

## ESTABLISHMENT AND DEVELOPMENT OF A METROPOLITAN MUNICIPALITY IN DURBAN, SOUTH AFRICA: AN HISTORICAL EVALUATION POST SOUTH AFRICAN DEMOCRACY

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### Abstract

South Africa had a poor history of municipal government during the *apartheid* era. Towards the end of that era, during the early 1990s, municipalities were on the brink of collapse (Reddy 1999, 201). There were a variety of municipal structures all designed to suit *apartheid* ends. Many communities did not have any form of municipal government and thereby lacked basic service provision such as water, electricity, sanitation, refuse removal and housing. This paper therefore looks at the establishment and development of a metropolitan municipality (local government), in the Greater Durban Functional Region of the Republic of South Africa, post democracy in 1994. In so doing the authors look at the entire process from the transitional arrangements to the final unicity formation within democratic South Africa. It is hoped that this paper will shed some light on the establishment and development of a metropolitan municipality in democratic South Africa, trace aspects of past history in relationship to the concept of municipalities during the apartheid era of the country and, delineate succinctly and cogently aspects for the necessity of the establishment and development of metropolitan local government in democratic South Africa.

**Key Words:** Establishment, Development, Metropolitan, Municipality, Apartheid, Service Provision, Transitional, Democratic, Demarcation, Challenges, Integrated Development Plan

### 1. INTRODUCTION

The new unicity council has been established to serve a large population in both the developed and underdeveloped regions, spanning some 2297 square kilometres (eThekweni Municipality - Integrated Development Plan 2003-2007, 2003, 1). Thus the demarcation process, its people, the economy and challenges of this municipality are described, in order to place the study in its rightful context for a better understanding of a metropolitan municipality within the confines of a democratic state. In essence, the paper places in perspective some of these important issues and variables and, therefore, discusses the establishment, transformation, the product of the transformation in its various dimensions and its developments to date. In order to gauge whether the unicity type form,

structure and geographical size is suitable for municipal service delivery in Durban. Some general trends in municipal government are provided towards the end of the paper, as a prelude to the analysis of service delivery in general.

## **2. ESTABLISHMENT OF THE GREATER DURBAN METROPOLITAN NEGOTIATING FORUM**

Utilising the old Durban City Council as a hub, stakeholders in the Greater Durban Functional Region (an area much larger in geographical size than the old City of Durban), established the Greater Durban Metropolitan Negotiating Forum in terms of the Local Government Transition Act 209 of 1993. The said Forum was established in 1994 and its region stretched from just north of the Tongaat boundary in the North to Umkomaas in the South to Cato Ridge in the West (Greater Durban Metropolitan Negotiating Forum 1994, 1). In the beginning it was difficult for leaders in the outlying areas to decide whether their areas should be incorporated into the Durban metropolitan region. This prompted the establishment of a convening committee of the Forum which met on several occasions and prepared a draft constitution setting out the objectives of the Forum (Greater Durban Metropolitan Negotiating Forum 1994a, 1). Some of these objectives were to negotiate, *inter alia*, the area, boundaries, powers and duties of the Forum (Local Government Transition Act 209 of 1993). Numerous other matters were covered in the draft constitution which included, *inter alia*, the name of the forum, its function, membership and composition. The founding meeting of the Greater Durban Metropolitan Negotiating Forum was held on 21<sup>st</sup> July 1994 at the Durban City Hall thus giving birth to the Forum (Greater Durban Metropolitan negotiating Forum, 1994). Minister, P. M. Miller, acting in terms of section 6 of the Local Government Transition Act, formally recognized the Durban Metropolitan Negotiating Forum on 22<sup>nd</sup> August 1994 (Durban Metropolitan Council, 1994).

The said Forum, comprising of diverse groups of people, then negotiated and settled on various issues giving birth to a transitional metropolitan council and four transitional substructure councils as the Greater Durban Functional Region entered into the “pre-interim” phase of its transformation.

## **3. THE ESTABLISHMENT AND DEVELOPMENT OF A METROPOLITAN MUNICIPALITY IN DURBAN: THE ‘PRE-INTERIM PHASE’<sup>1</sup>**

The establishment of the transitional councils was the first step to abolish the *apartheid* municipalities (Reddy 1996, 59). Thus the statutory provisions in the Local Government Transition Act 209 of 1993 set out to abolish *apartheid* municipalities. From a fragmented system of municipal government that saw ‘first world’ and ‘third world’ municipalities side by side under *apartheid* rule to a large two tier metropolis, was quite a change for all role players in the Greater Durban Functional Region (see Annexure A on PLAN INFORMATION in Provincial Proclamation LG123, 31<sup>st</sup> May 1995). Arising from legislative mechanisms, it paved the way for a major transformation of municipalities in South Africa. However, it must be appreciated that the paper confines itself, to the transformation within the Durban Functional Region only. This may be interpreted by some as a narrow approach, but seek solace in the fact that, it is a necessary start to understanding a complex scenario within the confines of a new democratic, South African local government order and, thus relieving itself from former *apartheid* structures, that worked in the interest of the minority White population only. For the first time, metropolitan government was introduced in this region. It commenced, in the “pre-interim” phase, with a two tier structure, comprising a transitional

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<sup>1</sup> See Section 2.4.3 in Chapter Two on ‘The Local Government Transition Act 209 of 1993 paved the pre-interim phase of transformation...

metropolitan council and four associated transitional substructure councils. Both the metropolitan council and its substructure councils shared powers and functions.

### **3.1 Durban metropolitan area - incorporation of municipalities**

Some forty-eight municipalities have been merged within the Durban Metropolitan area to establish the Durban Transitional Metropolitan Council and associated substructure councils (see Schedule 1 in Provincial Proclamation LG123, 31<sup>st</sup> May 1995). Durban lies along the Indian Ocean rim and is on the east coast in the province of KwaZulu-Natal which is the largest province in terms of population within the Republic of South Africa. It is therefore a significant province in terms of influencing and determining the direction of politics within all spheres of government, be it national, provincial or local within the country. The former City of Durban is the hub of the metropolitan region. It is a thriving seaport and is the economic centre of the province (eThekweni Municipality - Integrated Development Plan 2003-2007, 2003, 1). All around the former City of Durban were numerous medium to small municipalities. Pinetown, Amanzimtoti and Umhlanga Rocks were some of the medium-sized municipalities while Yellowwood Park, Mt Edgecombe and Hambanathi were areas that had fairly small municipalities (See Schedule 1 in Provincial Proclamation LG123, 31<sup>st</sup> May 1995). The Greater Durban Functional Region grew to what it was during the *apartheid* era in a peculiar fashion. Development only took place north and south along the coast and, westwards along the national freeway, that is, from the city centre along the N3 up to Pinetown. This 'T' type development was purposefully articulated by the *apartheid* government. There was very little development outside this 'T', where the vast majority of the people lived as depicted in orange on Annexure 1. These people had no urban amenities while elite residential development was provided for the minority White population within the 'T'. Those areas that fell within the 'T' were essentially White areas; Kwa-Mashu, Umlazi, Ntuzuma and a portion of Inanda, all former Black municipalities, fell just outside the developed 'T' precinct (eThekweni Municipality - Integrated Development Plan 2003-2007, 2003, 1-2). The Black masses worked and spent their money in the former White areas and thereby contributed to the economy of those developed White areas.

These inequalities are clearly visible on the map<sup>2</sup> taken from a report on the profile of Durban (Durban Metropolitan Council 1999, 9). All planning initiatives or lack of them in some instances were articulated to suit the previous government's policy of separate development. Employment opportunities in the main existed in the Durban central and Pinetown regions. Poor planning resulted in a mismatch between where people lived and where they worked. People lived at some distance from where they worked and therefore had to commute long distances daily. People were scattered in a disorganized way outside the developed portion of Durban with hardly any facilities and, therefore, an efficient and affordable transport system was difficult to provide. (Annexure 2 depicts the inefficient city structure (Durban Metropolitan area, 1999, 10). *Apartheid* style development in and around Durban rendered it virtually impossible to manage and plan for natural growth and urbanization resulting in a distorted growth pattern. High population densities prevailed in the areas most poorly serviced with infrastructure. Furthermore, the natural resources that fell just outside the aforementioned "T" precinct of Durban were not included in any planning initiative to be utilized to optimal levels in the best interest of the wider community. Without proper planning, these resources were slowly disintegrating. Annexure 1 also depicts the myriad of informal settlements among the natural resources void of any planning in the past that would have ensured its sustainability (Durban Metropolitan Area, 1999, 9).

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<sup>2</sup> See *Map 1 - THE eTHEKWINI METROPOLITAN UNICITY BOUNDARY*'.

#### **4. THE TRANSITIONAL COUNCILS<sup>3</sup>**

A transitional metropolitan council and four transitional sub-structure councils were established for the Durban area on 29<sup>th</sup> May 1995 by the then Minister of Local Government and Housing (Provincial Proclamation No.LG123, 1995). This move simultaneously brought about the demise of all *apartheid* structures (Provincial Proclamation No.LG123, 1995, schedule 2). The Durban Metropolitan Transitional Council and four associated sub-structure councils were established. This was the first time a metropolitan municipality was established in this province *albeit* a transitional one. The said council was fairly large by South African standards, having a total of 150 seats. Both the statutory and non-statutory components had 75 seats each. The statutory members were made up of representatives that did participate in formal municipal structures during *apartheid* rule, while the representatives on the non-statutory component side came from various interest groups, including certain political parties that did not participate in municipal structures of the *apartheid* government (Provincial Proclamation LG123, 31<sup>st</sup> May 1995).

##### **4.1 Special features of the transitional councils during the ‘pre – interim phase’**

It is worth mentioning some of the special features of these new structures because for the stakeholders that were impacted on, these were dramatic changes from what they experienced in the past. Such changes were the following:

- The councils were multi-racial;
- The statutory and non-statutory components shared power equally;
- Councillors were nominated;
- The council sizes in terms of number were fairly large;
- Each of those councils had large areas of jurisdiction;
- There was a two tier structure in municipal government; and
- Each sub-structure council had representatives (councillors) serving on the transitional metropolitan Council (Provincial Proclamation LG123, 31<sup>st</sup> May 1995).

Like most municipalities in the country, each transitional council in Durban faced huge challenges having inherited the remnants of *apartheid* styled areas within the same municipal boundary (Ministry of Provincial Affairs and Constitutional Development 1997, 17). Essentially the status of development of land fell into the following three categories:

- Fully-developed and with some areas having good infrastructure and some areas the infrastructure was at best satisfactory;
- Partially-developed with the provision of infrastructure ranging from minimal to zero; and

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<sup>3</sup> For further reading on ‘The Transitional Councils’ see, David 1999, 113-146.

- Undeveloped land with infrastructure ranging from owner developed infrastructure (poor community developed roads, drainage etc.) to zero infrastructure (eThekweni Municipality: Integrated Development Plan 2003- 2007, 2003, 1-2).

Each of these transitional councils had large and small human settlements on them and therefore faced huge challenges for development against rather limited resources.

The proclamation that established these transitional councils took care of the political dimensions of these municipalities and then left it up to the political component to deal with the administrative rationalisation of these newly established municipalities. The vehicle to achieve this objective was a “Change Management Committee”, which was tasked with “agreeing upon a process of administrative rationalisation” (Provincial Proclamation LG123 dated 31<sup>st</sup> May 1995). The Change Management Committee comprised 16 councillors, of whom 8 were from the Durban Transitional Metropolitan Council and 2 from each of the Transitional Metropolitan Sub-structure Councils. The issues at stake were the transfer of staff, assets, liabilities, obligations, and rights from or to the Durban Transitional Metropolitan Council and the Transitional Metropolitan Sub-structure Councils (Provincial Proclamation LG123 dated 31<sup>st</sup> May 1995).

The life of these transitional councils was just 1 year, having been established via Provincial Proclamation LG123 on 31 May 1995 and disestablished via Provincial Proclamation No 32 of 1996 with effect from 29 May 1996, to pave the way for the next phase, that is, the ‘interim phase’ of transformation.

#### **4.2 Administrative rationalisation**

Most government institutions operate at two levels, namely, the political level and the administrative level. It must also be clear that one cannot function without the other in any government institution the world over. The massive transformation described above was essentially to reconstruct, *inter alia*, the political component (the Councils) of municipalities in South Africa. The other half of municipal government, the administrations, still required transformation and development in order to achieve the full benefits of fully representative municipalities within a democratic environment. If efficiency, effectiveness and economy were to be achieved in municipal government, then the newly established councils were hard pressed to transform and develop their administrations (eThekweni Municipality - Integrated Development Plan 2003-2007, 2003: 33).

In general, each of the former municipalities had, *inter alia*, the following within their areas of jurisdiction:

- A staff complement with departments, sections and sub-sections thereof;
- A staff ‘organogram’ peculiar to its institution;
- Service conditions and benefits for staff;
- Assets and liabilities;
- Financial records, including electronic records;
- A valuation roll;

- filing systems with current and old records;
- By-laws;
- Tariff of charges;
- Financial and other regulations;
- Town Planning Schemes; and
- Various other policies, standing orders and resolutions (Schedule 2 – General Provisions: Provincial Proclamation LG123, 31<sup>st</sup> May 1995).

Rationalising from 48 municipalities to a transitional metropolitan council and four transitional substructure councils was indeed a tall order<sup>4</sup>.

### **5 ESTABLISHMENT OF THE METROPOLITAN COUNCIL AND RELATED LOCAL COUNCILS IN DURBAN: THE ‘INTERIM PHASE’<sup>5</sup>**

The ‘interim phase’ of transformation of municipalities was also provided for in the Local Government Transition Act. It included that period commencing on the day after elections were held for councils during the ‘interim phase’ and ending with the implementation of final arrangements to be enacted by a competent legislative authority (Local Government Transition Act 209 of 1993).

The scene was set and the first democratically held local government elections (did take place) in the province of KwaZulu-Natal. Such elections were provided for in Section 9 of the Local Government Transition Act 209 of 1993. The relevant proclamations were issued to cater for, *inter alia*, the disestablishment of certain transitional councils, that is, councils during the “pre-interim” phase, the demarcation of council boundaries and the establishment of councils to be elected (Provincial Proclamations 38 dated 1<sup>st</sup> March 1996 and 80 dated 25<sup>th</sup> June 1996).

Proclamation No 38 (dated 1<sup>st</sup> March 1996) dealt with, *inter alia*, the dissolution of the four transitional substructure councils and replaced them with six new substructures. The Durban Transitional Metropolitan Council was not disestablished; just the terms of office of its member were terminated (Provincial Proclamation 38 dated 1<sup>st</sup> March 1996, clause 1, schedule 2). It must be noted that the outer boundaries of the metropolitan region did not change and that the Western and Central Sub-structures were split in two each to create two additional sub-structures (Provincial Proclamation 80 dated 25<sup>th</sup> June 1996).

At this stage of the transition, that is, just prior to the elections many of the role-players in local government felt that the use of the words “sub-structure council” should be replaced by the words “local council” because the word “sub-structure” refers to a council under another council and would therefore be regarded as an inferior body. It is important therefore, in terms of a paper trail of the transformation, to read both the aforementioned Proclamations 38 and 80 of 1996 together. The purpose of proclamation 38 of 1996 was twofold:

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<sup>4</sup> See David 1999, 125-126 for a similar administrative rationalisation exercise at the North Local Council during its transformation.

<sup>5</sup>For more detailed information on the councils established during the ‘interim phase’ of transformation see David 1999, 119 – 125.

- To disestablish the four transitional sub-structure councils and simultaneously establish six sub-structure councils<sup>6</sup>, and
- To determine the powers and functions of Durban Metropolitan Council.

Proclamation 80 of 1996 (dated 25<sup>th</sup> June) reaffirmed the status of the Durban Metropolitan Council and gave birth to the associated local councils at the dawn of the envisaged ‘interim phase’ in the transformation process. Elections for these councils were held on 26<sup>th</sup> June 1996 and these members took office soon thereafter (David 1999, 120).

It must be mentioned that while the move to replace the transitional councils<sup>7</sup> with elected councils<sup>8</sup> again dealing with the transformation of the political component of municipalities, the administrative rationalisation which commenced during the ‘pre-interim phase’ had to somehow fit into the political restructuring process. These councils are briefly described hereunder.

### **5.1 The Durban Metropolitan Council and associated local councils**

A metropolitan council and six associated local councils were established in the interim phase of transformation (Provincial Proclamation 80 dated 25<sup>th</sup> June 1996). These councils were the Durban Metropolitan Council, the North Central Local Council, the South Central Local Council, the Inner-West Local Council, the Outer-West Local Council, the North Local Council, and the South Local Council.

## **6 FURTHER RATIONALISATION – THE ‘INTERIM PHASE’ IN DURBAN**

Once again the Council in Durban had to grapple with transformation having just come through changes during the ‘pre-interim phase’ (Provincial Proclamation 80 dated 25<sup>th</sup> June 1996).

### **6.1 The staff**

The rationalisation of staff barely started in the “pre-interim” phase when that phase was over in favour of the “interim” phase. Staff found themselves in limbo with regard to their positions (Mkhwanazi, interview, 11<sup>th</sup> June 2009).

Each of the Schedules from 3 to 8 in Proclamation 80 dated 25<sup>th</sup> June 1996 dealt with staffing arrangements.

### **6.2 Assets and liabilities**

The founding proclamation made provision for the transfer of assets and liabilities from the old structures to the newly established transitional councils (Provincial Proclamation No. LG123, 1995). With the establishment of the Metropolitan Council and associated local councils in the ‘interim phase’ the assets and liabilities were again transferred from the transitional councils to the once again newly established Metropolitan Council and associated local councils (Provincial

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<sup>6</sup> The words “sub-structure councils” were replaced by the words “local councils” in a latter provincial proclamation (see Proclamation No. 80 of 1996).

<sup>7</sup> All members were appointed by the MEC for Local Government during the “pre-interim” phase of transformation.

<sup>8</sup> The first elections held for local government in a post-*apartheid* South Africa to enter the ‘interim phase’ of transformation.

Proclamation No.80 dated 25<sup>th</sup> June 1996). The result was that the new councils were empowered to utilise assets under its control over a wider area, even if these assets did not originate from the areas they end up being used in. At this point the redistribution of resources from rich areas to poorer ones became a reality. The areas over which resources were spread were so large that the effectiveness of this plan must be questioned.

All these councils inherited the liabilities of the former councils, which meant that the burden placed on these new municipal structures, were enormous, having to cope with limited assets and at the same time be burdened with liabilities.

### **6.3 Financial records including electronic records**

Each municipality from the *apartheid* era had its own set of financial records and bank accounts. This situation prevailed throughout the 'pre-interim phase' which proved to be most inconvenient especially for the Treasurers of these councils. Rationalising these records required high level capacity which was in short supply, especially for the smaller councils (Panday in David 1999, 141).

There were several issues to consider in rationalising the financial records, the key issues being the following:

- acquire a single main frame computer that had the capacity to compute and sustain the financial and other related records;
- prepare a common valuation roll; and
- institute a single rate index or a process to move toward a single rate index.

Other issues such as rationalising the bank accounts, creditors, purchase orders, debt collections, ledger systems and so forth, would then start to fall into place (Panday in David 1999, 141-142).

### **6.4 Valuation roll**

Each of the former municipalities had their own rate base from which the bulk of their income was derived. This was a material issue for all role-players to grapple with during the peak of the transformation as it impacted on the amount of rates property owners had to pay. By way of example, the Tongaat area is a dormitory town in which most of its residential housing schemes are low-valued government subsidised dwelling units. There are few high-valued properties mainly in the beach area (Panday in David 1999, 142). Its rate graph for residential properties was therefore distorted because the rate burden was shouldered by a few high-valued property owners. On the other hand, Umhlanga is an upmarket town and most of the properties are of high value. The average residential property in Tongaat was about R50000-00 whereas in Umhlanga Rocks, no property was below R200000-00 in value (Panday in David 1999, 142). Therefore, the rate burden in Umhlanga was more evenly spread than in Tongaat. This meant that properties of equal value in both Tongaat and Umhlanga attracted vastly different rates, the property in Tongaat being more heavily burdened with such rates.

A further dimension was that each of these former municipalities used different methods of rating. Some rated land only while others rated land and buildings. Some municipalities offered rebates on residential land while others did not. Some municipalities penalised property owners whose land was

not developed while others did not. The point made here is merely the complexity of a rather sensitive issue of property rates (Panday 2009, interview, 20<sup>th</sup> July 2009).

During the 'pre-interim phase,' preparations were made by each of the sub-councils in the Durban region for a common valuation roll to be produced in respect of its area of jurisdiction. This was a critical shift in the transformation process whereby rich and poor areas literally became a part of the same rate base. This meant the equalisation of property rates and this happened during the 'interim phase' of transformation in which each of the local councils instituted a common rate base from a single valuation roll for their municipal area (Panday 2009, interview, 20<sup>th</sup> July 2009).

This issue was widely published in both the national and local newspapers where large increases were levied over two financial years. Newspaper captions like "**Shock rates increase**" (Sunday Times, 27<sup>th</sup> July 1997) and, "**Big rates increase announced**" (The Natal Mercury, 13<sup>th</sup> November 1996) were the order of the day.

### **6.5 Filing system with current and old records**

In all institutions record keeping is an important function since it is documented information of all their activities. All institutions must be able to store and retrieve information at will. Municipalities are governed by the National Archives and Record Service of South Africa Act 43 of 1996, in terms of which a municipality must have a records plan and a filing system (Moyo, interviewed on 10<sup>th</sup> September 2009).

During the transformation, municipalities had to prepare these plans, get them approved and then synchronise their systems (Moyo, interviewed on 10<sup>th</sup> September 2009).

### **6.6 By-laws**

The provincial proclamation that gave life to the pre-interim councils provided that the by-laws of the former councils could continue to be in force until replaced by the interim councils (KwaZulu-Natal Provincial Proclamation LG 123 dated 31<sup>st</sup> May 1995). A similar provision was provided for in the 'interim phase' in order to keep these councils functional (KwaZulu-Natal Provincial Proclamation No. 80 dated 25<sup>th</sup> June 1996). The effect was that all these Councils had by-laws that were area-specific which were inherited from the *apartheid* municipalities. There was pressure on each of these newly established councils to prepare and implement a common set of bylaws throughout their areas of jurisdiction (Paley interviewed on 23<sup>rd</sup> May 2008).

### **6.7 Tariffs of charges**

The tariff of charges for services and levies were taxed differently by each of the dissolved municipalities. For example, the erstwhile Borough of Verulam levied R830.00 for a burial while the erstwhile Tongaat Town Board levied just R430.00 for a burial. These differing charges had to be rationalised into a common set of tariffs for each of the council's area of jurisdiction. The North Local Council successfully completed this exercise after much consultation on 1<sup>st</sup> October 1998 (Panday in David 1999, 145-146).

### **6.8 Town planning schemes**

The Town Planning Schemes from the *apartheid* municipalities were carried into the new pre-interim and interim structures in order to ensure continuous service delivery during the transformation (Pillay, interview, dated 4<sup>th</sup> June 2009).

## **7 DURBAN-IN-TRANSITION IN THE NATIONAL SOCIO-ECONOMIC CONTEXT**

Durban is regarded as the second largest metropolitan region in the country with an estimated population of some 2.2 million people during 1995<sup>9</sup>. It had the highest proportion of “African/Black” residents when compared to other metropolitan areas in the country, “and it is also the metropolitan area with the highest proportion of residents living in informal settlements” (ref). It is therefore deemed to be the neediest of all South Africa metropolitan areas in developmental terms (McCarthy 1998, 18).

Surprisingly, Durban has the healthiest metropolitan/local government finances in the country. Its rate of economic and employment increased by approximately 30% between 1985 and 1991. The value of buildings completed in Durban during 1997 amounted to R1.42b (McCarthy 1998, 18).

Durban is strategically located on the east coast of South Africa and has a large seaport through which most of South Africa’s imports and exports pass. Most goods passing through the port of Durban has its origin or destination in Gauteng. Durban has a complex metropolitan economy with just over a quarter of the local jobs being derived from manufacturing, while commerce and finance provide another quarter of the jobs. Many of the firms in Durban are branch plants or offices of companies in Gauteng, which further underscores the extent of Durban’s integration into the national economy. Durban’s success as one of South Africa’s leading metropolises is therefore critical to the economic well-being of the country as a whole (McCarthy 1998, 18).

## **8 GENERAL DIMENSIONS OF THE DURBAN METROPOLITAN REGION**

Approximately two thirds of the estimated 2.2 million people<sup>10</sup> of the Durban Metropolitan area lived in the North Central and South Central municipal areas and the remaining one third were from the other four local councils (McCarthy 1998, 18).

The population figures and dwelling conditions of residents in the region are provided in Table 1.

Table 1: Durban, population figures and dwelling

<b>Transition sub-structure</b>	<b>Total Population</b>	<b>% DMA Pop</b>	<b>Total Formal Dwelling</b>	<b>Total Informal</b>	<b>Total Peri Urban</b>	<b>Total Dwell.</b>	<b>% DMA Dwell</b>
North	121 8		109 6	9 8	2 3	281	
North Central	736 8		520 0	214 7	2 0	1737	
South Central	604 4		481 5	120 0	2 8	1412	
South	118 5		95 1	23 2		279	5
Inner West	305 8		196 5	107 9	1 4	716	14
Outer West	259 4		75 7	89 3	94 4	498	
<b>TOTALS</b>	<b>2 146 9</b>	<b>1</b>	<b>1478 6</b>	<b>565 1</b>	<b>1031</b>	<b>4920</b>	<b>1</b>

Source: Durban Metropolitan Council, Urban Strategy Department 1995.

According to McCarthy (1998, 19), the metropolitan and sub-structure boundaries were the result of both technical and political considerations.

<sup>9</sup> The latest known population is estimated at just over 3.5 million people (eThekweni Municipality 2008, 101).

<sup>10</sup> The population figure quoted is the 1995 statistics and refers to the population of the metropolitan area during that period.

Durban is noted as being financially the strongest of all the metropolitan authorities in the country. This is due to the sound financial management and investment strategy of the former City of Durban which had historically built up investments and reserves. The per capita rate of income in Durban during 1995 was approximately R2100 pa on average, which is comparable to most other cities and metropolitan councils in South Africa. For example, the equivalent figure in Pretoria is around R2200 pa<sup>11</sup> McCarthy (1998, 19). The Durban region has a relatively good commercial and industrial rates base and a profitable electricity service which is used to offset shortfalls in rates income from its residential rate base. About a third of Durban's population live in either "informal" settlements or the traditional hut-type dwelling (McCarthy 1998, 19).

## **9 TOWARDS A METROPOLITAN UNICITY IN DURBAN**

From a small town with no more than 15 settlers in 1835 to a major *metropolis* with some 3.7 million people in 2000, Durban has grown in stature and importance as one of South Africa's leading cities (Machen 2007, 26). A striking feature is growth in geographical size. In purely legal terms, the Minister issued a proclamation and a municipality was established (KwaZulu-Natal Provincial Proclamation No. 5562 dated 19<sup>th</sup> September 2000). On the ground, however, existing municipal structures had to collapse into a single structure and then be stretched over the entire newly demarcated area, much of which is rural. This required developing a new municipal institution that is capable of facing enormous challenges which include, *inter alia*, the maintenance of existing services and infrastructure and extending such services and infrastructure into new areas in a sustainable manner. In addition to this, the municipality has developmental duties and government programs that the *apartheid* municipalities did not have.

All cities around the world go through periodic transformation, which takes time. Prior to 1994, Durban was no exception. It received its first sewerage system, hardened roads and water reticulation in 1900 (Machen 2007, 26). Cities around the world take time to evolve as pressures on its resources increases. The old adage that, 'Rome wasn't built in a day' is in support of such incremental changes and development. There are several reasons for this type of gradual evolutionary change:

- Pressures on a city's resources grow gradually;
- a blue print, formula or master plan that guides how cities should be planned and developed, does not exist; and
- cities are large multi-dimensional institutions that influence the lives of all their citizens, so careful thought must be given to any envisaged transformation and developments which are often dictated to by each city's peculiar circumstances.

Notwithstanding the above, municipal governments in South Africa underwent three massive transformations as outlined in the Local Government Transition Act 209 of 1993. These phases were the 'pre-interim phase' in 1995, the 'interim phase' in 1996 and the 'final' phase in 2000. The transformation of municipal government in Durban over the three phases spanned some 6 to 7 years and culminated in a unicity over an area much larger than that originally recognised as the 'Greater Durban Functional Region' (KwaZulu-Natal Provincial Proclamation 5562, 2000). This region, which had 48 municipalities covering a portion of the area prior to 1995 (KwaZulu-Natal Provincial Proclamation LG 123 of 1995), moved towards a two tier metropolitan system of government in

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<sup>11</sup> The per capita income for the 2006/07 financial period was R4151.24 pa (Municipal IQ, 20 September 2009).

1996 (KwaZulu-Natal Provincial Proclamation 80 of 1996) and then in the year 2000, moved towards a single metropolitan unicity council. Taking the cue from Reddy (1996, 102), at this juncture three dimensions of municipal government and administration required serious introspection, namely, **political**; **service provision** and **financial**. These dimensions are fundamental to each of these newly established metropolitan governments efficiency, effectiveness and economy levels.

Along with the transformation of central and provincial governments at the birth of the new South Africa, municipalities were also required to undergo significant changes. This process which commenced in the early “nineteen nineties” and really gained momentum with the enactment of the Local Government Transition Act 209 of 1993 was not an easy task.

South Africa introduced metropolitan municipalities in 1995, having started with two tier structures, that is, a metropolitan council with supporting local councils, within a short space of time (7 years) moved into a unicity (single tier) type metropolitan government (Govender, 2009, interview, 5<sup>th</sup> August 2009). It would be interesting to analyse its make-up in terms of demarcation, economy, people and structures of this vast area. The development then, post-transformation, is important (Maistry, interview, 20<sup>th</sup> September 2009). Its success depends on how well it manages its resources to overcome the vast challenges before it.

The establishment of single-tier metropolitan municipalities in South Africa was inevitable since the ruling African National Congress prefers single-tier authorities, “as a means to, *inter alia*, redistribute resources and services, promote strategic land-use planning and facilitate economic and social development” (Cameron, 2005). Cameron (2005, 330) in reporting on a study undertaken by Wooldridge, states that the African National Congress was of the opinion that strong lower-tier structures prevented metropolitan government from enforcing metropolitan wide development and redistribution. It must be mentioned that a full range of metropolitan options was considered during the Green Paper exercise in 1997 but was eventually narrowed down to a choice between a ‘strong’ two tier system and a unicity (Wooldridge 2002, 133). According to Wooldridge (2002, 135), “there is no conclusive evidence at a cross-national level for the *a priori* efficiency of one model over another”. Two issues were considered during the debate regarding the choice of metropolitan model, namely **democracy** and **efficiency**. Supporters of the two tier model stressed the importance of efficiency and local democracy (Wooldridge 2002, 133). The ruling African National Congress negated these arguments and in the White Paper concluded, in respect of **democracy** that:

“Given the social geography of our major cities, it is likely that forums small enough to facilitate direct citizen participation will reflect existing racial divisions in the city. If these forums are independent municipal Councils, there is a danger that they will encourage race-based local politics” (Ministry of Provincial Affairs and Constitutional Development, Pretoria 1998, 63)

The sub-councils of the pre-interim phase and the local councils of the interim phase were not race-based. In fact these councils had a happy mix of race and rich and poor areas in them. In terms of addressing the concerns raised in respect of **efficiency** during the earlier mentioned debates, the ruling African National Congress recorded their response in the White Paper as follows:

“Maximum flexibility with respect to differing administrative arrangements between and within metropolitan areas is best achieved through empowering each Metropolitan Council to decide on the extent of administrative decentralisation required for each function” (Ministry of Provincial Affairs and Constitutional Development, 1998, 64).

While this intention is feasible, given the size of the newly demarcated area, backlogs, economy, poverty, illiteracy, massive rural terrain and other challenges, it will take a long time before acceptable levels of efficiency materialise.

The unicity is the preferred model to respond to acute inequities in South Africa through a single metropolitan tax base. The tax base itself is insufficient to meet to fund the backlogs inherited through the transformation (Wooldridge 2002, 136).

Arising out of these positions held by the ruling African National Congress the Minister of Traditional Affairs, Safety and Security and of Local Government in the Province of KwaZulu-Natal established the Durban Metropolitan Unicity Municipality by proclamation in the government gazette and simultaneously dissolved the previous municipalities (KwaZulu-Natal Provincial Proclamation 5562, 2000). The empowering legislation in this regard can be found in Sections 12, 14, 81 (4) and 91 of the Local Government: Municipal Structures Act 117 of 1998<sup>12</sup>.

Two interesting points must be made at this juncture:

- new legislation was used to establish the unicity, the Local Government: Municipal Structures Act 117 of 1998; and
- The form of metropolitan government changed from a two tier system established in 1995 to a single tier unicity council in 2000, thereby centralising power in a large geographical area with a massive, complex administrative structure and a 200 seat Council (KwaZulu-Natal Provincial Proclamation 5562, 2000).

The different categories and types of municipalities were described as provided for in the Local Government: Municipal Structures Act No. 117 of 1998. The Minister of Traditional Affairs, Safety and Security and of Local Government in the Province of KwaZulu-Natal, acting in terms of powers vested in him in the Municipal Structures Act 117 of 1998, declared eThekweni a municipal authority metropolitan municipality. Similarly the 'type' of municipality has been determined to be a "municipality with a collective executive system combined with a **Sub-council** participatory system" (KwaZulu-Natal Provincial Proclamation 5562, 2000, part 1). The scene was thus set for a unicity metropolitan authority to replace all previous forms of municipal governments in this vast area. In a fairly short space of time (six to seven years), this region changed from having one large city with forty-seven small to medium size villages and towns around it, to a two tier metropolitan structure and then into a unicity, meaning a single structure (KwaZulu-Natal Provincial Proclamation LG 123 of 1995).

### **9.1 The demarcation<sup>13</sup>**

A key approach used when demarcating municipal boundaries is the socio-geographic or settlement patterns approach in order to correlate these boundaries with their respective interdependent socio-economic areas (Smith, 1985; Bennett, 1989; Mabin, 1997 & Maligrana, 2004 in Cameron 2005, 331). The demarcation of municipalities was undertaken by the Municipal Demarcation Board, which was established in terms of the Local Government: Municipal Demarcation Act 27 of 1998. The Board had two distinct factors to consider in their approach of determining municipal boundaries:

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<sup>12</sup> See Section 2.5.2 in Chapter Two on the Municipal Structures Act 117 of 1998.

<sup>13</sup> See Section 2.5.1.5 – Objectives of demarcation in Chapter Two for the legal provisions in terms of the Local Government: Municipal Demarcation Act 27 of 1998.

- firstly, using commuting patterns to determine the interdependence of people, communities and economies, and
- Secondly, *apartheid* practices resulted in poor communities locating on the fringes of metropolitan areas with black townships at some distance from commercial and industrial activities (Cameron 2005, 331).

The Municipal Demarcation Board, influenced by the socio-geographical demarcation model and by what *apartheid* left on the ground, “attempted to draw coterminous political and economic boundaries” (Cameron 2005, 331). Many of these tribal areas in KwaZulu-Natal were under the control of the Inkatha Freedom Party but through the demarcation process were brought into the demarcated metropolitan region in Durban, which was predominantly controlled by the African National Congress. The result is a fairly large metropolitan municipality in Durban.

Bekink (2006, 146), considers municipal boundaries to have important political, financial and social effects because these “boundaries determine what each municipality is responsible for and the extent of such responsibility”. Boundaries determine the size and extent of settlements that must be served and in turn has important implications for the provision of services. In turn boundaries are critical for social and economic upliftment (Bekink 2006, 146).

While there are no guidelines on geographical size and population densities for the demarcation of municipal and metropolitan areas, benchmarks from other successful structures can at least be used as guidelines.

As can be seen in Table 2, the unicity has an area of 2297km<sup>2</sup>. Durban lies on the east coast of South Africa. Its eastern boundary is 98 kilometres long, from Umkomaas in the south to Tongaat in the north. The western boundary includes the Cato Ridge area. The Council area is divided into 100 wards (eThekweni Municipality: Integrated Development Plan 2003- 2007, 2003, 2).

Table 2 below depicts the vast changes in municipal government that occurred in the Greater Durban Functional Region within a short period of time<sup>14</sup>.

Table 2: Size Dimensions of the EThekweni Municipality

	<b>Unicity Boundary</b>	<b>Original Metro Boundary</b>	<b>Additional</b>	<b>Percentage Change</b>
<b>Geographical size</b>	2297 km <sup>2</sup>	1366 km <sup>2</sup>	931 km <sup>2</sup>	+68
<b>Population<sup>15</sup></b>	2790258	2519995	270263	+10
<b>Registered Voters</b>	1229540	1131767	97773	+8.6
<b>Number of Households</b>	645744	609356	36388	+6.0

EThekweni Municipality - Integrated Development Plan 2003-2007, 2003, 2)

<sup>14</sup> See Section 6.3 – Key Findings (3<sup>rd</sup> bullet point).

<sup>15</sup> Population figures are based on 1996 census.

It is interesting to note that while the geographical size of the metropolitan area increased by 68%, the population increased by 10% and the number of households increased by 6% (eThekweni Municipality - Integrated Development Plan 2003-2007, 2003, 2).

By simple division, using the figures provided in Table 3 above, this means that the population per square kilometre is as follows:

Unicity boundary	= 1214.74
Old metro boundary	= 1844.80
Just the additional rural area of the metro	= 290.29

(EThekweni Municipality - Integrated Development Plan 2003-2007, 2003, 2).

An interesting comparison will be to weigh up Durban's population densities with that of other metropolitan municipalities (see Tables 23 & 24 in Chapter Six).

Figure 1 below provides a graphic illustration of the eThekweni Metropolitan Unicity boundary. The area shaded yellow is more or less the old City of Durban's area of jurisdiction. It is a highly resourced area as reflected in this map. The areas shaded in red comprise the densely populated areas which were neglected during *apartheid* and currently in need of major infrastructural development and services. This area formed the greater Durban Functional Region. Almost all the settlements in this region are informal settlements, indicating a substantial lack of basic municipal services. The balance of the land, covering some 68% of the total area of jurisdiction of the eThekweni Municipality, is sparsely populated (the population density is 290 people per square kilometre) and mostly underdeveloped or undeveloped, with little or no municipal infrastructure and/or services (eThekweni Municipality - Integrated Development Plan 2003-2007, 2003, 2).

From Table 13 below, none of the foreign metropolitan areas surveyed has a population density of below 3200 people per square kilometre. In fact, as one moves away from the developed world to the developing world, population densities increase. Note from this table, that Lagos has a population density of some 7900 people per square kilometre. In striking contrast, South African metropolitan areas have far less population densities than do the rest of the world. Durban's population density is 1214 people per square kilometre. Apart from having a population density way below the world norm, what places extreme stress on Durban's resources is the fact that some 68 percent of its territory has a population density of only 290 people per square kilometre? This is contrary to the definition given in the White Paper of what constitutes 'metropolitan areas': metropolitan areas, *inter alia*, "are urban settlements with high population densities..." (Ministry of Provincial Affairs and Constitutional Development, 1998).

At this point it is necessary, especially within the context of this study, to state what is perhaps obvious: overkill on the boundary demarcation in Durban<sup>16</sup>. An ideal demarcation would have been the yellow and red shaded areas in Figure 2 or slightly beyond those areas. Even in this scenario Durban's population density will be less than 1900 people per square kilometre. The inclusion of such a vast area beyond the densely populated areas has placed extreme pressure on existing resources. Had the metropolitan boundary been limited to include the old City of Durban plus all the large settlement areas that surround the old Durban (in other words the Greater Durban Functional Region), it was forecast that Durban's housing backlog would have been cleared in fifteen years (by 1996), notwithstanding an exponential growth in population (Bernstein and McCarthy 1996, 15). Besides, these densely populated areas that surround the old Durban were only excluded from its

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<sup>16</sup> See Section 3.9.1 in Chapter Three for another dimension on boundary demarcation using comparative metropolitan sizes and property values.

boundary because of *apartheid*. According to Bekink (2006, 147), an incorrect boundary determination may prevent a municipality from fulfilling its constitutional obligations effectively.

The question is, “was there any compelling reason to include such a vast area into Durban’s boundary”? Within a democracy, people outside the boundary have the freedom to relocate within the boundary and *vice versa*. Metropolitan and city boundaries should follow development and not the other way around. Furthermore, boundaries do not dictate where development takes place but rather market forces and settlement patterns do. Can this new massive metropolitan government, with all its limitations and challenges, deliver municipal services in an efficient, effective and economical manner? One needs to bear in mind Kuhn’s (1962, 93) argument that, “political revolutions aim to change political institutions in ways that those institutions themselves prohibit”.

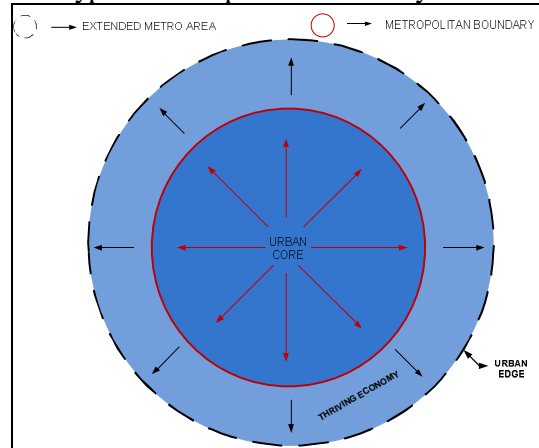
The idea of using commuter patterns is good; equally good is the need to share resources so that wider areas can develop. All of this, however, has to be done within reasonable limits. Any resource stretched too far will render that resource ineffective. In essence, what was required was to take each of the major cities in the country and extend their boundaries to include the settlements around them, so that resources could be shared and basic municipal services delivered to these settlements with reasonable efficiency and costs. The councils could then reap the rewards in rates and service charges as such areas contribute towards the economic make-up of these cities. The boundaries could be incrementally adjusted as developments warrant such adjustments. In terms of the rural areas, they ought to fall within the district and local municipal system and their financial support could be attained from the business sector and/or national and provincial governments depending on their circumstances. To place their huge development burden on newly established and under-resourced metropolitan governments reduces the ability of these structures to be efficient, effective and economical in the delivery of services even further. The large unicity in Durban with its limited resources and huge challenges is thus not the ideal vehicle for efficient, effective and economical service delivery of municipal services. It is much like trying to use a 40 foot horse and trailer as a taxi: it covers larger space but is totally ineffective and inefficient as a taxi. While it may carry more people than a taxi, all of them will not arrive safely. Many of them will fall off well before they reach their destination.

In both the *apartheid* system of municipal government and in the new dispensation, municipalities appear to be poorly structured for effective and efficient delivery of municipal services. Under the *apartheid* system massive settlements fell outside municipal boundaries. Under the new dispensation with the overextended boundary demarcation municipalities have to stretch limited resources way beyond its efficiency levels. Take for instance the refuse removal service: to collect refuse in the developed areas plus settlements areas of the city can be undertaken at a reasonable cost. Such cost gets progressively more expensive as resources have to traverse large underdeveloped parts of the city to reach into some of the much smaller settlements.



The population density of an area is usually a good indicator of the amount of economic activity that exists within a region. An analysis of Tables 3 and 4 above clearly indicates that Durban's new unicity boundary does not have the population density nor, by implication, the economy to make it wholly metropolitan in nature. For the entire region to be economically viable it would require vast amounts of development and/or outside assistance. Should Durban not receive such development and/or outside help, it will struggle economically, with disastrous consequences for all stakeholders in the city. In most metropolitan regions around the world, the metropolitan area stretches well over the metropolitan governments' area of jurisdiction. In the Durban scenario, the metropolitan area is well inside its area of jurisdiction. This is demonstrated in Figures 2 and 3 below:

Figure 2: A typical metropolitan boundary and metropolitan



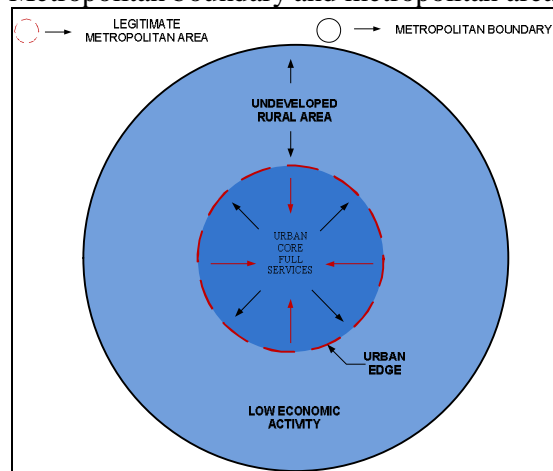
(A graphic illustration of jurisdictional change – adapted from the Stren & Cameron 2005, 276).

The point made in Figure 4 is that around the world, the norm is that "... jurisdictional change lags behind the growth of metropolitan areas" (Stren & Cameron 2005, 276).

Figure 3, with reference to South African metropolitan governments, demonstrate quite the opposite in that jurisdictional change preceded the growth of the demarcated metropolitan areas.

Metropolitan areas do require special consideration for reorganisation.

Figure 3: Metropolitan boundary and metropolitan area of Durban



(Graphic illustration of jurisdictional change – adapted from Stren & Cameron 2005, 276).

The ideological views taken by all the stakeholders involved in the transformation of municipalities in South Africa are noble and perhaps worth crystallising as follows:

- municipalities cover the whole territory of South Africa;
- the executive and legislative authority of a municipality is to be vested in its municipal council;
- a municipality has a right to govern the affairs of its community subject to legislation provided for in the Constitution; and
- The national and provincial spheres may not compromise or impede a municipality's ability to exercise its powers or perform its functions (Thornhill 2008, 495; see also Section 151 of the Constitution of the Republic of South Africa, 1996).

Municipal governments were restructured and replaced with an entirely new system. Thornhill (2008, 496) cites some of the significant distinctions between the old and new systems of municipal governments:

- municipalities cover the total geographical area of the country, not just the urban areas as was the case under *apartheid*;
- municipal councils are democratically elected and all citizens within a municipality, irrespective of race, are eligible to register and vote provided they are 18 years and older at the time of voting, which was not the case under *apartheid*;
- Communities have a constitutional right to be consulted on matters that affect them. The apartheid system of municipal government did not cater for public consultation; and
- The new municipalities provide a wide range of services over and above the basic services of water, electricity and refuse removal when compared to the *apartheid* municipalities they replaced.

The following guidelines were also presented in the White Paper on Local Government, 1998:

- Local governments must be developmental. This entails exercising its powers and functions in a manner that maximises their impact on social development and economic growth, aligning the roles of the members of the public and each sphere of government, and democratising development thereby involving the affected communities in development;
- Local government is a sphere of government in its own right and therefore not subordinate to the other spheres of government. Section 40 (1) of the Constitution provides that government is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated;
- There are metropolitan municipalities, district municipalities and local municipalities for the different areas of the country; and
- The new local government system has provisions for service delivery options such as contracting out, public-private partnerships and related mechanisms (Thornhill 2008, 497).

While all of these legislative provisions for municipalities are indeed sound, the question which arises, is why then are municipalities in South Africa failing?

## **9.2 The people**

The new demarcation brought in an amalgamation of racial and cultural diversity having African, Indian and European influences. The Black African Community makes up the largest sector, some 65% of the population. The second largest sector is the Asian community which make up 21% of the population. (EThekwini Municipality: Integrated Development Plan, 2003). One of the positives of this new found democracy in South Africa was to see the integration of the different peoples of the cities and towns ensuring that such a mix of talent and culture benefits society as a whole. *Apartheid* cities and towns were not a true reflection of the peoples who lived and worked in them as they were racially-based with ‘first world’ and ‘third world’ type developments alongside each other (see Figure 2).

## **9.3 Economic status of Durban**

During the early stages of the transformation of municipalities in South Africa, Durban was poised to be the flagship of metropolitan governments in South Africa. According to Bernstein and McCarthy (Business Day, 16<sup>th</sup> October 1996), Durban had everything going for it including the economy. It is usually some type of economic activity or the potential for such activity that attracts human settlements in a particular area. Human settlements are therefore found in places where man can either utilise the natural resources from the area, for example fishing, farming or mining or develop economic activity in an area, for example, the building of a chemical plant. The point is that economic activity (as we know it today) is necessary for man’s survival, growth and prosperity. Individuals’ growth and prosperity leads to towns and cities booming with economic activities much to the good of the whole community. Cities, especially the larger ones, are the drivers of the economy of a country. In this regard Durban is no exception. Durban is South Africa’s major port city and the second largest industrial hub following Johannesburg (eThekweni Municipality: Integrated Development Plan 2003, 1). The economy of each metropolitan area is vital to the success of these new metropolitan municipalities. Economic growth within a municipal area takes place when stakeholders, including the municipality, stimulate the economy, feeds off it and stimulates it again. The municipal area, however, must have a reasonable economic base with sufficient developmental potential for growth and prosperity to flourish. Table 4 below lists the 5 economic sectors with the highest growth rates in Durban:

Table 4: Growth per economic sector

<b>ECONOMIC SECTOR</b>	<b>AVERAGE ANNUAL GROWTH RATE FROM 1995 TO 2005%</b>
Information technology & telecommunications	10.1
Finance & insurance	8.3
Repairs and maintenance of motor vehicles	7.1
Road and water transport	5.3
Food, petroleum, chemical and other products	5.3

EThekweni Municipality: Integrated Development Plan, 2003

The city's per capita income is R34875 *per annum* which is significantly less than other emerging economies. This income has declined at a rate of 0.34% in the period between 1990 and 1999, resulting in deteriorating standards of living (eThekweni Municipality: Integrated Development Plan, 2007-8 Review, 104). Questions arise again. Can the economic base, found mainly in the urban areas of Durban, support the entire area of the municipality? Or is there potential to extend the existing economic base to make the entire new area economically sound? Will there be too little economic activity for the entire metropolitan area to prosper, resulting in a slowing down of service delivery and developmental local government? These are important questions when one looks at Durban's growth prosperity and ultimate success as a region in the medium- to long-term. During the local government campaigns in 2006, all political parties appear to believe that shortcomings in the delivery of basic household infrastructure were largely due to the incompetence of municipalities rather than economic realities (Makgetla 2007, 146). Political freedom must be coupled with economic well-being.

#### **9.4 The challenges facing the unicity**

A glance at the graphic illustration provided in Figure 3 and a closer look at Table 4 provide a fair illustration of the vast development challenges the new unicity metropolitan council in Durban faces. A large portion of the land, some 68 %, is rural (eThekweni Municipality: Integrated Development Plan 2003-2007: 2003, 2). However, 10% of the population live there and will require municipal services from the eThekweni Municipality. The land of this entire region falls into three distinct categories, namely, fully-developed land (high density), under-developed (high density in terms of human settlements but underdeveloped in terms of municipal infrastructure and services), and undeveloped land. In 2003, the following challenges were determined and documented in the eThekweni Municipality's integrated development plan for its entire area:

- creating economic growth;
- meeting the basic needs of a large population;
- dealing with poverty;
- providing skills and education to people (only 8% of the population has tertiary qualifications);
- managing the HIV/ AIDS pandemic;
- ensuring a safe environment; and
- creating a sustainable development path (eThekweni Municipality: Integrated Development Plan 2003, 7 - 9).

In 2009, the eThekweni Municipality documented the following challenges:

- “low economic growth and high rate of unemployment;
- access to basic household and community services are less than optimal;
- relatively high levels of poverty;

- low levels of literacy and skills development;
- sick and dying population affected by HIV/ AIDS;
- exposure to unacceptably high levels of crime and risk;
- many development practices still unsustainable; and
- ineffectiveness and inefficiency of inward-looking local government still prevalent in the Municipality” (eThekweni Municipality: Integrated Development Plan 2009, 6).

These challenges, though recorded in 2003, existed since the establishment of the unicity in 2000. What is interesting is that from 2000 to 2009, the challenges of the municipality remain more or less the same. While it is understandable that some challenges will not be overcome in the short term, the overextended demarcation and the inclusion of such a vast rural component into the metropolitan government did nothing to help the impact the municipality had on its challenges over the last 10 years of the unicity.

From Figure 2 it is fairly easy to see just how diverse this area is, in the sense of having formal developed areas alongside vast tracks of underdeveloped areas in need of many if not all municipal infrastructure and services. But in addition to this, vast segments of rural and sometimes even barren land exist in the metropolitan region of Durban. Such diversity, brought about by the *apartheid* regime’s style of ‘separate development’, is further amplified by the different needs of the various communities in Durban because of the different levels of development or lack thereof. It is interesting to see what the top five needs from the different segments of society in Durban were at the time the unicity was established, and Table 5 lists these services and facilities:

Table 5: Services required per category

Formal high income	Formal high income	Formal medium income	Formal, low income	Formal medium income	Formal low income	Additional low income
Police	Police	Police	Health	Using	Police	Police
Recreation	Health	Health	Education	Health	Health	Health
Recreation	Recreation	Education	Police	Recreation	Using	Libraries
Recreation	Education	Using	Using	Police	Police	Community halls
Health	Using	Using	Recreation	Recreation	Recreation	Police services

EThekweni Municipality: Integrated Development Plan, 2003

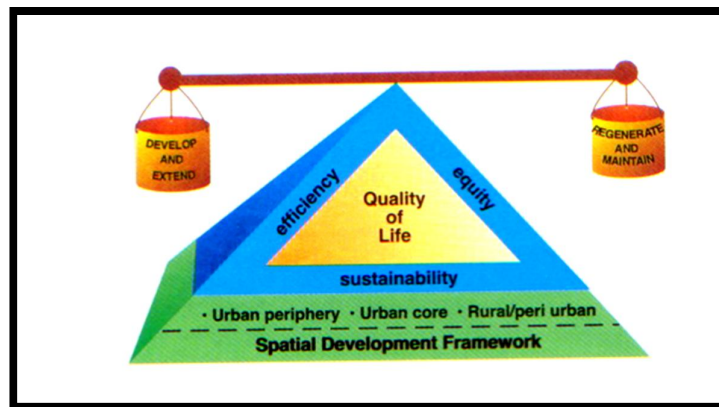
During the ‘interim’ and ‘pre-interim’ phases of municipal governments, certain resources were stretched over much larger areas. Towards the end of 2000, when the unicity was established certain well-developed, areas in Durban did experience a decline in service delivery. Hence for the ‘formal high services and high income’ areas policing, pavements and parks were priority services. It is also not surprising that the ‘informal low services’ category held as a priority, roads, housing and health. These areas had no such services during *apartheid* rule.

At that juncture, the city’s vision was as follows:

By 2020, eThekweni Municipality will enjoy the reputation of being Africa’s most caring and liveable city, where all citizens live in harmony. This vision will be achieved by growing its economy and meeting people’s needs so that all citizens enjoy a **high quality of life** with equal opportunities, in a city that they are truly proud of” (eThekweni Municipality - Integrated Development Plan 2003-2007, 2003, 10).

As can be seen from the vision, the focus was on a ‘high quality of life’. This is depicted in the centre of Figure 6 below:

Figure 6: EThekweni’s spatial development framework



(EThekweni Municipality - Integrated Development Plan 2003-2007, 2003)

The unicity had huge developmental challenges and at the same time it could not neglect existing infrastructure, much of which required regeneration and maintenance. In terms of the Council’s spatial development framework it decided to strike a balance so that neither of these challenges would be neglected. The three principles against which all activities hung were efficiency, equity and sustainability.

When institutions are established or transformed from one type to another with the intention of achieving certain objectives, careful thought must also be given to the size and form of these institutions in order to ensure that their objectives can be met in an efficient, effective and economical manner. These issues are the focus of this research project.

Metropolitan governments were designed and introduced in this country to redress the social injustices that occurred during the *apartheid* era and were perhaps not necessarily designed for efficiency, effectiveness and economy. This has been confirmed by the former Minister of Provincial Affairs and Local Government, Minister Sydney Mufamadi, who said: “The department’s

achievements in respect of local government reform should be assessed in a political context, as the process does not admit to assessments based on criteria of ‘technical rationality’ alone” (Mufamadi 2003, 15). This was in response to criticisms that municipalities are inefficient and ineffective. He went on to say that post-1994, the government’s main aim “was to redress the imbalances and inequalities of *apartheid*, and build an inclusive political system” and that “the majority had been denied access to democratic local government (Mufamadi 2003, 15). The truth of the matter is that democratic local government institutions did not exist anywhere in South Africa as all of them were *apartheid* based. According to Mufamadi (2003, 15), democratic local governments will provide people with “goods and services they need in order to survive”. But democratic local governments require leadership, adequate financial and other resources, skills, institutional arrangements and so forth in order to deliver municipal services efficiently, effectively and at affordable rates to the public. Bernstein (1998, 1) places the matter into its correct perspective when she says that the government “fails to grasp the nettle of hard choices about priorities and political balance”.

In the transformation of municipalities, two broad fundamental issues required attention. On the one hand, municipalities had to be transformed from *apartheid* to democracy and where necessary be extended to cover wider areas where people settled and/ or traversed. On the other hand, and *vis-à-vis* the democratisation of municipalities, they had to be designed for efficient, effective and economical service delivery. The balance in achieving both the above has been captured by constitutional expert Zac Yacoob<sup>18</sup> at a conference in municipal government. Yacoob (1997, 66) stated; “Now we are talking about an appropriate imaginative, careful balance. A balance between efficiency on the one hand and fairness on the other hand”. He went on to add, “Because a system philosophically which is over efficient at the expense of fairness becomes an improper system. A system which would become over efficient at the expense of honest conduct, at the expense of democracy, at the expense of development, at the expense of affirmative action, also becomes troublesome. On the other hand of course, a system based only on fairness, only on softness, only on affirmative action, without regard to efficiency at all, becomes as useless as the first” (Yacoob 1997, 66). Yacoob (1997, 66) then suggested, *inter alia*, “that the managerial challenge of today is to encompass the new society in all its forms and to ensure that efficiency is balanced by appropriate fairness” (Yacoob 1997, 66).

At the mentioned round table discussion, the Minister said that one of the positives is that 177 municipalities had finalised their integrated development plans (Mufamadi 2002, 15). Integrated development plans in themselves do not deliver goods and services. The success of the delivery of goods and services can only be measured against the actual delivery of such goods and services. In other words, the deliverables should be measured and not the means to deliver them.

The government of the day, in its pursuit to redistribute resources and services and fast-track economic and social development significantly extended the boundaries of major cities such as Durban (see Provincial Gazette, No 5562, 19<sup>th</sup> September 2000). This action by government resulted in fairly large municipalities which were under-resourced having to face huge challenges.

Simply stated, the transformation of municipalities was intended to introduce representative, non-racial and financially viable municipalities<sup>19</sup>. However, this was by no means a simple exercise. From the findings thus far, it is apparent that what the transforming authorities have done is taken what is essentially a complex reality and rather than clarify such a complexity, they simplified it and brought about distortions. In other words, they had a window on the world and then bent the world to

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<sup>18</sup> Advocate Zac Yacoob is currently (2009) a judge in the Constitutional Court of South Africa.

<sup>19</sup> In reality, while the representative and non-racial dimensions were realized, the financial aspect is still sadly lacking.

fit the window. Distortions were bound to be brought into the process. The flaw is basically in the methodology. What needs to be done is for actors in the municipal sphere to clearly understand, even if at a broad level, the key issues that comprise the municipal sphere of government. This research experience has shown that such issues, with the focus on metropolitan municipalities, include the following:

- legislative framework;
- role and purpose of municipalities;
- constraints municipalities face;
- expectations of municipalities;
- economic profile of target areas;
- thresholds on resources;
- existing and future backlogs;
- existing and future populations;
- characteristics of metropolitan municipalities;
- human resources; and
- organisational arrangements for effectiveness and efficiency.

The experience was that rich and poor areas, developed and underdeveloped areas and in many instances large tracts of undeveloped land, fell within the same municipal areas thereby creating huge challenges on seriously limited financial and human resources. Municipal boundaries were drawn for the interim phase and re-drawn for the final phase of transformation, each time substantially increasing the geographical size of Durban while marginally increasing its population. The argument that rich areas must subsidise poorer areas is a valid one but should not go beyond reasonable limits. For example, a bottle of juice concentrate can only be diluted so much before it loses its value. Likewise municipal resources to possess limitations on how far it can be stretched before it becomes too weak to be efficient, effective and even economical.

Furthermore, the entire transformation focussed on transforming the political structures of municipalities. The administrative staffs were merely allocated in each instance to newly established councils. The relevant proclamations recorded that staff must be treated in terms of prevailing labour laws (Provincial Proclamation No 80 of 1996). It became incumbent upon each Council to organise its staff as it deemed appropriate and necessary. By the end of 2000, all 22000 odd staff in Durban belonged to a single employer, the eThekweni Metropolitan Municipality Council. The effect of such a drastic change in the status of most employees can only be inferred at this stage. No appropriate social science statistics are available at this time. The point in terms of this research however is the effect such a change would have on the morale of the staff and the consequent effects on the transformation process *per se*.

Notwithstanding this serious shortcoming, very little if anything is said about organising the organisation, in other words, organisational development<sup>20</sup>. When the unicity in Durban was established in December 2000, it obtained a new constitutional mandate, was much larger than any previous municipality in the area and consisted of several of the old administrations all geared up to serve the old dispensation. It follows that such administrations cannot simply be amalgamated to operate as if nothing changed; “they need to be re-engineered” and this is best done at stages for the different levels (Craythorne 2003, 183). The challenges will not be overcome if one of the key actors in the process is not appropriately organised and structured. It would appear that the magnitude of organisational development (post-organisational transformation) has not really been understood. The Mayor of the eThekweni Municipality, Councillor Mlaba, addressing a conference on municipal government, admitted that “municipalities are not viable and have not moved from the establishment phase” (see Municipal IQ Briefing # 160 dated 2<sup>nd</sup> October 2009). Also a disturbing feature in the transformation of public bodies is often the neglect of their human resources. This vital component in the public arena is usually dealt with as an afterthought to other ambitions. Penceliah (1996, 113) holds the view that human resources ought to be both qualitatively and quantitatively adequate to ensure efficiency and cost-effectiveness of municipalities. Sound human resource management is, *inter alia*, key to ensuring the success of municipalities.

The transformation set up the metropolitan unicity council with massive challenges and attached the various administrations in it to serve it (see Provincial Gazette, No 5562, 19<sup>th</sup> September 2000). Administrative rationalisation has been forced upon the new council and it appears that there was no strategic plan to undertake this most important task. Furthermore, during any transformation program it is necessary to have an, “expert, skilful and dedicated workforce that can operationalize ideas” (Kroukamp 2001, 26). Council’s ability to meet its challenges hinges on how well its political and administrative components are organised for effective, efficient and economical delivery of municipal services (Maistry, interview, 20<sup>th</sup> September 2009). As this study progresses, this serious shortcoming will become more apparent<sup>21</sup>.

Both political and administrative components of municipalities are vital for its proper functioning. Each component must be structured in a manner that enables the municipality to function as a unified whole. The administrative component is indeed a vital resource and if not structured to dovetail with its political counterpart can impede cost effectiveness and efficiency in the delivery of municipal services (Maistry, interview, 20<sup>th</sup> September 2009). The key is interaction.

From the innumerable challenges municipalities faced over these last fourteen years of transformation, it became apparent to all stakeholders that the following four appear to be key:

- continue service delivery while making dramatic changes in terms of form, size and structure;
- dealing with resistance to change from many quarters including the public;
- meeting the expectations of all role-players; and
- Attempting to do more with much less resources than the municipalities it replaced.

In order to meet such daunting challenges, having come through a full political transformation and a partial administrative one, it is necessary to pay close attention to the structuring and transformation of the administrative component in order to achieve efficiency, effectiveness and economy in the

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<sup>20</sup> See Section 3.10.1 “Strategic plans plan planning in local government”, in Chapter Three.

<sup>21</sup> See for example Section 4.4.4 in Chapter Four on low staff morale.

delivery of municipal infrastructure and services. Each municipality as an institution must undergo significant intra (within itself) organisational transformation and organisational development. Over the last few years, the World Competitiveness Reports concluded that South African organisations do not place a high value on their human resources (Botha, 2000, 5).

Some of the problems in metropolitan municipalities include but are not limited to the following:

- Vast areas. For example Durban is some 2297 square kilometres in extent (eThekweni Municipality - Integrated Development Plan 2003-2007, 2003, 2);
- Large populations. In the case of Durban it has a population of approximately over 3.5 million (eThekweni Municipality: Integrated Development Plan 2010 and Beyond, 2008 101);
- Lack of adequate means of communications with all role players;
- Large staff complements. The eThekweni Council has in excess of 18000 permanent staff;
- Complex staff structures (see Figure 11 below);
- Wide spans of control (Section 3.11.6.2 staff structure below);
- Strong staff unions (Maistry, interview, 20<sup>th</sup> September 2009);
- Low staff morale further hampered by a prolonged transformation process. Two metropolitan Councils can be cited here as examples, Durban and Cape Town (see Section 4.4.4 'Low staff morale' in Chapter Four and Cameron 2005, 337 respectively);
- Large councils. The eThekweni Municipality has 200 members (KwaZulu-Natal Provincial Proclamation No. 5562 dated 19<sup>th</sup> September 2000);
- A large percentage of councillors are illiterate (Mbatha, The Mercury, 27<sup>th</sup> September 2008);
- Large rural areas in need of basic services (eThekweni Municipality: Integrated Development Plan 2003, 1);
- Many committees including ward committees to service and track information (see Section 3.11.6.1 'Council Committee Structure');
- Rapidly declining existing infrastructure due to a lack of maintenance (Pillay, interview, dated 4<sup>th</sup> June 2009);
- Huge backlogs in infrastructure and service extension (Ministry of Provincial Affairs and Constitutional Development 1997, 17);
- Fairly rigid legislative framework (see Section 4.4.10 in Chapter Four, 'Onerous legislation' for a further explanation on this statement);
- Unfunded mandates, for example library services (Pillay, interview, dated 4<sup>th</sup> June 2009);

- Limited financial and other resources (see Section 3.10.4 in respect of the ‘Challenges Facing the Unicity’); and
- High expectations (Pillay, interview, dated 4<sup>th</sup> June 2009).

It is postulated that the move to make metropolitan municipalities so large and cumbersome compromised efficiency and effectiveness on the one hand, and the economies of scale it hoped to achieve on the other. All things being equal, the hypothesis being formulated may take the following form:

- 1) a small institution = efficiency and effectiveness but is uneconomical;
- 2) a large institution = inefficiency and ineffectiveness but is economical;
- 3) a very large institution = inefficiency, ineffectiveness and is uneconomical.

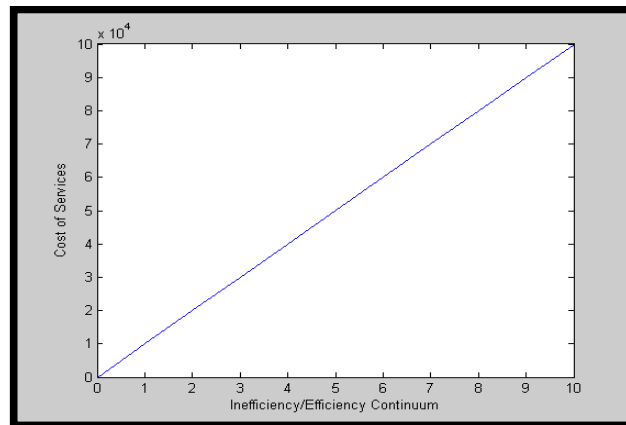
From the above it can be deduced that:

- 4) to improve the efficiency and effectiveness will move toward being less economical. In other words, the cost of services will increase.
- 5) as an institution moves toward being more economical (reducing costs), so will it reduce in efficiency and effectiveness; and
- 6) there are limits to spreading overheads (reducing costs) by increasing in size (becoming extremely large) because not only will efficiency and effectiveness be lost, but the economic delivery of services can be compromised where diseconomies of scale are likely to be achieved.

These statements are based on the assumption that all resources are optimally utilised in well-managed institutions. That being the case, one needs to strike a **balance** between being efficient and effective and at the same time being reasonably economical in the delivery of services. Careful thought must be given to the size of institutions. The private sector talks about ‘right sizing’ which needs to be explored in the public sector. There is evidence that suggests that in line with other systems, the city (Durban) has economies of scale but only up to a point (Baskin 1997, 122). Beyond this point, diseconomies of scale emerge. It is necessary before optimum size is determined to ascertain whether adequate resources are available to provide basic services. Baskin notes that Lagos is a city unable to provide the resources necessary to establish decent living conditions, resulting in an urban nightmare (Baskin 1997, 122).

The graph (Figure 7) below is a depiction of how, all things being equal, costs increase with efficiency and effectiveness. On the other hand, as costs decrease inefficiencies start to creep in.

Figure 4: Inefficiency/ efficiency continuum



(Source: Prepared by the researcher, 2009).

A further factor to be considered in institutional arrangements is centralisation and decentralisation or where feasible elements of both within the same institution. These arrangements can impact on efficiency, effectiveness and economy within which services are delivered. According to Botha (2000, 25), the ideal will be for an alignment of efficiency, effectiveness and economy in order to maximise results at minimum costs in order to coordinate individual energies and purposes with those of the system as a whole, the sub-systems of which they are parts, and the larger system of which their system is a part. Haynes (1980, 25) asserts that, “the fact that all of this points to alarmingly complex interactions is not considered sufficient reason for avoiding the issue of interdependence”. Systems theorists<sup>22</sup> believe it is pointless in hiding behind convenient or manageable fragments of problems or structures and argue that structures make sense of our fragmented and confusing pockets of knowledge so meticulously assembled to guide us along rational pathways (Haynes 1980, 25). These problems highlight the inefficient framework within which municipalities operate. Any attempt to be efficient within an inefficient framework only leads to further inefficiency. The cost effectiveness too becomes counterproductive.

According to Hanekom *et al* (1986, 87), the size of an institution determines its complexity. Metropolitan authorities in South Africa are large and extremely complex institutions. This situation is problematic, especially because these institutions face daunting challenges on the one hand and are under-resourced on the other hand. This study proposes to produce a model for metropolitan structuring to enable these authorities to achieve efficiency, effectiveness and economy in the delivery of municipal services.

The major thrust of this research is to ascertain whether metropolitan municipalities are efficient, effective and economical in the delivery of municipal services or are they struggling with efficiency and cost effectiveness due to the enormous demands they face against seriously limited financial and other resources. This study is also intended to provide an understanding of all the dimensions necessary for the establishment of sound, efficient, effective and economically viable metropolitan governments and thereby set some parameters for their “sizing”, structuring and institutional arrangements<sup>23</sup>.

<sup>22</sup> See Section 4.5.2 Organisations as Open Systems.

<sup>23</sup> See also Section 4.6 on “Size dimensions of organisations”.

## **10 DEVELOPMENT OF THE METROPOLITAN UNICITY IN DURBAN**

A new creature has been established (see Section 4.2 above), and like a baby, it must grow and develop. The *status quo* has been described as well as illustrated in Figure 2. Much work was required to move from the given to the desired. This section traces that path but before that is done some theoretical perspective is necessary to test whether the role borne out of the unicity met theoretical soundness. The reason for careful theoretical application is because this is a new venture in that metropolitan governments are relatively new in South Africa and unicity metropolitan councils even newer. Since its success or otherwise could impact on the lives of several million people, its proper development is critical.

### **10.1 Strategic planning - a necessary process in the development of an institution**

Firstly, strategic thinking is necessary to move from complexity to simplicity. Strategic thinking helps to clarify the complexities so that they can be understood. A useful approach in this instance is the “systems thinking approach” used by the Haines Centre for Strategic Management. In terms of this approach, “**systems** are made up of a set of components that work together for the overall objective of the whole (output)”, (The Systems Thinking Approach, 11<sup>th</sup> April 2008). Kast & Rosenzweig (1985, 15) define *systems* as “an organised, unitary whole composed of two or more interdependent parts, components, or subsystems, and delineated by identifiable boundaries from its environmental suprasystem”. The make-up of the new style municipality, described in Section 4.4.4 below, is composed of two or more interdependent components and delineated by identifiable boundaries from its environmental suprasystem; within each of its components complex systems exists. The systems approach requires that each of these innumerable systems fulfils its role to achieve the desired output. To do this, each system must work toward a common purpose and must be organised in a manner that makes it synchronise its operations with that of the other components of the system.

The above approach within a complex environment must be systematically undertaken by each of the components. A sequence of questions must therefore be asked and answered to enable a strategic plan with actions to be formulated. Questions such as the following arise:

- Where do we want to be? (that is, our ends, outcomes and vision);
- How will we know when we get there? (that is, customers’ needs and wants are connected into a quantifiable feedback system);
- Where are we currently? (that is, today’s issues and problems that require intervention); and
- How do we get there? (that means close the gap from where we are to where we want to be).

These can easily prepare the basis for strategic planning (Haines Centre for Strategic Management, 2008). Therefore, the study of open systems provides a good understanding of organisations<sup>24</sup>.

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<sup>24</sup> Open systems theory and organisational theory is explained in Section 4.5 in Chapter Four.

## **10.2 The development of Durban's unicity**

The unicity in Durban inherited five administrations, each differing from the other in respect of the following:

- its own staff structure;
- an administration with departments peculiar to its needs;
- pay and leave benefits for the staff of each administration;
- a full management contingent;
- records and filing systems;
- administrative systems and practices;
- assets and liabilities;
- bylaws; and
- town planning schemes (see Provincial Gazette, No 5562, 19<sup>th</sup> September 2000).

Furthermore, each local council had its own challenges in terms of taking municipal infrastructure and services throughout its area<sup>25</sup>. Each of these councils therefore had its own vision and strategies to deal with its challenges. The unicity, having inherited all of the above, had to start a process of rationalising and developing into a single establishment. It had to start to look again at the challenges it faced and then develop a vision and strategies within its competence and resources to meet such challenges.

The eThekweni Metropolitan Unicity Council was established using new era legislation which emanated from the constitutional principles laid out in the Constitution of the Republic of South Africa, 1996. Such legislation includes, *inter alia*, the Local Government: Municipal Demarcation Act 27 of 1998; the Local Government: Municipal Structures Act 117 of 1998, and the Local Government: Municipal Systems Act 32 of 2000.

Having painted the picture above of the eThekweni Metropolitan Unicity Council as a large institution with complex structures and facing daunting challenges, it is important to see how the Government of the day envisaged dealing with the challenges it placed on municipalities. For its part, it developed a sound legislative framework for the development of municipalities. The key legislation is the Local Government: Municipal Systems Act 32 of 2000. Many of its provisions were covered in Chapter Two of this thesis. What is mentioned in this section of the present chapter is how, in using certain provisions of this Act, the development of the unicity in Durban started to take shape.

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<sup>25</sup> From this study, it is apparent that the backlogs in municipal infrastructure and service delivery would have been far more efficiently and effectively delivered under separate councils than through the unicity. Each of these councils had huge challenges and when combined in year 2000 the focus diminished as the combined challenges fell into a single council. One would not know where to start. The further complication is the extended boundaries.

### **10.3 The Integrated Development Plan**

Integrated development planning has been introduced into municipalities to enable these bodies to operate in strategic and sustainable ways, taking into account the needs of its communities and its available resources to meet such needs (Local Government: Municipal Systems Act 32 of 2000).

The *apartheid* based municipalities did minimal planning mainly in terms of land usage (Town Planning Ordinance 27 of 1949). Such planning was also done in isolation of neighbouring municipalities, even though many of them were tiny enclaves such as the Borough of Westville. Today a municipality's 'Integrated Development Plan' is the key tool that ought to direct all its activities. Once the plan is done and approved all activities of the municipality must be linked to the plan (Local Government: Municipal Systems Act 32 of 2000).

So important is this document that an entire chapter, Chapter Five, in the Local Government: Municipal Systems Act 32 of 2000, is devoted to this key planning instrument.

The core components of an integrated development plan are the following:

- council's vision;
- assessment of current levels of development and identification of communities who lack basic services;
- the Council's development priorities;
- the Council's development strategies which need to be aligned to national and provincial sectoral plans;
- a spatial framework for land use management;
- operational strategies;
- disaster management plans;
- three year budget projections; and
- key performance indicators and targets (Local Government: Municipal Systems Act 32 of 2000).

The integrated development plan is a five year planning instrument with annual reviews (Local Government: Municipal Systems Act 32 of 2000). Each 5 year plan is to coincide with the 5 year term of office of a council.

With the massive task placed before it, being a large structure and facing innumerable challenges<sup>26</sup>, the eThekweni municipality in Durban formulated its integrated development plan. Key development strategies were spelt out in what the city called an "eight point plan".

The city's eight point plan is the following:

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<sup>26</sup> See Section 3.9.4 above.

- sustaining our natural and built environment;
- economic development and job creation;
- quality living environments;
- safe, healthy and secure environment;
- empowering citizens;
- celebrating our cultural diversity;
- good governance; and
- financial viability and sustainability (eThekweni Municipality: Integrated Development Plan: 2010 and Beyond, 2007, 84).

Each of these 8 plans is abstract on their own but has a goal, a desired outcome and a rationale, all of which are spelt out in the Integrated Development Plan. Each plan has one or more strategic focus areas which are supported by several programs and projects.

Figure 2 provided a graphical view of the status of the land. Figure 8 below is an illustration of Durban's spatial development Framework. It shows some interesting features regarding the thinking on various development initiatives. However, the major economic hubs are concentrated around the port, the Southern Durban Basin and Umhlanga along the coast (the areas coloured red), appearing to be rather small in comparison to the size of the area badly in need of economic growth.

There are five 'area-based management' areas, known as 'ABM learning areas'. They are Kwa Ximba; INK (Inanda, Ntsuma and Kwa Mashu); Itump; Southern Durban Basin and Cato Manor. These areas have dedicated management who link up with line departments such as water, electricity, health and housing to pay special attention to the needs of these areas. Also included in the Council's 'Integrated Development Plan' is a 'Performance Management System' with a 'City Scorecard'. The scorecard is in two distinct parts, one for the city as a whole, and the other is based on individual performance (eThekweni Municipality Integrated Development Plan, 2003-2007, 16).

#### **10.4 Performance management**

Performance management in municipal governments were unheard of in South Africa during the *apartheid* era. That position has dramatically changed since democracy replaced *apartheid*. Performance management has been legislated for in the Local Government: Municipal Systems Act 32 of 2000, compelling each municipality to establish a performance management system.

A system of performance management is important to ensure efficiency, effectiveness and economy in municipal government and administration. Many municipalities, however, are struggling with this important exercise. There are many reasons for this such as a shortage of skills, resources and the necessary finances to institute a performance management system. Some municipalities do it only for their top management and this is done very sketchily at best, due to other pressing priorities waiting to absorb its resources.

Section 42 of the aforementioned Act requires that the community participate in the, “development, implementation, and review of the municipality’s performance management system, and in particular, allow the community to participate in the setting of appropriate key performance indicators and performance targets for the municipality” (Local Government: Municipal Systems Act 32 of 2000). This it must do using appropriate mechanisms, procedures and processes.

Community participation is indeed important and can have many positive spin-offs for both the Council and the general public it serves. But any consultation must be practical and reasonable in any given circumstances. Also important is what the general public wants to be consulted on. The important major consultation efforts ought to be the ‘integrated development plan’ and the ‘council’s annual budget’. With a large population of several million people, getting public participation in the “development, implementation and review of the municipality’s performance management system” (Local Government: Municipal Systems Act 32 of 2000) and in particular asking the community to participate in setting key performance indicators, has gone too far in the current circumstances of literacy levels, massive area, and large communities, while stuck in the middle of a transformation and development exercise. This is a classic case of national legislature providing an ideal law when the circumstances to comply with such law are far from ideal. Neither the Council nor the public are sophisticated enough to undertake this exercise in any meaningful measure as this fledgling democracy at local level gets off the starting blocks on its developmental journey (Narainsamy, interview, dated 15<sup>th</sup> July 2008). Currently the public’s participation in the budgetary process and in the integrated development planning initiatives has been minimal (see table 34: public hearings on the budget).

### **10.5 Local administration and human resources**

Chapter Seven in the Local Government: Municipal Systems Act 32 of 2000 is devoted to “local public administration and human resources”. The opening section (Section 50) thereof immediately draws attention to the democratic values and principles embodied in Section 195 (1) of the Constitution of the Republic of South Africa, 1996. The provision in Section 195 (1) (b) is of particular importance to this study and reads thus: “efficient, economic and effective use of resources must be promoted” (Constitution of the Republic of South, 1996).

Section 51 of the Local Government: Municipal Systems Act 32 of 2000, which is also important to this study, makes provision for, “**organisation of administration**”. Some of the more important provisions thereof are the following:

“51.

- (a) be responsive to the needs of the local community;
- (b) facilitate a culture of public service and account-ability amongst its staff;
- (c) be performance orientated and focussed on the objects of local government set out in section 152 of the Constitution and its developmental duties as required by section 153 of the Constitution of the Republic of South Africa, 1996;
- (d) ensure that political structures, political office bearers and managers and other staff members align their roles and responsibilities with the priorities and objectives set out in the municipality’s integrated development plan;

- (e) establish clear relationships, and facilitate cooperation, co-ordination and communication between –
  - (i) its political structures and political office bearers and its administration;
  - (ii) its political structures, political office bearers and administration and the local community;
- (f) organise its political structures, political office bearers and administration in a flexible way in order to respond to the changing priorities and circumstances;
- (g) perform its functions-
  - (i) through operationally effective and appropriate administrative units and mechanisms, including departments and other functional or business units; and
  - (ii) when necessary, on a decentralised basis;
- (h) .....
- (i) .....
- (j) .....
- (k) delegate responsibility to the most effective level within the administration;
- (l) .....
- (m) .....

The aforementioned legislation *per se* provides a sound framework for each municipal organisation. Sub-paragraph (d) above requires that the political structures, political office bearers, managers and other staff align their responsibilities to enable them to deliver on the Council's integrated development plan. The key is to have that alignment amongst the various functionaries that will enable Council's to respond to the needs of their local communities. How does a municipality achieve that with hundreds if not thousands of local communities? Perhaps the legislature envisages that each municipality will be so demarcated and/or structured that will cater for the needs of the multitude of local communities within its area of jurisdiction. Although there are a hundred wards in Durban, many of them are fairly large in geographical size, especially in the rural areas, making the way the municipality is structured a crucial issue if it is to comply with the legislative requirements by being responsive to the needs of local communities.

### **10.6 The unicity: Institutional arrangements**

It is critical for the eThekweni Metropolitan Municipality to undertake its structuring and development on a sound theoretical basis<sup>27</sup>. It is a massive institution facing huge challenges that can only attain success if it is structured properly. As mentioned in Section 3.10.3 above, strategic thinking and planning are necessary to move from a given position to a desired future state. Being a public body it impacts on the lives of every citizen and organisation within its area of jurisdiction. Needless to say, it can also have implications far beyond its borders.

Fundamental to a municipality's success therefore is its institutional arrangements. A newly established non-racial, democratically elected municipality poses many challenges to councillors, municipal officials, specialist professionals, front line workers and the general public. Concomitant

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<sup>27</sup> See Section 4.5.1: Theoretical perspectives on organisations.

to these challenges is the organising imperative for these newly formed municipal structures (Sing and Moodley 1996, 82). Organisational theory will be useful in this regard to assist municipalities overcome their complex environments and meet its challenges.

Theoretical knowledge in organisational development progressed from “classical theory” and “neoclassical organisational theory” in the 1930s to reach the “modern structural organisational theory” round about the 1960s. The principals upon whom this theory is based are:

- motivation;
- group and inter group behaviour;
- leadership; and
- work teams and empowerment.

This theory encompasses a body of knowledge directed toward building an organisation that can efficiently achieve the goals of the institution. It also provides a basis for assigning tasks and depicts lines of authority resulting in authority-responsibility relationships (Complexity theory and organisations 2007, accessed 14<sup>th</sup> July).

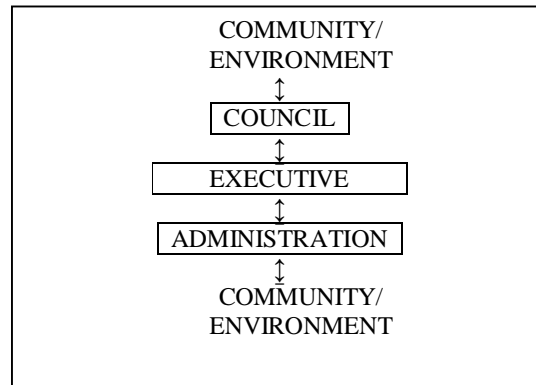
In terms of Section 2 of the Local Government: Municipal Systems Act 32 of 2000, a municipality consists of, in the first instance, the political structures and an administration and secondly, the community of the municipality. The internal make-up of municipalities comprise of two distinct components, namely a political component and an administrative one. The political component, made up of elected councillors, provides leadership and political direction and is vested with the executive and legislative authority of the municipality (Section 151. (2), Constitution of the Republic of South Africa, 1996). The administrative component provides professional, administrative, technical and logistical support to the elected council and is essentially the delivery arm of the Council. Each of these components has a structure that enables their functioning. A constitutional imperative in this regard can be found in section 153 of the Constitution which states, “A municipality must -

- (a) structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote social and economic development of the community; and
- (b) to participate in national and provincial development programmes.” (Constitution of the Republic of South Africa, 1996).

Ideally these structures should dovetail so that the municipality operates as a unified whole. In this regard Venter (2007, 91) avers that “effective interaction of a municipality with its external environment is not possible unless its internal environment is transformed to a more strategic mode of operation”.

Apart from the internal make-up of a municipality described above, there is the external stakeholder who now, in terms of the Local Government: Municipal Systems Act 32 of 2000 is a part of the municipality. This external stakeholder is the ‘community’ of the municipality (Section 2: Municipal Systems Act 32 of 2000). The full formation then, of the ‘new look’ municipality is depicted in Figure 9 below.

Figure 5: The make-up of municipalities



Source: Prepared by the researcher, 2009).

The illustration in Figure 9<sup>28</sup> above is to demonstrate the need for alignment of the roles and responsibilities of all stakeholders called for in Section 51 of the Local Government: Municipal Systems Act 32 of 2000. The Executive (comprising either the Executive Mayor or the Executive Committee and the Management component) are at the very centre of municipal activity, listening to the communities and making decisions. In consultation with the community and its administration, each municipal executive exercises leadership and formulates a vision for the municipality. The vision will generally provide a broad framework and direction that will indicate where the municipality would like to be, in terms of growth and development, from where it currently is.

The community and the environment presents its needs and challenges but is also resourceful in that the community is the paying public with needs for services and infrastructure, while the environment has many natural assets such as rivers and wetlands and development potential from which rewards for the municipality as a whole could be reaped. The administration comprises the technical experts and labour force that possesses the expertise, skills and human resources necessary to plan and implement decisions of the Council.

The key to success for the Council and the people it serves is to align the roles and responsibilities of each stakeholder to ensure that the vision and priorities set out in the Council's integrated development plan can be achieved.

#### ***10.6.1 Council committee structure***

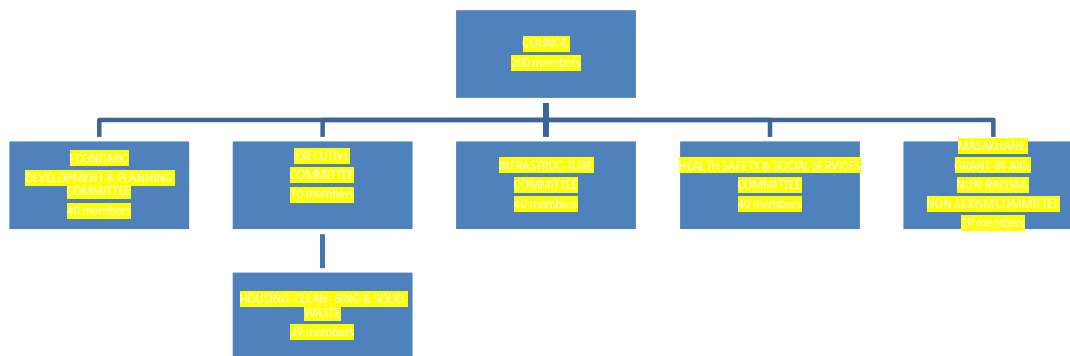
The eThekweni Council has 200 councillors, a hundred of which are ward councillors and the other 100 are proportional representatives from political parties based on their success in the elections (KwaZulu-Natal Provincial Proclamation 5562, 2000).

The full Council is the highest decision-making body of the Municipality. It has an Executive Committee and five 'Support Committees' as depicted in Figure 8.

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<sup>28</sup> See Figure 14 in Chapter Four where this model is developed further.

Figure 6: Council Committee Structure



(Illustration of Council’s Committee Structure adapted from eThekwini Municipality’s meeting schedule, 2009)

These support committees have no delegated powers. Their terms of reference are fairly broad within their ambit of operations. They, in essence, are required to consider and make recommendations to the Executive Committee, which has wide-ranging powers. Each councillor serves on one or more of these committees. The mentioned committees are represented by parties on a system of proportional representation. From these committees only one links squarely with Council’s ‘eight point plan’<sup>29</sup>. The plan of a “safe, healthy and secure environment” can be linked to the “HEALTH, SAFETY & SOCIAL SERVICES COMMITTEE” which is a support committee. Each of the other committees has some indirect linkage to the eight point plan. All these committees are mere passive recipients of input (in the form of reports) from Council’s officials rather than actively providing leadership and strategic direction to ensure delivery on the 8 point plan.

Apart from this simple structure, there are 138 committees in total attached to the eThekwini Metropolitan Council. These include *inter alia* a Bargaining Council; 6 Local labour forums, one for each of the administrative clusters; 100 ward committees; an Appeal Committee and an Audit Committee (Secretariat, 2008). The number of councillors and committees renders the council committee structure large and unwieldy. Just to keep a track of all the information flow requires strong administrative support both in terms of skill and numbers. Furthermore, the sophistication required for such support is costly.

The Executive Committee, comprising 10 members on a party proportional basis, is the most powerful committee on Council with full delegated powers of the Council barring the exceptions (eThekwini Municipality, minutes, dated 18 December 2000). According to Cameron (2005, 333), there has been a clear preference for a stronger executive, in line with global trends in many countries. Cameron (2000, undated) asserts that stronger executives ensure that cities function efficiently and innovatively and were not bogged down with bureaucratic red tape (quoted in Cameron 2005, 333). It will be seen as this study progresses that, notwithstanding strong executive committees, municipalities in South Africa operate within a rigid legislative environment, are hugely

<sup>29</sup> See Section 4.2.4 for eThekwini Municipality’s ‘eight point plan’.

under-resourced, face huge demands and are extremely large and complex to be efficient and effective.

This organisational arrangement is cumbersome and could detract councillors from providing real leadership (Maistry, interview, 20<sup>th</sup> September 2009). Leadership here is that each committee provides strategic direction on matters within its portfolio. The current practice is similar to the past, where committees receive reports from officials, consider them and make recommendations to a higher level committee until it reaches the Executive Committee or Council as circumstances may require (Seheri, interview, 20<sup>th</sup> September 2009).

### ***10.6.2 Staff structure***

In the interim phase staff structures were designed for each of the Councils in the Durban Metropolitan area. Staffs were then divided into metropolitan staff and local council staff depending on the functions they performed. A process of staff placement commenced. This proved to be a prolonged exercise and in some cases continued into the next phase of transformation (Govender, 2009, interview, 5<sup>th</sup> August 2009). When the Unicity was established in the year 2000, a similar placement approach was adopted to accommodate all 18000 odd staff into a single staff structure. Staff conditions and service benefits differed dramatically among the erstwhile entities. In 2009, the new staff placement exercise is still being undertaken and service benefits are still being negotiated (Veerapen, R. 2009, interview, 14<sup>th</sup> July 2009).

The staff structure of the eThekweni Municipality is fairly complex, comprising six clusters within which there are 31 Output Units (eThekweni Municipality: Integrated Development Plan 2003, 14). These Output Units are further broken down into Departments, Sections and Sub-sections. Due to its sheer size and complexity, only the top management structure is depicted in the organisational chart on the following page.

The top structure in the administration comprises of a City Manager<sup>30</sup>, six Deputy City Managers and 31 Heads of Output Units. The six Deputy City Managers and four of these Heads report directly to the City Manager (eThekweni Municipality: Integrated Development Plan 2003, 14)

The superscript referencing in Figure 6 below is as follows:

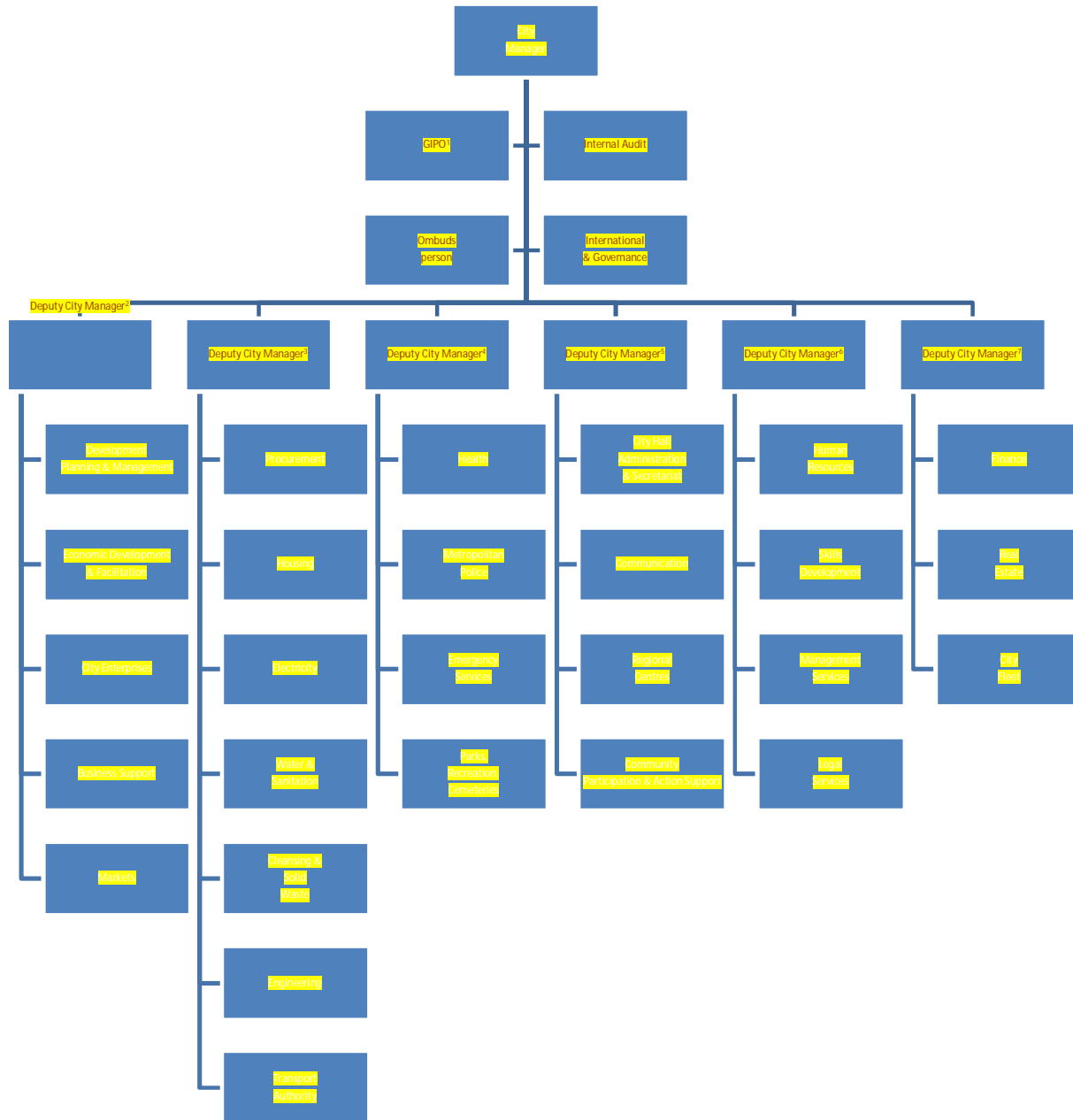
- <sup>1</sup> = Geographic Information & Policy Office;
- <sup>2</sup> = Deputy City Manager: Sustainable Development & City Enterprises;
- <sup>3</sup> = Deputy City Manager: Procurement & Infrastructure;
- <sup>4</sup> = Deputy City Manager: Health Safety & Social Services;
- <sup>5</sup> = Deputy City Manager: Governance;
- <sup>6</sup> = Deputy City Manager: Corporate & Human Resources; and
- <sup>7</sup> = Deputy City Manager: Treasury.

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<sup>30</sup> The appointment of a Municipal Manager is a statutory requirement. See s82 of the Municipal Systems Act 117 of 1998.

Three out of the six Deputy City Managers render support services rather than direct line services. Of the four Heads who report directly to the City Manager, three render support services. It would appear that the entire staff structure is far more support-based than is necessary. This is shown in figure 9 below as follows:

Figure 7: EThekwini's management structure



Source: EThekwini Municipality: Integrated Development Plan 2003, 14

Below the top management structure are some 18000 workers. Some output units such as the Communication Unit has 9 staff members, while others such as the Parks & Recreation Output Unit has over 4000. In some cases, the chain of command is fairly small and in others long and cumbersome. For example, in the case of Metropolitan Police, the chain of command is as follows:

City Manager → Deputy City Manager → Head of Police → Deputy Head → Senior Superintendent → Superintendent → Captain → Inspector → Sergeant → Senior Constable → Constable → Auxiliary Constable → Warden → Trainee Warden (Sewpersad, interviewed on 20<sup>th</sup> October 2009).

According to Craythorne (2003, 182), organisational design should have the following purposes for each municipality:

- Its services and development goals;
- Compilation and implementation of the integrated development plan;
- Efficiency and effectiveness;
- Maximum harmony and co-operation in operational activities; and
- Linking professionals together.

Using natural geographical catchments for certain services and distinguishing between services best provided on a smaller scale against those more efficiently provided on a wider scale should be considered.

#### ***10.6.2.1 The Physical layout of the administration***

The council has its head office (seat of government) at the City Hall in West Street, Durban. It has approximately 200 centres such as offices, service centres, workshops and depots throughout the unicity. Many of these centres are massive and hold thousands of staff. To understand the sheer size of the city, some of its major centres within Durban's central business district are listed below:

- Electricity HQ in NMR Avenue – 1375 staff;
- Metropolitan Water – 1434 staff;
- Florence Mkize – 1692 staff;
- Shell House – 806 staff;
- City Engineers – 1520 staff;
- Metro Police – 2032 staff; and
- Rennies Building – 120 staff

(EThekwini Municipality: Staff records: Human Resources Department, 2008).

Some of the larger regional offices are listed below:

- Umlazi Mega City – 66 staff;
  - Umhlanga Civic Centre – 72 staff;
  - Tonga Civic Centre – 50 staff; and
  - Verulam Civic Centre – 62 staff;
- (eThekwini Municipality, Staff records: Human Resources Department, 2008).

Like the Council Committee Structure, the staff structure is also large and cumbersome. The question is whether the Council’s staff structure is aligned to the Council Committee Structure and if both these structures are aligned to its Integrated Development Plan? The 8 point plan of the Integrated Development Plan, it is apparent, is nothing more than broad abstract statements, such as “empowering citizens” and “good governance”.

In terms of aligning the staff structure with the Council Committee Structure, the following alignment can be detected:

Economic Development & Planning Committee can be linked to: → Deputy City Manager: Sustainable Development & City Enterprises;

Infrastructure Committee }; and  
Housing, Cleansing & Solid Waste Committee} can be linked to: → Deputy City Manager: Procurement & Infrastructure;

Health, Safety & Social Services Committee can be linked to: → Deputy City Manager: Health, Safety & Social Services;

The Masakhane, Grant-in-Aid, Non-Racism, Non-Sexism Committee appears to be a special purpose committee to deal with the remnants of *apartheid* and not directly linked to Councils operations. The three Deputy City Managers for Governance, Corporate & Human Resources and Treasury are purely support staff but may link up with support committees on certain occasions.

Each plan in the ‘8 point plan’ has strategic focus areas supported by programmes and projects. In order to test whether the committee and staff structures are aligned to the Integrated Development Plan, two of the plans, namely “empowering citizens” and “good governance” are covered in some detail here:

Table 6: PLAN 5 – Empowering citizens (1)

<b><u>STRATEGIC FOCUS AREA</u></b>	<b><u>PROGRAMME</u></b>
Develop human capital	Address the skills gap Improve citizens’ employability Improve skills of employees
Develop a learning city	Position the city as a centre of learning Support the provision of mathematics, science and technology in schools Develop a smart city Improve knowledge management in the city

(EThekweni Municipality: Integrated Development Plan, 2007-8 Review, 67).

Table 7: PLAN 7 – Good governance

<b>STRATEGIC FOCUS AREA</b>	<b>PROGRAMME</b>
accessible and accountable	effective communications both internally and externally. develop improved customer relations promote co-operative, international and inter-governmental relations create mechanisms, processes and procedures for citizens' participation
create an efficient, effective and accountable administration	create a clean and accountable administration mobilise to make the organisation more effective implement a strategy to promote the use of GIS as a decision-making tool improve productivity throughout the municipality review, develop and implement municipal wide administration policies and systems provide the interface between the Council and the administration
healthy and productive employees	reduce new HIV/AIDS infections in the workplace ensure compliance with occupational health and safety legislation create a positive organisational climate

(EThekweni Municipality: Integrated Development Plan, 2007-8 Review, 81-82).

The plans, the strategic focus areas and the programmes are broad abstract statements in the extreme. For example, with reference to “plan 5,” the following information is entered in the Integrated Development Plan:

Table 8: PLAN 5 – Empowering citizens (2)

PLAN: 5	empowering citizens
STRATEGIC FOCUS AREA:	develop human capital
PROGRAMME:	address the skills gap

(EThekweni Municipality: Integrated Development Plan, 2007-8 Review, 68).

The projects for the above programme are:

- Produce a research document highlighting the skills needs within specific sectors of the formal economy;
- undertake skills audits in ABM areas; and
- develop and implement strategies to address the identified skills gaps.

Table 9: PLAN 5 – Empowering citizens (3) (3)

PLAN: 5	Empowering citizens
STRATEGIC FOCUS AREA:	Develop human capital
PROGRAMME:	Improve citizens' employability

The projects for the above programme are:

- Implement learner ship programmes;
- Facilitate the implementation of ABET & basic business skills programmes for SMMEs;
- Develop policy for education programmes; and
- Facilitate the support of the provision of mathematics and science in eThekweni Municipal area.

Table 10: PLAN 5 – Empowering citizens (4)

PLAN: 5	Empowering citizens
STRATEGIC FOCUS AREA:	Develop a learning city
PROGRAMME:	Develop a smart city

The projects for the above programme are:

- develop a learning city model;
- undertake a pilot programme to test the learning city model;
- investigate a central repository for the Learning City data; and
- position libraries and museums as centres of lifelong learning.

Table 11: PLAN 5 – Empowering citizens (5)

PLAN: 5	Empowering citizens
STRATEGIC FOCUS AREA:	Develop a learning city
PROGRAMME:	Improve knowledge management in the city

A project for the above programme is:

- Develop a strategy for becoming a world class Knowledge Resource Centre (eThekweni Municipality: Integrated Development Plan, 2010 and beyond, 2007, 67).

Council's Integrated Development Plan addresses the challenges facing the eThekweni Municipality in a fairly loose and abstract manner. There is partial alignment between the Council's Integrated Development Plan and the Council and Staff Structures. Much of the plan, however, may well fall by the wayside if not concretised into something specific in order to address a challenge or challenges faced by the Council.

Some of the shortcomings with the eThekweni Municipality's staff structure are as follows:

- The same basic structure and approach is used for all services and clusters. All four to five levels of management above operational staff like in the case of Johannesburg Metro staffing arrangements are top heavy and unstrategic (*sic*) (Allan *et al*, 2001, 29);
- There are too many support functionaries at the expense of line<sup>31</sup>;
- Depth in management levels is too long (too many management staff)<sup>32</sup>;
- The top management only deal with issues at a central level thereby losing direct contact with their customers<sup>33</sup>;
- Only supervisory staff with little or no delegated powers and their subordinates deal with customers at a local community level;
- Too much overlap exists in certain areas and some gaps in other areas; and
- The span of controls is unevenly spread amongst the first four levels of management. The City Manager for example has far too many direct 'reportees'<sup>34</sup>.

### ***10.6.3 The unicity: Community arrangements for participation in municipal affairs***

One of the constitutional imperatives for municipalities is to involve communities and community-based organisations in the matters of local government (Constitution of the Republic of South Africa, 1996: Section 151. (2)). This appears to be a common thread running through our legislation; for example, Chapter Six in the Systems Act 32 of 2000, is devoted to community participation.

When one looks at the size of the population with a multitude of sectors, spread over such a vast geographical area, any meaningful community involvement is always going to be a challenge. Several questions and issues arise:

- Who is the community?
- Is there a variety of communities?
- Who organises the community to enable full and meaningful participation?
- If there are innumerable communities with competing interests, consultation can take extremely long;

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<sup>31</sup> See Section 3.10.6.2 on Staff Structure.

<sup>32</sup> See Table 19 in Chapter Four.

<sup>33</sup> This is due to the council being a unicity which is a single council and a single administration

<sup>34</sup> See Figure 8 and the write-up that follows.

- Is the majority of the community interested in being involved in the matters of municipal government?
- Which are the matters that municipalities must consult on?

With such focus on community participation, the Council established an Output Unit called Community Participation and Action Support on its staff establishment<sup>35</sup>. The purpose of this Unit is to “provide support to community structures, vulnerable groups and various stakeholders so that they can actively participate in Council’s decision-making process (Community Participation & Action Support Unit: Business Plan, 2007).

Some of the key functions of this Output Unit are:

- provide support to community structures, vulnerable groups and various stakeholders so that they can actively participate in Council’s decision-making process;
- develop, implement and monitor policies for the City to cater for the needs of the indigent, youth, gender, and vulnerable groups; and
- establishment and provision of support to Ward Committees; and
- facilitate capacity building of community structures and implement ward plans (Community Participation & Action Support Unit: Business Plan, 2007);

Acting in terms of Section 16 of the Local Government: Municipal Systems Act 32 of 2000, the Council also consults annually on its budget.

The Community must also be engaged in the formulation and review of the Council’s Integrated Development Plan (Local Government: Municipal Systems Act, Act No. 32 of 2000). The rights and duties of members of the local community are provided for in the Local Government: Municipal Systems Act 32 of 2000. In the context of Durban with its large geographical area and a population of several million people, the question is, “who is the local community”? The said Local Government: Municipal Systems Act 32 of 2000 defines “local community or community”, thus:

- (a) the residents of the area;
- (b) the ratepayers of the municipality;
- (c) any civic organisation and non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the municipality; and
- (d) visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of the services or facilities provided by the municipality . . .

. . . and includes, more specifically, the poor and other disadvantaged sections of such body of persons”.

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<sup>35</sup> See staff structure in Figure 8 above.

It is difficult to imagine a 'local community' comprising of several million people and hundreds, if not thousands of organisations. Should the area be broken down into several workable 'local communities' and if so who is to undertake such divisions and who will organise and manage such fragmentation to ensure that the entire community operates as a unified whole in order for them to exercise their rights and perform their duties? Any meaningful engagement with communities or community-based organisations will be a stiff challenge in an area the size of the eThekweni Municipality having a population of just over 3.5 million people (eThekweni Municipality: Integrated Development Plan 2010 and Beyond, 2007, 103).

Ward Committees were considered a viable option to allow participation in municipal government at a local and more manageable level and is provided for as an option in Section 73 of the Local Government: Municipal Systems Act 117 of 1998. The eThekweni Municipality has in the latter part of 2007 commenced the process of establishing ward committees. A small percentage, something like 20 percent, of these ward committees are currently meeting (Myeza 2009, interview, 30<sup>th</sup> July 2009).

Generally, ward committees do not function as effectively as do other local participation mechanisms such as community safety forums, neighbourhood policing forums and school governing bodies. These structures work because they have a specific focus with reasonable decision-making powers or at least real influence. They also have a direct reciprocal relationship with the relevant institution such as a police station, a clinic or a school (Schmidt 2007, 2).

The setback with ward committees is that the following factors do not apply:

- a clearly defined purpose;
- decision-making powers;
- support from municipal administrations (Schmidt 2001, 2);
- political manipulation and vacillation regarding the remuneration of ward committee members; and
- physical constraints like the vastness of wards, inappropriate demarcation and the challenges of largely rural communities (Good Governance Learning Network – South Africa, 2005).

Much has been stated above about size and form and it is perhaps worth mentioning in this subsection what the former Premier of the Western Cape said to his parliament in 2004 during his budget address:

“Government, unable to impact significantly on society, becomes defensive. It hides by working to rule, by passing the buck, by being powerless, by assuming a mask of rudeness or imperviousness, by being afraid of a ringing phone or a visiting client, or of opening a piece of correspondence. Batho Pele becomes a slogan, Ubuntu a platitude, courtesy a memory and service a rarity.

**Government needs to adjust to the complex lives of people, not expect people to adjust to the complex structures of government”** (own emphasis) (Rasool 2004).

In a similar vein, Crispian Olver, former Deputy Director-General of the erstwhile Department of Constitutional Affairs, in commenting on the White Paper on Local Government, said *inter alia*, in respect of what interests people: “...not grandiose schemes from government, or complicated

institutional models that appeal to politicians and officials, but real improvements in their local services and development in their areas that benefit the quality of their lives” (Olver, Business Day, 13<sup>th</sup> March 1998). This White Paper was released during the ‘interim phase’ when the transitional councils were in place. It was the forerunner to the legislation that ushered in the so-called ‘final phase’ of the transformation of municipalities.

In the newspaper article cited above, Olver went on to say that the White Paper was to bring councillors closer to the people. He spoke about the provisions for ward committees and sub-councils (Olver, Business Day, 13<sup>th</sup> March 1998). As mentioned, the eThekweni Municipality is in fact a single tier municipality structure (see also KwaZulu-Natal Provincial Proclamation 5562, 2000) and does not have a fully-functional ward committee system. A very small percentage of these are presently functional (Myeza 2009, interview, 30<sup>th</sup> July 2009). Durban thus has a massive, complex structure despite Olver’s (Business Day, 13<sup>th</sup> March 1998) comment that “we need simple and effective government structures that are customer orientated, responsive and accountable, and which give ratepayers value for their money”. The effect is that as municipalities are removed from their people, efficiency and effectiveness of municipal services starts to wane or is provided is done at exorbitant costs<sup>36</sup>. In essence, poor consultation results in poor service delivery. Poor service delivery results in many unhappy residents.

A study on public protests by the Centre for Development Support at the University of the Free State concluded that they are symptoms of exclusion and frustration (Powel 2009, 12). This is further affirmed by Municipal IQ in that “one of the reasons attributed to service delivery protests is that the poor have not been meaningfully engaged with by municipalities and, essentially, priorities or programmes have been insensitive to their needs”, (Municipal IQ, 2009, Briefing # 159 dated 1<sup>st</sup> October). In view of the tasks municipalities faced it became incumbent upon these institutions to restructure in order to ensure that services are delivered in an efficient, effective and affordable manner (Kroukamp 1999, 297). This meant that municipalities ought to be transformed from, “a self-serving, top-down and bureaucratic, process driven administrative system inherited from the past, to a people-oriented, performance focused, facilitating and enabling system (Kroukamp 1999, 298). A recent newspaper article carried some of the findings in an audit report which is generally negative but with regard to structure, concluded that, “Deeper structural problems are also dealt with, including a policy mismatch between what is expected of local government and the fact that many municipalities aren’t up to the job” (Davis, The Mercury, 19<sup>th</sup> October 2009). In the same breath, the audit report further notes that “bigger metros such as Johannesburg, Cape Town and Durban are also struggling to cope with massive influx of migrants from poorer rural areas, which has seen informal settlements mushrooming (Davis, The Mercury, 19<sup>th</sup> October 2009). Any organisational structure must be so designed that it will serve the goals, strategies and policies of the organisation. The pertinent point from this study is that municipalities must be appropriately demarcated, established and structured to encourage meaningful consultation.

## **11. INTERNATIONAL TRENDS AND DEVELOPMENTS IN METROPOLITAN GOVERNANCE: DEVELOPED AND DEVELOPING WORLDS**

A study of this nature will not be complete if general trends in metropolitan governments are not discussed. Important information of metropolitan governments from the Buenos Aires, Toronto, Johannesburg and Cape Town is provided in this section.

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<sup>36</sup> See Tables 30 to 32 in Chapter Six on cost of services.

### **11.1 Buenos Aires, Argentina**

Buenos Aires is a city within a densely populated metropolitan area. The entire metropolitan area has a population of approximately 13 million people. The area, some 3680 square kilometres, is made up of the Federal District and 19 adjacent municipalities” (Rodriguez-Acosta & Rosenbaum 2005, 297).

The style of government is one of decentralisation, and ‘deconcentration,’ allowing more flexibility and authority to tackle issues of common interest. The challenges, however, are the coordination, planning and implementation processes necessary for better efficiency, effectiveness and economy (Rodriguez-Acosta & Rosenbaum 2005, 298). Some of these challenges city include, poverty, crime, water provision, sanitation, energy and transportation and environmental management (Rodriguez-Acosta & Rosenbaum 2005, 297).

### **11.2 Toronto, Canada**

Canada’s provincial governments are responsible for municipalities. Metropolitan areas in Canada, known as ‘census metropolitan areas’ comprise several adjoining municipalities and are centred on a large urban area.

Toronto is a major metropolitan municipality in Canada’s Ontario Province. The entire metropolitan area, including what is known as the Extended Golden Horseshoe, has a population of over 6.7 million people (Sancton 2005, 322). The City of Toronto is only 630 square kilometres having a population of 2503281 (Wikipedia, 2008). This metropolitan municipality operated on a two tier metropolitan system until 1998, when the “Municipality of Metropolitan Toronto and its constituent parts amalgamated to establish the City of Toronto (Sancton 2005, 322). The primary purpose was to save money.

However, Toronto is not strictly a unicity like Durban, which has one massive area and a single council. Certain areas of the Greater Toronto Metropolitan Area still have two tier metropolitan structures, for example Kitchener and St. Catharines-Niagara (Sancton 2005, 325). A key problem for the single tier metropolitan government in Toronto is that it did nothing to address the problems for the larger Toronto region (Sancton 2005, 325).

### **11.3 Johannesburg, South Africa**

Johannesburg is South Africa’s key economic hub. The metropolitan area covers an area of 1640 square kilometres and has a population of just over 3.2 million people (Wikipedia, 2008). Johannesburg is a single tier metropolitan government but has a distinct administrative structure as follows:

- certain units or clusters such as Planning, Policing and Social Development, operate at a corporate level; and
- 11 administrative regions offer services such as Sports & Recreation and libraries at a local level (Allan *et al* 2001, 143).

The city’s major challenge was to overcome setbacks brought about by *apartheid* such as a lack of basic municipal infrastructure and services to the majority of citizens coupled with serious financial problems. The municipality inherited an affluent white population, comprising fewer than 20% of

the total population, who in the main, lived in the “leafy” suburbs of the North with full infrastructure and world class municipal services, while the large black population live in large urban townships to the south and on the borders of the northern suburbs. During *apartheid*, these black “areas were denied the most basic infrastructure” (Allan *et al* 2001, 5).

#### **11.4 A general overview of cities**

Each city around the world is unique and there is no single way of structuring and/or managing cities. There are, however, certain fundamental issues that should not be overlooked when structuring a city. Such fundamentals include, *inter alia*, its size both in population and area, existing state of development, anticipated developments, assets, capacity, economy and available resources. Johannesburg is much smaller in geographical area with a higher population density, a superior rate base and a stronger economy than Durban. Durban did have a long-standing reputation of being one of the best municipalities in South Africa. Testimony to this is the number of awards it has won. Currently, Johannesburg is rated the best metropolitan government in South Africa (Allan & Heese 2009, accessed 28<sup>th</sup> July, 2009). The size and other dimensions of Durban such as economic levels are starting to reveal its weaknesses.

These factors must be taken into account during the establishment of a city and when organisational arrangements are considered for efficiency, effectiveness and economy. A clearer picture emerges when one looks at Table 13<sup>37</sup> below, which illustrates population figures and area sizes of six metropolitan areas around the world.

Table 12: Population densities in metropolitan

<b><u>CITY</u></b>	<b><u>POPULATION</u></b>	<b><u>AREA</u></b>	<b><u>DENSITY</u></b> <b><u>1000/ km<sup>2</sup></u></b>
Buenos Aires	13000000	3680	3533
Toronto	2503281	630	3973
Johannesburg	3254000	1640	1984
Berlin	3389000	890	3808
Madrid	5608000	1700	3299
Metro. Lagos	7937932	999.6	7941

The following section provides information on Durban and Curitiba, which is interesting especially within the context of this study.

#### **11.5 A tale of two cities: Durban and Curitiba**

A comparative analysis of eThekweni and Curitiba is provided in Table 25 below. This is a good comparison because both Durban and Curitiba are from countries in the developing world which further highlights the importance of municipal size and population density in relation to efficiency, effectiveness and economy. Curitiba is a city in State of Parana, Brazil.

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<sup>37</sup> See the definitions of a metropolitan area in Chapter Two, Section 2.6.2.

Table 13: Some dimensions of Durban and Curitiba

	<b><u>DURBAN</u></b> <sup>38</sup>	<b><u>CURITIB</u></b> <sup>39</sup>
Size of metro region	1366 km <sup>2</sup>	15622 km <sup>2</sup>
Size of metro municipality	2297 km <sup>2</sup>	432 km <sup>2</sup>
No. of people in metro region	2519995	3261168
No. of people in metro municipality	2790258	1788559
Population density per km <sup>2</sup>	1215	4140
No. of municipalities in metro region	1	26
Level of urbanisation within the municipal boundary	35%	100%

Curitiba's metropolitan region has a much larger population and geographical area than does its demarcated metropolitan municipal area<sup>40</sup> whereas Durban's metropolitan municipal boundary<sup>41</sup> extends far beyond a typical metropolitan region for minimal increase in population.

Curitiba falls in line with Figure 10 in this chapter while Figure 11 provides a diagrammatic illustration of the way Durban was designed. The above dimensions are an indication that Durban is not wholly metropolitan in nature. It has a large massive area with a population concentrated in its developed urban core<sup>42</sup>. The population density of Durban is far lower than that of Curitiba and for that matter, most metropolitan governments around the world<sup>43</sup>.

## 12. CONCLUSION

In this paper the physical transformation of municipalities in the greater Durban functional region has been described. It took approximately 7 years to bring about the demise of some 48 *apartheid* styled municipalities and usher in a metropolitan council during the transitional phases of this massive transformation effort. The legislative process to effect the transformation was described. Also described in this chapter were some of the general dimensions of the Durban metropolitan region and the unicity with its challenges and plans for development. A single tier, unicity metropolitan municipality has been established for the Durban region in the third and 'final phase' of its transformation as municipalities in South Africa advanced from *apartheid* to democracy. Arising from such transformation two broad issues came to the fore in this chapter, namely:

- the institutional arrangements of the eThekweni Municipality as this affects its efficiency and effectiveness in the delivery of municipal infrastructure and services; and

<sup>38</sup> See eThekweni Municipality's Integrated Development Plan 2003-2007, 2003, 2.

<sup>39</sup> The information is taken from a presentation done in Durban by Mr Fragomeni October 2007

<sup>40</sup> See Tables 13 and 14 above.

<sup>41</sup> See figure 3 above in this chapter.

<sup>42</sup> See map 1 above.

<sup>43</sup> See Table 13 above for an indication of population densities of some metropolitan governments.

- the economic viability of a municipal area has a direct bearing on its municipality's ability to deliver infrastructure and services in an economic and sustainable manner.

Both these issues have been extensively covered in this paper. From the evidence above it is clear that the municipality in Durban still has some way to go in developing its institutions (political and administrative) for efficient and effective service delivery. The Council has a vision and an eight point plan in its Integrated Development Plan, which is supposed to direct all Council activities. However the Council's committee and staff structures are not entirely synchronised with each other and neither of these structures addresses the eight point plan of the Integrated Development Plan in any concrete manner. There does exist, however, a partial alignment between the structures and the Integrated Development Plan.

A further issue with the Council's staffing arrangements is that issues such as "span of control" and "chain of command" have been ignored. Further, it has a bloated bureaucracy with too many layers of management. Its division of labour at management level is purely functionally-based rather than placing some key management personnel on an area deployment basis in view of the sheer size of the municipal area. Being functionally-based means that management only deals with issues at corporate level, leaving staff from mid- management and below to deal with communities on the ground. Such staffs, apart from being inappropriately qualified to deal with all types of challenges, hardly have any delegated authority. Further key challenges are economic development; large scale extension in municipal infrastructure and services and the maintenance of existing infrastructure.

Durban's population density<sup>44</sup> is minute when compared to the population densities of metropolitan municipalities around the world. Its rural segment, which is 68% of its total area, only has a population density 290 people per square kilometre. The question being raised here is whether the limited economy can sustain the entire metropolitan area in Durban. In most metropolitan municipalities around the world, boundaries follow development. In the Durban scenario, its boundaries stretch far beyond its developed urban core. Since metropolitan governments are relatively new in South Africa and the government is keen to pursue the unicity route, some international trends and developments in metropolitan governments from the developed and developing worlds were provided.

However, given the continuing unrest in South Africa in terms of service delivery, the dissatisfaction of many communities in respect of the demarcation processes that are being employed by the government in the formation of municipalities within the country, has left communities highly dissatisfied. Perhaps, after two decades of democracy, the time has arrived to relook at and, to reshape local government restructuring and transformation of metropolitan government in South Africa by means of a new formula, in the formation of metropolitan government. This will allow for

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<sup>44</sup> See Tables 4; 13 & 14 above.

streamlining the processes involved, with a view of engineering greater acceptance of the system in general by communities.

In addition the most recent 2016, audit reports on municipalities, by the Auditor General's Office, reveal that, there is tremendous corruption and wasteful expenditure running into billions of Rands in most South African municipalities of tax – payer's money. This is coupled with inefficiency and, the deployment of incompetent and unqualified staff made up of so called cadres of the revolutionary struggle, into many of the new municipalities and, into high ranking positions without the necessary and required experience and academic qualifications. This is a matter of serious concern. Although the establishment and development of metropolitan municipalities in South Africa, was and is necessary, it has only shown marginal success under democracy. Some successes have been registered in the administration and operation of municipalities within democratic South Africa. It can be categorically stated that municipalities post 1994, under democracy are overtly and generally poorly run and, therefore, the country has still, a long road to travel in consolidating its efforts for sound and proper municipal accountability and governance, in terms of sustained coordinated and acceptable service delivery to communities in general, under democracy.

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<sup>45</sup> After typing in “<http://en.wikipedia.org/wiki/...>” this must be followed by the word for which the meaning is sought in place of ‘...’ for example ‘city’ or ‘conurbation’

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