

REDEFINING THE POLITICAL STRUCTURE OF District municipalities

The DPLG's policy review process was kicked off with "65 questions for public engagement". Among the listed 65 questions, it asked: "What role should district municipalities play and how should they be structured?" A key problem has been the governance structure of districts: the uncomfortable combination of district-wide and local council representatives has not resulted in an integrated system of district government.

Problematic functioning of district councils and their relationship with local municipalities

The district council was perceived as a vehicle that would bring together local municipalities so that they could benefit from integrated planning, economies of scale and mutual support. The experience of the past seven years suggests that instead of integrated, interdependent and interrelated government involving district and local municipalities, a distinctive two-tier system has developed. The system is characterised by hierarchical relations, a lack of coordination and, in the end, competitiveness. Local councillors are not certain whether they are delegates of the local council or simply members of district councils in their own right. District issues do not often feature on local council agendas and feedback from the district council is also rare. The sense is that the two district councils are de-linked, operating in isolation from each other.

More often than not, the leadership of the local councils is not represented on the district councils and local councillors do not take ownership of the council. Local mayors and their mayoral committee members or portfolio chairs are usually not elected to represent the locals. Even

where local leaders are represented on the district council, they are unlikely to take on further leadership positions in the district council. They are already in full-time positions and may be unwilling or unable to take up other such positions.

The mismatch between local and district leadership has significant consequences for the governance of the district. The locals do not own or control the district council through their elected leaders; instead, the district council functions as a stand-alone independent institution rather than a representative body of the locals which exists to create synergy across the district.

Looking forward: Tweaking the system or radical change?

The question to be addressed is how the districts could be structured to be better governed. Is there scope to improve the current system or is more radical restructuring required? In redesigning the governance system, the district councils should be composed in such a manner that they are able to perform their designated functions. Only three options are suggested here, but there may be others worth exploring. Some of the options not only address the problems of dysfunctional councils and the lack of integration; they also deal with the fundamental problems of two-tier local government, such as the unclear division of powers and functions, and the competition for resources.

Any option should be evaluated in terms of three broad criteria.

- Which option would best promote the values of district-wide governance? Some key considerations are enhancing integrated planning for the district as a whole, the provision of bulk services, the delivery of basic services and developing a skills base for the district as a whole are some key considerations.
- Which option would address the main governance problems that the district councils are experiencing; namely, the hierarchy between district and local councils, a lack of communication and coordination, and the absence of district accountability?
- How would stability best be served? The local

government sphere has been subject to a significant and prolonged process of transition, resulting in 'transformation fatigue'. Officials and communities have endured considerable upheavals of transition and unpredictability. Major changes would only cause further disruption.

Option 1: Increase local leadership on district council

This option involves increasing the representation of local leadership in the district. The principal line of enquiry is thus how local councils can assume more control over the district. First, the 60% local representation could be revised to ensure that local leaders are fully represented in the district council. Local leaders include the mayor, deputy mayor, speaker and members of the executive or mayoral committee. Their compulsory membership would, at the very least, improve routine communication between district executives and local municipalities. More generally, the presence of local leadership on the district council ensures that it is a forum where local needs and priorities can be addressed, thus enabling the purpose of the district council to be served.

Second, and more problematic, is the question of how to elect more local councillors to district leadership positions. Can such positions be reserved for local representatives (which may include local leaders or other councillors) aside from the 40% of PR councillors? The difficulties with this proposition may be that a full-time local leadership position may not be compatible with another full-time position, and it may not be acceptable to prevent PR councillors from standing as mayor. While it is feasible to ensure that local leadership is represented on the district council, the exclusion of the PR councillors from district leadership positions seems untenable.

However, measures would still need to be taken to ensure that the lack of communication between district and local councils is addressed. To this end, local councillors serving on the district council need to have clearly defined mandates from their local councils. Clear channels of regular reporting must be followed and could, for example, be cemented into the committee system of the local municipalities to ensure that synergy is created in the functioning of the district and its constituent local municipalities.

With regard to the three criteria set out above, this option would result in little, if any, radical change and would thus retain a measure of stability. It may have, however, a subtle impact in relation to the two other criteria. First, having the

- Instead of an integrated, interdependent and interrelated government between district and local municipalities, a distinctive two-tier system has developed.
- For the district system to function effectively, its governance structure needs serious attention.
- Once an appropriate role is given to districts, a simple and effective system of governance must be introduced to realise this goal.

local leadership represented on the district council may facilitate integrated planning for the district as a whole, since local leaders can ensure that local concerns are high on the district council's agenda. This approach might lead to much debate and contestation on the district's integrated plan, but should ultimately result in an agreed integrated plan binding the local municipalities. Second, the local leadership can put the district's provision of bulk services, or its support for local municipalities' capacity to deliver services more efficiently, high on the district agenda and ensure that it is a focus of the district council. The representation of local leadership on the district council should equally enhance communication and coordination between the district and local councils.

On the whole, this option would go some way to ensuring that the district council is a forum where local needs and priorities can be addressed, thus enabling it to serve its purpose.

Option 2: Compose district council of local councillors only

A major problem has been that local leaders are reluctant to seek leadership positions in the district. Local control could be effected by doing away with all PR councillors, which would address both the dual nature of the district councils and the marginalisation of local councils. A district council would thus be composed solely of indirectly elected local councillors and would effectively 'belong' to the local councils.

This would counteract the hierarchy that political parties have imposed on district councils, because all councillors would be elected to local councils first. It would also put to rest the question of the representivity and accountability of PR councillors. The district council would comprise local representatives (including ward councillors) who are accountable to their local councils for their decisions taken in the district council. However, safeguards would be required to

ensure that placing the control in the hands of local representatives did not, depending on the composition of a district, result in one or two local councils dominating at the expense of the others.

With regard to furthering the values of district governance, this option may indirectly improve integrated planning and service provision. With local leaders dominating the district council, it might well be easier to coordinate an integrated plan for the district as a whole, since enhanced communication between the local municipalities would be a feature of this model. Local priorities with regard to service provision and the bulk provision of certain services would presumably be high on any district agenda dominated by local leaders. The local leaders on the district council would thus, one presumes, debate the district-wide priorities vis-à-vis those of the local municipalities and agree on a binding and integrated service plan which all local municipalities would subscribe to.

What are the disadvantages of this option? Mayors and other councillors in leadership positions often serve their local municipality full-time, making this model time-consuming and work-intensive. Also, who would serve as the mayor of the district? Could a local councillor feasibly hold two mayorships? Would either the district or local council be vulnerable to neglect? This option would also require statutory amendments to accommodate the change in political composition of the district council. More importantly, it would have major political implications: the elimination of 40% of district councillors would certainly meet with considerable opposition.

Option 3: Absorb local municipalities into the district

A more controversial option involves doing away with the concept of local municipalities (in non-urban areas) as a separate, constitutionally entrenched category of local government. The local councils would be absorbed into the district municipality, becoming subcouncils of the district council. The district would then assume a status similar to that of a metropolitan council with a number of subcouncils. All councillors would be district councillors, but both ward and PR councillors would automatically be councillors of a subcouncil.

This model would involve the creation of large single-tier councils on a district scale with full powers and functions to administer all local and district services. Scarce managerial, administrative and technical resources would thus be pooled in the district municipality. The argument for this model is that district municipalities, spanning a number of local

municipalities, are in a better position to attract skilled resources to provide the basic services. It is also more cost-efficient to capacitate a small number of districts than a large number of locals. Moreover, districts are able to generate economies of scale to provide services more efficiently and sustainably. The other functions of districts are equally important. Development planning across a district and the integration of services make scarce resources go further. The provision of bulk supply of services to municipalities generates economies of scale that make rural local government more viable.

A number of advantages may accrue from having a single local authority with several subcouncils. First, the ongoing problem of how a district-wide IDP relates to the IDPs of local municipalities would disappear. The district council would do integrated development planning for the district as a whole and the subcouncils would implement it. Second, uncertainty regarding the division of powers and functions, which has been a major problem, if not the most serious one, affecting district-local relations, should also dissolve, since the district would have all the powers and could delegate certain functions to the subcouncils. Also, this option obviously eliminates the hierarchy of councils.

Comment

For the district system to function effectively, its governance structure needs serious attention. Current practice suggests that there is a disjuncture between the districts and the local councils which are supposed to 'own' the district council. Once an appropriate role is given to districts, a simple and effective system of governance must be introduced to realise this goal. This article has suggested only three options, and there may be better ones. The object is to promote a debate on the best way of governing the non-urban areas, which are lagging behind profoundly in development.

Reuben Baatjies
Annette Christmas
Local Government Project
Community Law Centre, UWC



This is an abridged version of a research paper funded by the Conference, Workshop and Cultural Initiative (CWCI) Fund, a project of the European Union under the European Programme for Reconstruction and Development. The full paper can be downloaded at www.communitylawcentre.org.za.