Introduction

1. Establishing a Perspective on Local Government

Some of the widely accepted definitions of local government define it as “a political subdivision of a nation or state, which is constituted by law and has substantial control of local affairs, including the power to impose taxes or to extract labor for prescribed purposes. The governing body of such an entity is elected or otherwise locally selected”\(^1\). This definition can also be summarized to define local government as “a lower level of government, when compared to a national or state government; it is set up by law and has certain responsibilities; it is normally elected.”\(^2\) The establishment of local government essentially involves the transfer of legislative, judicial, and administrative authority from the higher level of governance to the lower level.

These definitions give a general outline that forms our basic understanding of local government. Variations in the model of local government emerge when the concept is put on ground and is defined by a political and national culture. Its character, autonomy, and relevance, role and the functions allocated to it are defined by the peculiar political systems and historical circumstances it develops in. In fact, the institution of local government has been attempted in an “astonishing diversity of developing and transitional countries –by solvent and insolvent regimes, by democracies (both mature and emergent) and autocracies, by regimes making a transition to democracy and by others seeking to avoid that transition, by regimes with various colonial inheritances and by those with none...”.\(^3\)

The local government structures and systems are designed according to specific objectives they are expected to achieve. In other words, the ‘objectives’ of local government determine the nature of transfer of authority from the higher level of

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2 S.S. Menakshisundaram, Decentralization in Developing Countries (Bombay, Concept Publishing Company, 1994) p.2
governance. The authority either involves a 'transfer of planning, decision-making, or administrative authority from the central government to local government. Authority can therefore be 'de-concentrated', 'delegated', or 'devolved'.

In certain local government systems power is de-concentrated and delegated to local government. It is carried out with the main aim of making the administration more efficient and is sometimes also described as 'administrative or bureaucratic decentralization'. For instance, local government reforms undertaken in Tanzania and Ghana in 1967/68 were typical cases where power was vested with the de-concentrated officials. Under such an arrangement administrative authority (not political or legislative authority) is delegated to the local levels. It serves the purpose of decongesting work at the center and makes governance easier. In such cases, the policy framework is laid out by the center and the de-concentrated units merely execute central planning at the lower tier.

Certain other local government systems are established through the process of 'devolution' or 'political and democratic decentralization'. This involves the establishment of bodies separated by law in which 'local representatives are given formal power to decide on a range of public matters, their political base is the locality, but within that area their right to make decisions is entrenched by law and can only be altered by new legislation.' Devolution of power results in the establishment of autonomous government at the local level that is legally recognized and reflects the commitment of the central government to decentralize or devolve power. In other words, decentralization or devolution of power involves the transfer of political, administrative and financial powers, decision-making authority and policy-implementation responsibilities to local level governments.

5 Ibid. p. 3.
It is to be noted however, that variations in the 'design' exists even within this blanket definition of 'devolution' or 'decentralization'. For instance, within the developed world, local governments differ in their legal status, legislative and executive powers and in their relationship with the center. In countries like Britain and Scandinavian countries such as Holland, Sweden and Denmark, a 'unitary decentralized system' is practiced where the local governing bodies have substantial autonomy but at the same time they are supervised by the central government. In contrast to this, in the United States local government exists in a federal system where authority is decentralized to the regional or 'state' governments and these in turn grant certain role and authority to the municipalities. While local government in the United States enjoys enviable autonomy other instances of decentralization in a federal system such as Nigeria and India may not allow local government institutions such autonomy.

Decentralization or devolution of power to the local government is based on the assumption that local demand for services differs from one local unit to the other so that only a local government is capable of identifying and addressing this. In administrative terms, decentralization makes planning and supply of services more demand specific. It is based on the assumption that local government is at an advantageous position vis-à-vis the central government to utilize local skills and resources more effectively. In the political context, greater decentralization and devolution of authority implies establishing 'democratic local governments'. A democratic local government must be representative of and accountable to all sectors of the local population, including marginalized and disadvantaged groups. Accordingly, local government is viewed as an important training ground for democracy both for the citizens and the leadership.

Any government cannot ignore these advantages. In fact, many governments in the third world have attempted such a set up. But in practice, power was simply de-concentrated from the center and in most other cases, the central government

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made halfhearted attempts at decentralizing governance. The local government experience in much of the developing world suggests that genuine decentralization was rarely attempted. The experience of local government in many of these countries reflects that local government institutions have been used to uphold a variety of political set-ups including authoritarian and top-down, centrally controlled democracies. Local government can be designed to suit an authoritarian system to exert downward control and is sometimes erected to give the impression of greater legitimacy to the government.

With participatory democracy and decentralisation gaining fresh impetus in the last decade or so, contemporary academic and policy circles are viewing local government as an important institution ensuring sustainable democracy and development. In fact, local government is being attached to companion concepts like empowerment, grass root democracy, and people centred development. Not only is local government being seen as an important pre-requisite to national democracy, it is also being seen as an important structure in ensuring socio-economic development at the grass root level. Such a governmental and administrative setup is being adopted as 'a hedge against undue centralization'. It is based on the understanding that apart from decongesting national government the local bodies would better understand local problems and needs.

2. The Study of Local Government in South Africa

Local government in South Africa, in this framework provides a fascinating case study. The study would be especially engaging in two aspects, 1) In the context of the transition from apartheid to democracy- the process involved not merely democratization but also deracialization of South African local governance. The term 'deracializaion' simply emphasizes the challenge in overcoming the

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underlying structural weakness that has been inherited as part of the apartheid legacy. 2) In the context of the country facing the challenge of attempting to bridge the gross disparities between the different racial groups and empowering the ‘previously disadvantaged’.

South Africa underwent a democratic breakthrough dispelling fears that the country was on the brink of a bloody civil war. The political transformation in South Africa was a result of the extensive and peaceful negotiations between the former White controlled regime and a range of political and other interest groups to achieve a non-racial and democratic system. The peacefully conducted national elections in South Africa in 1994 that brought the ANC led Government of National Unity (GNU) under President Mandela set the stage for the consolidation of a non-racial and democratic political set-up.

A painstakingly negotiated Constitution in 1996 established a three-tier system of government. Accordingly, authority and responsibilities have been divided into three ‘spheres’ of government -the National, Provincial and the Local. The process of establishing a decentralized system of government has been a result of intensive debates in both the academic and policy circles in South Africa. Some of the core questions underlying these debates are: How can the political and economic legacy of the apartheid period be effectively dealt at the local level? Can local government be an important level to undertake developmental tasks and bridge gross socio-economic inequities facing new South Africa? Could local government be an important level where the new democracy could be consolidated? How can local government be structured to act as strong foundations of a participatory and representative democracy? How have local structures and systems been reformed and restructured to achieve these aims and objectives?

3. Local Government in South Africa in the Global Context

Interestingly, some of the core questions that surround the establishment of local government structures in South Africa have much in common with the experience in many countries of the developing world. The study of local government in a
country like South Africa presents a unique scenario. ‘New’ South Africa shared the optimism on local government institutions as many of newly independent countries in Africa.

Following de-colonization, countries of Africa continued with the system of governance they had inherited both at the central and the local level. The period of de-colonization is considered to be the ‘golden years of local government’ based on the hope that these structures would not only enhance and enrich the democratic experience but also provide better governance. In the times when democracy was gaining fresh relevance, central governments in the respective countries intended to strengthen institutions that were closest to the masses. Moreover, handing over an important role to the local political institutions and creating decentralized local self-governing bodies could have been an alternative to give sufficient say to people in a society that consisted of a diverse range of language, culture, and ethnicity. From the point of view of development too local government bodies were best positioned to understand local needs and harness local skills. However, the initial post colonial ‘local government experiment’ in most developing countries failed. Local government instead of being an important tire of government merely existed in its institutional form.

3.1 Local Government and Development

The governments in many of the post-colonized developing countries were faced with the challenge of bringing about socio-economic development in their respective countries. There was an urgent need to address problems of severe poverty, underdevelopment, lack of essential facilities, a weak infrastructure, and lack of social welfare activities. These challenges were to be addressed urgently as the governments faced not just serious developmental problems but were accountable to the hopes and expectations of the people they represented.

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These circumstances strengthened the belief in greater centralization of power in many newly de-colonized countries. This was especially the case in countries where government policies were influenced by the socialist ideology. Even in countries where socialist beliefs did not hold sway, the system of local government was established in a highly centralized set-up. An important assumption that strengthened the belief in centralization in many countries was that socio-economic modernization was a pre-condition for democracy. In other words, true democracy could not be achieved in conditions where there is gross social and economic inequality in society. Egalitarian policies justified greater concentration of power to the center. This line of thought was reaffirmed by the modernization approach and dependency theory that dominated the economic and political set-ups in much of the developing world.

The 'New South Africa' in the early 1990s faced similar challenges that were dealt by many countries soon after their de-colonization. The pressure of 'so much is to be done' is comparable to the pressures felt by the new democratically elected government in South Africa. Although the South African policy makers have the advantage of learning from the experience of the developing countries and realize the detrimental effects of pseudo decentralization especially in the case of many third world countries, it has been tempting to steer reforms from above to ensure 'speedier development'.

Since years of apartheid had resulted in disparities of wealth and resources on the basis of race, the new democratically elected ANC government under President Nelson Mandela felt an urgent need to 'redistribute' and level these disparities. The situation demanded a continued commitment to the promises made in the Freedom Charter and a greater commitment of the central government in steering a reform process. The devolution of power to local government level implied greater initiative for change in the hands of the minority and therefore greater resistance for redistribution. This tilted the ANC towards more centrally driven

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19 Skweyiya, L., "Local and Regional Government Beyond Apartheid: From Race to Class Power" (1990), cited in Brij Maharaj, "The Politics of Local Government Restructuring and
programs that conformed local policies to national development policies. The ANC government's centralist plans were put across in the Reconstruction and Development Program (RDP)- the economic policy dispensation of the government between 1994-2000. The policy was guided by the prime objective of reducing inequalities in South African society. The supporters of the RDP maintained that the enormous deficiencies and stark inequalities perpetrated during the apartheid era could only be effectively addressed through central decision making. 'Redistribution' was thus the catchword in the top-down planning that ensued.

In many countries of the developing world, centralization was based on the assumption that the limited resources at their disposal could be invested productively if it was centrally controlled. A centralized setup was (and in many cases still is) considered capable of efficient and swift decision-making. It is ironical that local government institutions and 'grassroots empowerment' in many of the centralized political systems were constantly upheld but never implemented. Experience in many countries that undertook centralized planning reflects the stifling of local initiative. In the Indian case, local self-government and the Panchayati Raj system had its basis in the national movement. However, it was merely given lip-service in the decades following independence. The replication of the Soviet style economic planning in the 1950s and 60s took the priority away from the grass-root empowerment leading to greater centralization. Another very interesting case of the kind of 'decentralization' attempted in the 1970s can be seen in the Tanzanian example. In 1972, the then Tanzanian President Julius Nyerere introduced ambitious reorganization of local institutions. However, this arrangement was both in concept and practice close to de-concentration paying lip service to the concept of decentralization. 


Efforts towards socio-economic development through centralized planning in numerous experiments did not create the trickle down effect that was anticipated. Local economic and environmental needs could not be taken into consideration, and local resources remained under-utilized. The centralized model ‘succeeded’ in some cases and failed in others but in neither of the cases, it attained the promised egalitarian goal or proved to be sustainable.

The alternatives to the centralized model were devised keeping into consideration the fundamental drawbacks in the centralized system and were more cautious of safeguarding democracy. This was accompanied by a change in the ideological outlook that emphasized the importance of local government in undertaking development. This was accompanied by Public choice approaches argued for developmental policies that shifted from ‘GNP per capita to individual welfare and from top-down planning to participative planning’. The thinking asserted ‘People cannot be developed, they can only develop themselves’. Jargons such as ‘Local solutions to local problems’ gained popularity. It is in this context that concepts like people-centered development are being discussed. This outlook is also reflected by many donor agencies that emphasize small-scale grassroots based projects as opposed to the bigger projects that they had encouraged and funded before.

In the framework mentioned above, local governments are being seen as an effective developmental strategy. Since local demand for services differs from one local unit to the other, only a local government is capable of identifying and addressing them. It assists people in articulating their demands and developmental needs and hastens the response of the government to fulfill them. In administrative terms, decentralized local institutions make planning and supply of services more demand specific. They are at an advantageous position vis-à-vis the central

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government to utilize local skills and resources more effectively. It would facilitate local participation in planning and development and overcome the limitations of centrally controlled planning.

This implies that the role and scope of the institution of local government changes considerably. It becomes more people-centered participative and responsive to their needs. Accordingly, the role of local government is being seen from a people-centered approach. This approach locates the people at the center of power and not merely as beneficiaries of plans implemented from top.\(^27\) Participation in this sense does not get limited to regularly electing representatives. It also means mobilization of people in decision-making and implementation of local developmental and administrative strategies.

It is in this context that the concept of a developmental local government is also being used.\(^28\) Local government has been conceptualized in the 1990s is surrounded around social and economic development, participative planning, eradicating poverty, sustaining the environment, providing health, education, eradicating poverty, inequality, unemployment and inducing self-sustaining economic growth. In fact, the whole meaning of ‘Development’ has been broadened from its essentially economic, to social, political, and cultural dimension. This is especially applicable to the developing world where the western model of ‘development’ i.e. industrialization, growth in GNP etc. has been rejected from time to time. From the perspective of the developing countries, development refers to tackling problems of poverty, illiteracy, absence of housing and primary health facilities. It is under this context that the meaning and function of local government is being reinvented.

There has been a phenomenal shift from the main task of the local government to switch from ‘delivering services’\(^29\) to undertaking ‘development’. The role of

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\(^{27}\) D.A. Rondinelli (1983)


local government accordingly goes beyond strengthening democracy and providing services. Local municipalities over the years had been restricted to the reputation of being 'sewage and garbage cleaners'. However, their role has undergone substantial change especially in much of the developed world. Municipalities, in many developed countries are not only holding a large portfolio but are increasingly developing their own identities. In some cases, the councilors/political representatives and administrators have managed to be totally independent of any pressure from the 'higher tiers'. In many countries undergoing strengthening of local institutions, it had been suggested that, “while certain definite field of administration like defense, foreign affairs, currency and communication should rest with the center, all the rest should be transferred to the states and from there to the districts and lower levels of elected administrative bodies.” These would include provision and management of public conveniences, collection of local taxes, health, education, agriculture, water supply, land development etc. Local level planning in the management of land, water, and forest resources could prove more effective to identify the ecological issues and their optimum utilization. Likewise, local government could prove to be more efficient in directing programs concerning primary education, adult literacy, family planning etc. In fact, local government should be given charge of as many functions as it can handle according to the financial and manpower resources at its disposal.

There has been a perceivable impact of the new belief in local government institutions in South Africa. This has also been a result of the 'u- turn' on the centralized planning undertaken by the ANC government. In the latter half of the 1990's there seems to have been a shift to a more decentralized planning. The policy dispensation under GEAR gave local government an important mandate to undertake the tasks that the center was unable to achieve. This fundamental shift in the role of local government from centralized planning under the RDP to

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decentralized planning under GEAR had important implications in the role and status ascribed to local government in the South African Constitution. 31

An increased role of local government in South Africa has also led to a corresponding increase in its developmental portfolio. The Constitution and the following legislation on local government correspondingly increased the role and functions of the local government. Along with the traditional functions performed by municipalities, the Constitution vested the responsibility of ‘meeting the basic needs of the community and promote socio-economic development of the community.’ 32 As a separate ‘sphere’ local government was to shoulder the ‘weight of a national agenda for economic, social and political transformation’. 33 It has been geared to be the ‘primary delivery mechanism of services and infrastructure, the foundations to the national goals of reconstruction and integration... ‘to overcome urban spatial and fiscal apartheid’. 34

3.2 Local Government and Democracy

Despite the growing belief in local government, it is too early to gauge its success in undertaking empowerment and alleviation of poverty in South Africa or anywhere else where it has been attempted. However, it does ensure that the elements of democracy are made inseparable from development. It is in this

GEAR represented a liberal economic policy dispensation. However, this is not to suggest that ‘economic liberalization’ is in anyway directly linked with political decentralization. This correlation is also often done in the case of many of the African countries where political restructuring became a precondition to economic adjustment under the SAP creating an impression that liberalization is closely connected to decentralization. The domination of the philosophy of a market economy does not necessarily imply decentralization. Even in a developed country such as America, public spending remains 33% of the GDP. In countries such as Germany, it is 49% (1995) and in Sweden, as high as 68%. In such a scenario, if there has been any rolling back, it refers to restructuring the government structure and the bureaucratic machinery. It means reducing bureaucratization, by giving more powers and functions to the decentralized representative bodies. A decentralized government would be as accountable, effective, and responsive whether or not there are macro-economic changes undertaken towards greater liberalization. The Indian states of West Bengal and Karnataka come across as appropriate examples of decentralized reforms much before the Indian government took bolder steps towards economic restructuring. Although, there are examples of many of the post communist countries that increased their legitimacy through decentralized reforms so as to pave the way for economic reforms.

Ibid.
context that the phrase ‘democratizing development’ is used. Accordingly, local
government can be structured to be responsive to the needs of people and the
ensure transparency in how resources are utilized. Democratic local governments
are better positioned to entrench accountability and popular participation in their
workings. Further they are better placed to involve the people in articulating
their demands and developmental needs and hastens the response of the
government to fulfill them.

Decentralized local government system is also being seen as an important aspect
of democratization. If democracy means a government ‘for, of, and by the people’
then democratic local government takes democracy to the grassroots. Local
government in a democracy is described as “local democratic units within a
democratic system...”, a seedbed of democracy or a “nursery for the supreme
legislature”. It is considered as the basic unit where democracy takes shape, as
an important tier where political education is implemented. It is at this level that
roots of democracy really hold.

It is in that sense that democracy is being seen as an important pre-condition for
successful development. In the last decade or so greater emphasis is being laid on
political stability and democracy. Democratic local government systems reduce
the chances of concentration of power at the center, ‘red-tapeism’ and over
bureaucratization that is associated with centralized planning. Democratic local
bodies would also be more transparent. A government closer to the people can be
made more transparent and accountable.

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Smith, “Local Government and the Transition to Democracy: A Review Article”, Public
Administration and Development, vol. 18, 1998, p. 86; Blair, H., ‘Participation and
Accountability at the Periphery: Democratic Local Governance in Six Countries’, World
Development, vol. 28(1) p. 21-39
37 Erosion of the faith in centralized governments has also been due to the tendency of many
regimes to become increasingly autocratic. Rondinelli, DA and Cheema, G.S Implementing
Decentralization Policies: An Introduction in Decentralization and Development (California,
The implementation of 'grassroots democracy' and 'grassroots development' offered a solution to bridge the huge gap created between citizens and government. It promised a more accountable form of governance now being interpreted as an important aspect of 'good governance'. Good governance in this context implied that an accountable, democratically elected government, responsive to the needs of the people could lead to 'desirable development'. This was especially the focus of local government reform in countries such as Mexico and India where centralized democratic governance and development planning had failed to induce growth and social change.

The assertion that local government is an important manifestation of pluralist democracy has gained popularity in the last decades of the 20th century in the context of the developing countries under autocratic and totalitarian regimes. The 1980s and the 1990s saw many of the autocracies undergo reforms for greater democratization. The disintegration of the Soviet Union and political transformation in many of the erstwhile communist bloc opened the doors to reforms in these countries. Decentralization also became an important part of the African democratic experience and replaced the authoritarian and military regimes in these countries. As many as forty-five African nations have undertaken the restructuring of their political and governmental structures. The prominent examples include, Botswana, Chad, Ghana, Kenya, Namibia, Niger, Nigeria, South Africa, Uganda, Zambia, and Zimbabwe. Reforms in these countries established autonomous levels of governance. Countries like Tanzania, Zambia, Kenya, Zimbabwe reviewed local government as an important tier of governance.

In Zimbabwe, criticism to the dominant one party system has put pressure on the leadership to introduce reforms and focus on a multi-party democracy. This has been accompanied by a system of decentralization especially in rural governance. Elections to the rural councils were held in 1993 that included a handful of other parties. Countries such as Ghana and Uganda have introduced decentralization of governance but the ‘democratic’ structure exists without a party system. Ghana

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39 Pasteur, D, Commonwealth Africa: Transitions in Local Governance (Special report no. 4, Local Government International Bureau in conjunction with the Commonwealth Local Government Forum, 1996).
too has de-concentrated considerable functions and responsibility to the local governments however representation has not been on a party basis.

There has been a world-wide trend to give local institutions a legal status. In some of the developed countries, local institutions have been operating with considerable autonomy even in the absence of any legal recognition. Established age-old practices compensate the legal necessity in these cases. However, in the case of many African countries and in countries such as South Africa, where institutions have been repeatedly suppressed and sometimes disbanded there is a need for local government to be given a Constitutional guarantee.

In 1995, Ugandan Constitution has incorporated local government and put forward plans for direct elections both at national and municipal level. The new Nigerian Constitution in 1989 envisaged autonomous and democratically elected local councils. Zambia provides another instance of a country that witnessed local reforms after years of being governed under a strong central command under a one-party rule. Following multi-party elections in 1991, Zambia introduced local government legislation.  

In South Africa, the local government legislations are to not only address the inequities and de-racialize governance but local government is also considered an important level where the roots of democracy could be strengthened. The transformation from an authoritarian mode of governance to a democratic and participatory system can be best perceived at the local government level. Moreover, a reformed and democratic local government system also assists to effectively articulate local aspiration and grievances. This change is profound, as apartheid had led to the suppression of the basic rights of the majority of the population and this had greatly de-legitimized local political structures.

South Africa is considered to be yet another example of a country that has joined in what has been termed as the ‘global quest for a pluralist democracy’ or ‘the

latest wave of democratization'. From this perspective, the country can be considered as one of the many cases that witnessed a changeover from an autocratic regime to reasserting the belief in ‘pluralist democracy’.

Transformation of the democratic structure in the last decade of the twentieth century put South Africa at an advantageous position. South Africa at this juncture has the advantage of learning and selectively adopting the decades of experience in local governance both of the developing and the developed world. A postmortem of local government structures in many developing countries and particularly in Africa points out to the inherent weaknesses that confronted them. The World Bank and the IMF attribute the failure due to technical drawbacks such as poor implementation of reforms, ambiguous legislation on local institutions, shortage of resources to run these structures and to effectively govern their areas, lack of skilled personnel to carry out the reforms, an underdeveloped civil society and lack of participatory institutions etc. 42 Others interpret it to underdevelopment- where the local institutions were disadvantaged due to a weak tax base and limited financial support from the center and the lack of quantity and quality of administrators. The South African local government experiment could draw inspiration from the experiments in decentralization in the rest of the world.

4. Local Government Transformation in Post-Apartheid South Africa

Local government transformation has been a crucial part of the unprecedented reforms that took place in what has been hailed as the ‘New South Africa’. The transformation was crucial primarily because it was precisely at this level that the policy of apartheid was given a concrete shape. In many ways then the history of segregation and the entrenchment of apartheid correspond to the history of local control. Apartheid severely distorted the political, institutional and settlement patterns in the country. 43 This was most apparent at the local level where

apartheid resulted in racially segregated and fragmented political and administrative structures.

Significant alterations in the system were especially needed in the case of urban South Africa. The process of urbanization in Apartheid South Africa brought about a system in which the White minority became the beneficiary and the 'non-Whites' its main driving force. The pockets of business and industry during the apartheid era continued to swell and resulted in the 'slicing up of the cities' into racial segments characterized by highly developed urban centers surrounded by the highly underdeveloped commuter townships. The local government system in much of the rural areas on the other hand was clearly demarcated as White areas and the 'African homelands' or the Bantustans.

In the post apartheid period, local government was therefore considered to be an important arena to create a non-racial system of government. The reform process needed to significantly alter the non-democratic, highly segregated, centralized, racist, and de-legitimized local government system and establish democratic, and nonracial local structures in their place.

The creation of the new local structures entailed fundamental changes in the political and administrative set-up. It entailed undertaking a democratic transformation. There was a need to devise a political system that would include the participation of a great majority of the population that had been kept away from the political mainstream. Democracy was in many ways limited even for those racial groups who were involved in electing local bodies. A highly centralized rule and autocratic implementation of apartheid legislations had limited the involvement of the citizens in governing their local affairs. Secondly, there was an urgent need to reform the administrative and fiscal arrangement that divided the local authorities governing the different racial groups. Local

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government reform therefore was a logical culmination of the efforts to move away from the old mode of governance.

The study probes into the legislative measures undertaken to transform local government by the National Party government and the following democratically elected governments under the ANC. The National Party government under the leadership of President De Klerk took the initiative of undertaking reforms. These initiatives came at the time when many local arrangements that were devised by the apartheid regime to act as a safety valve in channeling local pressures failed. These local pressures and township revolts germinated into concerted and organized opposition to apartheid. The government was eventually forced to introduce fundamental reforms based on racial equality.

The National Party government invited the ANC (under the leadership of Mr. Nelson Mandela) along with the other extra-parliamentary groups and local government stakeholders to work out a non-racial and democratic system. The involvement of a range of political parties, civic organizations and, existing local government bodies as stakeholders in the local transformation process was a significant development.

The local government reforms were thus a product of a mutually negotiated political settlement. The legislative changes initiated since 1990 were aimed at reaching some sort of arrangement that would have multi-racial representation. The nature of local government established in post-apartheid South Africa is to be understood as part of the larger negotiations to establish a new system of governance. This study explains local reforms as a part and parcel of the new political dispensation. It studies local reform as a part of a keenly contested and highly politicized process.

The reforms were initiated by the White regime with an understanding that South Africa would take the democratic non-racial path. However, as is the case with a negotiated transition (as opposed to a violent throw over of the existing structures)

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the process progressed in phases and was not intended to bring about drastic transformation. Local government transition process was therefore characteristic of a phased and slow process. The ANC and other participants of the political reforms were aware that the only existing and functional local authorities were governing the White areas and the Whites constituted a substantial part of the taxpayer population. Moreover, this section of the population formed a large part of the specialized and skilled administrative force. The minority government thus successfully played on the card of ‘continuity’ as against radical change.

The major focus of this study has been on the real debate that emerged surrounding the establishment of democratic and non-racial local government. The work thus traces the objectives of the various participants including the ANC and the NP. It further analyses corresponding influence of these objectives on the establishment of local government structures with special reference to Durban. The status of local government in the political setup of the country, its essential role, its internal structures, and systems were keenly debated as part of the local level negotiation process and as part of the Constitution making process.

The debates emerge from the different expectations from the new local structures. For much of the minority Whites that supported the NP, a change to a non-racial system of government was inevitable but certain perceptions dominated: there has been a feeling that since the reforms have been initiated by the White dominated National Party they were ‘benevolent’ towards the majority and should be accepted gracefully. The study traces the debates and legislative measures upheld by the NP to conclude that considerable emphasis on greater local autonomy was laid. The emphasis on local autonomy by the NP reflects the general fear of a majority-dominated central government. The party based its argument on the fact that any transformation that was to be undertaken in South Africa was to deal with the legacy of a highly centralized and authoritarian apartheid regime. Since local authority had been from time and time eroded to enforce apartheid, a democratic transformation entailed greater local autonomy.

Another argument put forward by the NP government in favor of an autonomous local government was to make the administration more efficient and effective to deliver services. This was the NP solution to deal with the inequities in the post-apartheid period. According to this line of thought, the local structures were expected to serve the purpose of decongesting work at the center and make governance easier. The policy proposed that an autonomous and efficient local government would deal with the gross inequities in the service delivery and infrastructure.

The NP government also laid stress on local autonomy based on the belief that it ensures greater representation of diverse ethnic and cultural groups and especially those who are in a minority. It would create conditions for mass participation in local affairs, and help local communities achieve more political and administrative maturity.

For the ANC and civics (often referred to as the extra-parliamentary groups) any attempt to democratize and de-racialize governance was to be addressed effectively at the local level. The main expectation from the reforms was to deal with the legacy of the apartheid period. It aimed at a radical change in the local government structure to reform the racially divided, ill equipped, financially burdened, illegitimate local authorities. The 'New South Africa' according to the ANC was faced with the challenge of amalgamating local authorities of the seemingly first worldly White local authorities characterized by large resources and efficient and skilled administration with that of the highly underdeveloped and impoverished African townships. De-racializing local structures and amalgamating the local councils representing the minority White, Indian and, Colored population with that of the majority Africans was an important aim of local reform.

However, the vision of the ANC differed greatly from that of the NP in its vigorous stance to diminish the stark inequality in the economic conditions, service distribution, and administrative structures in urban South Africa. Bridging the socio-economic gap between the different racial communities and areas was
top priority. In this respect, the party policy contradicted that of the National Party. Local government according to this vision was to serve the purpose of equitable distribution and reallocation of resources. This stand could also be seen as more reactionary to that of the NP. Accordingly, devolution of power implied greater resistance for redistribution and change in the hands of the minority. This would tilt the ANC towards more centrally driven programs such as the Reconstruction and Development Program (RDP) and programs that conformed local policies to national development policies.

The study analyses the status given to local government under a more centralized dispensation attempted by the ANC government. It further probes into the factors due to which the ANC had to forego its outright re-distributive policy and its corresponding impact on the local government reform process. The explanations to a fundamental change in the ANC government’s macro-economic policy are varied and fall outside the ambit of our discussion. However, it would suffice to mention here that the ANC switched over to the neo-liberal dispensation under Growth Employment and Redistribution (GEAR) because of the realization that the options for such redistribution were very limited. The ANC attempted to tread the path taken by many other postcolonial states to redress gross inequality but was constrained due to the impact of such a policy on foreign investment and the much feared flight of the much needed White skilled force.

47 The Freedom Charter Adopted at the Congress of the People, Kliptown, 26 June 1955. This vision of the ANC of equitable distribution and allocation of resources can be traced back to the Freedom Charter.

The Charter Declared:
“The People Shall Share in the Country’s Wealth!
The national wealth of our country, the heritage of South Africans, shall be restored to the people;
The mineral wealth beneath the soil, the Banks and monopoly industry shall be transferred to the ownership of the people as a whole;
All other industry and trade shall be controlled to assist the well being of the people;
All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions.”


Thus, despite its centralizing and re-distributive agenda, the ANC has remained cautious of not suffocating local autonomy. In fact, policy measures and legislative action taken by the ANC government reflect that local government was increasingly made the only sphere through which the ANC had any hope of redressing the past and undertaking social and economic corrective action. This study therefore probes into the various ways local government was structured as an important sphere of ‘redistribution’.

Local government was included in the interim Constitution and appears as an independent sphere in the final Constitution of 1996. There has been a conscious move to entrench local structures in the South Africa Constitution. This work analyses the role given to the local government in the Final Constitution and the process of decentralization of power in the political, administrative and fiscal spheres. The local government transformation process also de-racialized local government, and demarcated new boundaries for the municipalities all over South Africa including the Durban Region. The legislative measures following the drawing up of the final Constitution increased the local government portfolio, and redesigned local structures and systems to prevent the domination of any one particular community on the local agenda.

Apart from granting a pivotal role to local government for redressing inequalities of resources and services, there have been other influences that determined the new local structures. The threat of ethnic conflict in South Africa is known to be a major influence in establishing an autonomous local government. Local government was considered indispensable in a country as ethnically and culturally diverse as South Africa. Besides, there has been heavy political pressure from parties such as the IFP to discourage the establishment of a centralized system of government that could prove politically beneficial to the ANC.

Local government has been given high priority in the ANC party policy to strengthen the ‘roots of Democracy’ in South Africa. For a country where the majority of its population was denied the basic rights, the local government transformation process aimed at not only educating its citizens but also
establishing a system that would ensure their maximum participation. This was inspired by the growing belief that local government is instrumental in greater participation and an important platform to address local community issues. It is hoped that erecting democratic local structures would directly give the majority a sense of participation in their community affairs. Local government is also being considered a recruiting ground for political leadership at the provincial and national level.

The study points out the creation of a general political will to transform local government in post-apartheid South Africa. There was a wide consensus within the various interest and political groups to redress the past and establish a democratic culture and effective governance. The former White ruling majority, all political parties, community, and civic groups felt the need for local transformation. This is not peculiar to the South African situation. International experience in local government reflects that the concept of local government in itself has an appeal among the “people of the left, the center, and the right, and to groups that disagree with each other on a number of other issues.” In the case of South Africa, all groups upheld and propagated the virtues of an efficient and democratic local government. It is to be noted that since local government has been supported by a range of groups it is crucial for a researcher to take out the views of the ‘decentralizers’ and ‘centralizers’ since there is a thin line between the two in the way they present their case.

5. The Choice of Durban Metro Region as Case Study

This work has been undertaken with a metropolitan city as a case study. This has been done since, much of the national debate that surrounded local reforms focused on reforms in urban areas. Further, urban areas constitute about 65% of the population of South Africa and by 2010, 75% of the population of the country is likely to be concentrated in the five metropolitan cities. Durban is South Africa’s second largest metro but it is the country’s fastest growing urban center. A fast-paced urban growth has consequently resulted in the city’s growth rate to be the highest in among the five metropolitan cities. The estimated population of

Greater Durban in 1995 was 3.2 million and is projected at 4.8 million by the year 2011. It has been probably due to this reason that the local reforms undertaken in post apartheid years have been said to have an ‘urban bias’. The work does not analyze the structures and systems of the local government bodies that are non-metropolitan. The challenges facing metropolitan areas were qualitatively different from those faced by non-metropolitan and rural areas.

Local governments in metropolitan and urban areas were an embodiment of a racially divisive apartheid system. They inherited the legacy of a warped system that divided their citizens into separate economic, political, financial, and economic structures. This is not to say that the rural areas did not face the ills of apartheid. The rural areas needed to go through not only a restructuring process but also structures were to be erected at places where it was totally absent. In the former homelands, the very concept of local councils was a new one. Further, local government in rural areas faced the daunting task of meeting developmental and infrastructure needs in areas that could not possibly raise sufficient resources to meet them. Apart from being financially vulnerable, the rural councils lacked the administrative capacity as they faced absence or severe shortages of skilled personnel especially in key positions. However, apartheid in the rural areas did not lead to a hotchpotch of political structures unlike the cities. Thus, what can be conclusively stated in the case of a metropolitan municipality cannot hold relevance in the case of the rural and non-metropolitan municipalities.

The city of Durban being the most culturally and racially diverse cities in South Africa and one of the largest metropolitan cities is in many ways reflective of the

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52 Greater Durban refers to the Durban Region. The Boundaries of the city of Durban have progressively been increased. The old boundaries of Durban were referred to as the Durban Metro Area (DMA). This was increased to incorporate the economic and ‘functional’ boundaries of Durban referred to as the Durban Functional Region (DFR). This boundary has remained more or less same and the city is referred as the Durban Unicity and more recently been renamed Etekwini Metropolitan Municipality.


South African situation. The case represents a microcosm of the South African system. Durban's racially and culturally diverse population has been divided politically and spatially by the policy of separate development and the enactment of apartheid legislations such as the Group Areas Act. With the result the cities approximately 68.5% Africans, 18% Asians, 10.5% Whites, 2.5% Coloreds occupy different racially marked areas. The legacy of racial division remains very apparent in the administrative and spatial structure of Durban. The new Durban is an amalgamation of over 66 racially divided municipalities. These included the BLAs, WLAs, Indian and Colored local authorities, and tribal homeland areas. Arguably of the most multi-racial city in South Africa, Durban is surrounded by the underdeveloped and essentially rural area of what was earlier the Kwa-Zulu Bantustan. The inclusion of much of this area to the political boundaries of the Durban Unicity (now renamed Etekwini Municipality) makes it an ideal case study for local government in South Africa.

The city further faces an uphill task of providing a sound government and assured services to nearly half of its population (about 1.6 million) that reside in the informal settlements. The case of Durban helps locate the issues taken up during the local negotiation process, the local problems and challenges of establishing new structures, the local debates and solutions offered. Moreover, the use of a case study assists in assessing the extent to which local government reform succeeded in establishing a participative and democratic system of governance.

6. Methodology

As the topic suggests, the study explains the factors that determined the development of local government in post-apartheid South Africa with special reference to the Durban Metropolitan Region. It is essentially an analytical exercise to place local government systems and structures in the larger political context. A major part of the work covers the transition process of local government much of which has been finalized and established. The work brings out the basic design of South African local government structure and the basic objectives behind its establishment.

56 McCarthy Jeff, Anne Bernstein (1996).
The study is based on the understanding that local government being a public organization would have significant political influence in determining its character. The study picks out the main arguments of the different groups that participated in the local government debate in South Africa - interests of the different racial groups, the political parties, tribal chiefs etc. It then correlates these arguments to the changes taking place in legislating the new local structures. Since the local government debate has been a highly politicized process, the study depends on the stand taken by the political parties as an articulation of the demands of the various groups in South African society. The political party stand on local government debate has been derived from the interviews conducted with political representatives of the main political parties in Durban, party manifestos taken out during the local government elections in 1996 and 2000, and newspaper reports.

An assessment of the newly established local government is done in the last chapter. The study is based on the assumption that the transformation from apartheid to post-apartheid system can be best assessed from a level that directly affects the lives of the people. Any 'real change' in terms of reduction of inequities, racial co-existence, democratic decision-making, would be best reflected at the local level. The chapter assesses the some of the important mechanisms that have been institutionalized at the local government level to strengthen democratic participation. This chapter depends on the fieldwork conducted in Durban and a range of primary sources for its conclusions.

Apart from accessing South African government documents, newspaper reports, and much of the secondary sources, a major part of my fieldwork concentrated on the interviews conducted with political party representatives and municipal councilors (both Ward Councilors and Proportional Representation Councilors) in the Durban Metropolitan Council. The questions pertained to a range of issues concerning local government transformation, political party stand on the local government debate and their perspectives on the functioning of a non-racial and democratic local government.
Attending election debates (during December 2000 local elections), local government workshops for the newly elected representatives and the formal sessions of the Durban Metro Council (in March/April 2002) helped me grasp the stand of the representatives on the issues that concerned their respective constituents. Apart from the various political standpoints, the views of certain ratepayer bodies and civic associations were derived from newspaper reports and attending ward based report-back meeting where these organizations were represented.

7. Review of Literature

This section has been divided into five parts, each pertaining to the chapters that this thesis is divided into. Some of the parts are then further sub-divided into primary and secondary sources.

Apartheid Local Government

The segregation of local government system in this chapter has been essentially explained in the context of the political economy of apartheid. This has been based on the account of Paul Maylam (1990) whose work explains the development of apartheid local government system that suited the apartheid economy and political set-up. An explanation of the apartheid local government system is made on the same lines by Swanson (1976). The historical development of local government structures, the various phases in the development of an "apartheid city form" and, the racial restructuring of Durban have been traced in B. Maharaj, (1995, 1996) and P. Tichmann (1987).

The historical development of local government has been captured in works including Doreen Atkinson (1986, 1990, 1991), Paul Maylam (1990, 1995),

57 Some of them were:
- Councillor Workshop, Oceans Conference Center, 19 April 2002.
Bekkers and Humphries (1985), Robert Cameroon (1990), Paul Tichmann (1987), F.Cloete (1988), Steven Friedman (1990-1997), and Mark Swilling (1988)—These works cover the various aspects of the crisis within South African local government system in the apartheid era, the de-legitimization of apartheid structures and the emergence of the township and civic movement that became an important part of the anti-apartheid struggle.

The chapter attributes the need for reform at the local government to the inadequacies of the apartheid structure and the pressures generated by the anti-apartheid struggle. A range of books and articles by Mark Swilling (1988-2002) focus on the significance of local township movement in enforcing changes by the apartheid regime and their significance in making local restructuring an indispensable option for both the apartheid regime and the democratically elected government. He focuses on the transition from the point of view of the social movement that played an important role in local negotiations. From this perspective, the issues that came into focus during the local reforms such as democratization, redistribution of urban wealth, establishment of non-racial municipalities came from the popular mobilization and organized movements in the cities.

The chapter is based on Doreen Atkinson’s exhaustive work that covers the racial segregation of local government, and the economic and political factors that forced reforms of the local government system. It also refers to M. Keeton’s research that describes the inadequacies of the local reforms undertaken under the apartheid government (1988) and provides a detailed account the administration in Black areas (1988).

**The Transition Period**

Secondary Sources: A vast amount of literature has captured the development of local government in post apartheid South Africa. The chapter on the transition of local government builds on Steven Friedman’s commentary on the negotiated settlement (1993,1994) in two ways: firstly, the chapter analyses the development of local government structures in the context of the legacy of apartheid and the
challenges faced in the establishment of new structures in the post apartheid era. Secondly, the chapter identifies the range of issues that led the different parties on to the negotiating table at the onset of the post apartheid era. The chapter points out the different interests both at the national level and at the local government level with special reference to Durban.

The research effort that has specifically focused over Durban is namely that of Prof Jeff McCarthy, Prof. Brij Maharaj, Prof P.S. Reddy (University of Durban in Westville), and Udesh Pillay. Much of the work done on the transition from apartheid to post apartheid local structures assess the challenges in the adoption of the new local system in terms of the new administration and recently demarcated boundaries. In much of this body of research, local government has been approached from a technical public administration angle, according to which the research effort is directed towards finding out appropriate structures and strategies for effective governance and administration. The chapter has assimilated the deep division over alternative future scenarios on local government that has been captured in much of this body literature. For instance, Udesh Pillay’s work concentrates on the demarcation process that redefined the boundaries but points out the volatile political conditions and a range of abusive pre-electoral tactics that marked the establishment of new structures. The division over alternative local structures is also noted by Robert Cameroon (1991-97). His work highlights the significance of local level negotiations in deciding local government arrangements and attributes the confusion over the finalization of local structures to political interference especially over the issue of ‘redistribution’.

Primary Sources: Many of the South African official documents such as the Local Government Negotiating Forum reports and the Local Government Transition Act form an important reference to the issues that surrounded the transition process. The provisions on local government mentioned in the Interim Constitution of 1993 throws light on new status of local government and the power sharing arrangements. The reports of the Greater Durban Metropolitan Negotiating Forum GDMNF (1994) serves as crucial primary source on the transition process in Durban.
Post Transition Phase

Secondary Sources: The chapter is based on the assumption that the local government could be an important level to undertake the many challenges facing New South Africa. In the post transition period, the status given to local government is based on two factors: 1. The role of local government in sharing the developmental tasks with other spheres of government. 2. Local government is also seen as an important arena where a democratic and pluralist system could take root.

The need for sustainable and self-sufficient local government structures has been asserted in much of the academic work in the post apartheid period. Christopher Pycroft’s articles (1996, 1998,1999) discuss the Constitutional framework and legislation that define local governmental institutions in South Africa. Restructuring of municipal boundaries and staff according to Pycroft should become an important medium towards the creation of sustainable and developmental municipalities. The article by Doug Hindson, M. Byerley and Mike Morris also reflects the significance of the role of the metropolitan authorities in dealing with the challenge of assisting not merely racial but also social and economic reintegration of the post apartheid city.

An insight into the role and function allocated to the local government in the final Constitution and the various aspects of ‘developmental local government’ has been observed through the works of the prominent urban geographers in South Africa. These include Brij Maharaj, Jeff McCarthy, Ivor Chipkin, Susan Parnell, Edger Pieterse, Sophie Oldfield among many others.

Some of the other works on the subject bring out the resource and structural constraints of local governments to carry out development or undertake redistributive strategies. Pycroft reflects the view that local government in South Africa, though democratized, is in a state of underdevelopment and cannot be relied upon to overcome the gross inequality and provide infrastructural development. He recognizes the various constraints faced by the newly
established structures and emphasizes the need to develop sufficient resources if the new councils are to deliver.

Apart from the 'developmental role' the status given to local government in the final Constitution in South Africa is viewed from a pluralist perspective that considers local government as an important devise to deepen the roots of democracy. Under the liberal democratic model, the function of local government is derived from a system that emphasizes separation of power between tiers of government in a federal arrangement, Bill of Rights (fundamental rights of democratic procedure) independent judiciary, limited role of the state, and democratic pluralism. In this respect it comes close to the perspective taken by Brij Maharaj whose works reflect local government to be an important arena where democratic and pluralist system would take shape.

Primary Sources: These include a range of South African official documents and the public responses to them- These are the Final Constitution, the Green and White paper on local government, the Municipal Systems and Structures Act and political party manifestos. Newspaper reports referred to include the Natal Mercury, The Mail and Guardian, Sunday Times. Another important primary source of information are the interviews conducted with the different political party members on their responses to the new structures and boundaries of the municipal council of Durban.

Participatory Local Government

Secondary Sources: In the study of local government, a number of conditions are attached to formal democracy and is often termed as 'participative democracy'. These conditions include: a competitive party system, legislation only through representation, majority rule with tolerance for minority views, equal opportunity in trying for public office. Words like 'participative', 'representative', 'substantive' etc. have been often used as prefixes to local government to convey the extent of 'democracy'. There are many more criteria that have been added to this list by theorists keeping in mind the experiments in democracy in many countries and political systems. These are transparency and
accountability, tolerance for civil disobedience and mass mobilization, political pluralism, political contestation, and competition to name a few.

Assessment of the local government system cannot possibly be made with regard to all these criteria however this work has referred Gregory Houston (2001), Richard C. Crook, James Manor (1988), and Koos Bekker (1996) to arrive at some of the criteria or indicators that reflect on the participatory and democratic content of the local government structures established in South Africa.

In such an exercise, the work depends on a range of primary sources. These consist of the interviews conducted with the councilors and members of the Executive Committee of the Durban Metro Council. The level of political participation in the local elections has been assessed through the Voter Turnout Report, 2000 elections obtained from the Independent Electoral Commission, South Africa.

8. Organization of the Study

This study is divided into four main chapters. Chapter 1 is a historical overview of the development of local government during the apartheid period. Chapter 2 deals with the issues that surrounded the restructuring of local government in the post apartheid period. It points out the interests of the respective participants in the negotiation process and the purpose the local structures were to serve. The chapter traces the ways in which these different interests were prioritized in the deciding the new local structures and systems. In effect, it discusses the tasks in front of the policy makers to restructure the local government. Chapter 3 analyses the factors that determined the status, role, and functions allocated for local institutions in the final Constitution. The complete design of the local government system in post apartheid South Africa is revealed by an analysis of the internal structures of the municipalities. The final chapter describes the democratic, non-racial, and participatory content of the local government in South Africa with the conclusions based on fieldwork conducted in Durban.
Chapter 1, Apartheid Local Government- discusses the origins and status of local government in South Africa in the apartheid period (1930-1990). For a major span of its history, local governments in South Africa remained under a highly centralized and authoritarian system. The chapter provides a perspective of the painful legacy of apartheid that the ‘new’ South Africa inherited and needed to urgently address. One of the important ways to access local institutions in post apartheid era, is to measure it against the challenges it faces in term of dealing with the legacy of apartheid.

The city of Durban is used as a case study to discuss the ways in which local government systems have been altered under apartheid. Local government system spatially, economically, politically, and administratively segregated the different racial groups in Durban. The system divided the city into as many as 66 different local authorities. The chapter also evaluates the pressures for change that were generated locally, and the eventual de-legitimization and the weakening of the apartheid local structures. It also links these pressures to the campaign against apartheid that resulted in the emergence of a vibrant civil, political culture in the apartheid townships and other segregated areas.

Chapter 2, Restructuring Local Government in Post-apartheid South Africa- examines the negotiation process and makes sense of the plethora of legislation that shaped the non-racial and democratic local government (1990-1996). It identifies the important role players in local reforms namely the conservative White groups and political parties, the ruling National Party and its supporters-the White ratepayers, the White Local Authorities (WLAs), the extra- parliamentary groups under the leadership of the ANC i.e. the civics and other township movements. The chapter makes an assessment of the debates surrounding the new local reforms and in effect probes into the nature and objectives behind the local government transition.

The chapter reflects that the changes were more of a compromise between the divergent interests- a result of the trade-off that took place. These compromises are reflected in the status government, the boundaries of the new local authorities, and their internal structures.
Chapter 3, **Local Government in the Post Transition Phase**- (1996 onwards)
The chapter analyses the final design of the local government system in South Africa both in terms of its status as a 'sphere' in the three tier government system and in terms of the political and administrative structures of the local authorities with special reference to Durban. The chapter describes the legal status and the emerging role of local government by analyzing the final Constitution (specifically Chapter 7 of the Constitution on local government) and the White paper process. The objectives behind the establishment of local government are also are brought to light by an analysis of the Municipal Structures Act and the Municipal Systems Act. The effect of these legislations is identified on the bases of their implementation in Durban.

Chapter 4, **Participatory Local Government**- The previous chapters establish the basic design and purpose of local government in post apartheid South Africa. As the local governments are expected to achieve a range of developmental and democratic objectives, their function, and scope has drastically been enlarged. This chapter assesses some of the mechanisms institutionalized at the local government level to transform it into an important realm of change. These mechanisms fall under the category of political, electoral, and developmental participation. These have been analyzed based on the case study of the Durban Metro in the following way:

1. Electoral and participatory mechanisms introduced to achieve a democratically representative local government.

2. Mechanisms beyond the electoral process to involve people in local governance. These are the ward councilor system, establishment of ward committees, instituting a system under which regular formal and informal public meetings could be conducted, public inputs given through advisory bodies and through public demonstrations and campaigns, and public interests communicated to the local government through civic and community organizations.
3. Mechanisms introduced to broaden avenues through which the citizens can participate in the development of their communities. These mechanisms have identified under the framework of the Integrated Development Program.