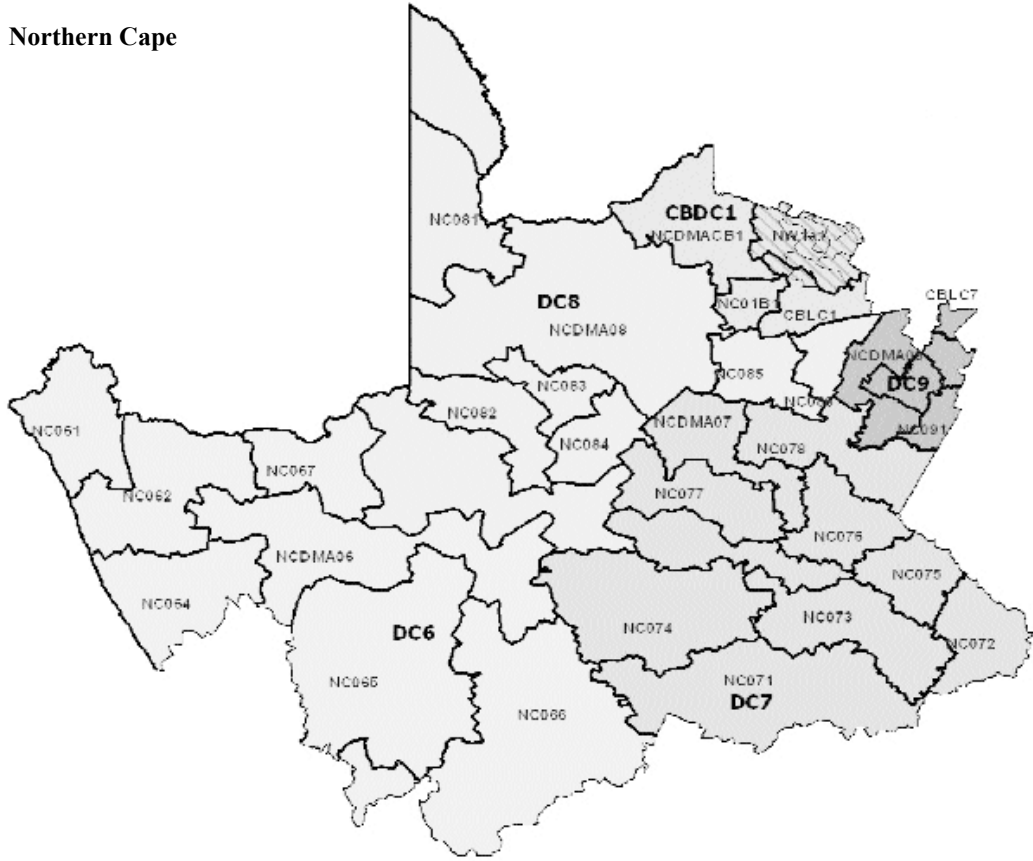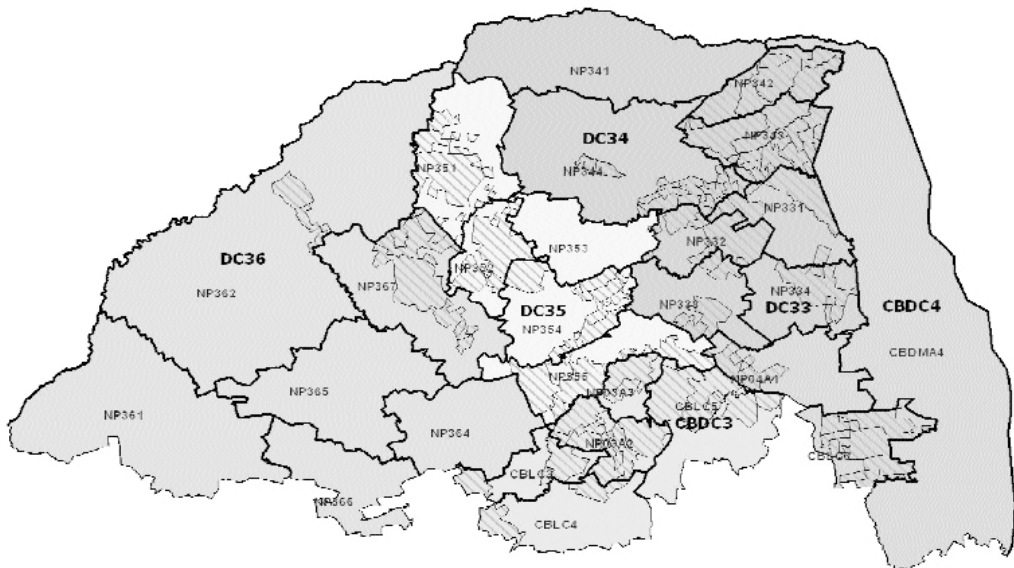The problems that face traditional leaders in respect of the implementation of local government reform are wide, complex and multi-faceted. Issues relating to the demarcation process are only some of many problems and should not be considered in isolation. In the broader context we have a process of institutional transformation aimed at transferring all powers of governance in rural areas from traditional leaders to new municipalities that will be established after the next local government elections. However, even this more comprehensive view does not begin to describe the clash between traditional leaders and the establishment of municipalities.

1. POWERS OF GOVERNANCE

In reality the issue at hand is not limited to certain powers that presently rest in the hands of individual traditional leaders. What is at stake is an entire model of societal organisation, shaped and regulated by a distinct body of laws, customs and traditions. This model has specific features, such as communal ownership of land and consensus-driven procedures for its internal decision-making. It is also based on the segmentation of decision making through the different layers of its internal structure – from the family unit all the way up to self-governing traditional councils. Within this structure African democracy is practiced so that decisions are made directly by those affected by them, rather than by people elected once every five years to represent the entire population on the basis of a general mandate. Within this form of governance, the institution of tradition-

al leadership guarantees a smoothly functioning community and remains the custodian of its laws and traditions.

The establishment of municipalities will obliterate an entire body of laws and customs held by traditional communities. In fact, municipalities may only recognise statutory law and are legally prevented from applying any form of indigenous law. Moreover, in terms of the constitution and its accompanying legislation, municipalities will take over all the powers of local governance exercised by traditional leaders up to now. No provision has been made for traditional leaders to continue to exercise any governance powers at all.

2. THE DEMARCATION PROCESS

The demarcation process is the final step in a process that completely ignores the role of traditional leadership. In terms of the Demarcation Act, the boundaries of municipalities are not compelled to reflect the existing boundaries of traditional communities. These existing boundaries are but one of the many elements which the Demarcation Board should take into account when deciding on boundaries for new municipalities. In many instances, rural community boundaries have been established after centuries of conflict. Traditional leaders requested that new municipal boundaries not be allowed to split existing traditional communities or to group several communities together. This request has been completely ignored, with the result that several rural communities have been split into different municipalities and many smaller communities have been amalgamated into larger municipalities.

An additional complication is the ill-conceived notion of establishing so-called unicities in metropolitan areas. This decision, laid down by the Municipal Structures Act, eliminates the possibility that a metropolitan area may be organised as a two-tier model, with a metropolitan municipality operating at regional level and various, potentially diverse, local municipalities operating as its substructures. Within this context, the inclusion of traditional communities into metropolitan areas becomes particularly pernicious to the survival of their traditions and specific societal structures.

3. THE LACK OF DIVERSITY WITHIN MUNICIPAL STRUCTURES

A unified council cannot differentiate in the way it operates or in the laws it generates and applies. Each region of its united and uniform territory is treated equally, regardless of differing needs and traditions. This approach will create enormous conflict ranging from simple but important matters – such as the imposition of levies for services – to more complex and long-term dilemmas – such as public participation in local planning and zoning. In many areas people quite rightly regard their land as being under the direct administration of the people who live on it and their traditional representatives – the traditional leaders. Matters such as communal land ownership or decision making cannot even begin to register within the context of metropolitan administration.

Those rural areas that are not forcibly included within metropolitan areas will suffer from similar short- and long-term conflicts due to the introduction of the municipal system. Municipalities are required to operate on the basis of uniform models dictated by national legislation. They must treat urban and rural areas alike, despite minor differences allowed for in terms of the Municipal Systems Act. This absurdity extends from the way such municipalities determine and exact levies, to how they administer land development procedures and zoning matters.

4. PROPOSAL FOR A NEW LOCAL GOVERNMENT MODEL

Traditional leaders have actively participated in proposing a new model of local government that would combine both traditional and municipal structures. They have consistently offered

their proposals, from the initial stages of discussion within the Constitutional Assembly and throughout the process of policy formulation leading to the new local government dispensation. However, their proposals were never considered and discussed, nor did they form the basis of any interaction. Even at this juncture – when their proposals have been delivered to the President himself – traditional leaders are still waiting for a date to be set so that discussions may be held. The President formally promised that this would happen before any municipalities are established in areas where traditional leadership is an issue.

The rural local government model proposed by traditional leaders is a simple one. Like the one presently envisaged, it is a two-tier model which comprises a municipality operating at regional level, exercising functions of regional planning, coordination and budgetary redistribution over a territory comprised of several autonomous substructures. However, as proposed by traditional leaders, these substructures would not all be municipalities. Allowance would be made for the existence of traditional authorities where traditional communities already exist. In this context the existing traditional authorities would be allowed to continue to function in terms of indigenous law and traditions. As proposed by this two-tier model, the constitutional requirement of wall-to-wall municipalities would be complied with through the establishment of municipalities at regional level. Simultaneously, local governance could continue to benefit from the presence of traditional authorities and the preservation of the traditional model of societal organisation.

This model would offer the best chance of success for the new local government dispensation in rural areas. In fact, it would utilise and boost existing structures, such as traditional authorities, finally providing them with the administrative, financial and logistical capacity which they have lacked in the past. If one considers how much traditional authorities have already achieved with almost no resources, one can easily imagine how much they could do if properly equipped.

CONCLUSION

Traditional leaders have always expressed the view that the most important consideration in the present debate remains that of the social and

economic development of traditional communities. The establishment of municipalities will cause widespread disintegration of the existing social fabric of such communities, thereby preventing the very conditions in which such development may take place. It will also obliterate existing and valuable structures such as traditional authorities, thereby hindering development.

Traditional leaders are committed to social development and economic upliftment and intend to utilise all available resources to that purpose. Traditional leaders realise and accept that the institution of traditional leadership must evolve with a rapidly changing society.

Traditional leadership, like any other part of our society, cannot remain static. For this reason, in their proposals to the President, traditional leaders made the submission that traditional authorities could be reconstituted so that

half their members are elected. However, instead of allowing the evolution of traditional leadership, the present local government reform transforms it out of existence. The only role that traditional leaders will be permitted to play in the governance of their communities will be the entitlement of some, but not all, to serve as ex-officio members of municipal councils.

This privilege is, however, bestowed with no voting rights, placing these traditional leaders in a position lower than that of any other councillor and just one step above an ordinary member of the public. Traditional leaders will effectively be transformed into mere ceremonial figures. Their communities will be forever deprived of the contribution that they and their structures can, and must, provide in the struggle for development and upliftment. This planned course of events is unacceptable, wrong and counterproductive.

The Impact of Legislative Changes on Educating the Electorate: The IEC Perspective

Edward Lambani

INTRODUCTION

Legislative reform has been inevitable since the adoption of the new South African constitution. The 2 June 1999 election was governed by the Electoral Act of 1998. This Act primarily dealt with the registration of voters and the election of the National Assembly and the provincial legislatures. It was necessary for new legislation to be drafted to facilitate the December 2000 local government elections. The Local Government: Municipal Electoral Act was passed by Parliament during July 2000. New regulations were also published in terms of the Act.

1. REDUCTION IN THE NUMBER OF MUNICIPALITIES

Voters need to be informed of the role of the Demarcation Board in re-determining all municipal boundaries in South Africa. As a result of the demarcation process, municipal councils have been drastically reduced in number from 843 to 284. Municipal councils will be expected to develop an integrated development plan to enhance service delivery. Councils will also need to exercise strict financial control of their respective budgets.

2. SPECIAL VOTES

The adoption of new legislation makes it necessary to educate the electorate with regard to their rights and obligations. Voters should be made aware that the new Municipal Electoral Act does not provide for any special votes. There will be no provision for tendered ballots and declaration votes, as existed with the June 1999 elections. It is important that voters know

that they will have to present themselves in person at the voting station in the voting district where they are registered. Voters should also be informed that voting takes place on a single day and that voting hours will be between 7 am and 9 pm.

3. BALLOT PAPERS AND CANDIDATE NOMINATION

The Local Government: Municipal Structures Act provides for a new electoral system. The number of ballot papers a voter will receive depends on the area in which he/she lives, i.e. under a metropolitan or a local council. A voter living in the area of a metropolitan council will receive two ballot papers: one ballot paper to vote for a ward candidate; and one ballot paper to vote for a political party in the proportional representation election.

A ward candidate could be either an independent ward candidate or a ward candidate representing a registered political party. All parties will be required to register as a political party with the Independent Electoral Commission (IEC). Ratepayers' associations and other community-based organisations contesting the elections will therefore, for purposes of the Act, be regarded as political parties, even though they may not have a political agenda as such.

A voter living in a local council with wards will receive three ballot papers: one ballot paper to vote for a ward candidate; a second ballot paper to vote for a political party in the proportional representation election; and a third ballot paper to vote for a political party which will be represented on the district council for the area in which the local council is situated.

The Act also provides regulations for the nomination of candidates. A candidate may either be nominated by a political party or by a registered voter. The "voter" in this instance must be an ordinary resident whose name appears on the municipal segment of the voters' roll for that municipality. Independent candidates also need to obtain 50 signatures of eligible voters registered on the segment of the voters' roll in any voting district falling within that ward.

4. VOTER EDUCATION PROGRAMME AND PARTIES CONTESTING ELECTIONS

Voter education becomes critical when dealing with such a complex electoral system. The voter education programme does not, however, only relate to the electorate, but also to political parties. Parties should know how to register as political parties, how to submit party lists and how these lists should be compiled. The Act also requires certain documentation to be submitted to the IEC when a party intends to contest an election, i.e. a notice of intention to contest the election, an acceptance of nomination by each candidate whose name appears on the party list, copies of the candidates' identity

documents and different deposits to be paid by means of bank guaranteed cheques. The amount to be deposited will depend on the category of municipality which is being contested.

5. CONSTITUTIONAL PROVISIONS FOR MEMBERSHIP OF COUNCILS

Section 158 of the constitution deals with the membership of municipal councils. A person who has been declared of unsound mind by a competent court, an un-rehabilitated insolvent or a person who has been convicted and sentenced to 12 months' imprisonment without the option of a fine during the past five years, is not eligible to be a member of a municipal council. A member of the National Assembly, the National Council of Provinces or a provincial legislature is also not eligible to be a member of a municipal council. They may, however, be candidates in a municipal election. Should these candidates be elected, section 47 of the constitution provides that such a person will automatically, through the operation of the law, lose his/her membership in the National Assembly, the National Council of Provinces or the provincial legislature.

Conflict Management Mechanisms for the 2000 Local Government Elections

Louise Olivier

INTRODUCTION

The Conflict Management Programme was initiated by the Independent Electoral Commission (IEC) to provide strategic intervention in electoral disputes that may arise prior to, during or after the 5 December 2000 local government elections. The programme is coordinated nationally by the legal services department at the Commission's head office and is implemented provincially and municipally by the provincial and municipal IEC offices. The Electoral Institute of Southern Africa assists the programme through administrative and financial management, the development of training materials and the training of panelists.

1. BACKGROUND TO THE CONFLICT MANAGEMENT PROGRAMME

A similar programme was in effect for the 1999 national and provincial elections. During 1999, over 1000 cases were resolved by mediators through conciliation and mediation. Approximately 60% of the reported conflicts originated from KwaZulu-Natal, followed by the Eastern Cape and Gauteng. Most of the disputes occurred between political parties and consisted of complaints concerning political intimidation, "no-go" areas and the destruction of political material, e.g. campaign posters.

The Electoral Commission Act of 1996 provides for the establishment of an Electoral Court which has jurisdiction over electoral matters taken on review or appeal from the Electoral Commission. The Electoral Court was not utilised during the 1999 elections. It is hoped that any local government electoral con-flict will be resolved through the conflict management structures.

2. WHAT CONFLICT MANAGEMENT MECHANISMS ARE IN PLACE FOR THE LOCAL GOVERNMENT ELECTIONS?

Each provincial IEC office has appointed a conflict management coordinator tasked with managing the programme at provincial level. The coordinator will be employed until after the elections. The coordinator's duties include the appointments of provincial panelists to intervene in dispute situations. The provincial panelists are people skilled in conflict resolution; in most provinces the panelists are either lawyers or priests. They receive training on the relevant legislation and regulations pertaining to local government elections. Panelists are deployed by the provincial coordinator to resolve disputes through conciliation, mediation or arbitration and are paid a certain fee per intervention.

Panelists have also been appointed at municipal level. One person from each municipal electoral office has been trained to intervene in municipal disputes. The provincial coordinator decides whether to deploy a provincial or municipal panelist, depending on the nature and location of the conflict.

Reports of potential or actual conflict are received from the public, political parties, civil society organisations, monitoring agencies and the security services. All reports are channelled to the provincial coordinator for action. The coordinator liaises closely with the provincial security services if a police investigation is required. Resolution of the conflict is reported

to the department of Legal Services at the IEC head office.

CONCLUSION

The Conflict Management Programme aims to be proactive by encouraging all political parties to pledge publicly their adherence to the Electoral Commission's Code of Conduct. The Local Government: Municipal Structures Act requires that all political parties contesting the elections and all ward candidates comply with the Electoral Code of Conduct.

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Gender Equality in the Sphere of Local Government*

Glenda Fick

INTRODUCTION

South Africa's foundational values include the achievement of equality, the advancement of human rights and freedom, non-racialism and non-sexism. These values, and others, must permeate all legislation and state conduct in national, provincial and local government. The concept of equality is widely contested and yet it is listed as a basic human right in the Bill of Rights and is considered a constitutional value.

While recognising the importance of equality in national and provincial government, the importance of the right to equality and its role in transforming local government spheres must be emphasised. The social and political circumstances that pertain to women as a group and the implications of these circumstances for gender equality, deserve special recognition. This paper will argue that the disadvantages experienced by women as a result of inequality should be addressed by local government structures. It is the author's opinion that the successful attainment of local government goals will not be achieved unless the inequality of women is recognised and addressed. Participation of women in local government in South Africa will also be discussed.

1. LOCAL GOVERNMENT AND ITS OBJECTIVES

The Local Government Transition Act 209 of 1993 provided the framework for the 1995/1996 local government elections in South Africa. This Act identified three phases to local government restructuring. The first, or pre-interim phase, was the phase during which negotiating forums were established to appoint temporary councils to carry out local government responsibilities. The next phase, the interim phase, commenced with the first local government elections in 1995 and 1996. The third and final phase to be regulated by new legislation has not yet started. It is worth noting that although the transformation of local government commenced before that of national and provincial government, the process of its transformation has been protracted and complex, and is as yet incomplete.

Chapter 7 of the constitution addresses local government in South Africa. The constitution states that local government must be established for every region of the entire country. Three categories of municipality are envisaged: firstly, Category A municipalities (metropolitan councils) which will have exclusive municipal executive and legislative authority in certain areas; secondly, Category B municipalities (non-metropolitan local councils) which will share municipal executive and legislative authority in an area with a category C municipality within which it is located. The majority of the estimated 300 new municipalities will be non-metropolitan councils. Finally, Category C municipalities (district councils) are envisaged which will have municipal executive and legislative authority in more than one municipality.

The objectives of local government as set out in the constitution are as follows:
• The provision of democratic, accountable government for local communities.
• The provision of sustainable services to communities.

- The promotion of social and economic development.
- A safe and healthy environment.
- To encourage the involvement of communities and community organisations in local government matters.

The successful attainment of these objectives ought to result in the transformation of local government so that power and resources are redistributed to disadvantaged groups. An important purpose of this transformation should be to eradicate the inequality and disadvantages experienced by women in society.

The fulfilment of constitutional objectives, together with the delivery of basic services, is a challenge for municipalities across South Africa. At local government level the gross disparities in South African society are starkly noticeable between rural and urban areas, and between townships and suburbs. Attention to these disparities often takes race into account, but not gender.

Gender considerations raise at least three challenges for local government. First, local government needs to ensure that women become part of the wider concept of governance. Second, the delivery of services needs to take account of the specific needs and concerns of women in the communities in which they live. Third is the need to create an awareness of gender equality and its implications within society (Gender Advocacy Programme [GAP] Seminar Report, 1997:9).

A critical aspect of the challenge faced by all municipalities is that they must address disparities in infrastructure and sustainable service delivery, despite limited financial resources. At the same time, municipalities need to effect social and economic development. Like all other organs of state, municipalities are bound by the Bill of Rights. Constitutionally guaranteed socio-economic rights, including the rights to water, health care, social security and a clean, safe environment, will therefore require special attention.

Approximately 300 municipalities are to be established after the 2000 local government elections. The sustainable and effective delivery of services is expected of these municipalities by communities of varying sizes around South Africa. In terms of the constitution, a municipality has executive and administrative power in respect of matters including childcare

facilities, municipal health services, cleansing, refuse removal and refuse dumps, electricity and gas reticulation and water and sanitation services. The latter are limited to potable water supply systems and domestic waste and sewerage disposal systems (Parts B of Schedules 4 and 5 of the constitution). A municipality is also empowered by the constitution to make and enforce by-laws for the effective implementation of service delivery. According to these constitutional provisions, it is likely that national and provincial legislatures will pass framework legislation on matters of local government. The details of such legislation will be developed and enhanced by municipal legislative, executive and administrative structures.

In the delivery of basic services, local government structures need to be firmly committed to a substantive understanding of equality. With regard to gender, giving effect to substantive equality would require an assessment of the social, political and economic positions of women and men in society. An assessment of this kind would reveal an imbalance of power between women and men brought about by socio-economic and political disparities. In striving to achieve local government objectives, municipalities must, within their financial and administrative capacity – and in the interests of the broader South African society – address the socio-economic and political disadvantages that face women.

Municipalities will firstly be required to interpret the right to equality for remedial measures to be effective. They must regard the purpose of this right as one aimed at protecting and advancing those groups who suffer social, political and legal disadvantage in our society (Albertyn and Goldblatt, 1998: 253). When interpreting the right to equality in this light, attention ought to be drawn to women in society. Once municipalities recognise the disadvantaged status of women, they should, in accordance with s9(2) of the constitution, introduce the necessary legislative, executive and other measures which will protect or advance women as a category of persons who have been disadvantaged by unfair discrimination.

It will also be argued later, that similar positive measures need to be introduced by political parties in addressing greater representation of women in local government legislative bodies. The precise nature and details of the necessary

gender planning falls beyond the scope of this paper, but an important starting point would be the recognition of the inequality experienced by women in society.

2. WOMEN'S INEQUALITY IN SOCIETY

An analysis that examines the position of men and women in society is necessary to determine the importance of gender within the context of local government. Feminist scholars have emphasised the importance of a substantive concept of equality. An understanding of substantive equality recognises that women (and other groups) are subject to inequality which is deeply embedded in the way society is organised (Albertyn and Goldblatt,1998: 252). This systemic inequality, exacerbated by stereotyping, is deeply rooted in the structure of society and "requires an examination of the individual in the context of her group and social and economic conditions" (Albertyn and Goldblatt, 1998: 252).

Women in South Africa are not a homogeneous group. They differ in race, class, geographical location (urban and rural) and by being mothers or not . However women, irrespective of race, class or location, are generally the primary caregivers in South African society.

Our society is structured so that women's ability to bear children almost always brings with it the responsibility of being their primary caregiver. Justice O' Regan stated:

"The responsibility borne by mothers for the care of children is a major cause of inequality in society ... . Many women rear children single-handedly with no help, financial or otherwise, from the fathers of the children ... However, the responsibility for child rearing is one of the factors that renders women less successful in the labour market. The unequal division of labour between fathers and mothers is therefore a primary source of women's disadvantage in our society (*President of the Republic of South Africa v Hugo 1997*, para 110).

In the seminar report on the White Paper on Local Government and Gender, the GAP identified three forms of work which society assigns to women. By dividing labour between men and women, women are assigned reproductive work, productive work and community work.

Usually accompanying the role of child-care, as outlined by Justice O' Regan, are all the other family responsibilities such as care of the elderly and sick as well as other work closely associated with the home. Apart from reproductive work, women also bear the responsibility of productive, income-earning work either in the formal or informal sector. Women are, in addition, expected to participate actively in community work involving both women and men in the organisation of community events and activities, including political activities. An important distinction must be drawn between the highly valued community politics performed by men and the undervalued management of the community undertaken by women.

Women often receive little or no remuneration for the work which society assigns them and are therefore more socio-economically vulnerable than men.

Shvedova, writing about the "feminisation of poverty", notes firstly that women comprise 31% of the total official labour force in industrially developed countries and 46.7% worldwide, and secondly that there has been a reversal in the long-term trend of women entering the workforce (1998:30). She observes that, for the first time in more than 25 years, the 1990s saw a drop in women's labour force participation rates. At the same time, in the majority of countries, women's unpaid labour activity is twice that of men (Shvedova, 1998:30). According to Baden et al (1998) writing on South Africa, women form a higher percentage of unemployed persons than men in all race groups, in both rural and urban locations. They argue that with the high levels of unemployment, insecure land rights and financial dependence on men, women are particularly vulnerable to poverty. These authors report that 48.2% of adult women over the age of 15 years and 43.7% of adult men in the same age group, face the risk of poverty. Furthermore, 69.9% of adult women who are African and 64.3% of adult African men face the risk of poverty. They also point out that conventional measures of poverty do not value or take into account women's unpaid labour as an indicator of, or factor linked to, poverty (Baden et al, 1998). It could therefore be concluded that women are socio-economically more disadvantaged than conventional poverty indicators would have us believe. Liebenberg (1999) writes:

"Poverty and socio-economic disadvantage affect women disproportionately. Women are also most affected by a lack of basic services. It is generally poor women who bear the primary responsibility for collecting water and fuel for household needs, ensuring that children are clothed, fed and receive a basic education and attempting to meet the health needs of the family" (1999:60).

Apart from the systemic obstacles which women encounter, certain perceptions about women and gender stereotyping compound their socio-economic vulnerability. Cultural and traditional stereotypes regard women first and foremost as wives (often housewives) and mothers.

As a consequence of traditional stereotypes, women find themselves unable to move out of the private sphere of home and family into the public realm of productive work and politics. It is in this realm that women have greater opportunity of "[realising] their full human potential within positive social and [political] relations" (Albertyn and Goldblatt, 1998: 249) and of improving the quality of their lives.

Women's economic productivity, facilitated by the effective delivery of services, will enhance the opportunity for their socio-economic development and the development of their full human potential. Greater economic opportunities for many women will reduce, but not eradicate, their financial dependence on men, since "a woman's average wage is equal to 75% of a man's average wage" (Shvedova, 1998: 31). This gender-related gap in earning is registered all over the world.

Socio-economic empowerment of women would be an important factor in reducing male domination in the context of the family and society. Once this occurs, women will have the opportunity of enjoying full social citizenship, as advocated by Walby (1994) who writes:

"The male-dominated family-household is incompatible with full citizenship. Social citizenship for women is incompatible with, and unobtainable, under women's confinement to the family and the vagaries of a dependency relationship upon a private patriarch" (1994:391).

Social citizenship allows for an individual's full participation in the democratic activities of society. Such participation is achieved not only through the exercise of civil and political rights, but through the guarantee of socio-economic rights. If women are to participate fully and effectively in democratic processes, they must be guaranteed access to services that satisfy their basic human needs. According to Liebenberg:

"Although [individuals] may cast their vote once every five years, they are effectively marginalised from real political, economic and social power. This in turn perpetuates their disadvantaged socio-economic status as they are unable to exert political influence necessary to improving conditions of life" (1999: 59).

As stated earlier, one of the goals of local government is to provide democratic and accountable government for local communities. A democratic government is elected by its citizens (women and men) and its legitimacy is founded on the will or consent of such citizens. Women's political participation must therefore be guaranteed. Furthermore, a democratic government is required to be representative of all citizens and their interests. It is also required to respond to citizens, and to justify or explain the extent to which their interests are being taken into account. Accountability, responsiveness and openness are foundational values to which all spheres of government in South Africa must see themselves as being bound. Important questions to consider are: what legislative structures will be put in place after the 2000 local government elections? To what extent, if any, do they allow for the representation of women and their interests?

3. LOCAL GOVERNMENT STRUCTURES ESTABLISHED BY THE MUNICIPAL STRUCTURES ACT 117 OF 1998

The constitution and the Local Government: Municipal Structures Act 117 of 1998 (the Municipal Structures Act) provide for a system that allows for semi-proportional representation. This type of semi-proportional system is often favoured in new democracies, since it is seen to provide the benefit of a wide representation of parties that accompanies voting by proportional representation. In addition, it permits the benefit of direct accountability inherent to a system of direct voting in wards.

According to the Act, the number of ward councillors in a metropolitan or local council

must be equal to 50% of the number of councillors for a particular municipality. The Act changes the electoral system relied on in the 1995/96 local government elections from one based on 60% ward representation and 40% proportional representation, to one based on 50% ward and proportional representation. It provides that a metro council, and a local council with wards, must be elected according to a system of proportional representation from party lists and direct representation from wards. In an election for a metropolitan or local council with wards, each registered voter will have two votes, one for a party, by proportional representation, and one for a ward candidate.

If a local council has no wards, all the councillors must be elected from the party lists according to a system of proportional representation. In an election for a local council that has no wards, each registered voter has two votes, one for the local council and one for the district council. If a local council has wards, councillors must be elected from the party list according to a system of proportional representation and direct representation for the wards.

It is important to note that district councils may comprise representatives elected from party lists by registered voters in local councils, with or without wards and voters registered in a district management area. Sparsely populated or mountainous areas and game parks would be classified as district management areas. If a voter is registered in a local council with wards, she will have a third vote in respect of a proportional representation election of the district council in which area the local council (with wards) is located. Registered voters in district management areas will have two votes: one for the representative in the district management area, and one for the district council.

District councils will have 60% of their seats allocated to proportional representation candidates from the district management areas and representatives elected to the district council from the local councils. Furthermore, the Municipal Structures Act contemplates that local council elections will take place first, and thereafter representatives from these councils, in an internal election, will be nominated and elected to the district council. The remaining 40% of the seats will be allocated to those proportional representation candidates voted on to the district council by registered voters.

To what extent does the Act ensure the participation of women in elected municipal bodies?

4. WOMEN'S PARTICIPATION IN LOCAL GOVERNMENT

In South Africa, political rights, through universal suffrage, are guaranteed to all citizens, women and men. Citizenship may be regarded as the starting-point for the acquisition of political rights which guarantee participation in an election. Regular, free and fair elections of national, provincial and local legislative bodies are an important feature of democracy. Political rights include the right to vote and to stand for election to public office.

A commitment to social citizenship and substantive equality, as discussed above, should ensure that women have the scope for exercising their political rights. Exercising the right to vote and to stand for public office is conducive to women's participation and representation in national, provincial and local government.

Legislature provides an opportunity for women to participate and deliberate on issues of significance to them. An electoral system is one avenue through which political representation is gained. There is a body of literature that indicates that elections by proportional representation (a feature of the 2000 local government elections) are advantageous to women. South Africa and Moçambique are among the three countries in the Southern African Development Community (SADC) with the highest parliamentary representation of women. Both these countries have adopted a system of proportional representation. It is worth noting that:

> "[o]f the ten highest-ranking countries in terms of women's representation, all utilise proportional representation electoral systems. Single-member district majoritarian systems have consistently proven to be the worst possible system for women" (Matland, 1998: 83).

"First-past-the-post" constituency-based electoral systems prove disadvantageous to women candidates. They are often unable to break through the electorate's stereotyping of women in certain roles that do not accommodate women as political leaders.

After employing a closed-list system of proportional representation in the 1999 election of

the national and provincial legislatures, women remain under-represented in these bodies. Women occupy only 29.75% (119 out of 400) seats in the National Assembly. As in 1994, this situation is largely due to the implementation of the African National Congress's (ANC's) gender policy.

After the last local government elections which allowed for both proportional and direct representation, women were elected to 19.04% of councillor positions (or 1220 out of 6408 seats). This percentage is considerably below the critical minority of women necessary to bring sufficient pressure to bear upon the political process in a legislature.

Women held 28.20% (or 862 out of 3024) of the proportional seats, and 10.87% (or 368 out of 3384) of the ward seats (Chan,1996:3). These results were achieved in an election in which, with the exception of the ANC, none of the other political parties nominated candidates in accordance with any formal policy on gender (Chan,1996:4). In terms of its gender policy, the ANC advanced women candidates in elections to be contested by proportional representation. It is reported that in the last local government elections, women ANC councillors won a total of 911 seats (Chan, 1996:4). Of these, 717 were proportional representation seats. The ANC won a total of 1965 seats: women held 36.5% of these (Chan, 1996:4).

Disregarding the numbers, women's representation is a complex matter. It is correct to say that "it is not self-evident that only women can represent women's interests" (Hassim, 1999: 13). However, women's representation is important to dilute the male dominance of the public realm. One way in which this can be done is to formulate an agenda that reflects those political issues which are of significance to women. Considering the matters to be addressed at local government level, these are not likely to be abstract issues, but ones which pertain to the social and economic development of women and the improvement of their living conditions and, more broadly, of society.

A legislative and executive programme that addresses basic service provision – i.e. childcare facilities, municipal health services, cleansing, refuse removal and dumps, electricity and water and sanitation services – from the perspective of seeking to improve the unequal and disadvantaged position of women, is likely

to find common ground among South African women. Notably, Hassim writes:

"[a]t times, the intersection of interests of different women ... can create a constituency of women who are able to hold political leaders accountable to their rhetorical commitments to gender equality" (Hassim, 1999:13).

Women need to have the political space to ensure that government policies give effect to the right to equality and implement genuine change at local government level.

Arguably, there was a degree of recognition of the need for women's representation when Parliament passed the Local Government: Municipal Structures Act 117 of 1998. According to this Act, certain types of category A and B municipalities with wards may have ward committees. If a metro or local council decides to adopt ward committees, it is required to establish a committee for each ward in the municipality. The metro or local council must implement rules regulating the procedure to elect the members of a ward committee, taking into account the need for women and a diversity of interests, to be equitably represented on such a committee. This somewhat tentative step towards giving effect to women's representation in local government is not enough in a society in which the following observations and questions, asked by Carla Ackerman, remain poignant:

"Women attend meetings, they are involved in the development of matters of their communities, and they participate in determining the way forward. But is this *really* the case? How many of these women were nominated as candidates during the previous local government elections? How many of these women were offered the opportunity of representing their community in council? To what extent is their grassroots community involvement superseded by official representation by men on the candidate rolls of political parties and in the council chamber?" [Emphasis added] (2000:4).

The problem of women's under-representation in legislative bodies and other decision-making structures should be addressed by the introduction of gender quotas.

During last year it was observed that:

"[a]vailable figures suggest that unless

SADC countries retain and/or adopt special measures, the target of 30% of women in decision making by the year 2005, and of gender parity thereafter *will not be achieved*" (Programme of Action for Women in Politics and Decision Making in SADC, 1999:6) [Emphasis original].

A quota system is one such special measure, aimed at achieving equality for women, to be applied over a period of time until the systemic obstacles to their participation in politics have been removed.

An important reason behind adopting a quota system "is to recruit women into political positions and to ensure that women are not isolated in political life" (Dahlerup, 1998:92). Quota systems also ensure that women constitute at least a "critical minority of 30 to 40 per cent" in a legislative body (Dahlerup,1998).

In South Africa, gender activists recommended that a quota system be introduced to political party lists to increase the numerical representation of women at political level. This recommendation was accompanied by a further recommendation that candidates support programmes to enhance qualitative participation of women, simultaneous to the introduction of a quota system. Programmes should encompass information or education; training and capacity building; public education and awareness raising and financial support for independent women candidates (GAP Seminar Report 1997, 39).

In South Africa's 2000 local government elections, elections by proportional representation will rely on a system of closed lists. The number of candidates on a list submitted by a party is not to exceed twice the number of seats in the metro or local council to be filled from party lists. The lists are to contain the names of candidates in order of the party's preference from first to last. Every party must seek to ensure that women and men candidates are evenly distributed throughout the list.

Although the Municipal Structures Act attempts to ensure the participation of women in metropolitan and local councils, it does so less boldly than it ought to have. The statute stops short of introducing a statutory gender quota aimed at increasing the quantitative representation of women in local government. Instead, it provides that:

"[e]very party *must* seek to ensure that fifty per cent of the candidates on the party list are women and that women and men candidates are evenly distributed through the list" (Item 11, sub-item 3 of Schedule 1 to the Municipal Structures Act) [Emphasis added].

As discussed above, there is no statutory gender quota provided for in the local government elections to take place in South Africa later this year. The introduction of a gender quota will once again be at the discretion of political parties.

CONCLUSION

Local government is the sphere of government "closest to the people" and councillors have the opportunity of engaging with and responding to their constituencies closely in relatively small areas. They are therefore better positioned to assess the environmental conditions of the citizens to whom they are accountable and to embark upon programmes of social and economic upliftment and development. Unfortunately, local government, like national and provincial government, is still predominantly a male domain.

The tendency in politics is frequently to overlook gender in favour of race and class. Municipal councils (like their counterparts in national and provincial spheres) must ensure that all remedial measures for addressing inequality must attach equal significance to race, class and gender.

Local government structures, while pursuing their objectives, exercising their powers and performing their functions, are particularly well positioned to address the systemic inequality experienced by women. Municipalities should, in pursuing their objectives, address the position of women and their disadvantaged status in society brought about by the unequal division of labour between men and women.

Social citizenship is advocated as a means to increase women's political participation and representation in the political arena. Women's representation and participation in municipal councils are important for drawing attention to and addressing, through programmes of legislative reform, the issues that contribute to women's disadvantaged status. A gender-based quota system would undoubtedly increase women's quantitative representation in national, provincial and local legislative bodies. Notably,

notwithstanding Section 9(2) of the constitution which permits the introduction of measures for addressing unfair discrimination against women, Parliament has chosen not to introduce a statutory quota system to promote the achievement of equality in the political realm.

As a consequence, the introduction of a gender quota will once again be at the discretion of decision makers within political parties. Hope for achieving women's representation in municipal councils lies in the fact that the GAP estimates that, if women continue to be elected in the same proportions under the new system as they were under the old, women councillors will account for 30% of the total number of councillors under the new system compared to 19% under the old (Budlender, 1999: 42).

However, the absence of a statutory gender quota means that, in the relatively short time before the local government elections, women and men need to pressurise all political parties into recognising the importance of gender equality.

More importantly, parties must be lobbied to make a firm commitment to a substantive understanding of equality as mentioned above. This commitment could see a greater number of political parties introducing gender quotas to party lists. This would bring about greater representation of women in local government legislative bodies.

Hopefully it will also result in the critical minority of women necessary for changing the male-dominated political agenda.

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Participation in Local Government: A Rural Perspective

Memke Nkone

INTRODUCTION

The processes related to local government have accelerated so rapidly that many people have difficulty understanding the issues being debated, and not enough time or attention is being given to lobbying for the increased participation of women in local government.

For government to improve the status of women and society at large, there needs to be more meaningful participation of women in local government.

1. PARTICIPATION OF WOMEN IN LOCAL GOVERNMENT

The coming elections are taking place at a time when most local government policies have created a supportive, but challenging environment for representatives.

In 1998, the Women's Development Foundation (WDF) conducted a research study of women councillors in five different provinces: the Free State, Eastern Cape, Western Cape, Northern Province and North West. The study showed that women held only 19% of all seats in local government. Out of a total of 7089 councillors, there are 1363 executive positions. It is notable that 1171 men and only 192 women hold those positions. These results indicate that women still occupy a minority in many spheres of government.

The South African legislative framework has created opportunities for the participation of women in the 2000 elections and women must be encouraged to take advantage of these opportunities.

The constitution requires that local government:

- ensures the provision of services to communities in a sustainable manner
- promotes social and economic development
- promotes a safe and healthy environment
- encourages the involvement of communities and community organisations in matters of local government
- provides democratic and accountable government for all communities (Constitution: Act 108 of 1996:81).

Women form an integral part of all communities. If local government fails to provide the above, the women most affected will be those from the rural areas. Traditionally the role of women is to maintain and sustain the economy of a region. Any negative impact on the women of an area will therefore be detrimental to the community as a whole.

There are other legislative acts that favour the participation of women:

- The Demarcation Act, sections 24 and 25 of which deal primarily with the viability of a municipality. It goes without saying that a viable municipality cannot exist if women are excluded as candidates for election or are not allowed to vote. One of the aims of newly established municipalities will be to build capacity by providing new structures for public participation.
- Municipal Structures Act: Chapter 2, section 9. This is a political system that encourages a gender-aware environment conducive to the effective redistribution of resources. Women should be encouraged to participate in structures that support democracy and women should offer gender sensitive services to communities. Political parties should also be

Local government seminars

Seminar Venue	Date	Participants	Partner
Western Cape Worcester	27 June	63	CLC
Eastern Cape Umtata	13 July	97	EISA, ECNGO ECLGA
Northern Province Methodist Church	25 August	75	NPLGA/NPN GO Coalition
North West	31 August	60	Noweloga/IEC/OSW
Gauteng	3 August	96	Metro Council
Free State	29 August	43	Freeloga

encouraged to support women as ward candidates.
- The Municipal Systems Bill seeks to be more effective in performance evaluation and to create more participatory social governance. The Bill aims at integrated development planning and land development objectives.
- The Financial Management Bill seeks to ensure a more participatory budgeting process. Most women do not have these skills, but with their involvement a more balanced view could be achieved.
- The Municipal Structures Act provides that there be 50% representation of women in party lists, but legislation does not enforce the issue.

2. THE IMPACT OF NEW LEGISLATION ON RURAL WOMEN

Many of the perceived advantages of the new local government legislative framework will, in reality, impact negatively on rural women. Some of these issues are listed below:
- The reduction in the number of councils will have an impact on the employment of councillors, workers and services. How many of these casualties will be women?
- In some areas women are excluded from community participation, especially where cultural stereotypes still dominate (e.g. what do women know about land distribution?).
- Access to basic services will pose a problem for the majority of rural women since categories B and C municipality headquarters will now be located in big towns. This will also have a serious impact on the goals of community participation and accountability that local government is striving for.
- There is a high rate of illiteracy in rural areas.
- Most communities were not afforded the

opportunity to submit remarks on the decisions of the Demarcation Board.
- Women often have difficulty interpreting the very legislation that favours them. This is often as a result of the lack of facilities in rural areas, e.g. Internet, newspapers, libraries or even community-based organisations (CBOs) that could assist them.

It was with this in mind that the WDF embarked on a programme of conducting seminars on the local government legislative framework (*see table*). The aim of these seminars is to:
- inform civil society of the changes taking place in local government and its impact on women, in preparation for the forthcoming elections
- encourage women to participate as voters, candidates and leaders in decision-making processes
- engender a common understanding of local government transformation

Where appropriate, the WDF collaborated with the Independent Electoral Commission (IEC), the Community Law Center (CLC), the South African Local Government Association (Salga), the Electoral Institute of Southern Africa (EISA) and other interested parties.

These seminars stimulated debate, challenged issues and encouraged a spirit of participation.

Group discussions were held debating the advantages and disadvantages of the electoral system considering the need for gender representation. Possible strategies for lobbying political parties to ensure that women participate in the upcoming local government elections were also discussed.

It is interesting to note that the groups were all strongly opposed to the present legislative system which does not enforce gender representation within political parties.

CONCLUSION

How can we ensure that the proportional representation and ward systems work for women?

- Political parties must be lobbied to ensure that women and men are represented equally and evenly on their party lists.
- Political parties must also be lobbied to promote women in their wards.
- Women should organise themselves inside and outside political parties and they should urge parties to set down clear rules for candidate selection. These rules should have explicit nomination procedures so that women can identify crucial points around which they can mobilise support and press for their demands.
- Women need to nominate themselves to stand for election through women's movements, non-governmental organisations and CBOs.

The proportional representation system is more advantageous to women. Ten of the highest ranking countries in terms of women representation use the proportional representation system.

Such a system also contributes to stability in communities, as all parties with a decent support base participate in the running of local councils. Nonetheless, women tend to fare better in urban areas than in rural areas where traditional roles and stereotypes are still prevalent.

The questions remain: to ensure effective participation of both men and women in the December 2000 elections, how do we deal with the problem of illiteracy and how do we inform people in rural areas of issues that affect them?

Developing an Appropriate Methodology for Democracy Education

Sherri le Mottee

INTRODUCTION

Learning is a phenomenon of being alive. All would surely agree that each person learns something through the course of his/her life – unfortunately much of this learning happens in spite of schooling.

If we accept that everybody can learn, albeit in different ways and at different paces, the question facing educators should be about how we construct learning processes which:

- motivate people to learn
- enable them to maximise their learning potential
- facilitate the integration of what they have learnt into their daily lives
- and empowers them with skills, values, attitudes and knowledge, so that they are able to make the leap between "learning" and "doing".

Methodology provides the framework and paradigm within which the learning process takes place. It establishes the means to the end and facilitates aspects such as time, resources, the correct environment, etc. In short, it determines the shape of the learning "process" and ultimately the success of the learners. The selection or development of an "appropriate" methodology can make or break the learning process.
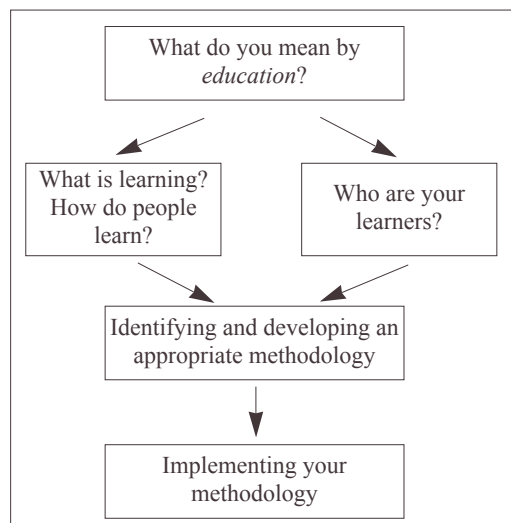
1. IDENTIFYING AN APPROPRIATE METHODOLOGY

Our discussion on methodology will run as follows:

- Our starting point is what we are doing and why we are doing it. What motivates us to develop learning materials – what do we

believe the purpose of our work to be? Are we educating, schooling, training and, if so, what for? People often use words such as "education", "schooling", "training" and so on, interchangeably. The assumption we tend to make is that we are talking about the same thing, but are we?

- Education is about learning. If we want to get education right, we need to know something about how people learn so that we can map our learning processes accordingly. For learning material to be effective, the materials we develop for whatever purpose, need to be in keeping with how people learn.
- Of course, learning cannot be separated from the learner. Learners bring to the learning environment a vast life of experience and learning. They have particular views, approaches to life, prejudices and issues – all of

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│   What do you mean by        │
│        education?            │
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        ↙              ↘
┌──────────────┐   ┌──────────────┐
│What is learn-│   │              │
│ing? How do   │   │Who are your  │
│people learn? │   │learners?     │
└──────────────┘   └──────────────┘
        ↘              ↙
┌─────────────────────────────┐
│Identifying and developing an │
│   appropriate methodology    │
└─────────────────────────────┘
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┌─────────────────────────────┐
│   Implementing your          │
│      methodology             │
└─────────────────────────────┘
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which have the potential to impact on their ability to learn. Who the learner is should also impact on the selected methodology.

- I will conclude by discussing how these issues interact with each other and will provide a rationale for the adoption of a learning approach or methodology.

2. WHAT DO YOU MEAN BY *EDUCATION*?

What do we mean when we talk about *education*. The picture below is an interpretation of a learning process. What is happening in the picture?
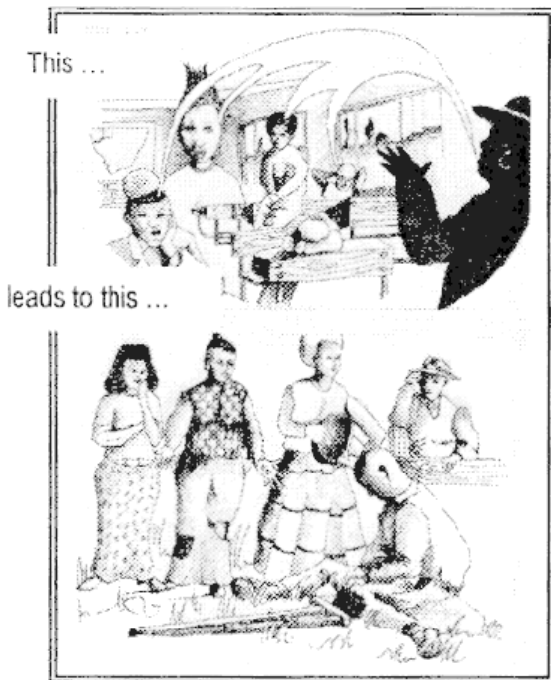
The learners in the first picture are having their somewhat empty heads filled by the "educator" who is standing in front of them. She is clearly the source of knowledge and information.

They, on the other hand, are passive recipients who sit and wait to receive what she has to offer. These learners are regarded as empty vessels that do not "create" their knowledge or leaning.

In the second image, we see the same learners a while later. They represent a group of passive people, standing, sitting and staring vacantly into the distance. They look impoverished and defeated.

Excessive? Perhaps, but the message that comes across clearly is that these learners are not being "empowered": the probability is that "learning" is actually disempowering them. They have been:

- uninvolved in identifying their learning needs
- their learning has been directed from outside
- their experience, prior learning and identities have had little, if any, impact on the learning process and they are thus undermined
- knowledge is regarded as something outside of themselves
- learning has little, if any, application beyond the classroom or lecture theatre.

Such an image is not, I would imagine, unfamiliar. Most of us have been effectively "schooled" via the system put in place by Christian National Education. This system was designed to subdue people, to make them respect the powers that be, maintain the status quo and take their place in society without rocking the boat.

The challenge is to move away from schooling and towards educating. As educators involved in democracy and human rights, we have a direct interest in the outcomes of education. As educators we are active citizens who are in touch with our rights and responsibilities, who are able to practise democracy, and who are willing to work towards constructing a society based on the values inherent to democracy.

Our practice as educators should be congruent with democratic principles – i.e., it should reflect our desired overall outcomes. Learners should not only be told about participation, they should also be given the opportunity to participate. They should not only be told about democracy, but should be given the chance to implement it.

3. HOW PEOPLE LEARN

How do people learn? How do *you* learn? Try to identify a few specific things that you "know".

- What does it mean that you "know" them?
- How did you get to "know" them?

The French biologist Jean Piaget had a major influence on modern thinking about learning with his ideas of constructivism. In his view, learning was a process just like any other that occurs in nature – i.e., learning is just a process of adjusting to new stimuli in the environment.

Consider this story (it identifies the stages of learning according to Piaget).

You are a young child of four-years-old. You live in East London close to the beachfront. One afternoon you take a walk along the beachfront with your grandmother. You look out to sea and notice that the world looks flat and that it stretches all the way to the horizon. You can see where it ends and you know that if you were to sail to that point you would fall off the edge of the world. You arrange this piece of information in your head and file it away for later use.

Step 1: You arrange your knowledge, skills, values and attitudes in your mind and file them away – these are called *schemas*. Your schemas are arranged in your mind in a way that makes sense to you. These are your existing schemas.

When you are a little older, you go to school. One day the teacher, who you like very much, starts a new section of work about the earth in space. She tells you all that the world is round. You are very surprised at this information because you know the world is flat – you have seen it yourself. Your filing system is thrown out of balance – your mind is in a state of confusion.

Step 2: You encounter something new which challenges your existing schema. When this happens, you find yourself in a place of mental discomfort. Your mental filing cabinet is in a state of disarray. This is called *cognitive dissonance*. Cognitive dissonance is the intellectual discomfort we feel when things do not make sense to us. It may occur in a learning environment when we have not managed to grasp a concept, solve a problem or master a skill. It is not always a negative thing because it creates an urge to get rid of the feeling of dissatisfaction by completing the learning process.

You spend time thinking about the problem. You ask your grandmother to take you back to the beach and you look again. You go to the library and you look for information. You talk to members of your family to find out what they think. You investigate the problem gathering new facts and evidence. You try to make sense of the world and why it looks flat when it is really round.

Step 3: You have to make sense of the new information or practice by mentally shuffling the old and the new schemas so that they make sense. This is done by noticing, thinking about and testing your understanding of new skills and knowledge. This process is referred to as *assimilation*.

Eventually you get to understand that the world looks flat because it is so big you can't see it all at once. You finally manage to reconcile your old understanding with the new.

Step 4: In this step, you have related the new schema to the existing schema and have revised your set of skills and knowledge to absorb the new and old so that you now have an enriched set of skills and knowledge. The process is also known as *assimilation*.

What this model highlights is that learning is a process, which is constructed on the basis of what we already know. Things are not learnt in isolation nor is learning a passive experience.

Kolb is another theorist whose ideas help to take these notions forward into a more practical application. In his model of experiential learning, Kolb describes the steps of learning in such a way that one is able to translate them directly into learning methodologies. Let us consider Kolb's theory and how it maps on Piagets notions of constructivism.

According to Kolb, a learning process has four stages. Effective learning only takes place when the learner has successfully engaged in all four stages. These are illustrated below:
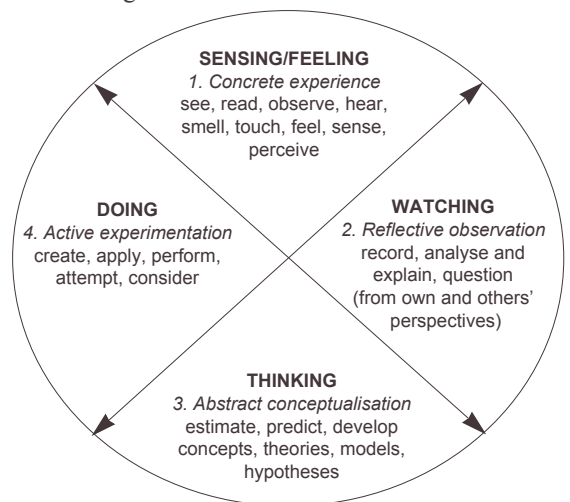
1. Concrete experience
This stage depends on the learner actually having an experience of something. It involves taking note of something through the senses of sight, smell, hearing, taste, touch and feeling – EXPERIENCE

2. Reflective observation
At the second stage, the learner tries to make

sense of the experience he/she has had by thinking it through and analysing it. The questions asked here would typically be: what has happened and why? In other words, the learner would look for meaning in the experience – OBSERVATION

3. Abstract conceptualisation
The third stage involves the learner in thinking through his/her experience and trying to make mental models, theories and ideas that will explain his/her perceptions.

The learner will attempt to create concepts about the experience and may create statements such as "if … then ..." – REFLECTION and THOUGHT

4. Active experimentation
The final stage of learning is implementation – what can the learner do with his/her learning? ACTION

Any learning material we develop should take into account the involvement of the learner in actively constructing his/her learning. This learning should always start with what learners already know and move them on from there. The process should follow the four stages of

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REFLECTIONS ON HOW WE LEARN

How adults learn	How should this affect the learning process?
Adults have been learning all their lives. They come to the workshop with skills, knowledge, values, attitudes and experience.	Because adults have "knowledge", they will probably have formed opinions, ideas, values and points of view. They should be respected and recognised as people who direct their own lives. They are equal to the facilitator and to other participants. They should be given the opportunity to speak first, to inform the facilitator of what they already know about the subject of discussion. Use pairs/group discussions where learners are able to share their knowledge and experience. Give them the chance to learn from each other.
Adults may be afraid or resistant to learning new things. They may feel that it is safer to stick to what they know. Old "learning" could thus get in the way of new "learning".	Be accepting of learners and make them feel comfortable. Listen to how they do things/what they think, etc; invite others to share their stories. Reflect on different approaches and ideas – consider how they can influence what we already do/know. By being dogmatic/pushy you will only alienate your learners.
Adults don't learn things in isolation. They learn best when they are able to relate new knowledge to "old" (existing knowledge).	Use what people already know by giving them the opportunity to talk to you about the "concepts" the learning programme will introduce. For example, first ask them what they know about democracy before you tell them what it is. What your learners know must be your starting point as a facilitator of learning.
Adults' short-term memories are easily disrupted.	Make sure that your style of facilitation is supportive by labelling things, giving visual support, giving notes or pointers, encouraging active listening, keeping learners moving (physically and mentally). Use humour, take frequent breaks, ask them how they are doing, use energisers and brain teasers to help them to keep focused – move and groove!
Adults will have their own valid thoughts and opinions and may question the materials, methods and ideas presented in the learning process.	Make time in the programme for the giving and receiving of feedback (positive and negative). Allow participants to talk about the programme, facilitation, logistical issues, and any other issues that may impact on their learning. Always explain why activities are being done, create links from one activity to another, discuss learners' outcomes at the start of each new focus area.

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learning, culminating with learners being able to do something with their learning. In practical terms, an educator's materials should:

- start with learners being able to make input on what they know
- move from what is already know to the "unknown"
- involve learners in constructing their own learning
- be experiential
- provide opportunity for making meaning out of what has been experienced
- give learners the opportunity to incorporate the learning into their existing knowledge in their own way
- allow learners to demonstrate their learning.

4. HOW DO LEARNERS AND THEIR NEEDS INFLUENCE METHODOLOGY?

To be most effective, our methodology should reflect an understanding of the learner and his/her needs. It should be appealing, creative and surprising.

We will consider adult learners in particular since voter education concerns them. I would, however, suggest that much of what we discuss has undoubted application to the education of young people and even children.

The table opposite considers some of the characteristics of adult learners and how these should be responded to in a learning environment.

CONCLUSION

To conclude, some of the central issues with regard to appropriate methodologies are the following:

- Everybody can learn.
- Learning processes should model democracy.
- Learners already have knowledge; all learning should therefore start with what learners already know.
- Learners and facilitators are learning together and construct knowledge together.
- Through participation, learners gain greater insight and exposure to other experiences.
- Learning materials should follow the four stages as set out by Kolb.
- Learning outcomes should be stated as what learners will be able to do with their learning – i.e. learning should result in action.
- Learning should be active, bearing in mind that this is the most effective way of retaining what has been learnt.
- Learning should be constructive and affirming.
- Learning should be motivating and enjoyable.

Workshop Discussion Summary

David Pottie

INTRODUCTION

This paper summarises the main issues raised by panellists in the workshop discussion sessions of this conference. The following remarks indicate the direction that democratic municipal politics should continue to take.

The overall theme of this workshop has been to explore some of the immediate and long-term challenges facing local government during South Africa's transition to democracy. It also addressed some of the issues and debates associated with the current government's policy of building a "developmental local government".

The current municipal demarcation process hopes to lay the foundation for sustainable, efficient and accountable local councils. One of the challenges to this aim, as discussed in the workshop, is the process and method of reconciling traditional authorities with elected representatives from local councils. The issue is far from resolution, as the constitution only provides a framework for this relationship.

Another challenge under debate was the representation of women in local government. Women represent almost 30% of all seats in national government, but far fewer in local government. The new legislative framework for local elections commits political parties to ensure that 50% of the candidates on their party lists are women. Whether this approach will succeed in improving the overall number of women in municipal councils, remains to be seen.

All of the issues discussed revolved around the challenge of reconciling new policy initiatives with past practices. Democratic consolida-tion needs to be an ongoing process demanding constant reassessment. Five basic challenges facing democratic consolidation in South African local government were identified:

1. VOTER PARTICIPATION

Lower than average voter registration and voter turnout are characteristic of local government elections in many countries. South Africa's first democratic municipal elections in 1995/96 had a cumulative voter turnout of just less than 50%. While the Independent Electoral Commission hopes to improve on this figure by working to register as many South Africans as possible for the 2000 elections, the current total registration figures are only slightly higher than that of the 1999 national and provincial elections. It is unlikely that voter turnout will match the approximately 89% of registered voters, (approximately 68% of total potential voters) who voted in 1999.

2. ESTABLISHMENT OF VIABLE MUNICIPAL STRUCTURES

The establishment of the new local councils following the 2000 elections will mark the culmination of an extended period of political transition in municipal politics. The entire country will have been newly demarcated since the 1995/96 local elections with entirely new lines of jurisdictional authority. The resulting amalgamation, redistribution of existing political power and the prospect of post-election delivery of services will present South Africans with a very different political landscape. Driven by a comprehensive but complex legislative output, the reform of local government

is premised on several key principles: developmental local government, sustainable, efficient and transparent service delivery and accountable representation. The issues that will keep local government in the spotlight are the:

- role of traditional authority in local affairs
- balance of public and private agency in service delivery
- structure of executive authority in councils
- administrative and financial implications of municipal amalgamations
- division of power between the types of councils with overlapping responsibility.

3. GOVERNANCE AND REPRESENTATION

The post-election political environment promises to be highly charged. Labour relations will need to be addressed, as local councils pursue strategies for service delivery that will impact on public sector employment. A number of contracting arrangements are currently under consideration as they are poorly explained, badly understood or difficult to predict. This has been outlined in the recent Municipal Services Partnerships white paper. The establishment of fiscally viable local authorities, in the context of private sector service delivery of formerly public services, will pose a challenge for labour, councils, officials and service recipients. Not all of these interests can be expected to coincide. In addition, the poor are likely to resist increased service charges with as much vehemence as wealthy property owners will resist rate increases. However, with differing political agendas, the issues are likely to be represented in very different ways.

The Municipal Systems Bill promises to provide a regulatory context within which these debates can occur. In particular, it hopes to contribute to the development of an improved ethic of public service within local government, while encouraging individuals and community organisations to participate in local affairs.

Ultimately, elected councillors will be accountable to citizens at the ballot box. In the interim they will have to develop the necessary skills to oversee labour relations, state–civil society relations and state–private sector relations, as well as addressing poverty and service delivery in their areas.

4. PARTY POLITICS

The dynamics as discussed above, will take place in the context of political party competition within which there are several key developments:

Firstly, there is the debate about the character and structure of the tripartite alliance of the African National Congress (ANC), the South African Communist Party and the Congress of South African Trade Unions. This debate is unlikely to subside, but equally unlikely is the potential collapse of the alliance. The forthcoming election campaign will be an opportunity for community and labour leaders to press for improved ANC representation of their concerns. It is not clear whether this opportunity will be taken advantage of or whether intra-alliance negotiations will replace public debate.

Secondly, the newly formed Democratic Alliance (DA) between the Democratic Party and the New National Party may result in many charged electoral debates as both parties hope to prosper from the alliance. Both Gauteng and the Western Cape province pose potential for DA majorities. Whether this party bloc can form the basis of a non-racial, national alternative to the ANC is debatable in the long term. At present, however, relations between the ANC and the DA have been characterised by frequent references to race.

Thirdly, as noted above, efforts to improve the representation of women on the party lists for the proportional representation component of council elections will undoubtedly result in the reconfiguration of the composition of local politics.

5. INTERGOVERNMENTAL RELATIONS

At least three areas of intergovernmental relations will be affected following the 2000 elections. These are:

- *Local–district council relations.* These councils will need to divide responsibilities for service delivery, reconcile different levels of progress in the formation of integrated development plans and reconfigure administrative processes to respond to newly demarcated jurisdictions.
- *Urban–rural relations.* The challenges in this area will be to address the role of traditional authority, reconcile service delivery options in urban-rural "boundary" areas and address cross-subsidisation issues.
- *Metropolitan–provincial relations.* Several metropolitan councils will be larger in size

than some provincial legislatures. They will also have greater areas of responsibility and larger budgets than some provinces.

In addition to these issues, all local councils will have to continue to respond to the legislative agenda of national government. For example, councils will need to find ways to improve infrastructure delivery in areas such as low-cost housing, despite the fact that this is often beyond the financial and administrative means of many municipalities. This level of responsi-bility often results in "unfunded mandates" where local authorities have increased responsi-bility for service delivery in policy areas driven by national government, placing enormous pressure on the local fiscus.

CONCLUSION

Although there are many more areas of concern, these are just some of the issues that were covered in the workshop, which will require further attention.

Programme

Wednesday, 20 September 2000

8.30–9.00 **Registration**

9.00–9.20 **Welcome**
FACILITATOR: MS ILONA TIP, *ELECTORAL INSTITUTE OF SOUTHERN AFRICA*

Mr Khehla Shubane, *Member, EISA Board*

Dr M Lange, *Resident Representative, Konrad Adenauer Foundation, Johannesburg*

9.20–9.50 **OPENING ADDRESS**
Local Government 2000–From Transition to Consolidation
Justice Zac Yacoob, Judge of the Constitutional Court

9.50–11.00 **DEVELOPMENTAL POLITICS OF LOCAL GOVERNMENT**
FACILITATOR: DR RAMA NAIDU, *DIRECTOR, DEVELOPMENT AND DEMOCRACY PROGRAMME*

Service Delivery Within the Context of Developmental Local Government
Dr Thomas Mogale, *Convenor, Masters in Management Degree Programme, Graduate School of Public and Development Management, University of the Witwatersrand*

Discussion

11.30–1.00 **LEGISLATIVE IMPLICATIONS OF THE DEMARCATION PROCESS**
FACILITATOR: MR SIPHO MNGUNI, COORDINATOR, *CATHOLIC JUSTICE AND PEACE COMMISSION, KWAZULU-NATAL*

Mr Hilary Monare, *Acting Manager Demarcation Board*

Panel Discussion:
Nkosi Mpiyezintombi Mzimela, *Chairperson, National House of Traditional Leader*
Nkosi Tshililo Ramovha, *Member, Demarcation Board*

2.30–3.30   **The Impact of legislative changes on educating the electorate**
FACILITATOR: MS ELAINE SACCO-TELITE, *ACTING MANAGER: HRD AND GENDER PROGRAMMES, SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION*

Panel discussion:
Advocate E Lambani, *Director, Legal Services Department IEC, National Office "Perspective from the IEC"*

Ms Louise Olivier, *Legal Services Dept IEC, National Office, "Conflict Management mechanisms for elections"*

Ms Ntomb'futhi Zondo, *Programmes Director Institute for Multi Party Democracy, "Experiences on the ground"*

3.45–5.00   **PARTICIPATING IN LOCAL GOVERNMENT–A GENDERED PERSPECTIVE**
FACILITATOR: MR WILLEM ELLIS, *PROGRAMME DIRECTOR, CENTRE FOR CITIZENSHIP EDUCATION AND CONFLICT RESOLUTION*

Panel Discussion:
Ms Glenda Fick, *Electoral Institute of Southern Africa, Legal Researcher – "Developing a checklist"*

Participation in Local Government: A Rural Perspective
Ms Memke Nkone, *Trainer: Local Government and Women's Participation, Women's Development Foundation*

Ms Moira Mbelu, *Associate Programme Officer, Mott Foundation, "A donor's experience"*

Discussion

Thursday, 21 September 2000

9.00–9.45   **Developing and Designing Voter Education Programmes–Constructing an Appropriate Methodology to Encourage Citizen Participation**
FACILITATOR: DR NOMSA MASUKU, *INDEPENDENT ELECTORAL COMMISSION*

Ms Sherri le Mottee, *Curriculum Specialist, Electoral Institute of Southern Africa*

Discussion

9.45–12.00   **Presentations and Exhibition of available voter education materials**

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