

COMMISSION ON REGIONS

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WRITTEN AND) SUBMISSION

TO THE
COMMISSION ON THE DEMARCATION/DELIMITATION

OF _REGIONS
(" gDDR ")

BY THE
SANDTON ON OF RATEPAYERSâ\200\231

AND RES NTSâ\200\231 ASSOCIATIONS
("SANFED")

ON

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1.

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SYNOPSIS - oral submission

We thank the CDDR for the opportunity to present additional input on this vital issue. We are encouraged that the members are reviewing some of the sensitive areas and would hope that our submission will be helpful in this regard.

Sanfed is an umbrella body comprising 21 member ratepayer and resident associations. We have adopted a policy of constructive, co-operative involvement and negotiation. Our organisation recently spearheaded a public consultation programme within Sandton; therefore we feel qualified to contribute to the debate on local and regional government.

We should like to draw attention to the pivotal issues on which the substance of our submission rests:

justification for a greater number of smaller regions, particularly within the PWV area.

the principle of community empowerment in relation to decision making and community identity and value systems i.e. decision making decentralised to the lowest level of government and not just administrative responsibilities.

a plea for further investigation especially in the densely populated PWV area.

In our original submission Sanfed argued for a greater number of regions than the nine proposed by the CDDR. We cannot presume to petition on behalf of groups with whom we have no contact but in principle we submit that more, smaller regions would receive widespread acceptability. In particular we focus our attention on the proposed PWV region. There exists uncertainty regarding the suitability of including Pretoria and/or the Vaal Triangle in this region and we would recommend that the PWV be demarcated roughly in line with existing RSC areas of jurisdiction:

i.e. Pretoria and environs
Central Witwatersrand
East Rand
West Rand
Vereeniging and environs

We dispute claims that more, smaller regions will increase bureaucracy and cost the taxpayer more. Sanfed opposes a centralist approach to government and its associated enforced uniformity, and supports maximum decentralisation. This implies autonomous regions, where accountability has practical meaning and government close to the people is appropriate. Accountability mechanisms to monitor and provide for errant public representatives are essential.

3.

The criteria employed by the CDDR are sufficiently open to interpretation to afford their relevance to smaller, more compact units of government. Sanfed is confident that the merits of creating five regions in the PWV area will prove themselves very quickly, particularly because appropriate infrastructures already exist in each area. We have addressed the principles as set out in the four categories of criteria in the body of our report.

Community empowerment as an entrenched right is viewed as an essential ingredient of democracy. The right to community decision making, the maintenance of group values, the accommodation of identity and diversity are all paramount in social stability. Sanfed strongly supports the concept of public consultation and participation at local level. To quote: "When people exercise their sovereignty frequently, public apathy decreases as do frustration and dissatisfaction with government, therefore politicians become participants rather than legislative tyrants".

Sanfed supports empowering, enabling legislation as opposed to enforcing legislation as we believe this will promote the emergence of a culture of citizen responsibility.

We would like to make a plea for the CDDR to undertake further in-depth investigation regarding the PWV region, particularly in the light of only 17 representative submissions from a region comprising over 9 million inhabitants. A more systematic, structured approach, with direct contact with identifiable groups would elicit responses which would be required to provide a more balanced perspective.

We offer our assistance to the CDDR on matters relating to public consultation.

PREAMBLE

In July 1993, Sanfed made a written submission to the CDDR stating its position on regions and issues relating to democracy, accountability and government close to the people (copy attached as Annexure I).

As a participant in the constitutional debate by virtue of its membership on the Sandton Town Council's Constitutional (Section 59 Investigation) Committee and observer member status on the Central Witwatersrand Metropolitan Chamber (*CwMC"), Sanfed is constantly developing and refining its position on constitutional matters in line with its emerging understanding of the issues at stake for citizens of Sandton.

It is for this reason and in light of the CDDR Report dated 31 July 1993 that this submission is being made. A review will be made particularly of the Pretoria-Witwatersrand-Vereeniging (PWV) area and the prospects of dividing this area into at least five regions (alternatively named metropolitan governments/regions.)

A position paper by Sanfed dated August 1993 is included as Annexure II along with its constitution (attached as Annexure III). This constitution is at present under review to accommodate internal restructuring.

The executive and general committees of Sanfed meet monthly and regularly discuss and update mandates as regards its stance on local government and related constitutional matters. The constituent member associations also meet monthly in committee and by way of general meetings as necessary. The negotiating position of Sandton's citizens, their principles and values, were established by way of twelve public meetings held over a two week period in June 1993.

The views as regards Regions and the PWV region in particular are addressed in this submission. The degree to which the proposed regions satisfy the criteria used by the CDDR are commented upon. Further criteria and issues for consideration are put forward.

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COMMENTARY ON THE APPROACH AND PROCESS
ADOPTED BY THE DDR__REGARDIN PUBLI

INVOLVEMENT

It is commendable that the CDDR has decided to seek further public comment on "sensitive areas". As an organisation Sanfed is committed to the cause of true democracy and public participation at all levels of decision making. As an informal, organised body we have gained considerable experience over the past three and a half years on the subject of public consultation and involvement.

We therefore trust that our comments regarding this all important aspect will be viewed as constructive criticism.

The original solicitation (June-July 1993) for submissions was apparently channelled through the Provincial and RSC structures. Unfortunately this only reached statutory organisations. Press coverage was not of a prominent nature. Sanfed did not have sight of the full terms of reference of the CDDR.

Sanfed subsequently submitted a document, receipt of which was acknowledged by the CDDR secretariat. However the opportunity to acquire a copy of the CDDR report dated 31 July 1993 (either free or for a nominal charge) was not afforded us. It is felt that those parties who took the time and effort to submit evidence to the CDDR should have been approached regarding the publication of the Report.

Now that the CDDR has called for further comment, it is of concern that this was organised on a similar basis to the first request i.e. using an ad hoc method through the media. It is possible that a more structured and systematic process would have ensured a greater number of contributions especially in the case of the PWV region. Of a total of nearly 400 written and oral submissions a mere 17 or so were from representative groups in the PWV area. Considering that this area is inhabited by some 9,3 million people (24% of the population and 28% of the voter. population) it is felt that further indepth consultation should be undertaken before any decisions are made regarding demarcation of this area. The relatively large number of submissions received from the North West Cape, Southern Cape and Umzimkulu areas is indicative of the seriousness and sensitivities regarding inclusion or exclusion from certain regions.

There are several formal and informal organisations adequately equipped to provide the CDDR with invaluable information and views on the PWV region. Taking into account the population and complexities of this proposed region it is suggested that it warrants a separate investigation and comprehensive public consultation in order to do it and itâ\200\231s inhabitants justice.

THE SANDTON EXPERIENCE IN PUBLIC PARTICIPATION

Over a two week period during June 1993 Sanfed conducted a series of twelve (12) public meetings/workshops with the aim of canvassing the views of Sandtonians regarding local government. This effort was undertaken as part of the Sandton Town Council's Section 59 Constitutional Committee's need to consult the public on basic principles related to its brief.

The meetings were generally well received by Sandton citizens and many people remarked on the novelty of the experience. Concern was frequently voiced as to the efficacy of their influence within the formal structure. This presumably was cause for uncertainty because of previous experience with a highly centralised authoritarian system. However the process was considered successful and the results are currently being tested on the broader public of Sandton.

The procedure was designed to encourage attendance and participation. The meetings were preceded by extensive advertising. The meetings were characterised by a presentation of information followed by debate and discussion controlled by a facilitator. Participants were then given the opportunity to identify their own personal priorities regarding local government.

In addition, questionnaires were distributed at the meeting and were completed and returned before the termination of the meeting.

The results of both the questionnaires and the debates have been summarised in a position paper compiled by Sanfed and adopted by the full membership. These results have reflected a high correlation of support for those values espoused in the position paper (see Annexure II).

In summary, whilst this public participation exercise was mainly focused on aspects of local government, obviously the second tier of government was discussed because of the direct impact its form will have on third tier government. Many of the fundamental principles which emerged apply equally to regional, and in fact to central government as well.

5.

7.

IN I ES AS IDENTIFIED THR H THE PROCE OF PUBLIC PARTICIPATION IN SANDTON

As a result of ongoing discussions and interaction with the citizens of Sandton, Sanfed is in a position to highlight the fundamental principles supported by the majority of residents.

One of the overriding characteristics emerging from the debate on governance is that smaller units of authority are preferable and have many advantages over larger ones. People recognise that their needs and concerns can be more readily dealt with in smaller units. Group values receive more attention thereby diffusing community antagonism.

Past experience of a highly centralised, authoritarian national government and provincial authorities characterised by excessive control can explain the swing of opinion towards smaller official units.

Sanfed advocates smaller units of government both at local and regional level because it is felt that the following principles will best be accommodated in such smaller units:

- The issue of accountability is paramount in a legitimate authority. It is the cornerstone of acceptable and open government. In order to ensure accountability at all levels there needs to be mechanisms incorporated in the constitution. These should include the right to referendum, the initiative and the recall system. The appointment of an ombudsman is essential, as is a code of ethics. These processes would ensure that direct democracy could focus on specific issues and that democratic representation could not be abused.

Government close to the people is only meaningful when people's access to power is close to home, both figuratively and geographically. This is a feature of government that would encourage individuals to become better informed and more active in local affairs.

Autonomy of local authorities is considered essential to ensure independence from veto rights. The power to raise taxes and to decide how and where to spend them is important to those who pay those taxes. This would also lead to more realistic expectations amongst communities as they would be able to identify with local budgets.

8.

Devolution is seen as a misnomer because people see the "bottom-up" approach as preferable but the effects would be similar. This principle of subsidiary best describes the method by which local authorities would be enabled to perform those services and functions they are equipped to handle, and those that they cannot manage would be passed upwards to the next level of government. This is as opposed to the concept of "handed down" powers.

Flexibility is seen as a distinct advantage of smaller government. The ability to re-direct or re-focus administration will be all important in a rapidly "evolving society."

Cheaper Government and reduced bureaucracy would result from establishing less cumbersome authorities. Shorter lines of communication and therefore fewer administrative functions would be required in this form of government. Personnel savings could be re-directed to more needy causes.

An all embracing and far-reaching advantage of creating more, smaller units of government would be that public involvement would be encouraged. Sanfed feels that one of the greatest challenges facing regional and local government restructuring is the promotion of the ability to sustain citizen responsibility and participation. Only by active involvement will people come to realise what democracy entails.

Sanfed recognises the important and urgent issues facing the disadvantaged communities. These have not been overlooked in our discussions. Residents acknowledge and accept their collective responsibility to contribute financial aid where it is required. However, forcing financially disparate groups together will create more problems if group interests are submerged or sacrificed.

The concept that a group must be financially viable in order to decide how to spend its resources is unfounded. Poor people have just as much ability and the right to make their own decisions. Sanfed believes the most equitable method to share revenue bases and other resources is by way of appropriate formulae. This could be managed either inter-or intra-regionally.

Disadvantaged groups need reassurance that their needs will be met and that they will have a degree of control over their own destinies. Smaller government units would encourage group cohesion, sensitivity to local priorities and promote expertise and understanding.

9.

Further issues which Sanfed acknowledge but which do not fall directly into our brief are those of:

- poverty, unemployment and housing.
- ~ human and financial resource development.
- economic growth, investment and trade.

We re-iterate our view that these matters could be dealt with either by small units or through co-operation between them. Successful innovative and/or community appropriate schemes in one region could be adopted by other regions; conversely unsuccessful ones could be avoided by the others. This approach would minimise financial losses on a national basis.

DDR_CRITERIA NSTITUTIONAL PRINCIPLES AND OVER-ARCHING NATIONAL CONCERNS

CDDR Criteria

The criteria as established for the CDDR to assist and guide them in their deliberations are universally acceptable if taken at face value. They are necessarily general and broadly applicable. Sanfed feels that more specific interpretation and application of these criteria would render them more realistic to the purpose.

The axiom, that form follows function has been overlooked largely because it is not the mandate of the CDDR to consider powers and functions of regions or local authorities. This we aver is a great error if one is to make sense of the process of delimitation, the number and size of regions. Given the opportunity to re-examine the demarcation of regions it is hoped that the criteria will be given practical evaluation in order to produce a workable solution.

Constitutional Principles

The following Constitutional Principles in the CDDR Report are politically and philosophically undeniably noble but are open to many interpretations:

- We strongly endorse the belief that a truly democratic system of government will only succeed within smaller regions. Size of regions relate both to geographic dimensions as well as demographic considerations.. "appropriate checks and balances to ensure accountability, responsiveness and openness." All principles to which Sanfed subscribes and which have been absent from the existing systems. These aspects can be more readily upheld within smaller regions and autonomous local authorities.

Reference to the various levels of government is vague and does not explain how it will eventually be applied. In order for each level to have "appropriate and adequate legislative and executive powers and functions" there must also be autonomy. National unity will only become a reality if stable communities, whose needs are served to an acceptable degree, are encouraged. Smaller units of government are more capable of succeeding at this because they can react more sensitively and relevantly to local requirements.

Over-arching national concerns

It would be difficult to argue with the premise of these as defined but a note of caution is sounded as to how they are interpreted and applied. The resultant perceptions of the ordinary citizen of South Africa will be crucial to the attainment of these lofty ideals.

11.

PROPOSED PRETORIA-WITWATERSRAND-VEREENIGING REGION ("PWV" AND ALTERNATIVE PROPOSAL

The CDDR has recommended that the PWV be demarcated as one region. Sanfed does not support this view. Certain general comments will be made under this heading regarding our views about the PWV. Further comments which relate directly to the Report and the criteria adopted are made separately.

Although the PWV is the smallest in area (25300 km²) of those demarcated it has the largest population (9,267 million) and highest voter population (5,965 million) representing 24% and 28% respectively of the totals for South Africa. In contrast, Belgium is a country about 20% larger than the PWV with a population about 10% greater, yet it has nine provinces.

In broad terms the PWV Region probably consists of five component parts which have traditionally and historically been regarded as such. They are:

Pretoria and environs

Johannesburg and environs

(or the Central Witwatersrand)

East Rand

West Rand

Vereeniging and environs

(or Vaal Triangle)

This PWV Region has also been grouped into five separate Regional Service Council ("RSC") areas. Since 1987 each of these Councils have individually collected levies based on turnover and remuneration for distribution according to their own budgets. By all accounts these RSCs have operated satisfactorily albeit perceived to be illegitimate.

As already indicated the PWV region is highly populous and is facing increasing urbanisation problems. The Central Witwatersrand ("CW") area has an estimated population of 2,6 million out of a PWV region total of 9,3 million. This indicates that the CW has a population larger than or equivalent to four other regions recommended by the CDDR.

The urbanisation complexities of the CW have been recognised by the Central Witwatersrand Metropolitan Chamber ("CWMC") which has set about an investigation entitled the "Interim Strategic Framework" which seeks inter alia to address land use and the concomitant urbanisation problems of the CW. As a voluntary negotiating forum, the CWMC already has a membership of some 60 member and observer bodies who are debating the issues affecting local and regional government.

12.

It is our view that each of the four other identifiable areas within the PWV will need to deal with urbanisation and other problems within their logical areas in the same way that the CWMC has approached issues in its area. By way of example, it would appear to be more logical for communities e.g. within the Boksburg, Benoni and Brakpan magisterial districts or the Vereeniging, Vanderbijlpark and Sasolburg magisterial districts to deal with their own interests of common concern (e.g. urbanisation, infrastructural backlogs) than combining with communities in e.g. the Johannesburg or Pretoria magisterial districts in dealing with these matters.

While the PWV may be small in area, it is complex, and not compact as suggested in the CDDR Report. It is our view that the PWV should be divided into at least five individual Regions as outlined above. Our view is based on the concerns of Sandton's citizens who wish to have government close to the people. Broad consultation with citizens, interest groups and statutory authorities would need to be undertaken to determine the real preferences and concerns of the population. It may be relatively easy to separate Pretoria and the Vaal Triangle from the Witwatersrand. The actual demarcation of the Witwatersrand into three Regions may be more difficult. A separate Pretoria region would be wise, even more so if it were to be designated as the future capital of South Africa.

The urbanisation problems and the employment corridors radiating around the CW demand careful analysis and consultation with stakeholders. Particularly sensitive areas could for example involve the greater Midrand, Kempton Park, Modderfontein, Germiston, Alberton and Roodepoort complexes especially in relation to whether they should be part of the identified Pretoria, CW, East or West Rand regions. The Regional constitutions would require flexibility to permit the possibility of further regions within the PWV and/or any boundary changes to permit communities to change from one region to another.

A further debate has also emerged relative to the understanding of what is intended by three-tier government in the metropolitan context. In more rural areas, the second tier regional governments and third-tier local authorities can be easily identified along with the types of powers and functions each would have.

In some circles views are being put forward that metropolitan areas (such as the CW) would become third-tier government structures within a proposed PWV region. This would imply that local town councils within the CW, such as Sandton, Randburg, Soweto, etc would cease to exist in their present form or become authorities with less powers than are presently vested in them unless such authorities form a fourth-tier of government.

13.

Such an approach would be contrary to concepts such as bringing government closer to the people, greater accountability and democracy, shorter lines of accessibility, and would complicate the building of community identity and participation.

Another alternative might be to create a highly urbanised region such as the PWV as a special case region, where the regional legislature/authority merely acts as an overarching consultative authority dealing with overall regional issues e.g. roads through the region, etc. Powers and functions more appropriate to the five metropolitan regions listed above should be delegated to the appropriate legislative structures within the smaller metropolitan regions. ~

What is clear, is that a Regional government for the PWV would need to employ decentralised administration to deal with the monumental problems of the component parts of The PWV.

The PWV would provide very little by way of representative government if the Regional government were to consist of a 100 delegate legislature. A voter population of 50 000 is proposed as equating a seat. In a recent Finance Week article (23 - 29 September 1993) it was suggested that major cities such as Johannesburg and Soweto be divided into boroughs of 150 000 - 200 000 people. If a figure of 175 000 were to be used, then 53 boroughs would be represented by an average of two representatives each - implying a low degree of influence i.e. two out of 100.

On the other hand if the CW were to be a region with an assumed 28% of the PWV's voters, there could be a legislature of 34 representatives for about 15 boroughs (population of 2,6 million estimated). Each borough would then have a relative voting power of two delegates out of 34.

8.

14.

PWV_EVALUATED AGAINST CRITERIA

The CDDR Report has highlighted the ten criteria that the CDDR was instructed to take into account in its deliberations. These were then categorised into four broad groups, namely:

Economic Aspects

Geographic Coherence

Institutional and Administrative Capacity

Socio-Cultural Issues.

We intend commenting on these criteria in relation to the PWV Region and to take into consideration the three overarching national concerns listed in the Report:

- Development of a democratic culture by bringing government closer to the people.
- Creating an environment that is conducive for economic growth and development.
- Building one nation through the acknowledgment of diversity and the reduction of conflict.

The PWV is a highly urbanised, densely populated complex. This area faces huge problems caused partly by urbanisation. The following are some of the challenges which need to be dealt with over the next decade:

Provision of land for urban housing and economic development.

Provision of infrastructure such as roads, sewerage, water, electricity.

Provision of housing, health, education, welfare and related services.

Economic development and the creation of employment.

In the context of the above our comments are as follows:

E mic ects

Although the PWV is regarded as being integrated and an economically functional interdependent area, the same can be said for each of the five proposed metropolitan regions.

In each of the metropolitan regions there is a centre of concentrated economic activity, with interaction occurring within the components of the regions. Each region is to a large extent a self-sufficient economic unit. Many citizens who live and work within a metropolitan area will concentrate their shopping, culture and leisure activities and pursuits, within that area. The regions are not of necessity directly dependent on other regions.

15.

As regards economic viability each metropolitan region has its own resource and economic base as well as a tax base.

The implication of the above is that while the PWV is regarded as an economically functional area, it is probably inter-dependent to a lesser extent. Each of the regions can be regarded as being economically functional in its own right with the potential of maturing and promoting economic viability.

Physical and social infrastructure already exists within each of the regions and the capacity exists within each sub-region to develop and enhance all aspects of infrastructural development along with improving the quality of life and human capital.

The nature of the sub-regions is such that the administration, promotion and execution of the economic aspects can best be implemented on a decentralised basis.

In the Report it is also stated that the commuting patterns within the PWV are examples of the linkages of the greater region. While it is correct that commuting patterns exist and that citizens often live and work in the different regions this should not prescribe that the PWV should be one region.

Even though these linkages exist and have existed over the years, five Regional Service Councils were established in the PWV area in the mid-1980s. Each of these institutions have operated successfully side by side, imposing and collecting their own different levies.

Geographic Coherence

The criterion of compact regions exhibiting high levels of functional linkages between localities applies equally to the greater PWV as it does to the five regions.

Institutional Administrative Capacity

The Report states that the managerial and administrative capacity of a region ultimately determines the effectiveness, efficiency and performance of tasks in an accountable manner. It goes without saying that the PWV area has a surfeit of administrative capacity.

Within the PWV area there are a large number of local authorities with sophisticated administrations e.g. Pretoria, Johannesburg, Roodepoort, Germiston, Vereeniging, to name some of the major local authorities. To date they have succeeded in executing their functions in the delivery of public goods and social services.

16.

To date all the local authorities within the PWV have needed to interact with the Transvaal Provincial Administration ("TPA"), which body has proved to be somewhat controversial and insensitive towards public opinion in its dealings with inter alia the Zevenfontein and Ivory Park settlements. The problem with the TPA is both its size and that it is an appointed body. In the CWMC area, some local authorities have expressed views that they would prefer dealing with the CWMC on land use planning matters.

In the event of a PWV region being demarcated, a bureaucracy will need to be established to formulate, implement, monitor and plan for the region's development.

If each of the PWVs metropolitan regions were to be vested with regional powers the need for a separate regional bureaucracy would be diminished. To a great extent the local authorities within the metropolitan regions would be able to conduct the appropriate policy formulation, implementation, monitoring and planning of the region's development without the need for an extended bureaucracy.

Already within the CW, various task-groups are dealing with land use planning in terms of the Interim Strategic Framework.

There should be no dislocation of service delivery within the smaller regions. It would be more convenient for the citizens of a region to have their governments close to them. Conversely there would be greater inconvenience within a larger more populous region.

The CDDR Report has highlighted that each of the sub-regions have substantial regional economies. The cost of governance and administration for each region could therefore collectively be less than that of a PWV region with the required decentralised administrative structures which will become inevitable in a greater PWV. Maximum benefits of economies of scale and efficient service delivery will be achieved within smaller regions.

Socio-Cultural Issues

The issue of a sense of identity is of vital importance to both the country and regions. As citizens already have a sense of identity with the East Rand and the Vaal Triangle, by way of examples, it would be easier to develop that identity within the sub-region than attempting at the same time to develop identity within the greater PWV.

17.

On the question of historical boundaries it is a fact that the PWV has developed on an East-West axis and a North-South axis. This has created automatic boundaries with very little by way of direct linkages between the Western and Southern nodes, etc.

While it is important to evaluate regions against the criteria established, the more important task is whether the over-arching national concerns will be satisfied. For this to happen, citizens must be involved in a consultation process that will ensure democracy, accountability and autonomy within regions with which they can identify. Only on that basis will a harmonious society and economic development prosper.

IMPLICATION FOR VEE

Sanfed believes it is appropriate to review local government issues at the same time as the creation of new regions for South Africa. Some of these issues are:

- Skewed forms of local authority have evolved as between privileged and under-privileged communities. This had a dramatic impact on land use planning, economic development, infrastructure, transport etc. The legislation governing local authorities, while sound, is dated and undemocratic in that no adequate provision has been made to ensure the accountability of 'officials and elected representatives. The culture of apathy that has developed over the years has allowed the undemocratic style of local government to flourish.

Given that the above illustrates a few of the major issues facing local and regional government, the CDDR has the responsible task of either placing South Africa on the road to greater or less democracy.

It is submitted that if the highly urbanised and extremely complex PWV were to be deemed to be one region, the following problems could easily arise:

- Government would be taken further away from the people.
- The level of bureaucratic structures would increase, along with inefficiencies and costs. Power would be taken away from communities and vested in the hands of a few. Community identity could be lost as a result thereof. The linkages between local authorities and the regional government would become strained. Huge problems could emerge to develop convergent thinking between stakeholders. In the CWMC delicate negotiating abilities are required to reach consensus among the 60-odd stakeholders. This problem could be compounded exponentially within a PWV region.

The implications of the CDDR adopting recommendations for at least five regions within the PWV could be the following:

- Citizens would easily be able to identify with a tangible area.

The regions could deal with their development challenges without needing to divert attention to problems elsewhere in the PWV.

Democracy, accountability and government closer to the people would be promoted.

Regional pride and identity could be fostered by way of inter-regional competition in the promotion of peaceful co-existence, economic development, infrastructural projects (housing, health, education, welfare), etc.

The involvement of the public can best be achieved within smaller communities and regions.

From the above it becomes clear that the demarcation of regions is of vital importance to the success or otherwise of local government.

on behalf of Sanfed

B

M. R. MARWOOD

30 September 1993.

AULNEXURE T

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SANFED

SUBMISSION TO THE REGIONAL BOUNDARIES

DEMARICATION/DELIMITATION COMMISSION OF THE

MULTI-PARTY NEGOTIATION FORUM

Background

Sanfed is an organisation which represents 21 Ratepayers and Residents Associations within Sandton. It has been in existence for three and a half years and, in that time, has been actively involved in, and has ensured that it remains informed on all matters relating to local government.

Delegates of the association have been serving on various Sandton Town Council Section 59 Constitutional Committees for some 18 months and have convened a number of meetings and workshops on the issue (20 plus). Direct involvement in public participation in Sandton has equipped Sanfed with an understanding of

the opinions of Sandtonians regarding aspects of local government.

A summary of the major issues as determined by Sanfed follows. Clarification, if required, can be provided

by our delegates who would be willing to address the Commission.

It is hoped that the submission will be considered

objectively by the Commission during these vitally important national negotiations.

Regional Government

It is Sanfed's strong view that proposals for seven,

eight or nine regions reflect a contempt for the real devolution of power.

The size, population and character of a region will have a direct impact on the acceptability or otherwise

of such a unit. It is our firm belief that the provincial system was an unwieldy, overly bureaucratic means of handling second tier government.

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The fact that it was actually an arm of Central Government further exacerbated the fact that provincial administrations have been totally out of

touch with the needs and views of the people they governed.

It is our view that a much more innovative approach needs to be considered regarding regional delimitations. Boundaries of rural regions may be

readily identifiable but in urban areas the criteria are far more complex.

Regarding a regional dispensation within the broader southern part of the Province of Transvaal:

- The current Province of Transvaal is too large to

be effectively managed and for accountability to be achieved.

Numerous interested parties are likely to suggest that the Pretoria-Witwatersrand-Vaal area should become the PWV Region. It is our view that this region is too large:

- The components render this highly urbanised, industrial and commercial region too complex to be dealt with as one region.

The size of the population, its diversity and the lack of inter-community identity, do not promote the recognition of the needs of communities as far flung as say Benoni, Mamelodi, Soweto or Vereeniging.

The creation of the Central Witwatersrand Metropolitan Chamber has focused on the vast needs, problems, viewpoints and conflicts etc. of an area which is the size of approximately 2,500 square kilometres. The problems of reaching agreements or consensus between the communities within the boundaries of this area are extremely daunting. Any larger Geographic or demographic region would only add to the complexities of administering such a unit.

Sandton citizens emphasise that government must

be brought closer to the people. This implies that:

Local authorities must be closer to the people.

The people need to identify with and be close to regional government.

3.

People must understand the common problems and aspirations of the region.

Boundaries need to be within an identifiable distance.

Regional government must easily relate to and respond to the needs of the citizens within the region.

Sandton residents may be able to relate to the problems of Alexandra but would have greater

difficulty relating to issues in Lenasia or further afield.

The problems of bureaucracy, accountability, effective management and macro land use planning are complicated as the size of the region increases.

Sanfed believes that serious consideration must be given to splitting the PWV area into a number of regions e.g. Pretoria and environs, Central Witwatersrand, East Rand, West Rand and Vaal.

There is empirical evidence from international experience that many smaller units of government are more efficient, employ fewer civil servants and are more cost effective. This is because there is less duplication of legislative and

administrative functions than in larger bureaucracies.

The question of Regional and Metropolitan governments need to be addressed. If the view is taken that the entire PWV area should be one region and that the Central Witwatersrand should become a Metropolitan authority, then the implication would be that four tiers of government have been created. This is not supported by Sanfed. Within this scenario, virtually all the powers and functions vested in a region would need to be transferred to the Metropolitan authority or government. The region would then merely have a co-ordinating role.

Sanfed supports the view that where a Metropolitan area of sufficient size can be identified, it and its satellite local authorities should be allowed to form a Metropolitan Region i.e. the second tier of a three tier system of government.

2.2.10

4.

Views have been expressed by Sandton citizens that the potential voting power of Sandton within the Central Witwatersrand Metropolitan Chamber would be limited by the relative power of a city such as the current Johannesburg.

It is imperative that this issue be dealt with in a manner which will accommodate the sensitivities of all communities.

Within those smaller regions it is important to include local authorities of similar size and voting power so as to avoid an imbalance in voting strength and allow for minority recognition. By contrast reaching consensus in a larger region containing greater numbers of diverse communities would result in conflict resolution becoming less likely.

Smaller regions such as the Central Witwatersrand, would encourage a greater community spirit, heightened sensitivity to the needs of the citizens and promote co-operation in decision making and implementation thereof.

Economic development and job creation programmes would be more manageable if focused on identifiable communities.

The question of how historically separated local authorities can be reorganised to maximise redistribution of fiscal resources or redress infrastructural backlogs arises out of the above issues. It is to be expected that socio-economic principles will largely dictate who will live where and that racially integrated communities will and should be allowed to evolve naturally. To this end, Sanfed strongly favours empowering legislation as opposed to enforcing legislation, to bring about the desired normalising of local authorities.

Assistance and upliftment programmes aimed at disadvantaged communities can be addressed more effectively in smaller regions. There remains much doubt as to the efficacy and acceptance of

merging various local authorities into single or joint administrations.

Principles

In support of the views expressed above, a number of very clear principles have emerged from the public participation debates, workshops and discussions.

That there is a need for maximum devolution of power to the local level which would include all financial decision making and taxation rights. This reflects the fundamental desire to bring government close to

the people which in turn implies limiting the size of local authorities.

Local autonomy is essential to promote community morale and ensure involvement. This could best be implemented by means of flexible regional and local constitutional structures accompanied by agreed guiding principles/minimum standards.

Accountability of all public representatives to the people who elect them is a corner stone of successful local government. This accountability should manifest itself in all areas of administration including taxation, spending, planning and all decision making. This could be ensured through various mechanisms such as referenda, the recall and the initiative process.

Public participation as a real aspect of decision making needs to be encouraged and entrenched in any new constitution. This would ultimately promote citizen responsibility and social awareness. The view

has been expressed that this culture needs to be taught at school level.

Community empowerment as a natural result of sentiments expressed in the paragraph above, would provide interest groups with the ability to influence decision making at local government level and

would encourage an attitude of common purpose with the statutory authorities.

Efficiency of local authorities to be achieved through reduced bureaucracy, privatisation of services where feasible, and strict budget control.

As can be seen from the above, these principles would only be satisfactorily upheld in a local and regional government dispensation which is truly democratic, compact and economically independent.

4.

Technical Issues

In addition to the above opinions, we should like to comment on technical aspects relating to regional and local government.

Electoral systems. There is strong support for a Ward system of representation or, alternatively, a combination of Ward and proportional representation which would balance out the disadvantages of either. This would ensure accountability of public representatives and allow for independent candidates to have access to local government.

chis ualifi ions. Perhaps the area of ~greatest debate and least consensus concerns the franchise qualifications at local government level. Whilst there lis general acceptance for universal franchise of citizens of 18 years and over, there are also strong views being expressed regarding non SA permanent citizens, citizens, property ownership qualifications and others. The implication underlying these views being the maxim that "he who pays the piper calls the tune".

Regional voting systems. The whole question of how a regional government should be elected is a critical factor for its democratic credibility. The advantages and disadvantages of the various electoral systems need to be fully debated before decisions are made.

Concluding Remarks

In conclusion the single most important factor in determining the size, number and boundaries of regions has been overlooked.

What attempt at public consultation has taken place? There can be little credibility or acceptability for unilaterally and autocratically defined regions. We urge that all steps possible be taken to determine the preferences of communities. This would be a major step in displaying sincerity of intent regarding true democracy in the New South Africa.

- Prepared for and on behalf of
The Executive Committee
Sandton Federation of Ratepayers Associations
by: 1
Ms G. Daus L.D.â\200\235 van Wyk
Chairman Executive Member

9 July 1993.

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SANFE;

August, 1993

POSITION PAPER ON LOCAL GOVERNMENT

The Sandton Federation of Ratepayers and Residents Associations ("SANFED") is an umbrella organisation of Ratepayers and Residents Associations within Sandton currently comprising 21 members covering 90% of the Municipal wards.

Member associations hold Annual General Meetings, are properly constituted and conduct elections for executive committees in a manner acceptable to the civil society. They represent the full spectrum of ratepayers and residents within their designated area irrespective of race and are funded by subscriptions.

Communication is achieved primarily via special meetings, community newsletters, notice boards and the local media.

Whilst individual member committees have been concerned mainly with neighbourhood issues, SANFED has provided the communication forum to address issues of common concern.

SANFED was founded in 1990 with the following aims and objectives: :
the betterment of Sandton,

to make a constructive contribution to the local decision making process,

to provide strategy, vision and leadership focus for the evolving new society,

to ensure accountability of Councillors and officials.

to promote and implement the process of public participation in community affairs.

These aims and objectives have become increasingly relevant over the past three years. '

SANFED has been mandated by its members to represent their cause in the deliberations, debates and negotiations for a new local government dispensation.

SANFED supports the following principles relating to local government.

Full local autonomy within flexible regional and local constitutional structures. This would allow for differentiation between skilled and less-skilled municipalities and promote growth and diversity.

A "bottom-up" approach whereby powers and functions would be vested at local level and only passed upwards to a higher level when they cannot be discharged efficiently locally.

Three tiers of government i.e. central, regional and local. Where feasible, a Metropolitan government could replace the functions of a region in an urban situation.

Small local authorities are advocated in order to keep government close to the people - an optimum size of roughly the geographic area of Sandton and a population of up to 250,000.

Accountability of all public representatives to the people who elect them. This to be ensured by mechanisms such as referendum, recall, an ombudsman etc.

Transparency of local government whereby all decision making, planning, taxing and spending is undertaken with the full knowledge and approval of the citizens.

Public participation and community empowerment to be entrenched at local government level. This would encourage citizen responsibility and involvement and result in "popular" decisions.

No mergers, amalgamations or changes to boundaries of Tocal authorities to take place without the consent of the communities involved.

Efficiency of Tlocal government to be addressed so as to maximise limited resources, reduce bureaucracy and improve standards. Budget controls and privatisation of services are two mechanisms to achieve this.

Fiscal federalism would provide for the redistribution of a portion of a local authorities income to subsidise less advanced communities.

A system of elections whereby Councillors serve a 4 year term of office and 50% of them stand for re-election every 2 years to ensure continuity of experience.

Ward Representation guarantees direct representivity and greater accountability to the electorate.

A basic philosophy is promoted in that community identity is a powerful force which should not be overlooked in the re-structuring process but one which should be used constructively. SANFED emphasises the advantages

of empowering legislation over enforcing Tlegislation in facilitating the management of <change in local government.

SANFED believes that the above represents the fundamental requirements for a viable, non-discriminatory democratic local government structure.

CONSTITUTION OF THE SANDTON FEDERATION OF RATEPAYERS AND

RESIDENTS ASSOCIATIONS

S.A.N.F.E.D.

DEFINITIONS

1.1

1.2

2+2

"Delegate" shall be the representative or alternate of each member Association.

The "Executive" shall consist of the Chairman, Vice Chairman, Treasurer and two other delegates from different associations.

The "General Committee" shall consist of one delegate from each member association.

"Sandton" shall mean the Municipal area of Sandton.

"Association" shall mean a recognised Ratepayers and/or Residents Association of Sandton representing areas in which there are more 200 households.

The name of the Federation shall be the "Sandton Federation of Ratepayers and Residents Associations" (hereinafter referred to as "the Federation").

The abbreviation of the name shall be "SANFED".

MEMBERSHIP

3.1

Membership shall be open to any Residents and Ratepayers Association of Sandton which represents a suburb or area in which there are more than 200 households.

The members of the Federation shall consist of Associations.

Each Association shall have one delegate and, in his absence an alternate designated by that Association.

PRINCIPLES AND OBJECTIVES OF THE FEDERATION

4.1

The Federation has been formed to serve the ratepayers and residents of Sandton through their representative associations and to deal with any major issues which affect the majority of the residents of Sandton where unified action is required.

5.0

6.0

Any individual member may bring to the notice of the Federation any issue of concern that may affect on

member associations for discussion and resolution at any time.

The Federation shall provide a communication forum for the discussion of issues by the delegates.

The Federation shall complement but not usurp the functions of individual associations.

The association shall represent the residents of Sandton on major issues at the request of no fewer than three representative associations..

MANAGEMENT OF THE FEDERATION

5.1

5.2

The day to day management of the affairs of the Federation shall be vested in the Executive.

The Chairman shall preside at all meetings save that should the chair be vacant the Vice Chairman shall preside as Chairman for that meeting. Should the Chair still be vacant the meeting shall elect a Chairman for that meeting from among the delegates.

POWERS OF THE EXECUTIVE

6.1

6.2

The Executive shall deal with all matters relating to the day to day running of the Federation.

When an issue of greater importance than the day to day running of the Federation arises then the Executive shall canvas members' opinions by telephone or any other appropriate means and, if necessary, call a Special General Meeting in order that a decisions be taken.

The Executive or an appointed member thereof shall have the power to represent the association and by virtue of its position, the residents of Sandton as a whole on major issues affecting Sandton.

The Executive shall appoint spokesmen who shall preferably be the Chairman, to the public and the media as required. Spokesmen shall, where there is no consensus on an issue, mention the dissenting vote.

The Executive shall be empowered to appoint sgb-committees with specific briefing and authority provided that:-

The Chairman of such a sub-committee shall be a member of the General Committee.

The Executive or the sub-committee shall be empowered to co-opt or employ any person to serve on the sub-committee as may be needed.

The Executive shall be empowered to co-opt onto the Executive or employ any person as may be needed. This person shall not be entitled to vote unless he/she is a delegate.

Interim vacancies on the Executive may only be filled from the General Committee.

The Federation may, at its discretion, support an individual association on local issues where matters of principle are involved.

7.0 MEMBERSHIP FORMALITIES

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Any Association which subscribes to the Principles and Objectives of the Federation may apply in writing for membership.

New membership will only become valid on payment of the prescribed fee.

Membership may be terminated by the Association when the Association resigns in writing.

Membership of the Federation by an Association shall be terminated at the discretion of the Executive if:

the membership fees have not been paid.

the Association has brought the Federation into disrepute.

the Association has intentionally contravened the constitution of the Federation.

The Executive may direct an Association to replace their delegate should the delegate have

acted in such manner as to have brought the Federation into disrepute.

7.5.2 contravened the constitution.

8.0 FINANCIAL

8.1 The Executive shall be entitled to collect capitation

and membership fees, raise funds, make investments, open and operate bank and/or building society accounts

and make disbursements as required and to do all such matters as may be incidental thereto. Loans of any nature will require a 2/3 majority vote of members present including proxy votes at an annual general meeting or a special general meeting.

The Chairman, Vice-Chairman and Treasurer shall have signing powers. Any two of these shall be authorised to act as signatories in all financial transactions.

Annual fees, as determined by the General Committee at an Annual or Special General Meeting, shall be payable in advance.

The financial year of the Federation shall begin on the first day of January of each year.

Proper books of account shall be kept.

Financial statements shall be tabled at each meeting of the Executive and at each General Meeting.

Expenses in excess of a certain amount shall be agreed at an Executive meeting before being incurred. The amount shall be determined at an Annual or Special General Meeting.

POLITICS

9.1 In terms of party politics, the Federation is apolitical.

9.2 No discussions of a party political nature will be allowed at Federation meetings.

10.0 VOTING PROCEDURES OF THE GENERAL COMMITTEE

10.1 Each Association has one vote through its delegate.

10.2 The Chairman shall have a casting vote in all matters excepting constitutional amendments, in addition to his/her vote as a delegate.

Voting shall be by a show of hands or a ballot or by any other method as the Chairman may decide.

Decisions will be determined by a simple majority of votes, including proxy votes for all matters not of a constitutional nature.

Decisions of a constitutional nature will be decided by a two-thirds majority of member associations present and in good standing including proxy votes.

Any vote by a delegate shall be binding on the delegate and his Association unless superseded by a subsequent vote on the same matter.

Proxy votes given in writing to the Chairman shall be allowed.

11.0 MEETINGS OF THE FEDERATION

. 11.1 Executive Meetings shall be held at least monthly except in December. The dates of the ordinary meetings of the Executive for the year shall be determined at the first meeting of the Executive after the Annual General Meeting.

11.1.1 A quorum for an Executive meeting shall be 3 members of the Executive.

An Annual General Meeting shall be held in the first quarter of each year for the acceptance of reports, the election of new Executive members and the transaction of any other business of the Federation.

11.2.1 The Chairman of the meeting shall be the outgoing Chairman.

11.2.2 The incoming Chairman, Vice Chairman, Secretary and Treasurer shall be elected by the Executive at their first meeting after the Annual General Meeting. The Chairman may not stand for re-election for a third consecutive term of office unless requested to do so by a two third majority of members in good standing present at an Annual General Meeting.

Nominations for the Executive must be received by the Secretary before the start of the Annual General Meeting.

Should there be five or fewer nominations for the Executive they shall be declared duly elected.

Should there be more than five nominations for the Executive a secret ballot shall subject to 11.2.6 be held to elect five of the nominees.

11.2.6 Executive members shall subject to 7.3, 7.4 and 7.5 hold office until retirement from office after two years. No fewer than 3 Executive members shall retire at each AGM but may, if eligible, make themselves available for re-election. The order of retirement shall be:

(a) the longest-serving since last elected shall retire first and

(b) if the procedure under (a) does not determine exactly three members, a ballot shall be held.

11.3 A Special General Meeting shall be convened by the Chairman on receipt of a request signed by at least three delegates. Such request must state clearly the purpose of the meeting, and, in the event of a

constitutional amendment, the details of such amendment.

11.4 The Executive may call a General meeting at any time giving the requisite notice as determined in 11.6 and stating the purpose of the meeting.

11.5 The General Committee shall meet at least three times a year.

11.6 At least 14 days notice of all general meetings shall be given to members.

11.7 A quorum for a meeting shall be half the delegates. If no quorum is present the meeting shall be postponed to the same day of the week in the following week at the same time and preferably at the same venue. At such an adjourned meeting those delegates present shall be deemed a quorum.

12.0 DISSOLUTION OF THE FEDERATION

12.1 The Federation shall be dissolved if so decided by the General Committee by a two thirds majority of member associations in good standing. In such an event any revenue accrued by the Federation shall be donated to a suitable charity.

ADOPTED AT THE ANNUAL GENERAL MEETING OF THE FEDERATION ON THE 11 FEBRUARY 1992.

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The Co-Chairmen

Commission on the Demarcation/Delimitation
of Regions

Negotiating Council

KEMPTON PARK

1619

Dear Sir/Madam

WRITTEN AND ORAL SUBMISSION TO THE
COMMISSION ON THE DEMARCATION/DELIMITATION
S |

OF REGIONS : OCTOBER 1993

We include herewith a copy of our submission including Annexures
as well as a list of co-signatories to the submission. We also
include ten copies for the Commissioners.

Yours faithfully

S. G. DAUS
Chairman