THE ADMINISTRATION AND POLITICS

of the

CAPE TOWN CITY COUNCIL 1976 - 1986

ROBERT GREIG CAMERON

A dissertation submitted in fulfilment of the requirements
for the degree of Master of Public Administration,
University of Cape Town

CAPE TOWN, 1986
The copyright of this thesis vests in the author. No quotation from it or information derived from it is to be published without full acknowledgement of the source. The thesis is to be used for private study or non-commercial research purposes only.

Published by the University of Cape Town (UCT) in terms of the non-exclusive license granted to UCT by the author.
ERRATA

Page 17: Last line of paragraph 2.2 should read: 'attitude in respect of policy goals'.
Page 21: Third word of tenth line should be 'centralise'.
Page 56: Second sentence of sixth line should read: 'They are not keen'.
Page 84: Third word of fifth line should be 'helped'.
Page 104: Note 131 should read: 'Cape Times, 31/7/1985'.
Page 173: First word of second line and last word of sixth last line should be 'RSOs'.
Page 177: Eighth last line should read: 'maintenance of infrastructural services and infrastructural facilities'.
Page 185: Sixth word of the sixth last line should be 'mark-ups'.
Page 186: Thirteenth line should read: 'peri-urban boards have been, or are to be abolished ...'.
Page 193: Last two words of eleventh last line should read: 'R5,5 billion'.
Page 252: Second word of ninth line should be 'their'.
Page 254: Fourth line should read: 'a member of the Buthelezi Commission ...'. 
ABSTRACT

Local government has until recently been a relatively unchartered academic field of study in South Africa. However, the restructuring of South African society by the National Party in the 1980s has led to the most profound and decisive changes in local government since the establishment of the Union. Under the new constitutional format it is destined to play a much more important role than before. It has thus been projected into the limelight and there is now increased academic interest being shown in the subject.

This thesis is an empirical study of the nature of the administration and politics of the Cape Town City Council (CCC) from January 1976 until June 1986. It is open-ended in that it has no central argument. Nevertheless, it is still possible to identify certain fundamental issues that this thesis addresses. These issues (which are not necessarily mutually exclusive) are:

* what are the constraining influences of the higher tiers of government on the autonomy of the CCC?
* what substance has there been to the CCC's liberal anti-apartheid stance?
* why has the state restructured the local government system?
* what are the reasons for CCC resistance to this restructuring?
* what effect will this new system have on the CCC?

Qualitative research methods were utilised in this thesis. Fifteen qualitative interviews were conducted with strategic local government policy-makers and actors. An eclectic framework was adopted whereby a number of disparate theories were drawn upon.
ACKNOWLEDGEMENTS

I wish to thank my supervisor, Professor Gerhard Tötemeyer, for his constant guidance and advice during the course of this thesis.

I am also grateful to Andrew Merrifield for his useful suggestions and criticisms. Elizabeth van Ryssen's co-operation and typing ability are acknowledged and greatly appreciated. My thanks also to Finuala Dowling for her help in the proof-reading of this thesis.

I wish to express my gratitude to those people who allowed me to interview them.

I was ably assisted by the library staff of the African Studies Division at UCT and the CCC Reference Library.

Finally, I am indebted to the Human Sciences Research Council whose financial assistance made work on this thesis possible.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABSTRACT .................................................................</td>
</tr>
<tr>
<td>ACKNOWLEDGEMENTS .....................................................</td>
</tr>
<tr>
<td>TABLE OF CONTENTS ......................................................</td>
</tr>
<tr>
<td>ABBREVIATIONS ............................................................</td>
</tr>
</tbody>
</table>

**CHAPTER I : INTRODUCTION** .............................................. 1

1.1 Introduction .......................................................... 1

1.2 Methodology .......................................................... 6

1.2.1 Reasons for Methodology ........................................... 6

1.2.2 Quantitative Research Methods .................................... 7

1.2.3 Qualitative Research Methods ..................................... 9

**CHAPTER II : LEGISLATION AFFECTING THE AUTONOMY OF LOCAL GOVERNMENT IN SOUTH AFRICA** ........... 16

2.1 Preface ................................................................. 16

2.2 Nomenclature .......................................................... 16

2.3 Legal History of Local Government 1910-1986 ......................... 17

2.4 Central State Controls ............................................... 21

2.5 Provincial Controls .................................................. 23

2.6 Conclusion ............................................................ 26

**CHAPTER III : CCC - PUBLIC POLICY ANALYSIS** ..................... 32

3.1 Preface ................................................................. 32

3.2 History of the CCC .................................................. 33

3.3 Divisional Councils .................................................. 35

(iii)
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.16.3 RSC Finance</td>
<td>184</td>
</tr>
<tr>
<td>5.16.4 RSCs and Ethnicity</td>
<td>185</td>
</tr>
<tr>
<td>5.16.5 Rationalisation</td>
<td>186</td>
</tr>
<tr>
<td>5.17 Local Government Affairs Amendment Act of 1985</td>
<td>187</td>
</tr>
<tr>
<td>5.18 Local Government Training Act of 1985</td>
<td>189</td>
</tr>
<tr>
<td>5.19 The Constitutional Affairs Amendment Act of 1985</td>
<td>190</td>
</tr>
<tr>
<td>5.20 Temporary Removal of Restrictions on Economic Activities</td>
<td></td>
</tr>
<tr>
<td>Bill of 1986</td>
<td>191</td>
</tr>
<tr>
<td>5.21 Municipal Amendment Ordinance No 3 of 1986</td>
<td>191</td>
</tr>
<tr>
<td>5.22 Declaration of Local Government Areas Ordinance of 1986</td>
<td>192</td>
</tr>
<tr>
<td>5.23 Joint Management Committees</td>
<td>192</td>
</tr>
<tr>
<td>5.24 The Rise of the Department of Constitutional Development</td>
<td></td>
</tr>
<tr>
<td>and Planning</td>
<td>193</td>
</tr>
<tr>
<td>5.25 &quot;Own Affairs&quot; Departments of Local Government</td>
<td>194</td>
</tr>
<tr>
<td>5.26 Provincial Administrations</td>
<td>195</td>
</tr>
<tr>
<td>5.27 Regional Administration</td>
<td>197</td>
</tr>
<tr>
<td>5.28 Evaluation of State Strategy</td>
<td>199</td>
</tr>
</tbody>
</table>

CHAPTER VI : CCC RESPONSE TO THE RESTRUCTURING OF LOCAL GOVERNMENT  218

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1 Preface</td>
<td>218</td>
</tr>
<tr>
<td>6.2 Slater Two Report</td>
<td>218</td>
</tr>
<tr>
<td>6.3 Commissions of the Late 1970s</td>
<td>219</td>
</tr>
<tr>
<td>6.4 The Browne Report</td>
<td>220</td>
</tr>
<tr>
<td>6.5 City Engineer's Report on Metropolitanisation</td>
<td>221</td>
</tr>
<tr>
<td>6.6 The Municipal Franchise</td>
<td>225</td>
</tr>
<tr>
<td>PAGE</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td></td>
</tr>
<tr>
<td>6.7 CCC's Evidence to the President's Council</td>
<td>226</td>
</tr>
<tr>
<td>6.8 CCC's Response to Local Government Developments</td>
<td>227</td>
</tr>
<tr>
<td>6.9 Implementation of the RSC in the Western Cape</td>
<td>233</td>
</tr>
<tr>
<td>6.10 Provincial Secretary's Submission to the Demarcation Board</td>
<td>236</td>
</tr>
<tr>
<td>6.11 Administrator's Submission to the Demarcation Board</td>
<td>241</td>
</tr>
<tr>
<td>6.12 CCC's Submission to the Demarcation Board</td>
<td>241</td>
</tr>
<tr>
<td>6.13 CCC's Submission to the Administrator on the Exclusion of CBDs and Industrial Areas</td>
<td>248</td>
</tr>
<tr>
<td>6.14 Demarcation Board Hearing</td>
<td>250</td>
</tr>
<tr>
<td>6.15 CCC's Local Option</td>
<td>252</td>
</tr>
<tr>
<td>6.16 Evaluation of CCC's Strategy</td>
<td>259</td>
</tr>
</tbody>
</table>

CHAPTER VII : CONCLUSION | 278 |
| 7.1 Assessment of CCC's Policy | 278 |
| 7.2 CCC's Reaction to Local Government Restructuring | 281 |
| 7.3 RSCs - Doomed to Failure? | 283 |
| 7.4 Whither the CCC? | 286 |

ANNEXURE A : Figure: Intensive and Extensive Research:
A Summary | 288 |

ANNEXURE B : Figure: The Structure of Causal Explanation | 289 |

ANNEXURE C : Map of the Cape Metropolitan Region and the Provincial Secretary's Proposed RSC Area | 290 |

ANNEXURE D : Organisational Chart of the CCC | 291 |

ANNEXURE E : Map of the Management Committee Areas in the Municipal Area of Cape Town | 292 |
| ANNEXURE F | Map of the CCC's Proposed RSC Area | 293 |
| ANNEXURE G | Map of the Administrator's Proposed RSC Area | 294 |
| ANNEXURE H | Map of Planning Region 39 | 295 |
| ANNEXURE I | CCC's "A Call for Dialogue" Advertisement | 296 |

REFERENCES ............................................................................. 297
ABBREVIATIONS

ANC African National Congress
ASSA Association for Sociology in Southern Africa
ASSACOM Association of Chambers of Commerce of South Africa
ASSOMAC Association of Management Committees
BBSK Bokmakierie, Bridgetown, Silverton and Kewtown
CAHAC Cape Areas Housing Action Committee
CAL Cape Action League
CBD Central Business District
CCC Cape Town City Council
CDC Cape Divisional Council
COSATU Congress of South African Trade Unions
CP Conservative Party
CPA Cape Provincial Administration
CPLAAS Cape Peninsula Local Authority Ambulance Service
CPMA Cape Provincial Municipal Association
CRC Coloured Representative Council
CTMWA Cape Town Municipal Workers’ Association
EPC Electricity Petition Committee
ESCOM Electricity Supply Commission
EXCO Executive Committee
FEDHASA Federated Hotel, Liquor and Catering Association
GCT Greater Cape Town
GST General Sales Tax
MEC Member of Executive Committee
METPLAN Cape Metropolitan Planning Committee
MP Member of Parliament

(ix)
MPC  Member of Provincial Council
MSC  Municipal Service Commission
MTAB  Metropolitan Transport Advisory Board
NEUM  New Unity Movement
NP  National Party
NPA  Natal Provincial Administration
NRP  New Republican Party
PP  Progressive Federal Party
PLA  Primary Local Authorities
PP  Progressive Party
PRP  Progressive Reform Party
RSC(s)  Regional Service Council(s)
RDA(s)  Regional Development Association(s)
RDAC(s)  Regional Development Advisory Committee(s)
RSA  Republic of South Africa
SAAME  South African Association of Municipal Employees
SACOS  South African Council of Sport
SADF  South African Defence Force
SAIRR  South African Institute of Race Relations
SALORDU  Southern African Labour and Development Research Unit
SAP  South African Police
SATS  South African Transportation Services
TMA  Transvaal Municipal Association
UCT  University of Cape Town
UDF  United Democratic Front
UME  United Municipal Executive
UP  United Party

(x)
UPRU  Urban Problems Research Unit
WPCU  Western Province Cricket Union
WPFA  Western Province Football Association
CHAPTER I
INTRODUCTION

1.1 INTRODUCTION

As an academic discipline in South Africa, the field of local government has until recently remained very much a backwater. There are a number of reasons for this. In countries such as the United Kingdom, United States and France, critical analyses of local government have in recent years been the focus of increased academic attention at both a theoretical and an empirical level. As Mingione points out:

Since the middle sixties social scientists have expressed a renewed interest in urban and regional questions.

However, in South Africa this field remains largely unchartered territory. Most of the existing local government literature falls into two categories, which preclude these type of studies. Firstly, most academics who write on the topic tend to have close links with the ruling establishment. As a result government policy is taken as a fait accompli, which in turn results in the widespread use of certain orthodoxies which are seldom questioned, such as ethnic self-determination. Local government is examined from a legislative, legal and administrative perspective, with limited attention being paid to the social and economic context in which it operates. These writings, while at one level providing useful factual information, at another tend to be atheoretical and sterile.

The second category is that of local government practitioners. These type of analyses are beneficial in that they can show
important insights into the working of local government system, but they also have their limitations. Firstly, being local government employees, such writers are constrained by what they can write about the policies of their employer and the nature of the work environment. Further, as Dunleavy suggests, it can lead to an exaggerated emphasis on the value of personal experience and a mode of academic enquiry structured only to everyday or "common-sense" concepts and explanations.

A further reason is that local government in South Africa seldom attracts the type of news coverage that, for example, a discipline such as international relations does. Media coverage of local government affairs tends to be patchy and inadequate. This means reliance on this form of secondary sources is insufficient, and is often a deterrent to would-be researchers.

However, the restructuring of South African polity by the National Party in the 1980s has had dramatic effects on local government. Under the new constitutional format it is destined to play a much more important role than before. It has thus been projected into the limelight, and there is now increased academic interest being shown in the subject.

The field of local government chosen for examination is the nature of the administration and politics of the CCC from January 1976 until June 1986. This thesis is open-ended in that it has no central argument. Nevertheless, it is still possible to identify certain fundamental issues that this thesis addresses. These issues (which are not necessarily mutually exclusive) are:
* what are the constraining influences of the higher tiers of government on the autonomy of the CCC?
* what substance has there been to the CCC's liberal anti-apartheid stance?
* why has the state restructured the local government system?
* what are the reasons for CCC resistance to this restructuring?
* what effects will this new system have on the CCC?

Why was the CCC chosen as the topic of research? Despite its high profile image, a paucity of data exists which adequately deals with the CCC. Further, the CCC has been arguably the most hostilely anti-apartheid white local authority in the country. It has taken an independent line on a number of issues and has often clashed with the government. This makes it a more interesting topic of study than most white local authorities, who merely replicate government policy at local level. Thirdly, the CCC is the biggest and wealthiest local authority in the Cape. As such, it has more resources to devote to research than other local authorities and has thus produced extensive documentation on its policy.

Fourthly, in South Africa neither the common law nor statute bestows any right upon citizens to obtain access to public sector documents and files. As a result, access to public sector information has always been rather restricted. This already restricted access was even further curtailed by the promulgation of the Protection of Information Act in 1982, which substantially increased the range of classified information in Public Administration. The civil service has been described as "undoubtedly an impregnable fortress for state papers and documents." By
these rather limiting standards, CCC's approach to open government is rather refreshing. Provision was requested and received to study all Exco Minutes documents with the exception of confidential staff and financial matters.

By concentrating on the CCC, there is one obvious hiatus in the analysis of local government in the Western Cape, namely that of African local government, which is not the responsibility of white local authorities. While not detracting from its overall importance, for the purposes of this thesis it is not that significant, because both structurally and in terms of the state's strategy African local government has followed divergent routes from the other three ethnic groups. Indian local government is also not examined, because Indians comprise only one percent of the CCC's population and it is tangential to both CCC and government concerns in the region. Further, although this thesis takes government ethnic categories as a starting point for analysis, this must not be construed as an acceptance of such categories.

In Chapter II legislation affecting the autonomy of local authorities in South Africa will be examined. This is in order to locate in some type of context the powers that local governments have to pursue their policy independently from the constraints of higher tiers of government. In Chapter III the nature of CCC's public policy will be examined. This will involve looking at the major actors, sources of input into policy as well as the constraining influences on policy making. Chapter IV is devoted to the question of "coloured" local government, which in recent years has been arguably the most important issue for the CCC.
Chapters V and VI look at the most profound and decisive changes in local government since the establishment of Union. Chapter V looks at state strategy towards local government. The main causes, features and objectives of the new local government legislation will be highlighted. This is important not only in terms of illustrating state policy towards local government policy, but also because part of the reasons for restructuring local government came from national level dynamics which really have very little to do with local government. Chapter VI examines the CCC attitude to the restructuring of the local system and the various initiatives they have undertaken in response to the impending introduction of the RSC Act. Chapter VII, the conclusion, summarises some of the main findings of the thesis and sketches out a few possible scenarios for the CCC.

Although this thesis has been submitted as a Master of Public Administration degree, it is two-pronged in the sense that it attempts to straddle both the disciplines of Public Administration and Political Studies. It falls within the ambit of Public Administration in that it concentrates on policy formulation and technical and administrative problems of local government, and Political Studies in that it looks at the political influences behind both CCC policy and the restructuring of local government. During the course of research for this thesis, it became obvious that these two disciplines are inextricably intertwined. Although Public Administration can never be stripped of its political context and regarded as a mere off-shoot of Business Administration, Public Administration in South Africa is more
politicised than in most countries because of the pervasive effect of the Nationalists' apartheid policies on all facets of society.

1.2 METHODOLOGY

Fifteen interviews were carried out with prominent local government actors between July and December 1985. The interviewees comprised CCC councillors, CCC officials, CCC Management Committee officials, officials from the Department of Constitutional Development and the CPA, and a Cabinet member of the House of Representatives. Because certain interviewees specifically requested that they did not wish to be quoted, it was decided for the sake of conformity not to mention any of the names of those interviewed. CCC meetings in 1985 and 1986 and the Demarcation Board meeting in Bellville in 1986 were attended and were sources of primary data. Primary documentary sources that were consulted comprised CCC Exco Minutes, ordinary CCC Minutes, Hansard, Provincial Debates, Acts of Parliament, Commissions of Enquiry and the annual Reports of the relevant Departments from January 1976 until June 1986. Secondary material utilized were newspapers, periodicals, journals and books.

1.2.1 Reasons for methodology

This paper begins with the view that there is no privileged epistemological position in social science. No theory can lay an exclusive claim to knowledge. This proposition has influenced the particular methodological path followed in this thesis, viz. qualitative (or intensive) research methods which were preferred to
quantitative (or extensive) research methods. To illustrate the reasons for this it is necessary to examine both these methods.

1.2.2 Quantitative research methods

Quantitative researchers concentrate on collecting statistical patterns of aggregate sums of individuals. Broadly speaking, they derive their methodology from positivist metaphysics. Positivist social science is in turn heavily influenced by the analytical models which have dominated natural sciences. Positivists believe that such models can be used in social science settings in order to discover and aggregate facts which are regarded as theory-neutral. These facts then form the basis of universal laws. The most common form of quantitative research is that of questionnaire and interview surveys in which characteristics of a certain sample are inferred to the population as a whole. Quantitative researchers posit through the use of fixed-choice questionnaires in which the wording and ordering of the questions are framed in a certain way, all variables are controlled and observer-bias is minimised. The raw data which is collected from questionnaire results is analysed and hypotheses or laws are formulated which are regarded as scientific.

However, the scientific basis of quantitative research has come under increased criticism. Among the objections raised are that such generalisations do not tell us whether these empirical regulations are contingent or necessary events. Expounding, contingent relationships exist when the given relationships between two different variables is such that either could exist without the
other. Conversely, necessary relations are present when the existence of a variable is dependent upon the existence of another variable. \(^\text{15}\)  

Positivist metaphysics is based on the Humean theory of causality which takes as its premise that one event can only be the cause of another if it occurs prior to it, e.g. if \(X\) occurs it is always followed by \(Y\). However, the causal mechanisms which link \(X\) and \(Y\) are not spelt out. A causal explanation is not an \textit{a priori} deduction of cause from effect. An explanation can have a number of components. Contingent relations are often erroneously thought to be necessary ones and thus mistakenly presented as universal laws. However, even if a certain sector of the population does something 90% of the time, this does not prove any causal link. The cause of a particular event has no necessary connection with the amount of times it has actually occurred. \(^\text{16}\) 

Further, there could be two identical situations where different results occur and the same variables are present in both situations, except that element \(X\) is present in the first case and not in the other. However, this does not mean that \(X\) is the element which makes the difference to the eventual outcome. \(^\text{17}\) 

Secondly, Glaser and Strauss’ \(^\text{18}\) important distinction between formal and substantive analysis can be referred to. Formal analysis focuses on externally-related individuals who have similar characteristics, yet do not interact formally with each other. Substantive analysis focuses on individuals who externally may not appear to be related, yet are linked in a causal and structural manner. The problem with generalisations is that they do not tell us whether individuals are formally or substantively linked with
the other individuals sampled. Often samples tend uncritically to subsume people who have no substantive connections under the same category. In reality this sample can be very diverse and it could thus be extremely misleading to attempt to derive universal laws from formally related individuals.

Thirdly, quantitative researchers presume that everybody holds a fixed opinion about everything. However in reality, as Marsh points out,

individual opinion responses are not unproblematic, unchanging entities, waiting to be elicited by apostles with a sample closed-ended question,\(^9\) and that opinion polls give an opportunity for the people sampled to give what appear to be very definite and complex opinions on topics about which in reality they have complex and contradictory opinions, or perhaps no opinions at all.\(^{20}\)

Despite these criticisms opinion polls cannot be totally dismissed. Under certain conditions quantitative research can generate aggregate data patterns which have explanatory values. These conditions are, firstly, that the object possessing the causal powers must be held constant if mechanisms are to operate constantly; and secondly, that the relationship between causal mechanisms and contingent qualities which affect the outcome must also be held constant.\(^{21}\) Unfortunately, such techniques are rarely utilized.

1.2.3 Qualitative research methods

Qualitative researchers focus on processes, activities, relations and incidents which are not necessarily quantifiable.
This form of research involves examining groups which do not necessarily have formal links but who relate to each other causally. Instead of trying to discover common properties and general patterns of the population as a whole, individuals are selected one by one as the research project proceeds and causal links develop. This type of research has been referred to as epidemiological research. Important in this regard are gatekeepers.

By gatekeepers I mean actors with control over key resources and avenues of opportunity.\textsuperscript{22}

The gatekeepers are often the conduit through which access to strategic actors and settings is attained. However, because of their pivotal position they can also be an impediment. They can prevent access to certain fields and steer the researcher in a desired direction. The problem is that it is the most important issues that are normally the most sensitive and hence the researcher is likely to be steered away from them by the gatekeeper.\textsuperscript{23}

Qualitative interviewing through its flexible framework is in a much better position to establish substantive relations of connection instead of relying on formal relations of similarity which tend to be superficial. The locus of research can easily be altered if new and possibly more fruitful fields of inquiry open up. In fact, the research project is seldom finalized before empirical work commences. It is only during the course of research that the central issues and problems are identified. Often research problems differ from what was originally anticipated. As Glaser and Strauss remark:
Who is interviewed, when and how, will be decided as the research progresses according to one's assessment of one's current state of knowledge and one's judgment as of how it might best be developed further.²⁴

Of course there are limitations to qualitative research. Its results are not likely to be representative or open to generalisation. Its strength lies in exposing causal links in a limited number of cases, rather than discovering some of the general patterns of a population as a whole.²⁵ Further, quantitative researchers argue that qualitative interviewing is subjective. This is true yet for reasons already outlined it is probably no more subjective than quantitative research. But this leads to another issue. If there is no methodological monopoly on truth and all knowledge is inherently subjective, is there anything worthwhile to be gained from research? The author concurs with Gouldner, who argues that objectivity is guaranteed only by the moral character of the individual:

Objectivity consists in the capacity to know and to use — to seek out, or at least to accept it when it is otherwise provided — information inimical to our desires and values, and to overcome our own fear of such information.²⁶

As a corollary of the reasons mentioned, qualitative research methods were utilized in this thesis. Fifteen qualitative interviews were conducted with strategic local government policy-makers and actors.

Further, because of this thesis's rejection of a privileged epistemological starting point, an eclectic framework was adopted whereby a number of disparate theories were utilised. There was, however, one caveat. Eclecticism contains within it inherent
dangers because opposing theories often contain contradictory claims.27 The necessity for an awareness of their limitations and the extent to which they are compatible, were guidelines for the author during the course of this research.
NOTES


5. It could be argued that municipal apathy is not only a South African phenomenon. This is valid, but there are factors which make apathy in South Africa more profound. To ensure the successful implementation of apartheid, extensive state interference and control was needed in all spheres of South African society. This meant relatively fewer functions were provided at local government level than in most Western countries. This has contributed to less interest in local government than in these countries. This issue will also be discussed in Chapters II and III.


7. Ibid., p. 186.

8. In the thesis the "non-white" ethnic categories will be referred to as Africans, "coloureds" and Indians. Collectively they will be termed blacks.
9. In fact, the compartmentalization of social sciences into various disciplines generally is analytically superficial. The examination of this issue would, however, be beyond the scope of this paper.

10. A number of American and South African universities which lecture Public Administration give it this rather narrow interpretation.

11. See Sayer, A., *Method in Social Science, A realist approach*, London, Hutchinson, 1984, pp. 220-222, for a discussion of both these research techniques. Also see Annexure A.

12. This must be considered a brief and incomplete account of the methodological war that is raging in the social sciences.


15. Ibid, p. 82.

16. Ibid, pp. 98-100. Also see Annexure B.


20. Ibid., p. 271.


23. Ibid, pp. 63-68.


2.1 PREFACE

Analyses of local states' and central states' policy cannot be satisfactorily juxtaposed. While central states have the ability to define policy in almost all spheres of life affecting the citizens of that particular country, local states operate from a much narrower base. Local authorities are normally vested with a limited amount of powers and do not have carte blanche to decide on a number of issues affecting citizens in their locality. However, within these parameters, the space in which local authorities can operate, undertake initiatives, or oppose central state policy varies from country to country. In this chapter, the constraints within which local authorities in South Africa in general, and the Cape specifically, can operate, will be examined. It will concentrate on the legal status of local government from 1910 to 1986, as well as looking at the central and provincial government legislation which affects local government.

2.2 NOMENCLATURE

Although there is a burgeoning school of literature on the local state, it is beyond the scope of this thesis to examine this debate, which is both largely theoretical and exogenous to South Africa. For the purposes of this dissertation the following definition of local government will suffice:
A local government is a decentralised representative institution with general and specific powers devolved on it in respect of a restricted area within a nation of a state, and in exercise of which it is locally responsible and may to a certain degree act autonomously. Deconcentration is the geographical dispersal of functions, structures or staff by the central government to local administrative agencies. Decentralisation is the conferment of executive powers of a defined nature on democratically elected local authorities. Deconcentration does not confer plenary powers on local authorities, while decentralisation does. Decentralisation ipso facto involves devolution of political power. Paddison points out that devolution involves both policy definition and spending. Expounding, the higher tiers of government can lay down basic goals or standards in certain spheres, yet the amount that can be spent is left to the discretion of the local authority concerned. Conversely, the government can limit the amount that can be spent in certain fields, while allowing considerable latitude as to how the funds are spent.

2.3 LEGAL HISTORY OF LOCAL GOVERNMENT 1910 - 1986

The South African Act of 1909 established the Union of South Africa, which consisted of the four self-governing British colonies. These erstwhile colonies surrendered most of their powers and functions to central government and became provinces in the Union of South Africa. In each province, provision was made for an elected provincial council. Section 85 of the Act gave provincial councils the power to pass ordinances in respect of municipal institutions, divisional councils and other local
institutions of a specific nature.

In fact, at the time of Union, all four colonies already had well-developed forms of local government. Because of South Africa's great geographical distance, it was considered practical to have a provincial council supervising these local authorities. The alternatives to such a second tier of government had involved either minimum or maximum devolution of powers, both systems having political and administrative problems. The legal situation was that Acts of Parliament promulgated what powers provincial councils had. Provincial ordinances created local authorities and defined the scope of their local jurisdiction. The regulation and control of municipal affairs occurred through such provincial ordinances, although Parliament was also a competent body to create local authorities. Local authorities could only make by-laws within the parameters of this legislation. The South African Act of 1961 did not change the de jure position of local government.

Unlike certain countries such as West Germany where the rights of local government are enshrined in the constitution, the South African system of local government has never had any form of constitutional safeguards. Neither the Constitution of 1909 nor 1961 made reference to the right of local government to exist. There was nothing in the statute which made it mandatory for provincial councils to create local authorities. They existed at the will of such bodies. No court of law was competent to pass judgment on the nature of powers that were devolved down to local authorities. This applied equally to Acts of Parliament and provincial ordinances. The doctrine of ultra vires applied: viz. that local
authorities could only perform a statute if it was specifically authorised by a higher tier of government. This doctrine existed to prevent local authorities from exceeding their powers or from spending money without authority. Close control was kept over local authorities to ensure that this doctrine was not contravened. For example, Johannesburg City Council was forced to dismantle its social welfare department when provincial auditors ruled it ultra vires.

Until its abolition as an elected body in 1986, the provincial councils' executive consisted of the government-appointed Administrator and other members who were elected by the caucus of the majority party. One member of the executive was the Minister in control of municipal affairs in the province concerned. Each province had a Department of Local Government which was responsible for exercising control over white/Indian/"coloured" local authorities in the province.

Because the different provinces had certain plenary powers, divergent local authority forms and practices developed. Although there were differences between provinces, there was often no differentiation made between powers granted to local authorities, irrespective of whether they were in a large city or small country village. Legislation enacted by the provincial council sometimes applied equally to all local authorities in that province, which led to constant complaints.

The services provided by local authorities can be divided into two categories. Firstly, there were certain functions which were undertaken voluntarily by local authorities. It was the
prerogative of the local authority concerned to decide whether they wanted to offer such a service and it depended on such factors as the needs of the community and available finance. Here devolution of power was said to exist (although in certain instances stringent standards and goals of the higher tiers of government had to be adhered to). Secondly, there were mandatory functions which local authorities were obliged by law to perform. These functions were often undertaken by local authorities on behalf of central government on an agency basis. Low-cost housing was an example hereof; the state supplied the finance, laid down building standards and often the location of such houses. This was a form of deconcentration.

The RSA Constitution Act of 1983 made provision for a tricameral system with white, "coloured" and Indian chambers deciding exclusively on matters of "own affairs", subject to the existence of any general policy, or general law; and jointly on matters of "general affairs". Local government was one of the functions that was decreed an "own affair". Accordingly, local government now became the responsibility of central government. In each chamber a Department of Local Government was created to supervise ethnic local authorities. The 1983 constitution also did not enshrine the rights and status of local government. The doctrine of ultra vires still applied. Further, the State President has the power arbitrarily to change the status of local government from "own affairs" to "general affairs".
2.4 CENTRAL STATE CONTROLS

"Local authorities are the agents of the state with respect to the execution of such policy." (Prime Minister H. Verwoerd speaking in the 1950s at a time when apartheid was being forced on certain recalcitrant local authorities).

The lack of constitutional safeguards led to the whittling away of the powers of local authorities by both central and provincial government, even in pre-apartheid days. This could be partly ascribed to the tendency of national authorities in unitary states to decentralise decision-making powers. This process was intensified with the election of the National Party in 1948. The practical application of their apartheid policy meant considerable state interference in the local state domain. However, in many of the major metropolitan centres, the government believed that United Party-controlled local authorities were being deliberately obstructionist in the implementation of apartheid laws. Thus, direct state control at local level was needed to ensure the successful introduction of apartheid. The result was that state interference led to the severe curtailment of local state autonomy.

As the Browne Commission somewhat euphemistically noted:

The need for co-ordinated policy making in South Africa's special circumstances has resulted in relatively less functions being provided at local government level than in most Western countries.

There are a number of important apartheid Acts which have curtailed local government autonomy. For example, the Group Areas Act, 1966, led to residential areas being exclusively demarcated for residential use by one "'ethnic group". The Separate Amenities Act of 1953 forced local authorities to demarcate their recreational facilities on an ethnic basis. In terms of the
Physical Planning and Utilisation of Resources Act, 1975, major planning policies are drawn up at national level. More detailed guide plans are formulated at regional level by government planning committees, which affect all facets of local authorities' planning. However, these guidelines are embedded to certain political preconditions. For example, the draft guide plan for Cape Town used the Group Areas Act and the acceptance of Atlantis as a decentralisation point as its premises. Finally, in 1971, administration of Africans in urban areas was removed from the control of White local authorities and placed under the auspices of newly established Administration Boards.18

There are also certain acts passed by central government which, while less directly related to apartheid policies, still made inroads into local government autonomy. The Housing Act, 1966, made provision for the establishment of a National Housing Fund. In terms of this Act local authorities received their funds for housing schemes from this fund and are subject to strict financial and housing standards provisions. The Health Act, 1977, imposed certain obligations on local authorities pertaining to health services. In terms of the Electricity Act of 1958, electricity rates were subject to approval by the Electricity Control Board, as were the extension of a local authority's rated generated capacity by more than 10% a year. The Local Authorities Loans Fund Act provided for the establishment of a government-appointed Local Authorities Loans Fund Board. Loans are made available to local authorities under strict terms and conditions for capital works.19
There are also direct financial obligations imposed by the state on local authorities, e.g. import duty, excess duties on essential commodities such as diesel fuels, fuel tax and GST. Although figures for Cape Town are not available, in Johannesburg during the 1981/2 financial year, financial commitments to the state swallowed up more than 40% of the operating expenditure for that year. 20

2.5 PROVINCIAL CONTROLS

The CCC has a special ordinance applying exclusively to it: viz. the Cape Town Municipal Ordinance 24 of 1965 which will be examined in more detail in Chapter III. For the purposes of this chapter, some of the more important provincial regulations affecting all local authorities countrywide and the general Cape ordinance applying to all local authorities in the province, viz. the Municipal Ordinance 29 of 1974, will be examined.

In the Cape a local authority cannot undertake a number of measures without the Administrator’s approval. For example, all municipal by-laws have to be approved by him; he sets the fixed monthly allowances of councillors; he approves all loans above a minimum amount and controls local authorities’ ability to lend money or allocate grants. 21 He can also direct a council to pass by-laws dictated to it. Should it refuse to do so, the by-law can be promulgated in the Provincial Gazette without the council’s approval. Should a council still refuse to enforce the by-law, the Administrator can authorise another body to do so and claim the costs from the local authority concerned. 22
The Administrator was also responsible, until 1984, for determining the remuneration paid to the town clerk (the chief executive/administrative officer of local authorities). Up to the 1950s, local government could set its levels of remuneration, subject to the normal process of bargaining with trade unions. However, beginning in the Transvaal and spreading to other provinces, the town clerk in respect of remuneration and service benefits was removed from the ambit of the Industrial Act and placed under the control of the Administrator. The objective behind this was to strengthen the organisational structure of local authorities by making the town clerk responsible for overall leadership, co-ordination and general management. He was removed from the ambit of the Industrial Act so he could be unaffected in staff negotiations and disputes between his council and its employees. However, the respective Administrators down the years assumed more control over town clerks through provincial ordinances which imposed stringent conditions of service, including maximum salaries, on town clerks. As Craythorne points out, this system led to divided loyalties. Arbitrary dismissals of town clerks occurred and this category of employees became acutely aware that it was the province and not their employer, the local authority concerned, who was responsible for both their conditions of service and their continued employment.

In all provinces, local authorities must prepare estimates of income and expenditure in respect of both capital and current accounts, and then forward these to the Administrator for approval. In the Cape, local authorities may not exceed the
estimated expenditure without approval of the Administrator, unless the amount is not in excess of 3% of the original amount.\textsuperscript{26} As Barber\textsuperscript{27} points out, a local government budget cannot be compared with a central government budget. The former is essentially a revenue-raising exercise while a national budget, in addition to this, also has fiscal and monetary techniques as integral components of its make-up. Balancing the budget has ceased to be a priority at national level, where deficits are commonplace. However, local authorities in South Africa (although not always successful) are required by law to balance the budget. They are not allowed to budget for deficits on the operating account and if the budget of a local authority shows a deficit, the Administrator has the power to force it to levy an extraordinary rate in order to rectify the situation.\textsuperscript{28} It is ultimately the ratepayers of local authorities who have to balance the budget through paying increased service charges and higher rates. There are controls here too. Limits on major profit-making services such as electricity have already been mentioned. In addition, rates may not exceed 2c in the Rand without the Administrator's approval.\textsuperscript{29} In the Cape, valuations are carried out by officials of the CPA and not municipal officials.\textsuperscript{30} A general valuation of property only has to take place every 10 years in the Cape.\textsuperscript{31} This has led to property valuations lagging behind inflation with rates as a percentage of local authorities' total revenue steadily declining over the last 25 years.\textsuperscript{32}

Arising out of the recommendations of the Browne and Cresser Reports, the Treasury has \textit{de facto} replaced the Administrator as
the financial watchdog over large local authorities. It has imposed a limit on local authorities' expenditure in the interests of macro-economic objectives. The annual budget of local authorities now has to be submitted to the Treasury for approval. In 1985/6, the limitations were 12.5% above the capital account and 10% above the operating income account of the previous financial year, ceilings which could only be exceeded with Treasury approval (and were well below the annual inflation rate). Complaints have been expressed that this macro-control is degenerating into micro-control, with the Department of Finance trying to limit expenditure on various sub-divisions of the budget.

Finally, although local government subsidies (approximately 4%) are comparatively small compared to a number of overseas countries, a number of services are dependent on such subsidies. The CPA subsidised services such as libraries, museums, roads, and facilities for separate beaches, and the quality of such services depended on provincial subsidies. The CPA itself received the majority of its income from central state subsidisation (approximately 80%). Thus, when the state cuts back subsidies to the provinces, as it did in recent years, this had a spiral effect with local authorities' subsidies in turn being pruned by the provinces.

2.6 CONCLUSION

Local authorities in South Africa are severely limited, both in policy definition and spending. The lack of constitutional safeguards for local government has led to the whittling away of local autonomy by both central and provincial authorities.
implementation of apartheid led to extensive social engineering by the state at local government level. There are also a number of other controls, less directly related to apartheid, which have ensured that local governments have a rather limited base from which to put their policies into practice.
NOTES

1. See Wilkinson, P., The "Local State" as a conceptual problem: An exploration of some recent work (paper presented at ASSA Conference, University of Witwatersrand), July 1984, for a useful discussion in this regard.


9. Ibid., p. 122.


11. Although the RSC Act has changed this relationship, it has not yet come into effect. As such, these arrangements are still in operation. The changes caused by the foregoing Act will be examined in Chapter V.


14. Although local authorities for whites, "coloureds" and Indians are now supposed to be controlled by their respective "own affairs" departments the Administrators are still controlling local authorities and all provincial ordinances are still in effect.


16. Conversely, in federal states there is a tendency for many functions to be devolved to local authorities. However, there is nothing causal about these relationships.

17. Republic of South Africa, Report and Recommendations of the Committee of Enquiry into Control over Local Authority


23. See Evans, S., The Remuneration of Town Clerks Act, 1984 (paper delivered at a symposium at the University of Durban-Westville), April 1985, for a more comprehensive account of the change in status of the town clerk in the 1950s.


28. Cowden, J.W., op. cit., p. 25. These provisions do not exist in the Transvaal.

30. Ibid., p. 199. The Cape is the only province where rates are determined by valuators appointed by the province. This is the function of local authorities in the other provinces in the country.

31. Ibid., p. 201.


35. CCC, Executive Committee Minutes, *Letter from Secretary, Major Cities, to Minister of Finance*, Cape Town, 16/1/1986, Item 19.

CHAPTER III

CCC - PUBLIC POLICY ANALYSIS

3.1 PREFACE

In this chapter the nature of CCC's public policy from 1976 to 1986 will be examined. This will include looking at the major actors, the sources of input into policy, as well as the constraining influences on policy-making.

Amongst the major components of this chapter are the CCC's historical development, its role as the biggest local authority in the region, an analysis of its political complexion and an examination of the class background of the councillors. This will be followed by a discussion of the CCC's organisational structure, how policy is initiated and the role of bureaucrats in the policy process. The CCC's relationship with its supervisory body, the CPA, will be analysed as will be the role of the CPA's stepchild, the MSC in the CCC structure. The nature of the CCC's labour policies, the role of ratepayers' associations and the extent of corporate influence on CCC policy will then be illuminated. This will be followed by an analysis of the rhetoric and reality of CCC's policy, with particular reference to the allocation of funds. The chapter will be concluded by looking at the position of increased fiscal strain in which the CCC is finding itself.
3.2 HISTORY OF THE CCC

Ordinance 1 of 1840 established the Municipality of Cape Town. It was not the first municipality in the Cape Province — that honour goes to Beaufort West which was established in 1837. This legislation made provision for the election of a body called the Board of Commissioners and Wardmasters which represented 12 districts and 48 wards, each district consisting of four wards. These members were elected on a non-racial basis, the qualifications being the occupation of premises with a rental value of £10 per annum. The Commissioners and Wardmasters were responsible for different functions. The former’s tasks tended to be concentrated around the development and maintenance of infrastructure needed for basic services, while the latter tended to focus on administrative aspects such as registering inhabitants and voters and conducting valuations of immovable property. In a number of fields such as the drafting of legislation, the appointing of staff and the provision of estimates, the Commissioners had to consult Wardmasters who, as Craythorne points out, were a middle-class check upon popularly elected Commissioners.

However, it was only with the enactment of the Cape Town Municipal Amendment Act, No 1 of 1867, that Cape Town achieved fully-fledged municipal status. The 1867 legislation abolished the previous system and brought in the beginnings of the present system, in that it made provision for the establishment of a town council with 18 councillors, a mayor appointed by the Council, and the committee system. Increased powers were gradually devolved to
the Council. In 1882 all local government legislation since 1836 was amended and codified in an ordinance. The Cape Town Municipality Act, No 26 of 1893 made provision inter alia for the constitution of the town clerk as a juristic personality and granted additional powers to the Council to provide and maintain services.

During this period, Cape Town consisted of a much smaller geographic area than today; a number of small local authorities proliferated and existed alongside it in the second part of the 19th century. However, the smaller municipalities did not have the financial resources to develop basic infrastructure and provide all the services needed for the rapidly growing urban population. This led to the amalgamation of the municipalities of Cape Town, Green and Sea Point, Woodstock, Maitland, Mowbray, Rondebosch, Claremont and Kalk Bay into the single Cape Town Municipality in July 1903. Wynberg municipality joined the Council in 1927.

Further, in 1912, the Cape Municipal Ordinance was promulgated which repealed the Acts of 1882 and 1893. It made allowance for the multiple committee system and the formal recognition of specialisation, in that each Council had to appoint a town clerk and treasurer, and could also be obliged to appoint a medical officer of health. This ordinance was repealed by Ordinance 19 of 1951, which in turn was superseded by the present Ordinance, 20 of 1974. However, as Craythorne points out, the present ordinance "still reflects the system and ideas behind them, which evolved in the 19th century."
3.3 DIVISIONAL COUNCILS

Existing alongside Municipalities in the province, are the sui generis Cape phenomenon, divisional councils. The whole of the province is in fact divided geographically into divisional council areas for the purpose of instituting such councils. Autonomous local authorities are contained within these divisional council areas. The system of divisional councils was created by the Cape Parliament in 1855. It exists to provide local community services in areas outside municipal boundaries, viz. rural and peri-urban areas. When a part of a divisional area becomes sufficiently populated that there is a need for municipal services, such an area can be declared a "local area". This in a sense is a transitional stage between being a rural authority and its declaration as a local authority/incorporation into an existing local authority. When it is felt that local areas have reached the stage that they can be considered a viable local authority or a viable part of an existing local authority, the divisional council makes arrangements for such a step. The CDC, which was established in 1855, is the third biggest housing authority in the country and it provides services such as health and cemeteries to other local authorities on a regional basis. In reality, the CDC performs many functions which are virtually indistinguishable from those of municipalities.

3.4 CCC - HUB OF THE CAPE METROPOLITAN REGION

The biggest local authority in the province, let alone the Cape Metropolitan Region, is the area which falls under the
jurisdiction of the CCC. It is two and a half times bigger than any other local authority in the province and it contains one-third of the rateable value of the province within its boundaries. It accounts for approximately half of the rates, general and trading surplus income (49.4%) or 57.8% if the income from divisional councils is allocated to the municipalities from which they are raised. It consumes 54% of electricity in the region and is responsible for 75% of subsidised "coloured" and Indian housing in the region. It is the second largest bulk supplier of water in the country. The Cape Metropolitan region provides approximately 9% of the country's total GST revenue, of which CCC provides two-thirds. The CCC is the biggest business in the city with a capital and revenue budget of R884-million, and the biggest employer of labour with a staff of 18,000.

According to the 1980 population census, the population of the Cape Metropolitan Region consisted of 57% "coloured", 31% white, 11% African and 1% Indian. Excluding Africans, the CCC had 49.5% of the region's population. The majority of "coloured" people in the region fall under its auspices. Thus, the CCC is the hub of local authority activity in the region, standing head and shoulders above all the other local bodies.

3.5 THE CCC AND POLITICAL CONFLICT

The CCC's municipal jurisdiction consists of 17 wards each containing two councillors. Elections are held every two years, whereby one councillor from each ward stands for re-election. Two years later the process is reversed with the other councillor
standing. Up to 1984 only owners and occupiers of immovable property of a certain value could vote for Council. This effectively excluded lodgers, boarders and students at universities/technikons. In the Cape, provision was made for a fictitious vote which gave a vote to businesses or industries which owned or occupied rateable property. In addition, only white citizens could vote or stand for the Council except for some 2 000 "coloured" voters who were on the municipal roll in 1971 and did not live in an area where a "coloured" Management Committee had been established.

Most Council elections are generally low-key affairs with a number of candidates being elected unopposed or on low polls. For example, in the 1984 municipal elections 11 of the 17 councillors up for re-election were returned unopposed. Of the six elections the percentage polls were 53,34%; 46,11%; 31%; 29,6%; 26,54% and 24,47%. However, this is not a sui generis Cape Town phenomenon. Apathy towards municipal elections is a world-wide problem. Notwithstanding this, it has been argued that the average white South African tends to be a great deal less interested than the average American in local government affairs. It has been suggested that the reasons for this are that the calibre of school education and composition of residential neighbourhoods are the most important local government issues for citizens in America. However, in South Africa these functions are under the control of the central State and provincial government.21

The councillors themselves have until recently thought of themselves as an "old boys' club" with certain unwritten codes of
conduct. The Council's general attitude is summed up by the remarks of one municipal reporter:

there is a strong feeling among councillors that a member's first loyalty is towards the Council. Council must present a united front and must never appear divided over an issue.22

For new councillors, the cardinal rule was, "Don't rock the boat."

The Council has also regarded itself as a "non-political organisation". This means political affiliations have often taken second place to the interests of the Mother City. In municipalities such as Johannesburg, candidates are elected on a party ticket, with party funds, and are thus beholden to the party. In the council chambers there is a party caucus, with a party whip to enforce party discipline. In Cape Town, although candidates may be backed by certain members of a political party and sometimes even unofficially by the party itself, there are no party funds involved. There is also no party caucus or party whip to enforce discipline. Although members of various political parties and, in some cases, members of provincial councils, have been members of the CCC, it was always felt that they wore the CCC hat first; in their capacity as a City Councillor their prime loyalty was to the Council itself. One reason for this is that many issues dealt with by Council (approximately 90%) are nuts-and-bolts issues such as road-widening, zoning schemes, building regulations, health regulations, etc. Although allocation of even mundane resources can never be non-political, these items can be regarded as non-party-political. Hence, unlike the higher tiers of government, many issues are non-contentious in nature on which it is relatively
easy to reach consensus across party-political lines. There has also been agreement across political boundaries on more substantive issues. A Nationalist, Kosie van Zyl, was elected Mayor with support of PFP members in 1981. Likewise, this councillor supported the CCC in some of its more liberal policies, such as the question of direct representation of "coloureds" on the CCC voting roll, although it was in conflict with Nationalist policy.

Despite this, there have been behind-the-scenes involvement by the political parties and even factions of parties. Often candidates, although professing to be standing on non-political lines, wore rosettes or used posters of the colours of various political parties. For years the Council was thought to have followed a middle-of-the-road UP line. However, the 1972 municipal elections brought in the greatest turnover of councillors for many years. This was in response to the undynamic, autocratic and often inefficient leadership emanating from City Hall. Among the new faces were a number of councillors who, politically speaking, were aligned either to the PFP (previously PP and PRP) or the reformist wing of the UP. There were also a number of businessmen elected to the Council, whose aim was to ensure "efficient government" and who claimed they were apolitical.

Since then this trend has continued. Several councillors with PFP links were elected to the Council, in line with the increase in support at central level for the party. In addition, the demise of the UP and its successor, the NRP, as a political force was reflected in the steady erosion of councillors with political affiliations to this party, so much so that it was no longer
fashionable to talk about the CCC reflecting a UP line in the late 1970s. The tendency, especially in Nationalist circles, was to refer to the PFP-controlled CCC. Nevertheless more businessmen who wished to get the CCC running on more efficient lines were also elected in this period. This turnover also brought in a number of younger councillors.

Nevertheless, despite the change in the political composition of the Council it has stuck relatively consistently to its image as a non-political body. However, a number of factors have led to the changing of this. Firstly, in 1982 the release of the President's Council's report and the subsequent acceptance by the government of most of its major tenets in legislation led to a number of observers realising that the days of the provincial councils were numbered. It was apparent that they were incompatible with the tricameral way of things. As a result there was going to be a loss of political forums in which local issues could be debated. To compensate for this, it was obvious that in Cape Town at any rate, the CCC would be the replacement. Both major political parties operating in the region were quick to realise this, and began to plan accordingly behind the scenes.

Further, there were a couple of contentious issues which contributed significantly to politicising the CCC. Firstly, there was the question of opening the beaches. The Strydom Committee had revealed a legal loophole in the enforcement of beach apartheid and the CCC found themselves in the position of being able to open all their beaches to all races, which they accordingly did. The white backlash resulted in vitriolic condemnation of the CCC's
policy with accusations that the CCC were introducing PFP integracionist policy at the local state level. This led to the 1984 municipal elections being the most overtly party-political municipal elections to have been fought in Cape Town in recent years. In most cases PFP and Nationalist candidates (although not officially standing on party tickets) were ranged against each other. It was a cat-and-mouse campaign with neither party (as had been the case for some time) wanting to be the first to fight CCC elections on party-political lines, fearing the political unpopularity of such a move. In any event Herbert Hirsch, leader of the PFP in the provincial council, attempted to fight the election for Ward 1 on non-party-political grounds and was defeated by R. Frost who, backed by prominent Nationalists, fought the issue of open beaches on a (albeit ambiguous) racist ticket. However, it didn't necessarily indicate a shift to the Right. In this election and subsequent by-elections, the PFP have made gains at the expense of conservative-orientated councillors.

The second politicising factor was the election of party-political figures to the Council in 1984 and 1985. On the Right, it has been achieved by the election of prominent Nationalist, Chris Joubert of "I don't want to swim in a swimming pool with 10 000 klonkies" fame. On the Left the election of councillors Wienberg and Van Eck who, besides disregarding the traditional council pecking order, have made some highly vitriolic anti-Nationalist statements and were involved in the controversial removal of the State President's portrait from the Mayor's parlour, served the same purpose. Thus, by late 1985 the much-cherished
Council ethos as a non-political institution was in tatters. As one councillor remarked,

1985 was the watershed year for the City Council. I have never seen the Council so divided on party-political grounds as they were this year.

As far as the present political composition of the CCC is concerned, despite often hysterical Nationalist denunciations about the PFP-controlled CCC, this does not appear to be the case. According to a prominent PFP councillor, only 11 out of 34 councillors can be relied on unconditionally to vote the PFP line. There is also a small number of councillors, totalling six, who, although PFP members, cannot be relied on to vote the party line on every occasion. Some of this group consider themselves liberals first, then PFP party members. As one of this group remarked, "The Cape liberal tradition has a stronger pull for me than PFP party concerns." Others are ex-reformist UPS who have made the PFP their political home. They are still, however, a bit uneasy about some of the more leftist positions taken by the party and as such tend to be a bit lukewarm in their loyalty towards it. The other factor is that there is no party whip to enforce party discipline. In virtually all political caucuses there are personality differences, and the absence of a whip means they are not suppressed. Thus when it comes to voting, personality differences can be just as important as political differences.

There are also four hard-core Nationalists, a couple of non-aligned conservatives and one racist whose policies seem akin to those of the National Front. The balance of power is held by businessmen who, although declining in number (since the CCC has
become more politicised they have lost seats to both the PFP and the Nationalists) still play a pivotal role. The matter becomes quite complex here because a number of prominent party-political members are also businessmen. The category referred to here as "businessmen" are those who have no direct party links and tend to emphasize foremost the use of business principles in the running of the Council. Although most of them claim they are "apolitical" and that party politics should be kept out of CCC business, some of them have conservative leanings, others more liberal ones. In fact, most of them will side with the PFP on issues of principle such as direct non-racial representation to the CCC, but on issues which have practical implications they tend to side with the Right.

A good example showing how the PFP cannot unreservedly impose its will on the CCC, despite its card-carrying members outnumbering those of the Nationalist Party by almost four to one, was the election of the Deputy Mayor in 1985. Whoever won this post would automatically become Mayor in 1987, a post which, although ceremonial in nature, can be highly influential depending on the calibre of the incumbent. Two candidates made themselves available for the post. One was Frank van der Velde, PFP MPC for Wynberg and also one of the most capable councillors in the CCC. The other was Peter Muller, one of the "apolitical" businessmen on the Council. Before the event van der Velde was clear favourite to win, and had all the PFP councillors and just one businessman voted for him he would undoubtedly have done so. However, in a shock result Muller scraped home (unofficially 16-15
with one spoilt paper). Apparently there was intense lobbying behind the scenes to prevent van der Velde's election. A number of people felt that he was too strong a party-political figure to be elected Mayor, a result which would not have augured well for the City's image. This incident shows how limited the ability of the PFP is to control events in the CCC. Unreliable PFP members and the majority of "apolitical" businessmen, when siding with the Right, can still thwart PFP endeavours.

However, it is highly likely that the next CCC election will be fought on party-political grounds. Despite the previous reluctance by both parties to fight elections on overt party-political lines, the costs of not doing so are now considered to be greater than the risks of doing so. In PFP ranks, there is a strong feeling that they erred in not taking a stronger party-political position in the politicised Ward 1 election, feeling that a low-key non-party-political issue was not the most effective way to counter the sometimes racist campaign fought by his Nationalist-backed opponent. Secondly, if a stronger party-political line had been fought to unseat a number of businessmen/unreliable PFP members who tend to be "draadsitters (fence-sitters)" , the CCC would have been in a better position to respond unequivocally to the political turmoil that Cape Town found itself in in 1985. Instead, only watered-down initiatives and motions were passed in order to avoid deadlock in the Council. On the Nationalist side, such a major council would be a prime catch. Although Cape Town is not generally a propitious Nationalist hunting ground, the NP is capitalising and exploiting white backlash on such issues as the opening of the beaches to all races, for political gain.
3.6 CCC COUNCILLORS - BACKGROUND

The vast majority of councillors are English-speaking. The home language of only three or four is Afrikaans. This is a reflection of the preponderance of English-speaking voters in CCC areas. The CCC is known as an English-speaking institution. The majority of its employees are English-speaking and during CCC meetings English is virtually exclusively spoken by councillors.

Of the 34 councillors, 15 own businesses or are directors of companies; five are attorneys (of whom two are also directors of companies); there are three housewives, two retired businessmen, two management/investment consultants, two PFP party officials, two medical doctors, one director of the Fairest Cape Association, one retired naval admiral and one clerical employee of an oil company. A number of PFP and Nationalist members have their own businesses. Most of these capitalists are owners of small to medium businesses. Monopoly capital does not seem to be represented on the CCC to any significant extent.

Why are capitalists disproportionately represented on the Council? There are a number of factors which mitigate against people of modest income such as the working class standing for Council. Unlike a MP or MPC who is paid a livable wage, membership of the CCC is not considered a full-time job. They are paid allowances which are supposed to cover their monthly expenses. Their remuneration is determined by the Administrator. The allowance of ordinary councillors is R7 200 p.a., members of Exco get R12 816; the vice-chairman R13 452 and the chairman R14 088. These allowances hardly cover the numerous expenses that
councillors incur, such as stationery, postage, telephone, petrol and secretarial services. Although not being paid a livable wage, being a member of Exco is a full-time job. Only councillors who are retired or are financially independent can afford to stand for Exco, which is extremely influential when it comes to policy. A member of Exco calculated that during a 15-month period, viz. 320 working days, there were 210 meetings. This amounted to a meeting every one to one-and-a-half working days. These members are also chairmen of committees and often council representatives on "heavyweight" public bodies, each with their own schedule of meetings. In addition, there are a number of reports and agendas that have to be studied at home. As such very few councillors have the time to make themselves available to stand for Exco.

There are also a number of constraints limiting the base out of which ordinary councillors are derived. Although their workload is not as exhausting as that of Exco members, it is still time-consuming. One councillor argued that ordinary councillors spent more than 40 hours a week on Council activities, and more conscientious ones approximately 60 hours a week. He/she has, inter alia, to attend at least one Council meeting and standing committee meeting a month, attend meetings of organisations on which he/she has been chosen to serve, study reports and agendas, and deal with the not inconsiderable problems of his/her constituents. This schedule makes it highly unlikely that most employers would agree to any of their employees standing for Council.
Another important reason is the high cost of electioneering. In the absence of official party backing where funds would be supplied by the party machinery, prospective councillors have to foot the expenses of fighting an election out of their own pockets. It costs on average about R2 000 to fight an election. Obviously, to people of modest income, such an amount is beyond their financial capabilities.

What is the reason for this narrow base of councillors? The CPA indicated their intentions when they introduced the management committee system in 1965, stating that it was hoped it would "encourage more professional and businessmen of Cape Town to stand for Council." One could argue that this policy of offering a meagre allowance for a full-time job is deliberate. Ensuring a narrow base of capitalist councillors will ensure policies conducive to capitalist accumulation. A full-time salary may attract working-class people and others of modest income, who will not necessarily adopt policies propitious for accumulation, e.g. excessive taxing of business. However, just because capitalist interests are disproportionately represented on Council doesn't mean that policy derives in a deductive fashion from such interests. This issue will be examined when looking at the extent of corporate influence on CCC policy.

3.7 STRUCTURE OF THE CCC

Cape Town has a specific ordinance applying exclusively to it. As a result of the Slater Commission the Municipality of Cape Town Ordinance No 24 was promulgated by the CPA in 1965. The main
feature of the ordinance was that it replaced the multiple committee system with the management committee (or cabinet) system. Under the former system, all existing legislative and executive functions were vested in the Council itself. It was the Council's prerogative to set up as many standing committees as it wished (there were 20 just before the abolition of the system) and to determine their powers and scope. However Slater, following in the footsteps of the Marais Commission (whose recommendations led to the introduction of the management committee system in the Transvaal), asserted that such a system of government led to a lack of co-ordination and thus inefficient administration, and accordingly recommended the introduction of the management committee system. The aim was to ensure a more co-ordinated and efficient administration.

The management committee system made provision for the election of an Exco consisting of five members, as well as for the election of the chairman and deputy chairman by the general Council. A number of plenary powers were conferred upon Exco. Instead of the plethora of committees, the ordinance now made provision for four standing committees consisting of eight members each. Exco elects one of its members to be chairman of these four committees, while the standing committee itself appoints the deputy chairman. Council decides who sits on what committee. This ordinance also divorced the legislative/executive functions by removing the research aspect from councillors and vesting it in the officials. The aim was to ensure that broad policy was set by Council, while leaving the day-to-day running of the administration
to the officials. The other important change was the elevation of
the post of town clerk to chief administrative/executive officer of
the Council and his establishment as the conduit between the
legislative and executive arms of the Council.

3.8 POLICY

Most policy originates in its own functional area within the
Council. It is estimated that 85-90% of policy starts off in the
respective departments. It is generally only when a councillor
has a particular pet project affecting his constituency or if it is
some issue of broad principle that the initiative comes from
councillors. From them the issue is taken over by the relevant
standing committee, although this has to be sanctioned by Exco.
Standing committee meetings can be attended by councillors from
other committees in a non-voting capacity, although this doesn't
generally happen. The standing committee can interview any
individual who they think can make a worthwhile contribution to any
issue. Any group can make representations to standing committees
to be heard on a particular issue, but it is the prerogative of the
standing committee concerned to decide upon the competence of such
a request. Once a decision is reached at this level, it is
transmitted to Exco, which reviews it in terms of overall city
policy, priorities, resources and budgets. With modifications,
recommendations are forwarded to the full Council for approval,
which is mostly given, although some items are referred back for
further attention and some are rejected outright.31
All meetings of Exco take place in camera. Councillors can only attend by special invitation, although the Mayor and Deputy Mayor have special entrée. In terms of delegated powers, Exco can take some decisions without the approval of the full Council (although these decisions are eventually submitted to Council for general information). However, although councillors are informed of ultimate decisions, the motivations behind them are not always spelt out. It has been said that a number of items passed by Exco would have been rejected if debated in open Council.

There have been criticisms that the introduction of the management committee system has taken much debate out of Council chambers and led to a large detail of the CCC's policy being decided at committee level. Former City Engineer Solly Morris alleged in 1978 that the "management committee system has reduced most city councillors to impotent observers so far as council policy and decision-making is concerned", and went on to say that while this system did have administrative advantages, it also enabled a small group of councillors to take control of the Council "...who are able to utilize delaying and obstructionist tactics whenever they so desire." Under the previous executive committee regime of Bill Peters and his deputy Isaac Ospovat, many innocuous items were classified as confidential. Their reign was largely dictatorial, something along the lines of the present executive committee in Johannesburg. At a symposium in 1978, Bill Peters walked out after telling an internationally renowned site rating expert, "We know how to do things in Cape Town." Secretive government was taken to its extreme in June, 1982 when
the town clerk was instructed to use the powers of Section 205 of the Criminal Procedures Act against reporters in order to force them to divulge names of councillors who had "leaked confidential information" to the press. 37

However, in 1982 the "Qld Guard" Exco was replaced by a "Young Turks" regime who are certainly more democratic practitioners of local government than their predecessors were. Most Exco confidential items are now circulated to ordinary councillors. There has been the employment of both a Public Relations Officer and Ombudsman to improve the Council's image and the use of an opinion survey to establish priorities when deciding policy. Nevertheless, it is the very structure of management committee systems which prevents open government. Attendance at CCC meetings still gives an observer the impression that the Council is a rubber stamp for decisions taken elsewhere. Decisions can still be taken behind closed doors on grounds unknown to 29 of the 34 councillors. There is a tendency for the management committee to be "cliquey" and secretive. One of the reasons why the Blue Downs housing project was removed from the Council by the House of Representatives was the former's obsessiveness in refusing to allow any other parties to get involved in the decision-making process. 38 Further, the fact that CCC has uncontrolled discretion in resolving to go into committee sessions behind closed doors also precludes open government.

3.9 BUREAUCRATIC POWER

Some leftists would argue that the bureaucracy is either an
instrument of the ruling class or that, owing to the structure of society, only people of the ruling class would reach the higher echelons of the bureaucracy anyway. Thus nothing can be achieved by studying the bureaucracy as an independent actor. On the other hand, writers like Crozier tend to divorce bureaucracies from both their structural and social constraints. Officials are regarded as autonomous actors who can bend bureaucracies at will. However, there is a middle position which straddles these two poles, viz., that the examination of bureaucracies can illuminate certain aspects of policy, because they do have a certain amount of dynamic of their own, but analyses thereof are not sufficient unto themselves. As Ham and Hill⁹ posit, all delegated tasks involve some degree of discretion. Even the best-laid plans can be shipwrecked upon the rocks of the unintended consequences of administrative actions.

It is argued that one prominent feature of bureaucratic power is that bureaucrats, through their control of the agenda, can ensure that a number of issues never actually end up on the agenda. This is true to a certain extent if applied to the CCC. The City Administrator's Department is responsible for the compilation of the agenda. It also acts as a watchdog, checking to see that everything on the agenda is competent and that there are no irregularities. Further, any item that involves the spending of money over a certain minimum level has to be approved by the Council. These items are checked not only by the City Administrator's Department but also by the CPA's auditor who compares such
expenditure against both standing orders and the Municipal Ordinance. So there are a large number of items in which the power of bureaucrats appears limited.

Yet despite this, the City Administrator's control of the agenda does give him a certain amount of power. He is the sole arbitrator of whether items are ultra vires or not. It has been alleged that this agenda is often cluttered with trivia, which make it difficult to distinguish the wheat from the chaff. It is also said that items are often inadequately reported so that the description of the item on the agenda does not reflect all the relevant facts. Matters are aggravated by the fact that councillors receive bulky agendas a mere two or three days before the Council meetings, making proper assimilation of all the items extremely difficult. In this way, the bureaucrats are able to get items passed by the Council almost by stealth.

However, it is not only due to bureaucratic influence that councillors get bogged down with massive detail. It has been put forward that this state of affairs exists because many councillors do not have an intellectual grasp of the principles of policy issues and that they thus prefer to deal with matters of detail. This tendency has increased since the election of the business-orientated 1982 Exco which, in attempts to make sure that business principles were applied, got bogged down in the nuts and bolts of policy issues. Furthermore, it has been said that those that appear on agendas are all those items that have not been delegated to officials, and that if the Council delegated more power and concentrated on policy issues, this situation could be
ameliorated. The anomalous situation exists whereby, although the Council interferes too much in the day-to-day affairs, bureaucrats still wield considerable power.

Another way in which bureaucrats' control of the agenda can influence events is through the priorisation of reports. Issues come up before the standing committees for attention. Some of these issues require reports, and unless the Council calls for certain deadlines, the priorisation of such reports are left to the control of the bureaucrats. The speeding up or slowing down of such reports is the prerogative of the bureaucrats, depending on whether they want the issues to receive urgent attention or die a slow death. Obviously, they have not got the final decision, but the timing of reports can be influential in certain matters.

The control of the agenda is only one small aspect of bureaucratic power. The structural arrangements of the CCC ensures considerable scope for bureaucratic influence. The CCC consists of six departments; viz. those of the City Engineer, City Electrical Engineer, City Administrator, City Treasurer, Medical Officer of Health and the Personnel Office. The biggest department is the City Engineer's Department, which contains 52% of the total staff establishment, 9,262 in total. The Department is responsible for 76% of the capital budget - its expenditure during the 1985/6 financial year was R152-million. The current value of the utilities, networks and services controlled by the Department exceeds R6000-million. It was built up by Solly Morris into an empire within the CCC and continued in this vein by Jan Brand, who retired in February 1986. The Department is manned by a number of
competent technocrats in fields ranging from civil engineering to social science. Although the introduction of the management committee system was intended to elevate the town clerk above the departmental heads as the chief executive/administrative officer (he was supposed to be responsible for the control, coordination and general supervision of all Council's departments), strong influence from the City Engineer's Department on policy is still evident.

One of the main reasons for this is found in the changes arising out of the management committee system. The divorcing of executive/legislative functions has increased the powers of officials significantly. Brand had considerable resources and expertise at his disposal and these were used to churn out technical reports justifying or opposing certain positions. Bureaucrats, by stressing the importance of certain technical factors and downplaying the importance of others, can end up pushing a certain policy direction under the guise of a technical report. Moreover, the running of the CCC in general and the hybrid City Engineer's Department in particular, is a highly complicated task. Knowledge of the intimate details of the structure of the CCC gives officials a decided advantage over ordinary councillors who are laymen not involved with the day-to-day administration of the CCC.

Finally, the management committee system also ensures that all heads of departments spend a great deal of time behind closed doors with Exco, where they are in a strong position to exert influence on certain issues. This rapport is evident in Council meetings,
where Exco members often defend departmental heads to the hilt in debates with ordinary councillors. A possible reason for this is the reliance on departmental heads for information to formulate the policy for which Exco is accountable at the end of the day. This relationship of dependency explains why Exco often appears to concede to the specialist knowledge of departments. They are not to cross swords with Heads of Departments, especially Brand, being as he was head of the biggest and most influential department.

By looking at a specific issue the power which the City Engineer's Department has to use its resources and expertise to justify a certain position can be illuminated. The question of private contract of services has been a contentious issue in the Council chambers for a number of years. In 1978 the Institute of Government Land Surveyors of the Cape Province accused the CCC of harming the surveying industry seriously by its undertaking of in-house surveys for a number of major projects, including Mitchell's Plain. 46 A major civil engineering consulting firm made the same accusations in 1981. 47 Although in recent years the Council, at the instigation of certain councillors, passed motions in favour of the private tender of contracts, in practice it is argued that a disproportionate number of projects are still undertaken departmentally. 48 This is because of the department's successful thwarting of attempts to put out private tender work of a capital nature. According to the CCC's budgetary system, money allocated for a certain financial year must be spent in that year or forfeited. What often happens is that the department holds back
certain projects until well into the budget year before putting them on the agenda, stating that they are going to be undertaken departmentally. Councillors who query this are told there is no time to draw up voluminous contracts (which are time-consuming) if the money is to be spent in the allocated year. In addition, Brand utilized the resources at his disposal in the department to produce a comparative study between work on road projects by private contractors and his own department, which concluded that private work was inferior, took longer and was not much cheaper than similar work carried out by his department. The fact that the pivotal components of research and compilation are the prerogative of the City Engineer's Department gave Brand a head start when dealing with councillors who had no comparative resources to back them.

In fact, a large number of councillors would not oppose Brand on any substantive issue. The dependency of Exco has already been mentioned. In addition Brand, with these substantial resources behind him, was often in a position to make or break councillors. The assessment of ward needs to a large extent depends on a "technical" report of one of the City Engineer's branches. It is possible for the City Engineer's Department to issue a technical report which concludes that the utilities and amenities of a certain ward are sufficient (even though they may not be). The failure of a councillor to deliver utilities or amenities could be fatal at election time. It is this authority which meant Brand was an extremely influential power-wielder and made a number of councillors wary of antagonizing him. He was
also very apt at using his power behind the scenes, being described as a shrewd negotiator and a better politician than 90% of the councillors.52

The City Engineer's Department has often by-passed official Council channels and sometimes even contradicted the CCC's policy. In 1977, a brochure issued by the Department, in which Mitchell's Plain was made out to be a model city (it was developed by the Department), was distributed overseas by the Department of Foreign Affairs and the South Africa Foundation for propaganda purposes. However, the brochure was not (as it should have been) submitted to the Council's Housing Committee for approval and the chairman of the committee is on record as saying that "the brochure outdid Dr Goebbels at his best."53

An even more notable example in this regard was in 1981 when the President's Council invited senior City Council officials for an "informal chat" about the constitutional future of local government. They duly accepted, without the consent or knowledge of the Council or Exco. During the course of this meeting Jan Brand, one of the officials invited, handed a copy of his report on metropolitanisation to the PC members for information. While not exactly recommending separate "coloured" municipalities in areas like Athlone and Mitchell's Plain, the report certainly regarded them as a fait accompli for planning purposes. The thrust of the report was, firstly, completely antithetical to CCC policy of direct representation on a common roll. Secondly the report, a three-volume, 1000-page document which was the result of an officially sanctioned Council overseas trip, had not even been
submitted to the general Council.\textsuperscript{54} It is generally recognised that this little act cost Brand the town clerk's job, occurring when it did on the eve of the appointment of the candidate for this job. Many councillors were driven into a state of virtual apoplexy by what they regarded as an act of extreme disloyalty and the job eventually went to the present incumbent of the post, Dr S. Evans. As one councillor remarked,

> Evans may have been less dynamic than Brand, but more importantly he had more integrity, could be trusted by Council and was more sympathetic to general policy.\textsuperscript{55}

Politically, Brand was an extremely enigmatic person who kept his cards very close to his chest. He called for the repeal of the Group Areas Act on the grounds that not enough land was provided for "coloured" housing, yet recommended to the Council that they should not lease sportsfields to SACOS-affiliated sports bodies. It was virtually impossible to put a political label on him. He surrounded himself with some extremely talented technocrats, some of whom were very progressive in their outlook. It can be retorted that this bureaucratic interplay analysis may illuminate certain aspects of the CCC organisational structure but does not tell us whose interests Brand ultimately represented. Yet the relations between Brand and the private sector were never harmonious. His position on the private contract of tenders showed that he was certainly no marionette of the local private sector. In fact, he described his in-house construction units as a "sort of anti-exploitation price watchdog."\textsuperscript{56}
There is a mode of analysis which posits that the growth of bureaucracies had inexorable tendencies which led to them becoming independent power bases. There is evidence which supports this argument. Brand was accused of empire-building by councillors and private enterprise alike. He is in fact on record as saying that he thrives on power. However, there are certain limitations on the extent of City Engineer's Department influence on policy. Firstly, councillors have the means to assert control to a large extent, if they so desire. Secondly, in the last instance it is capitalist accumulation that will ensure CCC rates. The interests of business cannot be totally disregarded, because the role played by it is indispensable to the continued existence of the CCC. Thirdly, the control of the higher two tiers of government over the CCC limit the parameters in which bureaucrats can operate.

3.10 CCC/CPA RELATIONS

"If a council climbs into the political arena they must expect political treatment." (H. Kriel, MEC for Local Government, CPA, referring to the CCC).

Since the 1950s most of the major municipalities and divisional councils in the Cape have been, with a few exceptions, Nationalist-dominated. The most notable of these exceptions is the CCC, which has raised the ire of the Nationalist-controlled Cape Provincial Council more than any other Cape local authority. The reasons for this were that the CCC took a stronger anti-apartheid stance than other anti-government municipalities such as East London. It is the biggest city in the Cape and its activities were more publicised in provincial circles because the provincial
chambers fell within CCC municipal boundaries. Relations between the two bodies tended to be frosty with the CPA, in Nationalist fashion, intolerant of any perceived challenges to the apartheid structure. In 1965 the CPA used a corruption scandal as a pretext to set up an investigation into the whole local government structure of the CCC. This resulted in the promulgation of Cape Town Municipal Ordinance, 24 of 1965 which introduced the management committee system. This gave the CPA much scope to interfere with the CCC's internal workings. For example, because this was a sui generis CCC ordinance, the CPA could now introduce draconian legislation applying exclusively to the CCC, which under the old system would have applied to all Cape local authorities and would, no doubt, have antagonised Nationalist-dominated municipalities. Furthermore, the management committee system elevated the town clerk as the identifiable head of the CCC. This made interference in the service conditions of town clerks, which was already occurring, even more influential because it gave the CPA a certain amount of leverage over the chief administrative/executive officer of the CCC.

Reading through the provincial council debates in more recent years, one is struck by the almost vitriolic dislike of the CCC on the part of the Cape Provincial Council. There has been constant sniping about the PFP-controlled CCC. There has also been legislation enacted that has chipped away at the autonomy of the local authorities in general and the CCC in particular, often having been introduced on blatantly political grounds. Often the amendments or the ordinances have been introduced without consulting the CCC.
or the CPMA (the representative body of all the local authorities in the Cape Province).

The tenure of Hermanus Kriel (1981-4) as MEC for Local Government was particularly associated with legislation diminishing CCC autonomy. Soon after his appointment to the portfolio, he warned local authorities not to establish their "own little monarchies or republics", saying that he would ensure that Nationalist policy was carried out at local government level and that the aim of local authorities was "to ensure that government policy is honoured." In 1982, speaking on the same platform as the then Prime Minister, F.W. Botha, he said that the CCC was a "radical of the left" council and was sabotaging government plans to restructure the local government system. He warned of government legal action and even the cutting off of state funds to ensure that local authorities supported and implemented its constitutional plans.

There have been a number of ordinances passed by the CPA curtailing CCC autonomy, specifically in recent years. Legislation was enacted which took the control of servants' quarters in Sea Point out of the hands of the CCC by giving the police the right to demand keys to servants' rooms. Legislation which gave the Administrator power to force a council to pass by-laws dictated to it against its wishes was used against the CCC when they refused to demarcate beaches on racial grounds. The CPA put up the apartheid signs on beaches and charged the costs to the CCC. During the tenure of Hermanus Kriel, legislation was introduced which gave the Administrator the right to appoint the chairman of
the MSC, the CCC's personnel body. This gave the CPA a strong foothold in the appointment and promotion of staff in the CCC.6\textsuperscript{7}

He also introduced legislation which gave the Administrator power to terminate a lease between the CCC and a sports body if it was felt that the lessee was withholding it from other persons/organisations unreasonably. This was specifically aimed at SACOS-affiliated sports bodies who did not allow practitioners of racial sport to use sports facilities they had leased from the CCC.6\textsuperscript{8}

However, it is not only through ordinances that provincial controls are exerted over the CCC. Because of the narrow parameters of the "ultra vires" doctrine, circulars and letters issuing directives to local authorities are often employed by the CPA. Gildenhuys\textsuperscript{69} points out that the delegating power of the Administrator has led to functions being delegated to a relatively low level in the staff hierarchy, with low-ranking civil servants being able to dictate and, in some cases, interpret policy to senior council staff. Further, as Cloete\textsuperscript{70} points out, the knowledge, skills and attitude of Department of Local Government officials have a great bearing on the functioning of local authorities. It has been said that there are two levels of officials in the CPA Department of Local Government. Firstly, there are the middle-ranking officials who have spent most of their career in this department. They are conversant with their subject matter and have built up a good rapport with their counterparts in the CCC. Secondly, there are the senior officials. Because the "pool" promotional structure of the CPA allows people to be promoted at senior level into most departments without previous
experience therein, it often happens that incumbents in senior posts of local government lack an intimate knowledge of its workings. This has led to much discordance between the CPA and local authorities.\textsuperscript{71}

Furthermore, the right of appeal against certain decisions of local authorities exists. These appeals are made to the CPA and senior local government officials decide on the merits of such appeals. Although this is legally confined to certain aspects such as town planning regulations in CCC areas, there is a tendency for certain groups to run to the CPA on any pretext. Prominent in this regard are conservative ratepayer's associations opposed to the CCC's more liberal policy, Management Committees who feel their demands are ignored by the CCC, and businessmen whose development plans have been turned down by the CCC. The CCC is perturbed that this unilateral granting of appeals by the CPA could create an irresponsible attitude among the public and lead to the undermining of its authority to enforce its own by-laws.\textsuperscript{72}

The original aim of local authority control by provinces was to provide guidelines and to ensure the maintenance of proper standards. This was not inherently undemocratic. All local authorities need some form of monitoring over their activities. Local authorities are not national states. They have not got carte blanche to pass any form of legislation they so desire. As Thornhill\textsuperscript{73} points out, supervision by a higher tier of government doesn't necessarily have to be regarded as interference with its degree of autonomy. It is also true that in some cases provincial administrations assumed greater control over local authorities.
because of improper conduct and corruption on the part of certain local bodies. Yet this notwithstanding, provincial administrations have far exceeded both their intended and desired powers. The CPA (and indeed, all the other provincial administrations) have ended up controlling and interfering in many facets of local authority life. CPA bureaucrats are often far removed from the hub of local authority action, have little knowledge of their workings or needs, often regarding their raison d'être to carry out the policies of the government of the day. In contrast, local authorities are accountable to the ratepayers of the city, whose interests don’t necessarily coincide with those of the government of the day. Because of their close access to the citizens of the city, local authorities are often better in identifying their needs than the CPA. However, the government does not appear to recognise this dichotomy. Their view, as reflected in the Browne report, is that local authorities must be viewed as a sub-section of the civil service because they are ultimately financed by the taxpayers.

Furthermore, it is a highly undemocratic situation whereby a handful of CPA bureaucrats can overturn certain CCC decisions without motivation. This makes them highly susceptible to corporate influence. Although this hypothesis warrants more investigation, it is natural to assume that it is easier for corporate interests to influence a few bureaucrats, who don’t have to motivate their decisions, than it is to convince an elected council.

In their existence as elected bodies from 1910 until 1986, provincial councils seldom proved themselves to be independent.
legislatures on substantive issues. As Boulle points out, they declined in status, power and influence vis-à-vis central government since their inception. Most ordinances tended to be of a regulatory rather than a developmental nature. It is highly probable that a number of the ordinances curtailing the autonomy of local bodies were introduced at the behest of the government, and that all other significant ordinances had at the least its tacit acquiescence.

3.11 THE MSC

The Diemont Commission of Enquiry into the Administration of the Town Planning Scheme of the CCC in 1963 found that there were certain irregularities in the staffing practices of the CCC. This came about as a result of the blurring of executive and legislative functions. Councillors were involved in the actual running of staff affairs of the CCC, and it gave them much scope to influence staff appointments. The Commission recommended that an independent investigation be instituted with the view to arriving at the best form of local government for the city. This led to the CPA appointing the Slater Commission to investigate the functioning of the Council's organisational structure. Slater found that this system gave the Council almost unfettered power over staff, a situation which allowed for unethical practices and was the cause of much dissatisfaction amongst employees.

Most of Slater's recommendations pertaining to staff were embodied in the Cape Town Municipal Ordinance 24 of 1965.
vision was made for a three-man MSC, with the Administrator appointing the members from a list submitted by the CCC. However, the plenary powers of the MSC were limited and as such a great deal of conflict of functions developed between MSC on the one hand and the Council and the officials on the other. There was a general non-acceptance of the system because it was felt it was imposed by the CPA. In addition, the system was rather cumbersome. The MSC was a part-time commission and this, along with the elaborate process that had to be followed, led to severe delays when appointing staff.

As a result of these complaints, the De Klerk Commission was appointed by the CPA in 1975 to investigate the functioning of the MSC. The Commission made a number of recommendations, inter alia that the MSC should be a full-time body (to obviate time delays), that a senior person of the CCC's staff should be appointed as chairman of the MSC (to give it more legitimacy) and that union representatives should be members of the Commission (as a result of representations from the CCC Unions, SAAME and CTMWA).

It took the CPA six years to act on these recommendations. When they eventually did in 1981 it caused great controversy. The exclusive right to hire and fire staff was removed from the CCC. Legislation was introduced which made provision for an Administrator-appointed chairman of the MSC. Amongst the plenary powers delegated to the Commission were the powers to make appointments between the salary notches of R5 700 and R12 600 (1981 figures); the exclusive right to make a change in the race of the person appointed to the post, and the right to decide on all
promotional posts not exceeding R12 600. When a dispute arose between the MSC and the CCC on appointments, promotions, dismissals or disciplinary grounds, the Administrator became the final arbitrator in the matter. The MSC also consisted of one representative of the CCC, one from SAAME and one from CTMWA. These representatives were chosen by the Administrator from a short list prepared by these organisations. If the Administrator was not satisfied with the names on the list he could appoint his own nominees. Although the CCC was responsible for the remuneration of such an official, only the Administrator could dismiss such a person. The MEC for Local Government, H. Kriel, when he introduced this legislation in the provincial council, accused the CCC of inefficient administration and of discriminating against Afrikaans-speaking people, pointing out that only 6,9% of the top posts in the CCC were filled by them. These accusations caused a massive furore at the City Hall and even the Nationalist Mayor at the time entered the fray, denying these allegations.

Despite protests from the CCC, these controversial measures were promulgated. This made Cape Town unique in that it is the only local authority whose employer/employee relationships are largely managed by an Administrator-appointed body. Durban, Pretoria and Johannesburg all have MSCs but none of them is comparable to the CCC. In Durban, the City Council can establish or abolish the MSC without interference from the Administrator. In the Transvaal there is no legislative enactment providing for the establishment of the MSC. This means that neither Johannesburg nor Pretoria’s MSCs have statutory plenary powers except those
delegated by the respective City Councils. Even in the civil service, the Commission for Administration acts more as a policy consultant than as a line manager, and most of its managerial staff functions have been delegated to heads of departments. The reason for the introduction of the system in Cape Town was blatantly political. The CCC's anti-apartheid stance had been a constant thorn in the CPA's flesh and if the Council could not be voted out it could be undermined by other means.

The first and present occupant of the post, Dr Fick, was an erstwhile colleague of MEC H. Kriel, at the conservative CDC. Kriel was the chairman of the CDC before he went into politics while Fick was in charge of the personnel section. It is not the only thing they have in common - they are also both members of the Broederbond. However, the chairman of the MSC hasn't got carte blanche to implement his will unreservedly. For example, promotions over R19 318 are the prerogative of Exco, and the town clerk is appointed by general Council. He is also sometimes outvoted by the other three representatives. Nevertheless, being chairman of the MSC is a pivotal and rather influential position. Fick is the only full-time representative and has greater specialist knowledge of personnel practices than his counterparts. He has succeeded in changing the complexion of the CCC to a not insignificant extent. His staff appointments show a bias towards Afrikaans-speaking people (especially those with civil service experience) and in recent years there has been an influx of Afrikaans-speakers into the CCC. There are also more Afrikaans-speaking people at management level. In addition Fick sends
periodic reports to the Administrator. This system, as Craythorne points out,

in effect allows the provincial authorities to politicise the Cape Town municipal service, to give secret orders on the recruitment of staff to the Commissioners and to destroy the governing power of the City Council. 87

Finally, despite its shortcomings, this system is not without its merits. It has been argued that through their representatives of the MSC, the Unions can monitor CCC labour practices and can safeguard the rights of workers to a certain extent. For example, heads of departments cannot arbitrarily fire workers without the approval of the MSC. 88 This has been a constant sore point with the more business-orientated councillors, who have accused the CPA of imposing socialist measures on the CCC.

3.12 CCC'S LABOUR POLICIES

The CCC has had as a principle since 1946 that "there should be equal work, regardless of sex and race", 89 a stance that in the South African context was light years ahead of its time. However, in reality a different picture emerges. In the days of job reservation, the Department of Labour decided which jobs were the preserve of whites only. This existed from 1958 90 (although subtle job discrimination was carried out before then) until 1982, despite Council attempts to have it scrapped. Critical shortages in such vocations as ambulance and traffic services played an important role in its eventual removal. 91 Only in the mining sector was job reservation retained for a longer period.
One of the reasons for the long survival of job reservation on the statute book was the influence of SAAME, the whites-only trade union which has consistently objected to "coloureds" being employed in "white" posts. The majority of active SAAME support comes from the blue-collar workers and lower echelon administrative servants: those classes that felt most threatened by the growing socio-economic development of "coloureds", who in the 1970s began to advance into jobs of this nature. SAAME was affiliated to the conservative Confederation of Labour until 1980, until the increasing confrontationist attitude taken by the Confederation, spearheaded by the white miners, led to its resignation from the Confederation stressing its increasing conflict with the government as the reason. This conservative attitude has conflicted with Council's more liberal policy. The present chairman of the Cape Town branch of SAAME remarked in 1976 that the CCC is recklessly embarrassing the Government and South Africa in the eyes of the world . . . because of its political leanings it employs non-whites in positions that should be held by whites.93

Despite the formal scrapping of job reservation in 1972, the latter has since then been carried out by more subtle means. In certain categories the town clerk, in consultation with the heads of departments, has the power to appoint staff. Certain departments have been known for their intransigence in appointing "coloured" staff.94 Furthermore, the provision of by-law 1984 obliged the CCC to consult SAAME when "coloured" people move into jobs previously held by whites. SAAME frequently objected, objections which were often upheld. John Erntzen, secretary of
the non-racial but predominantly "coloured" CTMWA has alleged that

we often have a person of colour suitable for a vacant post, but then SAAME intervenes on the basis that the post had been previously held by whites. We often wonder who the appointing authority is - SAAME or the City Council.95

According to statistics, the progress of "coloureds" into management/professional positions is still a slow one. The obstructionist attitude of the SAAME has played an important role in this connection. The CTMWA, as a matter of principle, has refused to participate in this process.96

The CTMWA is one of the founder members of COSATU. Although the union represents predominantly skilled and semi-skilled staff, it also has a small but growing number of professionals in its ranks. This is because CTMWA, although non-racial in its constitution, de facto represents virtually only "coloureds" of all classes. Furthermore, besides the problem of SAAME's intransigence, in recent years there has been a new adversary. The MSC chairman is reluctant to appoint members of the union to certain strategic posts because of a motion passed at a CTMWA conference which can be interpreted that they (the union) will use all the means at their disposal against the CCC to have their demands met, including sabotage.97

However, in the last instance it is the Council itself and not SAAME or the MSC who set the wages of the Council. In 1984 the CTMWA demanded that minimum wages be increased from R59,34 to R116, an amount they argued was the minimum livable wage and which was based on a sophisticated exposition of various poverty datum lines.
After a particularly drawn-out and acrimonious Industrial Court hearing, the award was R73 a week, a clear defeat for the CTMWA. In addition to the award, what particularly incensed the union was the denigrating attitude taken by the CCC legal representative towards the union. The effects of this case have created a deep schism between the CTMWA and the CCC, with the former arguing that the true nature of CCC policies is revealed by the starvation wages they pay the workers, and not the liberal utterances made in the Council chamber. However, even if the CTMWA had received the amount demanded, the legal requirement that local authorities must balance their budget would have ensured that the CCC would have increased service charges, rates and rental fees in CCC housing and flats to offset the higher labour costs.

Finally, in December 1985 amendments were made to Municipal By-Law 1994 which removed all racial provisions in the employment field. Of salience here is the fact that the MSC recommended the scrapping of this provision, while SAAME objected to its removal. The MSC reflected the government view that all unnecessary race discrimination should be scrapped (their foregoing objections notwithstanding). SAAME, despite its split from the Confederation of Labour on the issue of its confrontation with the latter, now appears to be in conflict with the government itself. Its sole concern with the protection of white interests seems closer to a Conservative Party line at the moment. Finally, what can be regarded as a victory for CTMWA could result in internecine problems. The removal of statutory barriers to job advancement within the CCC ranks could in the future lead to the rapid
progression and consequent embourgeoisement of a number of members whose demands will not necessarily reflect those of the semi-skilled and unskilled members of the Union.

3.13 WHITE RATEPAYERS’ ORGANISATIONS

Ratepayers’ associations are area-based groups who articulate certain demands at local state level. Craythorne lists three main objectives of these bodies:

1. To exert pressure for the allocation of resources to the ward concerned.
2. To monitor the performance of municipal administrators.
3. To participate in the electoral process by supporting electoral demands.

Unlike the increased attention paid to popular civics in “coloured” areas, since their proliferation in the 1980s, white ratepayers’ associations still remain uncharted territory. There has been very little research done on them, although an internal CCC investigation in 1977 did reveal that ratepayers’ bodies are accorded status far exceeding their strength. The CCC policy up to 1977 was to recognise any applicant association in their area which had 50 signed-up members, irrespective of race. This entitled them to free copies of the Council agenda and accompanying reports, and permission to use municipal halls at nominal fees.

This 1977 report revealed that a mere 10.47% registered voters per ward were members of ratepayers’ associations. The conclusion was that associations appear to be confined to small pockets within
wards and are often not very representative of their wards. As a 
result of this report, Council resolved that no further associ-
ations be recognised unless they had a paid-up membership of 100.

Recent events appear to confirm that ratepayers' associations 
are still not very representative. In the last couple of years 
ratepayers' "official" candidates have often been defeated at 
municipal polls. In the 1984 municipal elections, Ward 1 was the 
only ward where the "official" candidate won the seat. Wards 5, 
10 and 11 saw the "official" candidates defeated and in 
subsequent elections in wards 3 and 13, "official" candidates 
have also lost. A tentative hypothesis is that generally (with a 
few notable exceptions) conservatively-orientated people tend to 
gravitate towards ratepayers' associations, which results in such 
associations not being very representative of the ward politically. 
In the six foregoing elections, in each case it was "official" 
ratepayers' candidates vs PFP members, with the PFP winning five of 
the six seats. All these seats are situated within the territory 
of PFP-held parliamentary seats, which seems to indicate that the 
ratepayers' associations are out of step with the majority of their 
constituents. Even in Sea Point (the PFP’s biggest parliamentary 
majority in the Cape in the 1981 election) and Rondebosch (which 
falls in the Claremont constituency and was unopposed in 1981) the 
ratepayers' associations are Nationalist/NRP-orientated.

There also seems to be a tendency for older people (over 40) 
to be disproportionately represented on ratepayers' associations 
(and indeed also at the polling booths at election time). Furthermore, with few exceptions, councillors who have worked their
way up through ratepayers' associations tend to be more mediocre councillors. Their outlook tends to be more parochial, articulating narrow ward concerns. This is a reflection of the sectarian interests with which many ratepayers' associations concern themselves. Some councillors have expressed frustration at the sectarian interests of these associations which often have little significance beyond ward boundaries and, conversely, their lack of interest in city-wide problems. In view of their parochial outlook, it is highly improbable that sophisticated business groups will use ratepayers' associations as channels through which to express demands.

However, despite their unrepresentativeness and other shortcomings, ratepayers' associations have often had some type of influence on policy. They are often consulted on specific issues affecting their wards. Similarly, when following up appeals, the CPA also consults them. The fact that they are the only real forum where ratepayers' demands are articulated ensures that they cannot be ignored. Often their demands are translated into major action. For example, Ward 17 Ratepayers' Association was largely instrumental in Muizenberg's beachfront development in recent years. For the same reasons, councillors must keep a wary eye on their ratepayers' associations even if they often regard them as a small but vociferous minority. Their monitoring of the performance of ward councillors ensures that councillors must articulate some of the demands of ratepayers' associations, otherwise the latter can make things very awkward for them come the next election.
Ratepayers' associations are also found useful by the CPA in their virtual vendetta against the CCC. Take for example the Green and Sea Point Ratepayers' and Residents' Association which comprises Wards 2 and 3 and part of Ward 1. This Association has taken a rather reactionary line on issues such as control of servants' rooms and the opening of beaches in recent years. Despite the fact that in 1977 the total number of its members was only 700 out of a total of 9 184 eligible members, its hard-line attitude is an excuse for the CPA (who are always looking for excuses to interfere in CCC's internal affairs) to implement draconian measures such as police control of servants' keys, while claiming to be merely following the wishes of the people of the area.

One final issue pertaining to the future of ratepayers' associations is the question of party-politics. As has already been mentioned, it is inevitable that the CCC elections are going to be fought on party-political lines in the not too distant future. The experience of Johannesburg has shown that when party politics enters the fray political parties supersede ratepayers' associations as the main conduit of citizen demands at local government level. When the CCC takes this step, it is likely that ratepayers' associations will end up being a lot less influential on policy than they are at the moment.

3.14 CORPORATE INFLUENCE ON CCC POLICY

We have already pointed out that businessmen are disproportionately represented on the Council. A number of these
businessmen have graduated to the CCC via business organizations, including the incumbents of the important Exco positions of chairman and vice-chairman. John Muir, chairman of Exco, was president of the Cape Town Chamber of Jaycees, his vice-chairman Dick Friedlander is ex-president of the Cape Town Chamber of Commerce, and a number of other councillors are, or have been, members of business organizations. Because of the juristic vote that has existed in the Cape, businessmen have been able to exert a fair amount of influence in the selection of candidates in certain areas. Ward 6 consists virtually entirely of businesses and businessmen have also had influence in the selection of candidates in other wards. However, policy does not derive deterministically out of class relations. To prove the existence of corporate influence on policy, a causal connection between the purported interests of the former and the policies of the latter must be revealed. It is to this task that we now turn.

It has been argued that both the Cape Town Chambers of Commerce and Industry are ineffective bargaining groups. Because of their diverse business interests, they rarely present a united front. An example of their ineffectiveness was in 1980 when the CCC sent out a survey to the constituent members of the two Chambers, asking them what influence rates have on commercial turnover. The return was a mere 5.3% - 143 responses out of 2710. If they are so apathetic over fundamental issues, one can only speculate as to how they lobby on more tangential ones. As a result of an investigation of rates (of which that survey was
part) the CCC granted differential rebates to home-owning ratepayers, but not to commerce and industry, who complained vociferously at this late stage, to no avail. In fact, relations between the Chamber of Commerce and the CCC when Brian McLeod was director of the Chamber, were often very strained. Besides the differential rating system which led to a polemical exchange of letters between CCC councillors and the Chamber in the press, there was another noticeable incident. In 1981, in evidence to a CCC committee examining the feasibility of municipal police in the townships, McLeod suggested that should the police become effective there was the fear that criminal elements would move into other areas, particularly the CBD, concluding that "it would be preferable for crime to be contained in its present locality." Needless to say, some councillors were incensed by this report, with even the ward councillor representing the CBD distancing himself from it.

The ability of the City Engineer's Department to thwart Council and business attempts to put out tenders to private contract has already been mentioned. This has led to both the Institute of Government Land Surveyors and consulting engineers' associations accusing the CCC of harming their professions seriously by undertaking surveying departmentally. Many civil construction companies have, in fact, emigrated north because of lack of contracts. The South African Federation of Civil Engineering Contractors are no more effective. Large affiliates of this organisation were not willing to take up this issue with the CCC, in case they antagonised Brand and landed up with an even
smaller piece of the pie.\textsuperscript{115} However, since the introduction of the tricameral system, control of ""coloured"" housing has been transferred to the Minister of Local Government, D. Curry, in the House of Representatives. This has given local capitalists an opportunity to strike back against the CCC and they achieved a notable victory when Curry removed the development of the Blue Downs housing project from the CCC. The CCC planned to expropriate private land for development of the area. It was also likely that, like Mitchell's Plain, a large percentage of the development would be carried out by the City Engineer's Department. This led to private landowners and potential developers putting pressure on Curry to rescind the decision to allow the CCC to develop the area.\textsuperscript{116}

Furthermore, just because organised business does not appear to be effective lobbying groups doesn't mean to say there is no capitalist influence on CCC policy. As long ago as 1959 the CPA-appointed Starke Commission noted that there was a tendency for the CCC to cater to the tourist industry in the first instance, which led to the neglect of the needs of the ""coloured"" ratepayers.\textsuperscript{117} There has also been evidence which shows that the CCC is highly protective towards business interests within the area of its jurisdiction, and its CBD in particular. They have been accused of neglecting job creation and industrial development in Mitchell's Plain because this would compete with their existing business interests.\textsuperscript{118} In the late 1970s an Indian businessman wanted to develop a shopping complex on his own land.\textsuperscript{119} Although the Council turned it down on planning grounds, it has been suggested
that the proposed site's close proximity to Kenilworth Centre (a major shopping complex in a white CCC area)\textsuperscript{120} was the real reason for the rejection. Similarly CCC have voted against the development of Westgate on the grounds that it would jeopardise existing business interests.\textsuperscript{121} In this case the aspirant developers were monopoly capitalists from Johannesburg. Further, one of the reasons why Blue Downs was removed from the CCC was that it was felt that job creation there would be once more neglected, if left to the CCC.\textsuperscript{122} It appears that underutilised capacity in CCC areas of jurisdiction takes precedence when deciding priorities.

A number of councillors have their own businesses and have developed extensive links with major local business concerns through business contracts.\textsuperscript{123} It is probable that Council's policy is often motivated by a desire to protect certain local business interests (including their own?) against both monopoly capital and aspirant entrepreneurs from black areas.

Another point, already mentioned, is that perhaps the thrust of much corporate influence is directed at the CPA. A handful of faceless bureaucrats seem more susceptible to corporate influence, especially since they do not have to motivate their decisions, than an elected body where issues are aired in open debate. A number of development projects which have been turned down by the CCC have been overturned by the CPA on appeal, the most notable example being the grotesque Disa Park towers.

However, these types of instrumentalist arguments aren't sufficient when looking at corporate influence at local state level. Another approach would be that of the structuralist
school. We have already mentioned financial constraints on the CCC policy. Further, unlike a national tax, which for capitalism is obligatory, at local state level investors can threaten to adjust or readjust their locations and production facilities in order to procure the most favourable mix of taxes, infrastructure and business-orientated public services.

The crucial point is that even if local states don't explicitly support capitalist-orientated policies, they are virtually compelled by the structure of the system to do so. Historical evidence has shown that local states who raise rates excessively or drastically cut back on business-orientated infrastructure, have found business relocating elsewhere. Hence, any local state which decides to fly against the logic of the capitalist system is likely to be faced with an emigration of capital, which will lead to the drying up of their revenue and the concomitant loss of workers' jobs.

3.15 RESIGNATION OF THE CITY ENGINEER

In February 1986, in a shock move, City Engineer Jan Brand retired prematurely. It was alleged that he had benefited financially from a deal between his wife's estate agency and a company which bought Council land in 1981. It has been claimed that Brand recommended to Council that this land be sold to this company at a cut-price rate. This recommendation was accepted and the company promptly appointed his wife's estate agency as the sole agents. Brand did not, however, as he was required to do in terms of the Municipal Ordinance, declare his pecuniary interest in the
matter. When this information was revealed, Brand tendered his resignation. Although he was subsequently found guilty of a breach of the Ordinance, it did not matter any more because he had already resigned. What was also interesting was that local capitalist interests were largely instrumental in revealing this improper conduct in the first place. This suggests that these interests were taking advantage of a golden opportunity to remove a notable obstacle to their operations. The possibility exists that local capital will attempt to bring into the influential City Engineer's post a figure from the private sector who is supportive of their interests.127

3.16 RHETORIC AND REALITY OF POLICY

Many councillors have regarded the CCC as the spiritual heir of the Cape liberal tradition which was purported to have existed in the 19th century. However, this tradition is rather problematic. Lewson points out that whilst it reflected classical liberal tenets such as the rule of law and freedom of expression, it was also based on the qualified franchise, the plutocratic features of the latter buttressing the rule of the middle class.128 In addition, the force of Cape liberalism seems to have been overestimated - its numbers were never substantial and its strength lay in the fact that it had adherents in powerful positions, such as John Phillip, the missionary, and John X. Merriman, the Prime Minister of the Cape Colony. However, despite these somewhat dubious credentials, it is not the reality but the actual symbol of the Cape liberal tradition which is of importance and which is upheld by many councillors today.
In recent years the CCC has carried out a number of acts which can be regarded as being in accordance with classical liberal ideals. In 1950 it objected to the introduction of the Group Areas Act and refused to supply the state with proposals in this regard. It hoped to slow down removals under the Act by setting a ceiling on the amount of housing available for disqualified families. When dealing with racially-orientated legislation it takes great care to ensure that it does not make representations with the view to "improving" such legislation. The CCC was in the forefront of attempts to prevent the "coloured" community from being evicted from District 6. It refused to implement beach apartheid and in so doing has forced the CPA to do so. It has boycotted racial events such as the opening of the whites-only pavilion in Muizenberg in 1981. Organisations seeking grants-in-aid from the Council have to state whether they are open to all races and/or assist all race groups, and negative responses seriously prejudice their applications. The CCC has also been known at times to treat its "coloured" citizens with more compassion than any other local authority in the area. For example, it postponed its annual rent increases in its housing estates in 1986 because of the dire economic circumstances in which many of these inhabitants found themselves because of the recession.

However, the CCC is severely circumscribed by central state and provincial authorities in respect of both finance and policy direction. Its plenary powers are not comparable with those of a central state and as such the CCC has a rather limited base from
which to put its liberal policies into practice. Because of its vulnerable position it is often forced to compromise its liberal traditions. Negotiations with the higher tiers of government are often a process of give and take with concessions being made on both sides. An example of this is what was described as "the unholy alliance of 1974", whereby CCC agreed not to allow pondoks to be developed in unregistered areas in exchange for certain concessions from the Department of Community Development. The result was that five years later the Council rangers were still pulling down shacks in which families lived.\textsuperscript{134} A further example was the decision taken by the CCC to twin with a city of the autocratic state of Taiwan as a result of a request from the Department of Foreign Affairs. It was revealed that the Taiwanese had asked the government for the twinning and that refusal to accede to the request would have prejudiced their relationship with the government.\textsuperscript{135}

Nevertheless, it would be spurious to argue that it is only because of its circumscribed position that the CCC is forced to compromise its liberal position. There have been countless examples where unjust decisions have their raison d'\^etre in CCC policy. In 1981 the CCC bought Hartleyvale, the home of white soccer in the Cape, from the bankrupt WPFA for R300 000, although no provision was made for it in the budget. However, two years previously, requests for the development and re-instatement of Royal Roads sports complex, a SACOS affiliate, in Kensington was turned down on the grounds that no funds were available.\textsuperscript{136} Similarly, when Avendale "‘defected’" to the WPCU the Council
waived a number of provisions. They were given a clubhouse by the Council overnight, when other cricket boards (never mind clubs) had been waiting for such facilities for years. A CCC report in 1985 revealed that the tenants of "coloured" economic houses of Parktown in Athlone, with incomes up to R250 a month, paid R150 a month for a three-bedroomed home. However, white tenants at Albrow Gardens with an income between R601 and R800 a month paid rentals of R102 a month. The CCC has very close links with the government of Chile, best known for the pogrom of 30 000 of their own citizens, and there are attempts afoot to twin Cape Town with Valparaiso, the site of naval torture camps during the 1973 coup. A contemporary issue on which the CCC have taken a lot of flak is the question of opening the beaches. After the Strydom Report discovered a legal loophole it opened all its beaches to all races, a decision which led to a severe Right-wing backlash. The Council responded by introducing pay-beaches, which in turn have led to a storm of criticism that it was substituting racial discrimination with class discrimination.

Perhaps the most contentious issue of all when it comes to debating the equity of CCC policy is the provision and maintenance of low-income housing and the question of the backlog of infrastructure that exists in "coloured" areas. The CCC argues quite cogently that Group Areas removals have led to certain "coloured" communities having to start virtually from nothing when it comes to such services. This has led to the basic costs of services and amenities being far greater in these communities. Conversely, white areas have been developed over hundreds of years, often with
the rates of their erstwhile ""coloured"" employees. To redress these injustices a massive allocation of funds, which is not available, would be needed. However, people in these communities have argued that it is just not true to say that no funds are available. In addition to the examples already mentioned, the CCC has been accused of wasting millions on the white elephant Good Hope Centre (which at one time made a deficit of more than R1-million annually), and the lavish Civic Centre, as well as spending money on such items as the Symphony Orchestra and the greening of the city, items which, while not totally undesirable, should rank behind basic living conditions when it comes to priorities.

There is a ""coloured"" housing shortage for 50,000 families or 125,000 people. The CCC argues that building low cost housing is a central state function and thus no capital expenditure is spent on rectifying this backlog, while money is spent on what is regarded as more important priorities. However, money made available for the foregoing extravagant projects could, at least in part, have been channelled into ""coloured"" housing.

As far as expenditure on ""coloured"" areas is concerned, because CCC plans on a city-wide basis, it means that the costs of a number of their services for ""coloured"" areas are integrated with surrounding white areas. Further, it doesn't frame its budget on racial lines (except for a cursory look at Management Committee areas) on a matter of principle. This means exact expenditure on ""coloured"" areas is difficult to calculate. However, in 1981, the CCC did venture a rough estimate that 13% of their total rates are derived from ""coloured"" areas while more
than 20% of its expenditure goes on them, the implication being that whites subsidise "coloured" areas. However, analyses which claim that rich white areas subsidise poorer "coloured" areas are rather perfunctory. The separation of exchange, production and consumption aspects of capitalist activity does not reveal its true picture. To expound: due to historical inequalities, most of the viable commercial areas and virtually all industrial areas are located in the white areas of the Cape. Most of the CCC's revenue is generated in the CBD (which is the golden jewel of the city) and its industrial areas. Many of Cape Town's "coloured" citizens help generate this wealth in their capacities as workers. Similarly, they help maintain the viability of capitalist firms in the CBD and other commercial areas in their capacity as consumers of goods and services offered by such firms. For example, the Theron Report pointed out that more than 75% of "coloured" consumption expenditure occurred in areas outside their designated Group Areas. However, this wealth is not generally taken into reckoning as part of the revenue generated by "coloured" people and is mostly not used to develop their areas. In fact, no white residential area is self-sufficient, and this includes even affluent areas such as Bishopscourt. Only 40% of the CCC's rates revenue comes from residential rates, showing its dependency on commercial and industrial areas. The fact is that as long as "coloureds" are denied meaningful municipal participation, their influence on CCC policy will remain negligible. It is white voters who are the councillors' constituency and in the last instance it is their interests for which the councillors will cater.
Finally, another dubious allegation of the CCC is its claim to be a non-political body. This is a spurious assumption. The CCC controls a multi-million Rand budget which redistributes wealth to various quarters. Even taking the narrow definition of politics as an institution, the allocation of resources is indisputably a political act. Why does Council persist in this non-political stance then? Leftwich suggests such actions are an attempt to take issues out of politics, to confine them to executive, administrative or managerial domains and crucially to reduce the scope for popular involvement and the raising of awkward issues.\textsuperscript{146}

Perhaps crediting the Council with such far-sighted strategy is over-stating things a bit, but owing to its limited financial base on the one hand, and the increased demand for facilities and services on the other, it cannot be denied that it is in their interest not overtly to politicise their agenda.

3.17 CCC - FISCAL CRISIS?

Investigations have shown that rate-wise, Cape Town is the most expensive major city in South Africa to live in. A survey in 1978 which compared Johannesburg, Durban, Port Elizabeth, Pretoria and Cape Town rates, showed that Capetonian ratepayers paid considerably more than their counterparts in the other cities.\textsuperscript{147} It must also be borne in mind that Cape Town does not run a municipal bus service (as a number of other municipalities do) which makes massive losses and has to be subsidised from the general rates fund.\textsuperscript{148} What are the reasons behind these high rates? A few major points have been advanced. One of them is that it is only
Cape municipalities that pay a divisional council rate in addition to their normal municipal rates. The CCC, in fact, contributes about 66% of CDC's rates. A number of divisional council functions are carried out by provincial administrations in the other provinces and although some of the CDC's functions are subsidised by the CPA, not all of them are, placing an additional burden on ratepayers. This is true, yet even with the subtraction of CDC's rates, Cape Town's rates are still higher than the other major metropolitan areas.149

Another reason advanced is that CCC has the majority of its poorer citizens (viz. "coloureds") under its control, whom it subsidises in areas such as capitalist infrastructure and housing. In other metropolitan areas, the majority of the poorer population consist of Africans whose townships are financed and serviced by central government and who are thus not a burden on the ratepayers. This is true to a certain extent, although both the difficulty in calculating the extent of subsidisation and the limitations of these type of superficial analyses have been pointed out.

Perhaps a more fundamental reason for these high rates is the structure of Cape Town's economy. It is not imbued with any great natural resources which can provide jobs, and its distance from other major metropolitan areas means it is cut off from markets and raw materials. This means such goods, as well as services such as electricity, are more expensive because they have to be transmitted over such large distances. This contributes to Cape Town failing to attract sufficient meaningful investment to the industrial and business sectors where most of the rate revenue is generated.150
An analysis showed that between 1960 and 1980 the Western Cape's contribution to national output dropped from 14% to 13% and was destined to slide further.\textsuperscript{151} This was an accurate prediction. Even in the boom economic growth days of the early 1980s, Cape Town lagged behind the rest of the country and since then things have deteriorated, with Cape Town having slipped from second to third place in national economic importance behind Durban/Pinetown.\textsuperscript{152}

In May 1985 a CCC report concluded that

\begin{quote}
Cape Town is declining in national economic importance, unemployment is increasing and the revenue base of the CCC is eroding.\textsuperscript{153}
\end{quote}

Moreover, in the last couple of years, the CCC has begun to experience the sort of fiscal crisis experienced by local states in Western Europe and America, viz. being caught between the demand for greater development and increased services on the one hand and a shrinking resource base on the other. Despite the fact that in terms of the 1986/7 budget, capitalist expenditure will be virtually limited to essential services only, expenditure on amenities is being drastically curtailed and that all vacant posts on the establishment have been frozen, Exco still had to increase rates by 17\% to balance the budget. Had the original draft estimates been adopted a 36\% increase in rates would have occurred.\textsuperscript{154}

What are the reasons for this resource squeeze? Besides the structural problems of Cape Town's economy, there is also the question of the inelasticity of rates as a source of income. Property valuation lags well behind inflation. The CCC is operating on Valuation Rolls based on market prices and building
costs in January 1979. Because of the lengthy procedure involved in drawing up property valuations, the January 1979 rolls only became operative in July 1984. These Valuation Rolls have been further eroded as a result of several substantial and successful appeals to the Valuation Court (an Administrator-appointed body). As a result of this as well as provincial limits on rate increases, the natural growth of rates was a mere 1.5% in the 1985/6 financial year, while inflation was running in the vicinity of 19-20%. The growth in rates is expected to be along similar small lines in the forthcoming financial year. Rates as a percentage of total CCC revenue has dropped by 5% to approximately 22.5% over the past five years. Only up to 10% of trading undertaking surpluses can be used to assist rates accounts, and in arriving at this, full running costs for the trading undertaking must be built into the accounts. There has also been a reduction of government and provincial subsidies in recent years from 10.11% of total revenue in 1975 to 6.64% in 1985, and for the 1985/6 financial year payment of rates by these bodies to the CCC was R4-million less than expected. Manifestations of the current recession, such as the high inflation rate and increased bankruptcy of businesses have also eroded CCC's revenue base, as has political instability fuelled by the dis-investment campaign which has badly affected tourism, one of the city's major revenue-earning industries. The advent of the RSC is likely to aggravate this precarious financial position even further.
3.18 CONCLUSION

Although half of the Council members are PFP-card-carrying members they cannot impose their policy unreservedly on the CCC. The Council's image as a non-political body has been shattered by recent events, and its days as an apolitical forum are numbered. Most councillors come from a middle-class background and half of them are directors of companies or owners of businesses. This disproportionate representation occurs because there are certain factors which mitigate against people of modest income standing for the Council.

An inordinate amount of power is vested in Exco, which is able to make decisions behind closed doors. The bureaucrats of the CCC, especially the City Engineer's Department, are able to exert not inconsiderable influence on policy, although there are certain limitations on the extent of their power. The CPA has often for political reasons introduced legislation which has curtailed the autonomy of the CCC. It is able to overturn democratic CCC decisions without motivation. It has appointed the chairman of the MSC who is changing the staff complexion of the CCC. The CCC's labour policies, partly due to the influence of SAAME, have traditionally been fairly reactionary. White ratepayers' associations are institutions whose status far exceeds their numbers. Often they consist of small pockets of residents who tend to be conservative and not very representative of their wards in which they operate. There has been corporate influence on CCC policy, although it appears to be rather uneven. However, in the last instance, because of the structure of the local state system, the CCC is forced to follow capitalist policies to a large extent.
While the CCC has adopted some policies that can be considered liberal, it has adopted others which are not. Its allocation of expenditure is often skewed in favour of its middle-class white constituency. This is because in effect only whites can vote for CCC candidates and there are limitations to Council analyses of local government finance. Finally, due to limitations on its sources of revenue, the economic recession and political unrest, the CCC is beginning to experience severe economic problems.
NOTES


11. The divisional councils are to be phased out to dovetail into the new system of local government. Legislation has been passed which allows for its dissolution in due course.


13. This consists of the Divisional councils of the Cape, Paarl and Stellenbosch and the independent local authorities contained therein, viz. Bellville, Brackenfell, Cape Town,
Durbanville, Fish Hoek, Goodwood, Gordon's Bay, Kraaifontein, Kuilsriver, Milnerton, Paarl, Parow, Pinelands, Simonstown, Somerset West, Stellenbosch, Strand and Wellington, which are all white bodies. See Annexure C.


15. CCC, City Engineer's Department, *Organisational Reform of Local Government Services in Greater Cape Town*, Cape Town, 1982, pp. 3, 545. These are 1979 figures.

16. Ibid., p. 678.


20. The Local Government Bodies Franchise Act of 1984 changed the municipal voting qualifications countrywide, introducing a uniform system for whites, "coloureds" and Indians based on the multiple vote. Although on the statute book, it is not in operation yet.


23. Interview with CCC councillor.

24. Ibid.


29. See Evans, S., *New Management Committees in Local Government*, Cape Town, Juta, 1969, pp. 72-80, for a detailed exposition of this restructuring.


31. This information was obtained from interviews with councillors and senior CCC officials; the Standing Orders of the Council and *Financial Mail Supplement*, op. cit., pp. 25-26.

32. Ibid.

33. Interview with senior CCC official.


38. Interview with senior Minister, House of Representatives.


40. Interview with senior CCC official.
41. Interviews with CCC councillors.
42. Interview with senior CCC official.
43. CCC, Executive Committee Minutes, Priorisation of reports, Cape Town, 13/12/1984, Item F7.
44. See Annexure D.
45. Although Brand's name is used interchangeably with that of his department in this paper, it must be stressed that his power derived primarily from the structural position of his post. He was a strong leader and used his power shrewdly, but the successful utilisation of these traits was dependent upon the pivotal powers of the post of City Engineer in the CCC. A related point is that Brand's policy stances were enthusiastically backed by most senior staff in his department. This appears to signify that the department was not merely the imprint of one individual's idiosyncrasies.
46. CCC, City Engineer's Department, Surveys at Mitchell's Plain, Cape Town, January 1978.
47. CCC, letter from Vrey and Moire (Pty) Ltd., Competition with Private Enterprise in the Design and/or Construction of Capital Projects, Cape Town, 7/5/1981.
48. According to a transcript of a speech delivered by Councillor van der Velde to the general Council on 27/6/1985, in the 1984 calendar year some seven contracts amounting to R10,7-million were awarded to private enterprise by the CCC. During the same year, Port Elizabeth City Council put out 21 contracts amounting to R7,25-million. Considering that Cape Town is about 2,5 times bigger than Port Elizabeth and that the
economy of the latter is in a worse condition than Cape Town's, the Port Elizabeth City Council, comparatively speaking, put out more contracts than the CCC.

49. Interview with CCC councillors.


51. Interview with CCC councillor and senior CCC official.

52. Interview with CCC councillor.


55. Interview with CCC councillor. The town clerk is appointed by general council.


57. Interview with senior CCC official.


59. Notwithstanding this, the situation following the CP breakaway from the NP in 1982 is less clear. There is evidence which suggests that a few municipalities in the province are following a CP line, but this cannot be confirmed.

60. Behind the scenes, relations between the CCC and CPA at an administrative level have often been very cordial and after Eugene Louw became Administrator, actually improved. However,
the removal of the State President’s portrait from the Mayor’s parlour and the ensuing furore in late 1985 sent relations plummeting to rock bottom.


62. See Chapter II for a discussion of increased provincial control over town clerks.


64. Cape Times, 26/10/1982.

65. This is in addition to ordinances which diminished the autonomy of local authorities in the Cape in general, which were discussed in Chapter II.


67. This will be examined in more detail in the next section of this chapter.


70. Cloete, J.J.N., Improvement of organisation and work methods to promote productivity with the view to developing the most attractive town or city with the least cost, (paper presented at symposium held at the University of Durban-Westville), 28-29 November 1983, p. 141.

71. Interview with senior CCC official.
72. CCC, Minutes of Liaison Meeting between CPA and CCC Executive Committee, Cape Town, 20/9/1984, Item F7.


74. Interview with senior CPA official. This has also been admitted in local government circles.

75. The new system of provincial government will be discussed in chapter V.


80. Ibid, pp. 7-8.

81. Ibid, pp. 22-25.

82. Ibid, pp. 26-33. More will be said about the unions when looking at the labour practices of the CCC in the next section of this chapter.


86. This is the 1985 figure. The corresponding 1981 figure is R12 600.
The role of civics will be examined in the next chapter. This is not due to any general acceptance of ethnic categories, but rather to the different structural arrangements that exist for whites and "coloureds" at local government level.
103. In the other two elections Ward 7 had different ratepayers' associations backing different candidates and in Ward 16 the ratepayers' body didn't back any of the candidates.

104. Interview with CCC councillor.

105. Ibid. Attendance at council meetings seems to corroborate this argument.

106. Ibid.

107. CCC, Ratepayers' Association, op. cit., Table B.

108. The rest of Exco consists of L. Kreiner who has his own architectural business and no overt political affiliations; E. Stott, housewife and nominal PFP member; and C. Keegan, owner of a bookstore who is strongly involved with the PFP, having already stood as a parliamentary candidate for the party.

109. Interview with CCC councillors.


111. This was evidenced in letters from these business organisations to the Cape Times in November 1980.


113. Argus, 31/7/1981.

114. CCC, City Engineer's Department, Surveys at Mitchell's Plain, op. cit., and letter from Vrey and Moire (Pty) Ltd. op. cit.

115. Interview with CCC councillor.

117. CPA, Report of the Committee of Enquiry into Public Amenities in the Cape Peninsula (Starke Report), Cape Town, 1959, p. 3.


120. Interview with Management Committee official.

121. Cape Times, 31/7/1981. The CCC was quite honest that its opposition to Westgate (which is situated in CDC territory) was based on the fact that its development would jeopardise the viability of existing business interests situated in the nearby Mitchell's Plain town centre.


123. If councillors have a pecuniary interest in an item debated on the agenda, e.g. if they have contact with a firm who are involved in the item, they are obliged to leave the council chamber. Sometimes the council chamber resembles peak-hour traffic with so many councillors rushing out of the chamber because of pecuniary interest in items being debated.

124. This was discussed in chapter II.


127. Interview with senior CCC official and CCC councillor.

franchise has always been an integral component of the form of liberalism disseminated by the CCC.

129. See Western, J., Outcast, Cape Town, Human and Rousseau, 1981, for an account of CCC's recalcitrance in this connection.


132. Cape Times, 8/12/1981.


140. These types of complaints pervade the newsletters of a number of disparate civic organisations on the Cape Flats.

141. CCC, City Engineer's Department, Cape Town's critical need of land for future housing, Cape Town, 2/9/1985 and Argus, 18/9/1985.

142. Cape Times, 16/12/1981.

Commission), Pretoria, Government Printer, 1976, p. 1006, Table 3.10.

144. Labour Research Commission, op. cit., p. 25.

145. CCC, City Treasurer’s Department, Organisational Reform of Local Government Services in Greater Cape Town, Cape Town, 1982, p. 34.


147. Cape Times, 10/4/1978. This survey asked what rates and service charges an owner would pay on a hypothetical piece of property in the five major cities. The questionnaire was completed by the City Treasurers of the five municipalities and the results were: Pretoria, R774; Durban, R847; Johannesburg, R851; Port Elizabeth, R936 and Cape Town R1220.

148. Johannesburg City Council makes a loss of more than R15-million per annum on its municipal bus service.

149. Approximately R210 of the R1220 would have gone to the CDC.


151. Kantor, B., Central Government Policy and the Economic Future of the Western Cape, mimeo, Cape Town, 1981. Table 2.


156. CCC, Muir, J., op. cit., p. 15.
157. See chapter II for an exposition of these points.

158. CCC meeting, 22/5/1986.


162. This will be discussed in chapter VII.
CHAPTER IV
"COLOURED" LOCAL GOVERNMENT

4.1 PREFACE

In this chapter the history of the Cape municipal franchise from 1836 until 1971, an era when "coloureds" technically had the same municipal voting rights as whites, will be examined. Management Committees, the separate "coloured" form of local government representation, is then studied with the main emphasis being on the system's unpropitious beginnings, the representatives' lack of popular support and their political affiliations. The vexed question of CCC/Management Committee relations will then be scrutinised with particular reference to how the lack of plenary powers led to severe frustration on the part of Management Committees, which eventually resulted in the enacting of legislation which enables them to acquire such powers. Finally, a brief look will be taken at grassroots-based civics which are alternative local government organisations to Management Committees.

4.2 HISTORY OF THE CAPE MUNICIPAL FRANCHISE 1836-1971

In the field of local government in the Cape, "coloureds" were technically on the same legal footing as whites from the promulgation of Ordinance 9 of 1836 until the enactment of Ordinance 19 of 1971. They appeared on the same voters' roll as whites and they had to fulfil the same minimum voting requirements.
When Cape Town received municipal status in 1840, the qualifications to be a voter and a councillor were the ownership or lease of a house, shop or office with a yearly value of rent of at least £10 Sterling. Although there have been various forms of voting qualifications, provision had always been made, up to 1971, for some form of qualified franchise. In 1971, the year of "coloured" municipal disenfranchisement (although it only came into effect in 1972) any citizen of the Cape Province could be enrolled as a municipal voter providing that he/she was 21 years or older and the owner/occupier of a property of a valuation of not less than £200 in a ward, or occupied rateable property of a valuation of not less than £400 in any ward.

Although there was no overt racial discrimination in the voting qualifications, these property qualifications effectively debarred the vast majority of "coloured" citizens from being eligible to vote. Thousands of tenants of the CCC’s housing schemes did not qualify for the vote because the valuation of their properties was too low. The Roussouw Report in 1960 found that although "coloureds" comprised the majority of population in the Cape, their voting strength was in inverse proportion to their numbers. The CCC was accused of keeping a vast amount of "coloured" voters off the municipal roll by making them weekly rentpayers who were ineligible to vote. Further, because most businesses and industries were in white hands, very few "coloured" voters qualified for the fictitious vote. These voting limitations are an illustration of the middle-class plutocratic bias which has always underpinned CCC policy.
Despite these impediments a number of "coloured" and Indian citizens did get elected to the CCC. Between 1904 and 1972, 16 "coloured" and four Indian councillors were elected to the CCC. The extent of support for them and the extent to which "coloureds" availed themselves of the vote is not clear. The Theron Report of 1976 noted that wide-scale "coloured" apathy existed in respect of municipal matters. According to unofficial statistics, 39,300 out of 123,700 registered municipal voters in 1971 were "coloured" or Indian (32%), a small fraction of their overall numbers. A columnist in the Social Review (which reflects extra-parliamentary thinking), postulated that these councillors had "little power as they were few and had little community support." Because both eligible councillors and voters generally came from a rather small middle-class base, it is highly unlikely that they articulated demands of the working class, the majority of whom were disenfranchised.

Integrated local authorities were antithetical to the stated Nationalist objective of having separate political structures for different ethnic groups. Of particular concern to them were the demographic changes that were occurring in the Cape. Not only did "coloureds" begin to outnumber whites, but they gradually began to improve their socio-economic status and in so doing were rendering themselves eligible for the municipal vote. In the long term this could lead to a number of municipalities falling under the control of "coloureds", who would possibly promulgate socialist-orientated policies. This scenario was a nightmare for the Nationalists. Piet Marais, Cape secretary of the National
Party, warned in 1959 that it wouldn't be possible to keep ""coloureds"" off the roll through manipulation forever.10

The antidote for this had in fact already been set in motion. The genesis of separate local government structures was the Group Areas Act of 1950, which made provision for separate residential areas and for the eventual introduction of separate local structures in ""coloured"" areas. The next important piece of legislation was the Group Areas Amendment Bill of 1962, which made provision for three phases in the development of ""coloured"" and Indian local government. The first stage was a Consultative Committee which consisted of nominated members, having advisory powers only. The second stage was a Management Committee which was partly elected and partly nominated and was intended to have slightly wider powers. The third stage was fully-fledged municipal status.11 Although the Minister of Community Development was ultimately responsible for the development of local government, its practical application was the responsibility of the different provinces, each of which adopted their own ordinances and framed regulations for this purpose.

In the Cape the Provincial Ordinance 6 of 1963 made provision for the creation of local government structures for ""coloureds"" and Indians. This ordinance gave the Administrator power to establish Consultative or Management Committees. He could, after consultation with the relevant Minister, investigate the possibility of upgrading Management Committees to fully-fledged local authorities.12 The provisions were virtually identical to the Group Areas Amendment Act of the previous year, the only major
difference being that the Minister's powers were now vested in the Administrator, although he still needed the approval of the Minister in certain matters.  

In the CCC's area of jurisdiction, Management Committees were formed in Athlone and District, Kensington and Wittebome/Wynberg. They were created as nominated Management Committees in 1965, becoming partially elected in 1972 and fully elected in 1977. No democratic consultation was needed or carried out with the residents of the areas to see if they wanted this form of apartheid representation or not. Because such committees were still an integral part of the local authority in which they were geographically situated, they were still controlled and administered by the CCC.

The co-existence of Management Committees and directly-elected "coloured" representatives led to an unnecessary duplication. As Brown pointed out:

With five or six direct representatives on the Council, who needed the advice of a body nominated by the Administrator and Minister?

This anachronism of direct representation was an impediment to Nationalist policy, and had to be rectified. Accordingly, Municipal Ordinance 19 of 1971 changed the voting requirements so that only those who were qualified as parliamentary voters, viz. whites, could now register as municipal voters, but with one caveat. This was that "coloured" citizens who were registered municipal voters in October 1971 could still exercise that vote providing that a Management Committee had not been created in their area. This legislation also expanded the base of potential white
voters by dropping the requirement that stated owned or rented property should have a minimum valuation and by making provision for the spouse of an occupier to qualify as a voter.\textsuperscript{17}

The CCC fought this tooth and nail. They had already thwarted previous attempts to disenfranchise ""coloureds"" in 1958 and had shown their displeasure at the birth of Management Committees by refusing to nominate persons for such committees and by not fixing dates for elections or enrolling voters.\textsuperscript{18} However, this time they did not succeed in their objective and in 1972 when this legislation came into effect six of the 34 councillors, who were classified ""non-white", lost their Council seats.

The CCC erected a plaque in the entrance foyer of the City Hall in dedication to the meritorious services rendered to the City of Cape Town by its ""non-white"" councillors.\textsuperscript{19} They also took a Day of Vow pledge that they would do everything in their power to get ""coloureds"" back onto the roll.\textsuperscript{20} They have constantly reaffirmed this pledge and it is this Day of Vow that has often dictated their attitude towards Management Committees. However, before this relationship is examined, an investigation into the political context in which Management Committees operate is warranted.

4.3 MANAGEMENT COMMITTEES AND POLITICAL CONFLICT

On the Cape Flats where the majority of ""coloureds"" live, opposition to apartheid and its collaborators has always been more pronounced that in other areas. This is because there are more educated ""coloureds"" in this area who tend to be politically more
sophisticated. Further, "coloureds" in this area have suffered acutely under Group Areas removals. The Management Committee system is in effect an offshoot of the Group Areas Act, which for them is probably the most hated cornerstone of the apartheid structure. The establishment of the Management Committees meant the disenfranchisement of registered "coloured" voters, a move which was hardly designed to increase the popularity of the former bodies. Finally, wide-scale apathy exists about Management Committees. Various CCC investigations have found that "coloured" citizens have little knowledge about the structure or functions of Management Committees. Ratepayers often find toothless Management Committees an unnecessary link in the communication chain and prefer to deal directly with Council. The UDF used the 1983 Management Committee elections as its first test of strength. However, as one journalist remarked,

there is so little interest anyway that the UDF's involvement made a few more people aware of the election. 21

These reasons have all contributed to the inordinately low percentage polls at Management Committee elections, which have been as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>1972</th>
<th>1977</th>
<th>1978</th>
<th>1983</th>
</tr>
</thead>
<tbody>
<tr>
<td>Athlone and District</td>
<td>6,0%</td>
<td>14,5%</td>
<td>6,8%</td>
<td>1,81%</td>
</tr>
<tr>
<td>Kensington</td>
<td>18,9%</td>
<td>30,9%</td>
<td>14,7%</td>
<td>19,5%</td>
</tr>
<tr>
<td>Wittebome/Wynberg</td>
<td>16,8%</td>
<td>22</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Since 1977, a rotational system has been in effect, similar to the system of the CCC. Every second year half of the candidates make themselves available for re-election. The gaps in the foregoing election polls have been when candidates have been elected unopposed. Provision is made for seven members in Athlone and five each in Kensington and Wittebome/Wynberg.

Although municipal election polls are generally low in the Western Cape (1984 CCC elections averaged 35.2%), the average poll for all Management Committee elections has been a mere 14.7%. Only 50.9% of potential voters are enrolled — a figure which is inflated because the CCC automatically enrols the registered occupiers of their council houses.23

Like the CCC, none of the candidates at election time stood officially on party tickets, yet there is a lot of party-political influence behind the scenes, in this case that of the Labour Party. Management Committees are generally dominated by Labour Party members. The party's policy, as confirmed at its 1981 conference, is "to keep a tight grip on Management Committees to derive maximum political benefit for the party."24 The use of Management Committees as a forum became very critical for the party after the abolition of the CRC in 1979, because it was the only mouth-piece the Party had left. A number of House of Representatives MPs are past and present members of Management Committees. Athlone has three MPs and Kensington has two. (Wittebome has none.). This is in addition to ordinary Labour Party members on the Management Committees. The extent of the dominance of the Labour Party tends to affect the respective Management Committee's relations with the
CCC. It has been suggested that Athlone's strategy towards the CCC is decided in the Labour Party caucus and its relations with the CCC are undoubtedly the worst of the Management Committees, Athlone being the committee that has complained the most vociferously about the attitude of the CCC. The lack of a significant Labour Party presence in Wittebome means that it has a relatively "non-political" stance and its relations with the CCC tend to be more amicable. Kensington's position tends to be somewhere in between. Certain Management Committee members, particularly those associated with Wittebome, are uneasy about Members of Parliament still sitting on local government structures, arguing that the simultaneous wearing of national and local hats could lead to a conflict of interests. More importantly, Labour Party's increasingly pro-governmental stance in 1985 meant that these MPs were a clear obstacle to Management Committees' attempts to obtain some form of credibility in their community. As one Management Committee remarked:

The third tier should be depoliticised so that we can get on with the task of providing services for our people.

Finally, at the conferences of ASSOMAC (which is the co-ordinating body for Management Committees), the motions of the Cape Peninsula Region have constantly been to the Left of not only rural constituencies but also other urban constituencies. For example, they rejected the proposals announced by P.W. Botha in 1982 which eventually formed the basis of the new Constitution. This stance is no doubt a reflection of their more radicalised constituency.
4.4 CCC/MANAGEMENT COMMITTEE RELATIONS

Because Management Committees are by law still an integral part of the local authority in which they are geographically situated, the three CCC Management Committees were controlled and administered by the CCC. They had to exercise their functions under the control and supervision of the CCC. Until 1985 Management Committees had never had any form of plenary power. Their function was to promote the interests and welfare of the inhabitants of their areas by bringing matters to the attention of their "mother" local authority. They had to be consulted on a number of issues by their controlling local authority, but the latter was under no obligation to heed their requests.

Despite the fact that the objective of ASSOMAC, viz. direct representation on (white) local authorities, is the same as the CCC's, the relations between the CCC and these committees have never been tranquil and have often been strained. The CCC's general attitude to such bodies was well encapsulated by ex-Mayor David Bloomberg when he attested that:

When the "coloured" people were disenfranchised we swore that we would do all in our power to restore the municipal vote to them. That was Cape Town's Day of Vow. I do not believe that the Council should break faith with that vow.28

The CCC's response to the introduction of Management Committees before "coloured" disenfranchisement has already been mentioned. Since then, CCC have scantily tolerated Management Committees, often disregarding regulations pertaining to them, or at the least obeying them half-heartedly. They have generally regarded these bodies as an extension of the apartheid policy that has been imposed upon the Council.
The Management Committees in turn have constantly accused the CCC of failing to provide amenities and utilities in their areas, of using this lily-white attitude to direct representation as an excuse to evade their lawful responsibilities. They have also accused the CCC of keeping them ill-informed about policy in their areas. They say that their recommendations and requests on specific items have often been ignored, that they have often not been advised of decisions taken on matters in respect of which they have been consulted, and that projects have been carried out in their areas without their being informed. A cardinal issue of contention is the CCC's refusal to allow Management Committees permanent representation in respect of their areas on CCC standing committees, even on an advisory basis. The CCC argues that to concede to such a request would be a betrayal of their Day of Vow. Management Committees are treated exactly the same as any outside person or body who wishes to address the standing committees on an issue, viz. by invitation or by a request which has to be approved by the respective standing committee.29

Another very thorny issue is the question of the standing committee speaking to civics which represent the same area as the Management Committees. The latter are very sensitive about these groups, which they regard as political rivals, and have accused the CCC of favouring such groups in an attempt to discredit Management Committees. They have attempted, unsuccessfully, to get the Administrator to prevent the CCC from speaking to such groups. What particularly irks them is that recommendations made by such bodies on specific issues are identical to those made by Management...
Committees. The CCC then approves such requests and the credit for the changes is accorded to the civics in the press, with no mention being made of Management Committees' lobbying role.  

Arthur Stanley, ex-chairman of the Athlone Management Committee, has complained that

The City Council gives more representation and lends its ear more to bodies such as CAHAC, Cape Action League and UDF and other forces that are creating disruption and upheaval than they do to the demands, requests and appeals of management committees.

Management Committees have in recent years ceased operations and on more than one occasion have suspended relations with the CCC because of their alleged non-cooperation. Matters between the two bodies reached a nadir in 1981 when the SATV allowed Management Committees to make a virulent 15-minute attack on the CCC's refusal to allow them on standing committees, while allowing the latter only two minutes to reply. The CCC responded with a full-page statement in the newspapers accusing the Management Committees of making wild and inaccurate statements.

They have constantly complained, Athlone especially, to the Administrator and on one occasion to the then Minister of Internal Affairs, C. Heunis, about the attitude of the CCC and there has been a stream of circular correspondence among the Management Committee, CCC and CPA in recent years. There have also been meetings between the parties concerned. As a result of these representations certain concessions have been made by the CCC, such as the granting of a monthly liaison meeting between Exco and Management Committees and the creation of an extra senior administrative post to liaise with Management Committees.

Further, in
1979 all Cape Management Committees were given a say in the preparation and handling of their budgets. This was intended to give Management Committees more experience in managing their own budgets, and was considered a move in the direction of autonomous "coloured" local authorities. However, this did not confer final decision-making powers. These budgets still had to be approved by the CCC.

The CPA was greatly dissatisfied at what they considered the political stance of the CCC, which they thought was intended to embarrass the government. The fact that the CCC refused to nominate members for Management Committees had led to the CPA abolishing the fully nominated stage in the early 1970s, and in 1985 the partly-nominated stage was scrapped for the same reason. Further, at the end of 1981 the Administrator sent letters to 146 municipalities, requesting them to give an account of how relations with their Management Committees were faring. There was only one negative feedback - the CCC. However, the problems of creating separate ethnic local authorities bedevilled the CPA's attempts to ameliorate the situation.

After years of Management Committee frustration due to their lack of plenary powers, not only in CCC areas, but generally country-wide, a change was made to the legislation in 1984. Directives issued in terms of the Promotion of Local Government Affairs Act of 1983 made provision for interim regulations to improve communications between white councils and Management Committees and to allow the latter greater participation in their own areas. However, this Act did not confer plenary powers on the
committees; it listed seven regulations of which it was obligatory for white councils to adopt at least one. One of these regulations made provision for the representation of Management Committees on standing committees. The CCC Management Committees accordingly requested that this regulation be adopted. However, the CCC in a two-and-a-half-hour debate rejected this request by 24 votes to six in favour of a motion affirming their support for direct representation of all its citizens as "the only acceptable and practicable form of local government for Cape Town."³⁹ It did not subsequently totally disregard all the regulations, but only adopted some of them, excluding the request for representation on standing committees. This meant that Management Committees did not enjoy a great deal more participation than before.

This left Management Committees fuming and led to them breaking off the liaison committee with the CCC, accusing it of deliberately deceiving them.⁴⁰ They wanted nothing less than control over the budget and allocation of funds for their own areas. However, they now had an important ally in the House of Representatives whose leader, Rev. A. Hendrikse, was appointed to the Cabinet. This House put pressure on the Nationalists to give Management Committees plenary power, with their Minister of Local Government arguing that obstructionism by white local authorities could lead to the sabotaging of the new constitutional deal.⁴¹ Accordingly, the Local Government Affairs Amendment Act of 1985 was promulgated. This was not a conferment of separate municipal status. It in no way nullified existing provincial legislation which gave the Administrator power to set up Management Committees.
It was only an interim measure until the impediments to setting up "coloured" local governments had been addressed. Nor were these powers granted automatically. If a Management Committee wanted these powers it had to petition the Administrator who in turn had to conduct an investigation to determine the feasibility of such a request. 42

Despite a broad agreement amongst Management Committees not to accept these powers, Athlone, much to the chagrin of the other committees, reneged 43 and asked for plenary powers in respect of a number of substantive items in its area of jurisdiction, including the appointment and dismissal of staff; the allocation of business licenses; the allocation of houses and eviction of tenants; the approval and planning of new housing schemes; the planning, provision and allocation of sports facilities; approval of tenders for projects, and final say in the leasing and utilisation of immovable property. 44 The Director of Local Government subsequently wrote to the CCC asking with regard to financial implications, staff requirements and other relevant factors involved, which of these functions could be transferred to the Athlone Management Committee. 45

The CCC objected to this vehemently. They said that if these powers were granted, the anomalous situation would exist whereby the committee would be given decision-making powers without accountability. The CCC was concerned that they would be involved in financial consequences and legal disputes arising from imprudent decisions by the committee over which they had no control. They argued further that most staff performed their functions on an area
basis which contained both white and "coloured" suburbs. If a committee took over a function either it or the CCC could face staff shortages. This could lead to costly duplication and the creation of unnecessary posts. In view of this it recommended that if transfer of powers to Management Committees occurs, this should only be done within certain parameters of which the most important were:

1. Athlone Management Committee should only be given decision-making powers in respect of "own services" intended solely for its area;

2. there should be no transfer of CCC staff to the committee without the consent of the persons concerned;

3. decisions by the committee on matters involving financial consequences should be confined to items on a approved set of estimates, or limited to income emanating by way of rates, fees or charges from within the committee's area;

4. the committee should not be empowered to take decisions which would involve the CCC in additional unbudgeted costs;

5. compensation should be paid for assets transferred to the committee;

6. CCC must be indemnified against all costs, claims or charges arising directly or indirectly from the devolution of power.

It also stated that there is a need for an in-depth investigation and further research on the full implications of the committee's request, particularly with regard to the question of cost effectiveness and efficiency in the rendering of municipal services. 46

CCC also resolved that efforts should be made to ascertain whether
residents of Athlone in fact wanted to be transferred to the control of the Athlone Management Committee.\textsuperscript{47}

The Administrator subsequently had further meetings with the Athlone Management Committee. The Director of Local Government then wrote a letter to the CCC suggesting that discussions be held between delegates from the CCC and his Administration at the earliest possible opportunity, where practical problems impeding the assignment of final decision-making authority could be ironed out.\textsuperscript{48} Investigations are also being undertaken by the CCC to establish the feasibility of an opinion survey in the Athlone area of jurisdiction in respect of whether the citizens of this locality in fact want to be administered by their Management Committee.\textsuperscript{49}

Management Committees have always been caught in a fundamental contradiction. They have called for direct representation, yet participate in apartheid structures, arguing that there is no alternative available to them but to operate in these bodies which they are committed to abolish. The granting of plenary powers heightened this contradiction—they were now moving closer towards a position they ostensibly abhor, while conversely moving further away from their avowed aim. This contradiction finally erupted at the annual ASSOMAC conference in September 1985 when, by a large majority, delegates resolved to resign \textit{en bloc} if direct representation on local authorities was not achieved by September 1986.\textsuperscript{50} This places Athlone in a rather paradoxical position. It is highly unlikely that this committee will find itself with the final decision-making powers it requested before September 1986, because of the lead-time involved in transferring functions and final
decision-making powers. Nevertheless, because the Labour Party is part of the government, it is probable that pressure from party leaders will ensure that this threat is not carried out. 51

A number of "coloured" areas in Cape Town's geographical jurisdiction have no Management Committees whatsoever, including Mitchell's Plan, Steenberg/Retreat, Schotschekloof, Walmer Estate, Woodstock and Salt River. 52 With the exception of Mitchell's Plain which was largely developed after "coloured" disenfranchisement in 1971, there are approximately 2 000 voters 53 spread amongst the other areas who (until the Local Government Bodies Franchise Act comes into effect) are still eligible to vote for white CCC councillors at election-time. Civics like Schotschekloof Civic Association, who still have a number of eligible voters in their ranks, have taken a keen interest in such elections, often officially endorsing one of the candidates. The reasons for the lack of Management Committees in these areas are, firstly, resistance of the citizens of the area concerned. The second reason is CCC opposition to this system which has dampened the enthusiasm of even the CPA in setting up Management Committees. The CPA doesn't deal directly with Management Committees on a daily basis. The white local authority concerned must be prepared to work and cooperate with the Management Committee for it to succeed. If the council is unco-operative the setting up of such a committee will be an exercise in futility. 54

Nevertheless, despite its previous reluctance to introduce Management Committees, the impending introduction of RSCs means that
the need for Management Committees in all "coloured" areas has become essential.\(^{55}\) In December 1984 the CPA requested certain demographic and planning statistics of Mitchell’s Plain from the CCC,\(^{56}\) information which can be considered the forerunner of a Management Committee. In 1985, a Labour Party-dominated ratepayers’ association was created in Mitchell’s Plain which chose to ignore the existence of the popular Mitchell’s Plain Coordinating Committee, an umbrella body representing six civic associations. Soon afterwards requests for Management Committees were received from Mitchell’s Plain and Steenberg. This led to speculation that the Labour Party was "orchestrating a strategy to take over local government on the Cape Flats."\(^{57}\) However, the civil unrest in the region in the second part of 1985 put a brake on this. Management Committee members had their houses petrol-bombed and the prime mover of attempts to introduce a Management Committee into Mitchell’s Plain had a hand-grenade thrown through his window. Management Committee elections due in 1985 were postponed until 1988 at the request of Management Committees. As one prominent Management Committee remarked: "We don’t want to stir up a hornet’s nest."\(^{58}\) In 1986, thus far, there has been very little movement in the direction of creating new Management Committees.

4.5 CIVICS

In most liberal democratic countries, only fringe parties tend to operate outside the parameters of formal political structures. However, in South Africa this is not the case. The "herrenvolk"
connotations of apartheid policies have ensured that the majority of the country's black citizens of all classes tend to operate outside the formal political system. As such, extra-parliamentary movements have always been prominent in South Africa. At local government level there exist grassroots-based civics whose support and legitimacy far exceed that of Management Committees. The late 1970s and early 1980s saw the proliferation of such civics as alternative organisations to Management Committees, with a number of these civics forming umbrella bodies. One such group is CAHAC which was formed in 1980 to oppose rent increases announced by the CCC and CDC. They have tried to tie up bread-and-butter issues with the broader effects of apartheid, e.g. the linking of the lack of facilities in their areas with the removals of the Group Areas Act. They have argued that central government should take full responsibility for housing, accusing local authorities inter alia of doing "entirely as they please" when it comes to applying rent formulas and service charges. CAHAC is an affiliate of the UDF and as such subscribes to the rather amorphous ideals of the Freedom Charter. It tends to subsume working-class interests in the name of unity against apartheid, and in its early years adopted some high profile protest campaigns, including a day of action against rents. However, criticisms that these type of single issue campaigns did little to the building up of solid organisations at grassroots level led to an internecine power struggle in 1983, which resulted in three of its strongest civics - BBSK, Manenberg and Parkwood - disaffiliating.
Another civic body is the Federation of Cape Civics, a NEUM affiliate, which was formed in 1979.64 It differed from CAHAC in that it regards non-collaboration as an essential principle in its long-term strategy against the state, while CAHAC does not apply this principle under all circumstances. This non-collaboration doesn’t mean non-negotiation with local government; rather, it means boycott of dummy bodies which are intended for their own oppression.65 It, too, must be regarded as a united front of different classes which have an interest in the liquidation of national oppression and the attainment of the 10-point programme (which is by no means a socialist manifesto). It tends to be considerably less high profile in its activities than CAHAC.

A number of affiliates of the Federation of Cape Civics clashed with the CCC in 1985. The CCC policy is that ratepayers’ associations be granted two meetings a month in municipal halls at the nominal fee of 10c. However, the City Administrator’s Department (which controls civic halls) objected to a number of civics using such meetings as a forum for discussing the educational crisis in ”coloured” schools, deeming such meetings political, and took up the matter with the respective bodies. The civics did not take too kindly to this, with Lansdowne Civic sardonically asking whether the Council was trying to determine which matters are civic and which are political. The Department then recommended in a report to Exco that ratepayers be made to sign a book declaring that they would only discuss matters relating to the aims and objectives of their respective Associations. If other matters were discussed they would be forced to pay the full
political tariff. This was accepted, although Exco made a concession in that they lowered the general political tariff.66

CAL is a movement whose energies are directed towards national liberation. Despite this, there are some individual civics, numbering about 12, affiliated to CAL. The CAL advocates a position based on the paramountcy of the working class. As such they reject alliances with other classes, believing that other classes are irrevocably limited by a capitalist perspective which prevents them from being committed to CAL's socialist goals.67 However, there are certain inter-linkages between the Federation of Cape Civics and CAL. For example, in 1984 they collaborated very closely in the anti-election campaign.

One thing that unites all these civic groupings is their total rejection of Management Committees. In fact, one of the reasons why CCC won't allow the latter permanent representation on standing committees is that civics will refuse to attend such meetings if Management Committee members are present. However, Management Committee claims that CCC deliberately favours civics ahead of them appear to be somewhat exaggerated. The civics are very dubious of CCC motives, often accusing them of spending millions on items such as the Good Hope Centre and the new Civic Centre while failing to provide maintenance of housing or facilities in their areas. There have been occasions when CCC have bowed to the pressure of popular civics, but that has been because of the grassroots strength of the grouping concerned, something that Management Committees have never possessed. In 1981, BBSK forced the Council to drop plans to make all tenants pay maintenance costs.68 Also
in 1981 the EPC discovered that the CCC was making R118 000 p.a. from Mitchell’s Plain residents through the 10% surcharge on accounts (which had been in effect since 1926). EPC pressure, including a visit of irate placard-waving residents to the Civic Hall, caused the CCC to drop the surcharge in respect of accounts of R30 or less.69

SACOS has also been at constant loggerheads with the CCC. The sports body, although it claims to be representative of all political tendencies, at leadership level anyway seems to follow a NEUM/CAL line. Contentious issues have been the provision and maintenance of amenities and sports fields, the provision of lease/tariff charges and the CCC’s bias in the allocation of sports facilities in favour of the practitioners of racial sports.70

“Coloured” civics have articulated different demands to those of white ratepayers. The latter have concentrated on parochial activities while the former, as has been mentioned, have tried to connect mundane problems with the broader structures of oppression that have caused many of the problems in their areas. For example, while a number of white ratepayers’ associations discussed the President’s Council Report on Local Government in 1982, a number of civics meetings looked at the implications of the President’s Council Report at national level. The thrust of their policy has often been dualistic in the sense that it is directed at both central and local government.

However, the formation of the UDF (in 1983), CAL (1983) and NEUM (1985) led to the thrust of extra-parliamentary activity being directed increasingly at national level. A number of key
activists transferred their attention to campaigns which were aimed at changing national level structures. It has been argued that this change of emphasis was premature. There had not been a concerted effort to consolidate, train and extend the organisational base. Thus the limited gains that had been won were being endangered by such action.\textsuperscript{71}

Further, the civil unrest and consequent police brutality in 1985 led to a new form of militancy. The residents of "coloured" townships were no longer prepared to organise around mundane issues - the jugular of the state had become the immediate target. Many of those people detained in the second half of 1985 were in fact members of civics. In addition, in October 1985 there was a mass ban which prohibited a number of organisations from holding public meetings, a ban which continued in 1986. All three organisations were severely affected by this ban. Not only were the UDF, NEUM and CAL banned from holding meetings at national level, but CAHAC and the Federation of Cape Civics and most active individual civics were similarly affected at grassroots level. There is evidence that these bannings have severely affected the ability of the civics to organise and operate effectively.\textsuperscript{72} It has been argued that all these factors have led to the decline of most civics in the "coloured" areas of the Western Cape. For example, less than half of CAHAC's affiliates were present at their last meeting\textsuperscript{73} and other civics appear beset with similar problems.

Finally, the impending introduction of both the RSCs and the powers that are being granted to Management Committees will alter the terrain on which civics will have to organise. Civics will have
little, if any, direct dealing with the sometimes sympathetic CCC and instead will be faced with hostile Management Committees. Indeed, if the Athlone Management Committee is granted the power to allocate houses and evict tenants, the tensions between civics and Management Committees could well erupt into a showdown.

4.6 CONCLUSION

Although "coloureds" technically had the same voting rights as whites from 1836 to 1971, qualified franchise systems and political gerrymandering meant that the majority of them have never been eligible for the municipal vote. Even by low municipal standards, electoral support for Management Committee members has been negligible. Management Committees are generally dominated by the Labour Party. There appears to be a tendency that the more Labour Party-controlled a Management Committee is, the poorer its relationship with the CCC.

The CCC's Day of Vow has constantly dictated their attitude towards Management Committees, believing that to give them too much recognition, such as permanent representation on standing committees, would be a betrayal of this Vow. Management Committees have accused the CCC of ignoring their recommendations and requests and have often complained to the Administrator about the CCC's attitude in this regard.

Directives were issued in 1984 in order to give Management Committees greater participation in their own areas. However, they were ignored by the CCC in spirit if not in the letter. This led to the promulgation of further legislation in
1985 which made provision for Management Committees to acquire plenary powers. However, this put them in a dilemma because it took them a step nearer ethnic local government, a position which is antithetical to their ostensible aim.

Finally, there are a number of umbrella civic bodies that operate in the Western Cape, whose policy is largely influenced by national political ideologies. They are a lot less parochial than white ratepayers' associations, and the thrust of their activities has often been directed at central level. Although having more legitimacy than Management Committees, recent events have caused their influence to diminish. The restructuring of the state at local level will change the terrain on which they will have to organise.
NOTES


8. CCC, City Engineer's Department, Organisational reform of Local Government Services in Greater Cape Town, Cape Town, 1982, p. 1065.


14. A Management Committee was also created in the Indian area of Rylands Estate.

15. CCC, 1982, op. cit., pp. 314. It is not clear why Management and not Consultative Committees were originally created. It is not that important because the powers of both these forms of "coloured" local government are negligible.

16. Brown, op. cit., p. 72


23. Interview with CCC official.


25. Interview with Management Committee officials.

26. Ibid.


29. CCC, Report from the Acting Town Clerk to the Executive Committee, The powers, duties and functions of Management Committees, Cape Town, 16/8/1978; Minutes of Ministerial interview with a deputation of Management Committees, Cape Town, 22/5/1981; Report from the Town Clerk to the Executive
Committee, Interview with Ministers of Internal Affairs and Community Development and Management Committees, Cape Town, 14/9/1981; Extract from Agenda, CPA Executive Committee, Management Committees: Interim Measures, Cape Town, 21-22/6/1984; Memorandum from Administrator, Relations between Local Authorities and Management Committees, Cape Town, 16/10/1984.

30. Ibid.
32. Cape Times, 16/12/1981.
33. CCC, Report from the Town Clerk to the Executive Committee, Representation on Standing Committees of Council by Coloured and Indian Management Committees, Cape Town, 3/7/1984.
35. Interview with CPA official.
37. Why in fact the government were unable to do so will be discussed in Chapter V.
38. This Act must be seen as an integral component of the new local government deal which will be discussed later in Chapter V.

43. Interviews with senior CCC official and Management Committee official.


45. Ibid, p. 29.

46. Ibid, pp. 34-36.

47. CCC meeting, 29/2/1986.


49. CCC, Executive Committee Minutes, Outstanding Matters, Cape Town, 6/5/1986

50. See Daily Despatch, 23-26 September, 1985 for coverage on the proceedings of this conference.

51. The new local government system is predicated on separate ethnic representation. If "coloured" Management Committees withdraw, the system and with it the state strategy for local government level is likely to collapse. For this reason there is likely to be heavy pressure put on the Labour Party by the government to ensure this threat will not be carried out. This new system will be examined in Chapter V.

52. Technically speaking, they still fall under the auspices of white CCC wards. Theoretically, this means that Mitchell's Plain with its 250 000 population is represented by the two councillors of Ward 17. This practically is an impossible
task and one can say that in reality Mitchell's Plain has no form of representation whatsoever. However, residents of the smaller areas such as Schotschekloof and Walmer Estate, which are "coloured" pockets in white areas, do tend to use their ward councillors as a conduit for their demands to a certain extent.

53. Interview with CCC official.
54. Interview with CPA official.
55. This will be discussed in more detail in Chapter V.
56. CCC, Executive Committee Minutes, Information Required from Local Government re Mitchell's Plain Management Committee, Cape Town, 11/12/1984, Item Fq11.
58. Interview with Management Committee official.
64. Interestingly enough, the CCC's Union, the CTMWA, is known to follow a NEUM line.

66. CCC, Executive Committee Minutes, Abuse by Ratepayers' Associations of the 10c Letting of Civic Halls, Cape Town, 21/11/1985, Item FQ4.

67. See Work in Progress 35, February 1985, pp. 18-23 for an exposition of CAL's political ideology.


69. An EPC survey found that the CCC made R385 000 p.a. from the surcharge. R118 000 is the CCC's official figure. See Philip, K., "Mitchell's Plain: Urban Contradiction and Community Struggles" in Cooper, L. and Kaplan, D., (eds), Selected Research Papers on Aspects of Organisation in the Western Cape and CCC, Executive Committee Minutes, Electricity Accounts, Cape Town, 29/5/1981, Item FQ1. The EPC subsequently became the Mitchell's Plain Coordinating Committee and affiliated to CAHAC.

70. CCC, Letter from the Western Province Council of Sport to Exco, Cape Town, 30/4/1982.


72. CCC, Executive Committee Minutes, Restriction on Council Activities, Cape Town, 16/10/1985, Item R13Q. The Housing Committee complained that because civics could not operate openly and publicly, they were unable to represent the views of their members to the CCC. It was felt that this could have an adverse effect on the conduct of CCC business.

73. Achmat, Z., op. cit., p. 120
CHAPTER V
THE RESTRUCTURING OF LOCAL GOVERNMENT

5.1 PREFACE

In this chapter the motivations for restructuring local government will be examined. This will include looking at national political developments which have caused the state to restructure its policies in a way that has affected local government. There are also changes which have emanated from the dynamics and contradictions of the local government system itself. Various commissions which have grappled with the problems of local government as well as the state's responses thereto will be examined. New local government legislation will be analysed, followed by an overall assessment of the state's local government strategy.

5.2 LOCAL GOVERNMENT RESTRUCTURING - EXTRANEOUS FACTORS

Part of the motivation for restructuring local government emanated from certain national political developments. There are a number of factors which have caused the state to move away from the previously sacrosanct Verwoerdian ideal of strict segregation. Changes in the economy in the 1960s and 1970s had led to the centralisation and concentration of capital. In particular, the expansion of the manufacturing sector in the 1970s along capital-intensive lines had led to the need for more skilled and semi-skilled labour, a need which could not be met by the limited
white working class. The answer to this problem lay in the largely untapped reservoir of African labour. However, because Verwoerdian ideology had decreed that Africans were only "temporary sojourners", it meant they had been denied basic training and skills, which had resulted in a largely unskilled black labour force. Further economic problems by the mid 1970s were the inability of the small black consumer market to absorb manufactured goods, rising inflation, large-scale unemployment, a serious of balance of payments shortage, the economy's vulnerability to the gold price and the military's increased share of the budget. All these factors contributed to the serious recession in which the state found itself.  

In the labour field, after a period of quiescence, the 1970s saw the development of the independent black trade union movement which engaged in a number of wildcat strikes. At the political level black resistance to apartheid intensified. The 1976 Soweto riots not only spread to African townships, but also to "coloured" areas in the Western Cape. Further, as a result of the riots, thousands of African youths fled the country, and were mainly absorbed by the ANC, which could provide the training infrastructural facilities to absorb these refugees. This organisation, which had been virtually moribund since the early 1960s, subsequently embarked on a protracted guerilla struggle against the apartheid state. In addition, the decolonization of Mozambique and Angola meant that the cordon sanitaire around South Africa had largely evaporated. Finally, the state came under unprecedented international hostility to its policies and was threatened with sanctions, boycotts and disinvestment.  

141
The country, already in an economic crisis, was further shattered by the emigration of capital after the 1976 uprising, which exacerbated the already serious balance of payments problem. Clearly, the country was unable to endure the long-term costs of unrest. However, the National Party under the premiership of B.J. Vorster, was paralysed by inertia. Vorster, for the sake of party unity, did not side with either his "verkrampte" (viz. those embedded in hardline Verwoerdián ideals) or "verligte" (the pragmatists who believed apartheid should be adjusted to changed exigencies) wings. Hence, the NP was unable to respond in a proactive way to these crises. 4

Verligte elements in the Cape National Party were concerned about the alienation of "coloureds" and their alliance with Africans in 1976 was viewed in a very serious light. They believed that the Verwoerdián policy of regarding the "coloureds" as an incipient nation would lead to them being irrevocably lost to the white cause. 5 The Theron Commission, which investigated the question of "coloured" political representation, had recommended in 1976 that the Westminster system be changed to make provision for South Africa's sui generis political situation. 6 The government agreed and appointed a Cabinet committee under the chairmanship of the then Minister of Defence, P.W. Botha to investigate possible adjustments to the Constitution, especially pertaining to "coloured" and Indian communities. This led to the 1977 constitutional proposals which made provision for separate white, "coloured" and Indian Parliaments. Although approved in principle by the Cabinet, its implementation was shelved because of Nationalist fear of Right-wing response. 7
However, the revelations of "Muldergate" caused Vorster to resign and effectively discredited the leading verkrampte figure, Connie Mulder, who was eventually expelled from the party. This allowed the accession to premiership of P.W. Botha, the Cape leader of the party in 1978, which was generally regarded as a victory for the verligte wing of the party. It was only with this event that the state was able to respond in a systematic fashion to these crises. The military became extremely influential on policy. "Total Strategy" had already been drawn up by the Department of Defence in 1977, but it was only when P.W. Botha became Prime Minister that it was adopted in earnest. "Total Strategy" was in fact plans of action on a number of fronts drawn up by the military in response to the increased threat in which the white regime found itself. Its thrust was aimed at the creation and co-option of a middle class of all ethnic groups wedded to the values of private enterprise. This involved the modification of some of the more opprobrious forms of racial discrimination, including some of the racial restrictions to capital accumulation. It was intended to wean black elements away from socialist doctrines by giving them a stake in the system worth defending.

Botha's election also meant a victory for monopoly capital. The National Party was now more responsive to their interests. Their interests converged with the military to a certain extent. The Wiehahn and Riekert reports and subsequent government White Papers must be seen as both part of Total Strategy and an attempt to solve these structural economic problems. The Wiehahn Report made provision for recognised African trade unions, but under
strict registration conditions, in an attempt to stabilise the labour field. The Riekert Report led to the granting of permanent urban residence to a privileged minority of urban Africans in order to create a stable skilled urban African labour force. The corollary of the co-option of the urban Africans was the jettisoning of the white working class, traditional Nationalist supporters, who were virulently opposed to black economic advancement, viewing it as a threat to their privileged position.10

The question of "coloured" political incorporation was one of the fundamental cogs of "Total Strategy" and was ultimately going to have considerable effect on local government. It was premised on the basis of the need to incorporate significant elements of the "coloured" population in the Western Cape, where the greatest concentration of "coloureds" was, into the ruling fortress and in so doing, wean them away from future alliances with Africans. By giving political rights to "coloureds" (and Indians), the state hoped to reverse the legitimacy crisis in which it was increasingly finding itself. The aim was to strengthen the powers of the ruling capitalist state by drawing in middle-class "coloureds" with the same class interests as whites, to serve as a buffer between the whites and the vast impoverished masses.11

The constitutional future of the "coloureds" was suddenly high on the agenda again. The Schlebusch Commission was instituted in 1979 to investigate the political future of "coloureds" and Indians. It recommended the formation of a "multiracial" commission to investigate this question. Accordingly, in 1980, the President's Council was formed (it was, however, Nationalist...
dominated) to examine inter alia the development of a new constitution for the country.\textsuperscript{12}

This matter was treated with greater urgency after the Labour Party caused the toothless CRC to collapse in 1979, sending the ""coloureds"" into a political vacuum. Further, the 1980 schools' boycott saw ""coloured""/African alliances in the Western Cape again. Eventually in 1981 P.W. Botha officially broke with the Verwoerdian problematic, stressing that he did not see ""coloureds"" as an aspirant nation; rather, he saw them as crucial partners of the whites.\textsuperscript{13}

The President's Council report embodied the strategic aim of incorporating the ""coloureds"" in its report.\textsuperscript{14} The report was accepted with a few reservations by the government, who promulgated the RSA Constitution Act of 1983. However, this was not before the Council's recommendation for limited power-sharing led to a split in the Nationalist Party, with verkrampte elements hiving off in 1982 to form the Conservative Party. The new constitution made provision for a tricameral system with white, Indian and ""coloured"" chambers deciding exclusively on own affairs and all three chambers deciding jointly on general affairs. The voting representation of the three houses was such that the dominant party in the white chamber would retain overall control of general affairs, which included all the strategic functions such as overall economic policy, defence, justice, labour and foreign affairs. If one of the ethnic houses rejects a general Bill the State President has the power to refer it to the Nationalist-dominated President's Council which can decide whether the measure should be enacted.
The ethnic chambers have carte blanche to decide on all functions designated "own affairs" subject to the existence of any general policy or general law. Functions such as housing, education, culture, health and local government were deemed "own affairs". However these functions were not entrenched by the constitution. The State President had the power to change the status of "own affairs" arbitrarily. The RSA Act did not, however, in any way affect the status of provincial and local governments. Africans were excluded from the new constitution. Attempts were made to appease them by giving urban Africans extended powers at local government level.

What was fundamental to these reforms was that while attempts were made to extend the power base of the whites, they were designed in such a way that the hegemony of the ruling National Party was not threatened. Already, since P.W. Botha's installation as Prime Minister, there had been centralisation of decision-making. Non-elected Cabinet Committees, consisting of certain cabinet members, businessmen and key members of the security forces, were established and became the foci of decision-making. Of particular importance is the rise of the military-dominated State Security Council, which has constantly been accused of playing a dominant role in policy-making, affecting not only the decision-making power of parliament but also of the cabinet. This has led to the undermining of the power and status of the legislature. The aim of this centralised and secretive decision-making was not only to counter the growing extra-parliamentary opposition on the Left, but also to undermine verkrampte elements within, and
increasingly outside, the National Party opposed the liberalisation of policy which was vital to the long-term viability of capitalism. The granting of vast executive powers to the State President merely continued this trend towards centralisation of policy-making.

The constitution, by making provision for ethnic chambers, was in fact a form of neo-apartheid. The Population Registration Act and the Group Areas Act were indispensable conditions for the operation of the system. This was rather problematic, given the "coloured" traditional rejection of a separate ethnic identity. However, P.W. Botha won consent from the white electorate for the new constitution in a referendum in 1983. Elections for "coloured" and Indian chambers were held in 1984. The results were a dismal failure in terms of the state's strategy of co-option, and a success for the anti-election lobby which included major opposition groups, the UDF and CAL. Only 30.9% of registered and 17.6% of potential "coloured" voters went to the polls and 20.3% of registered and 16.2% of potential Indian voters went to the polls. In the Western Cape where boycott of apartheid structures had always been more profound, a mere 5% of potential "coloured" voters availed themselves of their right to vote. However, the government had staked its reputation on this constitution and the charade came into effect in 1985 with all its implications for local government.

5.3 COMMISSIONS ON LOCAL GOVERNMENT 1960 - 1980

There were also changes to the local government system which emanated from the dynamics and contradictions of the existing local
government system itself. The various commissions on local government from 1960 to 1980 highlighted these issues. One of the main problems was the creation of separate "coloured" local authorities. The Roussouw Report of 1960 found that no "coloured" area in GCT was in a position to become an independent local government. The most important reasons for this were their lack of viability, shortage of trained staff, the lack of suitable candidates and the fact that for town planning reasons local authorities treated "coloured" areas as an integral part of their jurisdiction. The Botha Report in 1971 came to the same conclusion and neither report led to any major changes in this regard.

The mandate of the Theron Commission was to investigate all facets of "coloured" life, including local government. The Commission found that Management Committees as a system had largely been a failure. The main reasons for this were, firstly, lack of plenary powers. This meant such bodies were toothless and as a result, ineffective. Secondly, especially in the more educated urban areas, "coloureds" were opposed to apartheid structures and wanted direct representation on white local authorities. Thirdly, there were jurisdictional and structural problems such as geographical fragmentation of "coloured" areas which were impediments to such bodies becoming viable entities. Fourthly, there was often a lack of mutual goodwill between white local authorities and the Management Committees. Fifthly, the fact that the CRC and Provincial Administrations had concurrent jurisdiction led to ineffective co-ordination of the system.
The Yeld Commission was appointed in 1979. Its brief was to look at the possibility of establishing autonomous "coloured" local authorities in areas in which Management Committees had already been created. It found that this was not possible without adjustments and financial assistance. The Schlebusch Commission was appointed by the CPA in 1978 and was asked to investigate the functioning of the Management Committee system in the Cape Province with the view to delegating extra powers to it. This was in response to complaints by ASSOMAC that local authorities were ignoring their legitimate requests. "Coloured" members on this Commission argued that the system had been imposed upon them and lacked effective powers. The Commission also found that the system was being used for political motives which was a hindrance to its proper functioning, and that members of such bodies were inadequately trained.22

A 1979 thesis by Wall illustrated the chronic shortage of trained "coloured" local government staff. Of 750 engineers in the major Cape local authorities, only five were "coloured" (four of these were employed by the CCC).23 He argued that the reasons for this paucity were that, "coloured" technical graduates do not have the necessary postgraduate experience to fill these posts, only a small percentage of "coloured" technical graduates work for local authorities, and that the idea of working for separate "coloured" local authorities was politically unacceptable to a number of "coloured" graduates.24

The question of additional sources of revenue for local authorities had been a pressing issue for years in local government
circles. The Borckenhagen Commission in 1971 had already rejected local authorities' claims for additional sources of revenue, finding that revenue from property tax had not reached its limit.\(^{25}\) However, by the late 1970s, caught between the inelasticity of property rates as a source of revenue and the increased demand for goods and services, local authorities were once again clamouring for extra sources of revenue.

As a result the Browne Commission was appointed by the government. Its mandate was *inter alia* to investigate the adequacy of existing sources of local government revenue, with special emphasis on the problem of financing "coloured" and Indian areas.\(^{26}\) The Browne report can be considered as the most ineffective report on local government to date.\(^{27}\) Besides totally ignoring the question of divisional councils, its recommendations caused a massive furore in local government circles. Firstly, it rejected local authorities' requests for additional revenue. Secondly, the latter's request that the state pay rates on their property was rejected, as was their plea for exemption from GST and customs and excise duty.\(^{28}\) It suggested that if local authorities operated on more efficient lines, they would not have these financial problems. Thirdly, it found that R148.3 million would be needed to establish viable "coloured" and Indian local authorities only in the country (1977 figures).\(^{29}\) To expedite this process with a view to creating separate ethnic local governments, it recommended that a system of transfer payments from white to "coloured" and Indian authorities be introduced, based on a formula of the calculated need minus the ability to pay of
such areas. Such a scheme should be administered by the Department of Finance.\textsuperscript{30} It also recommended the introduction of Joint Services Commissions as a means of solving the financial and manpower problems of creating ethnic local authorities.\textsuperscript{31} This should be integrated with the system of transfer payments.\textsuperscript{32}

The Browne Report made the spurious assumption that local authorities are awash with surplus funds that can be used to subsidise "coloured" and Indian local authorities. The assumption behind the report was that local authorities were in a propitious financial position, and that where there were any financial problems they were due to the inefficiency of municipalities and not any structural limitations on local government finance. However, in reality, due to financial constraints and obligations\textsuperscript{33} such bodies were already struggling to balance their budgets.

There was a massive backlash from white local authorities who, through the JME, made it plain that they considered it the task of central state and not local authorities to subsidise other ethnic groups. Further, it was felt that the implementation of the Browne Report could lead to the bankruptcy of some existing municipalities. The vitriolic reaction of local government, who in the past had accepted unsympathetic local government institutions with a measure of resignation, clearly caught the government by surprise. This led to the Minister of Finance appointing a working group under the chairmanship of the Deputy Director General of Finance, G. Croesser, to assess all the recommendations of the report.\textsuperscript{34} However, before this was completed the President's Council report on local government was released.
5.4 THE PRESIDENT'S COUNCIL'S REPORT ON LOCAL GOVERNMENT

The question of political rights at national level for "coloureds" and Indians was now high on the Nationalist agenda. However, to embody this objective, there had to be concomitant political rights at local level. In 1981 the Prime Minister referred the question of local/regional management to the President's Council for investigation. The report, released in 1982, relied heavily on the NRP policy of "local option". It confirmed that the present system of local government was rejected by "coloureds" and Indians on the grounds that it enforced the principle of segregation. It argued that ethnicity should not be the only decisive factor around which local government is organised, while suggesting that ethnicity was a reality that could not be ignored because of existing residential patterns. Yet, although it was couched in the consociational terms of political scientists, the report remained firmly wedded to the Nationalist ideal of multi-ethnicity.

The Council accepted that the principles of maximum devolution of authority and decentralization of administration and recommended that provision be made for autonomy and necessary legislative capacity at local government level. It did not suggest what type of powers should be devolved. This recommendation must be seen as a means whereby ethnic groups could have selfdetermination over culturally-sensitive functions. However, as erstwhile PFP leader F. van Zyl Slabbert remarked at the time:

"Whereas the recommendations for central government concentrate on the increased centralisation of"
power, recommendations for local and metropolitan government on the other hand focus on the increasing decentralisation of power. How these two tendencies are going to be resolved in a final constitutional package is not clear.

As we will see later in this chapter, local government legislation was characterised by increased centralisation although the language of devolution of power was retained.

It recommended that local government functions be split into hard and soft functions. The former were functions that were usually provided on a regional basis, such as bulk water, bulk electricity and town planning. These were matters of common concern to all ethnic groups. Elected PLAs would retain control over what were termed soft functions, viz., culturally sensitive functions such as swimming pools, parks, houses and beaches. These would be spheres where local authorities could have the discretion to implement apartheid. It was not specific about what body should render hard services, suggesting it could be done by rural or urban nominated board, utility company or metropolitan body, consisting of representatives of PLAs on some form of proportional basis. They accepted there was a need for a metropolitan body of some form to solve the unco-ordinated planning caused by fragmentation, which led to the unnecessary duplication of functions, infrastructural services and manpower, as well as to facilitate multi-racial decision-making. However, it did not go into detail. It merely recommended that a committee of experts be set up to investigate the establishment of metropolitan authorities in the major urban areas.
5.4.1 Finance

The President’s Council’s financial proposals made an important break with both the Borckenhagen and Browne reports, which rejected requests for additional sources of revenue. The report acknowledged the limited potential for extending the tax-base of existing local government and recommended the introduction of a neutral fund which could be used to fund the system of metropolitan bodies, and where such bodies are not feasible the functions should be divided between the various ethnic groups. This income should be allocated in a way that redresses the existing maladministration of rates income whereby most commercial and industrial areas fall under the control of white local authorities. Such income would be derived from an additional tax on business. It recommended that the levels of taxation and nature of redistribution be decided at local level. It left the actual details of the new taxation system to the investigations of the Croeser Working Group. 43

Why was there this fundamental change in thinking on local government finance? The government’s overall strategy was beginning to evolve and local government was to be an important plank of it. The report stated that the achievement of greater parity of services would help lead to the depoliticisation of local authority functions. 44 Further, although the President’s Council rejected the Browne system of transfer payments, its proposal of neutral income would in effect amount to the same thing, viz. redistribution of income from white to "coloured"/Indian areas. However, it was far more indirect and must be seen as an attempt to bypass
the increasing Right-wing resistance, which would have taken political advantage of such direct subsidisation.

5.4.2 The Franchise

The report considered that a weighted or loaded system was desirable. It recommended two forms of municipal franchise, both entailing the multiple franchise. It also recommended the extension of the corporate vote to all provinces. The ward system should be delimited in terms of rateable property value. Racially autonomous local authorities where possible should be set up, otherwise there should be racially separate wards within the council. Under exceptional circumstances, viz. when the number of people of a different race were not sufficient to justify a separate ward, there could be direct representation on a separate roll. These recommendations were attempts to ensure that the "coloured" and Indian middle-class would predominate in their respective ethnic local government bodies.

5.4.3 Provincial and Regional Government

The report recommended that South Africa be divided into eight regions for the purposes of regional administration. Two models were suggested. One involved the replacement of the provincial councils by eight regional bodies possibly corresponding to the economic development regions. These bodies would be nominated and be under the control of an Administrator-headed Exco comprising whites, "coloureds" and Indians. Control of local government would be transferred to central government. To achieve effective
co-ordination it was recommended that a Department of Local Government be established. These regional administrations would carry out the latter's functions on an agency basis. The alternative was the retention of an elected provincial council with whites, "coloureds" and Indians electing members on separate rolls but with the council having no legislative but extensive executive authority. Both alternatives involved maximum devolution of power to local government. These proposals clearly foreshadowed the disappearance of provincial administrations in their existing form.

5.5 GOVERNMENT REACTION TO THE PRESIDENT'S COUNCIL'S REPORT

The National Party called a Federal Congress in July 1982 to announce its new constitutional plans for "coloureds" and Indians. At this congress and in subsequent speeches by Minister of Constitutional Development C. Heunis, the government announced its guidelines and principles for local government.

1. It accepted the principle of maximum devolution of power and decentralisation of administration at local government level and of minimum administrative control over local authorities.

2. It proposed that separate local authorities be constituted for the various population groups where possible, but subject to the requirement that effective financial arrangements should be made to ensure the viability of such authorities.

3. Services would probably have to be provided jointly on a metropolitan or regional basis. However, before metropolitan structures were introduced, further technical investigations would have to be undertaken.
4. The recommendation that local authorities give certain attention to improving relations with "coloured"/Indian Management Committees was accepted and various interim proposals were under consideration.

5. The government accepted there was a need for effective co-ordination at central government level. This function should be the responsibility of the Department of Constitutional Development. The government accepted there was a need for effective co-ordination at central government level. This function should be the responsibility of the Department of Constitutional Development. 48

Further, although none of the President's Council's proposals for provincial government were accepted, it was suggested that some of the functions of the provincial councils be transferred to local authorities and others to the respective chambers of the new parliament. In addition, central government functions were likely to be transferred to local authorities and some functions could also possibly be transferred to the private sector. 49 The Commission for Administration was appointed to conduct investigations into reallocating government functions. 50

In response to guideline (4) the National Interim Liaison Committee as well as a Regional Liaison Committees for each province were established to improve communication and liaison between local authorities and Management Committees and Indian local affairs committees. The National Interim Liaison Committee was intended to serve as an interim body for local government until the new constitutional plans were implemented. It was established under the chairmanship of the Minister of Constitutional Development and Planning, C. Heunis and consisted of representatives of government departments, provincial administrations, local author-
ities, Management Committees, local affairs committees and the Administration Boards.\textsuperscript{51}

Minister Heunis announced in 1983 that responsibility for the planning, co-ordination and development of local authorities would be entrusted to a newly created Directorate within the Department of Constitutional Development, which would primarily be involved in local government affairs. They would work in close co-operation with the Administrators and provincial Departments of Local Government.\textsuperscript{52}

However, the government veered away from some of the President's Council's more liberal recommendations, such as that ethnicity should not be enforced. Their broad principles for constitutional development were self-determination for each group over its own affairs and co-responsibility for matters of common interest, with no one population group dominating another. Separate ethnic representation was to be an important foundation of the new constitutional scheme at both national and local level. Hence, the President's Council's recommendation that the chairmen of Management Committees be given representation with full voting rights on white local authorities as an interim measure, was rejected. The government was not going to permit direct representation of an integrated nature at any level of government.

Why did the government backtrack from implementing these proposals? The most powerful of the provincial municipal associations, the TMA came out in unequivocal rejection of the report. The TMA was still largely embedded in Verwoerdian ideals of strict segregation. They were against integrationist councils and wanted...
separate ethnic local authorities. They rejected the concepts of both neutral income and metropolitanisation, calling the proposed system a socialist integrationist approach. Although the government did not acquiesce to all their demands, they did reject some of the report's major tenets. By this stage a portion of their right wing had already hived off to form the Conservative Party as a result of the government's acceptance of the President's Council's proposal for limited power sharing. The government was subsequently even more sensitive to Right-wing criticism, fearing that too bold initiatives would lead to a further erosion of their support.

5.6 THE CROESER REPORT

The Croeser Working Group consisted of members of the Department of Finance and representatives from the provincial administrations and UME. Although the Cabinet accepted most of the recommendations of the group in 1981, the report was only made available to the public in 1983. Among its more significant deviations from the Browne Report that were accepted by the government was, firstly, the rejection of the idea of transfer payments (it was called "politically vulnerable"). It proposed additional sources of revenue in lieu of this. The implication of this was the acceptance of the government that property tax did after all have limited growth potential. Croeser himself pointed out that a 10% increase in expenditure required a 25% increase in assessment rates. Secondly, there was acceptance of mutual tax liability between the various tiers of government. The
government subsequently agreed to pay full rates (less 20% rebate) to local authorities. Finally, its recommendation that the UMF be recognised as the central local authority association of white local authorities was accepted.

It concurred with the Browne report's recommendations that bulk services should be provided on a regional basis and recommended further that there should be overall control over the financial spending of local authorities in the interests of macroeconomic objectives. Finally, it suggested that the Working Group be upgraded into a standing liaison committee to discuss financial and other administrative problems pertaining to local government. It was felt that the Working Group was the first forum had been created where local authorities could discuss matters of local government finance with the central government and the provinces. This was accepted and the Working Group was upgraded into the Permanent Financial Liaison Committee. Its main function was to investigate, and make recommendations to the government on matters with financial and allied implications for all tiers of government.

5.7 PROMOTION OF LOCAL GOVERNMENT AFFAIRS ACT, 1983

This was the first of a number of Acts which changed the face of local government in order to dovetail with the government's new constitutional scheme. The Act made provision for three different aspects:

1. The establishment of a Council for the Co-ordination of the Affairs of Local Authorities;
2. The establishment of Municipal Development Boards;

3. The authorisation of the Minister of Constitutional Development to make regulations concerning interim measures to improve communication between white local authorities and "coloured" and Indian local bodies.

The chairmanship of the Co-ordinating Council was vested in the Minister of Constitutional Development. Provision was also made for representation by the Administrators, the MECs in charge of Local Government, the Directors-General of Internal Affairs and Finance, the Secretary of the UME and the Secretary of the National Ad Hoc Committee of the Association of Coloured and Indian Consultative Local Affairs and Management Committees as ex officio members.

The Minister had the power to appoint certain members that were nominated by the following organisations: 12 by the UME, one each by the Institute of Town Clerks of South Africa, the Institute of Municipal Treasurers and Accountants, the Institute of Municipal Engineers, 10 members of the foregoing National Ad Hoc Committee, two members of the Association of Management Boards of Rural Coloured Areas, and two by the South African Indian Council. The Minister also had the power to appoint any other person whom he felt could make a contribution to the council's functioning. No provision was made for African representation. African development at this stage was following a different constitutional path with African local government falling under the control of the Department of Constitutional Development.
The primary function of the Council, which must be regarded as the successor of the National Interim Liaison Committee, was to advise the government on the co-ordination of local authority functions which are of general interest. It could make recommendations *inter alia* on which local authority functions should receive highest priority, on the introduction of legislation relating to local government functions, on matters requiring co-ordination, the creation of metropolitan bodies and standardisation of the performance of activities. It had no executive powers. It was not intended to replace the UME as the mouthpiece for white local authorities. Rather, it was intended to be a forum where representatives of various population groups could discuss local matters of common concern. The UME and its "coloured" and Indian counterparts would remain as bodies which could bring issues to the attention of government which were exclusive to their ethnic local authorities.

Despite Heunis's constant claims that most interest groups in the field of local government were represented on the Co-ordinating Council, a number of the members were ministerial appointments, whose future appointment depended on his discretion. Further, African representation was ignored and the "coloured" and Indian nominees represented bodies whose support was negligible.

The aim of municipal development boards was to furnish local authorities with development aid with the view to expediting their progress towards self-sufficiency. These boards were to consist of local government experts in various fields who were to be appointed by the Minister. They were to be linked to the regional
offices of Co-operation and Development and were to operate on a geographical basis corresponding to the eight development regions.

The third prong of the legislation gave the Minister of Constitutional Development, in consultation with the respective Administrators, power to apply measures to improve communication between white local authorities and "coloured" and Indian Management Committees/local affairs committees. The original bill was amended after ASSOMAC objected vehemently to the section which gave the Minister power to create separate ethnic local authorities.62

This was the first of a number of Acts which have centralised local government powers in the government. The Minister of Constitutional Development is the pivotal figure of the Co-ordinating Council, being the chairman and having the right to hire and fire the majority of appointees. This contradicted the President's Council's recommendations which made provision for a co-ordinating council of autonomous local authorities.63 He also has control over the staff and functioning of the municipal development boards and has the power to activate mandatory regulations.

Moreover, the Act entrenched ethnicity. Government moves to expedite the process of creating separate local government must be seen as a reflection of its commitment to separate ethnic representation at local level. The Co-ordinating Council did not have unfettered discretion. Its investigation was prescribed by the Nationalist principle of maximum self-determination for each ethnic group, which ensured that it would have to work within the parameters of apartheid.
At the first Co-ordinating Council meeting in January 1984, six committees of inquiry were appointed to report on local government matters. The fields under investigation were:

1. Uniform municipal franchise qualifications.
2. The demarcation of areas of jurisdiction of local authorities.
3. Criteria for the demarcation of viable local authorities.
4. The joint provision of services.
5. The provision of personnel for local authorities.
6. The control over local authority institutions.

From January until April 1984 the Co-ordinating Council met and completed these reports. A number of other Acts affecting local government arose from the reports of this Council.

5.8 PROMOTION OF LOCAL GOVERNMENT AFFAIRS AMENDMENT ACT OF 1984

As a result of the Co-ordinating Council reports into demarcation of jurisdiction of local authorities and the criteria for viable local authorities, the Promotion of Local Government Affairs Amendment Act of 1984 was promulgated. In terms of this Act, the power to establish, dissolve or to combine two local authorities, to determine or alter the area of jurisdiction of a local authority or to classify local authorities according to grades, was removed from the control of the Administrators and vested in the Minister of Constitutional Development. Although the Administrator is still responsible for the implementation of these measures it now has to be done in terms of general directives setting out uniform criteria, standards and norms for all local authorities (excluding
Africans). These directives were to be laid down by the Minister after consultation with the Co-ordinating Council (although he was under no obligation to heed their advice). Local authorities were to be graded on the ability to perform functions and exercise powers effectively on the basis of these directives. In May 1985 the directives were announced. There were 17 of them and they ranged from technical issues such as an adequate supply of water and electricity to concepts such as "a fairly homogenous community" and "an informed and knowledgeable electorate" which, because they are so nebulous, are wide-ranging in implication. The Minister now has considerable say in the establishment of local authorities which can be undertaken through the Administrator without consulting the citizens of the locality concerned, a further example of centralisation of powers.65

5.9 THE LOCAL GOVERNMENT BODIES FRANCHISE ACT OF 1984

The Local Government Bodies Franchise Act of 1984 was a result of the Co-ordinating Council's report into municipal electoral qualifications for white, "coloured" and Indian voters. This Act imposes uniform voting qualifications on all provinces on the basis of separate ethnic voters' rolls at municipal level. In terms of the Act the following are the requirements to vote at local government level: firstly, citizens who are registered as parliamentary voters in terms of the Electoral Act, 1979 and who are resident in the area of jurisdiction of local authority qualify for a vote. Secondly, natural persons who are owners of rateable property of a minimum value decided by the Minister of Constitu-
tional Development and Planning in consultation with the Co-
ordinating Council, have an additional vote. Thirdly, juristic
owners of property which has a certain minimum value have an extra
vote. A juristic person includes companies, partnerships,
deceased estates, trusts and statutory bodies with juristic person-
ality but does not include state, regional services councils, or
other local authorities. Thus an individual who owns a number of
properties and businesses is technically entitled to an unlimited
amount of votes, but with the provision that he may exercise only
three votes per ward (one as a parliamentary voter, one as an owner
of property and one as a juristic person), regardless of how many
properties or businesses he has in the ward.

The rationale given by the Minister of Constitutional
Development and Planning for the introduction of this Act was that
there was a need for the principle of uniformity, not only between
provinces but also among white, "coloured" and Indian local
authorities. The Co-ordinating Council had rejected the concept
of the multiple franchise on the grounds that it could undermine
the credibility of the local government system. However, the
Minister disagreed with this. He argued that because property
owners and juristic persons pay the largest amount of tax to local
authorities they are entitled to a say in decision-making at
municipal level. Property owners were deemed "more responsible
than those who did not possess immovable property" and the
granting of the property franchise would lead to "drawing the more
responsible voter into the politics and management of a local
authority". Stability in South Africa could be enhanced by
property ownership and ""the overall object in extending the franchise at local level should be the establishment of stable communities"". The effect of the multiple franchise is the same as that of the qualified franchise, viz. it ensures that the working and other less privileged classes are denied meaningful participation. This legislation must be seen as an attempt to ensure that control of local governments would remain in the hands of the well-to-do classes who would not use such bodies as a platform to attack national structures nor promulgate policies that were unpropitious to capitalist accumulation. It is in this light that the section of the legislation which gives the Minister power to decide the threshold level of rateable property for voting purposes must be seen. This provision, besides being a further instance of centralisation of power, can be used in a way to bolster the influence of the more affluent classes.

The Act was also linked with the Group Areas Act. There were to be separate ethnic voters' rolls for whites, ""coloureds"" and Indians at municipal level. However, while whites will continue to exercise the franchise wherever they currently have it, ""coloureds"" and Indians could only exercise it in their proclaimed Group Area. In other areas in which ""coloureds"" and Indians reside, no provision was made for them to vote, with the caveat that those who are already on common voting rolls will not be deprived of the franchise. The President's Council's recommendation that pockets of ""coloureds""/Indians living within white areas should be declared a ward of an otherwise white local authority was ignored. This will lead to the anomalous situation
whereby some "coloured" and Indian parliamentary voters are denied the franchise at municipal level.

Finally, although this Act is on the statute book it is not in operation yet. In terms of the Act the State President has the power to decide when it comes into effect. It is expected to be activated in time for the 1988 municipal elections.

5.10 THE REMUNERATION OF TOWN CLERKS ACT OF 1984

Town clerks were the only group of local government employees that remained outside of the provision of the Industrial Conciliation Act. As pointed out in Chapter II, they were subject to the virtually unlimited control of provincial administrations. This meant they had very little job protection and were occasionally fired arbitrarily. Further, control of their remuneration was such that departmental heads who, although subordinate to them, often earned more than they did. The town clerks, through their professional body, the Institute of Town Clerks, and their union, the Association of Chief Administrative Officers of Local Authorities, made repeated representations to the government to be removed from the control of the Administrators and to be made subject to the provisions of the Industrial Conciliation Act. This was achieved in 1984 but not in the way in which they had asked. Although they were included in the Labour Relations Amendment Act, the successor of the Industrial Conciliation Act, there was one notable exception: their remuneration.

The Remuneration of Town Clerks Act is applicable to government institutions for whites, "coloureds" and Indians.
The power to set the remuneration and other service benefits of town clerks was removed from the Administrator and vested in the Minister of Constitutional Development. Local authorities were divided into 15 different grades that were to be determined on a statistical formula based on their total income. Town Clerks were to be remunerated in proportion to the grading of their local authority. Furthermore, no employee's remuneration, including allowances, could exceed 92.5% of that of their town clerk.68

By controlling the remuneration of town clerks, the Minister de facto controls the remuneration of senior municipal officials in all local authorities in the country. The government also set a precedent in that it created a separate Act for a small group of local government employees, legislation which makes town clerks more susceptible to government influence. The Director of Constitutional Development L. Dekker, has subsequently asked whether it would not be opportune to make town clerks fully fledged government officials, subject to all government service conditions, including transfers.69

Further legislation affecting town clerks is in the offing and moves in the direction of further diminution of town clerks' autonomy could be on the cards. We may not be too far off from the day when the town clerk will be forced to act against the wishes of his own council, because of his contractual obligations to the government.

5.11 THE COMMISSION FOR ADMINISTRATION ACT OF 1984

The Commission for Administration Act of 1984, although not
specifically applying to local authorities, had one ominous provision pertaining to them. Although couched in rather vague terms, Section 7 of the Act can be interpreted in a way that gives the Minister of Home Affairs, through the Commission of Administration, vast powers over the appointment, remuneration and service conditions of local authorities. In particular, it gives the Minister the power to appoint senior local government officials. 70

5.12 LOCAL AUTHORITY LOANS FUND ACT OF 1984.

In terms of this Act, the management of local authority loans funds were transferred from the public investment commissioners to a board under the chairmanship of the Minister of Finance or his nominee. 71 Central government now has the power to grant or withhold funds in order to ensure the implementation of its policies.

5.13 COMMITTEE ON NATIONAL PRIORITIES ACT OF 1984

This Act sets up a government committee to determine priorities in the light of the available finance, natural resources and manpower, which may be apportioned to the public and private sectors as well as various tiers of government. This committee also has the power to investigate and advise the Cabinet on the rendering of services and the granting of assistance by or to any local authority. 72 This means that local government planning is now being decided at the very highest level, another indication of how important local government has become in government eyes.
5.14 PROMOTION OF LOCAL GOVERNMENT AFFAIRS AMENDMENT ACT OF 1985

Up to the beginning of 1985 local government structures for Africans had taken a different route from those for whites, "coloureds" and Indians. This was in line with the government policy that Africans' constitutional future had to be determined separately from the other ethnic groups. However, from late 1984 violent opposition to African local authorities saw the virtual collapse of state strategy at third tier level. This led to the state including Africans in this local government restructuring which thus far had only encompassed whites, "coloureds" and Indians. In terms of the Act, the statutory definition of the Act was extended to include African local government institutions. Africans were now to be included in the parameters of the original Act as well as the RSC Act. Provision was also made for African representation on the Co-ordinating Council. 73

This move away from Verwoerdian ideals was given further credence with the removal of African authorities from the control of the highly discredited Department of Co-operation and Development and its placement under the control of the Department of Constitutional Development with effect from 1 July, 1986.

5.15 RSC ACT OF 1985

Undoubtedly the keystone of new local government legislation is the RSC Act of 1985. This Act makes provision for a metropolitan body in accordance with the recommendations of the Browne and President's Council's reports and the Co-ordinating Council report
into the rendering of the joint provision of services. Its objectives as announced by the Minister of Constitutional Development in parliament, were:

1. To provide certain bulk services in a more cost-efficient and effective manner. Unco-ordinated regionalisation had led to the duplication of services with poorer areas failing to attain even a minimum standard of services.

2. To provide extra services of revenue to alleviate the limited growth potential of property rates.

3. To facilitate multiracial decision-making at local government level. The Act created a forum where matters of joint concern could be discussed.74

The Bill was originally introduced in July 1984 but was referred to the Select Committee on the Constitution after vociferous protests from a number of disparate quarters including the UME and organised Commerce and Industry, about the fact that the Bill showed a lack of both detail and knowledge of local government workings. In May 1985 it was referred to the Standing Committee on Constitutional Affairs, which is the heavyweight committee with such notables as Heunis and "coloured"/Indian representatives Hendrikse, Curry and Rajbansi sitting on it. Here a number of concessions were wrung from the government by the "coloured"/Indian representatives75 who were in their first year of parliament. Thus the eventual RSC Act showed more detail, had amended certain technical problems, and revealed some changes which, to a limited degree, diluted both white and capitalist influence on the RSC.
5.15.1 Functions

The Act made provision for 21 functions to be performed by the RSC. Most of these functions were to be transferred from PLAs to these newly created bodies, which were to be created in the major metropolitan areas. No compensation was to be paid to any local authority whose functions and assets are taken over by the RSC. Any capital reserve funds attached to the services were also to be sequestrated without compensation. RSC services are obligatory for all its constituent local authorities, unless specifically granted exception. The 21 functions are: bulk supply of water, bulk supply of electricity, sewerage purification works and main sewerage disposal guidelines, land usage and transport planning, roads and stormwater drainage, passenger transport services, traffic matters, abattoirs, fresh produce markets, refuse dumps, cemeteries and crematoriums, ambulance and fire brigade services, health services, airports, civil defence, libraries, museums, recreational facilities, environmental conservation, promotion of tourism, the establishment and improvement and maintenance of other infrastructural services and facilities. Provision is also made for any other regional functions to be transferred to the RSC. In line with the government dichotomy between general affairs and own affairs, RSC functions were deemed matters of general affairs. Matters of own affairs were to be controlled by ethnically-based local authorities.

5.15.2 Establishment

The power to establish RSCs or alter their boundaries or abolish
them, rests with the Administrator. Before he does this he has to consider a report from the Demarcation Board and has to exercise the powers in concurrence with the Minister of Constitutional Development (both in this capacity and that of Minister in charge of black local government), the Minister of Finance, and the three "own affairs" Ministers. He is also obliged to consult with local bodies involved. Finally, he has to take cognizance of the criteria mentioned in Schedule 1 of the Act, namely community of interests among the residents, the economic interdependency between residents in respect of where they live, work, commute and relax and spend most of their income, financial self-sufficiency with regard to the rendering of services, the nature of the services rendered, cost-effectiveness and efficiency in rendering of services, existing administrative boundaries and development potential. Once this procedure is completed he demarcates the RSC boundary for the region, determines which local bodies will be represented on the Council and which functions the RSC will undertake, decides which CBDs and industrial areas are to be excluded, and then creates the RSC.77

5.15.3 Voting representation

The RSC consists of representatives of white local authorities, "coloured"/Indian management committees, African local authorities/community councils, or any representative appointed by the Administrator of a body established outside the area of jurisdiction of these authorities. The members are nominated by

174
constituent local authorities, and are thus indirectly elected. The voting power of a constituent local authority is in direct proportion to the amount of RSC services consumed by it, with each local body nominating one member for every 10% or part thereof of services consumed. However, no local authority can have more than 50% of the vote. All decisions require a two-thirds majority. One important caveat is the exclusion of CBDs and Industrial areas for the purposes of calculating voting strength. This was another concession won in the Standing Committee by "coloured"/Indian representatives. They originally pushed for substantial redistribution of commercial and industrial assets to ethnic local bodies in order to boost their representation on RSCs. This is apparently still on the agenda, but in the interim a modus vivendi was worked out to balance the fact that most viable CBDs and virtually all Industrial areas fall within white local authority areas.

Provision is also made for an Appeal Board. The Appeal Board consists of the Administrator (or the Minister of Finance in respect of financial matters), the Minister of Constitutional Development in his capacity as Minister in charge of African local government, and the three "own affairs" Ministers of Local Government. A local body which is aggrieved by a RSC decision can ask the Council to debate the matter again. If it is still dissatisfied after a second hearing, it can appeal to the Appeal Board. A successful appeal needs the consent of all the Board members. An appeal can be lodged in respect of five items: viz., the failure of a council to provide a regional function; the in-
sufficient performance by the council of a regional function; any
decision or proposal of the council of a priority in connection
with the appropriation of funds; any determination by the council
of a priority in connection with the appropriation of funds; and
the refusal by the council of any application for exemption to make
use of a RSC service. The Appeal Board was another amendment
that came out of the Standing Committee. "Coloured" and Indian
representatives saw it as a safeguard against being dictated to by
the larger and richer white local authorities.

5.15.4 Finance

The finance section of the RSC was originally intended to be a
separate Act. The withdrawn RSC Bill in 1984 did not make
provision for the collection of regional taxes. However, after
protests about the lack of financial clarity in the Bill (mainly
from Commerce and Industry) it was included as part of the 1985
Act. The Croeser Working Group had recommended the introduction
of three types of regional taxes. The Act embodied two of
Croeser's recommendations, provision being made for a regional
services and a regional establishment levy. The former is a tax
on wages and salaries of all employers in a RSC region. The
latter is a levy calculated on total sales where a vendor pays GST
or any other levy which may be needed to attain an equitable
distribution of tax in a RSC region. The rate of levy is to be
determined by the Minister of Finance after consultation with the
Administrator. These taxes will replace black transport and
labour levies, which are direct government subsidies as well as
local authority license fees. According to the Act these extra levies cannot be added to prices, nor may they be deducted from employees' pay packets. They are, however, tax deductible. The RSC did not have the power to levy property rates. This remained the preserve of PLAs.

The Act made it obligatory for RSCs to spend their funds exclusively in RSC regions and on the following:

(a) costs incurred in the execution of its functions.

(b) the payment or part thereof incurred in a region by a local body in the performance of its functions.

(c) expenses in connection with the collection of levies.

(d) payment (or part thereof) of regional transport infrastructure.

(e) training of personnel. It is obligatory for RSCs to pay one-twentieth of a year's proceeds to the training fund established in terms of the Local Government Training Act.

(f) any other purpose approved by the Minister of Finance after consultation with the Administrator.

Priority was to be given to the establishment, improvement and maintenance of infrastructural areas and infrastructural areas where the greatest need exists [Section 12(6)].

It was stated in Parliament by Minister Heunis that it was hoped these additional sources of revenue would enable local authorities to become more financially self-sufficient, thus reducing the need for government subsidies in metropolitan areas which could even make it possible to withdraw concealed subsidies in such areas which would favour development in rural areas. Among
the principles the Act was based on was, firstly, devolution of power. Local voters will have control over the nature and level of services. Secondly, it was based on user-charges, viz., that services should be paid for as much as possible by the actual consumer. 85

The target date for the introduction of the RSC Act was originally intended to be from 1 January 1986, with the taxes being implemented from 1 April 1986. However, by June 1986 no RSC had been established in the country yet. RSCs have to be established in four stages. Firstly, the boundary demarcation; secondly, decisions on its functions and constituent local authorities; thirdly, the demarcation of industrial areas and CBDs; and finally, the creation of the RSC itself. The delay in its implementation was caused by the fact that the government had underestimated the lead time involved in each of these processes.

5.16 EVALUATION OF THE RSC ACT

5.16.1 Metropolitanisation

Two important points have tended to be overlooked in the polemics about the RSCs. Firstly, a metropolitan form of government is the natural consequence of growing urban centres where there are disparities in costs and duplication of services among constituent local authorities. Secondly, international and local evidence has shown that local authorities generally don't organise effective co-operative action voluntarily. Local political and economic interest groups' trepidation that their interests would be
subsumed in a metropolitan body ensures that co-operation generally only occurs in technical areas such as sewerage. For a metropolitan body to work effectively, participation must be mandatory. Thus, with both these aspects, concession must be made to the government's arguments.

Although the government's claim that metropolitanisation leads to a more effective provision of services is open to question—the economics of scale of metropolitanisation have never been satisfactorily proved anywhere—there are more equitable grounds for introducing such structures. A metropolitan body is potentially progressive in that under certain conditions, it can ensure that redistribution of wealth from richer local authorities/areas to poorer local authorities/areas of a metropolitan region. Fragmentation of local authorities often leads to richer areas accruing the benefits of certain regional services while escaping the costs of providing them. Conversely, it leads to poorer areas not even having minimum standards of services. As Magnusson points out,

The political fragmentation of an urban region allows people with sufficient resources to isolate themselves in self-governing suburbs and so escape some of the burdens of financing the regional infrastructure or providing space for regional amenities or working class housing. Consolidating the region under a common local government allows for more equitable land use and fairer taxation. It also makes possible more effective urban planning, since people are less able to escape regulations which apply to the whole economic region.

In countries such as Canada, metropolitanisation has been used to ameliorate these financial inequalities to a certain extent.
The redistributive intentions behind the RSCs is seen in Section 12(6) which is an attempt by the state to defuse township unrest by uplifting the quality of life in such areas. It was rushed through just before Parliament was prorogued in 1985 against the wishes of interest groups such as UME, who weren’t even shown the Bill. The reason for this haste was that the government saw the RSC as an immediate panacea for such unrest. As Deputy Director-General of Constitutional Development C.F. Scheepers remarked,

RSCs have a vital role in the total strategy of upliftment and stabilisation of non-white communities.88

However, as UPRU remarks,

The existence of a metropolitan body does not of course guarantee that redistribution will occur; this will depend on the strength of various interest groups which are represented on the body.89

Although the Act makes provision for funds to be redistributed to where the need is greatest, the voting mechanism tends to mitigate against this happening. Whites are greater consumers of services, and preliminary investigations indicate that white local authorities in all the metropolitan areas will have in excess of the two-thirds threshold voting level.90 The view of white local authorities as expressed through the UME has consistently been that they do not consider their function to subsides local authorities of other race groups. Hence, to ensure compliance with Section 12(6), the Appeal Board could find itself in a position of having to reverse the allocation of funds to white areas in the direction of underdeveloped black townships. However, there are definite limits to this approach. In the last instance, the government’s
constituency is white suburbs and not residents of black townships. The constant overturning of RSC decisions could lead to the steady defection of Right-wing parties turning into a stampede.

Further, if a metropolitan body is to serve a redistributive role, welfare functions must be situated at this level. However, because welfare functions are "own affairs", there is no conduit through which redistribution of welfare services can occur. This particularly affects the fields of housing (where there is a massive shortage of low-income dwellings) and education. The other major welfare function, health, has rather contradictorily been demarcated as an "own affair" as well as a regional function.

5.16.2 Devolution of power

The RSC Act does not embody the government's stated principles of devolution of power and minimum administrative control. The government argues that RSCs are an extension of local authorities and that it is the representatives of local authorities and bodies which will make RSC decisions. However, the pivotal figure of the RSC is the Administrator, a government appointee, who with the abolition of the elected provincial councils in 1986, is now primarily responsible to the Minister of Constitutional Development. The Administrator has the power inter alia to establish a RSC (after considering a report from the Demarcation Board which he can reject), amend its region, or abolish the RSC, decide which local authorities/bodies are going to participate in it, appoint and dismiss the chairman of the council, transfer or second to the
council any civil or municipal servant, decide which functions or parts of functions the RSC may perform, relieve any local body of any function identified as a regional function without compensation, identify which CBDs and industrial areas can be excluded from the Act, and make regulations he deems necessary for the effective execution of the Act.

It has been argued by the government that devolution of power has occurred in respect of finance. Provision is made in the Act for two regional taxes raised from and allocated to local jurisdictions by local representatives. However, the levels of these taxes are set by the Minister of Finance (after consultation with the Administrator). Although there may be cogent macro-economic reasons for governmental control over local authorities' spending, it does not detract from the fact that these provisions are a form of deconcentration and not devolution of power. The rate set by the Minister of Finance will not necessarily reflect local needs or ability to pay, a situation which is the antithesis of devolution. Although the rate has initially been set at 0.1 for the turnover tax and 0.25 for the payroll tax, there is no limit on the amount to which the rates of these taxes can be raised in the future.

Further, the RSC budget must be approved by the Minister of Finance and he can introduce regulations which he deems necessary for the execution of this Act.

A further undemocratic feature of the Act are the provisions pertaining to the Appeal Board. Although an appeal can only be lodged in respect of five items, the criteria for these items are extremely wide, covering most matters of probable contestation.
Thus, collective decisions of local authorities can be overturned by government ministers. Although this is undemocratic, it has been mooted that this is a form of "enlightened autocracy", because it can ensure redistribution of wealth to poorer black areas. However, as already mentioned there are definite limitations to this approach.

RSC functions represent most of the important functions of major PLAs. Although in terms of the Act, PLAs could operate these services on an agency basis for the RSCs, they will have no plenary powers in this regard. If all these 21 potential regional functions are transferred to the RSCs, the type of functions that existing white local authorities and any newly created "coloured" and Indian local authorities will be left with will, with the exception of housing, be of the "grass verge and pothole" variety. The government's justification for this, viz. that RSCs are an extension of local authorities, is spurious. Besides the extent of government control over the body, even if certain national and provincial functions are devolved to RSCs, the government has made it quite clear that these functions will have to be performed within the confines of existing government policy. RSCs should rather be seen as an extra tier of government with mandatory executive and taxing powers over local authorities. Further, they are indirectly elected, hence not directly accountable to local ratepayers. They also have the power to decide whether to hold their meetings in camera. RSCs must be seen as an attempt by the state to create depoliticised bodies where most local authority functions that affect the rate and direction of
economic growth will be situated, insulated from the pressure of mass-based organisations. Conversely, functions which are intended to encourage participation and defuse protest will be located at a rather circumscribed PLA level.93

5.16.3 RSC finance

Besides the redistributive aspect of the RSCs, there is also this seemingly contradictory emphasis on user charges. The government argues that users in a region rather than the general taxpayer should be responsible for the financing of regional services. The corollary of this (as the government has indicated is likely) is that all subsidies should be phased out. This leaves the government open to the accusation that some of the functions being transferred to the RSCs appear to have more to do with it reducing its expenditure than any genuine commitment to redistribution of wealth. Government subsidies for urban transport in the Western Cape are in excess of R140 million and other RSC functions, such as libraries, ambulances and roads, are also subsidised. If the RSC has to assume full financial responsibility in respect of these functions, there is not going to be much left to fund infrastructure in the townships.94 Ironically enough, the RSCs could generate expectations which are not met, leading to an exacerbation rather than a defusing of the ongoing unrest.

Other points pertaining to the financial provisions of the RSC are: firstly, it is impossible to prevent the costs of these taxes from being passed on to the consumer. This was even admitted by
the Minister of Finance. Secondly, it has also been argued that these taxes are labour disincentives in metropolitan areas, with the objective of encouraging the government's decentralisation policies in rural areas. This is given more weight when seen in the light of the repealing of Section 3 of the Physical Planning Act in 1985. This section made provision for a formula which was used to limit the number of black workers that could be employed in metropolitan areas. The provisions of Section 3 are going to be repealed only in areas where RSCs have been formed. Thirdly, the new taxes have been heavily criticised by organised Commerce and Industry, who argue that it will fan both unemployment and inflation and increase bankruptcies. The provisions of the turnover tax in particular have been slated. Firms which have a high percentage between their profit and turnover, e.g. paper manufacturers, will pay a smaller proportionate tax. However, those industries which have a low profit to turnover ratio such as the motor industry, will pay more tax. Further, the tax penalises efficiency. Less efficient firms with lower mark-ups will pay disproportionately more tax than efficient firms who are able to sell their goods at low markups.

5.16.4 RSCs and Ethnicity

Although the government claims that the RSCs are not ethnic bodies in law, they are nonetheless premised on ethnically defined local authorities which are in turn based on separate Group Areas. The government plans to divide South Africa into thousands of ethnically defined local authorities, and it is the representatives
of these bodies who will sit on the RSCs. However, the support and legitimacy of such bodies are negligible. Low support for Management Committees has already been mentioned. The African local government system is virtually moribund, with African councillors receiving the brunt of popular resistance. Many of them have either resigned or have even been killed. It is hoped that if RSCs lead to the upgrading of facilities in black areas, the legitimacy of these ethnic representatives will be enhanced and that ethnic local government structures will be accepted as a fait accompli. The RSCs must be seen as a strategy intended to buy off political demands with economic concessions.

5.16.5 Rationalisation

The development boards, divisional councils and Transvaal peri-urban boards have been abolished to give practical expression to the government's objective of avoiding unnecessary duplication of administrative structures. Functional control of these bodies has been assumed by provincial administrations and certain of their functions will be carried out by the RSCs in the future. However, the government's claim that it is reducing costs by providing services on a regional basis is countered by its wastage, both through the duplication of "own affairs" and the fact that certain metropolitan functions are deemed "own affairs". It is evident that this legislation is motivated primarily by political and not economic factors. When the wastage of the new system is point out, government spokesmen have retorted that one of the prime aims of the RSCs is to facilitate multiracial decision-making.
The objective is to boost the legitimacy of black representatives in order to defuse the urban fiscal crisis, but in a way that doesn't endanger Nationalist hegemony. The fact that it leads to a wastage of resources is secondary to government concerns.

5.17 LOCAL GOVERNMENT AFFAIRS AMENDMENT ACT OF 1985

Firstly, the Act made provision for a multi-ethnic Demarcation Board. This was in line with the recommendations of both the President's Council and the Co-ordinating Council. This is a permanent body. It will have a maximum of seven members who will have a five-year term of office. All its members are appointed by the Minister of Constitutional Development. Its main function is to advise the Administrator on the demarcation of the area of jurisdiction of both RSCs and PLAs. It has no executive powers. It has to undertake these functions in terms of the directives laid down by both the RSC Act for the establishment of RSCs and the Promotion of Local Government Affairs Act of 1983 for the creation of PLAs. The possibility exists that the Demarcation Board, which was vested with many of the functions of the Group Areas Board, could supersede the latter body in the future.

Secondly, control over African local authority boundaries was removed from the Department of Co-operation and Development and transferred to provincial Administrators. Before determining or changing their boundaries the Administrators have to consider a Demarcation Board report.

Thirdly, the Act also made provision for certain powers and functions to be transferred from white local authorities to
Management Committees. The interim proposals issued in terms of the Promotion of Local Government Affairs Act of 1983 had not been implemented in a satisfactory manner by a number of white local authorities. More effective measures were needed, so for the first time the Management Committees found themselves with the option of acquiring final decision-making powers. These powers are not granted automatically. If a Management Committee wants certain powers it must petition the Administrator concerned, who in turn must conduct an investigation to determine whether that particular Management Committee is competent enough to be granted such powers. However, if granted, it would not be a conferment of separate municipal status. This in no way nullified existing provincial regulations which enabled Administrators to create separate local authorities.99

The reason for granting Management Committees such powers was that some form of representation at local level was required from different ethnic groups for the RSC to operate in its intended fashion. However, both the House of Representatives and the House of Delegates were opposed to the creation of separate local authorities. These provisions must be seen as a compromise in order to ensure that the RSC had representatives from "coloured" and Indian local bodies. Yet even this was rejected by the House of Delegates who saw the provisions as a step towards separate ethnic local authorities. Despite their rejection, the Bill was passed by the Nationalist dominated President's Council and became law in September 1985.100
5.18 LOCAL GOVERNMENT TRAINING ACT OF 1985

The Local Government Training Act made provision for the establishment of a national co-ordinated local government Training Board whose objective was to train local government officials and provide guidance to councillors. This legislation was a result of the Co-Ordinating Council's report on training, which recommended the introduction of such a Board. In addition, the Browne Report had expressed concern about the inadequate training facilities for local government employees, and the President's Council had mentioned the need for trained local government personnel and capable councillors. The seven members of the Board are appointed and hold office at the pleasure of the Minister of Constitutional Development. In the 1985/6 financial year, R250,000 was allocated by Parliament to the training fund established in terms of the Act. One twentieth of the RSC funds will go to the training fund annually.101

The lack of suitably trained personnel has been one of the main obstacles to the establishment of ethnic local authorities. This Act must be seen as an attempt to redress this situation by the government. Further, this Act has led to a centralisation of authority for training in the Minister of Constitutional Development and the Training Board. National norms and values can now be imposed on the training of local government personnel. The effect of this is to take away from local authorities training programmes which are working quite well (it will affect mainly major local authorities). However, there was no real need for this legis-
lation. Although there is a critical shortage of trained black local government personnel, remedial measures could have occurred through the existing Manpower Act which makes provision for training standards and guidelines on a decentralised basis. Another contentious issue is that of guidelines to councillors, who are supposed to be laymen with general knowledge of local authority administration. Why then introduce provisions to train councillors to be specialists, when that is what officials are employed for? In view of this, it seems that one of the main reasons for this legislation was to impose the government's ideological stamp on the course content of training programmes.

5.19 THE CONSTITUTIONAL AFFAIRS AMENDMENT ACT OF 1985

In terms of this Act, municipal elections for local authorities, management committees and local affairs committees in all provinces were postponed until 1988, until a date fixed by the respective Administrators. From 1988 onwards, elections will be held every five years. This was the result of both the Co-ordinating Council's recommendation that there be uniformity in local authority voting,\(^2\) and the request by ASSOMAC that Management Committees elections, which were due to be held in late 1985, be postponed in view of the unstable political conditions. This means that the current discredited and unrepresentative members of ethnic local bodies will form the basis of the RSCs.
5.20 TEMPORARY REMOVAL OF RESTRICTIONS ON ECONOMIC ACTIVITIES BILL OF 1986

In terms of this Bill, the State President can either suspend or grant exemption from laws that he deems excessive barriers to the economic progress of persons engaged in industry, trade or occupation, or competition in these spheres, or the creation of job opportunities. The implications for local authorities is that the State President will have the power to suspend any local authority's legislation relating to the foregoing for a period of three years, by means of a proclamation without consulting and considering the local authority concerned.103

5.21 MUNICIPAL AMENDMENT ORDINANCE NO. 3 OF 1986

An amendment to the Municipal Ordinance in 1986 gives the Administrator power to remove from office councillors or even entire councils who, in his opinion, are responsible for or have contributed to the failure of a council to enforce or carry out the provisions of any ordinance, regulation, by-law, etc., and nominate a person of his choice as a replacement. He also has the power to withhold councillors' allowances.104 These powers are exercised completely at the discretion of the Administrator. They make a complete mockery of democracy. If the government just dispensed with elected councillors and nominated them in the first place the end effect would be the same. The legislation was introduced to give the Administrator more powers to counter both liberal and conservative intransigence towards the Management Committee system.
5.22 DECLARATION OF LOCAL GOVERNMENT AREAS ORDINANCE

In terms of this ordinance, group areas defined under the Group Areas Act for "coloureds" and Indians which are situated within the jurisdiction of a local authority or divisional council are destined to be a local government or "own affairs" area for these groups. This must be seen as yet another step by the government towards the creation of ethnic local authorities.

5.23 JOINT MANAGEMENT CENTRES

The Minister of Defence, Magnus Malan, announced in Parliament in 1986 that a nationwide network of joint management centres under the chairmanship of senior SADF and SAP officers had been established to co-ordinate joint government action at regional level. They are directly accountable to the State Security Council. Their function is to assess the security situation in each region and recommend to the authorities remedial measures. Although they do not (yet) have executive powers it appears that this is a deliberate move by the government to shift de facto administration from elected local government to the security establishment, if needed. Leader of the PFP Colin Eglin suggested that,

"it almost looks as if the government is anticipating that the reform process will fail and that it is attempting to prepare South Africa for the siege society ahead."

It was subsequently revealed that joint management centres are actively involved in the breaking of rent boycotts in African townships.
5.24 THE RISE OF THE DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

The Department of Constitutional Development and Planning was established in 1982. Its 1982 yearbook stated that:

Local authorities are playing a more important role than present, therefore it is necessary to establish a liaison point at central government level which would have overall responsibility for planning, co-ordinating, development and control of local government. This was to be done by a Directorate of the Department and in consultation with the various Administrators and provincial Departments of Local Government. It ensured that the Cabinet would be well informed about the needs and occurrences of local government which at that time was beginning to assume importance in government circles. Since its formation the department has mushroomed, assuming both new functions and functions from other departments. In the 1985/6 budget it was allocated funds of almost R5.5 million (an amount exceeded only by the Department of Finance, and then marginally). Heunis has constantly been accused of empire-building. His department has now 27 directorates under its control. It has responsibility for, inter alia, constitutional planning, PLAs of all ethnic groups, RSCs, development boards, urbanisation and squatter control, provincial government, constitutional development of the national states, RDACs and group areas. This massive concentration of power in the department gives it great leverage over the ongoing reconstruction of South African society.
5.25 "OWN AFFAIRS" DEPARTMENTS OF LOCAL GOVERNMENT

There has been the creation of a Department of Local Government in each House of the tricameral parliament. These departments are supposed to supervise "own affairs" in the form of PLAs. However, such functions are still controlled by the provincial local governments, although it now has to be done in concurrence with the "own affairs" ministers. All provincial ordinances are still in effect. This state of affairs exists because the government is still engaged in technical investigations (being undertaken by the Commission for Administration) and negotiations with all the parties concerned.111 Once this process is finished the formal transfer of powers and functions to these bodies will occur, although the possibility exists that the revamped provincial administrations could in future exercise these powers on an agency basis. These ethnic departments are necessary to embody the ideology of self-determination but they are inferior to and subservient to the Constitutional Development. The white Minister of Local Government has been described as a "titular monarch on a throne set in the middle of an empty field." 112 All local government planning and decision-making is done by the Department of Constitutional Development. For example, the announcement that the PLAs elections were going to be cancelled came from Minister Heunis, and not the respective Ministers of Local Government under whose control the PLAs ostensibly reside. These changes also represent a centralisation of power in that the supervising agency of local authorities moves from the second to the first tier of government.
5.26 PROVINCIAL ADMINISTRATIONS

At the 1982 federal congress P.W. Botha noted that to give effect to self-determination in matters of both own and joint concern, the provincial system if need be would have to be adapted. Although it was announced in Parliament during the second reading of the RSA Constitutional Bill that its provisions in no way affected the role of provincial administrations, it was strongly evident that the provincial system was incompatible with the tricameral way of things which made provision for self-determination of the various ethnic groups. Only whites could stand for and be elected to provincial councils. However, investigations showed that the costs of duplicating the bulky tricameral system in each province would be astronomical and hence not viable. The other option, which involved retaining the present structure and integrating "coloureds" and Indians into a common decision-making body, was taboo because it didn't reflect ethnic differentiation, one of the cornerstones of the new system.

Hence, in 1985, it was announced in Parliament by Minister Heunis that the provincial councils as elected bodies would be abolished in 1986 and would be replaced by State-President-appointed multiracial Excos headed by the Administrators. Instead of being accountable to an elected provincial council, these Excos will now be directly answerable to Parliament. Their terms of office would be linked to those of central government.

Accordingly, the Provincial Government Act of 1986 made provision for this new provincial system which came into effect in
July 1986. In the Cape the newly appointed Exco consisted of Eugene Louw who was re-appointed as Administrator, four whites (all Nationalists), one "coloured" (a President's Council's member) and one African (a Community Councillor). Under the new format the Administrators are vested with extensive executive powers. Although they are obliged to consult their Excos, they are not bound to heed their decisions. The Administrator cannot, however, amend or repeal existing ordinances without the approval of parliamentary standing committees.116

Provincial Councils will now be responsible for the supervision of "general affairs" which include control of the RSCs, provincial roads, and horse racing. Further, development boards, Transvaal peri-urban boards and divisional councils have been abolished in terms of the Abolition of Development Boards Act and their directorates placed under the functional control of the respective Administrators from July 1, 1986.117 Because provincial administrations have taken over the control of development boards, it is now possible for the government to transfer a large portion of the administration of Africans, which is a "general affair", to the second tier of government. Provincial functions, which are classified as "own affairs" are being transferred to the respective Minister's Councils, although "own affairs" functions can still be undertaken by the provinces on an agency basis. Further, the Commission for Administration is still conducting investigations into which provincial functions can be transferred to the RSCs and PLAs.118
The scrapping of the elected provincial councils and their replacement with nominated executives must be considered a further step in the steady erosion of elected institutions. Further, the fact that "own affairs" departments are going to supervise PLAs and the Administrators the RSCs, is likely to lead to jurisdictional problems.

5.27 REGIONAL ADMINISTRATION

At the Good Hope Conference in 1981, P.W. Botha presented the eight development regions, an economic blueprint to divide South Africa (including independent Bantustans) into eight development regions. Although regional development is an internationally recognised tool to ameliorate imbalances in development among the different regions of a country, South Africa's regional development policies have their genesis in government attempts to keep Africans out of urban areas by promoting industrial development in the rural areas. Accordingly, as Cobbett et al point out, these eight regions (now nine) are not arbitrary boundaries; rather, they correspond to the spatial development of capital and labour that have been developing since the late 1960s, and which has been partially caused by previous decentralisation policies.

RDACs were subsequently formed. Their function is to advise the government on regional development matters. They have no executive powers and fall under the control of the Department of Constitutional Development. The following organisations were invited to submit nominations for appointment to RDACs: firstly, RDAs to which almost all local authorities are affiliated. They
exist within RDACs regions and represent the planning regions in terms of the National Physical Development Plan. Their function is to co-ordinate regional matters on a localised geographical basis. The other organisations were local government bodies for all ethnic groups, capitalist interest groups and sections of the provincial and central government that are involved with regional development. They are ultimately appointed by the Minister of Constitutional Development.

One of the recommendations of the President's Council was that provincial administrations be phased out and be replaced by eight regions, possibly corresponding to the development regions mentioned at the Good Hope Conference. Although this had not occurred (the political unpopularity of scrapping provinces entirely being a major obstacle because of their emotional attachment), there is evidence that points in this direction. RDACs have direct access to the Cabinet and its committees, ensuring that they wield considerable influence. Although their function was to advise on regional planning, they are now also investigating other spheres such as agriculture, welfare, mining, tourism, housing, health and education. Further, a section of the Provincial Government Act makes provision for the President to subdivide the various provinces into new provinces within the existing provincial boundaries. It has also been suggested that these regions could form the basis of a federal system. A Bill which makes provision for joint executive action between the NPA and the Kwa-Zulu government is in the pipeline. Although this is merely to
facilitate administration and excludes multiracial legislatures, it has been said that this could be the precursor of a local option within a federal framework. However, the introduction of a federal system does not appear to be high on the agenda of the state at this stage.

5.28 EVALUATION OF STATE STRATEGY

The local government restructuring must be seen as part of the broader state strategy both to defuse political unrest and restructure the economy, a programme which has superseded the somewhat crude "Total Strategy" to a certain extent. To show some tangible commitment to political reform, there had to be some redistribution of wealth both to promote the legitimacy of the government's black allies and to give blacks a stake in the system. However, the state, beset by a major economic crisis, was in no position drastically to increase its expenditure while simultaneously ensuring future capitalist viability. The response to this problem partially involved the erosion of white working class and petty bourgeois influence at all tiers of government. The state could no longer afford the excessive distribution of funds in the direction of traditional constituencies such as small firms, the white working class and state employees. Further, both liberal local authorities (primarily the CCC) and conservative local authorities who disdained co-operation with other ethnic groups have been an obstacle to the promotion of the legitimacy of Management Committees. Some of the new legislation can be also
ascribed to the state's attempts to overcome this intransigence in order to ensure the successful implementation of its new local government policy.

Another response to this problem was formulated by free marketeers who have argued that because of the racial nature of its capitalist policies, the state had been involved in too many facets of the creation and distribution of wealth, employment and welfare in the economy. It had been pervasive in a number of areas of life which should not be its responsibility at all. This overt state intervention had politicised a number of areas of life, including the urban environment. Consequently, the demand for resources was directed at the central state and the latter's inability to respond was leading to its de-legitimisation. The antidote involved the divorcing of the economic realm from that of the political. Thus, the state increasingly adopted the use of technocratic "non-ideological" discourse. Its policy was now portrayed as being technical, rational and not beholden to any political ideology. However, this technical approach was in fact predicated on free-marked ideology. The aim of this strategy was to convince the masses that their station in life was dependent on neutral free market principles over which the state had no control.

The strategy involved reducing the extent of government expenditure. Thus welfare services, such as bread and transport subsidies, were cut. It also involved reducing the scope of the state's functions and increasing the role of the private sector through privatisation. Of significance is the decision to sell
off 500 000 houses built with state funds, including a large stock of local authorities' dwellings. It has been suggested that the government's objective is to depoliticise rent increases, believing that a private landlord is a more difficult target of organised resistance than an arm of government.\textsuperscript{131} A further element of this strategy involved transferring functions to self-financing metropolitan bodies. By doing this the state could both disengage itself from expenditure and introduce structures to incorporate and defuse conflict. As Minister Heunis contests:

I hold that as philosophy we have to reduce the conflict areas on central level and bring them down to local level.\textsuperscript{132}

Yet, as pointed out by UPRU, the free market influence on policy has come from sources outside the state. As a result the government has not adopted these policies uncritically, but in a rather contradictory way.\textsuperscript{133} The state's local government strategy involves a combination of both free market and redistributive elements. It is simultaneously trying to reduce its expenditure and defuse the urban fiscal crisis through increased expenditure on black infrastructures.\textsuperscript{134} In line with its emphasis on depoliticisation, it is at regional/local level that provision is made for the redistribution of wealth. Finance Minister Du Plessis, responding to a question on why the new sources of revenue cannot be raised and redistributed at central government level, asserted:

Raising taxes at central level and redistributing them to regional level, will merely further politicise an issue which is essentially for the benefit of people in an economically contiguous area.\textsuperscript{135}
As Cobbett et al. point out, because of the limited funds available for redistribution, the state cannot possibly satisfy all demands on the central Treasury. It is in the state's interest to allow metropolitan governments to rely on their own financial resources no matter how unequal they are. This is likely to exacerbate regional inequality.

Conflict over resources will be articulated at the indirectly elected RSCs, which are intended to be depoliticised bodies removed from the realm of public contestation. However, the government's tentative liberalisation of apartheid structures in other spheres, such as labour, have created space in which extra-parliamentary organisations have made permanent gains. There will be a proliferation of new structures at regional and local level. This has led to the state finding itself in a Catch 22 position - on the one hand, they are committed to devolve certain powers to both RSCs and PLAs, while on the other they still want to retain overall control of the reform process. In such turbulent times, the government has no intention of letting reform develop a momentum of its own. In its eyes, centralisation of power is by no means incompatible and is, in fact, conducive to the reform process. The strengthening of law and order functions is seen to be essential to ensure that this reform process doesn't spiral out of control. This is reinforced by Nationalist knee-jerk authoritarian tendencies. A government which for over 35 years has shown contempt of local democracy and intolerance of opposition generally, has not suddenly done a volte face and become "born again" devolutionists. The last thing that the Nationalists want
is to give extra-parliamentary forces a genuine power base at the
local level which can be used to undermine central state structures
or to propagate social welfare policies which will prove an impedi-
ment to capitalist accumulation. Thus Heunis, while calling for
devolution of power, can simultaneously argue that the government
"must take steps to ensure that it retains ways and means of
ensuring its policies are applied throughout." Yet the
government can either allow devolution of power and face the
prospect of independent political groupings promulgating alternative policies at local government level, or it can attempt to
retain strong control over local authorities, ensuring a uniformity
of policies and compliance with government wishes. The attempt to
do both is inherently contradictory, making inevitable this
confusion between government rhetoric and the reality of
legislation.

A final issue is the question: if the RSCs are unlikely to be
the conduit for substantial redistribution of wealth why then does
the government claim this is the case and in so doing engender
expectations? The answer has to do with the fact that the new
local government legislation can be seen neither as a grand master
plan nor as a series of ad hoc measures. Although the state has a
very broad overall strategy in terms of principle for local govern-
ment, all the detail was not worked out before legislation was
promulgated. Legislation was rushed through Parliament with great
haste in the hope that improved infrastructure in the townships
would defuse political unrest. The parliamentary opposition have
complained bitterly that they have been denied the opportunity to

203
study properly, examine and debate a number of local government bills, including the RSC Bill. Further, despite government claims that all local government legislation has been achieved by negotiation and consensus with groups such as the Co-ordinating Council and "coloured"/Indian parliamentary representatives, it is clear that local government restructuring, just like the broader reform process, is being implemented in a top-down, very secretive manner by a small group of reformers. These reformers have certain fixed ideas about the objectives of local government reform. There has been the appearance of a state of flux, as evidenced by certain concessions that have been gained, but this has been in the sphere of content, not principle. This lack of detail, as well as prescribed objectives which contain contradictory elements, have made it very difficult for the government to embody its strategy in practice. An example of the former problem is the fact that no comprehensive feasibility study has been undertaken on the expected expenditure of the RSCs. As a corollary, the government has grossly underestimated the amount needed to upgrade black areas. An example of the latter problem is that the state's strategy contains both free market and redistributive elements. Thus, even if theoretically the RSC does improve the infrastructure of black areas as a result of the impending abolition of all subsidies, black citizens will be paying for these facilities in other ways, such as increased prices and higher transport fees.

Summing up, it can be said that the fact that the government has not calculated all the implications and unintended consequences
of new local government legislation has resulted in much of the confusion about the objectives of the RSC.
NOTES

1. The following discussion makes no claim to be an exhaustive analysis of the various factors which led to the state restructuring its policies. It tries to focus on issues which have had a bearing on local government restructuring.


3. Ibid.


11. Giliomee, H., _Adapted strategies for the Maintenance of White Rule_ (paper presented to the Conference on Economic Development and Racial Domination, University of the Western Cape), October 1984, pp. 11-12, 16.


20. The CRC had been vested with limited local government powers. The intention was that extensive executive powers of provincial administrations in respect of ""coloured"" local government would gradually be devolved to it. With its dissolution in 1979 the limited powers that had been devolved to the CRC reverted to the provincial administrations.

22. Neither the Yeld nor Schlebusch Reports were ever made public. However, the President's Council's report on local government mentioned the main findings of both these earlier reports. See Republic of South Africa, Joint Report of the Committee for Economic Affairs and the Constitutional Committee of the President's Council on Local and Regional Management Systems, Cape Town, Government Printer, 1982, pp. 33-41.


27. None of the members of the Browne Committee had any form of local government expertise; see Craythorne, D.L., op. cit, p. 190.


29. Ibid, p. 84.


31. Ibid, p. 64. These Joint Services Commissions must be seen as the precursors of RSCs.

32. Ibid, p. 84.
33. These constraints and obligations were discussed in Chapter II.


35. *President's Council Report*, op. cit., pp. 42-46. It stated other reasons for the failure of the system that had already been mentioned by the Theron Report.


37. Ibid, pp. 17, 19.


41. Ibid, pp. 59-60.

42. Ibid, pp. 112-113.


44. Ibid, p. 102.


46. The issue of the economic development regions will be discussed later in the chapter.


49. Ibid, p. 298.


52. De Wet, L., op. cit, p. 298.


54. CCC, Report to the Executive Committee, Implementation of Recommendations of the Croeser Workgroup which have been accepted by the Cabinet, Cape Town, 7/12/1983, p. 2.


60. Ibid, pp. 99-100.

61. Ibid, pp. 100-103.


64. Cape Times, 31/1/1984.

65. Hansard, Cape Town, Government Printer, 1984; Promotion of Local Government Affairs Amendment Act No 116 of 1984,


69. Cited in Hattingh, A., op. cit, p. 32.


74. See Hansard, Cape Town, Government Printer, 1985; Thornhill, C., Trends in Local Government Reform (paper presented at Political Studies III lecture, UCT), August 1985 and Department of Constitutional Development brochure, Regional Services Councils for the government's perspective on the RSCs.

75. Interview with PFP member of the Standing Committee on Constitutional Affairs.


77. Ibid, Section 2.

78. Ibid, Section 9.

79. At the UME congress in March 1986, Minister Heunis announced that he had asked the Administrators to come up with proposals for redelimitating municipal boundaries. The implication of this is that certain business and industrial areas are likely to be reallocated into "coloured", Indian, and maybe even black, areas of jurisdiction (see Financial Mail, 21/3/1986).

80. Interview with Minister, House of Representatives.

82. Interview with Minister, House of Representatives.

83. Croeser's other tax, viz. the productive assets tax, was referred by the government to the Margo Commission of Inquiry into Taxation.

84. RSC Act 1985, op. cit., Section 12(b).


89. UPRU, Local Government Reorganisation: Some International Perspectives, Working Paper No. 33, UCT, October 1985, p. 44.

90. These are the calculations of the Urban Foundation, who have been monitoring the local government restructuring process.

91. UPRU, 1986, op. cit, p. 100.

92. The Commission for Administration is still conducting investigations in this regard.

93. This type of restructuring is not unique to South Africa. It has been the feature of a number of Western countries such as the United Kingdom, United States and France.

94. This contradiction in state policy will be discussed later in the chapter. The implications of the RSCs having to assume full financial responsibility for government subsidies will be
discussed in more detail in the next chapter with reference to Cape Town.


96. Ibid, p. 29.

97. This was announced by Minister Heunis at the UME congress in March 1986. See Cape Times, 14/3/1986.

98. Interview with senior official, Department of Constitutional Development.

99. See Chapter IV for a more detailed exposition in this regard.


The important question of why this is occurring will be discussed later in the chapter.


122. Ibid, see pp. 87-116 for a detailed exposition of this hypothesis.


124. Glaser, D., "The state, the market and the crisis" in Work in Progress 34, October 1984, pp. 33-34.


127. Posel, D., Control of Reform and Reform of Control, (paper presented to the conference on Economic Development and Racial Domination, University of Western Cape), October 1984, pp. 11-12.

128. Glaser, D., op. cit, p. 36.

129. Cobbett, W., Glaser, D., Hindson, D, and Swilling, M., "South Africa's Regional Political Economy: a critical analysis of

130. Ibid, p. 35.
133. UPRU, 1984, op. cit, p. 84.
137. This issue will, with reference to Cape Town, be taken up in the next chapter.
139. This complaint was voiced in the first three years of new local government legislation, viz., 1983-1985.
CHAPTER VI

CCC RESPONSE TO THE

RESTRUCTURING OF LOCAL GOVERNMENT

6.1 PREFACE

In this chapter, the CCC's response to the restructuring of local government will be examined. This will include looking at its traditional attitude to metropolitanisation, its evidence to various commissions on local government and its monitoring of the new local government legislation. Both the CCC's and CPA's evidence to the Demarcation Board on the implementation of the RSC in the Western Cape will be scrutinised. The various attempts to open up local option initiatives will also be analysed. Finally, there will be an assessment of the CCC's general strategy towards local government structuring.

6.2 SLATER TWO REPORT

The original Slater Report had recommended that urgent attention be given to the establishment of a metropolitan body for the Peninsula and surrounding areas. As a result of this, the Administrator asked Slater in 1966 to submit practical proposals for the establishment of a metropolitan authority in this region. In the same year his report on the Metropolitan Municipal Authority for the Peninsula (known as Slater Two) was published. The report recommended the introduction of a two-tier system, viz. a metropolitan body underpinned by PLAs. It suggested that the CDC
should be the metropolitan body. The CCC was vociferously opposed to this report. It was rejected by unanimous vote in general Council with virtually no discussion. Among the reasons for its rejection were that the problems of the Peninsula were relatively minor compared to other centres where there were more populous metropolitan areas, that there was no crisis or chaos in the Peninsula, nor was there any conflict or overlapping between different local authorities in the region, and that its voting strength would be in inverse proportion to the size and wealth of the CCC. The Administrator apparently concurred with CCC's objections because no action came about as a result of this report. However the reasons for it were never made public. 2

6.3 COMMISSIONS OF THE LATE 1970s

No information is available on CCC submissions (if any) to the Theron, Yeld and Schlebusch Commissions, although the Theron Report did mention that out of a survey of 51 white municipalities, only the CCC was opposed to the creation of "coloured" municipalities as a matter of principle. 3 The UNE submitted certain proposals to the Schlebusch Commission, the precursor of the President's Council. The CCC said in a memorandum to the Schlebusch Commission that many of the UNE's suggestions would not be suitable for Cape Town, which is unique because of the high concentration of "coloureds" in the area. It suggested that once the constitutional future of the upper levels of government had been worked out, a commission consisting of experts in the field of local government should be established to determine the local government.

219
pattern for the future. It added that the commission should be flexible enough to take cognizance of unique local conditions. In line with its rejection of apartheid structures, it called for joint representation at local level on a common body.

6.4 THE BROWNE REPORT

The City Treasurer (the now retired J. Watkins-Baker) drew up a report in response to the Browne Report, which the CCC submitted to the UME. He warned that the financial implications of the Browne Report would lead to financial disaster for the city. Instead of the expected financial assistance, Cape Town ratepayers could be burdened with extra rates. If, as recommended, the Council would only be permitted to make a 5% profit on its services, the amount used to offset rates would plummet by R4,2 million per annum. The proposal that the State pay a subsidy would mean that income from this source would drop from R1,75 million to R750 000 per annum. Further, although it is not possible to isolate all the expenditure for "coloured" areas, the new subsidy formula to offset the difference between income and costs would cost the city approximately R5 million per annum for Mitchell's Plain alone. Similar amounts would be needed for other "coloured" areas. Finally, the report's average levy to effect transfer payments in 1977/78 of 44c in the Rand would cost the city R10 million and the maximum amount of 60c in the Rand would cost it R14 million.
6.5 CITY ENGINEER'S REPORT ON METROPOLITANISATION

Despite the CCC's earlier rejection of metropolitanisation, the problems associated with fragmentation such as the mismatch of functions and areas and shortage of finance became more profound in the GCT area in the late 1960s and early 1970s. Exco, realising that some form of metropolitanisation was inevitable, resolved that a report be undertaken on the benefits and disadvantages which the establishment of a metropolitan-type development in GCT would hold for the city. Accordingly, the CCC sent the then Town Clerk, City Engineer and City Treasurer, H. Heugh, J. Brand and J. Watkins-Baker respectively, on an overseas tour to study metropolitan authorities in the United Kingdom and Canada. The CCC Departmental Heads decided that the City Engineer's department would be responsible for the drawing up of the report on metropolitanisation. The controversial leaking of the report to the President's Council in June 1981 has already been discussed. The report itself, a 1200-page, three-volume set, was in fact only made public in October 1982.

The report described how services are already provided on a regional basis. A regional abattoir at Maitland and a regional fresh produce market at Epping are operated and controlled by the CCC. The CCC, by arrangement with other local authorities, runs the regional site for industrial waste. The CCC distributes electricity for about two-thirds of the GCT area. A single ambulance service operates on a regional basis for most of the GCT area. This is run by the CCC and is a product of a voluntary agreement. It is 100% subsidised by the CPA. Most local
authorities in the GCT area have their own fire brigade, and those who don't have contracted with their neighbours for this service. Civil Defence is operated on a regional basis with the CCC being the core city. The CPA is responsible for curative health services while the CCC and the CDC are responsible for most of local authority health functions by agreement. The CDC is responsible for cemeteries in the whole GCT region. The CCC, and to a lesser extent the CDC, are responsible for the provision of most of the public housing in the GCT region. Inter-authority cooperation exists in respect of land use and services planning. METPLAN is a voluntary body consisting of representatives of virtually all GCT municipalities. The CCC is the major provider of regional entertainment and sports facilities, e.g. the financing of Captour, the provision of the Good Hope Centre and several major sports areas and swimming pools. Public rail transport is operated by SATS and suburban bus services by the monopoly Tramways group. The Urban Transport Act of 1977 made provision for MTAB to co-ordinate all forms of transport and land use. The CCC was designated the core city for the Cape Town MTAB. It drew up a Metropolitan Transport Plan which received formal approval. The CCC is in effect the metropolitan authority for water in the GCT region. It provides bulk supply of water to other local authorities who are responsible for reticulation of water.11

The report stated that there are basically three forms of regional service provision in the GCT region:

1. The CCC and to a lesser degree, the CDC operate as the metropolitan providers of certain services.
2. Through inter-authority agreement, the CCC operates as the "core city" for certain functions.

3. This is a variation of the second form, viz. where the CCC administers on behalf of all the local authorities a semi-independent body such as the CPLAAS.¹²  

Albeit stating that although there was no general crisis in the provision of local government services in GCT,¹³ the report averred that there was room for reform in certain areas:

1. There was a need for rationalisation of the joint committees and umbrella authorities. Many bodies were in existence, each examining the different services' problems in the same geographical areas. It would be more logical to have an overall policy committee for all the services. To be effective this body should have mandatory powers over the whole metropolitan area in respect of regional functions.¹⁴

2. Only inter-authority action can ameliorate anomalies caused by fragmentation.¹⁵ For example, in the sphere of housing it was inequitable that some local authorities should bear a disproportionate burden of expenditure, while all local authorities accrued the benefits thereof.¹⁶ There were problems pertaining to water provision, such as duplication of service reservoirs and differing design and/or construction standards among local authorities.¹⁷ There were diseconomies of scale in land drainage and sewerage due to lack of overall planning and control.¹⁸ METPLAN, having no executive powers, needs the co-operation of both provincial and central government to get its decisions implemented. This is often not
forthcoming. Different planning and building regulations on the boundaries of townships also lead to problems. The CCC, as the major provider of regional entertainment and sports facilities in the region, bears a disproportionate financial burden since other local authorities do not contribute to their upkeep. Further, metropolitan development, viz. employment creation and encouragement, cannot be effectively undertaken. Fragmentation has caused, inter alia, unnecessarily high cost of the service, externalities which affect adjacent local authorities, unfair distribution of costs among ratepayers, shortage of expertise to undertake particular services, inaccessibility of the services, unfair distribution of costs among users and non-users, and inefficient operation.

3. Increasing intrusion by provincial and central government has had tremendous, sometimes overriding influence on metropolitan development in GCT. A strong metropolitan authority would be able to press for devolution of powers, which would give it greater control over development in the region.

The report accordingly recommended the introduction of a 60-member metropolitan authority in an area stretching from Fish Hoek to Wellington (encompassing 21 local authorities). It would take over certain regional functions from PLAs (which would retain functions best undertaken at the lower tier), central government, provincial government and the divisional councils. It suggested taking over staff from the largest local authority (CCC) and making it the core of a new metropolitan structure. However, a devil's
advocate report by the City Treasurer, J. Watkins-Baker, was highly
critical of the proposed system. He said such a metropolitan body
would end up controlling the policy planning and financial res-
ponsibility of most of the CCC's services. The services would be
more expensive if they remained with the CCC. Although the
City Engineer deserves the benefit of the doubt that he accepted
the status quo as a starting point and did not recommend separate
municipalities, the damage had been done. Certain councillors
warned at the time although the motivations of the report were
based on economics of scale, they could not be divorced from their
political reality. This, as will be discussed later in the
chapter, turned out to be rather prophetic.

6.6 THE MUNICIPAL FRANCHISE

The controversy surrounding this City Engineer's Report merely
reinforced the CCC's knee-jerk anti-metropolitanisation reflexes.
It passed a motion stating that the draft report did not reflect
the views of the CCC and appointed a committee under the chair-
manship of David Bloomberg to formulate the precise policy of the
city in respect of municipal voting rights. The report
recommended that the CCC adopt as policy: firstly, that all owners
and occupiers of immovable property should be able to vote for and
stand for Council; secondly, opposition to the fragmentation of
its municipal area into ethnic local authorities; and thirdly,
rejection of the Management Committee system. The Council
accepted the subsequent report by 25 votes to 9. The CCC thus
adopted a more progressive position than the pre-1971 qualifi-
cations under which only owners and occupiers of rateable property could enrol to vote (which debarred thousands of tenants in CCC housing schemes and excluded the spouses of tenants from voting). 31

6.7 CCC EVIDENCE TO THE PRESIDENT'S COUNCIL

The Economic Committee of the President's Council invited the CCC to state its case on local/regional government. Their response was drawn up by the Bloomberg Committee. Part of its submission consisted of CCC policy in respect of the municipal franchise. It further stated that it had not formulated its policy on metropolitanisation because it was still waiting for the comprehensive report from the City Engineer in this regard. Notwithstanding this, it stated that the CCC would not favour a system which introduced an additional tier of government, an independent metropolitan authority or an additional elected decision-making authority of any form. The reasons for this were that the CCC felt such an authority would lead to an increased bureaucracy, which would erode local autonomy. Further, it would be impossible to devise a system for the degree of representation, levying of contributions and allocation of resources which would be both equitable and responsive to altered circumstances and also capable of ready application in practice. Costs were almost bound to increase, the new authority would increase the demand for an already existing shortage of skilled staff, and it would be several years before the new authority had built up its administration and developed expertise and financial resources. This would lead to a backlog of certain services. 32
The CCC agreed that there was a need for rationalisation of services. However, it argued that the most effective way rationalisation could be achieved was by utilising the expertise and resources of the CCC as a core city for GCT, whereby a number of major regional services would be undertaken through arrangements and agreements with its neighbours. The CCC pointed out that it already operated certain regional services.33

It concluded by arguing that the temptation for the President's Council to impose a metropolitan authority merely to accommodate politically "coloureds" and Indians within National Party guidelines should be avoided. Any attempt to create non-viable "coloured" and Indian local authorities would merely be a perpetuation of discrimination under another guise and that the present system of local government in Cape Town was tried and tested and should not be replaced by an untested metropolitan authority.34

6.8 CCC RESPONSE TO LOCAL GOVERNMENT DEVELOPMENTS

Although the President's Council's proposals differed quite substantially from the CCC's recommendations, the latter body resolved in June 1982 that it should be part of the continuing debate on the future structure of local government and an ad hoc committee of the Council should be appointed to study the proposals of the President's Council insofar as they affected local government in Cape Town so that representations could be made in due course to the relevant authorities.35 This committee was duly established and its report agreed with the recommendation that
there should be maximum devolution of power but disagreed with it being used as a mechanism to embody ethnicity. It rejected race or colour as a basis for determining the desirability of creating a new local authority as well as representation for different groups on an ethnic basis. It disagreed with the multiple franchise, regarding it as ambiguous and impracticable and reaffirmed its opposition to the introduction of metropolitan structures and its desire to perform regional functions by means of the core city approach. It would be opposed to the introduction of a Department of Local Government on the grounds that this would represent centralisation of power (unless it was for co-ordination only). It rejected the concept of neutral income, saying it contradicted CCC policy of distributing according to democratically determined priorities. It recommended that Management Committees be immediately dissolved and full franchise restored to all citizens. It asked that Cape Town be treated as a special case in view of its history and development, and that the franchise qualifications be restored to the pre-1971 position as an interim measure.36

This report was accepted by the CCC, which subsequently extended the life of the ad hoc committee, renaming it the Constitutional Committee. Its mandate was further to investigate reports by the President's Council and other bodies in respect of local/metropolitan government which might affect the Western Cape and Cape Town.37

However, CCC influence on government policy is rather limited38 and thus little heed was taken of CCC submissions. The
government pressed on with legislation premised on separate ethnic representation. As resolved, the CCC monitored local government legislation. It opposed provisions of the Promotion of Local Government Affairs Amendment Bill of 1983, which involved centralisation of power and entrenchment of ethnicity. The CCC considered that the Co-ordinating Council should establish regional committees to cater for specific regional needs and it opposed the exclusion of Africans. It thought that the Municipal Development Boards had the potential to increase bureaucracy and duplicate existing functions amid a shortage of skilled staff. Another matter for concern was the encroachment upon the preserve of the provincial authorities.39

As a result of a recommendation from the Constitutional Committee, the CCC sent a delegation to the Minister of Constitutional Development to discuss aspects of the foregoing Bill. They were strongly rebuked by the Minister, being told that their suggested option of open representation on the Council could not be considered as this was contrary to current government policy. He also said that such requests should have been conveyed through the correct channels, viz. CPMA and UME. It placed him in a difficult situation if individual municipalities came to see him on general municipal matters, which were dealt with, and in this instance had been accepted, by the UME. Despite this reprimand, the CCC said it would continue to press its case at every opportunity.40

In September 1983 it rejected the local government aspects of the new constitutional proposals, stating it would dismember the
Municipality of the City of Cape Town along racial lines based on proclaimed Group Areas. It expressed concern at the additional financial burdens that would inevitably fall upon the people and businesses of the city if the proposals were implemented, and resolved to oppose these proposals with vigour on every occasion in order to preserve its own integrity and the autonomy of the city.\textsuperscript{41}

At the CPMA Congress in 1984 it attempted to convey these views, but was prevented from doing so by CPMA President Dr Schlebusch, who said it was not for the congress to enter into political discussions. The CCC's was the only objection to the new constitutional set-up.\textsuperscript{42}

The Commission for Administration Act, Remuneration of Town Clerks Bill, Promotion of Local Government Affairs Amendment Bill, Local Government Bodies Franchise Bill and Regional Services Councils Bill were heavily criticised by the CCC at its July 1984 meeting. The principles of these Bills were called "dictatorial and shabby", and it was said that their implementation would lead to centralisation of power, dismemberment of the municipality and financial disaster for the city.\textsuperscript{43}

In August 1984 Exco resolved that in view of the fact that the RSC Bill had been referred to the Select Committee, the Constitutional Committee should draw up a report which could be submitted to the Select Committee.\textsuperscript{44} This report was part of the memorandum from the CCC to the committee. The Bill had already been through its second reading, which meant that its principles were fixed and only matters of detail could be dealt with. Nevertheless, CCC
policy towards the municipal franchise and metropolitanisation was stated. It also explicated its preferred regional model, viz. the core city, in more detail. This model was first used by the CPMA in its submission to the UME as its desired form of metropolitanisation. Under this system there would be mutual agreement on what would constitute regional services, all local authorities would be represented on the regional council with management and representative bodies, and all services would be rendered by the Core Cities/Towns or other bodies considered best equipped for this purpose. Under this system the RSC would only require a small directorate of its own to administer its interests and to co-ordinate the execution of its decisions. Otherwise the RSC would obtain all professional, technical and administrative services required from the Core City/Town (which in the Western Cape would be the CCC). It also commented on some of the details of the RSC Bill. Among its stronger exceptions were that there was to be no compensation for assets taken over by the RSC and the fact that the Administrator and not local authorities appointed the Chairman of the RSC. It also favoured a gradual rather than comprehensive take-over of regional functions, in order not to disrupt essential services, and the introduction of preliminary studies to make the declaration of regions and the selection of regional functions as objective and effective as possible.

In November 1984 the Minister of Constitutional Development announced that he intended establishing three municipal development boards, one of which would be located in the Peninsula. The Council resolved, its stated objections to the new local government
legislation notwithstanding, that it would be in its interests if councillors and/or officials served on such boards as it would enable it to maintain communication and liaison with such boards and to be informed of their progress.\(^{47}\)

In December 1984, the CCC passed a motion expressing its dismay at the adverse effects that the regional services and regional establishment levies would have on the local economy, and authorized Exco to make urgent representations to the government to seek an alternative method which would spread the cost burden on a national rather than a regional basis. In a subsequent memorandum City Treasurer J. Watkins-Baker stated that local government had for years requested extra sources of revenue. In view of the pressing need for such funds, it was essential that this revenue be introduced to assist the RSC financing specifically and local government financing in general. He expressed his preference for the fixing, raising and redistributing of RSC taxes at regional level and pointed out, firstly, that if the taxes were raised at a national level there was no guarantee that the product of the tax raised in the Cape Metropolitan Region would be spent in the area. Secondly, a national tax would mean that the CCC had no control over the level of taxation. This could have adverse effects: for example, Witwatersrand would be able to support a higher level of national tax than Cape Town. Thirdly, experience had shown that national grants and subsidies had inevitably led to greater and more detailed state control. Finally, local taxation had the advantage of fostering greater accountability for expenditure.\(^{48}\)
In view of this report the CCC reconsidered its original rejection of the regional taxes. It stated that it found it difficult to adopt a stance of absolute opposition because of the pressing need for such funds in black areas and passed a motion recommending that the proposed regional levies be accepted in principle, subject to the Council not being financially worse off after the new taxes came into operation, and that representations in this regard be made to the Margo Commission of Enquiry into Taxation.\(^4^9\) It subsequently resolved after a report from the Constitutional Committee to support the regional services levy but oppose the regional establishment levy. To ensure that the CCC was not financially worse off, it further resolved to request that as an alternative, trade licences (which were to be abolished with the introduction of the regional taxes) be retained, that a portion of the petrol tax (raised in its area) be paid over to the Council, that the Council be exempted from the payment of GST and other "add-on" taxes, and that it be permitted to conduct a municipal lottery.\(^5^0\)

6.9 IMPLEMENTATION OF THE RSC IN THE WESTERN CAPE

The Administrator held an informal meeting in August 1985, to which he invited senior officials of all local authorities in the Cape Metropolitan Region to discuss proposals for the introduction of one or more RSCs in the area. At that stage the intention was to introduce the RSCs in January 1986 and the levies in July 1986. Accordingly, local authorities were asked to submit their views, comments and recommendations on the proposed RSC to the Adminis-
trator by September 1985 so that he could make representations to
the government. The Constitutional Committee investigated the
matter and its report was accepted with a few amendments at a
special CCC meeting in September 1985 and submitted to the
Administrator.51

The CCC recommended that the area of the RSC be the 01
economic region together with the Brackenfell and Kuilsriver
magisterial districts; viz., the GCT area, which together form an
integrated urban and peri-urban area. This area included the
large African townships of Khayelitsha, Guguletu, Nyanga and Langa
but excluded the government decentralisation point of Atlantis.
It believed that this area was large enough to achieve the
economics of scale.52 It reaffirmed its belief that the identi-
fication and devolution of functions should be done on a planned
and phased basis to avoid breakdown of services. It recommended
that bulk supply of water, planning of bulk supply of electricity,
the planning of sewerage purification works and main sewerage
disposal pipelines, land-use planning and transport planning, and
planning of major roads and trunk stormwater draining be taken over
initially.53 It rejected the identification of passenger
transport services as a regional function. The RSC would have to
accept losses of a body over which it had no control. Because of
cross subsidisation it would be extremely difficult to calculate
exact commuter costs. As mentioned in Chapter V, the existing
cost of urban transport subsidisation in the region is conserva-
tively estimated at R140 million. This amount does not include
the subsidisation cost of Khayelitsha or the Atlantis rail lines.
The CCC argued that because of these factors, the costs for commuter transport could end up being a bottomless pit.\textsuperscript{54}

It was stated that the Administrator had made it clear at the informal meeting that CBDs and Industrial Areas were likely to be excluded for the purpose of calculating voting rights. The CCC rejected this, calling it "undemocratic and tantamount to taxation without representation".\textsuperscript{55} This would also reduce the city's voting strength. It was impossible to calculate what the actual voting strength of the city would be, because the CCC did not yet know what services are going to be taken over by the RSC.\textsuperscript{56} It requested that the staff be limited in size\textsuperscript{57} and that no municipal employee should be transferred to the RSC without his consent.\textsuperscript{58}

It recommended that the provincial council chambers should be the venue for the RSC, because it was felt that if the Council offered its own chambers it could become stigmatized as being too closely identified with the RSC.\textsuperscript{59} Interestingly enough, senior CCC officials argued that CCC should recommend a region encompassing the Divisional Councils of the Cape, Paarl and Stellenbosch on the grounds of economics of scale, but Exco rejected it, feeling that the larger the area, the less CCC influence there would be.\textsuperscript{60}

The Divisional Councils of Paarl and Stellenbosch, representing 16 local bodies to the north of the city, indicated they didn't want to be included in the same RSC as the CCC. Among their objections were that they were rural areas that did not have much in common with urban Cape Town, being smaller local authorities they feared they would lose their autonomy, concern that they would not get their fair share of funds from such a big metropolitan body
and unlike Cape Town, they enjoyed a good relationship with their Management Committees. It appears that powerful business interests in the region had been influential in drumming up opposition to inclusion in a large RSC. Implicit in these objections is that these municipalities wanted to escape the costs of subsidising poorer African and "coloured" areas, the majority of which live in the area demarcated as the Divisional Council of the Cape.

6.10 PROVINCIAL SECRETARY'S SUBMISSION TO THE DEMARCATION BOARD

The Provincial Secretary's (the CPA's chief administrative officer) submission to the Demarcation Board noted that there were 15 functions that could easily be entrusted to a RSC. Which of these functions would eventually be taken over would only be determined after the report of the Demarcation Board had been received. The area he recommended encompassed the Divisional Councils of the Cape, Stellenbosch and Paarl, which consisted of three Divisional Councils, 19 municipalities, 24 Management Committees and four Community Councils - 50 bodies in total. The preference for the larger RSC area was based on the criteria which have to be taken into consideration when a RSC is being demarcated in terms of Schedule 1 of the RSC Act. The report argued that there was community of interests between the residents (CPA emphasis of the criteria listed in Schedule 1 of the RSC Act) in respect of work and recreation as well as the sharing of community and other services by the inhabitants of the region. It cited cultural and sports facilities and medical and educational institutions as
examples. Under nature of services it stated that the plan was to entrust the Cape RSC with four functions initially. They were, firstly, bulk supply of water, pointing out that the CCC provides this service to virtually all the local authorities in the region. Secondly, ambulance services and fire brigade services: CCC through CPLAAs provides the former service on a regional basis to other local authorities in the Divisional Council of the Cape area. The Divisional Councils of Paarl and Stellenbosch provide their own ambulance service to local authorities in their region. Each local authority provides its own fire brigade service, which causes unnecessary duplication. Thirdly, health services: CCC and CDC provide these in the area of the Divisional Council of the Cape. Most local authorities in the Divisional Councils of Paarl and Stellenbosch provide their own health services. This report cited a Department of Health and Welfare document which stated that savings might be effected and a more efficient service rendered if the service was to be regionalised. Fourthly, land use and transport planning: this is already being done on a regional basis by METPLAN and MTAB respectively. It was felt that these were regional functions on a strategic level and could not be separated. Bulk supply of electricity was surprisingly excluded as a regional function. Although the report did not state the reason for its exclusion, it was due to the fact that municipalities to the north of the city were negotiating with ESCOM to get a consortium to take over distribution of electricity of ESCOM's northern areas grid in the Western Cape. If electricity had been earmarked for a regional function, it would have nullified
the negotiations with ESCOM, a move which would have antagonized these Nationalist-orientated municipalities.\textsuperscript{65}

The report stated that the regional provision of the foregoing functions would lead to the \textit{cost-effectiveness and efficiency of services} and that the area proposed formed a unit on account of its \textit{natural and geographical characteristics}. The area is surrounded by the ocean on the western and southern sides and a natural border is formed by the mountains on the east side. Because no clearly defined boundaries exist, it recommended that \textit{existing administrative boundaries} be retained in respect of divisional councils. Further reasons for their retention are that: they have the required administrative and other infrastructure, some functions are already being provided on a regional basis in divisional council areas, if other areas were to be used, it might cause fragmentation of services and the areas of jurisdiction of local authorities always fall within divisional councils' areas of jurisdiction. If existing boundaries are retained, there will be no overlapping and fragmentation of areas of jurisdiction.\textsuperscript{66}

The report regarded \textit{economic interdependency of residents in respect of residence, work, community recreation and predominant consumer spending} to be one of the most important criteria that had to be considered. It quoted a planning report which said that this factor was very important in the light of the RSC's function of working out the strategy for the future development of the Cape Metropolitan Region. If there was more than one RSC in the region, joint administrative structures would be needed to overcome problems of co-ordination. This would cause duplication of work,
unnecessary delays in decision-making and make co-ordination difficult to achieve. It pointed out that statistics showed that interdependency exists in the large region in respect of commuting, that integration exists between the urban and rural areas in respect of economic activity and that the larger region is an important spending locale of consumers in the whole area. Thus, the whole area formed an integral economic unit and the development of the region's economic interests might suffer if not served by one RSC. The backlog in providing services and infrastructure in certain areas in the region could lead to different demands being made on different RSCs and, hence, variation in levies. It would lead to reallocation of capital from one region to the other, with the accompanying financial consequences. Similarly, if some of the poorer peri-urban and rural areas were excluded from the RSC, it could lead to the widening of the development gap between them and the richer local authorities in the metropole.67

In respect of financial self-sufficiency with regard to services, the report argued that a RSC consisting of the Divisional Councils of Paarl and Stellenbosch would not be financially viable. Projected figures from the Department of Finance had estimated that 91% of the services levy and 89% of the establishment levy would be generated in the Divisional Council of the Cape area. The corresponding figures for Stellenbosch were 4% and 4% and for Paarl, 5% and 7%.68 It argued that the following population figures and subsidies paid in respect of health services, trunk roads and fire brigade and ambulance services also seemed to question the wisdom of creating two RSCs:
### POPULATION FIGURES

<table>
<thead>
<tr>
<th>Size of Area of Jurisdiction of Council</th>
<th>Percentage of Total Size of Council</th>
<th>Total Population in Area</th>
<th>Percentage of Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Divisional Council of the Cape</td>
<td>1 502 km²</td>
<td>1 594 087</td>
<td>77.51%</td>
</tr>
<tr>
<td>Divisional Council of Stellenbosch</td>
<td>842 km²</td>
<td>269 484</td>
<td>13.10%</td>
</tr>
<tr>
<td>Divisional Council of Paarl</td>
<td>1 668 km²</td>
<td>193 151</td>
<td>9.39%</td>
</tr>
<tr>
<td></td>
<td>4 012 km²</td>
<td>2 056 722</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

### SUBSIDIES PAID IN RESPECT OF HEALTH SERVICES, TRUNK ROADS AND FIRE BRIGADE AND AMBULANCE SERVICES

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percentage of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Divisional Council of the Cape</td>
<td>R59 624 518</td>
<td>79%</td>
</tr>
<tr>
<td>Divisional Council of Stellenbosch</td>
<td>8 560 525</td>
<td>12%</td>
</tr>
<tr>
<td>Divisional Council of Paarl</td>
<td>6 895 467</td>
<td>9%</td>
</tr>
</tbody>
</table>

It argued that the development potential is closely connected with the economic interdependence of the area. To corroborate these arguments the Provincial Secretary referred to the City Engineer's report on metropolitanisation. As predicted by certain councillors, the chickens had come home to roost. This
report was now being used as a justification of the government's political objectives. The introduction of a metropolitan body was going to be done in such a way that it would lead to the fragmentation of CCC's area of jurisdiction into ethnic local authorities.

6.11 ADMINISTRATOR'S SUBMISSION TO THE DEMARCATION BOARD

In a surprise move, the Administrator asked the Demarcation Board to advise him on the desirability of including the Divisional Council of Swartland in the Western Cape RSC. This was the area eventually advertised for objections and representations by the Demarcation Board. The latter body is allowed to delimit an area that is smaller than the area advertised but is not permitted to delimit an area greater in size. By advertising a large area, the Administrator could keep his options open before taking a final decision in this regard. However, the exact reasons for the inclusion of Swartland were not clear at this stage.

6.12 CCC'S SUBMISSION TO THE DEMARCATION BOARD

The CCC's submission to the Demarcation Board in February 1985 repeated many of the arguments submitted in their memorandum to the Administrator. However, it also included certain new evidence to substantiate its arguments for two RSCs in the region. It argued that if the objective of the RSC is to redistribute wealth, then it would be more logical to have a smaller RSC, otherwise available finance would have to be spread over a wider area. But the CCC added that "the redistribution of wealth is not a factor which should influence the size of the RSCs." Rather, factors such as
cost effectiveness and optimal use of scarce resources should be the prime objectives of the RSC.\textsuperscript{74}

It pointed out that if the Administrator's proposals were accepted, the size and population of the RSC would be as follows:

<table>
<thead>
<tr>
<th>Divisional Council of Jurisdiction</th>
<th>Size of Area (km\textsuperscript{2})</th>
<th>% of Total Area</th>
<th>Total Population</th>
<th>% of Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cape</td>
<td>1,502</td>
<td>10.23</td>
<td>1,594,087</td>
<td>71.13</td>
</tr>
<tr>
<td>Stellenbosch</td>
<td>0.842</td>
<td>5.73</td>
<td>269,484</td>
<td>12.02</td>
</tr>
<tr>
<td>Paarl</td>
<td>1.668</td>
<td>11.35</td>
<td>193,151</td>
<td>8.61</td>
</tr>
<tr>
<td>Swartland</td>
<td>10.681</td>
<td>72.69</td>
<td>184,857</td>
<td>8.24</td>
</tr>
<tr>
<td></td>
<td>14.693</td>
<td>100.00</td>
<td>2,241,579</td>
<td>100.00</td>
</tr>
</tbody>
</table>

Of salience here is that Cape Town, the main generator of regional tax income in the region, will bear the burden of upgrading the Swartland area, which comprised 10,681 km\textsuperscript{2} but only contained 8.24\% of the total population. The CCC argued that the wider the area the greater the costs of providing services, which could lead to diseconomies of scale.\textsuperscript{76}

The CCC's proposal included 34 local bodies and this would mean that there would be approximately 40-50 representatives, a suitable number for debating and decision-making purposes. The Administrator's proposal could lead to the total membership being more than 100. Such a body was unlikely to be effective in terms of decision-making.\textsuperscript{77} It objected to the inclusion of Atlantis, a decentralisation point. The town was subsidised to the tune of more than R200 million per annum. It was feared that the govern-
ment was trying to offload the costs of this expensive experiment onto the RSC. 78

It also evaluated the Provincial Secretary's proposals in the light of the criteria contained in Schedule 1 of the RSC Act. As far as the existence of a fairly homogenous community and an informed and knowledgeable electorate (CCC's emphasis of the criteria listed in Schedule 1 of the RSC Act) is concerned, it disagreed with the Provincial Secretary's proposal. It claimed that the fringes of Cape Town had developed as a rural agricultural area, while Cape Town and its neighbouring local authorities had developed into a financial/industrial/commercial urban area. Therefore, his proposed area could not be construed as a homogenous community. It disagreed that interdependency existed in the region in respect of commuting, pointing out that intra-regional movement is dominated by the CCC, which provides employment for some 80% of the economically active in the region. In all, 92.42% of workers residing in the CCC area of jurisdiction, work there. It also stated that with the development of Mitchell's Plain, a tremendous concentration of workers on the False Bay coast had occurred, with further expansion to come. This swing of development away from the northern suburbs towards False Bay affects the demarcation of an RSC area in respect of the economic interests of the inhabitants of the area. 79

Under community of interests between the residents, it argued that the cultural facilities named by the Provincial Secretary were largely funded by the CCC and dependent upon the existence of the patronage of the residents of GCT. Many other recreational

243
facilities in GCT were patronised by local people or tourists. Sporadic visits from residents of Paarl, Stellenbosch and Swartland did not make these facilities regional facilities. They disputed that the embodying of his report would lead to cost-effectiveness and efficiency in the rendering of services, because there had been no feasibility study into the costs of providing services. No factual evidence has been made available in this connection. It also disagreed that the Divisional Councils of the Cape, Paarl, Stellenbosch and Swartland, have natural and geographic characteristics. The important issue in this connection is whether the rendering of local authority services should proceed on the basis of a particular size of RSC. For example, distance and difficulty of access for services such as fire, traffic and sewerage add to costs. As far as existing administrative boundaries were concerned, they argued that the boundaries should be in accordance with the principle of devolution of power, namely with local community desires, and not in line with the objectives of a higher tier of government. Under financial self-sufficiency with regard to the rendering of services, it said that both CPA proposals seemed to indicate that Cape Town should subsidise the rural/fringe areas because they are not viable on their own. However, the majority of the disadvantaged population falls within the GCT region and for that reason considerable new expenditure would be needed to upgrade areas in this region. It was conservatively estimated that R22 692 000 would be needed to upgrade disadvantaged areas in GCT (this figure excludes the housing backlog). It argued that there would be social and political risks in diverting income away to the outlying areas.
The CCC argued that the development potential has two dimensions: firstly, a spatial aspect in the sense of sufficient land for future development. The second aspect is the possession or acquisition of sufficient resources in terms of money and skills in order to carry out any development needed. Both these factors have to be considered in determining developmental potential for the proposed RSC. If Cape Town is taxed to meet the needs of far-away towns, there would be no development potential, because the available funds would be so thinly-spread that no effective action could be undertaken. As an example they referred to the problem of housing. To eliminate the backlog of "coloured" housing only, would cost R1 277 250 000. Although housing is not a RSC function, the RSC would have to spend R63 750 000 on land and R450 000 000 on services for this housing. These figures exclude the African housing backlog and show that there will not be enough money to fund services in other areas.85

The report stated further that the introduction of the RSC could lead to financial losses for the CCC. If profit-making services such as water, which are used to subsidise the general rate account, are made regional functions, and the loss of business licensing, revenue and the new taxes that have to be paid are taken into account, the CCC may have no option but to increase its rates.86 Further, the regional functions represent virtually all the activities of medium to large local authorities. If local authorities are deprived of all these functions or even if they operate these services on an agency basis, they will be virtually emasculated because they have no plenary powers in this regard.87
Certain RSC functions, viz. land transport planning, roads, passenger transport services, ambulance services, fire services, health services, libraries, museums, recreational services and environmental conservation, are all subsidised by the government and provincial administrations. The report expressed concern over whether the existing subsidies were going to continue, or whether these services would have to be funded out of new regional taxes. If the RSC is expected to meet the full costs of government subsidies, it will detract from the ability to fund capital expenditure. Further, apart from passenger transport services and transport planning, the subsidies received by local authorities are only part payment for deficits on services. The remainder has to be met out of rates. If all government subsidies are to be dropped, the total costs of these services must be met by the RSCs from the new taxes. According to the combined 1984/5 budgets of the CCC and CDC, government subsidies for services in respect of ambulances, fire services, health, libraries, nature reserves, resorts, transport planning and proclaimed and special roads amounted to approximately R45 million. The amount paid for rates in respect of these services was about R31 million. If the RSC took over these services, it would have to find R76 million to finance these functions, R31 million more than the existing level of government subsidies. In addition, the complete transfer of the five services the Provincial Secretary recommended should go to the RSC in the first phase, would mean that it would be involved in net expenditure of R50 561 868. The transfer of subsidies, the transfer of these services and the provision of land and services for housing could involve the RSC in expenditure amounting to
R640 319 833, an amount which excludes the subsidy of passenger transport services.\textsuperscript{88}

As far as the specific functions recommended by the Provincial Secretary are concerned, it suggested that should the smaller area be accepted, this RSC and the neighbouring RSC should enter into an agreement in terms of which CCC could continue to provide bulk supply of water to local bodies on an agency basis. It had no objection to ambulance services being transferred to the RSC, provided that it was reimbursed the R1,3 million deficit owed to it by the CPA. The report disagreed that fragmentation of fire services leads to duplication and unnecessary expenditure. Fire services are structured to operate within defined zones of limited size. The size and definition of a zone is linked to the fire risks within the area concerned. Fire services' responses have to be rapid and relatively local. Regional services couldn't cater for this. Nevertheless, a regional body can play a limited role in ensuring the optimal location of fire stations as well as mutual aid agreements between local authorities.\textsuperscript{89}

The CCC accepted that the RSC would provide health services on a co-ordinative basis to a certain extent. However, they disagreed that a centralised body would reduce costs. The report argued that the costs of co-ordination are likely to be high and there remains the costs of upgrading services in disadvantaged areas. The taking over of primary health care facilities by the RSC would be an abridgement of local autonomy. Local authorities should be left with jurisdiction over local health care services. Finally they pointed to contradictions between the RSC Act, which
refers to health as a potential RSC function, and the Constitution which refers to health as an "own affair".90

The report stated that both land use and transport planning should be operated on an area basis, but the former should be broad in concept, leaving local bodies to fill in the detail. Conversely, transport planning must of necessity be detailed in nature. It recommended that METPLAN remains in existence and that all RSCs in the Planning Region 39 (created in terms of the National Physical Development Plan) plus local bodies, be represented thereon. In respect of transport planning, it was recommended that all the RSCs in Planning Region 39 form a joint committee similar to METPLAN and that CCC continue to operate the transport planning unit on an agency basis.91

6.13 CCC'S SUBMISSION TO THE ADMINISTRATOR ON EXCLUSION OF CBDs AND INDUSTRIAL AREAS

Because there was a lack of clarity on what exactly the delimitation of CBDs and Industrial areas for the purpose of exclusion of voting in terms of the RSC Act comprised, local authorities were asked by the Administrator to submit proposals for delimitation of these areas. Besides repeating its objection to these exclusions, the CCC argued that in terms of the Act the only CBD was that of Cape Town, all other business areas being no more than suburban or local shopping areas. It argued that industrial areas of over 20 ha developed land should be excluded in terms of the Act, industrial areas of over 20 ha but which have less than 20 ha developed should not be excluded, and industrial areas of less
than 20 ha developed land should not be excluded. Apparently the Director of Local Government, J. Walters, who is alleged to have an antipathy towards the liberal CCC, was toying with the possibility of delimiting shopping areas in the CCC area of jurisdiction, such as Claremont, as CBDs while excluding the Voortrekker Road complex which runs through a number of Nationalist municipalities to the north of the city, a move which would dilute CCC influence even further on the RSC. The CCC's submission was an attempt to prevent this happening.

At its April 1986 meeting the CCC voted 20-7 to collect establishment and services levy for the RSC for the Cape Metropolitan region, if asked. Those in favour argued that the CCC should take a pro-active stance towards the RSC and attempt to guide its destiny. Those against said by undertaking this task, it would give respectability to the RSC and damage the CCC's reputation.

In March 1986 the CCC issued a brochure on its attitude to the RSC and subsequently held public symposia to express its viewpoint in this regard. The brochure and symposia largely summarised previous policy statements and submissions. It did, however, provide further statistical data on the effects of the RSC on the CCC. The CCC would lose R3 million as a result of the immediate introduction of the RSC. The loss of trade licences would be R1,6 million. However, businesses would still have to be licensed for health and planning reasons. This would cost an extra R900 000. The regional services levy at 0,25c of the payroll would cost the city R0,5 million. It also pointed out that bulk supply of water is supplied at cost by the CCC and that there is nothing to stop
the RSC from increasing the rate of this service in order to make a profit. 96

6.14 DEMARCATION BOARD HEARING

The Demarcation Board held four meetings in the Western Cape. There was one meeting in each of the four Divisional Councils areas proposed by the Administrator for inclusion in the Western Cape RSC. The Demarcation Board for the Cape Divisional Council area was held in Bellville in May 1986. The Director of Local Government in the CPA submission noted that the Administrator had backed off from his proposed inclusion of Swartland and left this issue for the Demarcation Board to decide. He explained that Swartland had been included at the prompting of the City Tramways and Malmesbury Chamber of Commerce. City Tramways ran a substantial bus service in the Swartland, mainly concentrated around the Malmesbury region. The City Tramways expressed concern that if all government subsidies were to be phased out (the Director in fact indicated that this was likely) and Swartland was going to be excluded from the RSC region, it would suffer financially because it would not receive any of the RSC subsidies. Malmesbury Chamber of Commerce expressed similar sentiments. 97

A further reason for the Administrator’s proposals was that although the majority of municipalities in the Swartland did not wish to be included in the Cape RSC, it was not possible to hive off Malmesbury from the rest of the Swartland. It would be impracticable to take the economically strongest unit of this Divisional Council and leave the weaker areas to fend for them-
selves. Such areas would lose a considerable amount of income if such a step was carried out.\textsuperscript{98}

In addition to its formal submission, the CCC pointed out that there are two concepts of regionalism. One concept is "metro/regionalism" and is associated with the joint supply of services to the city and the surrounding hinterland. The other is a planning concept and is associated with the development potential of different regions. The thrust of local government had thus far been in the first sense. However, the inclusion of Swartland, almost exclusively a rural area, seemed to signify a shift towards the second meaning, viz. a move towards regional administration based on the eight development regions. The CCC argued that it would defeat the whole purpose of joint provision of services if these two concepts were confused and used interchangeably. For this reason, it was also felt that Atlantis should be excluded. The latter did not reflect the first type of regionalism, but rather was part of the government's national development physical planning strategy.\textsuperscript{99}

The CCC also claimed that during 1985 and 1986 there had been a rapid influx of Africans into the Greater Cape Town area and it is conservatively estimated that there are 500 000 Africans living in the region. This figure exceeds the forecast of a few years ago of what the African population in the region would be at the turn of the century. To give priority to Section 12(b) of the RSC Act, land, services and housing for these Africans have to be taken into account. This backlog, added to the shortage of land,
services and housing that exist in "coloured" areas could involve the RSC making a one-off payment of approximately R713 million per annum. Further, there would be recurring payments of R150 million per annum for interest and redemption payments and R60 million for services and land needed for natural growth. This alone is likely to stretch the finances of the RSCs to the limit. If a wider RSC area was demarcated, an even greater influx of capital would be needed.100

6.15 CCC'S LOCAL OPTION

Besides its objection to the RSCs on "technical" grounds, the majority of councillors felt that they were doomed to failure because they were predicated on unrepresentative ethnic local bodies. Accordingly, in an attempt to thwart the introduction of the RSC in the Western Cape, the CCC opened up initiatives on a number of fronts. In May 1985 Councillor J. Kantey proposed a motion calling on Exco to consider approaching neighbouring local authorities and civic organisations to investigate the possibility of setting up a commission on local government in the Cape Peninsula along the lines of the Buthelezi Commission in Natal. She was authorised by Exco to examine the possibility of setting up such a regionally determined option.101

At an informal meeting consisting of certain councillors and academics held in July 1985 it was decided that a commission should be set up to generate ideas about alternative government systems for Cape Town. This should be done by consulting a wide range of interested groups. It was felt that the commission should be
established under the auspices of a neutral public body with credibility, such as the CCC, and that its proposals should be directed towards the community of Cape Town rather than the government. All local organisations and groups with standing should be represented on the commission. It was decided that a high-powered delegation including businessmen, should go to Exco in an attempt to persuade them to initiate such a commission. 102

CCC then opened up another, unrelated, initiative. As a result of the unrest and police brutality that erupted in the city in the second part of 1985, the outgoing Mayor S. Kreiner called an extraordinary meeting on his last day in office to discuss the situation. As a result of this "A Call for Dialogue" campaign was embarked upon, whereby the Mayor and chairman of Exco were directed to invite the views of civics and other organised community groups on the system of local government which is most appropriate for metropolitan Cape Town, the Municipal Franchise, the proposed establishment of a RSC in the Peninsula and matters associated with the unrest. Their intention was to submit these responses to the Administrator. 103 Advertisements were placed in the local newspapers 104 and circulars were sent to organisations and individuals. This was known as the Mayor's Initiative, intended to be along the lines of a high-profile commission of inquiry. After a somewhat disappointing initial response, it was announced in November 1985 in an interim report, that 50 organisations and individuals had responded to this call for dialogue. 105

253
However, the new Mayor, L. Markowitz, who had taken over the initiative, did not endear himself to extra-parliamentary movements when he declined an invitation to speak at a mass protest movement against the state of emergency in late 1985, saying it would not be appropriate in view of the Council's proposed peace initiative and its dialogue with groups and individuals on the situation in Cape Town. The meeting was subsequently banned and a spokesman for one of the organisations said the unfortunate remarks by the Mayor and the City Administrator (who also made some insensitive remarks) contributed to the banning, adding that the CCC should be more responsive to the feelings of the population of Cape Town if it wished to put a peace initiative together.¹⁰⁶

Meanwhile, as a result of Kantey's preliminary investigations, Councillor Keegan at the October 1985 submitted a motion that the Constitutional Committee should convene a Cape Metropolitan Peace Conference "to draw up a manifesto for non-racial democratic local government" in an attempt to halt "escalating violence and the alarming deterioration of race relations" in the region. It involved inviting all sections of the community to meet with the Council with the aim of finding solutions to the crisis. This motion was adopted by 27 votes to 1.¹⁰⁷ It was subsequently reported that Professor L. Schlemmer of the University of Natal had met the Constitutional Committee in this regard. He had been chairman of the Buthelezi Commission and it was felt his experience in this regard could be drawn upon.¹⁰⁸ In December 1985 it was revealed that the Constitutional Committee had enlisted the help of two University of Cape Town academics, H.W. van der Merwe and H.
Giliomee, to convene the peace conference. After these discussions the committee reported that the major obstacle to the conference would be the question of "disparate sides coming together" and this would mean a "great deal of preparation".

It was revealed that Council had given the committee approval to establish a secretariat for the peace initiative, expand its membership by appointing councillors and co-opting special advisers and investigate ways of raising funds to finance the initiative. In contrast to the Mayor's endeavour, this initiative tended to be more low profile, with the Constitutional Committee being prepared to participate in patient negotiating behind the scenes in order to reach its objective of weaning disparate groupings into such a peace conference.

The other initiative adopted by the CCC involving reaching a modus vivendi with its Management Committees. Faced with the prospect of the disappearance of its power-base, the CCC almost as a last resort turned to these bodies. A motion drawn up by E. Stott and submitted to and passed by Exco called for a joint deputation of CCC and Management Committees (subject to their concurrence) to approach the Administrator in an attempt to persuade him to allow all citizens who were eligible in terms of Local Government Bodies Franchise Act of 1984 to vote for, and be elected to, the CCC. However Management Committees, still smarting from the CCC's chicanery in implementing the interim measures to improve communication, were rather cautious in responding to this venture. Wynberg Management Committee said that while it approved the idea of direct representation, the
motion of the CCC was unacceptable as it excluded the African population from its terms of reference. Further, it disagreed with the multiple franchise aspect of the Act, saying it believed that the vote should be extended to all persons, irrespective of race or colour, over 18 years of age. Athlone also opposed the exclusion of Africans and said the creation of wards on property valuation was not acceptable. Kensington, while in favour of the motion, also stressed that Africans must form part of the arrangement. 111

Despite the somewhat lukewarm response by the Management Committees, this issue was quite significant in that it was the first time the CCC had involved Management Committees in its constitutional initiatives, indicating a slight thaw of relations. However the Administrator, realising that a thaw in CCC/Management Committee relations could possibly lead to some alliance which might prove a serious impediment to the government's plans to create separate ethnic local structures in the region, wrote a letter to Athlone Management Committee saying that their request for plenary powers was being investigated 112 and that:

I am fully aware of the problems confronting the Management Committees in the Cape Town Municipal area and my administration will do everything in its power to address them. 113

A letter was also sent by the Administrator to the CCC turning down their request for this joint deputation. He said such a request was futile because it was contrary to government policy and that the RSC was already a fait accompli. He stated that he had already initiated the first round of discussions with Management Committees to discuss local grievances. This must be seen as a
clear attempt by the Administrator to prevent any form of rapprochement between the CCC and Management Committees. At the CCC's February 1986 meeting Councillor Keegan submitted a motion calling on the council to boycott the establishment of the RSC for the Cape Town metropole until such time as the state and provincial authorities recognized the right of all Cape Town's citizens to play an equal role in a non-racial and democratic system of local government. This motion was heavily defeated by 27 votes to 3. Instead, the council adopted a motion calling on the Administrator to defer the implementation of an RSC in the Western Cape until such time as a local option alternative had been fully investigated. The original motion must to a certain extent be seen as posture because if the CCC boycotted the RSC the Administrator could, in terms of the Act, simply expropriate CCC services and property which had been earmarked for RSC functions, without compensation.

At the CPMA Congress in April 1986, the Administrator put a damper on CCC attempts to pursue its local option by saying that the new constitution was a fait accompli and it was futile to debate alternatives. At this congress the CCC fought single-handed against the RSC's. Despite its opposition a motion was passed accepting the RSCs as a starting point for evolutionary reform.

In July 1986 the Mayor's "A Call for Dialogue" report was released. It was announced that there was "virtually unanimous support" among civic and other associations for its stance on an apartheid-free local option for the city. The names of organ-
ations/individuals who submitted information were kept confidential. Virtually everyone who submitted evidence called for a common voters' roll to be introduced in the Peninsula. The establishment of a CCC open to all races which included the African areas of Langa, Nyanga, Guguletu, New Crossroads and Khayelitsha, was a popular demand. The report stated that if the government would not consent to an open council, serious attention should be given to the creation of an informal council consisting of members of all races who are elected on a common voters' roll through an election financed by commerce and industry. This informal body would debate and make decisions on all matters affecting the city and the official CCC would give effect to these decisions. 117

The publication of this report was delayed for some months because of opposition from both Right and Left within the CCC. The unpublished draft conveyed the impression that the council blamed last year's unrest *inter alia* on intimidation from outside influences and police excesses, reasons which were rejected by the Left and Right respectively. The end result was that the report was amended to show that these reasons were part of the evidence submitted to the CCC and not necessarily Council's views. 118

Meanwhile the Constitutional Committee was patiently devising the CCC's strategy for the metropolitan peace conference behind the scenes. It was eventually announced in June 1986 that the erstwhile leader of the PFP Dr F. van Zyl Slabbert had been offered the position of facilitator to promote the aims of such a conference. Town Clerk S. Evans said that:

The facilitator will meet people from all walks of life on a one-to-one basis and endeavour to persuade
groups to come together with the ultimate object of
drawing up a manifesto for non-racial democratic
local government. 119

Further, such a facilitator would not represent the views of
the council but would act according to his own initiative within
the mandate given to him. His manifesto would be submitted to the
government of the day as the basis for a future local government in
the region. 120 Slabbert subsequently accepted the offer. 121

6.16 EVALUATION OF CCC’S STRATEGY

The CCC has adopted a pro-active approach to the many
government commissions on local government as well as to the new
local government legislation, using every opportunity to elucidate
its policy. It has made representations to the CPMA, UME, the
Cabinet, the President’s Council, various Working Groups and the
Demarcation Board. Nevertheless, CCC influence on government
policy is minimal. They may have occasionally managed to get the
government to change its mind on some technical detail of local
government, but they have had very little influence on macro
policy. Ironically enough, the only CCC document that seems to
have had any real influence with the government is the much
maligned City Engineer’s Report, which is being used by the CPA to
justify the government’s political objectives.

The CCC has been consistently opposed to the creation of any
form of metropolitan structure. This in itself is hardly
surprising. As Magnusson points out:

Everywhere there has been strong petit-bourgeois
opposition to the consolidation of traditional
municipalities, since local elites depend on them
for many of their social, economic and political
advantages. 122

259
What are the specific reasons for the CCC's opposition to the RSC? Firstly, the CCC is the most prominent local authority in the region. Under the new scheme of things, it is likely to be inferior to and subservient to the RSC, which will be the hub of the region. The CCC is likely to shrink in both power and prestige. This alone elicits strong councillor opposition. Secondly, as pointed out in Chapter III, business interests have had a certain amount of influence on CCC policy. However, it is not guaranteed that they will enjoy similar influence on an RSC spanning a wide geographical area and which is under close governmental control. Thirdly, bureaucrats have compiled most of the data substantiating CCC's opposition to the RSC. While not disputing many of their cogent arguments, bureaucrats are not generally known for recommending the diminution of their own influence. A number of empires are set to be broken up if the RSC takes over CCC functions.

Fourthly, part of its opposition to metropolitanisation generally and the RSC specifically is that the government has always presented it in a form predicated on separate ethnic local authorities. Besides the CCC's rejection of apartheid structures as a matter of principle, it is concerned that the RSCs are likely to be foci of resistance because of their racial underpinning. The first installment of "own affairs" in the form of education in 1985 saw school boycotts in protest against Labour Party authority, which subsequently escalated into riots. The CCC expressed disquiet that the introduction of the RSCs, underpinned as they were by unrepresentative Management Committees and Community Councils
lors, could result in a similar scenario. Tourism, the lifeblood of the Western Cape, suffered severely as a result of the unrest. Perhaps it is no coincidence that the mover of the motion calling for a metropolitan peace conference is also deputy chairman of FEDHASA, an industry which is on the brink of a cataclysmic financial collapse as a result of the tourist void.\textsuperscript{123}

Fifthly, it is concerned about the direct economic effects of the RSC on Cape Town's economy. With the exception of Port Elizabeth, Cape Town is the most economically stagnant major centre in the country.\textsuperscript{124} They feel that the government's shifting of its subsidies (in particular, transport) to self-financing RSCs, the likelihood that RSC services are going to be more expensive and the fact that CCC may have to charge higher rates to compensate for the loss of profit-making services to the RSC, are all factors likely to undermine future economic growth in the region. Sixthly, the CCC is opposed to the exclusion of CBDs and Industrial Areas from the RSC for voting purposes. This objection is in accordance with its historical plutocratic attitude to the franchise. Seventhly, the CCC is justifiably concerned that the CPA is going to use the opportunity afforded to it by the restructuring to emasculate the CCC institutionally. There are certain elements within the CPA who are relishing the opportunity to settle old scores with the CCC.\textsuperscript{125} There is no guarantee they will succeed. The nobbling of the CCC is not the issue that has to be considered when establishing the RSC. Finally, CCC's opposition to local government restructuring is based not only on opposition to the RSCs, but also on the fact that this legislation is curtailing the autonomy of PLAs in general.
However, CCC's anti-metropolitanisation stance has over-shadowed the real need for a metropolitan body. Although the City Engineer's Report failed to take cognizance of certain political realities, it still made pertinent arguments in favour of metropolitanisation. The controversy surrounding the report was in effect used as an excuse to jettison the concept of metropolitanisation in toto.

Once having realised that the RSC was a fait accompli, the CCC tried to minimize its impact on its empire. The "core city" approach was felt to be the form of metropolitanisation which would have had the least disruption of its activities. However, this alternative was rejected by the City Engineer in his report on the grounds that:

this is essentially a device which has its roots in historical circumstances no longer applicable if a complete rationalisation of the services system is to be achieved. The device has grown over the years in order to overcome the lack of unity and coherence in the government of the metropolitan region of GCT. It has been an attempt to gain some of the advantages of metropolitan services provision, but it is an expedient only.

Further, the CCC in its submission to the RSC's select committee indicated its core city model is based on mutual agreement among local authorities on what should constitute regional services. The City Engineer's Report suggests that GCT experience and evidence in most metropolitan areas elsewhere shows that voluntary arrangements only work when all three of the following factors are simultaneously present:

262
1. short- to medium-term benefits can be expressed quantitatively and are evident to all parties;  
2. the arrangement results in no significant loss of independence, at least within the local authority's area of jurisdiction;  
3. there is not much argument about the standard of provision. Conversely, voluntary arrangements do not work when any one of the following factors is missing:  
4. when the short- to medium-term benefits are evident, but their exploitation would involve a significant loss of independence;  
5. where there are no apparent internal benefits even if territorial independence is preserved;  
6. where some local authorities have in the past made little or no contribution to services which their residents use and see no reason why they should now begin to make a contribution;  
7. where there is plenty of scope for argument about the standard of provision.  

However, the right mix of variables needed for voluntary arrangements to work effectively in the Western Cape is not present. Owing to the existence of both developed and developing communities there is not likely to be consensus about the standard of service provision. Further, local authorities who have escaped the costs of providing regional services such as housing are unlikely to acquiesce voluntarily to contributing to their future provision. Finally, the limits of voluntary agreement have already been reached under the present form of fragmented local
government. The facts that, firstly, no short-term benefits of voluntary agreements in respect of a number of services are readily evident and secondly, local authorities are reluctant to give up any of their autonomy, have largely contributed to the problems of fragmented local government in the first place. Only a metropolitan body with plenary powers over local authorities in respect of certain functions can organise effective co-operative action.

The CCC has recommended a smaller RSC area than the CPA. Although cogent economics of scale arguments can be made for both the smaller and larger RSC, it appears that political reasons are the prime motivator behind the CCC proposal. If a metropolitan body is to be introduced, the CCC wants to make sure that it will still have some type of influence on it. Obviously, the smaller the RSC the greater the likelihood of it influencing the body.

Further, it has adopted a pragmatic approach in that it has tried to control the destiny of the RSC in the Western Cape. However, this involved walking a fairly narrow tightrope. To become too closely associated with the implementation of the RSC would have resulted in the Council being stigmatized by the very extra-parliamentary movements it was trying to woo.

The CCC's plan to initiate a local option model must be seen as an attempt to prevent the introduction of the new local government system not only on the basis of its ethnic underpinning, but also on the grounds that the system will lead to a loss of its power and prestige. Because the CCC's local option model is still in the formulation stage, its content has not yet been worked out. Nevertheless certain salient points can still be made in this
regard. Part of CCC's call for a local option is based on the belief that Cape Town has certain unique circumstances. Although a case could probably be made for a local option in all the metropolitan regions in the country, it is nevertheless true to say that Cape Town has certain *sui generis* conditions. "Coloureds", who are culturally and socially more embedded in the values of the whites than the other ethnic groups, comprise the majority of the population. Cape Town has a historical background of participation at both central and local level by all its population on a common voters roll. Arguably, these factors have led to the Cape having a more tolerant attitude in the sphere of race relations (although the unrest in the city in late 1985 has soured this to a certain extent). This in turn means the chances of a local option model succeeding are greater in Cape Town than elsewhere in the country. Under such an arrangement the City to a large extent would be able to control its own destiny. It could make allowance for local standards instead of being bound by inflexible national standards.

However, this local option model is also beset with problems. Firstly, despite claims in the Mayor's "A Call for Dialogue" that almost all groups canvassed supported a local option, it is well-known that the regional executives of major extra-parliamentary groups such as UDF and Azapo did not give evidence (although individual civics affiliated to these organizations may have done so). Besides the fact that such groups are opposed in principle to being excluded from such initiatives at the formulation stage, investigations have shown that most of these extra-parliamentary
organisations are opposed to working out regional/local solutions until such time as the question of political power at national level has been settled. In fact one of the prime demands of one of the major civic organisations in the region, CAHAC, viz. that central government should take responsibility for housing, appears to run counter to the tenets of the local option. They have accused local authorities of doing entirely as they please, pointing to the differences in applying the rent formulae and service charges.

There are also certain practical barriers to the implementation of a local option in the region. The conservative northern municipalities are hardly likely to acquiesce to a system where they can be outvoted by people of other statutorily defined groups. However, even if a local option model encompassing a smaller area of jurisdiction gets off the ground, what becomes of these municipalities? Is a RSC going to be established in the northern municipalities largely comprising semi-urban and rural areas, while a non-metropolitan local option model exists in the urbanised Cape Town core in the same metropolitan region? The whole scenario seems highly impractical.

A further obstacle is that although the detail has not been worked out, any democratically arrived-at local option in the Western Cape would certainly show rejection of apartheid structures. However, legislation such as the Population Registration Act and the Group Areas Act appear to be indispensable conditions of both the tricameral and new local government system. The President's Council's Constitutional Committee's report on the
Group Areas Act is likely to recommend that councils be given the local option to decide whether to open their residential areas to all ethnic groups. This form of local option is much less wide-ranging than the form pushed for by the CCC and Kwa-Zulu/NPA, which would involve sweeping constitutional changes. Whether the government is prepared to accept such recommendations at this stage is open to question. Certain inconsistencies still have to be ironed out. The tricameral and new local government system would have to be substantially amended before this form of local option could be introduced.

In any event the chances of the broader local option being permitted by the government is less likely at this stage. It runs counter to the centralising tendencies of local government powers that have been occurring in the last three years. The CCC have already been rebuffed on more than one occasion in this regard. Why have they persisted? Their strategy must be seen as an attempt to get overwhelming backing for a local initiative and then use it as evidence in their efforts to persuade the government to allow them to implement this local option. Yet, although the chances of such an option being allowed are improbable, they can’t be ruled out completely. As the state sinks deeper into a political and economic morass it may be tempted to acquiesce to a local option throughout the country, then again not necessarily in the liberal form mooted by the CCC.

Another salient point is that if the government at some stage in the future allows the CCC to introduce a local option it will find it difficult to justify turning down demands from other areas.
for similar local endeavours. This could lead to the perpetration of municipal apartheid in certain areas. Conservative-controlled local authorities are hardly likely to satisfy black aspirations at local level if left to their own devices. There is nothing inherently progressive about local option models.

Finally, CCC's 'historical middle-class attitude to universal suffrage is still reflected in its policy on the municipal franchise in terms of which only occupiers and owners are eligible to vote. This is a form of qualified franchise excluding a number of potential voters. Similarly, the suggestion that the CCC and Management Committees agree to meet the Administrator was within the parameters of the multiple vote system of the Local Government Bodies Franchise Act. Even the Co-ordinating Council rejected qualified/multiple franchise systems, pointing out that in most western countries the franchise is attached to the person rather than being associated with property rights. Further, although CCC does have greater credibility than the government in townships, they have overestimated the extent of it. To suggest that black voters would be willing to serve on an informal body which has no binding power and is subject to veto by the whites-only City Council smacks of paternalism and will almost certainly be rejected.

CCC's attitude to the franchise encapsulates the dilemma in which it finds itself. In a truly democratic elected CCC, white councillors will find themselves in a minority and the CCC is likely to articulate policies substantially different from those which have traditionally emanated from City Hall. Because of
this, CCC councillors, no matter how liberal they are, have not yet abandoned middle-class safety valves such as the qualified franchise, and are not likely to do so in the future.
NOTES

1. See Chapter III.


4. The Schlebusch Commission of Enquiry on the Constitution is unrelated to the previous Schlebusch Commission which investigated the functioning of Management Committees.


6. See Chapter III for the reasons for this.


8. CCC, City Engineer's Department, op. cit, p. (i).

9. See Chapter III.

10. The GCT region in this report is taken as the areas comprising the Divisional Councils of the Cape, Stellenbosch and Paarl.

11. CCC, City Engineer's Department, op. cit, pp. 764-772.

15. Ibid, p. 763.
17. Ibid, pp. 760, 763.
22. Ibid, p. 763.
27. Interview with CCC councillor.
28. Cape Times, 1/7/1981.
30. Argus, 31/7/1981.
32. CCC, Memorandum presented by the Council of the City of Cape Town to the President's Council, Cape Town, August 1981, pp. 6-10.
33. Ibid, p. 11.
34. CCC, Interim Report of the Ad Hoc Committee appointed to study the Proposals of the President’s Council insofar as they affect Local Government in Cape Town, Cape Town, September 1982, pp. 4-5.


36. Ibid, pp. 5-16.

37. CCC, City Engineer’s Department, op. cit., p. (iii).

38. This was illustrated in Chapter III.


42. Argus, 2/5/1984.


44. CCC Executive Committee, Regional Services Councils Bill and Related Matters, Cape Town, 6/12/1984.

45. CCC, Memorandum from the Cape Town City Council to the Standing Committee on the Constitution dealing with the Regional Services Council Bill, Cape Town, January 1985, p. 5 and Appendix 2, p. 1.

46. Ibid, pp. 6-17.

47. CCC Executive Committee Minutes, Municipal Development Boards, Cape Town, 20/12/1984, Item FQ.6.
48. CCC, City Treasurer's Department, Margo Commission of Enquiry and proposed new Regional Taxes, Cape Town, 14/1/1985.


50. CCC Executive Committee Minutes, Margo Commission, Cape Town, 26/3/1983, Item F.1.

51. CCC Council Minutes, Proposed Regional Services Council for the Cape Peninsula and Adjoining Areas, Cape Town, 10/7/1985, Item F.27.

52. CCC, Memorandum from the Cape Town City Council to His Honour the Administrator on the Institution of a Regional Services Council for the Cape Peninsula and Adjoining Areas, Cape Town, September 1981, pp. 4-5. See Annexure F for a map of the proposed area. It must be pointed out that this GCT area encompasses a much smaller area than the City Engineer's GCT region which consisted of the Divisional Councils of the Cape, Stellenbosch and Paarl.

53. Ibid, pp. 5-6.


57. CCC, Memorandum from the Cape Town City Council to His Honour the Administrator on the Institution of a Regional Services Council for the Cape Peninsula and Adjoining Areas, op. cit., p. 8.

60. **Interview with senior CCC official.**


62. CPA, Memorandum in regard to the Demarcation of a Regional Services Council for the Cape Metropolitan Region, Cape Town, December 1985, pp. 1-2. See Annexure C for a map of the proposed area.

63. Ibid, pp. 7-9.

64. Ibid, pp. 9-12.

65. **Interview with senior CCC official.**

66. CPA, op. cit, pp. 13-14.


68. Ibid, pp. 18-19.


70. Ibid, p. 19.

71. Ibid, pp. 21-22.


73. As will be discussed later in the chapter, these reasons were ultimately revealed.

74. CCC, Memorandum from the Cape Town City Council to the Demarcation Board on Local Government on the Demarcation of a Regional Services Council for Greater Cape Town, Cape Town, February 1986, p. 4.

75. Ibid, p. 7.

76. Ibid, p. 7.

77. Ibid, pp. 7-8.
78. Ibid, pp. 8-9.
79. Ibid, pp. 11-12.
81. Ibid, p. 16.
82. Ibid, p. 17.
83. Ibid, p. 17.
84. Ibid, pp. 18-19.
87. Ibid, p. 27.
89. Ibid, pp. 31-33.
90. Ibid, pp. 24-40.
91. Ibid, p. 40. See Annexure H for a map of Planning Region 39.
92. CCC, Memorandum from the Cape Town City Council to His Honour The Administrator on the Delimitation of Industrial and Central Business Areas for the Purpose of Exclusion from the Calculation of Voting Rights to a Regional Services Council, Cape Town, February 1986, pp. 1-9.
93. Interview with senior CCC official.
94. Ibid.
97. The Director of Local Government's verbal submission to the Demarcation Board, Bellville, 12/5/1986.

98. Ibid.

99. CCC's verbal submission to the Demarcation Board, Bellville, 12/5/1986. This is possibly further evidence in the direction of regional government.

100. Ibid.


104. See Annexure I.


111. CCC Executive Committee Minutes, Municipal Franchise, Cape Town, 1/11/1985, Item F5.

112. See Chapter IV.


114. CCC Executive Committee Minutes, Request from CCC to Administrator for interview of delegation of CCC and Management Committees, Cape Town, 15/1/1986.


118. Interview with senior CCC official and CCC councillor.


120. Ibid. and Cape Times 28/6/1986.

121. Personal communication.


125. Interview with senior CCC official.

126. CCC, City Engineer's Report, op. cit., p. 18.


128. Investigations by the Urban Foundation have shown this.


CHAPTER VII
CONCLUSION

7.1 ASSESSMENT OF CCC'S POLICY

The first salient point about the nature of the policies of the CCC is that tight governmental control over local authorities has ensured that the CCC has had a rather limited basis from which to put its policies into practice. Both national and provincial government legislation have affected local authorities' autonomy in general. In addition, the CCC has generally had a rather stormy relationship with its supervisory body, the CPA, which has introduced legislation restricting its autonomy. The CPA, being Nationalist-controlled, has often regarded CCC's anti-apartheid policies as attempts to undermine the government and has acted to counter this. For example, the CPA can overturn democratically taken CCC decisions without motivation, and has appointed the chairman of the MSC who is changing the staff complexion of the CCC. Perhaps the CCC has been guilty of promoting its image as a liberal body without regard to the various constraints under which it operates. When it has failed to produce the goods it has in turn been accused of being hypocritical.

The second point is whether the CCC's liberal image is a cloak under which more selfish interests are pursued. Management Committees have no doubt in this regard. They argue that the CCC's rigid Day of Vow prevents them from having any representation on standing committees. This in turn means they have no say in the allocation of funds to their areas, which are often neglected. Civics have also been very dubious about the motives of the CCC,
often accusing it of spending money on grandiose projects while ignoring basic priorities in "coloured" areas. When civics have forced concessions from the CCC, it has been mainly due to popular struggles and not CCC altruism. Both Management Committees and civics accuse the CCC of passing liberal sounding motions in council chambers which are only symbolic in nature. However, when it comes to issues which have more tangible effects, such as the allocation of funds, CCC's deeds sometimes fail to match its rhetoric. Its own union, the CTMWA, accuses the CCC of paying its workers wages below the Poverty Datum Line. Further, despite CCC's calls for direct representation of "coloureds" in the CCC on moral grounds, it must be remembered that only a fraction of "coloureds" were on the voters' roll before disenfranchisement, due to the qualified franchise system (still enthusiastically supported by the CCC) and political gerrymandering by the Council to keep them off the roll.

The CCC would retort to the accusations regarding the allocation of funds that their expenditure in "coloured" areas exceeds the income derived from such sources. However, such a superficial analysis of local government expenditure does not take into account that "coloureds" have contributed to the wealth of the city in their capacities as workers and consumers.

Although the CCC's record when it comes to the allocation of funds to "coloured" areas has not been particularly commendable, it would be unfair to impute this liberal image solely as a facade for selfish and materialist interests. Its policy has at times reflected a certain measure of altruism which is independent of any
ulterior motives. Yet even this is compounded by the fact that because in effect only whites can vote for the CCC, it is this white constituency for which councillors will cater in the last instance. As long as "coloureds" are denied meaningful municipal participation they have no effective conduit through which their demands can be translated into policy.

The third point is that the structure of the CCC prevents closer scrutiny of its policy. Exco, who has a great deal of power vested in it, can make decisions behind closed doors. CCC has carte blanche to resolve itself into closed committee sessions. If more of the deliberations and motivations behind decisions were made public, the possibility exists that the CCC would be forced into a position whereby it would have to allocate its funds more equitably, or the ambivalence of its liberal image would be fully exposed.

Fourthly, the councillors are drawn from a narrow base of largely wealthy citizens. This throws doubts on their representativeness. Nevertheless, CCC policy has not always derived deductively from these class interests. There has been tension between the CCC and major business organizations in the city, indicating that the interests of local capitalists are not paramount when it comes to council policy. However, because of the right of appeal that exists whereby the CPA can overturn CCC decisions, it is possible that much corporate influence is directed at the former body. Finally, because of the structure of the local state system, there are certain constraints which ensure that the CCC is virtually compelled to support capitalist-orientated policies.
7.2 CCC'S REACTION TO LOCAL GOVERNMENT RESTRUCTURING

At times the CCC has reacted with a kneejerk anti-response to any initiative that originates from the government. Considering the imposition of apartheid upon it and other related measures restricting its autonomy, CCC distrust of the government's motives is to be expected. However, it has overshadowed the real need for a metropolitan body which can ameliorate regional inequality. Its opposition to the RSC is based on a number of factors, only one of which can be ascribed to moral rejection of apartheid. There are also concerns that the CCC will shrink in power and prestige and that social, political and economic advantages will be lost if a RSC is created in the region.

Similarly, its call for a local option must be seen as an attempt not only to stop the introduction of ethnically-based RSCs and PLAs, but also to prevent its empire being broken up. By seizing the initiative and undertaking a local option itself, the CCC can ensure that its eventual proposals, even if they are not exactly in accordance with its wishes, are such that its influence on local government in the region will not wane considerably.

This leads on to a related point. Whilst the CCC policy at times has reflected certain liberal ideals such as equality of all before the law, its voting system in the past has always been based on the rather undemocratic qualified franchise system. The end result of the local option model, while not necessarily recommending the qualified franchise system, will almost certainly have some form of safeguard protecting white CCC interests.
The CCC has consistently adopted a pro-active approach to local government legislation and the many commissions and boards on local government, in an attempt to influence their direction (although they have not been particularly successful in this regard). Despite threats of a boycott, it is probable that it will use this approach towards the RSC in an attempt to have some type of influence on this body. It could be argued that the chances of the CCC influencing government initiatives are greater than before, because in this case (unlike previous occasions) the CCC will be involved in both the actual making and implementation of decisions. It has superior resources and expertise to other local authorities in the region and this can be used to its advantage in RSC deliberations. However, the RSCs in the Cape are likely to take over the infrastructure of the divisional councils. This means that the Cape Town RSC will probably be primarily staffed by CDC personnel who are neither as well qualified as CCC staff nor as responsive to the demands of their black ratepayers. This could prove to be a major obstacle to CCC attempts to guide the destiny of the RSC.

Preliminary investigations have indicated that white local authorities will have in excess of the threshold two-thirds vote in all the major metropolitan areas. But what is the possibility of the CCC aligning itself with ethnic local authorities on the Cape Town RSC and in so doing, reaching its two-thirds requirement and possibly steering the RSC in a way not intended by the government? The possibility of this is minimal, for a couple of reasons. Firstly, such a scenario depends on the size of the RSC. The
smaller the RSC the greater will be the extent of CCC influence. It also depends on what functions are taken over. The Administrator determines both these features of the RSC and it is highly unlikely that he is going to demarcate the RSC in a way that is going to undermine the influence of Nationalist-orientated municipalities. Secondly, the history of acrimony between the CCC and Management Committees makes collaboration between them on the RSC problematic. A related point is that there are also limitations to the extent to which the CCC would be prepared to acquiesce to funds being redistributed to where the need is greatest. As already pointed out, its constituency is its white suburbs, and it will be compelled to lobby for some funds to be channelled into these areas. This could create conflict with potential ethnic allies on the RSC.

7.3 RSCs - DOOMED TO FAILURE?

There is also the possibility that the RSCs will not survive very long as functional units, or perhaps not even get off the ground at all. The Labour Party, with their leader being a member of the cabinet, was largely associated with the heavy-handed security action during the unrest in 1985. This has led to this party losing whatever credibility they previously possessed. The presence of Labour Party-controlled Management Committees on RSCs is likely to be met with violent rejection from the "coloured" citizens of the Cape Flats. In fact CAHAC, the Federation of Cape Civics, the tenants' associations of CAL, a number of independent civics and the Western Cape Civic Association (which operates in
African areas) have all unequivocally rejected the RSCs because of their ethnic basis and the control measures built into the system. 2

The conjuncture in South Africa has reached the point where reform at local level is seen by most major extra-parliamentary organizations as a ruse to evade the central issue, viz., the struggle for political and authoritative power at national level. Even if the RSC voting procedure was based on some form of proportional representation instead of the highly slanted consumption of services, it is unlikely that it would be acceptable.

As Oliver Tambo of the ANC puts it,

We are not fighting and dying in order to have a better system of waste disposal. 3

But the RSCs do not even look as if they are capable of co-opting "moderates" such as Mangosuthu Buthelezi who are prepared to negotiate power-sharing at regional/local level. The RSC is a unilaterally composed government initiative and as such no major extra-parliamentary group had any say in its compilation. Virtually all major extra-parliamentary groups have as a principle that they should be involved in such negotiations from the formulation stage onwards. As Giliomee and Schlemmer note:

Today the resistance to imposed solutions far outweigh gains or new resources which the [regional service] councils may introduce. They stand no chance of widespread acceptance. 4

These unpropitious political circumstances do not mean that the state will not attempt to bludgeon through reform. The ongoing state of emergency has already made it extremely difficult for extra-parliamentary movements to organize. Moreover, the role
of Joint Management Committees could be important in the state's plans to implement RSCs. They have already been active in breaking up rent boycotts in the Transvaal and they could also be used in a systematic way to smash progressive opposition to the RSCs.

Further, it is unlikely that the state, beset by a major economic crisis, has the resources needed to upgrade township infrastructure. Nevertheless, as pointed out by Cobbett et al., if the RSCs are unable to satisfy all the demands for resources, the state could resort to a new form of "divide and rule" by playing off potential recipients of RSC funds against other groups. The potential co-option of certain groups cannot be ruled out - the case of the government-backed "Witdoek" African vigilantes, who clashed with progressive organizations in Crossroads, illustrates this point.

Certain criticisms levelled at the RSC can also be used against CCC's local option, viz., that most major extra-parliamentary movements are opposed to working out regional/local solutions until the question of political power has been settled and that these organizations object to not being invited to such negotiations from the formulation stage. Another problem with this local option is that the CCC (along with all other local authorities) is constrained by the government in respect of finance and is beginning to experience a severe resource squeeze. It is thus unlikely that any credible black leader who went into the system would be able to "deliver the goods".

285
7.4 WHITHER THE CCC?

The 1988 CCC elections are likely to be fought on party-political lines and there is no guarantee that the PFP would win such an election. If South Africa adopts a "siege mentality" in response to international sanctions the National Party could make strong gains among English-speaking South Africans at the expense of the PFP at all levels of government. Further, if CCC loses powers and functions to both RSCs and Management Committees, its area of jurisdiction and workload will be reduced. This means that the CCC will be responsible for less services and will thus have smaller capital and operating accounts. It also means that the government will reduce the number of councillors from its present 34 and by the 1988 elections there could well be a streamlined CCC. If this occurs, the CCC's influence in the region is likely to be somewhat reduced.

Another prominent trend is the steady centralization of power. The author would concur with F. van Zyl Slabbert, who argues that the government is evolving along the lines of a multi-racial autocracy which is attempting to co-opt people into the system. The RSCs are not the only form of increased state control over local government. Irrespective of whether they succeed or fail, other legislation has laid the foundations for such effective control over the activities of PLAs that it will perhaps be appropriate, in the not too distant future, to call the third tier of government "local extension of central government" instead of autonomous local government. As such the relative autonomy which the CCC has had to oppose government policy is likely to be drastically curtailed.
NOTES


<table>
<thead>
<tr>
<th>Research question</th>
<th>INTENSIVE</th>
<th>EXTENSIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>How does a process work in a particular case or small number of cases?</td>
<td>What are the regularities common patterns, distinguishing features of a population?</td>
<td>How widely are certain characteristics or processes distributed or represented?</td>
</tr>
<tr>
<td>What produces a certain change?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>What did the agents actually do?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Relations</th>
<th>Substantial relations of connection</th>
<th>Formal relations of similarity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of groups studied</td>
<td>Causal groups</td>
<td>Taxonomic groups</td>
</tr>
<tr>
<td>Type of account produced</td>
<td>Causal explanation of the production of certain objects or events, though not necessarily representative ones</td>
<td>Descriptive 'representative' generalizations, lacking in explanatory penetration</td>
</tr>
<tr>
<td>Typical methods</td>
<td>Study of individual agents in their causal contexts, interactive interviews, ethnography. Qualitative analysis</td>
<td>Large-scale survey of population or representative sample, formal questionnaires, standardized interviews. Statistical analysis</td>
</tr>
<tr>
<td>Limitations</td>
<td>Actual concrete patterns and contingent relations are unlikely to be 'representative', 'average' or generalizable. Necessary relations discovered will exist wherever their relata are present, e.g. causal powers of objects are generalizable to other contexts as they are necessary features of these objects</td>
<td>Although representative of a whole population, they are unlikely to be generalizable to other populations at different times and places. Problem of ecological fallacy in making inferences about individuals. Limited explanatory power</td>
</tr>
<tr>
<td>Appropriate tests</td>
<td>Corroboration</td>
<td>Replication</td>
</tr>
</tbody>
</table>

Figure 13 *Intensive and extensive research: a summary*
Object X, having structure $S$, necessarily possessing causal powers ($p$) and liabilities ($l$) under specific conditions ($c$) will:

- $(c_1)$ not be activated, hence producing no change — $e_1$
- $(c_2)$ produce change of type $e_2$
- $(c_3)$ produce change of type $e_3$, etc.

---

Figure 7 The structure of causal explanation.
ANNEXURE C

fig.1

ADMINISTRATIVE BOUNDARIES

--- CMPC AREA

290
ANNEXURE E

MANAGEMENT COMMITTEE AREAS AND COLOURED GROUP AREAS IN THE MUNICIPAL AREA OF CAPE TOWN
The proposed boundary of the Cape Metropole Regional Service Council. The Demarcation Board is calling for any objections and representations.
ANNEXURE H

fig.2

STATISTICAL BOUNDARIES

PLANNING REGION 39
01 ECONOMIC REGION
MAGISTERIAL DISTRICTS
Because of the deep concern of the City Council at recent events in Cape Town it has directed His Worship the Mayor and the Chairman of the Executive Committee to invite the views of Civic and other organised Community Groups and of concerned persons on:

- The system of local government which is most appropriate for Metropolitan Cape Town.
- The Municipal Franchise.
- The proposed establishment of a Regional Services Council in the Cape Peninsula and adjoining areas.
- Matters associated with recent events.

Verbal or written representations will be welcomed as from 23 September 1985. Any person wishing to make arrangements to be heard or to obtain further information should telephone Mr C Glaum on 210-3201 or write to the Town Clerk, PO Box 298, Cape Town, 8000.

All representations will be treated in strict confidence if so requested.
REFERENCES


Anonymous, Local Government Administration, (place and date of publication unknown).

Barber, M.P., Public Administration, Plymouth, MacDonald and Evans, 1983.


Cameron, R.G., "Devolution without Power" in Indicator Project South Africa, Servicing the Nation. Local & Regional Government Reform, Centre for Applied Social Sciences, University of Natal, January 1986, pp. 36-43.


Cape Provincial Administration, Report of the Committee of Enquiry into Public Amenities in the Cape Peninsula (Starke Commission), Cape Town, 1959.

Cape Provincial Administration, De Klerk Commission of Enquiry, Cape Town, 1975.

Cape Provincial Administration, Municipal Amendment Ordinance No. 6 of 1981, Cape Town, 1981.

Cape Provincial Administration, Memorandum in regard to the Demarcation of a Regional Services Council for the Cape Metropolitan Region, Cape Town, December 1985.

Cape Provincial Administration, Municipal Amendment Ordinance No. 3 of 1986, Cape Town, 1986.


Cape Town City Council, City Engineer's Department, *Survey at Mitchell's Plain*, Cape Town, January 1978.


Cape Town City Council, Memorandum Presented by the Council of the City of Cape Town to the President's Council, Cape Town, August 1981.

Cape Town City Council, Report from the Town Clerk to the Executive Committee, Interview with Ministers of Internal Affairs and Community Development and Management Committees, Cape Town, 14/9/1981.

Cape Town City Council, City Engineer's Department, Organisational Reform of Local Government Services in Greater Cape Town, Cape Town, January 1982.

Cape Town City Council, Comments by Councillors and Heads of Departments on Group Areas Act and Related Legislation, Cape Town, 29/4/1982.

Cape Town City Council, Letter from the Western Province Council of Sport to Exco, 30/4/1982.

Cape Town City Council, Interim Report of the Ad Hoc Committee appointed to study the Proposals of the President's Council insofar as they affect Local Government in Cape Town, Cape Town, September 1982.

Cape Town City Council, City Treasurer's Department, Report on Organisational Reform, Cape Town, October 1982.

Cape Town City Council, Executive Committee Minutes, Interview with Minister of Constitutional Development and Planning, Cape Town, 28/6/1983.

Cape Town City Council, Report of the Town Clerk, Implementation of Recommendations of the Croeser Workgroup which have been Accepted by the Cabinet, Cape Town, 7/12/1983.


Cape Town City Council, Report from the Town Clerk to the Executive Committee, Representation on Standing Committees of Council by Coloured and Indian Management Committees, Cape Town, 3/7/1984.

Cape Town City Council, Minutes of liaison meeting between CPA and CCC Executive, Cape Town, 20/9/1984.

Cape Town City Council, Memorandum from Administrator, Relations between Local Authorities and Management Committees, Cape Town, 16/10/1984.

Cape Town City Council, Executive Committee Minutes, Regional Services Council Bill and Related Matters, Cape Town, 6/12/1984.

Cape Town City Council, Executive Committee Minutes, Information Required from Local Government re Mitchell's Plain Management Committee, Cape Town, 11/12/1984, Item FQ11.

Cape Town City Council, Executive Committee Minutes, Priorisation of Reports, Cape Town, 13/12/1984, Item F7.

Cape Town City Council, Executive Committee Minutes, Municipal Development Boards, Cape Town, 20/12/1984, Item FQ6.
Cape Town City Council, Standing Orders of the Council including Terms of Reference and Orders of Delegation to Committees and to Officials, Cape Town, 1985.

Cape Town City Council, Memorandum from the Cape Town City Council to the Standing Committee on the Constitution dealing with the Regional Services Council Bill, Cape Town, January 1985.

Cape Town City Council, City Treasurer's Department, Margo Commission of Enquiry and proposed new Regional Taxes, Cape Town, 14/1/1985.


Cape Town City Council, Executive Committee Minutes, Margo Commission, Cape Town, 26/3/1985, Item Fl.


Cape Town City Council, Transcript of Speech delivered by Councillor van der Velde in regard to his motion re putting out private tender works of a capital nature, Cape Town, 27/6/1985.

Cape Town City Council, City Engineer's Department, Cape Town's critical need of land for future housing, Cape Town, 2/9/1985.


Cape Town City Council, Memorandum from the Cape Town City Council to His Honour the Administrator on the Institution of a
Regional Services Council for the Cape Peninsula and Adjoining Areas, Cape Town, September 1985.

Cape Town City Council, Executive Committee Minutes, Restriction on Council Activities, Cape Town, 16/10/1985, Item R13Q.

Cape Town City Council, Executive Committee Minutes, Municipal Franchise, Cape Town, 1/11/1985, Item F5.

Cape Town City Council, Executive Committee Minutes, Abuse by Ratepayers' Associations of the 10c Letting of Civic Halls, Cape Town, 21/11/1985, Item FQ4.

Cape Town City Council, Ordinary Council Minutes, Change in Labour Pattern, Cape Town, 19/12/1985. Item E1.

Cape Town City Council, Executive Committee Minutes, Request from CCC to Administrator for interview of deputation of CCC and Management Committees, Cape Town, 15/1/1986.

Cape Town City Council, Executive Committee Minutes, Letter from Secretary, Major Cities, to Minister of Finance, Cape Town, 16/1/1986.

Cape Town City Council, Memorandum from the Cape Town City Council to the Demarcation Board on Local Government on the Demarcation of a Regional Services Council for Greater Cape Town, Cape Town, February 1986.


Cape Town City Council, Memorandum from the Cape Town City Council to His Honour the Administrator on the Delimitation of Industrial and Central Business Areas for the purpose of
Exclusion from the Calculation of Voting Rights to a Regional Services Council, Cape Town, February 1986.

Cape Town City Council, Regional Services Councils: The Viewpoint of the Cape Town City Council, Cape Town, March 1986.


Cape Town City Council, Executive Committee Minutes, Outstanding Matters, Cape Town, 6/5/1986.


Cloete, J.J.N., Improvement of organisations and work methods to promote productivity with the view to developing the most attractive town or city with the least cost (paper presented at symposium at the University of Durban-Westville) 28-29 November, 1983.


Evans, S., New Management Committees in Local Government, Cape Town, Juta, 1969.


Glaser, D., "The State, the Market and the Crisis" in Work in Progress 34, October 1984, pp. 32-38.


Posel, D., Control of Reform and Reform of Control (paper presented at the Conference of Economic Development and Racial Domination, University of the Western Cape), October 1984.


Republic of South Africa, Regional Services Councils, Department of Constitutional Development Brochure, 1986.


**NEWSPAPERS AND PERIODICALS**

Argus
Cape Herald
Cape Times
Cape Town Bulletin
Daily Despatch
Federation of Cape Civics Newsletter
Financial Mail
Grassroots
Local Government Management
Rand Daily Mail
Social Review
South Africa Foundation News
South African Digest
Sunday Star
The Militant
Weekly Mail
Work in Progress.