

All shapes and sizes

SEASONAL WINDS OF CHANGE IN THE CHASE FOR 'DEVELOPMENTAL' LOCAL GOVERNMENT

Local government, in its democratic form, is a mere nine years old. However, the amalgamation and consolidation of municipalities and the establishment of new ones have all taken place at different times. The result is that the exact stage of development in which any given municipality finds itself may differ vastly from that of its neighbour. In the pursuit of developmental local government, the establishment, consolidation and sustainability phases that the sphere has undergone (and continues to undergo) have been well documented.

Our constitutional and legislative approach has failed, however, to distinguish between these three phases (establishment, consolidation and sustainability) relative to each municipality or even region. In this respect the historical and spatial orientation or indeed, newness of a municipality, are largely left out of the equation. Thus, some municipalities, despite the turbulence of economic crises and the inevitable challenges of servicing vast municipal areas (as a consequence of having the largest municipalities in the world), are already sustainable or in the sustainability phase. Yet others, where there was some historic form of local government and a record of service delivery, could either be in or marching towards the consolidation phase. These may even be on their way towards achieving sustainability. Then there are those municipalities who started from scratch and are still very much in the establishment phase. Finally, there are those municipalities who, due to their particular spatial and economic

circumstances, are stuck and will, bluntly put, simply never see the consolidation or sustainability phases.

Given the gulf between municipalities in the various categories, this article questions whether the consistently interventionist approach of national government (particularly the department responsible for local government) and its latest turnaround strategy are the appropriate response to an ill-devised constitutional design for local government. This design has seen a blanket applicability of the complete legislative suite for local government, the effects of which, are most obviously manifested and experienced at municipal level.

In this context, the article questions whether the consistent addition of programmes and interventions, coupled with extremely complex legislative and policy pieces, has in fact hampered, rather than enabled the progress of municipalities, particularly those outside of the 30 or so secondary cities or larger municipalities. It questions whether the system was simply designed for those few 'progressive' municipalities in the hope that the other municipalities would gradually come along. Lastly, it questions whether this approach has bred unrealistic expectations and misplaced impatience, which has significantly impeded the progress of many municipalities, rather than assisted them.

From right to left or left to right?

Considering the vast divergence in capacity, skills and resources across 283 municipalities, we must begin by questioning the sequencing of our constitutional setup and the consequent policies, legislation and mandates that followed. In this regard, the constitutional design of government generates a number of complexities that must be managed, including the practical implications of concurrent powers and functions as well as the inherent tensions that arise between the spheres. Defining, understanding and managing concurrency in practice has led

to inevitable overlaps and ambiguity over who does what and who pays for what (unfunded mandates), among other things. The policy incoherence and lack of integrated planning on the part of national government, in trying to make an unworkable constitutional and legislative setup work, is inevitably played out at local government level.

The need for national norms and standards in any democracy is clearly recognised and appreciated. However, the expectation that a major city and a small rural municipality adopt the same governance structures, systems and reporting frameworks and formats is simply ludicrous. National and provincial government have simplified their own tasks by adopting this one-size-fits-all approach. Under the guise of uniformity, national norms and standards are adopted without providing the requisite institutional support for smaller municipalities to adhere to them. An example is the legislative suite applicable, in equal measure, to all municipalities. Perhaps the one exception is the Municipal Finance Management Act, which at least attempted to make some differentiation between municipalities in respect to when its exacting standards were to take effect. Nevertheless, its provisions eventually also extended in equal measure to all municipalities, regardless of their status in the developmental chain. A Grade 4 pupil surely is not ready to write a matric exam, so why is governance any different?

In this context, the question that arises is whether we have complicated and overloaded the local government sphere with unreasonable expectations and overreach. National and provincial government do not face the same complex requirements; there is no legal compulsion for them to adopt sphere-wide development plans. Practice reveals, on the contrary, that each of their composite departments effect their own isolated annual planning with no requirement of 'integration'. Almost ironically, one of the most consistent criticisms levelled at local government concerns the lack of integration in local planning. More often than not, one unit within a national or provincial department often has no idea what the other is doing or does, let alone what another department's plans and priorities are. This begs the question of why local government, especially, is coerced into 'integrated planning'. Would the results have been different if municipalities were required to just plan within their resources, leaving out requirements for 'holistic developmental planning'? If municipalities were simply tasked with providing infrastructure within their mandate to create an environment conducive for business to thrive, rather than requiring 'local economic development' planning, projects and programmes



(which seemingly confuse even development thinkers, let alone the best equipped municipalities), would we see better results?

The (annual) elusive search for the silver bullet

(Annual) interventions in local government only breed instability and a lack of confidence in and among local government politicians, practitioners and communities. The result is a lack of appetite on the part of municipalities to invest resources, capacity and energy in the short-term, knowing that another intervention is just around the corner. The shifting of powers and functions between district and locals on an annual basis is a case in point. It is no coincidence that those provinces who have stuck to the original section 84 division of powers and functions in the Municipal Systems Act and not shifted functions between districts and locals on an annual basis, have among the best performing municipalities in those functional

areas. Certainty breeds confidence to invest in human resource development and capacity to fulfil that function.

The currently fashionable 'turnaround strategy' is yet another knee-jerk reactionary intervention. It seemingly sidesteps the root causes of local government's distress, which were carefully identified and considered by the policy review process. The policy review aimed to put steps in place to effect the necessary fundamental changes. The turnaround strategy, despite acknowledging the external factors impacting on local municipalities, seems to assume that municipalities are capable of identifying what needs to be done to improve their own situation, seemingly in isolation of those same external factors.

Municipal boundaries, powers and functions cannot be determined by municipalities themselves. These have long been recognised as major governance problems, not merely municipal functioning or operational problems. Municipalities are in many instances the 'victims' of other macro-economic processes, leading to their parlous state with regard to revenue generation. As such, municipalities cannot be the driving forces behind solving these problems. Many municipalities are in a bind that is systemic (powers and functions, IGR), structural (large and unmanageable outer boundaries) and spatial-economic (inability to raise own revenue). While the turnaround strategy acknowledges this bind, the interventions proposed do not seem to recognise them. Municipalities will not be able to devise their own 'turnaround' strategies until the systemic problems have been addressed at the national level.

There is no shame in recognising that, in the excitement of a new democracy and the haste to rid the country of the ills of poverty and unemployment, the 'negotiated' mandate of local government as part and parcel of forging democracy resulted not only in concurrency of powers and functions but a mismatch between the original allocation of powers and functions in the Constitution and that of local government's developmental mandate. We must also recognise the contributory role of provincial and national government towards the current state of local government, whatever that might be. But, as Adam remarks (see page 8), the current approach assumes that the problems in the local government sphere are in fact caused by local government rather than by the structural deficiencies of the Constitution and the physical structure created through municipal demarcation. After all, if municipalities are central to the problem then they should be the central focus of the solution. But there seems to be a penchant for more of the same, which will ultimately not lead to much except to entrench the weaknesses of the existing system. Until the state and ruling party are bold enough to

confront the root causes of the problems in the constitutional design and the physical structure of government, and then invest resources and energy into that system, we will continuously be chasing our tails in the pursuit of the so far elusive promise of 'developmental' (local) government.

Comment

The march towards developmental local government is not, and will never be, a linear one. There must be recognition in our policy and legislative approach that municipalities, rooted in their particular historic, spatial and economic circumstances, are at different stages of their own development cycle, and they must be treated accordingly. (Over)complexity should be avoided as far as possible. The effects of national and provincial policy incoherence is inevitably manifested and experienced at the local government level. But local government are the recipients, not the architects, of the systemic flaws. Any interventions should accordingly be addressed at the root, rather than the fruit of the tree. Additional support, evaluation and oversight will do little to mitigate the effects of these flaws.

Let us learn from our mistakes and not continue on the same path, expecting a different outcome each time. We need to address the problems of symmetry in our constitutional and legislative design, particularly concurrency and powers and functions, as well as the role of all three spheres (particularly national and provincial government) in achieving a common national development plan, then give the system time to work. Now is not the time for more of the same interventionist behaviour. It is the structures of government, the role of national and provincial governments, the absence of a long-term national vision to replace annual programmes and projects, and the allocation of powers and functions, that need a 'turnaround', not local government. Plastering wounds and not dealing with the ailments will only result in this discussion continuously being had for the next decade or so.

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