

## Appendix.

### Drug and Their Brand Names

Acetylsalicylic acid: aspirin, OTC analgesic.

Amphetamine: Benzedrine, CNS stimulant and sympathomimetic.

Angel dust: Street name for PCP.

Benzodiazepines: Class of sedative – hypnotics that includes diazepam (Valium).

Caffeine: Mild stimulant found in coffee and in OTC preparations, (essential part of Coca-Cola formula).

Cocaine: CNS stimulant and local anesthetic.

Codeine: Narcotic analgesic found in opium.

DMT: Hallucinogen.

Heroin: Narcotic analgesic; diacetylmorphine.

LSD: Hallucinogen.

Morphine: Narcotic analgesic.

OTC: Over-the-counter.

PCP: Phencyclidine, "angel dust", hallucinogen.

Phenobarbital: Luminal Barbiturate sedative-hypnotic.

Tepanil: Diethylepropion, amphetamine-like appetite suppressant.

Theophylline: Mild stimulant found in tea used to treat asthma.

Trilafon: Perphenazine, antipsychotic.

Valium: Diazepam, benzodiazepine sedative.

## Local Government in Transition for a Democratic South Africa

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### 1. Introduction

That South Africa is in a period of transition is undeniable. The whole question of making local government structures more democratic i.e. the creation of unitary and non-racial cities, towns, villages and rural areas has now come under close scrutiny. Local government usually provides a wide range of services including *inter alia* water, sewerage, electricity, transport, libraries, parks, sports-grounds, housing and health. The issue of representation and democracy in local government is directly linked to this as it affects the daily activities of the local populace. Democratic local government would obviously reflect people's needs more satisfactorily and will ultimately result in the improvement of the quality of life of the local citizenry. Consequently, it has now become imperative to debate the whole issue of local government transformation and to place it on the agenda for a post-apartheid South Africa.

### 2. Defining Terms: Local Government/Local Authority

The term "local authority" is frequently used and misused when municipal topics are discussed. In this regard, speed (undated:

1) observes that "local government is government in defined parts of the country i.e. cities, towns and other areas—within the limits of the power and functions conferred by higher authority and local authorities are the statutory bodies which are the constituent parts of local government which derive their power from a higher source and are bound by the terms and conditions upon which they are created."

### 3. Basic Functions of Local Government

According to Maud and Wood (1974:10) the purpose of local government "is to do for people what a group of persons, elected according to law by a majority of the citizens but on election become representative of them all, conceive to be good within the limit of their legal powers". Thus, there are two main aspects of local government that should be taken cognisance of: it is a provider of services to a local community and an instrument of democratic self-government, not a mere agent of the National State.

The basic functions of local government are the safeguarding of public health and the provision of services which are essential for communal life and various other amenities. The range of services which must be provided by local authorities, as well as those that can be provided, is wide indeed and depends to some extent, on the size of local authorities. The scope of local authority services in South Africa differs from that in England, Europe and the United States, mainly in that it does not include

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police (except traffic), education or social welfare (Humes and Martin, 1969: 229 – 661 and Meyer, 1978: 1–26). These services are provided by the higher governmental authorities in South Africa.

The major functions of South African urban local authorities include licensing of businesses and motor vehicles, traffic control, public transport, market facilities, abattoir services, roads and streets, electricity and water supply, refuse removal, sewerage, storm-water drainage, building control, town planning, parks and recreational facilities, libraries, museums, cultural amenities, housing, fire-fighting, ambulance services, various environmental health services, clinics, valuation of fixed property for rating purposes and slum clearance.

#### 4. Relationship Between Local Government and Democracy

Local government is the first known form of government on earth. The concept of democracy was first formulated and used by Aristotle in the context of local government. His book, entitled "*Politics*" is based on the comparative analysis of 185 Greek city-states, the ancient equivalent of modern local government units. The proposition was that every citizen should participate in the affairs of the city by meeting to discuss matters of common interest and provide solutions to their common problems, thereby promoting democracy as against the prevailing autocracy. Aristotle's proposal could today be described as participatory democracy i.e. when every citizen has a chance of direct participation in the decision-making process. However, according to Goldsmith (1980:16), the drawback of participatory democracy as a form of local government is that it is essentially appropriate only on a very small scale and is not necessarily effective as a means of local government in the larger modern cities of today. Industrialisation and the resultant urbanisation brought about a changing form of local government, namely representative government or representative democracy. The basis of representative democracy is the accountability of the elected councillor as against the widespread participation of all the citizens. The notion is that the elected councillor should promote the interests of individuals within his ward. Consequently representative local government depends on a division of labour between the councillors and citizens, and on the acceptability of the former toward the latter (Goldsmith, 1980:17).

According to Goldsmith (1980:18) representative democracy has also been undergoing a process of gradual modification as a result of socio-economic changes and urban growth. Consequently councillors have become more and more dependent on the preliminary investigation, expertise and recommendations of expert municipal administrators and other local government professionals. As part of the process of gathering information and giving advice, local governments have recognised the contribution to the policy-making process that organised interest and pressure groups can make. Thus change is perhaps best considered as a move toward consultative government, designed to supplement representative government. Goldsmith, (1980:10) is of the opinion that this comes close to the pluralist model of democracy best described by Robert Dahl. In terms of the pluralist model of democracy, the process of policy-making and decision-making is widely shared among different groups in society, with no group having enough resources to be able to dominate the decision-making process continuously. In this model the process of policy-making is

characterised as being open to a large number of groups, none of which possess sufficient resources to dominate decision-making across a number of policy-making areas. This model not only recognises that only a minority of people are prepared and willing to participate in the decision-making process, but it also suggests that those who in effect exercise influence over decisions do so in such a way that the passive majority do not feel a need to enter the decision-making process on their own account. In other words, the active minority recognises and anticipates the latent power of the passive majority to organise themselves, as well as recognising the accessibility of the decision-making process to these groups. (Goldsmith, 1980:19). This model requires that those who make the policy decisions are responsive to the changing needs of the passive majority, the very openness of the system ensuring that these changes are quickly perceived by the decision-maker. The objective of the open model is essentially consensus with the emphasis on stability and gradual (incremental) change.

#### 4.1 Local Government and Democratic Values

Gildenhuis *et. al.* (1991:124) are of the opinion that there are certain democratic values that can serve as guiding principles for local government and management. The reconciliation of conflict through local policy and decision-making identifies common collective needs and the equitable allocation and application of scarce public resources among the competing needs. According to Gildenhuis, *et. al.* (1991:124) the values can be summarised as follows:

- the application of resources must satisfy to the optimum extent the collective needs of the local individuals. The objective of local government is to serve the individuals in their Communities. In democratic theory, local government exists for the sake of the individual and not the other way around.
- direct participation in decision-making by citizens. This could be achieved through town meetings in small communities and through ratepayer associations, vigilante groups and social/political associations in larger communities. Direct or indirect public participation in decision-making is an imperative for democratic local government.
- value of responsibility and accountability arising from the tenets of democracy. Councillors must be sensitive to public problems and needs, feel responsible for satisfying these needs and solving these problems and realise their accountability to the public. This calls for frequent interaction between councillors and the electorate.
- responsibility of management for programme effectiveness in order to ensure that needs are satisfied efficiently and effectively.
- social equity emanating from the tenets of democracy. The conventional and classical philosophy of local government and management revolve around the following:

Do municipal services rendered by local authorities enhance social equity? One of the main principles of social equity is the maintenance of high ethical and moral standards. Consequently, this requires councillors and officials with integrity which in turn demands fairness, reasonableness and true honesty. Social equity may also

demand that local government and management should be conducted in such a manner that the Rule of Law will prevail (Cloete, 1988:24-25). In the context of local government this means that:-

- local authorities should not be allowed to exercise discretionary powers that are too wide and unrestrained nor should they be allowed to act in an arbitrary manner.
- all citizens should be equal under local law and should be treated equally in terms of such law; and
- the judiciary should function independently of the local authorities and that judges and magistrates should act as independent guardians to ensure that the rights and freedom of the individual are respected (Gildenhuys, *et. al.* 1991:125).

Social equity requires the support of the well known tenets of democracy. The objective of democracy is to create conditions under which each individual may achieve his greatest welfare and prosperity. Consequently the machinery of local government should be organised in such a way as to allow mutual deliberation and consultation so as to attain the objectives of democracy. Caution should be exercised at all times to ensure that the interests of one group are not unfairly prejudiced or those of another not unjustly favoured (Cloete, 1988:25). Furthermore, there should be no secrecy in local government administration. The citizenry observing or investigating the particular activity should have the right and freedom to express their views on the matter (Cloete, 1988:25).

### 5. The Present Relationship of Local Government to Other Tiers of Government

In South Africa, local government is subject completely to the other tiers of government i.e. it has only those powers which have been given to it by higher levels of government (central government, provinces and bantustans.) In addition, local government has been divided along racial lines. Consequently, this has meant that in many areas, in particular the townships and rural areas, local government has not been functioning effectively to provide municipal services.

The situation in South Africa has been further complicated by the fact that there are different types and varieties of local authorities. City Councils, town councils, town boards and health committees have been established in the so-called "white" areas. In Natal, the Development and Services Board is an appendage of the Province which caters for rural and outlying areas.

The so-called "Indian" and "Coloured" group areas are generally administered by the White City and Town Councils into which they fall. They have Local Affairs Committees in Natal and Management Committees in the Transvaal and Cape Province. They are purely advisory bodies to the White City and Town Councils.

The so called "African" areas are administered either by the Province, Department of Development Aid or a Bantustan (Kwazulu). Local Authorities take different forms in the African areas. Some areas have Town Committees and city councils while other areas are administered by Tribal Authorities.

Regional Services Councils have been introduced in Transvaal, Orange Free State and the Cape Province. Earlier this year, the equivalent of Regional Services Councils, namely the Joint Services Boards, have been introduced in Natal. The aforementioned bodies render services across different local authority areas. They are

supposed to concentrate in particular on providing bulk services (water and electricity) to the townships.

Presently, local government in South Africa is very undemocratic and poorly organised. Representation varies according to race and authority. In White areas, there is a multiple vote system with property owners and companies having an extra vote. The coloured and Indian community are represented via Local Affairs Committees in Natal and Management Committees in Transvaal, Orange Free State and the Cape Province. In many parts of the country (areas under the Department of Development Aid, parts of the Bantustans and some areas under the Provinces) there is no representation at all, except sometimes through advisory bodies which for all intent and purposes lack political legitimacy. In areas where there is a Black Local Authority there is a formal system of voting, but it counts for very little as these authorities have poor sources of income, provide an inadequate service and generally lack legitimacy in the community.

The racial division of a city into separate local authorities reduces the extent of democracy in local government. In addition it leads to an unfair division of resources – financial and administrative. Consequently the overall fragmentation of authorities means there is an overall lack of planning and co-ordination to facilitate municipal administration.

### 6. Local Government Restructuring

A number of principles have emerged in the restructuring of towns and cities to make them democratic and non-racial. Oliver (1990:169-170) is of the opinion that these should include *inter alia* the following:-

- A definite, legitimate and fully constituted system of local government can only be created in the context of a unitary and democratic South Africa, in which the powers of local government are conferred on it by a constituent assembly or other democratically delegated legislative body.
- The creation of a national and democratic tradition of local government remains a priority and interim structures of local government should be created that will lay the basis for a smooth transition to a definitive future system.
- These interim structures should strive to overcome some of the limitations imposed by the apartheid and Bantustan systems and they should reflect as closely as possible the structure of a future democratic system. These structures will be subject to review at a later stage.
- Local government needs to be built on an optimum combination of democratic accountability to the community and efficient and rational planning that maximises a community's development potential.
- The establishment of interim structures must involve a process of local level consultation that draws in all significant interest and pressure groups in the area under discussion, including the relevant regional formations. The process must be designed to empower residents and community activists at the local level and equip them for tasks of local government.
- Elections for local government structures must be done on the basis of universal suffrage as the ratepayer voting system discriminates against the poor and entrenches their powerlessness.

— The need for local autonomy on certain community issues must be balanced with the need for a coordinated national policy that will seek to overcome the inequalities of the apartheid era. The balance between local and central control of various policy issues must be determined for each issue.

### 6.1 *The State's Local Government Proposals*

In 1986 the Council for Co-ordination of Local Government Affairs appointed a technical committee under the chairmanship of Dr. C. Thornhill to investigate a new system of local government for South Africa. On 28 May, 1990 a report of the Technical Committee was released which made some recommendations concerning a new system of local government.

The State considered this document as a framework for local negotiations. The *Report* proposed negotiations by leaders of all races in each city/town for a new local government system. Towards this end, five options were put forward.

1. *Racially Separate Municipalities*: These will be allowed only if each municipality within the city is financially viable. If cities opt out for separation, the white city will have to transfer some funds to Black areas and some business areas will be included in the Black municipality. Thus white areas which opt for segregation will not escape financial responsibility.
2. *Local Services Committees*: Separate local authorities but with a joint "services council" administrative body. This option is similar to the present Regional Services Council System.
3. *Neighbourhood Committee System*: This will be a common local authority made up of non-racial geographically based neighbourhood management committees with a single tax base and administration. This is meant to allow richer communities some power to control their affairs.
4. *Majority Rule Municipalities*: A single municipality elected on a common voters role which could be qualified by minority protection.
5. *Other Options*: This would allow any combination of the above or any other locally negotiated model (Schmidt, 1990:10-11).

The afore-mentioned proposals were systematically rejected by the United Democratic Front, the ANC and civics throughout the country. These organisations saw the Government as still trying to maintain apartheid through co-option strategies (Botha, 1990:17). It was felt that these proposals do not address the fundamental issues of redistribution of wealth and resources. They are intended to be so wide as to allow the retention of apartheid in local government with minimal accommodation for the needs of the disenfranchised communities.

The Government recently introduced legislation to facilitate local level negotiations, namely the *Interim Measures for Local Government Act*. This Act was rejected by the African National Congress in that it would not result in the creation of a non-racial democratic, non-sexist, open and united local government in South Africa.

### 7. The Role of Civic Organisations in Local Government in a Post-apartheid South Africa

The civic association is an organisation that concerns itself mainly with the bread and butter issues faced by residents at local level. It is these problems experienced by

the people that serve as a common basis for uniting the residents under the leadership of the civic association. The civic association provides a forum to share opinions and jointly develop a desired solution and strategy to problems in a defined area.

It should be noted that civics must be distinguished from political organisations in that their primary aims are to look after the welfare of the residents of communities living in defined geographical areas. However, this does not mean that civics have nothing to do with politics. The probability is overwhelming that many civics will in fact form alliances with political structures in order to obtain effective mobilisation, coordination and results.

#### 7.1 *Aims of Civic Organisation*

The aims of civic organisations includes *inter alia*, the following:-

- i. to improve the social, economic and political welfare of residents in particular areas;
- ii. to improve the quality of life of the people;
- iii. to establish community projects and co-operatives; these could range from large projects such as a community-based public transport system to cultural and sports projects;
- iv. to address the problems people face on a daily basis in their residential areas e.g. high rentals, inadequate housing, poor municipal services (water, sewerage and electricity);
- v. to promote democracy (BESG; 1990:3).

Of late, a trend that is gathering momentum is a separation of the role of civics as locally orientated bodies dealing with municipal services and local organisation as against political organisations which are concerned with broader ideological and policy issues. It is also encouraging to note that of late a shift is taking place in the strategic direction of civics. Many of them are becoming increasingly interested in exploring possibilities for participation in concrete development programmes like the provision of housing and recreational facilities. However, cognisance should be taken of the fact that while civics are critical to the democratisation of local government in South Africa, they cannot be seen as future local government structures *per se*. These structures will be decided/formed by organisations winning the local elections. Civic organisations will facilitate this process ensuring the maximum possible participation by the local electorate.

#### 7.2 *Civic Associations in a Post-apartheid South Africa*

##### 7.2.1 *Historical Perspective*

Located at the local level and organising specific communities, civic associations have been primarily concerned with changing the lot of people in the townships. The struggle for the transformation of South African cities took a dramatic turn when the Cradock Residents Association (Cradora) set about building street communities in 1983 (Netshitenhse, 1990:31). These structures and the methods they used, placed mounting pressures on the authorities. This approach spread rapidly and became the main defence of the people during the State of Emergency. It allowed for the full participation of township residents in discussions on how they would like to change their

communities. The unbanning of the African National Congress and the release of Mr. Mandela together with political dynamics on the ground, have a direct bearing on the future of civic and political organisation in South Africa's urban areas. In this regard, Heyman and White (1991:22) point out that the following should be taken cognisance of:-

- An upsurge in protest politics in various townships. Crowds of up to 80,000 people have participated in marches in different parts of the country. In virtually all cases the grievances were of a socio-economic nature, namely rents, services charges, health and housing.
- Perceived priorities. Mr. Mandela and other senior ANC leaders have at various points stressed the importance of strong grassroots organisation on the one hand and disciplined protest action on the other. In addition, socio-economic matters were stressed as being of national importance.
- The response of the local and provincial authorities to recent protest activity. Black local authorities have been conciliatory to say the least in their attitude towards civics. Provincial authorities have demonstrated an increasing willingness to deal directly with communities and community organisations, on the one hand, and a growing impatience with the Black Local Authorities on the other.

How do senior civic leaders view organisational activity in the present political climate? It is an undeniable fact that they regard grassroots civic organisation as being vitally important. The reasons for this can be summarised as follows (Centre for Development Studies, 1990:38):-

- Mandela's release and the more open political climate have changed very little in the day-to-day conditions in which people live. Not only are socio-economic issues pressing, but the open political climate has ignited expeditions in this sphere.
- The extension of this kind of organisational infrastructure will be crucial in the constitutional negotiation process. Civics by way of example are likely to spend a considerable amount of time on the development of structures, assessment of strategies and the gathering of mandates.
- Current wisdom within civic and resistance movement circles has it that civics will be relevant in a post-apartheid South Africa and should be built towards this end. The trend that is gathering momentum is a separation of the role of civics as locally orientated bodies concerned with issues of services and local organisation on the one hand and political organisations concerned with broader ideological and policy questions on the other.

It is an undeniable fact that conditions at present are conducive to extending civic organisation. According to Heyman and White (1991:23) there are two main factors to explain this trend:

- the open political climate has made organising much easier; and
- rising expectations have made civics a powerful focus of activity in township-life.

In summary it can be said that civics can and should build and extend themselves to prepare for local government administration in a post-apartheid South Africa.

#### 7.2.2 Critical Issues for the Future

In the past decade civic organisations have been in the forefront of organising and mobilising communities around a range of both bread and butter issues and national

political issues. It is clear that of late a shift is taking place in that many civics are becoming increasingly interested in exploring possibilities for participation in concrete development programmes. Issues that have been targeted in this regard include *inter alia* the provision of land services, community facilities and low-income housing (Coovadia, 1991:344). Consequently there has been an increasing interest displayed in the resources that either interest/pressure groups (e.g. business) have and the possibilities of co-operation with them. This has led to civics emphasising their autonomy from party-political organisations and endeavouring to build up strong organisational structures throughout the whole community.

#### 7.2.2.1 Management and Organisation

As civics have moved forward as development agencies, the realisation has dawned on them that their management and organisational structures will have to be reviewed (Coovadia, 1991:345). During the process of negotiations, civics have had to work hard to build local structures at street level in order to inform residents about the negotiations and receive mandates before agreements are signed.

According to Coovadia (1991:345) the complexities of the negotiations have prompted civics to establish their own technical housing and research committees. These committees in turn have established linkages with a wide range of professional consultants and bodies so that they have the necessary technical information prior to entering into negotiations at the local levels.

In addition civics have also begun to operate more professionally in that they have acquired basic management aids, namely offices, equipment and staff. It is an undeniable fact that the civics that have achieved success (gains) to date were those with the necessary management expertise and that were organised properly.

#### 7.2.2.2 Training

Civics have realised that they do not possess the necessary expertise to handle development programmes. Consequently, they have tried to initiate education and training programmes to:

- develop their own expertise
- increase their capacity to manage projects and funding
- achieve levels of community participation in the formulation of development strategies, and
- deal with consultants, private developers and state agencies (Coovadia, 1991:344).

#### 7.2.2.3 Sources of Development Finance

As project management and implementation has become a reality, civic organisations have had to build up their understanding of sources of development capital and the work methods and procedures of a variety of state, parastatal and private sector development agencies. These have included *inter alia*, independent Development Trust, Regional Services Councils, Urban Foundation, International Development Agencies (World Bank), State Housing Subsidy Schemes, National Housing Funds, Capital Development Funds and Consolidated Loan Funds, Pension and Provident Funds and Company Social Responsibility Funds.

## 8. Conclusion

South Africa is presently in a state of transition. It is an undeniable fact that the reorganisation and restructuring of political and administrative systems *per se* at the local government level are unlikely to provide final solutions. Any future local government dispensation will have to address the socio-economic imbalances that have been the resultant effects of apartheid local government.

The establishment of workable transitional arrangements must include all key players, in order to ensure an effective democratic local government system. In this respect civics are poised to play a pivotal role in this process if it becomes a strong articulator of urban interests and remains independent from political movements. The civic movement as a matter of priority should earnestly begin building both the capacity and the independence which will enable them to begin playing this role. Participation in appropriate interim arrangements may be imperative if they are to acquire the expertise and confidence to play a meaningful role in a post-apartheid local government system in South Africa.

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