

LOCAL GOVERNMENT SERIES

**METROPOLITAN  
GOVERNMENT  
IN DURBAN**

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## METROPOLITAN GOVERNMENT IN DURBAN

### PREFACE

This working paper describes research conducted during the second half of 1989 on the question of metropolitan and local government in Durban. The paper comprises two separate sections.

The first section which is written by Simon Bekker, delineates three distinct strategies which could be followed to establish a metropolitan government in the Durban Functional Region.

The second section reports on a survey aimed at establishing where support for each of these strategies is found. Opinions of local authority councillors, local authority officials as well as representatives of community organisations and of business - all within the Durban region - were canvassed. This section is written by Anthea Jeffery, Antoinette Louw and Charles Puttergill.

Though the South African national political climate has undergone rapid change during the first three months of 1990, the reasons underpinning the expressed preferences for differing strategies remain, in my opinion, as valid this year as they were last year.

Research was funded by the programme for Development Research (PRODDER) of the HSRC. I would like to thank the HSRC for its financial support and would like to state that opinions expressed in this Working Paper are those of the authors alone.

### SECTION 1. THE CHALLENGE OF METROPOLITAN GOVERNMENT IN DURBAN (Simon Bekker)

#### 1. Local and metropolitan government

One might begin by pointing to one of the essential characteristics of good local government: to match collective services to local needs. In order to do this, local government must satisfy a number of criteria. First, it must have adequate capacity or powers, including the power to raise and allocate revenue at local level. Secondly, it

must also be legitimate - so as to remain sensitive to local grievances and needs - which demands that it be both accepted by, and representative of, the community it purports to serve. Thirdly, it must be viable, meaning that it must have adequate financial resources and management skills, so that it can effectively and efficiently go about its business of service delivery.

Finally, in a metropolitan region, each separate local government should be fairly and adequately integrated with others in a representative metropolitan authority, so as to streamline service delivery (including capital projects) to the metropolis as a whole. It must, moreover, be recognised that certain public services do show economies of scale, others do not. It makes sense for the metropolitan government to become responsible for the former, and local governments for the latter.

Local government which fulfils these criteria is a particularly important institution, contributing significantly to both democracy and governmental efficiency.

## **2. Local government in South Africa today.**

The present system of local government in South Africa falls far short of this ideal. It lacks adequate power. It lacks legitimacy (particularly in black communities) and its viability falls far short of what is required. In addition, the system of metropolitan government which is in the process of being implemented has major weaknesses, though it does also have some strengths.

Before turning to Durban, we will first acknowledge the particular significance of local government in South Africa today, and then focus upon the system of metropolitan government which is being established in the country as a whole.

Three very good reasons underlie the special significance of local government in the country. First, it is common wisdom that urbanisation is proceeding apace and bringing with it escalating demands for serviced land, residential units, adequate water, education, transport and health services. Those requiring these services are, and will remain, largely the urban poor: unable to afford, on an immediate cost-recovery basis, the services which are so vital.

Second, given this reality - coupled with the scale of need - it is evident that only the state has the resources to provide many of the services so urgently required. In addition, the state has already begun to acknowledge the inadequacy of its past provision and to recognise that it must do better in future. Critically, moreover, it is also beginning to recognise that it cannot properly achieve this goal without community participation. Community participation, however, lies usually beyond its grasp (a reality of which it is also increasingly aware). And, given the limited resources available - resources which contrast sharply with high aspirations - the difficult political decisions which must be taken, need to be taken within a participative context.

Third, local governments and service delivery issues have been, over the past five years, at the centre of sustained conflict and confrontation between black communities country-wide and the South African government. The result is that city and local government in South Africa has become highly politicised and highly problematic - posing a major managerial and developmental challenge.

The issue of metropolitan government is raised when we turn to a recent innovation in the structure of local government: the introduction of Regional Services Councils (RSCs). These are intended to act as an extension of existing third-tier institutions and are responsible for 'general affairs' - ie the bulk (or 'wholesale') supply of hard services (such as water, electricity, sewerage, transport and planning) as well as the provision and maintenance of infrastructure in areas of 'greatest' need. The primary local authorities constituting an RSC remain responsible for 'own affairs', especially the reticulation (or 'retailing') of services to the household level.

RSCs are intended to fulfill a three-fold function. According to the Department of Constitutional Planning and Development, they will promote efficiency and cost-effectiveness through the rationalisation of service-provision; introduce a forum for multi-racial decision-making; and generate substantial revenue (from two new levies on business) for the development of infrastructure in the areas of greatest need: viz., the black, coloured and Indian townships.

A number of additional reasons underlie the introduction of RSCs. First, they provide a mechanism for 'transfer payments' to black, coloured and Indian local authorities, as recommended by the Browne and Croeser enquiries into local government finance. Second, they extend the principle of 'own and general affairs' from

Services Board. This JSB will differ in (at least) two significant respects from the RSCs created elsewhere:

- (a) it will cross the homeland boundary, drawing in local bodies from both Natal and KwaZulu.
- (b) it will be responsible, not to the tricameral parliament (via the appointed provincial administrator), but to the Joint Executive Authority, thus placing it in a potentially qualitatively different political position.

Given the critical role of local government, coupled with the demographic realities earlier outlined, it is vital that the JSB be as effective, efficient and participative as possible. What strategies can be adopted to ensure that the JSB - to be established next year, in all probability - will meet the criteria and thus be of maximum benefit to the DFR?

Three strategies are possible:

**Strategy 1:** to oppose the establishment of a DFR-wide metropolitan body until an acceptable negotiated constitutional solution has been hammered out at national level.

I believe that this strategy - which is perhaps the easiest to implement since it requires, at present, primarily protest political action - suffers from four flaws:

- since the time-scale involved is uncertain, the pressing developmental needs in the DFR (especially in its informal settlements) will be exacerbated in the interim;
- absence of action will probably allow the JSB (which will almost certainly be established in any event) to slide into a RSC-type body with the same flaws as earlier defined;
- valuable revenue which will be raised by the JSB may, in consequence, be used for less than effective purposes;
- this non-collaborationist stance may not, in fact, bring us closer to the generally accepted goal of a just and democratic society and city.

**Strategy 2:** The DFR gives its own stamp to the JSB by exploiting the positive features of the RSC system and engineering changes to identified RSC flaws.

This strategy is undoubtedly more challenging and more difficult to implement. However, it should be recognised that there are a number of factors which would facilitate its successful implementation:

- (i) it would take place in a regional climate characterised by Indaba-type initiatives, and in a national climate in which the emphasis is being placed on negotiation and participation;
- (ii) it is possible to learn from RSC experience elsewhere and to emulate some of their positive steps, such as the creation, in the region, of community committees aimed at exposing RSCs to community perceptions and priorities;
- (iii) the JSB will be accountable to the Joint Executive Authority on which KwaZulu and Natal enjoy equal power and representation;
- (iv) it is evident that there is expertise available, coupled with significant willingness to participate in a JSB;

There are also a number of requirements which need to be met if this strategy is to be successfully implemented.

- JSB participants need to be open to participative planning and decision-making;
- the JSB needs to be able to obtain sufficient funds for capital development, without too severely constraining economic development in the DFR;
- leaders within the JSB need to seek imaginative solutions to the challenges in the DFR, especially regarding its informal settlements;
- the DFR public need to be succinctly and simply informed of the nature, functions and significance of the JSB.

**Strategy 3:** Accept an RSC-type structure in the DFR and in Natal/KwaZulu.

If this strategy is followed, and the JSB becomes simply an RSC by another name, the following negative results will become apparent:

- (i) participation (and visibility of participation) will be insignificant;
- (ii) planning and activities will be concomitantly technicist;
- (iii) non-participative planning will provide, for the DFR's pressing developmental needs, at best short-term solutions; at worst, a series of planning disasters.

- (iv) Finally, and most importantly, it must be remembered that this strategy (like the others) must be viewed in the context of on-going attempts at national constitutional negotiations. For this reason, a rigid and static RSC-type service delivery body stands a good chance of being 'left behind' politically: losing further credibility and therefore viability as more advanced national constitutional structures are publicly discussed and begin to emerge.

To conclude:

I believe that strategy 2, rather than strategy 1 or strategy 3, will bring about in the DFR

- a greater measure of democratic participation;
- a redistribution of revenue wider in scope and more effective in application; and
- an improving quality of life for all residents of the rapidly growing city of Durban.

It is my firm belief, moreover, that this process of transition must be an incremental process - one step at a time - rather than a sudden and radical change of local and metropolitan authorities. I say this since these authorities require, as a prerequisite, the continued involvement of experienced and often excellent managers and administrators who presently undertake the complex business of delivering public services to millions of Durban's residents. Let me also, however, immediately say - lest some interpret this statement as a plea for more time - that we need to take these incremental steps as rapidly as possible. We need to accelerate the process of incremental change, to push for one step to follow quickly upon another.

**SECTION 2. METROPOLITAN GOVERNMENT IN THE DURBAN  
FUNCTIONAL REGION: ASSESSING THE OPTIONS  
(Anthea Jeffery, Antoinette Louw, Charles Puttergill)**

**1. Introduction**

The purpose of this section of the paper is to examine options regarding the introduction of metropolitan government in the Durban Functional Region (DFR).

The reasons for embarking on this assessment at this time are two-fold:

- Natal remains the 'last outpost', within the country, in that metropolitan government, in the form of Regional Services Councils (RSCs), has not yet been introduced within the province
- It is anticipated that metropolitan government will shortly be introduced in Natal, but it remains unclear precisely what form this will take.

The reasons Natal has not yet witnessed the introduction of RSCs are fully described in a subsequent section. So too - within the limits of available information - is the form of metropolitan authority expected to be introduced in the province within the year. However, since the precise structure and functioning of this metropolitan authority remains as yet uncertain, there is a fluidity in the situation in Natal which is unique within South Africa.

It has therefore seemed worthwhile to take advantage of this fluidity; and to canvass the views of a number of key authorities and organisations in the DFR, so as to ascertain their preferences regarding the type of metropolitan authority which ought to be introduced in the region.

Before embarking on this analysis, however, some background material is necessary. Given the reality that any form of metropolitan authority in the DFR is likely to be modelled on RSCs elsewhere, some understanding of the RSC system is necessary. In addition, it is also important to recount the reasons Natal has resisted the introduction of RSCs to date. Thereafter, the methodology used in conducting this survey will be outlined, before shifting to the outcome of the research and the implications which it

holds for the introduction of a viable and legitimate system of metropolitan government in the DFR.

### 2.1 The RSC system

The Regional Services Councils Act was promulgated in 1985, as the outcome, inter alia, of a number of governmental enquiries which had focused primarily, on the problems of local government finance (the Browne Committee, the Croeser Working Group). The RSC system which emerged was intended, however, to address more than the problems of local government finance, important though this consideration remained. Thus, in the memorandum accompanying the RSC Bill, the purpose of the legislation was described as three-fold:

- to rationalise service provision through bulk supply
- to enable joint decision-making on matters of common concern
- to provide for infrastructural development in areas of 'greatest need' from new levies on employment and turnover.

Underlying these stated aims, three underlying objectives were, however, also discernable:

- to overcome problems of fragmented service delivery - resulting from racially separate local authorities - and thus to improve the viability and hence legitimacy of newly established black local bodies, in particular
- to introduce the principle of own and general affairs - the cornerstone of the tricameral constitution of 1983 - at the local level, based on the concept that racially separate local bodies would remain responsible for culturally sensitive 'own affairs' whilst the umbrella RSC would assume responsibility for 'general affairs' of common concern to all
- to address the urgent need for infrastructural development in black townships (which had been acknowledged as a contributing factor in the violence which erupted in 1984), whilst simultaneously limiting central government's responsibility for upgrading by identifying this as a third tier function.

## **2.2. Specific features of the RSC system**

The RSC system is a complex structure, full analysis of which lies outside the scope of this paper. For present purposes, it is intended to highlight ten specific features of the RSC system, which are particularly significant in its role and functioning.

### **2.2.1. Representation from all racial groups**

Although originally intended to exclude blacks, RSCs now comprise representatives from all racial groups. These representatives are derived, in a manner further described in due course, from racially separate local bodies (white municipalities, coloured and Indian local affairs committees and black local authorities), within a given RSC region.

Architects of the RSC system stress that the Act itself is 'colour-blind', making no reference to race. The racial character of RSCs stems thus from the fact that representatives are derived from 'own affairs' local authorities.

### **2.2.2. Demarcation which presently excludes homeland areas**

Demarcation is primarily the responsibility of the provincial administrator ('the administrator'). He must, however, consult with local bodies affected and must also obtain the concurrence of specified local government ministers as well as the Minister of Constitutional Development and Planning (CDP). The Act provides guidelines for the delimitation of RSC regions, which emphasise common interest and cost-effectiveness in service provision. These, however, do not bind ministerial discretion in demarcation.

Given the close proximity and interdependence of many homeland areas with core cities in the RSA (for example, Pretoria and Winterveld, East London and Mdantsane), the issue of homeland inclusion in RSC demarcation is a salient one. It is arguable that the Act provides for this by enabling the administrator to incorporate a homeland body within the initial demarcation of an RSC (provided the homeland has itself passed enabling legislation in this regard). In addition, it is clear that the Act allows an RSC, once established, to enter a 'service' agreement with a body outside its region (in either a self-governing or independent homeland). To date, however, no RSC as yet

established includes a homeland area, through either initial demarcation or subsequent agreement.

### **2.2.3. Representation for informal settlements on RSCs**

Informal settlements are characterised by self-constructed 'shacks', often built from crates and corrugated iron. Local government in these areas is rudimentary and generally lacks formal authority. Instead, local leadership takes a variety of forms, being provided either by a mix of community-based organisations, local 'Big Men' or quasi-traditional authorities.

The problem posed by informal settlements is an urgent and a growing one. Though accurate figures are difficult to establish, it is clear that at least 2 million people in the country as a whole - unable to find shelter within existing overcrowded townships - are living in informal settlements.

The issue of representation for informal settlements on RSCs is accordingly a vital one. It is arguable that the Act makes provision for this, by enabling representation on RSCs not only for local authorities but also for management bodies and 'representative' bodies. A 'representative' body is broadly defined as any body having at least one member elected by the community it serves. No definition of 'elected' is provided; and it is thus arguable that informal election, say, by show of hands at a public meeting, of a recognised leader in an informal settlement, would suffice. This interpretation would enable informal settlements to obtain both a voice and a vote, albeit limited, on RSCs.

Thus far, however, no informal settlement has been accorded representation on an RSC.

### **2.2.4. Representation on RSCs is indirect**

The members of an RSC are nominated by each participating local body, from among its own council members. Thus, RSC councillors are only indirectly elected by, and accountable to, the electorate of the region. This contrasts with the position in many other countries (such as Canada) where the representatives of a metropolitan authority are directly chosen by the community it is intended to serve.

### 2.2.5. The allocation of votes on RSCs

The allocation of votes on RSCs depends on the value of services purchased by each participating local body from the RSC. This formula undoubtedly favours the wealthy (white) areas which tend to have a higher consumption of services such as electricity and water. However, the Act does seek to limit the dominance of such local authorities by excluding the service-consumption of industrial and business areas and by limiting the total voting power of any local body to 50 percent. Thus, if any local body in an RSC region in fact purchases more than 50 percent of the services (say water and electricity) which the RSC provides, the excess over 50 percent is allocated, on a proportional basis, to other local bodies in the region.

### 2.2.6. Decision-making on RSCs

Decisions by an RSC require a two-thirds, rather than a simple, majority. This, again, is intended to guard against the dominance of RSC decisions by a limited number of powerful local bodies.

The overarching aim, however, is to promote decision-taking by consensus as much as possible; and existing RSCs in other provinces take pride in the fact that few decisions have ever been put to the vote, most being adopted by consensus.

Provision is also made for a participating local body to appeal against a decision of an RSC. Appeal lies, not to the courts, but to a specially constituted Appeals Board, comprising a number of central government ministers together with (except in financial matters) the provincial administrator.

### 2.2.7. The role of the provincial administrator

The role of the administrator is a pivotal one (Cameron in Heymans & Totemeyer, 1988:53). Thus, to state but a few examples, the administrator is empowered to:

- delimit RSC boundaries
- determine RSC functions
- allocate voting power in certain circumstances

- appoint RSC chairmen
- make regulations regarding RSC operation
- hear appeals from RSC decisions.

In all instances, moreover, it must be remembered that the administrator acts, not on his own, but subject to the concurrence of designated central government ministers (notably the Ministers of Local Government in each House of Parliament and the Minister of Constitutional Development and Planning, together with, in some instances, the Minister of Finance).

#### **2.2.8. Bulk service delivery by RSCs**

One of the main purposes of RSCs is to enable economies of scale through bulk service provision. The Act provides for RSCs to undertake 21 listed functions as well as any other the administrator may allocate. It also provides for RSCs to deliver such services directly (through the transfer of requisite assets and personnel from participating local bodies) or through the appointment of agents.

In general, to date, RSCs in other provinces have assumed comparatively few of their authorised functions of bulk service delivery (primarily water and electricity supply); and have generally tended to do so by appointing the core city in the region to act as agent. This has frequently resulted in a 'paper' change, as core cities previously responsible for supplying services to outlying local bodies have continued to do so, though now on behalf of the RSC.

#### **2.2.9. The raising of revenue by RSCs**

RSCs have been empowered to levy two new taxes. The first is the regional services levy (based on salaries) and the second is the regional establishment levy (based on turnover). Both are seen primarily as new taxes on business, though the state has emphasised that it is also subject to them. The provisions for collection of the levies are complex and have been provided for in special regulations. Initially, the rates of the levies were uniform for all RSCs (though this is not required by the Act) and is low (0,25 percent for the services levy and 0,10 percent for the establishment levy). The rates of the levies are determined by each RSC, subject to the concurrence of the Minister of Finance.

### **2.2.10. The allocation of revenue by RSCs**

RSCs are empowered to allocate their revenue (derived primarily from the two new levies) to a limited number of functions. They are obliged, in terms of the Act, to allocate one twentieth of a percent of annual revenue to the Local Government Training Fund. Thereafter, they are permitted to allocate revenue to their own running costs, to those of their participant local bodies and to certain other purposes authorised by the Act or the administrator. However, in allocating revenue, they are obliged to give priority to the provision and maintenance of infrastructure in areas of 'greatest need'.

No definition is provided of these areas; but it is commonly assumed by the architects of the RSC system that this formula denotes the black, coloured and Indian townships which are in urgent need of infrastructural development.

### **2.3. The reasons for Natal's resistance to RSCs**

Although the DFR will be the last major metropolitan area in South Africa to acquire a metropolitan authority, this should not be seen as evidence of its opposition to metropolitanisation per se. On the contrary, as early as 1973, a guide plan for a Durban Metropolitan Area (DMA) had been published (by the Natal Town and Regional Planning Commission); and this served as a catalyst for the establishment, in 1977, of the Durban Metropolitan Consultative Committee (Metrocom). The aim of Metrocom was to foster liaison between local authorities in the region, with a view to optimising efficient and cost-effective service delivery.

In 1984, Metrocom released the results of a comprehensive report (by consultants Pim Goldby) on the financial implications of regionalisation of services in the DMA. Large savings were envisaged, as well as the attainment of minimum standards in all areas. The appointment of present service-delivery bodies as agents was recommended to minimise disruption and the growth of new bureaucracies.

Though the government's reaction to the report was somewhat negative, it was nevertheless widely anticipated that Durban - with its practical experience of regionalisation - would be one of the first metropolitan regions to obtain an RSC. (*Vaderland*, 19.10.84, *Daily News*, 18.10.84 and *Natal Witness*, 10.5.85)

When an amended RSC Bill was published in 1985, it was initially accepted by white local officials and councillors and conservative Indian politicians. Metrocom recommended the establishment of an RSC in the area, on the assumption that KwaZulu areas would be included in the proposed boundary.

Dissent from other quarters was, however, quickly voiced. In the KwaZulu Legislative Assembly, Chief Minister Buthelezi stated the proposed legislation. His reasons were complex but included, in particular:

- the government's failure to consult with KwaZulu and its attempt, instead, to impose a unilateral solution
- the key role played by the appointed provincial administrator, to the exclusion of KwaZulu authorities
- the RSC system of representation, based on racially separate local authorities
- the allocation of votes, in favour of wealthier (white) local authorities and
- the absence of representation for informal settlements.

Organised business and commerce expressed their opposition to the new levies, based on the belief that these taxes would depress vital economic growth and contribute to inflation and growing unemployment. In addition, they subsequently emphasised that differences with KwaZulu and issues like undemocratic and inadequate representation had to be resolved.

On closer scrutiny of the Bill, white local bodies became concerned about other aspects of the legislation. Questions were raised regarding:

- the need for Indian local affairs committees to assume autonomy to obtain representation
- the provision of representation for informal settlements
- the need for housing to be included as an RSC function
- the real benefits of regionalisation and whether it would realise the advantages envisaged
- the dominance of Durban, as 'Big Brother' and the possibility of forming a number of smaller RSCs.

Given KwaZulu's strenuous and sustained opposition, the implementation of RSCs in Natal was postponed. In 1987, Chief Minister Buthelezi called publicly on black local authorities to reject RSCs in Natal and for the enactment of alternative new legislation. Organised commerce and industry reiterated its opposition to implementation unless and until KwaZulu were included, pointing out that the levies would otherwise be passed on to black employees and consumers who would derive no compensatory benefit in infrastructural upliftment.

By 1988, however, the attitude of the Natal provincial administration (NPA) had hardened. Boundary proposals, excluding KwaZulu, were published and action groups were established to assist the process of implementation. Notwithstanding KwaZulu's continued opposition, demarcation hearings were held in November 1988; and July 1989 was announced as a target date for the establishment of RSCs in the province.

The final boundaries for RSCs were announced in May 1989 and the appointment of the chairman of the Durban RSC was announced. Given the need, *inter alia*, to demarcate business and industrial areas, the target date for operation was shifted to October 1989.

Chief Minister Buthelezi continued to voice his opposition to RSCs, whilst pointing out that the Joint Executive Authority (JEA) was finalising an alternative structure for the regionalisation of services, which would be acceptable to KwaZulu and would enable its cooperation.

At the same time, there emerged a growing body of opinion that RSCs in Natal, excluding KwaZulu, would be an exercise in futility. This stemmed, in particular, from the fact that KwaZulu's exclusion would frustrate one of the most important purposes of RSCs: the development of infrastructure in areas of 'greatest need'.

June 1989 witnessed a significant movement towards resolution of the impasse. The chairman and vice-chairman of the JEA (from the NPA and KwaZulu respectively) announced that an agreement had been reached, after protracted negotiations, on a draft bill providing an alternative model for metropolitanisation within Natal. The proposal for these new bodies - tentatively termed Joint Services Boards - had, however, to be ratified by the Natal and KwaZulu administrations, before being sent to Parliament for

enactment into law. The process envisaged was, accordingly, a lengthy one and it was tentatively suggested that the new bodies might become operational by mid-1990.

The government then suspended the planned introduction of RSCs in Natal, but has since made it clear that this may still be carried into effect if the JSB proposals are rejected by Parliament.

The bill providing for the introduction in Natal of Joint Services Boards has still to be published. It is confidently expected, however, that the new bodies will be closely modelled on the RSC system, subject to two major differences. Firstly, the pivotal role played by the administrator in the RSC system will instead be assumed by the JEA (which, of course, incorporates representatives from both KwaZulu and Natal). Secondly, the new metropolitan authorities will include local bodies in KwaZulu from the outset. In addition, it is possible that the ambiguous provision in the RSC Act (directing that priority be given to infrastructural development and maintenance in areas of 'greatest need') may be more clearly worded.

### **3. Survey of attitudes towards the metropolitan authority**

#### **3.1. Methodology**

It was stated at the outset that the purpose of this study was to canvass the attitudes of key figures towards the metropolitan authority shortly to be introduced in the region.

#### **3.2. The respondents**

Four distinct categories of local-level actors having an interest in these developments were identified:

- local government officials,
- councillors,
- organised commerce and industry and
- extra-parliamentary organisations (supporting the Mass Democratic Movement (MDM))

Extensive interviews were conducted with respondents from each of these categories.

The Durban Functional Region (DFR) contains a diversity of local bodies. These are not only structured along racial lines but differ in size and in terms of the duties which they undertake. Local authorities under the control of the NPA differ in status. There are Boroughs, Town Boards, Town Committees, Health Committees and the City Council. Two Indian areas within the region have obtained borough status. Black townships under NPA control have not yet reached either town or city council status, in terms of the Black Local Authorities Act, 1982. The Development and Services Board is responsible for development areas and regulated areas. In trust land there is a township committee and a non-operative advisory board. The Indian and coloured local affairs committees are advisory structures. There are also certain urban areas, with no formal representation, which are served by the NPA. Local authorities in KwaZulu are controlled by the Department of the Chief Minister under proclamation 263/62 and are therefore subject to a different system of local government (Pistorius, 1989, pp. 1-3, Evans, 1988, pp. 52 and Bekker and Jeffery, 1987, pp. 3-5).

A total number of 25 interviews were conducted with respondents from the above mentioned categories. Care was taken to ensure that these respondents represented a cross-section of the actors involved. Officials and councillors from various white local authorities, differing in status and powers, were interviewed. This approach was also applied to the autonomous Indian local bodies as well as the coloured and Indian local affairs committees. Black townships in KwaZulu and Natal were also included. Besides these actors, interviews were conducted with representatives from organised commerce and industry as well as Inkatha and prominent regional and metropolitan extra-parliamentary organisations supporting the MDM.

### **3.3. The interview schedule**

Respondents were asked to evaluate ten central features of RSCs, indicating whether these were considered suitable or unsuitable for a metropolitan authority in the DFR. These features have already been discussed in the preceding section on RSCs and will only be listed here:

- a) representation from all racial groups

- b) demarcation of boundaries in a manner excluding homelands
- c) the lack of representation for informal settlements
- d) indirect representation through nomination
- e) the weighted allocation of votes
- f) decision-making by two-thirds majority, with the emphasis on consensus
- g) the pivotal role of the provincial administrator
- h) bulk service delivery
- i) the raising of revenue, through two new levies
- j) the allocation of revenue, with priority required for infrastructural development in areas of greatest need.

Respondents' views on these matters are important because it is expected, as earlier indicated, that the proposed Joint Services Board (JSB) will be closely modelled on the RSC system.

Respondents were subsequently asked to evaluate the features of the JSB which are expected, at this point in time, to differ from the RSC system. These features, as earlier described, are two-fold:

- a) areas in KwaZulu will be included from the outset
- b) powers vested in the provincial administrator under the RSC system will instead be assumed by the JEA.

In conclusion, respondents were asked to give their views on three possible options regarding the metropolitan authority to be introduced in the DFR. They were asked to evaluate each one and to indicate which, if any, they considered the most appropriate. If they did not support any of the options, they were asked to propose their own alternatives.

The three options put to respondents were the following:

- a) accept a JSB which is effectively an RSC, with relatively minor differences.
- b) strive to remould the JSB in order to avoid the weaknesses of RSCs and build on their strengths (as earlier identified by respondents)

- c) oppose the introduction of a JSB until national issues have been resolved.

### **3.3. Process**

In the exploratory phase of the research, three interviews were conducted with senior officials (two retired) with extensive experience of local governmental matters in the province and especially the Durban region. The aim of this phase was to identify issues which needed further investigation, persons who could be approached for interview and secondary material which should be gathered. After the completion of the explanatory phase, the interview schedule was developed. Interviews were conducted during late 1989 and early 1990.

## **4. Survey results**

### **4.1. Respondents' views on the suitability of specified RSC features for a metropolitan authority in the DFR**

The features on which respondents were asked to give their views have been briefly described in the section outlining the RSC system and have also been listed in the Methodology section. To recap, respondents were asked whether each of these features would be suitable or unsuitable for a metropolitan authority in the DFR.

On analysis of respondents' replies, a number of broad themes emerge: and these will be highlighted in assessing responses regarding each feature.

#### **4.1.1 Representation from all racial groups, via racially separate local bodies**

In relation to this feature, two main themes emerged:

The first is that representation from all racial groups and local bodies is essential to facilitate joint decision-making and establish priorities regarding areas of 'greatest need'. This would also help to foster cooperation, based on increased recognition of mutual economic interdependence.

This theme was supported by the majority of officials and councillors interviewed. Some, however, whilst supporting the principle of representation for all

racial groups, also expressed reservations about its practical operation, pointing out that:

- the new metropolitan authority might become too large and develop an inefficient bureaucracy; and that
- representatives from black local bodies would, as a result of inexperience, be disadvantaged and require an initial orientation programme.

In addition, this theme was supported by a representative of organised commerce and industry, who accepts the inclusion of all racial groups but objects to the effective exclusion of the business sector. This is considered unacceptable, as the bulk of revenue comes from levies on business, which ought therefore to be party to decision-making.

The second theme is that racially defined groups and local bodies are unacceptable, as these perpetuate apartheid and sustain white domination in government. In addition, a racial base will engender mistrust and suspicion in black communities regarding a new metropolitan structure.

This theme was expressed primarily by extraparliamentary groupings. However, it was also supported by one official, two councillors, the KwaZulu representative and a member of the organised business community, all of whom pointed out that the RSC system of representation is unacceptable, as it reflects an extension of the tricameral parliament to the third tier.

#### **4.1.2 Demarcation of boundaries to exclude homeland areas**

With one exception, all respondents were adamant that homeland exclusion would not be suitable in a metropolitan authority for the DFR. Reasons for this view differ, however, and may be captured in two broad themes (the first supported by the majority of respondents and the second by the extra-parliamentary groupings):

The first theme is that a metropolitan authority would not be able to realise its goals (of infrastructural development in areas of greatest need and rationalised bulk service provision) if KwaZulu areas were to be excluded. The areas of greatest need lie

clearly in KwaZulu, and exclusion of the homeland would therefore undermine the credibility of the metropolitan authority before it even began its work. In addition, it would be unfair to exclude KwaZulu areas from decision-making, as these contribute to the overall income of the DFR. Furthermore, given the geographical intertwining of Natal and KwaZulu within the DFR, homeland exclusion would make bulk service delivery unmanageable. Finally, the exclusion of KwaZulu would lead to increased political problems, as unmet service needs and expectations in these areas would exacerbate tension and frustration.

The second theme is that homelands are entirely unacceptable as they are not only designed to perpetuate apartheid but are also responsible for the problems of uneven development which third tier bodies now face. Accordingly, homelands should be abolished; and representation on the metropolitan authority should be accorded, without reference to this artificial distinction, to all who contribute to the growth of the area.

The one respondent who doubted the suitability of including homelands in a metropolitan authority in the DFR is an official from a black local authority, with a council consisting predominantly of United Democratic Front (UDF) affiliated members. This respondent was concerned that, given present political conflict in Natal, these councillors would not wish to participate in a structure incorporating Inkatha supporters.

#### **4.1.3 The absence of representation for informal settlements on RSCs**

All respondents are clear that this would be unsuitable for a metropolitan authority in the DFR. Their reasons are primarily two-fold:

- i) informal settlements are most in need of infrastructural development and must therefore be included in the area of jurisdiction of the new metropolitan authority
- ii) representatives of informal settlements must be party to decision-making on upgrading, so as to clarify the priorities of residents.

In addition, it was pointed out by the KwaZulu representative, that no area should be excluded from the metropolitan authority for political reasons.

Asked how representation should be accorded to informal settlements on a new metropolitan authority in the DFR, respondents were, however, divided in their views. A minority (of three informants) could proffer no suggestion as to how this should be done. The remainder raised a variety of proposals, reflected in the following three themes:

- i) as a temporary measure, each informal settlement should be represented on the metropolitan authority by the nearest local body, which should - in consultation with influential leaders or 'chiefs' - promote the interests of the settlement. In the long term, however, formal local authorities should be constituted in these areas. (This option was supported by more respondents (six) than any other).
- ii) no formal representation should be necessary, as an appointed spokesman or leader of the informal settlement could liaise between it and the metropolitan authority
- iii) informal settlements should be accepted as legal and, given their inherent ability to organise their own leadership, should be given their own local bodies. (This option was supported by extra-parliamentary and KwaZulu representatives).

Finally, a warning was sounded by two officials that reliance should not be placed on the views of 'appointed' leaders, as there could be no guarantee that such leaders would have the support of their communities or best reflect their interests.

#### **4.1.4 Representation on RSCs is indirect, through nomination by participating local bodies**

The majority of respondents believe this RSC feature would be appropriate for a metropolitan authority for the DFR. However, KwaZulu and extraparliamentary representatives, together with one official and one councillor, believe that representation should be direct, with members of the metropolitan authority elected by the residents of the region.

The reasons of those who support indirect representation are three-fold:

- i) councillors are already experienced in local government affairs, and are thus best qualified not only to serve on the metropolitan authority but also to choose who, from amongst their number, should do so

- ii) ratepayers elect as councillors those whom they believe will promote their interests in their local area and can thus indirectly elect those who will best serve their interests on a metropolitan authority
- iii) members of the metropolitan authority must be thoroughly conversant with the affairs of participating local bodies; and confusion may arise if different sets of people serve on the metropolitan, and local, authorities.

Reservations regarding indirect representation were expressed by two councillors, who did not, however, go so far as to reject the principle. Thus, one councillor pointed out that this could lead to the politicisation of local government, as members of the metropolitan authority might be chosen by local councils to promote the interests of particular political parties. In addition, it was pointed out that councillors have little time to devote to local affairs and would have even less for metropolitan matters, so that it might be better if metropolitan authority members were chosen specifically for this task.

Indirect representation was rejected, as earlier indicated, by KwaZulu and extraparliamentary representatives, among others. This is primarily because black local authorities, being racially based, lack legitimacy and credibility. Black councillors do not have community support and cannot truly act in the interests of the people they supposedly represent. Accordingly, representatives of the new metropolitan authority should instead be chosen by direct election, on a non-racial basis.

#### **4.1.5 The allocation of votes on RSCs, based on service-consumption and subject to a maximum of 50 percent**

Whilst some respondents regard this RSC feature as suitable for a metropolitan authority in the DFR, the majority reject it and propose alternative bases of vote-allocation.

Those in favour of vote-allocation on the basis of service-consumption point out the principal task of a metropolitan authority is to rationalise service-provision; and that it is appropriate that those areas which contribute the most financially in this regard should have the strongest decision-making power.

These respondents also support the 50 percent ceiling on voting power, which they believe will prevent any local body from becoming too powerful at the expense of poorer areas.

The majority of respondents (including the KwaZulu and extra-parliamentary representatives) reject this method of allocating votes, for a variety of reasons:

- i) it favours the richer white areas and particularly the Durban City Council, which will be able to dominate decision-making on the metropolitan authority
- ii) it disadvantages poorer black areas which - though most in need of attention - will have the least say on the metropolitan authority.

Alternatives suggested are two-fold:

- i) each local body should have voting power on the metropolitan authority in proportion to its population
- ii) each local body should have one vote, irrespective of its population or service-consumption.

These respondents are also dissatisfied with the 50 percent maximum of voting power, believing that this will be ineffective in preventing the dominance of the Durban City Council (which will need the support of comparatively few other local bodies in order to attain the requisite two-thirds majority). Some respondents suggest that this maximum should be reduced, whilst others point out that the need for it would fall away if an alternative system of allocating votes were to be adopted.

Two councillors expressed opposition to the RSC system of vote-allocation for a different reason, and put forward a concomitant alternative proposal. In their view, it is unfair to assess service-consumption by reference only to domestic usage. Indeed, since the industrial and business sectors will contribute most to the revenue of the metropolitan authority, they should be entitled to participate in decision-making on the allocation of such revenue. These respondents accordingly suggest that votes should be allocated according to the total contribution made by each local body to the revenue

of the metropolitan authority. In addition, they believe that the 50 percent maximum will make little difference to the dominance of the Durban City Council and that it should therefore be reduced.

**4.1.6 Decision-making by two-thirds majority, if necessary, and ideally by consensus**

Whilst all respondents support the principle of decision-making by consensus, a minority are sceptical as to whether this can truly be achieved in an RSC-type system.

The majority of respondents support consensus decision-making on the metropolitan authority to be established for the DFR as, by definition, it precludes dissatisfaction from any quarter. Opinions differ, however, as to whether such consensus would be possible:

- i) consensus has been reached by RSCs elsewhere and will also be attained in the DFR
- ii) consensus will be easy to achieve, as there will be many representatives to advise and inform each other
- iii) the attainment of consensus will depend on the commitment and attitude of members and the extent to which there is a common appreciation of the goals of the metropolitan authority. Further, should the authority become too large - and especially where it includes all race-groups - consensus might be difficult to reach.

These respondents are satisfied that the requirement of a two-thirds majority for decisions, in the absence of consensus, is appropriate for a metropolitan authority in the DFR. One councillor, however, believes that a stricter majority should be required (on the basis that the more who favour a decision the better); whilst another is sceptical as to the utility of a two-thirds requirement, believing that the white local bodies will dominate decision-making in any event.

The minority of respondents who, as earlier indicated, are sceptical as to whether consensus can truly be achieved in an RSC-type structure, comprise primarily

the KwaZulu and extra-parliamentary representatives. These submit that RSCs elsewhere have been able to attain the illusion of consensus because of both cooption and the white majority 'built in' by the system of vote-allocation. True consensus, however, could only be attained if all local bodies on the metropolitan authority established in the DFR were accorded an equal vote. If this were done, consensus would be unlikely (in the view of one respondent at least) and would depend on the extent of unanimity on the priorities of the metropolitan authority.

This group of respondents is in favour of the two-thirds majority requirement, considering it a suitable democratic principle, on which all elections should be based.

#### **4.1.7 The pivotal role of the provincial administrator in many matters, including the appeal procedure**

Just over half of the respondents consider this RSC feature suitable for a metropolitan authority for the DFR. The new metropolitan body will require some overarching authority to arbitrate in the event of dissension among local bodies. An RSC-type appeal mechanism would be useful and some supervision of the authority would be necessary. It would, moreover, be better for this guiding role to be played by the provincial administrator, than by Pretoria, as the former is more sensitive to the needs of the DFR than the latter.

However, it is interesting to note that even those who support this feature have strong reservations regarding the role of the administrator in the RSC system:

- i) more power should be devolved to local level and the administrator should consult with, and act on the advice of, the metropolitan council
- ii) the chairman of the metropolitan authority should be elected by the council, rather than appointed by the administrator, to ensure that he serves the interests of the former and not the latter.

A number of respondents (comprising a few officials and councillors, the KwaZulu and one extra-parliamentary representative) oppose the role of the administrator. Interestingly, this group of respondents is also concerned about the

centralisation of power implicit in the administrator's role in the RSC system. Thus, respondents in this category stress that:

- i) central government controls the activities of local bodies through its appointed administrator; and that more power must be devolved to local level

and that

- ii) excessive controlling power is vested in the administrator in the RSC system; and it would be preferable instead to establish a committee to vote on important issues, to provide for an elected chairman and to ensure that the administrator's role is limited to coordination.

These respondents also believe that, whilst an appeal mechanism is valuable in principle, the RSC-type system would be inappropriate as the administrator would ultimately act in the interests of central government.

Reservations and criticisms outlined so far all reflect concern with centralisation of power. Another broad category of concern is the possible politicisation of local government through the role of the administrator in an RSC-type system.

Respondents who voiced this latter concern pointed out that:

- i) the administrator is effectively appointed by the National Party and may be expected to promote its interests
- ii) the administrator has little credibility because he is a political appointee and cannot be expected to depart from National Party policy (the KwaZulu representative)
- iii) the administrator in the RSC system is yet another mechanism through which the National Party controls local authorities, in its attempt to retain white domination at all tiers of government (extra-parliamentary representatives).

#### **4.1.8 Bulk service delivery by RSCs**

With the exception of one councillor, all respondents consider this RSC feature

appropriate for a metropolitan authority in the DFR.

Respondents believe, moreover, that such service delivery should be provided through agents, for the following reasons:

- i) this will help preclude the growth of a large and inefficient bureaucracy at metropolitan level
- ii) existing expertise in service delivery will be better utilised, thus contributing to the success of metropolitanisation.

Other proposals made by respondents include:

- i) the role of the metropolitan authority should be to coordinate and manage the distribution of resources by local agents
- ii) the decision on which services to regionalise should be made by the metropolitan authority, rather than the provincial administrator
- iii) care must be taken to ensure a balance between the needs of the poor and the affluent in deciding on service delivery (the KwaZulu representative)
- iv) the metropolitan authority must strive for maximum economies of scale, so as to reduce the cost of services, in the interests of poorer consumers especially (the KwaZulu and extra-parliamentary representatives)
- v) not all services should be regionalised, as some can be more cheaply provided on a smaller geographic scale
- vi) complications may arise where the responsibility of the metropolitan authority overlaps with that of the NPA, (for example, regarding roads).

The councillor who has reservations regarding bulk service delivery by the metropolitan authority points out that it is economically unsound to disrupt a system which is operating well. In his view, the role of the metropolitan authority should accordingly be limited to planning and coordinating the delivery of services by local

authorities already responsible for these functions. (He is also concerned that regionalisation will lead to down-grading of the status of his local body).

All respondents agree that the first services to be regionalised should be basic services such as water, sewerage and electricity, followed by roads, refuse removal and fire prevention. One respondent believes planning is an important metropolitan function, whilst another proposes that the metropolitan authority undertake the provision of housing.

#### **4.1.9 The raising of revenue by RSCs through new levies on salaries and turnover**

Just over half the respondents support this RSC feature for a metropolitan authority for the DFR; whilst many believe this would be inadvisable, as it will inhibit economic growth.

Those in favour of this feature (primarily officials and councillors) cite three main reasons:

- i) the levies will be passed on, through price increases in commodities, to a broader spectrum of the community than would be the case if GST were instead increased
- ii) central government does not have the revenue for upgrading, and it is appropriate that this burden should be assumed by the private sector, which should be willing to make a contribution to the welfare of the working community
- iii) the only real alternative is an increase in GST; and this should be avoided at all costs, as GST is already too high.

Those who reject the levies comprise primarily the business sector, as well as the representatives of KwaZulu and the extra-parliamentary organisations. Their reasons include:

- i) there will be widespread tax evasion, especially by smaller businesses, with the result that the burden will fall primarily on more established businesses
- ii) collection of the levies will be complex and require a considerable bureaucracy, which will absorb much of the revenue obtained
- iii) the turnover levy, in particular, is inequitable, as it will fall particularly hard on businesses with high turnover but low profits
- iv) the levies will be passed on to the consumer, thus fuelling inflation
- v) the levies will retard economic growth and increase unemployment (especially the levy on salaries)
- vi) the country is already overtaxed; and the solution lies in re-allocating resources at national level, rather than expecting local government to compensate for the central state's incompetence

Two subsidiary points were also made, the first by a representative of organised commerce and industry and the second by a member of an extra-parliamentary organisation:

- i) the passing on of the levies through price increases will affect not only national but also international markets and may thus inhibit the country's balance of trade
- ii) an alternative source of revenue is for local authorities (such as the Durban City Council) to be less wasteful in their expenditure; thus generating savings which could be used for the areas most in need.

#### **4.1.10 Redistribution of revenue by RSCs, through infrastructural development in areas of 'greatest need'**

All respondents support this RSC feature for a metropolitan authority for the DFR. This is because of the apparent need of poor areas for upgrading, coupled with the perception that this should be a primary aim of a metropolitan authority.

Other points made by respondents supporting this principle include:

- i) the development of poor areas will be beneficial not only per se but also because it will lead to the expansion of commerce and industry
- ii) the question as to which areas are most in need is complex; and a detailed study of the region will be necessary to prioritise requirements.

Some reservations, however, were also expressed:

- i) a councillor pointed out that residents of poor areas should not develop a mentality of expecting handouts; but should be prepared to contribute to development and ultimately to the revenue of the region
- ii) an official expressed concern that equal upgrading of all areas will not be possible and that this may give rise to conflict
- iii) extra-parliamentary representatives believe that an RSC type provision (directing that priority be given to infrastructural development in areas 'most in need therefore') would not suffice to guarantee the upgrading of black areas; and propose that the obligation to do so be more clearly stated, and entrenched.

In addition, two councillors have doubts as to whether redistribution in this manner will succeed:

- i) local authority representatives on a metropolitan body will inevitably try to divert revenue to their own areas
- ii) decisions on upgrading may be taken on an ad hoc basis, whereas what is necessary is detailed planning over a substantial period of time
- iii) development of poorer areas is essential for peace and stability; but - given the extent of black frustration and scepticism regarding governmental initiatives - may already be 'too little, too slow and too late'.

#### **4.2. Respondents's views on the suitability of proposed specific differences in the JSB**

As earlier outlined, it is now probable that Natal will obtain another form of metropolitan authority (the Joint Services Board or JSB), similar in most respects to an RSC but differing in two important ways. In this section, respondents' views on these proposed specific differences are canvassed.

##### **4.2.1 Demarcation to include KwaZulu areas from the outset**

All respondents believe this would be appropriate in a metropolitan authority for the DFR. There is, however, some difference in standpoint between extra-parliamentary and other representatives; and these are accordingly separately outlined.

Extra-parliamentary representatives support the inclusion on a metropolitan authority of all communities which form a part of the metropolitan region and have accordingly contributed to its growth. They are opposed, however, to the very concept of homelands and thus reject a distinction between Natal and KwaZulu. Instead, the emphasis should be on building a single nation and representation on a metropolitan authority should be geared towards this goal.

Other respondents cite a variety of reasons for supporting KwaZulu inclusion:

- i) representatives of the business community stress that they have relentlessly campaigned for such inclusion, as KwaZulu areas are an integral part of the DFR, contributing to the labour of the region and housing a significant percentage of its consumers. KwaZulu and Natal are intimately intertwined, generating an economic interdependence which transcends artificial boundaries and requires recognition of its reality
- ii) the inclusion of KwaZulu areas in a metropolitan authority in the DFR would be a logical extension of the liaison already established at provincial level through the JEA. Moreover, liaison at local level is especially important; and it is vital that all communities be included in the decision-making process

- iii) such inclusion is essential if the metropolitan authority is to realise the goal of infrastructural development in areas of 'greatest need'. Such areas lie mainly in KwaZulu; and their inclusion is necessary not only to allow upliftment but also to preclude the friction which would otherwise result
- iv) KwaZulu inclusion is also essential to the attainment of the goal of coordinated bulk service delivery, as fragmentation would otherwise remain.

**4.2.2 The pivotal role of the provincial administrator, in the RSC system, allocated instead to the JEA**

Whilst the majority of respondents believe this proposal would be appropriate for a metropolitan authority in the DFR, some reject it and one (a Local Affairs committee councillor) believes that the RSC-type role of the administrator should be retained.

The majority of respondents are satisfied that the JEA is the most suitable body, under present circumstances, to play a supervisory role in relation to a metropolitan authority for the DFR. Reasons cited include:

- i) since the JEA incorporates KwaZulu representatives, it would enable input from KwaZulu which would otherwise be lacking and which would be particularly important given the inclusion of KwaZulu areas in the metropolitan authority
- ii) since the JEA incorporates a number of different individuals, the danger of arbitrary decision-making would be reduced
- iii) the fact that the JEA operates on consensus is positive and will give increased legitimacy to its decisions
- iv) the JEA may be perceived as politically neutral, since it incorporates all race groups, does not comprise particular parties and has a rotating chairman
- v) it is preferable that the supervisory role be exercised at regional rather than national level as this will result in more informed decisions, with greater consultation with local bodies concerned.

Some reservations were, however, also expressed:

- i) the JEA is not elected and needs to become more representative, especially as its present incumbents are not accepted by large numbers of blacks and Indians
- ii) once the metropolitan authority has been established, the role of the JEA should be limited to the appeal procedure, leaving the metropolitan body free to chart its own course.

One Local Affairs committee councillor, by contrast, saw no need for the supervisory role to be allocated to the JEA rather than the provincial administrator. In his view, all that is necessary is that the latter should consult with all interested parties.

Extra-parliamentary representatives reject the suggested role of the JEA. Their main reason is that:

- i) both the Natal and KwaZulu authorities which comprise the JEA are illegitimate. The substitution of the JEA for the administrator is therefore no improvement. A more widely representative body is needed, especially in the light of the conflict in the region.

Similar views were expressed by another Local Affairs committee councillor, who pointed out that the JEA might have been suitable if it had been introduced earlier, before violence erupted in Natal. Given the present conflict between Inkatha and the United Democratic Front, it is clear that the JEA is not acceptable to a significant percentage of DFR residents. A more broadly based supervisory body is therefore essential.

#### **4.3. Respondents' views regarding strategies towards metropolitanisation**

In conclusion - and given the likelihood of the introduction of a JSB in the DFR in the near future - respondents were asked to give their views on three possible strategies and to indicate which, if any, they regarded as most appropriate.

**4.3.1 Accept the introduction of a JSB, which is effectively an RSC  
(subject to the two changes outlined in the preceding section)**

This option is supported by most white officials, some of whom, however, qualified their stance by expressing the need for evolutionary change, over time. Representatives of business, KwaZulu, extra-parliamentary organisations and most councillors, however, rejected it.

Officials who support this option cite, inter alia, the following reasons:

- i) RSCs have progressed too far in other provinces for Natal, realistically, to blaze its own trail
- ii) RSCs in other provinces are succeeding in their objectives and an RSC-type JSB would be able to do the same in the DFR
- iii) Given existing backlogs in infrastructural development, it would be selfish to delay the implementation of a body which could begin to address these problems
- iv) Natal has already lost millions in revenue, which could have been raised for infrastructural development
- v) the JSB is supported by KwaZulu, thus removing the major obstacle to implementation
- vi) the RSC-type JSB offers certainty and immediate tangible benefits
- vii) an RSC-type JSB offers a unique opportunity to rationalise services and redistribute revenue; and is an important interim step towards an integrated metropolitan region.

Some of these respondents did, however, express reservations regarding an RSC-type JSB, particularly as regards representation and administration. They acknowledged that these and other deficiencies would need to be addressed, but stressed that this should be done gradually, over time.

Some councillors supported this option, for reasons similar to those of the officials. Thus, they pointed out that the JSB has the backing of KwaZulu, that upgrading is urgently required and that further delay should not be brooked. However, they also acknowledged the imperfections in the RSC-type JSB and acknowledged that changes would be necessary in the future.

Representatives of organised commerce and industry are opposed to this option. Reasons given include:

- i) the government's acknowledgement that Natal is different and requires an alternative provides an important opportunity to benefit from the experience of RSCs elsewhere and seek to avoid their pitfalls
- ii) acceptance of this option would imply that the JSB is adequate as a metropolitan authority, whereas this is not the case.

Extra-parliamentary representatives reject the first option emphatically, on the basis that they cannot participate in such a government-created structure. In addition, they point out that their communities could - in any event - have little influence on an RSC-type JSB, because of the system of voting and representation.

Black officials, an Indian official and some white officials also reject this option, pointing out that an RSC-type JSB would be too rigid and incapable of catering for the volatile situation in the DFR.

#### **4.3.2 Strive to re-mould the JSB, so as to avoid the weaknesses of the RSC system and build on its strengths**

This option was supported by a majority of councillors. It was seen as offering the best of both worlds, enabling the implementation of a metropolitan authority with a mandate to uplift poor areas, whilst also allowing for adaptations and improvements to be made. Moreover, teething problems were inevitable and would need to be ironed out. The emphasis, however, should be on flexibility and on keeping the JSB in line with current thinking.

Similar thinking was expressed by those officials (mainly black and some white) who oppose the first option. This strategy is seen as offering the advantage of reaping the immediate benefits linked to a JSB, whilst also catering for necessary improvements. This would be in line with the strategy of incremental change being followed at national level, and would offer the opportunity to bring about reform from within.

Representatives of organised commerce and industry also support this option. It offers the opportunity to take advantage of Natal's unique situation (being the only province in which an alternative to RSCs is being envisaged) and to seek to obtain the maximum benefit from metropolitanisation. Although an RSC-type JSB would be an important development, the gains it offers can not only be obtained but can also be strengthened by following this second option.

Extra-parliamentary representatives point out that this option would also involve their participation in a government-created structure. Their preference, accordingly, is for yet another alternative, which may be analysed as falling somewhere between the second and third options (as further described in due course).

#### **4.3.3 Oppose the introduction of a JSB until national issues have been resolved**

This option is generally rejected by respondents. Officials, in particular, emphasise that upgrading is critically required and cannot be delayed until national issues have been resolved. Similar views were expressed by most councillors and by representatives of organised commerce and industry.

The third option is, however, supported by two Local Affairs Committee councillors. They point out that the first and second options are likely to yield only limited returns. The Indian local affairs committee system has been in place for nineteen years, but has witnessed little significant change; whilst there has also been considerable frustration in working within this government-created structure. Moreover, the government is now prepared to negotiate with the ANC on a more democratic constitution; and it would be inadvisable, especially in the present climate of change, to introduce new structures with limited legitimacy. In addition, existing third-tier authorities should rather be reformed, so as to attain the goal of non-racial local government.

Extra-parliamentary representatives expressed support for an alternative approach, somewhere between the second and third options. These respondents do not support a period of inaction, whilst awaiting change at national level. On the contrary, they are actively involved in mobilising their communities and increasing their awareness of issues. In addition, they seek to improve conditions and services in black areas and strive to achieve this by working outside the system. This does not mean non-collaboration only, however. They have had contact with local bodies at various times; and are willing to engage in a search for alternatives which would result in an appropriate metropolitan authority for the DFR.

#### 5. Conclusions

This survey highlights the importance of a metropolitan authority for the DFR. It shows also that key figures in local government in the region have a number of significant reservations regarding an RSC-type body. It is therefore clear that, although the two changes mooted in the JSB (the inclusion of KwaZulu areas and the substitution of the JEA for the administrator) are broadly welcomed as improvements, there are a number of other features of the RSC system which are not considered suitable for a metropolitan authority in the DFR.

Moreover, whilst most white officials support the immediate introduction of a JSB for the tangible benefits in upgrading it would bring, even these respondents are sensitive to the need for further change. Black officials, the majority of councillors and the representatives of organised commerce and industry believe that every attempt must be made to remould the JSB, so as to avoid the weaknesses of the RSC system and build on its strengths. Extra-parliamentary organisations, representing a significant constituency in the DFR, are opposed to a JSB in either RSC or modified form; and prefer instead to negotiate alternatives with local opinion-makers and decision-takers.

These findings underlie the need for further investigation, discussion and negotiation: aimed at achieving an acceptable and appropriate metropolitan authority for the DFR. Moreover, given the recognition - even by the state - that race can no longer be used as an organising principle, such a system of metropolitan government must be based on participating local authorities reflecting spatial rather than racial representation.

The need for such investigation, discussion and negotiation is an urgent one; for not only are existing needs for service rationalisation and upgrading acute, but legislation providing for a JSB is already in the pipeline and, once enacted, will constitute a fait accompli more difficult to modify.

**APPENDIX:  
SCHEDULE OF INTERVIEWS**

- 1 Retired senior Municipal official: 22.5.89 in Durban.
- 2 Retired senior NPA official: 23.5.89 in Durban.
- 3 Senior NPA official: 26.5.89 in Pietermaritzburg.
- 4 Official, white local authority: 20.11.89 in Durban.
- 5 Official, white local authority: 20.11.89 in Durban.
- 6 Official, white local authority: 21.11.89 in Durban
- 7 Official, white local authority: 21.11.89 in Durban.
- 8 1st representative of the business community: 22.11.89 in Durban.
- 9 2nd representative of the business community: 22.11.89 in Durban.
- 10 Councillor, white local authority: 23.11.89 in Durban.
- 11 Official, white local authority: 27.11.89 in Durban.
- 12 Official, white local authority: 27.11.89 in Durban.
- 13 Councillor, white local authority: 28.11.89 in Durban.
- 14 Official, black local authority: 29.11.89 in Durban.
- 15 Councillor, white local authority: 29.11.89 in Durban.
- 16 Official, black local authority: 30.11.89 in Durban.
- 17 Official, Indian local authority 1.12.89 in Durban.
- 18 Official, KwaZulu authority: 4.12.89 in Durban.
- 19 Councillor, local affairs committee: 6.12.89 in Durban.
- 20 Councillor, white local authority: 6.12.89 in Durban.
- 21 Councillor, local affairs committee: 7.12.89 in Durban.
- 22 Official, black local authority: 8.12.89 in Durban.
- 23 Councillor, white local authority: 13.12.89 in Durban.
- 24 Retired official, indial local authority: 18.1.90 in Northern Durban.
- 25 Councillor, black local authority: 19.1.90 in Durban.
- 26 Representative from an extra-parliamentary group: 20/1.90 in Durban.
- 27 Representative from extra-parliamentary group: 22.1.90 in Durban.
- 28 Councillor, local affairs committee: 23.1.90 in Durban.

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