

# Linking health and environment in Cape Town, South Africa: The view from local government



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## Coda

This city that you have lived in for all of thirty years,  
that gave you from the very first its elements, archetypes  
of mountain-line and sea-line, salt water and sandstone;  
that granted through a forest deep in pine, with its bright  
drifts of stars,  
what you first knew of earth and sky, would ever know of love...

This city on a peninsula, between the mountain and the sea,  
that in the decay of its greying wind, its monotonies of rain,  
that through its endemic vacancy, the solitudes of its lives,  
of its great dualities, divided peoples, darkening of the future,  
gave you early on, over and over, a very clear idea of hell...

Knowing there was a light in it, that could not be disowned,  
knowing there was a crime in it that could never be denied,  
you were always leaving, for years were always returning,  
torn between its cloud-light, pine-light, the serene nihilism  
of its skies,  
and its unending, all-negating, word-exhausting human cries.

For years you've walked a place, through a peninsula of light,  
passing through days and lives that are nothing but their pain.  
For years you've lived divided, darkened by the same divisions,  
have lived so long with these extremes torturing each other,  
tearing you apart,  
that a city can now start, can finally speak through you

Of that bleakness like no other in its wind and blander lives,  
of the beauty that is seasonal in its big-clouded winters,  
of this city of your origins, this city where you'll surely end,  
and of the life it gave you, that, for the first time now  
lives joined in you, is life itself: painful, incomparable.

*In This City*  
Stephen Watson  
David Phillip Cape Town 1988

Everyone has the right to an environment that is not harmful to their health or well-being

*Bill of Rights of the Constitution of South Africa, 1996*

## Executive Summary

### Background:

1. Since the early 1990s, which saw the start of formal negotiations between the apartheid government and parties of the democratic movement, profound political and structural changes have swept through all levels of South Africa's civil service. Following the first democratic elections in 1994, the new African National Congress (ANC) led government began implementing a range of policies to address the legacy of apartheid in the provision of basic services such as health care, water supply and sanitation, and to restructure civil service departments responsible for this provision.
2. Environmental health and environmental management departments lie at the interface between environment and health. They have a particularly important role in developing and implementing environment related policy and in monitoring environmental conditions which impact on health. Local government restructuring creates an opportunity both to examine the process of environment and health policy reform at local government level and to gather data which can inform that process.

### Objectives:

3. This study aimed to explore and map the development of local government policies in Cape Town, focusing on the interface between environment and health policies. The study had the following objectives:
  - to explore and map the network of relationships and communication between:
    - planners and managers in different departments and at different management levels of local government.
    - planners in the Cape Metropolitan Council (CMC) and in the Metropolitan Local Councils.
    - planners and elected community representatives (councillors).
  - to explore how health information from different sources is used in developing policy.
  - to examine how management structures and the culture of the organisations involved impacts on policy making.
  - to assess the extent to which the policies set measurable goals and targets for implementation.
  - to feed the information gathered above back to service planners and to document their responses to it.
1. The study formed part of a larger programme of research in 3 Indian cities and South Africa examining the use of community-based indicators as a tool to facilitate dialogue between planners and communities. This research was co-ordinated by the London School of Hygiene and Tropical Medicine and funded by the United Kingdom Department for International Development.

### Methods:

2. A range of qualitative methods were used to gather and analyse data on policy processes within the environment and health sectors of local government in Cape Town. In-depth semi-structured interviews were undertaken between October 1997 and March 1998 with the following key informants:

- Directors (or senior representatives) of health, environment, environmental health and urban planning departments of the Cape Metropolitan Council and the Metropolitan Local Councils (11 interviews; 20 respondents)
- Elected Councillors (4 interviews; 4 respondents)
- Senior decision makers within the Provincial Administration of the Western Cape (3 interviews)
- Health and environment oriented NGOs (2 interviews)
- Environmental health officers working in a low-income peri-urban community within Cape Town (1 interview; 2 respondents).

Non-participant observation of official local government meetings was also undertaken and relevant policy documents, legislation and agendas of council meetings reviewed. Preliminary results of the analysis were presented to the respondents and other stakeholders through a workshop, and points arising from ensuing discussion incorporated into the analysis.

1. Notes and interview texts were analysed using qualitative approaches. The main themes were summarised and illustrated with direct quotes from the interviews and field notes. A framework for policy analysis which emphasises the interaction and interdependence of actors, processes, context and content was loosely used to guide analysis.

### **Findings:**

#### *The local government policy process in Cape Town*

2. Policy, as understood by the respondents in this study, has a number of functions. These include setting standards and ensuring a minimum level of uniformity in implementation; providing a framework for action and for dealing with potentially sensitive issues; and promoting the transparency and accountability of service providers. In general, respondents appeared to have high expectations of the ability of 'policy' to influence the actions of environment and health departments.
3. Environment and health departments at the local government level are engaged in a number of policy development and implementation processes. While, in the past, policies were inconsistent, adhoc, reactive and often impractical, officials felt that, under the new dispensation, policies needed to be realistic, adaptable and linked to budgets. It was also noted that policy could be used to bargain for more resources, particularly where these policies were formalised in law and therefore required enforcement.
4. There was agreement on the need for wide-ranging public participation in policy development, but councillors and officials differed on how this could be achieved and on the extent to which participation in policy making had been broadened to date. Public participation in, and awareness of, policies was also seen to be a method of enforcing the accountability of councillors and officials by reducing their discretion to take arbitrary decisions.
5. A number of constraints to policy development were identified, including inadequate environmental and health data; lack of co-ordination and consistency between policies under development; inadequate attention to implementation mechanisms and lack of capacity amongst officials.

### *Exploring the environment - health nexus*

6. Despite a number of constraints, including lack of clarity on how environmental health services will be integrated into the district model and on the functions of EHOs, restructuring appears to have impacted positively on the status of the environmental health sector in local government. At the provincial level, however, the environmental health department is perceived as weak and in need of support and direction.
7. There appears to be a strong awareness of the need to make links between environmental conditions and health impacts and therefore between environment management, environmental health and health departments. However, adequate linking structures are not yet in place or operationalised and administrative systems do not appear to be structured to facilitate co-ordination. Departments still tend to function within their own areas of interest, and the implementation of policies that promote cross-sectoral actions has been slow. This may be linked to issues of departmental 'territory' and a lack of formal liaison structures, particularly at middle-level management and field levels. The health sector seems to be more sceptical about the feasibility of working closely with other sectors, such as planning departments, than is the case within these other sectors.
8. Officials and councillors were not in agreement on what constitutes meaningful community participation in environment and health policy making and how this could be achieved. Broad participation was viewed, by some officials, as an obstacle to the speedy implementation of policies, while other respondents acknowledged the difficulty of balancing the need for participation against the pressure for rapid improvements in service delivery.
9. The difficulties of operationalising 'community participation' in the context of very diverse and often conflictual communities was acknowledged. Most respondents agreed that councillors have an important role to play in this regard, but they may be limited by lack of capacity and support and by lack of familiarity with the bureaucratic processes of local government. Other obstacles to effective participation include the apathy within communities; the bureaucratic and non-user friendly processes of local councils; and inadequate or inaccessible information.
10. 'Buy-in' from senior politicians and officials and the establishment of integrated working groups were identified as important in effecting participation and cross-sectoral linkages.
11. The role of indicators in informing decision making and facilitating dialogue between service providers and end users was discussed. Officials distinguished between municipal or metro-wide indicators, which most supported, and community-based indicators which, while seen to be useful, were not considered to be a priority for development at this time. The current focus of planning within the city is at municipal rather than community level and draws heavily on the 'management by objectives' approach. This may account for officials' focus on macro- rather than micro-level indicators. Nevertheless, officials were aware of the need for accountability to communities and saw indicators as a potential way of improving this.

*The impacts of local government transformation*

12. Restructuring, in the context of resource constraints, has had negative effects on efficiency. Many structures are not yet fully operational and liaison structures have been weakened. Organisational morale was also perceived to be low, but this was very context dependant.
13. Despite a range of problems in the short term, restructuring was seen to be potentially positive, in terms of local government functioning, in the medium and long terms.
14. There appears to be a lack of clarity on the division of functions between spheres of local government. Building trust between different structures was highlighted as a mechanism of facilitating 'co-operative governance'.
15. The roles and functions of elected representatives is a contested area, but one in which there appears to be a healthy debate.

**Conclusions:**

*The local government policy process in Cape Town*

16. Particularly striking is the very large number of policies which are either under discussion, under development or ready for implementation, and which have either direct (e.g. the district health system) or indirect (e.g. Environmental Impact Assessment regulations) implications for local government health and environment departments. As is the case with restructuring in general, the capacity of departments and councillors to successfully participate in the development and implementation of these policies is very variable.
17. Past experience and practices often do not provide a useful framework for policy making in the new dispensation, and this is compounded by the loss of experienced personnel during the restructuring process. New strategies for ensuring both cross-departmental and public involvement in policy making need to be explored, evaluated and implemented. However, several respondents pointed to the difficulty of establishing cross-cutting structures with real decision-making rather than advisory powers as these are sometimes seen to infringe on the territory of individual departments.
18. While some decision makers saw policy implementation as a mechanism for generating resources and capacity, it was also acknowledged that inadequately trained or resistant fieldstaff could impede or derail implementation. It has been noted elsewhere that the implementation of policies by field workers is often hampered by a '...lack of clarity in [policy] goals or a lack of resources to achieve them' (Hill 1993 p379). Policy implementation might therefore be facilitated if more attention is paid to developing the capacity of fieldstaff and middle management and to examining barriers to implementation at those levels.

*Exploring the environment - health nexus*

19. While environmental management and environmental health departments share many of the same concerns, and increasingly make the links between environmental driving forces and health impacts, there is still very little real co-ordination of policy making and implementation across these sectors. Co-ordination, where it does exist, is focused on 'downstream' issues, such as air pollution monitoring rather than on 'upstream' issues such as policies on industrial development.
20. By shifting environment - health policy co-ordination 'upstream', it is possible that these departments could have a more substantial impact on the environmental driving forces that often result in poor environmental conditions and health.

*The impacts of local government transformation*

21. The overall impression is of profound and far-reaching changes within local government structures, with very different impacts across departments and between levels of management and field staff. Senior managers, many of whom were involved in driving these changes, seemed generally positive about their outcomes but it was also clear that middle management was struggling to cope both with the flood of changes and with decreased capacity and increased demand. Fieldstaff, although not explicitly included in this study, were perceived to be demoralised and even, in some cases, paralysed by the restructuring process.
22. That the impacts of local government restructuring have been experienced differentially across levels and departments within the health and environment sectors is not surprising, but this makes it extremely difficult to generalise regarding the nature and scope of these impacts. Furthermore, it would imply that strategies to address both the structural issues arising out of restructuring, such as the need for new interdepartmental structures, and the fears and anxieties of staff, will need to be carefully tailored to the settings in which they are applied.

*Policy: is it a panacea for the problems of local government?*

23. There appeared to be high expectations of the ability of new policies to address both ongoing environmental health problems in the metropole and difficulties facing the civil service. This raises the question of whether policy development is being seen as a 'panacea' for a range of ills or problems in these sectors. While policies need to be revised and new policies developed, there is a danger that policy making will divert attention away from other important issues relating to the transformation of local government. As is the case with 'restructuring', policy making and policies cannot, in themselves, result in the transformation of organisations. For meaningful transformation to occur, attention will need to be paid to the organisational barriers impeding transformation. This may be a far more challenging exercise than the process of policy development itself.

*Has restructuring achieved transformation?*

24. It is probably too early to comment on whether the restructuring processes described in this report have in fact resulted in the transformation of environment and health departments. However a number of the themes identified in this report perhaps indicate that local government *is* undergoing a significant transformation in its modus operandi. Further research would be needed to ascertain whether these promising trends are maintained over time.

*Policy analysis: a useful tool for decision-makers?*

25. It has been suggested that policy analysis has an important role not only in analysing the policy process, but also in the development and implementation of policies. This study may prove useful for decision-makers in two ways: firstly, the findings have been fed back to key stakeholders and have already generated useful debate. Secondly, the findings will inform the process of developing an environmental management strategy for the CMA over the next 2 years, by highlighting where policy making is weak and where it could be strengthened.

**Recommendations:**

26. Environment and health departments in local government should develop a policy which defines how communities will be incorporated into decision-making, and should establish a mechanism for the implementation of this policy.
27. Methods and procedures used by councils, and specifically by health and environment departments, to facilitate community participation and empowerment with respect to service delivery should be evaluated and, where shown to be effective, strengthened and expanded.
28. The feasibility of developing and implementing a training programme to build the capacity of councillors to participate in decision-making at local government level should be explored.
29. Where existing administrative systems are not conducive to efficient functioning, attention needs to be paid to developing new systems that function efficiently within existing resource constraints, and that streamline bureaucratic procedures.
30. Clarify the objectives of intersectoral / departmental collaboration and, if appropriate, decide on the most appropriate structures to achieve these objectives.
31. Local government in Cape Town appears to be suffering from 'restructuring fatigue'. In the context of debates on the 'megacity' option, the damaging effects of further restructuring should receive serious attention from local and national policy makers. If further restructuring is unavoidable, consideration should be given to the timing and the speed of implementation.
32. There are concerns regarding the location of environmental health departments within the health sector. A multi-sectoral task team should be established to examine the role and functions of environmental health departments and to make recommendations regarding their location within local government structures.

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## List of abbreviations used in this document

ANC	African National Congress
CBO	Community-based Organisation
CEO	Chief Executive Officer
CMA	Cape Metropolitan Area
CMC	Cape Metropolitan Council
DEA&T	Department of Environmental Affairs and Tourism
EHO	Environmental Health Officer
EIA	Environmental Impact Assessment
HP	Hire Purchase
IDP	Integrated Development Planning
IEM	Integrated Environmental Management
KPI	Key Performance Indicator
LA	Local Authority
MCP	Model Communities Project
MEC	Member of the Executive Council
MLC	Metropolitan Local Council
NES&AP	National Environmental Strategy and Action Plans
NGO	Non-governmental Organisation
NP	National Party
WHO	World Health Organisation

This report presents the findings of a study which aimed to *explore and map the development of local government policies in Cape Town, South Africa, focusing on the interface between environment and health policies*. The report is divided into 4 sections:

- Section 1 provides an introduction to the context of local government policy making in Cape Town, focusing on the restructuring of the environment and health sectors.
- Section 2 gives the background to this study and presents the aims, objectives and methods.
- Section 3 presents the study findings. These have been organised into major themes covering the following areas:
  - the local government policy process in Cape Town
  - the environment – health nexus
  - the impacts of local government transformation.
- Section 4 outlines the conclusions and recommendations of the study.

Both the study and this report used the following definitions of terms:

- environmental management departments: those departments responsible for linking urban planning to environmental concerns and environmental sustainability.
- health departments: those departments responsible for developing and implementing policies, and providing preventive, promotive and curative services which contribute directly to the maintenance and improvement of human health
- environmental health departments: those units within health departments responsible for monitoring environmental health conditions (water quality and access; solid waste removal) and hygiene.
- local government restructuring: the reorganisation of the components (departments, staff, equipment) of local government.

# 1 Introduction: the context of local government policy-making in Cape Town

## 1.1 Local government restructuring - a brief overview

### 1.1.1 *Background:*

Before the transition to democracy in April 1994, local government in South Africa was based on apartheid racial division. The 'apartheid city', as it has become known, had a number of key characteristics. Firstly, environment, health and other administrative structures were duplicated for each race group and between local, provincial and national levels of government. This resulted in fragmentation in terms of legislation, policy, programmes and led to inefficient and wasteful operations. In the Cape Metropolitan Area (CMA), for example, there were prior to 1996 some 18-20 different local government administrative structures with little metro level co-ordination. Secondly, local government was unaccountable, with Black<sup>1</sup> South Africans having no elected representatives. Finally, service delivery was characterised by great inequities in access between well resourced White suburbs and severely under-resourced Coloured and Black suburbs (Barron et al 1996; Hirschowitz et al 1995; South Africans Rich and Poor 1994).

Against this background, a number of interrelated factors have contributed to the current state of local government in South Africa:

- The administrative fragmentation of the past was compounded by the lack of an overarching metropolitan authority or metro-level environmental management policy for the CMA.
- Previous policies enforcing inequitable service delivery have left the CMA with substantial infrastructural and service backlogs in black townships; with high capital and ongoing costs for quality facilities in white areas; and with an inadequate revenue base for attaining greater parity in services (Environmental Evaluation Unit, 1997).
- Far from promoting ecological and social sustainability, land use planning was a fundamental instrument of the apartheid city, leading to not only great poverty and inequity but also environmental degradation and wasteful use of natural resources.
- As the pace of urbanisation increased, apartheid policies such as influx control became unenforceable and large informal unserved settlements grew on the borders of urban areas.

Crippled by rent and services boycotts, puppet local government administrations in the Black areas of the CMA had largely collapsed in the early nineties, worsening environmental health problems in the growing metropolis.

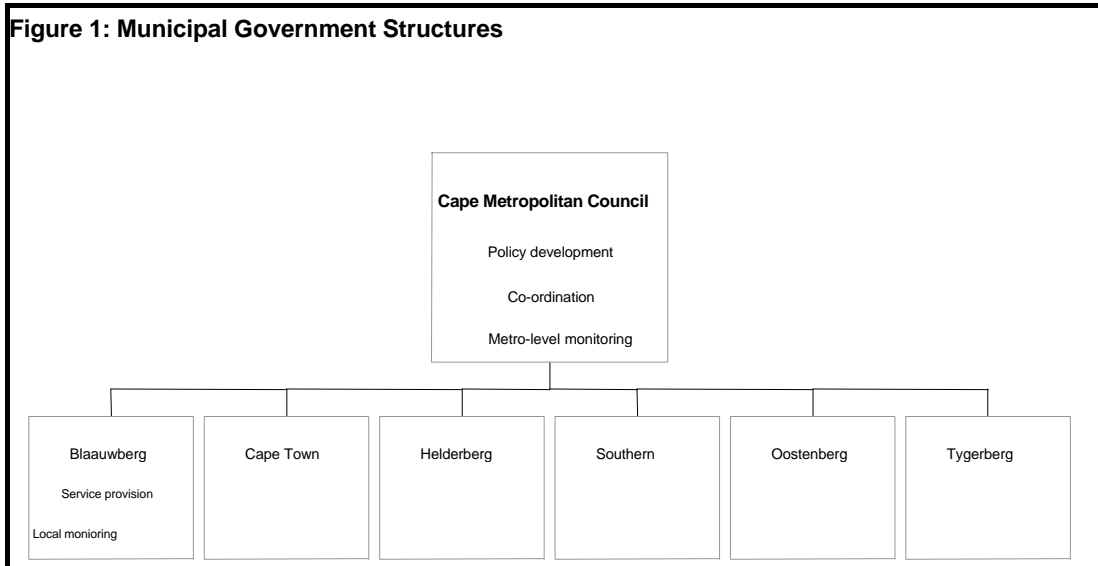
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<sup>1</sup> Reference is made in this report to the population categories of 'White', 'Black', and 'Coloured' as defined by the South African government during the apartheid era. The use of these terms should in no way be seen as sanctioning these categories. Due to South Africa's history, race is an important determinant of socio-economic status and, thereby, of living conditions and health. For this reason, these classifications are still used in data collection and analysis.

1.1.2 *Local government under the new dispensation:*

Democratic national elections in April 1994 were followed by local government elections in late 1995 / 1996. In the CMA these took place in May 1996, and led to the formation of six Metropolitan Local Councils<sup>2</sup> (MLCs) and the Cape Metropolitan Council (CMC), effectively rationalising the former plethora of local government structures through a major restructuring exercise (see Figure 1 below).



Major shifts in direction for local government are enshrined in Chapter Three of the new South African Constitution (Act 108 of 1996), in terms of two inter-related concepts: "cooperative government" and "sphere of government". The latter represents a significant departure from the hierarchical intergovernmental relations of the past to a system where national, provincial and local governments are each distinctive and have equal status. Cooperative governance means that although distinctive and equal, the spheres of government are also inter-dependent and must work together to ensure effective government.

The Constitution envisages a new, expanded and developmental role for the local sphere as a whole and for each constituent municipality. Objectives for local government<sup>3</sup> include providing services to communities in a sustainable manner, while promoting social and economic development and a safe and healthy environment, and encouraging the involvement of communities in local government matters. Local government authorities now also have an important role in implementing policy in both the environmental and health spheres, and possess the primary responsibility for service delivery. The Constitution assigns the environmental or environment-related matters of air pollution, municipal planning, municipal transport, stormwater management, certain water and sanitation services, cleansing, noise pollution, and solid waste disposal to local government authorities<sup>4</sup>.

<sup>2</sup> These are Blaauwberg Municipality, City of Cape Town, City of Tygerberg, Helderberg Municipality, Oostenberg Municipality and South Peninsula Municipality.

<sup>3</sup> Set out in section 152(1) of the Constitution.

<sup>4</sup> Part B of Schedule 4 and Part B of Schedule 5.

Other functions can be assigned to municipalities by national and provincial governments provided there is agreement and the requisite capacity<sup>5</sup>.

Significant challenges also exist for local government around the need, formalised in the White Paper on Local Government, to reverse the legacy of the past through redistribution within and between local areas. The most important difference seen between the new form of local government and the past is the "creative and dynamic developmental role" for local government, to "ensure maximum impact on poverty alleviation within resource constraints, and to address spatially entrenched socio-economic inequalities" (White Paper on Local Government:vi). This needs to occur within the framework of Integrated Development Planning (IDP), linked to budgeting cycles. A further significant change is the presence of democratically elected councillors for all areas and all South Africans. This investigation into policy formulation and decision making therefore occurred at a time of great flux in local government, both in terms of directives set out in national level policy as well as structure and organisation at the local level.

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## 1.2 Environmental management under the new dispensation

The transition to democracy in South Africa has seen the evolution of one of the most progressive Constitutions in the world. This is reflected in the far-reaching environmental right (section 24), which sits within the Bill of Rights of the Constitution (Act 108 of 1996). Of interest is the fact that this right is firmly expressed as an environmental health right, thus encapsulating the nexus of this study: "Everyone has the right to an environment that is not harmful to their health or well-being". Further clauses speak of the need to protect the environment for present and future generations through legislative and other measures, so that ecologically sustainable development is secured. Health care, food, water and social security are also expressed as basic human rights (section 27 of the Bill of Rights). Administrative justice provisions and the broadening of *locus standi*<sup>6</sup> provide better tools than ever before for environmental justice. In terms of the Constitution, national and provincial governments have concurrent responsibility for environmental management, as indeed they do for health services, within a framework of cooperative governance. Despite these Constitutional provisions, and the firm linkage of environment with health in the supreme law of the land, much needs to be done in practice before the environment / health linkage becomes broadly recognised and institutionalised within government structures.

Since 1994 there has been an 'explosion' of policy making. The national Department of Environmental Affairs and Tourism (DEA&T) is currently involved in more than 20 different policy initiatives, many of which have implications for local government. Policy development around local government *per se* is similarly dynamic. Thus many in local government are struggling to stay abreast of current policy developments,

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<sup>5</sup> National legislation in the form of the Local Government Transition Act (Act 209 of 1993) lists 25 powers and duties of local government, 14 of which are directly related to the environment.

<sup>6</sup> A legal right to 'interfere'.

and are not able to input in a meaningful way into the formulation of policies which will directly impact on their existence and operation.

For example, a national Policy on Environmental Management has recently been developed with broad consultation (White Paper on Environmental Management Policy for South Africa). In order to implement the policy, National Environmental Strategy and Action Plans (NES&As) are to be formulated.

What does government understand by "environment". The broad definition of the term "environment", hinted at in the wording of the Constitutional right, has been taken further in national guidelines for Integrated Environmental Management (IEM) issued by the DEA&T in 1992. These guidelines have recently been adapted and partially formalised into legislation in the form of Environmental Impact Assessment (EIA) regulations. These guidelines provide a framework for the identification of activities which may be detrimental to the environment and which would therefore require environmental assessment before approval. The national environmental management policy further develops the direction adopted by the IEM guidelines through a broad definition of the term environment as "the conditions and influences under which any individual or thing exists, lives or develops". This is elaborated as including the natural environment as well as social, political, cultural, economic and working factors, and natural and constructed spatial surroundings (Government of the RSA, 1997).

Within the CMA, an agreement on Powers and Duties<sup>7</sup> between all seven local government structures locates responsibility for environmental management functions in both the CMC and the MLCs. The Agreement, a locally negotiated compromise, is largely couched in broad terms, with the focus of CMC's responsibility on a metropolitan scale while MLC activities are to focus on a local scale. This has not, however, been without controversy, as subsequent sections of this report will explore. The overall thrust is that CMC should play an overarching policy development and coordination role and have responsibility for bulk metro-scale services such as bulk water supply and sewage. The MLCs will be responsible for policy and rendering of services direct to communities. In some cases, such as transportation planning and air pollution control, the CMC has sole responsibility. Macro organisational structure differs to some extent in each of the seven new local government structures in the CMA. In most cases, however, responsibility for actual delivery of services such water, sewage and solid waste management does not lie with the departments in which either environmental management or environmental health sections are located. This has obvious implications for policy making, as discussed later in this report.

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### **1.3 Health and environmental health services in Cape Town**

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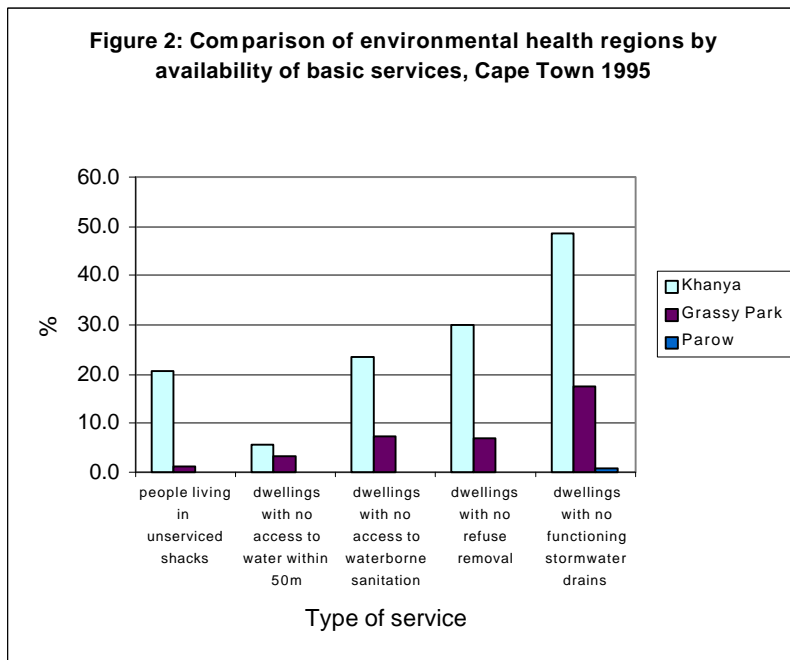
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<sup>7</sup> Signed on 6 December 1996

### 1.3.1 Inequalities in environmental health services:

The apartheid city not only ensured that race groups remained separate, but also, through the inequitable distribution of resources, ensured that White suburbs and communities enjoyed environmental conditions far superior to those of Black, Coloured or Asian areas.

In Cape Town these inequalities are demonstrated by differentials in access to basic services, such as adequate sanitation, solid waste removal, safe piped water and healthy housing; in exposures to polluted air, water and soil; and in risk of injury from motor vehicle accidents and violence. Figure 2 below, based on a recent household survey, compares different areas of Cape Town<sup>8</sup> - a Black area (Khanya), a Coloured area (Grassy Park) and a largely White area (Parow) - on key indicators of access to basic services, and shows these inequalities<sup>9</sup>.



er H (1996), *The State of Cape Town, 1995*,

the apartheid city are in sections of the city areas (Lewin et al) rs in South African sic services to

<sup>8</sup> This survey was conducted in areas formerly managed by the Cape Metropolitan Council (CMC). At the time of the reported survey, the CMC was the municipality responsible for services to the largely Black and Coloured townships on the periphery of the city, with historically White suburbs being managed by a number of other municipalities. Results from this survey were reported by 'Environmental Health Office', each of which included several suburbs. Further details of municipal structures are given in the next section of this paper.

<sup>9</sup> The indicators were chosen as being cut-off points for 'reasonable' access to basic facilities and to facilitate rapid comparison across areas with different conditions. 'Reasonable' access was defined as follows :

- for water as access to a water source within 50m of the dwelling
- for sanitation as dwellings with access to a form of waterborne sanitation
- for refuse as dwellings with access to refuse removal services and
- for stormwater as dwellings with functioning stormwater drains.

1.3.2 *Organisation of health and environmental health services under the new dispensation:*

Following the transition to democracy in 1994, the National Department of Health committed itself to developing a unified national health service based on comprehensive primary health care and the district health model (Report of the Committee of Inquiry into a National Health Insurance System 1995; A policy for the development of a District Health System for South Africa 1995). Strategic Management Teams were established within each province, and tasked with developing plans for the integration of existing services and the transformation of health care delivery. The Western Cape Province, with most of its population based in the Cape Metropolitan Area, was faced not only with the difficult task of integrating health services provided by a host of local authorities, vertical programmes and provincial structures, but of doing so within a reduced budget. Historically, the Western Cape Province has spent substantially more per capita on health care than most other provinces. In order to achieve better equity between provinces in per capita health spending, the Western Cape was expected to reduce spending so as to free funds for use elsewhere. Rapid reductions in the Province's health budget, combined with the costs of expanding primary care services while maintaining a very large tertiary care system, constrained and, to some extent, undermined the implementation of the Provincial Health Plan (Draft Provincial Health Plan 1995; Finalisation of the Provincial Health Plan 1995). While there have been substantial improvements in access to primary health care in the province and the CMA, this has been paralleled by significant cuts in the budgets of referral facilities creating the perception that the Provincial Health Department and its facilities are in crisis. Attention has been diverted from the provision of primary health care and basic services to the state of the large tertiary hospitals within the city.

Within the Provincial Health Plan, very little attention was paid to environmental health services. This reflects the low priority and status of environmental health services in a system largely focused on curative care, and dominated by policy-makers from that domain (Lewin 1995; Derry 1994). Environmental health departments within both the provincial and local authority health services, staffed mainly by Environmental Health Officers (EHOs), are generally small and focused on the monitoring of air and water quality, food hygiene and living conditions. Although important, this monitoring function was not, in the past, closely linked to capacity for action to improve conditions. Intervention depended on collaboration with engineering, water and housing departments which provide basic subsistence services, but EHOs were often not seen as important players by these departments. At the community level EHOs were traditionally viewed as environmental health 'policemen'. Furthermore, the distribution of EHOs between historically White areas and Black and Coloured areas was skewed, with White suburbs enjoying a far larger allocation of human resources than those areas experiencing the adverse effects of poor environmental conditions.

Despite the relative neglect of environmental health within the Provincial Health Plan, there have been moves within the sector to examine both the focus and the role of EHOs, particularly within the new district health system. This study will reflect on a number of these concerns, including linkages between the health and environment domains; the state of environmental health services in Cape Town; the impact of restructuring on the focus and organisation of

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environmental health services and mechanisms for monitoring environmental health at community, MLC and CMC levels.

In summary, local government in Cape Town is currently characterised by rapid shifts in a number of areas including structure and organisation; priorities for intervention; levels and lines of accountability; and financial and other resources. It is within this context that the results of this study should be placed.

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## 2 OBJECTIVES AND METHODS

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### 2.1 Aims and objectives of the study

The process of restructuring local government and developing and implementing new policies within Cape Town creates an opportunity both to examine the process of policy reform at local government level and to gather data which will inform that process. Walt et al (1994 p366) have argued that, historically, health policy has been focused on '...the technical features of policy content, rather than with the processes of putting policy into effect. As a result policy changes have often been implemented ineffectively and expected policy outcomes have not been achieved. Policy analysis cannot continue to ignore the *how* of policy reform.' [italics in original] This criticism is certainly true of health and environmental policy development in South Africa. While much attention has been paid to technical aspects such as monitoring mechanisms for water quality or the composition of the district health team, far less attention has been paid to identifying effective interventions and to examining barriers to policy development and implementation.

This study aimed, therefore, to explore and map the development of local government policies in Cape Town, focusing on the interface between environment and health policies. The objectives of the study were as follows:

1. to explore and map the network of relationships and communication between:
  - planners and managers in different departments and at different management levels of local government.
  - planners in the Cape Metropolitan Council (CMC) and in the Metropolitan Local Councils.
  - planners and elected community representatives (councillors).
2. to explore how health information from different sources is used in developing the policy.
3. to examine how management structures and the culture of the organisations involved impacts on policy making.
4. to assess the extent to which the environmental policy sets measurable goals and targets for implementation.
5. to feed the information gathered above back to service planners and to document their responses to it.

The study formed part of a larger programme of research in 3 Indian cities and South Africa examining the use of community-based indicators as a tool to facilitate dialogue between planners and communities. While the Indian arm of the study focused on the development and piloting of community based indicators, this study focused on understanding existing relations between planners and community representatives and between planners in different local government departments. The study therefore gathered information on the 'how' of policy reform with the specific purpose of informing future initiatives to improve

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dialogue between stakeholders and the more general purpose of identifying constraints and opportunities for policy development and implementation within the city.

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## 2.2 Methods

The study used a range of qualitative methods to gather and analyse data on the policy process within the environment and health sectors of local government in Cape Town. This approach facilitated examination of the complexity of the policy context, the actors involved, the content of policies and the impact of these factors on the policy process.

For primary data collection, in-depth semi-structured interviews were undertaken with policy actors, either individually or with two to three respondents within the same department. Purposive sampling was used to select respondents representing the major stakeholders within policy-making (Guba et al 1989). Within local government these included Directors (or senior representatives) of health, environment, environmental health and urban planning departments of the CMC and the MLCs (11 interviews; 20 respondents) and elected councillors (4 interviews; 4 respondents). Senior decision makers within the Provincial Administration of the Western Cape (3 interviews) and health and environment oriented NGOs (2 interviews) were also included. Finally interviews were conducted with 2 environmental health officers working in a low-income peri-urban community within Cape Town. The interview schedule for local government civil servants and councillors is included as Appendix 1.

Where possible, and with the interviewees' consent, the interviews were taped and then transcribed. Several interviews could not be taped due to technical problems, and were reconstructed from detailed notes taken during interview. Briefer telephonic interviews were also undertaken with a number of respondents and recorded as detailed notes.

Non-participant observation of official local government meetings, including sittings of the Cape Metropolitan Council and subcommittees of the Council, was undertaken to assist in developing a more complete picture of decision making. Particular attention was paid in these observations to the relationships and communication between civil servants, elected councillors and members of the public; the manner in which conflicts were resolved and decisions taken in these fora, including the input of different stakeholders into decision-making; agenda setting for the meetings and the impact of management structures and organisational culture on policy making. Discussions and observations were recorded as notes and supplemented by the agendas and minutes of the meetings. Key documents relating to ongoing policy processes within local government were also reviewed, including the development strategy for the Cape Town Environmental Plan (Environmental Evaluation Unit 1997); the concept document for the Cape

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Town Healthy Cities Project (Working Together for Health 1997) and relevant legislation or pending legislation in the form of green and white papers.

Finally, the preliminary results of the analysis were fed back to the respondents and other stakeholders through a workshop. Respondents were asked to comment on the findings and the following questions, identified during analysis, were discussed:

- How can the process of local government policy-making move from being static to being proactive, adaptive and dynamic?
- What strategies have worked to promote community partnership in local government decision-making? What strategies have failed?
- Within current constraints, what strategies can you, as a policy-maker, use to achieve horizontal and vertical co-ordination around environment / health issues?
- Detailed notes of the meetings were taken and were used in the analysis and to enhance the recommendations of the study.

Data analysis was undertaken concurrent with data collection to ensure that gaps in understanding could be followed up with additional data collection. Notes and interview texts were content analysed using open coding (Strauss et al 1990) to generate units of meaning which were then labelled and categorised. Triangulation was used to enhance validity. This included the involvement of researchers from a range of content and theoretical backgrounds in the study team; the use of different research methods and techniques, including in-depth interviews, non-participant observation etc; and data collection from a number of different sources (Denzin [1978] as quoted in Smaling 1992). The main themes were summarised and illustrated with direct quotes<sup>10</sup> from the interviews and field notes.

### *Limitations*

There are a number of limitations to the methods used in this study. Firstly, the study focused on eliciting the views of officials within local government environment and health departments and did not investigate the opinions of respondents in civil society (NGOs, CBOs) or in other government departments, such as engineering services or water affairs, in any depth. This was done in order to develop an in-depth understanding of policy making processes within local environment and health departments, as perceived by officials working within them. Secondly, the study looked very broadly at the policy process within these sectors rather than elaborating a case-study of the development and implementation of a specific policy. While this may have restricted the extent to which the study was able to focus, it also allowed for a very wide understanding of policy making in the context of restructuring to be constructed. Finally, this study used a cross-sectional approach rather than following the policy process over time. The methods therefore relied on the recall of respondents regarding past events, and this was taken into account during data analysis.

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<sup>10</sup> In this report direct quotes are shown in inverted commas either as separate paragraphs or, for shorter quotes, within the paragraph concerned.

## 3 Findings

Research data is presented according to the predominant themes that emerged during qualitative analysis. Themes do not represent homogenous viewpoints, but include both trends and diverging views. These are highlighted by quotations from interviews to preserve an element of the specific within a necessary degree of generalisation. Where possible, remarks are made linking the dimensions of process, actors and context, in recognition that these can make the difference between effective and ineffective policy choice and implementation (Walt, 1994).

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### 3.1 The local government policy process in Cape Town

#### *Theme 3.1.A: Perspectives on the nature of policy - flexibility, accountability and consistency*

A useful starting point for this examination of policy making and decision making at local government level is to explore how local actors understand and use the concept of 'policy'. Widely diverging perspectives on what constitutes "policy" were elicited, as encapsulated by the following response:

"What comes to my mind is that obviously you can define policy differently. There could be, say, political policy, there could be government policy, there could be statutory policy and you can go down the line, implementational policy, operational policy. Depends how you want to define it. Health policy. A definition of policy would be as soon as there is a specific action that has been agreed by authority, that becomes policy."

Within the local government context, policy was felt by both councillors and officials to be a means of providing a broad framework for consistency of actions and a mechanism of setting parameters and standards. An oft-cited example of the need for the latter was with respect to informal trading policy, which is currently inconsistent across the metropole. At the time of interview this was a political hotspot, obtaining much media coverage amidst accusations made by street traders of unwarranted local authority interference with entrepreneurial activity and counter accusations by formal traders that MLCs were not doing enough to protect the business of legitimate rate-paying traders. Citing the informal trading example indicates a recognition by officials of the immediacy of policy as a means of dealing with potentially sensitive issues with political ramifications both for councillors, who have to take ultimate responsibility for policies, and for service providers, who have the responsibility of implementing policies. There was a feeling that while policy should allow for some flexibility, it should also provide for a minimum level of uniformity across the metropole, particularly with regard to issues such as air or water pollution which cut across the boundaries of the Metropolitan Local Councils.

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While policy was seen as a guide or framework for decision making. Different measures were perceived as necessary for issues in which strict enforcement is required:

"One of our functions is to actually provide policy and guidelines. Now if you are talking policy and guidelines, that's all it is. There's nothing anyone can force you to do, it's merely a policy ... we try to subscribe, but it's obviously therefore better to have it in legislation."

A related point for emphasis was that development of effective policy would require political will and broad buy-in. Clearly policies which are inconsistent in either content or application have the potential to create conflict between stakeholders.

Both bureaucrats and councillors perceived policy as a way to promote transparency and accountability to the public. Thus, in the words of two officials:

"I think it's also a part of transparency. The public can then know generally what the framework for decision making is with their local authority. I believe it's absolutely essential."

and

"I think the objective of the policy is obviously, it's there to help us, it's there to help the community, that people know there are certain parameters that are being kept, certain standards that are being expected."

However, not all respondents viewed the development of environmental or environmental health policy as a priority. Given the need to move rapidly to redress inequalities in municipal service allocation, one senior official noted that the development of indicators to measure performance of local government was a more pressing concern.

Although mostly seen as an essential tool, discussion centred around the need for a "subtle balance" between practical versus ideal policy. Thus:

"... it has to be practical. If it's not practical it'll lie on the shelf and there're many, many examples of that in this metropolitan area. ... And it's that subtle balance, you have to take into account what the resource constraints are ... if you're not realistic, then don't waste your time and effort and consume valuable resources trying to do it."

An opposing view stressed that "unrealistic" policy could be a powerful tool to lever for more resources, but for this to happen, meaningful community buy-in for the policy would be needed in order to apply the necessary exogenous pressure. This is a good example of the complex non-linear nature of policy-making, with policy in this case being deliberately used to garner resources. The example indicates that planners are well aware of the profoundly political nature of the policy-making process and the fact that policy needs to be adapted to available resources or be capable of generating further resources.

The determining influence of the power base of actors involved in the policy process was raised in the context of development of environmental health policy for the Western Cape province. Because of the greater environmental health resources at local government level, any policy developed, noted a provincial government respondent, would most likely be in favour of local government, with little reflection of broader provincial interests.

Located within the context of uncertainty as to the respective roles of different local government structures, it is not surprising that the need for policy to provide clarity on different roles and procedures was highlighted. Moreover, responses indicated that policy should serve to focus attention on specific issues, help to achieve consensus, and assist in dealing with sensitive issues - thus policy should be facilitative and play a role in conflict resolution. The function of policy was also brought down to the concrete level of service delivery:

“Policy formulation should enable service delivery to take place a lot quicker and hopefully be far more effective.”

In addition to these high expectations of the ability of policy to facilitate action, the study also revealed differing degrees of familiarity with "policy speak". As respondents ranged from planners with decades of policy experience to new entrants to local government with much experience of activism but little knowledge as yet of the peculiarities of the local government policy arena, this is to be expected and resulted in an interesting and illuminating diversity of views.

### *Theme 3.1.B: The policy development process – institutional memory, discretion and participation*

This section explores respondents' views on the policy development process, including how policy development has changed under the new dispensation; the participation of different stakeholders in the process and constraints to local government policy development.

#### **Past practices:**

Within a context of wide-ranging conceptions of policy and differing degrees of familiarity with policy level actions, officials and councillors had clear, although in some cases contrasting, views on how policy should *not* be developed. In recognition of the new orientation of local government, discussion around policy development tended to contrast past practices with the (currently perceived) ideal. Thus in the past, policies were seen to have been developed in isolation, which led to lack of policy integration and to inconsistency both within structures and across the metropole:

“So you get a policy on this and a policy on that, but you get no integration, no relationship. They are developed on an *ad hoc* basis.”

A related point is that policies were developed in a reactive rather than proactive mode:

“But there are two things there. I mean, the one is an historic thing where policies

came about at a council level as a reactive thing, like the Second Dwelling Policy or Wendy House Policy or anything like that. But, I mean what we're talking now is a proactive, almost like a mission driven set of things. Which is relatively new."

Respondents with much experience in local government noted the lack of a filing system for policies in the past. This meant that in many cases policies only existed in the memory of an individual and there was no reference system for checking even for the existence of a policy, let alone for an implementation strategy.

"There was no policy file kept so we have no means of finding out what policies we actually have, except in terms of people's active memories. Policy management has been very poorly handled."

### **Policy development in the new dispensation:**

Looking into the future, officials and councillors felt that new policies needed to be adaptive rather than prescriptive, and should allow for creativity within a certain framework:

"Policy needs to be adaptive, to give you a framework. We need flexible policy that can be adapted to local conditions."

Related to the need for policy to be practical, non-linear policy making processes were felt to be a means to achieve this:

"It should be incremental and one should get into the cyclic rather than the linear approach to policy formulation and be realistic."

"Policies that you develop have got to be realistic, based on reality. I think this is what is quite interesting about this new concept in local planning - your integrated development frameworks - along with the plan has got to go budget, the plan has to be reflected in the budget or the budget has got to be reflected in the plan<sup>11</sup>. And I think that in South Africa today it is critical. There's no point coming up with pie in the sky. You have to say: what can I realistically achieve?"

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<sup>11</sup> The speaker is referring to the new legal requirement for each local authority to develop an Integrated Development Plan, or IDP. The IDP must be developed in a participatory manner, with status reports and needs assessments for the municipal area. Proposed programmes and activities are to be linked to available budget, and to be linked across sectors in an integrated fashion. Failure to formulate an IDP will mean no release of funding from national or provincial government.

### **Public Participation in policy development - a means of reducing discretion?**

While the notion of 'participation' is further discussed in a later section of this report, there was stated agreement on the need for wide-ranging public participation during policy development. Detailed responses, however, revealed fundamental differences in views on the way in which policy should be developed to achieve this. These ranged from supporting a 'bottom-up' approach to support for a somewhat more 'top-down' approach where officials proposed first developing a *pro-forma* policy and then distributing that for public comment. An example of an unsatisfactory practice, cited by a provincial government representative, centred around the non-participatory development of environmental health policy for the Western Cape province. A Strategic Management Team of senior officials had been given an extremely limited time to compile a policy, with no input from the public or from councillors. The process had become stalled as the document had been sent back to the regions for amendment.

Another response proposed a different starting point for policy formulation:

"The practice and knowledge around these things must be drawn from those who have the experience. Around that particular question of differential standards in the city, surely you draw on those environmental health officers that have been working in low income areas, in particular in Langa and Gugulethu ... and come together and ask "What is your practice that should inform policy?'. Surely you need to say, what is the practice that informs what should become the policy in that instant, and start from that point ..."

What we are perhaps seeing here is a tension between the 'technocratic' approach to policy making, which emphasises the input of skilled professionals, and a more inclusive approach, which acknowledges the value of wide participation, including representatives of civil society. This leads one to the question of exactly what is meant, at particular times and within particular contexts, by community or public participation in policy development? There was agreement among councillors representing disadvantaged areas and an NGO representative that policy development in the past had not involved the public in any meaningful way. Despite this acknowledged shortcoming, development of the metro environmental policy, currently ongoing, was largely instigated by The Green Coalition, an umbrella grouping of environment / development NGOs, and their working group, the Coalition for Sustainable Cities, through lobbying and engagement with local government

Apart from inertia to change, an additional reason for failing to embrace public participation in policy making was suggested by an experienced official:

"Now, obviously, if you have policy frameworks that are publicly developed and bought into and endorsed and then there is some form of public monitoring of those policies, and there is a lot of communication around them, that reduces discretion on the part of councillors, and it reduces discretion on the part of officials.... It removes their personal power base where they can allocate favours to constituents; and they are very opposed to having a policy that is publicly endorsed."

Flexibility of policy was an issue raised a number of times, as policies that were perceived to reduce discretion too much may be resisted, both by officials and politicians:

"So we've got lots and lots of jolly nice looking policies but, you must also understand

that councillors don't like policies, and often senior managers don't like policies either, because it reduces their flexibility. They don't like plans and they don't like any kind of framework that says 'this is what you will do'."

It must, however, be noted that not one of the councillors interviewed expressed this reported dislike for policy, with all emphasising the desirability of policy as a means to promote accountability. Nevertheless, the recent case of councillors allegedly bypassing council housing waiting lists to allocate housing to the friends and family of prominent gangsters, contrary to council policy, may reflect an attempt by councillors to use their position to allocate 'favours'. This is by means a phenomenon unique to Cape Town or to developing countries: senators and house representatives in the United States are often assessed by their ability to direct public investment into their state through what have become known as 'pork barrel' policies<sup>12</sup>. This study suggests that the public have a role both in developing policy and in ensuring adherence to these policies by government officials. Reducing the discretion of policy makers to take arbitrary decisions may be an important aspect of public accountability.

### **Collaboration across sectors and levels of government:**

A major question raised was how to bring about the required degree of cross-sectoral and vertical coordination and collaboration required for policy making around cross-cutting environmental and environmental health issues. A critical factor in environmental policy making is early buy-in from the line departments responsible in particular for service delivery. Issues of coordination appeared to be a pressing and general problem, and reference is made to these throughout this paper.

Significantly, it was felt that the capacity building opportunities of policymaking processes should be harnessed. An example provided was the need for the CMC, as the metro-scale structure with better resources than the MLCs, to play a capacity building role during current development of an environmental management policy for the CMA.

Issues were raised around the level at which policy formulation should take place. Within the localised context of the CMA, most respondents agreed that the Cape Metropolitan Council had a role to play in the collaborative formulation of metro level policy. However, Local Councils would need to develop specific policy for local conditions. One dissenting view, expressed by a provincial government representative, was that because primary responsibility for local government lies with the MLCs, primary policy should emanate from these structures. Additional comments on this subject are made in the section on relations between different spheres of government.

A fundamental issue within the restructuring context was whether the restructuring process will ensure that the most effective structures for environmental policy making and implementation are put in place. As opposed to the metro-level environmental policy process in Durban<sup>13</sup>, structure has preceded function in the CMA. Middle-level officials expressed concern that despite representations to council and to senior officials, recommendations regarding an appropriate structure to facilitate an

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<sup>12</sup> Pork barrel policies or bills promote the spending of state monies on projects undertaken because of their appeal to the electorate rather than their meeting a real need.

<sup>13</sup> Durban, in the Kwazulu-Natal Province, is South Africa's third largest city.

overarching and integrated approach to environmental management had not been taken up. A number of reasons were postulated for this reluctance: senior management may be "protecting their own turf" and not wanting an overarching structure to interfere with their autonomy; the lack of extra staff or funding; and environmental management not being seen as a priority, possibly because of the failure to see environmental issues as including the "brown" and health issues. The formalisation of structures in advance of decisions on function may impede policy development by creating barriers to cross-sectoral policy inputs

### **Constraints to policy development:**

A number of constraints to policy development were noted. Firstly, there was a perceived need for policy to be based on information which, certainly in the case of routine environmental health information, is currently not seen as particularly useful or reliable. Although local authorities collect environmental health information on a regular basis, policy generated at a national level is reportedly not informed by this information, but rather depends on the particular agendas of policy makers.

A second major constraint, in the dynamic South African policy environment, is the lack of coordination and consistency across the multitude of policies currently under development. Thirdly, officials, within the context of recent restructuring, noted lack of capability, experience, resources and time as constraining factors to co-ordination. The need to develop the capacity of service providers and their institutions to manage effectively was highlighted. In the first instance, there is little experience of cooperative governance in local government structures:

"...so we are trying to call on an institutional memory that's non-existent. Over and above that, you are then asking for co-operative governance in the absence of a cooperative framework. .... places severe constraints on local government ..... no development framework, local government has an underdeveloped development agenda. "

Secondly, in addition to unsupportive administration systems, one councillor suggested the need for programmes of re-orientation and training to change the ethos of the public service in general:

"You have to run a program that will change the culture of working within the public sector. It's a very laid back culture. You join the public service and you don't have to work too hard, you don't need to be very competitive. We in council have decided not to encourage people or to give them the opportunity to develop their capacity to deliver better service. ....and so hopefully the man is working, that is good enough. We don't encourage and yet we want a competitive service. How can that guy compete with the private sector if we don't give him enough skills?"

Third, financial limitations, resulting in inability to fill vacant posts and contributing to demoralisation of staff, and a politically fraught context mean that local authorities will require creative mechanisms to fulfil their increased role: "you have to create a way of working ... asking local authorities with less resources for more responsibilities." In some cases critical posts, such as those to carry out intersectoral collaboration functions in the provincial government health department, are the ones to be unfilled - perhaps indicating that this function is not seen as a priority.

Collaborative policy making was seen by one respondent as a means of ameliorating these constraints:

"I think that under the circumstances and given the constraints, we need to come together in a think-tank framework and apply ourselves on the basis of that, as to how we establish roles and responsibilities on a collaborative basis, using our collective knowledge ..."

and

" ... local authorities have no institutional memory to draw on. You can't call on the past and ask how it was done in the past ... There isn't an experience of collaboration, there isn't an experience of doing it for less, let alone experience of having done it before."

Finally, respondents were also in agreement that past policy making ventures had allocated inadequate thought to implementation mechanisms:

"And also what happens is everyone is locked into this mission statement in the beginning, everybody's got a mission statement and the policy is drawn up but they're not actually carried through to implementation. In other words, they're actually fuzzy policies."

Policy development and implementation are often in practice difficult to separate. A certain amount of overlap with the following section is therefore an unavoidable mirror of reality.

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### *Theme 3.1.C: Problems with policy implementation – ‘n boer maak ‘n plan’*

Policy implementation can clearly be a complex process, involving multiple players at different levels of government and in civil society. It goes without saying that many policies, however well intentioned, are not implemented, only partially implemented or implemented only for a short time. Several examples of failed implementation were raised in this study, including the former Cape Town City Council's Environmental Policy and policies on informal trading. Sabatier et al (1979 p484) have identified a number of steps which, if followed, should be sufficient for policy implementation. These are listed below.

Conditions for effective policy implementation:

1. The programme is based on a sound theory relating changes in target group behaviour to the achievement of the desired end-state (objectives).
2. The statute (or other basic policy decision) contains unambiguous policy directives and structures the implementation process so as to maximise the likelihood that target groups will perform as desired.
3. The leaders of the implementing agencies possess substantial managerial and political skill and are committed to statutory goals.
4. The programme is actively supported by organised constituency groups and by a few key legislators (or the chief executive) throughout the implementation process, with the courts being neutral or supportive.
5. The relative priority of statutory objectives is not significantly undermined over time by the emergence of conflicting public policies or by changes in relevant socioeconomic conditions that undermine the statute's 'technical' theory or political support.

This study did not examine in detail the stages of implementation for policies within local government structures. One respondent, however, described the process as follows:

'It's not that because you now have a new policy you need to change the organisation to enable the implementation of that policy. Particularly with regard to planning, it's a sieve process you would actually go through. It means that the applications you are receiving need to be in conformity generally with the policy. So, where you didn't have that sieve to push the application through, you now have a sieve and the staff who were processing those applications were informed and brought up to speed with the policy and applied it accordingly.'

The process, as described, has a number of components: a mechanism to assess the conformity of projects, applications or activities with existing policy; the resources to enable this mechanism; training of staff to apply or implement the mechanism; and informing the public of the new procedure. Planners across departments at the local, metropolitan and provincial levels and local councillors expressed a range of concerns regarding these different stages of implementation. For the purposes of discussion, these responses have been grouped into those relating to the context in which policy implementation occurs; those relating to the input of the major actors and those relating to the process of implementation itself.

#### **The Context:**

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Within South Africa there are obvious conflicts between policies which attempt to protect or enhance environmental health, redressing past inequalities and promote sustainable development, and the need to rapidly create jobs and provide services to previously disadvantaged groups. Respondents in this study commented that it is difficult for local government to apply or enforce certain policies if these are seen to negatively impact on development and jobs, as one respondent summarised, '... the enforcement will always be weak, because the economic forces are stronger'. This may be a particular problem with policies which have long term environmental health benefits, but are seen to restrict development in the short term. The question which then arises is how policy-makers strike a balance between the long and short term benefits and disbenefits, be they health, economic or political.

As Sabatier et al (1979) noted, policy makers have only modest control over their policy environment and policy issues are often highly interrelated. Actors in other sectors, such as economic planning, and contextual factors may have more influence on environment and health policies, albeit indirectly, than policy makers in environment or health departments. In this regard, Sabatier et al (1979 p500) note that 'It is in responding to such changes that support for a particular program from key legislators, organised constituency groups, and implementing officials become crucial. If they are sensitive to the effects that changes in seemingly tangential policies and in technical assumptions can have on 'their' program, they can take steps to see that these repercussions are addressed in any new legislation [or programme].'

Another contextual issue impeding the implementation of policy is the process of local authority restructuring. A number of respondents commented that the focus of local authorities since the transition had been on restructuring and that policy implementation and service delivery had taken second place. This is explored in more detail in the section on restructuring which follows.

Interestingly, although financial constraints were seen to impede policy implementation, policies were also viewed as a 'mechanism' of generating funds.

'... by putting those regulations in place you actually provide the impetus to generate that capacity. When it becomes obligatory on someone, even the state, they tend to make a plan. " 'N boer maak 'n plan'<sup>14</sup>, you know. You develop that capacity. So I think that the idea is to put these [regulations] in place to drive the authorities, the consultants, the private companies to create the capacity to deal with it."

It is conceivable that policies could be strategically developed at local, provincial or national level with the intention of driving budget allocations in a particular direction. Respondents suggested that policy embedded in legislation is a more powerful tool for garnering resources than policy which exists only as guidelines.

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<sup>14</sup> Afrikaans expression translated as "A farmer will make a plan" and implying that a plan will be made if the circumstances demand it.

### **The Actors:**

Many interventions that improve environmental health are very broad and require co-ordination between and within departments for successful implementation. Housing is a good example, requiring input from planning, engineers and health departments at the very least. Walt (1996) has argued that policies which involve multiple actors with differing agendas and organisation of work are more difficult to implement than those which are operationalised through one department only. This view was supported by respondents in the study, one of whom described how cross-cutting structures were rejected by senior management. This is further discussed in the section on intersectoral collaboration. Another respondent described some of the problems experienced in establishing a cross-cutting structure for environmental management:

"I know the previous council tried it [an integrated management system for environmental issues]. They formed at a political level an *ad hoc* Committee on the Environment. They took all the standing committees and each one had to give a representative. But if there was a housing project, this environmental committee said 'Hang on, hang on, this is impacting on the environment', and then the conflict immediately started. So it's a very difficult thing to deal with, to manage."

The respondents in this interview proposed that a co-ordinating group for environmental management be established to resolve differences in approach across departments and that the group reports directly to a senior level in council. By structuring reporting and accountability in this way, rather than to a particular department, the group might be seen as independent or neutral. It is possible that such a structure might assist in the implementation of multisectoral policies. However, having said that, it should be pointed out that attempts by the Office for Reconstruction and Development (within the Office of the Deputy President) to co-ordinate other departments in implementing the Reconstruction and Development Programme do not appear to have had much success. It is clearly important that the lead implementing agency possess sufficient political, managerial and financial 'clout' to drive co-ordination or that incentives exist to encourage interdepartmental collaboration on cross-cutting issues. This is further discussed in the recommendations.

### **The Process:**

Ensuring that policies are designed to include mechanisms for implementation was another issue raised by respondents:

"It's all right to build a policy framework and say in such and such a situation we shall do this, but unless you actually build in place the mechanisms, and the mechanisms may be a simple management structure, a particular public process creating expectation which then holds bureaucrats and councillors to account, empowering an external group to conduct monitoring and putting in place training."

"The policy is fine but should not remain just a piece of paper. We need to attach a programme to that to ensure that it will be implemented in the process."

The necessity of equipping relevant officials to implement policy effectively was highlighted as a critical factor. An example provided was the failure to train Environmental Health Officers to implement the no-smoking policy developed by the former Cape Town City Council:

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"I think it's a question of when we developed a policy we should have looked at equipping the environmental health people to use it as well, so that when it was official and they actually became part of it and had to go and speak to people, that they were equipped and felt comfortable to go and do it. But I think there was a fear initially that this is something new that we haven't been doing, what if they ask me this ... You're talking of a situation of confronting a guy in a restaurant after he's had half a bottle of wine . ."

These views seem to indicate that not enough attention is being paid to developing implementation plans with clear objectives and indicators for new policies. These may be very simple plans, such as the introduction of a new data collection item, or much more complex initiatives involving several departments for infrastructure delivery. These problems are by no means unique to local government in Cape Town or South Africa. As outlined above, a carefully thought through plan is a crucial component of policy implementation in most settings. This needs to include an assessment of the importance of different actors in the implementation process and the incentives and disincentives for these actors, which might include different local authority departments or structures of civil society, to become involved and take ownership of the policy being implemented.

**Summary of key findings on the local government environment and health policy process in Cape Town:**

- A. Policy, as understood by the respondents in this study, has a number of functions. These include setting standards and ensuring a minimum level of uniformity in implementation; providing a framework for action and for dealing with potentially sensitive issues; and promoting the transparency and accountability of service providers. In general, respondents appeared to have high expectations of the ability of 'policy' to influence the actions of environment and health departments.
- B. Environment and health departments at the local government level are engaged in a number of policy development and implementation processes. While, in the past, policies were inconsistent, adhoc, reactive and often impractical, officials felt that, under the new dispensation, policies needed to be realistic, adaptable and linked to budgets. It was also noted that policy could be used to bargain for more resources, particularly where these policies were formalised in law and therefore required enforcement.
- C. There was agreement on the need for wide-ranging public participation in policy development but councillors and officials differed with regard to how this could be achieved and the extent to which participation in policy making had been broadened to date. Public participation in, and awareness of, policies was also seen to be a method of enforcing the accountability of councillors and officials by reducing their discretion to take arbitrary decisions.
- D. A number of constraints to policy development were identified, including inadequate environmental and health data; lack of co-ordination and consistency between policies under development; inadequate attention to implementation mechanisms and lack of capacity amongst officials.

### **3.2: Exploring the environment – health nexus**

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This section is focused on the environmental health domain. It examines, firstly, the state of the environmental health sector as perceived by policy makers. Secondly, it explores the extent to which linkages are being made between environmental driving forces, health effects and the related need for appropriate environmental management in the city. We then examine the question of community participation in decision-making as it relates to environmental health issues and, finally, discuss the role of environmental health indicators in monitoring services and in creating and sustaining dialogue between communities and local government planners.

### *Theme 3.2.A: The state of the environmental health sector in Cape Town*

One method of assessing the state and status of the environmental health sector is to examine its role in decision-making. To what extent is it an important actor? How are environmental health issues perceived and addressed by policy makers? To explore these questions it is useful to examine the relationships between the environmental health sector and health and other departments; as well as relations between environmental health departments at provincial, metropolitan and local levels.

Relationships between the health sector as a whole and environmental health departments have not always been unproblematic. Previous research (Lewin 1995) has indicated that EHOs saw themselves and their departments as the 'cinderella' of the health sector. They felt that the role of environmental health was not well understood and was generally undervalued by curative departments, who were seen to dominate health sector decision-making. This experience of being peripheral to the health decision-making has contributed to debate on the role of environmental health services and on whether they would be better located within engineering services, as is the case in other countries such as the United Kingdom. One respondent commented that, because preventive services are not seen as a priority, environmental health services will not be taken seriously '...until there is a major outbreak' [of an infectious disease]. This perception was supported by comments from respondents in the provincial health department:

'[We are]...currently losing 8000 health workers out of a total of approximately 32 000 because of budgetary cuts. So it is difficult to employ 20 in an environmental health section. The focus is on curative health.'

While environmental health is still viewed as of low priority at the provincial level, an important question is whether its status has changed at local level following local government restructuring? Respondents within local authority health and environmental health departments appeared to have a much more positive view of the role and contribution of EHOs to health.

'...I think that one thing though that I have been quite impressed with is respect for environmental health. I think they respect your profession...'

Co-operation and liaison with other local government departments, such as engineering services, also seems to be improving. Respondents commented on better relations with engineers and on better access to policy makers:

'I think we are fairly lucky in [this MLC] at the moment where we've got easy access to the people who count – and to our Executive Officer, and Councillors.'

'...it's [executive management] very easy to approach...If we do bring up our concerns they are dealt with immediately. It's not a question of us complaining again. We have identified, for example, an informal settlement. At one stage there was a complete lack of toilets and the environmental health person brought it to the attention...We pushed it through ...put in some temporary toilet facilities. So people are very receptive to what we did and I think that the whole concept of local government is now changing to the developmental role. It's becoming even more important.'

There are a number of possible reasons for improved relations between environmental health and other local government departments at the local level. Firstly, restructuring has encouraged managers to re-examine the roles and functions of different

departments and to look for methods of better integrating activities. EHOs now appear to have more easy access to decision-makers and committees, and this seems to have improved the manner in which requests for action are managed. Secondly, as alluded to above, the focus on the developmental role of local government means that more attention is being paid to improving environmental conditions and to issues, such as air and noise pollution, which impact on environmental health. This contrasts very sharply with the findings of an earlier study (McDonald 1997; McDonald 1998) which commented on the lack of interest of local government engineering departments in the so-called 'brown issues' in underdeveloped areas of Cape Town. The study painted a very bleak picture of the potential developmental role of local government which, at that time, was still extremely fragmented and focused on the needs of the wealthy, historically White areas. While many of these problems are still current, and will probably remain so for several decades, the views of respondents in this study regarding the will of local government to improve environmental conditions in historically disadvantaged areas now appear to be far more positive. These changes do seem to be creating an opportunity for EHOs to redefine their relations with other departments and their own roles within this developmental approach.

While respondents identified opportunities for change, they also identified a number of constraints. Questions were raised regarding the career structures for EHOs and the extent to which their formal training equipped them for their work in the field. There also does not appear to be clarity on how environmental health services will be integrated into the developing district health system, with one respondent commenting that district health teams have '...no conception of the work of the EHO'. Concerns were also expressed that environmental health legislation is lagging behind practice and needs to be revised. Another major challenge is the reform of the environmental health information system. This is discussed in more detail under Theme D.

It is important to note that while respondents saw the environmental health sector as functioning reasonably effectively at MLC and CMC levels, the provincial department was seen to be weak and struggling to fulfill its role. There are a number of reasons for this: firstly, the Province has lost EHOs both to the local authorities and through voluntary retrenchment packages. Severe budget constraints at the provincial level have meant that these posts have not been refilled, restricting the capacity of the department. Secondly, there is a view that environmental health is seen as a very low priority in the province. An example was given of Port Health Services, previously staffed by 5 senior EHOs, but now being run by one EHO who cannot manage the workload. New posts have not been approved despite the fact that South Africa has a legal obligation to adhere to the International Health Regulations Act on the control of communicable diseases and vectors. The lack of capacity at provincial level was reflected in the view that environmental health functions should be devolved to local authorities where the bulk of staff is located. It would seem that clarity on the relationship between provincial and municipal levels has not yet been reached as several respondents commented on tensions between the different structures and on the fact that local governments often see provincial interventions as interference.

In summary, the environmental health sector at local government level is more positive about its role and relations with other stakeholders than is the case at provincial level, as expressed by an MLC respondent:

[The provincial environmental health department] hasn't been able to drive the thing from [their] side and up at a national level environmental health is just about non-existent. So, we tried to turn it the other way around so that we can start pushing it

from the local government side and then going up again...The metropolitan area could be a start, but then one can go provincial and then national.'

Important questions regarding the functions of EHOs and their place within the district health system still, however, need to be resolved. These questions are tied to the manner in which environment-health linkages are understood and reflected in service priorities and organisation, as discussed below.

### *Theme 3.2.B: Environment – Health Linkages*

Within provincial and local health, environmental health, urban planning and conservation departments and amongst councillors there appears to be a good understanding of the importance of making links between environmental driving forces and health impacts. Links were seen to be important both in terms of understanding causal mechanisms and in terms of taking action.

'...maybe if we dealt with environmental issues a bit more thoroughly, we may not be sitting with quite the health crisis. If we spent more time on waste management issues in your dense urban environment, you may be able to reduce the load on the health department. And air pollution issues, there's an absolute link between those issues and the load that the health department has to carry....but it's not easy to make that direct link.'

'...where I find it useful is that the environmental staff challenge the nursing and the other health staff, the more clinic based staff, to think more broadly and, on intersectoral collaboration, they're the best at it than any of the clinic based staff are.'

However, the point was made by senior officials that policies which create and support these institutional links are not yet in place or not operationalised. Departments function largely within their own area of focus and interventions therefore tend to be narrow or fragmented.

'Clearly there's the intention and I believe the commitment to move in that direction, but per se, there's nothing in place currently which says 'we really need to work very closely together', because what happens in that physical environment could have serious implications back on the health side of things.'

Councillors also were of the opinion that intersectoral collaboration was not adequate.

'...we often speak about the intersectoral approach to development and yet, in reality, it's not really applied in local government. I don't know to what extent it is applied in provincial and national, but definitely in local government that's not properly applied.'

Another councillor commented as follows:

'I'm sure that there are councillors that can make that link and also officials, but in our Council you will find few exceptions to that particular rule, where people are not really seeing that link very strongly. If you come from an area like Constantia<sup>15</sup>, for instance, it's very difficult to understand the conditions under which people live.'

Departments outside of the health sector seemed to be positive about the possibilities

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<sup>15</sup> Constantia is a upper middle class, formerly white suburb of Cape Town which forms part of the Municipal Local Council on which this Councillor serves.

and benefits of working with the health and environmental health departments. Within the health sector, however, there seemed to be more scepticism regarding the ease of working together, and examples were given of instances in which planning and engineering departments had failed or were reluctant to respond to environmental issues with important health impacts that had been identified by a health department. One of these examples, concerning a new informal settlement, is described below.

'We just had an issue where we...need(ed) to supply basic services, water and sewage. So we...put in a report that said that, and of course the argument now is it's going to cost money and effectively the engineers (said)...we've got to find money to do that....So we work with them, but it's a little more, sometimes almost adversarial, almost sometimes we're having to fight them. They would prefer not to do anything.'

While some of these disagreements may be based on the questions of which department will 'foot the bill' for service upgrading, the example also shows that the engineering department, in this particular local authority, did not automatically or routinely accept a request from the health department for intervention. This may reflect issues of territory, with one department reluctant to accept intrusions into its area of operations from another department. Other comments, such as this one from a local authority councillor, support this view:

'I think that there may be [moves] within council and within the various directorates to keep the departments narrow, but I think that these boundaries are being collapsed more and more because of issues.'

However, while territorial issues are characteristic of organisations, there is also a strong need for departments within local authorities to work more closely together in order to efficiently and effectively provide services. This raises questions regarding the efficiency of existing mechanisms for interdepartmental collaboration and how these mechanisms could be improved. A respondent at the provincial level made the following comment in this regard:

'So we would definitely call them [the health department] in, and we have done, where there's a need. But I don't think we have formal liaison structures. Maybe we should...'

The point was also made that, while links may exist at senior levels across sectors, the links may be more tenuous on the ground and this may impede collaborative action.

'...in linking generally across the organisation it's probably quite good at senior level. I'm not so sure that it's as good at lower levels. That's something that we are going to have to work out.'

Co-ordination between the environment and health sectors, and other departments, is particularly important in implementing cross-cutting policies. This is discussed in more detail in the section on policy implementation above. An important point noted at the workshop held to discuss preliminary findings was that administrative systems are not structured to facilitate coordination and intersectoral collaboration, with performance "measured on what departments do, so it is difficult at this stage to work with other departments".

A major change from the past lies in the developmental orientation now required of local government, together with the need to work in an integrated and collaborative way with communities and other actors. However, as a councillor noted:

"But what does that partnership mean? Is it giving money, or is it sharing resources which includes human resources? Because they expect the community to put sweat effort into a product for free. ... And yet if you analyse it very few of these staff in Manenberg<sup>16</sup> come out back into the area after hours ... It's okay as long as it is within their working hours... They probably claim overtime and if they are not paid overtime they won't do it ... but they expect the community to do things for free, you know and not claim overtime. If they claim overtime then it's fine. ... So, that's the irony of partnerships."

Moving towards the future will clearly necessitate unpacking and defining concepts such as "partnership", "community" and "participation", and developing strategies to realise these. The perceived lack of commitment to community participation noted by councillors represents an element of the degree of polarisation between councillors and officials:

"The information is accessible but I think that the mindset of officials hasn't changed very much. You therefore need to prod continuously to get the information that you want. I don't think that they really understand the concerns of the people in the areas."

The way in which community participation is understood and applied in local government is discussed under the next theme.

There is a necessity, in view of the previously mentioned perception of the "tremendous control" exerted by the officials, to turn this mindset around, " So that people start to collapse and realise that we work as a team and not as separate entities, within the same organisations." The difficulties involved in facilitating intersectoral action are, however, well described internationally. A recent WHO report on health and environment commented that 'Environment and health departments often suffer from low budgets and little influence over economic development decisions. These problems have been compounded by division of responsibility, with health-and-environment issues split between separate ministries that frequently have done little to co-ordinate their activities in this area.' (WHO 1997 p14).

### *Theme 3.2.C: Community participation in decision making*

#### **Defining 'participation':**

Widely differing perceptions as to the meaning of 'community participation' in local government decision making, and the extent to which this is occurring, were expressed. A distinction can be made between the general thrust of councillor responses and that of remarks made by officials. In general, councillors appeared to be concerned that local government, and officials in particular, were not committed to meaningful participation:

"If you look at Council as a whole, I must say as a body and certainly officials, I don't

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<sup>16</sup> Manenberg is a depressed area on the Cape Flats which has been badly affected for years by violence associated with gangsterism.

believe they're really committed to public participation, I think as far as they're concerned, it gets in the way. And a senior official has actually said to me, he will just do as he wants to do, he will ignore the councillor and the community."

"You see, I think that what has happened in South Africa is that we have lived for so long with a particular system in place, which has never been interactive with communities, it has always been authoritative in approach – we make the decisions, we implement the decisions, irrespective. I have a strong belief that although we continually speak of community interaction, at the end of the day it is not a reality as such. We listen to communities and we have all these workshops and we walk away and we ignore their statements, the implementation and the comments that they have made."

Officials, on the other hand, felt that extensive community participation in policy making was not always required. Reasons provided included the time-consuming nature of participatory approaches within the context of need for urgent and large scale delivery of services, and the limited resources of local government. In the case of policy formulation, for example, it was felt that development by officials of a *pro forma* policy which would then be open to public comment was preferable to extensive initial grassroots consultation prior to policy development:

".. it's perhaps not the ideal way, but in terms of the limited resources and capacity that we do have, I think it's a major change in local government in this part of the world, to get that buy-in."

"... but what our Environmental Health Officers in Khayelitsha tend to do is spend most of their time in meetings so there's lots of community participation, but is that really all they should be doing? That's the question we're coming up with."

Particularly where local government officials are closely in contact with communities, as is the case for Environmental Health Officers, it was felt by some that these officials could represent communities. Other planners felt that community priorities were well known and that action was required to address these, rather than more consultation. This focus on technical action was recognised as a shortcoming by one provincial government official, who noted resistance from other officials at different levels of government to his suggestions for direct community representation on a provincial environmental health forum on the grounds that the "forum deals with technical issues".

Another motivation for the need to move ahead rapidly was that local government now needs to accept and act on its responsibilities to disadvantaged communities. This rationale was apparent in the responses of officials committed to transformation and the developmental orientation of local government, who are clearly having to carry out a delicate balancing act between maximum rapid improvement in service delivery and meaningful community participation, which they do recognise as the right of residents in their areas.

### **The role of Councillors:**

With the perceived lack of effective community participation at local government level, a primary role for councillors, particularly from disadvantaged areas, in ensuring meaningful community participation was identified:

"If you understand that the background of our people in the country is that they have not been part of taking decisions or even participating in discussion you will see that there is that lack from our people. I see my role as councillor as that of bringing together the community and the authorities."

Within this context of councillors as 'go-betweens', with the responsibility of transmitting community priorities to local government officials, the nature of the relationship between councillors and officials will be an important determinant of the extent of participation. This relationship was found to be variable, depending largely on the process of building good personal ties. This in turn was dependent on characteristics of the actors involved, such as length of time in office of councillors, as well as their power base:

"It depends on the person. In my case in my position as chairperson of the standing committee, I am able to get whatever information I need, because I do interact with all the officials and the management in various departments. If I want to get any information I just tell them, and up until now they have been able to provide me with that information."

"I have learnt a lot since I have been in council, I used to think that it only worked through the political structure, but there are many things you can do through the officials depending on your relationship. I think that if I find that I am not able to make any headway through the officials because of funding, I have no other alternative but to put it into the council system. That in turn will then be referred to the various committees that will then analyse and investigate it and make an assessment and come up with a report around that particular area. So that is basically the process. If it is politically sensitive then the officials will of course not touch it with a ten-foot pole."

An issue is "put into the council system" by a councillor placing it on the order paper. This leads to the issue being put onto the agenda of the relevant council committee, after a screening process by officials, which is felt to sometimes be necessary but, on other occasions "...you're not too sure what the motivation is".

The problem, however, does not always lie with the official. As a number of councillors pointed out, not all of their kind are equally diligent, and many new councillors, commitment notwithstanding, are finding it extremely difficult to cope with the workload and alien bureaucratic procedures of council.

"You will, however, find councillors who are not open with regard to asking for information and will just go to a meeting. That is one problem."

"They're not coping. There are councillors who have never said a single word ... They do not open their mouths on any issue at any time about anything."

Councillors used a variety of different mechanisms to achieve liaison and feedback to community members, indicating different operational styles. These included a regular newsletter used by one councillor to inform constituency members, as well as a range of formal and informal structures for liaison and interaction. In many cases using existing bodies such as civic organisations, Reconstruction and Development Forums, union structures and political party forums were used for feedback and discussion.

Other structures have been specifically created for the purpose of interaction, such as the ward liaison group mentioned by one councillor, and the ward committees<sup>17</sup> noted by another.

In addition to structures, all councillors mentioned interaction with individuals as an additional means to transmit community priorities and needs to officials. A difference, however, relates to the unequal demands placed on councillors from different socio-economic areas, as discussed in the section on new challenges for local government. A recent development to facilitate community participation has been the establishment of a Community Liaison Department within one of the MLCs, thereby institutionalising feedback to communities:

"The councillors also have the Community Liaison Department. This is a new department we have created because we saw that the councillors had a need for such a department to take responsibility for informing people of the councillors' decisions and what is expected of them."

This department can be expected to play an important role in the intersectoral collaboration required to satisfactorily address environmental and environmental health issues.

### **What are the constraints to meaningful participation in decision-making?**

Problems identified with respect to community participation related to the lack of a common understanding as to the nature of this concept, as well as inappropriate mechanisms to achieve this. Thus councillors noted the need for local government to define what is meant, and hence required, by 'community participation'. Integral to the need to clarify what is meant by community participation is the necessity for local government bodies to develop a unified understanding of what constitutes "the community". Clearly this might be different in specific circumstances. However, if the goal is broad based support and ownership of local development and decision making processes, limiting 'community' to well-organised formal structures or established interest groups, as some responses indicated, would tend to entrench the status quo, where participation in decision making is the prerogative of the elite.

In addition to unpacking the concepts of "community" and "participation", it is necessary to recognise that community participation itself will not automatically translate into consensus. Sensitive issues will require negotiation and compromise on the part of divergent interest groups and individual values. One councillor noted the problem of deciding on a course of action when there appears to be a split in the community with respect to a particular issue (in this case the holding of an open air film festival in a residential area):

"Now if you are an official, what do you do? So then you have to say what you think is what the true recollection of the community is. This film festival...it's a split community. The ratepayers association said yes, we don't mind, people in the area are saying no. Now what does the ward councillor do? Does he back a small group of people or does he back the association?"

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<sup>17</sup> Grouping within each ward of different civic organisations and interest groups, including business organisations, plus "the voice of the ordinary people from the particular area". Initiated by one of the political parties, one of the MLCs requires each councillor to liaise with his/her constituency by means of a ward committee.

When this happens, the issue becomes party political, in which case, in the opinion of the councillor, "...it's unresolved because that doesn't help. Taking it on party political lines doesn't help." It appears that commitment to community participation differs between political parties, and this may be used by representatives of other parties to push for participation, or to manipulate council decision making for their own agendas. Non-participant observation revealed argument in council chambers between political parties concerning whether officials or councillors were accurately representing community needs and wishes. One revealing example consisted of councillors from white areas arguing with councillors from black areas as to whether the latter were correct in their representation of the wishes of their own constituents - shades of the old patriarchal mentality?! This once again highlights the need for transformation as opposed to just restructuring, discussed in more detail in the section on restructuring effects.

In general, responses raised the question as to the extent to which council structures and procedures facilitate community participation. Through non-participant observation of council and committee meetings, as well as from direct comments made by respondents, it is clear that many councillors feel that mechanisms to achieve community participation are not appropriate and thus wide involvement of constituencies is not realised:

"Here you find that there is a particular procedure in place and that procedure is so longwinded that people don't really feel that they are interacting."

"They (the relevant officials) had said in a public meeting about the road issue 'we will have public participation', but to them in their minds it was putting an advert in the paper, to the communities' mind it was at least getting something in their box saying there's going to be a public meeting. And so I put up and I complained 'we actually don't believe in public participation' ..."

It appears that there is some degree of inconsistency between the rigid and more hierarchical bureaucratic processes of council and more democratic procedures used by some councillors to interact with their wards. On the subject of workability of these two systems, one councillor from a 'struggle' background said the following:

"Well, they do work, but of course there are some difficulties. You will understand that the officials are not used to that kind of a system and the expectations of the community are quite high and because of the situation in our country, if someone puts something today, they expect results tomorrow. This cannot be the case. I will say that at least our officials are trying, under difficulties though, because they are not used to that kind of a system."

Additionally, information to facilitate public participation is not disseminated in an accessible fashion, if at all:

"I think mainly because they don't know first of all a) who to go to, and b) they have the right to phone. That is the main crux of the matter. If it's not information that is disseminated in the community, 'if you have a problem, phone X', you know and 'this is the number'. So, that should be part of the education process, you know."

However, the failure at this stage of local government in the CMA to interact meaningfully with civil society was not only laid at the door of officials - one councillor noted the apprehension of councillors regarding this:

" ... one of the buzzwords in the X municipality is: community participation. It hasn't really happened and this is one of those crucial things. I think that councillors feel very threatened and intimidated because of the expertise lying out there ... I think that our councillors would run away, because if you want to debate on a technical level, you will be out-debated by the civil society. And if you don't listen to them, next time you will not be around. ... I was in a couple of meetings where our councillors interacted with the community and were continually very defensive. I think that is the wrong approach. You need to listen, you need to open your ears and be a good listener. Because only then will you be able to use those debates that have been levelled at you, when you debate in council. But if you close your ears then you are not really reflecting the views and aspirations of the community."

A further structural obstacle to effective community participation is the apathy engendered in disadvantaged communities through the years of neglect and discrimination. In the words of a councillor from such an area:

"And I think in disadvantaged communities, they are too passive, you know in accepting what is pushed down by local authorities. ... And they think that is how it should be, because it's always been like that."

A lack of rigorous evaluation of innovative strategies was also raised. One official noted that groundbreaking participatory projects initiated outside the local government arena are not receiving the necessary support - "These crucial experiments are not being properly evaluated, or networked or supported." A related point was the need for integration of similar participatory initiatives being driven by different actors, highlighted by the following response from an official:

"I go to all the NGOs or whoever is involved in the area, in other words wherever they've got meetings, I try and attend them as far as possible so that we don't get lost in the interim they're doing something and we're doing something, we try and get it under one blanket so that we can actually work together and previously that was a problem. People would go into ... a squatter area and they'll do their thing and actually we are doing a very similar service within that area, but now lately we seem to come together and we discuss it and whatever they do we try not to do so there's not that kind of thing."

#### **Innovation to facilitate participation:**

Having identified community participation as an important problem, what strategies have been developed to address this? Responses to a question probing how community priorities would be incorporated into policy making were largely answered in a non-specific manner, such as "through the law, I think" or "a massive education process" or "by bringing in NGOs and community organisations". This appears to indicate that officials are still grappling with the means to achieve this incorporation of community priorities - that is, community participation remains rhetoric rather than reality in the Cape Metropolitan Area.

#### *Multi-sectoral initiatives:*

A broad response to the problem of achieving intersectoral collaboration and meaningful public participation was to drive issues through programmes such as the

Healthy Cities<sup>18</sup> or Local Agenda 21 initiatives (Feedback Workshop Minutes 1998). However, early attempts to set up a Local Agenda 21 Model Communities Programme<sup>19</sup> (MCP) in the low income area of Hanover Park were largely unsuccessful. A critique of the programme throws some light on reasons for the failure, citing the fact that the MCP was driven through a co-management model as a primary factor. Officials and councillors reportedly perceived this as usurping the functions of the council. In the words of a respondent from the NGO sector, this was perceived as "not so much as a threat, but more that they did not understand what it was aiming to do". Further problems related to lack of support from higher levels of management, who had supported the project initially but when initial funding for the project was lost, support was rapidly dropped.

Despite the fact that MLCs are coming up with more innovative means of tackling cross sectoral issues by involving a range of stakeholders, such as the integrated working groups of one municipality, the extent to which these structures are accessible to the community is uncertain. The accessibility might be more theoretical than real if information concerning these structures is not widely publicised and the nature of the structures excludes those without a high degree of literacy and the right connections.

#### *Identifying and involving opinion leaders*

In addition to effective public participation, political buy-in at a sufficiently influential level has been shown to be necessary to support progressive changes in the environment / health field. Thus an official from one of the more proactive local government structures noted the high degree of support from "senior political people in the council who have an environmental background". Where support of progressive environmental management measures is perceived to "boil down to political mileage", local government is felt to be "on the brink of opportunity now". This is apparently not the case for all local government structures in the CMA. In addition to political buy-in from powerful councillors to introduce new ideas, the media was also stated to have a role to play in this regard.

The role of opinion leaders or champions in achieving change in a bureaucratic system prone to inertia became apparent from dialogue with officials and councillors, as well as from observation by researchers. Repeatedly, where progressive local steps had been achieved in the environmental management or environmental health spheres, initiatives had been driven by committed and dynamic individuals. The following quotation highlights one example provided by an official:

"We initially had an environmental *ad hoc* committee, just a set of councillors, driven by Councillor X. He was a powerful councillor anyway. He was a big driving force, he wanted some environmental management system. So, a lot of this came from him, through his pressure."

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<sup>18</sup> The Healthy Cities Programme was initiated by the World Health Organisation in response to the global Health For All by the Year 2000 programme. The Healthy Cities Programme provides a framework for intersectoral collaboration between departments in local government and civil society, as well as a forum for facilitating change in health, environment and development related policies at the local level (Stern, 1996).

<sup>19</sup> The Model Communities Programme, initiated by the International Council for Local Environmental Initiatives (ICLEI) attempts to operationalise the United Nation's Local Agenda 21 through a partnership approach to sustainable service delivery.

The quotation refers to the passing by council of one of the MLCs of an environmental policy, prior to the restructuring of local government in the CMA. It appears that this progressive step was also facilitated through the actions of middle-level officials who were able to cut through red tape and interact with different departments at senior level. Thus opinion leaders are not necessarily in senior positions, but display the ability to interact successfully at all levels of the bureaucracy. Although such champions may play important roles in breaking new ground, when they move on, as was the case for the above example, much of the momentum for the initiative is lost. This highlights the need for systems to be set in place to facilitate vertical and horizontal linkages, rather than achieving these desired interactions through personalities alone.

#### *Developing the capacity of councillors*

Councillors too face new challenges, many of which are greater in disadvantaged areas. Additionally, many new councillors are still in the process of coming to terms with council systems, while 'old guard' councillors may be resisting the changes:

" ... now you have a different mixture of councillors in council with different needs. Not only that you also have different councillors having different work loads, because say in an impoverished area, you would have the councillor having to deal, like I have to deal with a crime problem, which is not a council function. To deal with social welfare problems, which is not a council function. People ask me for advice from HP<sup>20</sup> to legal advice which is not the role of a councillor. As in the white community, the rate payers, that councillor interacts with the rate payers, every now and then an odd phone call about dirt not being collected or verges not being cut and so on. So the workload is totally different and diverse, and here you have to be practically on duty for 24 hours a day. So, that is one of the main differences between the work loads that you would have."

Responses concerning community participation and decision making in local government matters and policy making underlined the range of actors involved in policy making around environment and health. The extent to which each plays their role will determine transformation of the current state of community participation, as one respondent noted:

"You know, is it social workers who bring about social change or is it the whole community? The same with the environment, who will bring about that change, attitudes. ... Is it going to be the council officials, is it going to be councillors, is it going to be the community on their own .. ?"

Party politics and systems of governance provide further dimensions of the context within which actors operate, which may have important consequences of varying degrees of predictability for local government policy making. Power relations between political players, as expressed in 'party politics', is one of the major factors shaping policy development and implementation. This is particularly true of the Western Cape Province which is the only province in South Africa ruled by a National Party government<sup>21</sup>. City level structures are also split between the two major parties - the National Party (NP) and the African National Congress (ANC) – with ANC councillors generally representing historically disadvantaged areas and NP councillors representing wealthier areas.

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<sup>20</sup> Hire-purchase agreements.

<sup>21</sup> The National Party ruled South Africa for over 40 years, from 1948 until the democratic elections of 1994.

Communities and their representatives are therefore just one of a range of actors engaging with a very complex process of decision-making. Their power in this process will probably be dependant on their ability to mobilise support and build coalitions within local government structures. Nevertheless, current efforts by civil servants to facilitate participation may catalyse this process of building strong civil society involvement in environmental health decision-making.

### *Theme 3.2.D: Indicators as a planning tool*

This section explores the extent to which indicators are currently being used in planning environmental and health services and whether they would be useful in promoting dialogue between communities and planners.

Respondents within local authorities distinguished between municipal or metro-wide indicators, which most supported, and community-based indicators which, while seen to be useful, were not considered to be a priority for MLC health and environmental departments at this time. A number of reasons were given for this. Firstly, the development of community based indicators across the city was seen to be an expensive and labour intensive process which would be difficult to undertake and sustain:

'We do not have the luxury of being able to develop our own indicators, every single one of us [referring to MLCs], separately, in our own capacity, and then to measure them ourselves'

Another senior planner commented that:

'We need a metropolitan agreement on what indicators....But if one explores the 'what indicators' question at a community level...Does that community have the capacity to sustain the monitoring and measuring programme, does it have the capacity to ...analyse the results? And I think we as policy makers must take responsibility for answering the question....Having gone through the monitoring programme at a community level, has it really helped them? They can't compare with what's happening in the community next door, and if they can't compare with what's happening in other cities around the world...how well are we doing relative to others? That must be as important part of an indicator programme as it is comparing how well we're doing to how well we did a year ago. And I think with those caveats...before we do that we should get our act together in terms of those indicators which are of collective needs, and on an individual case...one could facilitate individual community monitoring programmes.'

This quote also highlights the second point raised by planners: the difficulty in using community-based indicators to compare performance across areas within an MLC or across the metro area. This point is perhaps indicative of the very different approaches and needs of planners and residents with regard to monitoring. Planners seem particularly concerned with being able to compare performance between areas i.e. has this area improves or worsened in terms of access to a service when compared to adjacent areas? Other studies have shown, however, that residents are concerned not only with relative performance and impact, but also with absolute performance i.e. has the service met *local* needs and standards? (Stephens et al 1994) For example, knowing that one's neighbourhood receives 2 hours of water per day, and that the situation is similar in adjacent neighbourhoods, is not necessarily helpful if this two

hours of service indicates a deterioration in service delivery over time for that area. This difference reflects not only the different orientation of planners and communities, but also the legal framework within which planning is taking place in South Africa. Local authorities are now legally required to develop Integrated Development Plans (IDP) and Key Performance Indicators (KPIs), designed as an objective measure of implementation, form a part of these plans.

While most planners shared these views, there were some differences of opinion. One senior EHO felt that, while indicator guidelines needed to be developed at the metropolitan level by the CMC, the indicators themselves would need to be area specific. It is possible that this opinion reflects both the understanding that priorities may vary across the city and the anxiety, expressed by a number of senior MLC employees, that the CMC would intervene unduly in their work, in this case through enforcing the use of city-wide set of indicators. The environmental health department of one of the largest MLCs is already developing EHIs for use by its department and hopes to extend this process to other departments within the Health Directorate.

Both councillors and planners agreed on the usefulness of indicators as prompts for municipal action. One planner commented that:

'If you put them [indicators] into a tool you'd use for overall management on a regular basis, you're constantly irritating a little thing, you create an awareness just because you are accounting for that' ..... 'Only when you have an indicator that you require to report on ...publicly in the press, every six months or every year, at your expense...do you have actually have any means of checking if that actually gets done. And then you have to put in place, like the gender development index, something which is easily measured and is measured anyway by somebody else.'

A councillor noted that:

'Yes, that [community based indicators] would be a better tool, and then people would start understanding how it affects your lives, and once they get involved, the more involved they get the more demands they would make of the local authority. And the more they would see a greater need.'

In this sense, indicators were seen as having the potential to improve dialogue between service providers and communities and, through that process, improve the delivery of services. It is interesting that planners also saw the need for, and were in favour of institutionalising public mechanisms to, monitor their own performance. This may reflect a range of issues including a broader move towards increased transparency within government departments in South Africa; the desire of new local authority (LA) department heads to use KPIs to both monitor and shift the orientation of their departments towards dealing with the needs of underdeveloped areas; the growing understanding that, in future, LA grants from Provincial level may be based on monitored performance and, finally, the desire of new MLCs to show that they are achieving their service goals. Clearly, elected councillors also have a vested interest in a monitoring system which allows them to demonstrate progress in achieving goals but, of course, need to balance that against the possibility of the system showing no progress or, in the worst case, deterioration, which may reflect on their performance as councillors. One respondent commented that he had been asked by the 'politicians' to come up with a set of 8 to 10 'health for all'<sup>22</sup> type indicators for the environmental health status of the metropole. It is possible, then, that the selection of the city- or MLC-wide indicators mentioned may be a highly contested process with both councillors and planners trying to ensure that the indicators chosen are those most likely to reflect achievement of their service objectives.

It is also interesting to note that respondents in Urban Planning departments expressed more enthusiasm regarding indicators than those in Health departments. This may

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<sup>22</sup> Probably referring to very broad indicators such as infant mortality rate (IMR), proportion of households with access to potable water etc.

reflect both the implementation of the IDP strategy by Urban Planners and, perhaps, Health departments' poor past experience with indicator development and monitoring.

Although the quality of existing data was not discussed in detail, respondents did raise this issue. One councillor gave the example of health data presented at the monthly meeting of the Amenities and Health Committee of an MLC and commented that, 'It just doesn't make sense, and yet it gets given every month in the same format.' A department head commented that:

'I'm also worried that too much information is gathered and you don't do [much] about the actual results of what you get out of the information. That's what I'm scared of because your staff is getting more and more stretched towards doing more book work than actually seeing to the patients and that is bothering me a bit....'.

In summary, city-wide indicators were seen to be useful as part of a range of mechanisms for monitoring the performance of local authorities and for maintaining accountability to consumers. Planners, while supportive of the concept of community-based indicators, did not generally think that it would be feasible to develop them at this time. Efforts are underway, however, to develop Key Performance Indicators at the MLC level as part of the Integrated Development Planning process.

**Summary of key findings on exploring the environment-health nexus:**

- A. Despite a number of constraints, including lack of clarity on how environmental health services will be integrated into the district model and on the functions of EHOs, restructuring appears to have impacted positively on the status of the environmental health sector in local government. At the provincial level, however, the environmental health department is perceived as weak and in need of support and direction.
- B. There appears to be a strong awareness of the need to make links between environmental conditions and health impacts and therefore between environment management, environmental health and health departments. However, adequate linking structures are not yet in place or operationalised and administrative systems do not appear to be structured to facilitate co-ordination. Departments still tend to function within their own areas of interest, and the implementation of policies that promote cross-sectoral actions has been slow. This may be linked to issues of departmental 'territory' and a lack of formal liaison structures, particularly at middle-level management and field levels. The health sector seems to be more sceptical about the feasibility of working closely with other sectors, such as planning departments, than is the case in these other sectors.
- C. Officials and councillors were not in agreement on what constitutes meaningful community participation in environment and health policy making and how this could be achieved. Broad participation was viewed, by some officials, as an obstacle to the speedy implementation of policies, while other respondents acknowledged the difficulty of balancing the need for participation against the pressure for rapid improvements in service delivery.
- D. The difficulties of operationalising 'community participation' in the context of very diverse and often conflictual communities was acknowledged. Most respondents agreed that councillors have an important role to play in this regard, but they may be limited by lack of capacity and support and by lack of familiarity with the bureaucratic processes of local government. Other obstacles to effective participation include the apathy within communities; the bureaucratic and non-user

- friendly processes of local councils; and inadequate or inaccessible information.
- E. 'Buy-in' from senior politicians and officials and the establishment of integrated working groups were identified as important in effecting participation and cross-sectoral linkages.
  - F. The role of indicators in informing decision making and facilitating dialogue between service providers and end users was discussed. Officials distinguished between municipal or metro-wide indicators, which most supported, and community-based indicators which, while seen to be useful, were not considered to be a priority for development at this time. The current focus of planning within the city is at municipal rather than community level and draws heavily on the 'management by objectives' approach. This may account for officials' focus on macro- rather than micro-level indicators. Nevertheless, officials were aware of the need for accountability to communities and saw indicators as a potential way of improving this.
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### 3.3 The impacts of local government transformation

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#### *Theme 3.3.A: Effects of restructuring*

Restructuring of local government in the CMA has involved the transfer of some 10 000 people and effects a total of some 30 000 staff in the sector. As one senior official noted, it was " a logistical exercise that you can't imagine", and, perhaps more colourfully:

"It's pretty unique what's happened in this country in terms of local government. When you think of the number of employees, I mean, you read stories about multi-national corporations that have re-engineered their organisation and moved a few thousand people around. You're talking tens of thousands of people that you're moving around in this metro area. In a highly, highly volatile political climate. Really, it's not just business climate you're operating in, and it hasn't been easy."

Three main effects of restructuring were apparent from the data: effects on organisational structure and functioning, effects on organisational ethos and morale, and implications for policy making. The extent to which restructuring is being used to achieve equity, or at least greater parity, in access to services between the rich and the poor is also examined. To avoid oversimplification, it is important to note, however, that one organisation or even one department may represent a mosaic of positive and negative factors impinging on the actors.

#### **Effects on organisational structure and functioning:**

Firstly, restructuring has had an enormous impact on local government structures. Although restructuring has resulted in the creation of seven local government bodies, it was clear that many stages of the process were yet to be finalised. For instance, in most cases, municipalities had not yet put all their staff in place:

"It has really affected the efficiency of local government ... The problem is that we have been able to appoint CEOs [Chief Executive Officers], directors and the top layer of management, but there is no staff to help that management or to implement the discussions we are discussing. That is one problem."

Within the councils environmental management and health functions fell within different directorates, and during the course of the study some of these functions were shifted between directorates. Furthermore, MLCs were all at very different stages with respect to appointment of staff. For instance, heads of environmental management were not yet in place in all the MLCs and the CMC, currently engaged in developing in collaborative fashion an environmental management policy for the CMA, was having to link up with the closest person, which in some cases was a planner with little environmental experience. For various reasons moratoriums had been placed on hiring staff:

" ... we've had to form two new directorates ... with no staff because that's the other battle I can't get staff, and we will not be able to some of the things we are meant to do because we can't get the staff - because central government are saying we're not approving your budget because you are spending too much on staff."

"the problem is we would like to employ more staff but we're not going to be able to

and one is going to have to look at the micro design as to how best we can use the resources at present."

Local government restructuring has also been tremendously disruptive to efficient functioning, as the following remarks made by senior officials indicate:

"Service delivery has been a second class citizen for the last three years in this metropolitan area, no two ways about it. The major emphasis of resources has been committed to the restructuring process. We're still in that restructuring process."

"Now the logistics of that operation weren't easy. When you think of the files - they cover more than an entire rugby field. It was mind boggling."

During the course of this study, there was still much fluidity with respect to structure and development of organisational design of local government bodies. While all MLCs had completed their macro design<sup>23</sup>, they were at different stages of their micro design<sup>24</sup>:

"[That] MLC [referring to another municipal council] is more or less a finished organisation, here we're basically building an organization out of the ground and therefore it's a very difficult situation to have ... But as I said, the difficulty is that we haven't moved beyond the perimeter of managers or directors. We haven't even completed our organisational design yet, but we hope to be finished that by the end of this month."

Where staff were in place, many were not formally "in their correct functions", and thus reportedly unable to function efficiently:

"... because we haven't done the micro design in the organisation, people are not fixed, they are floating. There aren't any direct lines of communication or authority. So people have the job description but they're not fitting into the job."

"the whole micro design hasn't gelled ... we're still doing the appeals of people who are not happy with where they've been placed, and you ask them, what have you been doing for the past six months, 'well, actually nothing' . It's as if, the guy goes to work every day, goes into his office and goes back and you can see that now we want just to drive this thing to finality. So, I think, it's not going to happen overnight."

Ensuring that important actors were "on board" as the restructuring process proceeded was also seen to be important. Respondents commented that the micro design processes were seen to have been protracted by actions of the unions:

"Of course, on the other hand because of the fact that there are unions who want to make sure that things are done in the proper way. That has really affected the efficiency of local authorities."

This was not seen as negative by officials, who appeared to be cognisant of the need to ensure these important actors were "on board":

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<sup>23</sup> Macro design refers to the delineation of the local council into major divisions or directorates - generally there are 6 or 7 directorates within the 7 local government structures in the CMA.

<sup>24</sup> Micro design refers to organisational structure within a directorate.

"There have been a number of problems. Obviously they're concerned about the rights of their members and because of the short time frames that people are working with, there's been a bit of miscommunication. In other words, something's been decided at a central level with union management and there hasn't been enough time to indicate it to all the shop stewards before the process starts, and you try and start the process and not everybody's been informed..... you have to step back and say, 'okay let's slow down, let's go in and inform everybody that ...'We're now waiting for the official corporate work - micro design process to start and in that process as well, the unions will be involved in monitoring the situation, they would be at each workshop to see what's going on. They're very much part of the whole process."

"It's also very advisable to have them [the unions] board all the time. Not only for the micro design process but for all other issues, to get them on board right from the initial stages."

Finally, restructuring was perceived to have impacted on organisational liaison structures. In most cases, formal liaison structures had reportedly not been put in place yet:

"I am concerned that within the metropolitan area there is no vehicle set up currently to talk to other MLCs. I know it's still early days in this whole restructuring/transformation process, but there is a very big gap at the moment."

Perhaps more significantly, restructuring had severed the network of personal contacts through which officials achieved intersectoral collaboration. As one official noted: "The effective contacts were direct links on a personal basis. Restructuring has broken up that network." Additional comments on linkage between different government bodies are made in the section on environment / health linkages and CMC/MLC relations.

Despite the negative influences of restructuring on the structure and efficient functioning of local government, a number of respondents pointed out the positive side, with respondents commenting:

"After major transformation, the pieces are beginning to come into place" and "I think the re-structuring will, in the long term, be tremendously beneficial to the metropole. Give it two or three years to sort itself out and to get everything back on track. I believe the whole metropole should then run much more efficiently, but there's going to be a settling down."

In a number of cases, it appeared as though opportunities had been harnessed during restructuring to provide for an increased profile for environmental management. This was the case where senior politicians and management were increasing their support for such moves. In this respect local government appears to be some way ahead of provincial government. However, it is unclear whether restructuring had served to improve the status of environmental health to the same degree, perhaps due to the historical bias within the health sector on curative health, and the deepening financial crisis in that sector within the province.

Clearly local government has become more manageable with the rationalisation of the former approximately 19 local government bodies to the current seven. However, additional restructuring looms on the horizon in the form of the megacity<sup>25</sup> option

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<sup>25</sup> The megacity model contained in the White Paper on Local Government proposes the formation of a single city or "megacity" to govern metropolitan areas where there are currently two "tiers". Local councils would be replaced by management committees with

outlined in the newly released White Paper on Local Government. While this is further discussed in the section on 'New Challenges', it should be noted that there were serious concerns among respondents regarding the negative impacts of further restructuring on local government structures. The 'megacity' debate raises the question, firstly, of whether restructuring is being seen as the status quo - something to be done on an ongoing basis - and, secondly, whether the current restructuring has resulted in the envisaged transformation of local government? If not, the answer may not be further restructuring, but rather a more careful exploration of the barriers to transformation in local government and how these could be overcome. Without this, there is a danger that restructuring will simply result in 'churning', with deleterious effects on the provision of basic services to urban communities in Cape Town.

### **Effects on organisational ethos and morale:**

A second major area of concern linked to restructuring was the effect on organisational ethos and morale. A general observation that can be made is that while restructuring has undeniably occurred, transformation has yet to take place. In the words of a senior official:

"... so it's those dynamics, it's the unbundling, restructuring, we haven't got into the transformation yet and you believe me that is the big business. It has to be. The organisational cultures from the administrations that we've inherited are so significantly different."

"You know, in as much as one shares these ideas, we still very much a traditional will-bound organisation, typical old style local authority in large respects. But one is in the process of transformation really, it's not change, it's transformation, and although we have transformed structurally through amalgamating a whole lot of different administrations, we've still got to transform systemically and in terms of mind set."

While respondents did indicate that restructuring has resulted in the demoralisation of staff, this was patently uneven, for a number of reasons. Firstly, size of the council appeared to be a decisive factor in good relations between staff, leading to a positive working atmosphere: "This is a small municipality, so there is good interaction between environmental planning and environmental health."

Secondly, where municipalities had the most to lose prior to restructuring - in the case of large established structures - there appeared to be the most severe effect on morale. Where there was a sense of a structure being created "from scratch", there appeared to be a higher degree of motivation:

"Now I can compare because I'm working on two councils. I go to X council, I ask for something, in fact I don't follow up, it just gets done and there is a bit of demotivation coming in now because round two and we're looking at other issues where we're not getting the staff and that's starting to chip away at the motivation. But other than that you've got a motivated staff and you've got to say: what's the difference?"

Thirdly, it appears that 'champions' are an important factor in improving morale. In some instances, researchers observed positive motivation of staff in the context of the

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no legislated powers and functions. Common collection of funds would allow for maximum redistribution. In the CMA, the current 300 councillors representing 3 million people would be replaced by some 60 - 100 councillors (Cavanagh, 1998).

most extreme resource constraints. This, it is suggested, may to some extent be due to the presence of dynamic and committed individuals heading up these sections. However, motivation at the top level may not necessarily be enough to transform an unhappy bureaucracy:

"So, we've actually got a very, very delicate situation there: a very highly focused and motivated top management governing a bunch of very, very unhappy people with archaic and useless, virtually useless systems that don't have any - they do have some value ..."

The quotation points to the need to ensure that administrative systems are re-designed to facilitate efficient governance within resource constraints.

A fourth factor lies in the difference between hierarchical and egalitarian management styles, with the latter providing opportunities for lower levels of staff to have easy access to senior managers and to make significant inputs from their perspective "in the field". Where people felt that they had easy and direct access to senior managers, and that their concerns and suggestions were heard and acted upon, morale was high. In departments where management still occurs largely in the hierarchical manner of the past, many feel paralysed or helpless, while even self-motivated staff are experiencing frustration and implementation of progressive ideas is being delayed.

Restructuring effects are not restricted to the local government level, but have been felt in the provincial government as well. Restructuring of the latter has been exacerbated by the extreme financial pressure experienced by the Western Cape Provincial Government due to decreasing allocations from central government. A provincial official noted that this had been "very demoralising for many", as resultant severe understaffing means that people are not able to make any impact due to heavy workloads; staff are not able to take holidays; and provincial government officials have had to take salary cuts. Local government officials tend to receive higher salaries, and better benefits and working conditions.

#### **Effects on policy-making:**

The third major area of concern related to restructuring investigated in this study is the effect on policy making. An obvious conclusion is that the lack of capacity to effectively carry out routine functions means that capacity for policy making is limited too. The following statement by an official refers to the capacity to participate fully in the current metro environmental policy process driven by the CMC:

"There is an involvement of MLCs but I think the involvement of many of the MLCs really is very superficial ... we are running ourselves ragged at the moment just trying to attend meetings and there's a tremendous capacity problem - we have only appointed the top three levels of our staff, - we're going into our micro-organisational structure at the moment and perhaps in six months time we will have a better capacity ... and you're just trying to slot in people, and it's often people at the wrong level to attend these meetings"

Thus a general feeling was that while the importance of developing relevant and implementable policies was recognised, emphasis on policy making was premature as MLCs needed to first focus on their micro design:

"I think the micro design is top priority ... I think once we've got that out the way we're going to have to spend a day or two to actually strategise: where we're going, what are our priorities and if coming out of that we feel one of the priorities is to develop that type of policy then - we would look at it then, but to be quite honest we haven't thought about it."

One response differentiated between the capacity to take part in policy formulation, as opposed to the capacity to actually implement that policy:

"So we're not in a situation that is easy at the moment, maybe in 18 months time, but it's not a context in which something like environmental policy - you may be able to draft the policy, but .... putting it into effect, very difficult."

Creative approaches are required to make full use of available capacity, in order to be able to carry out policy functions. The following quotation highlights the opportunity provided by restructuring for developing more efficient and appropriate institutional arrangements:

"... there isn't a policy capacity ... Perhaps if X piggy-backs on layers elsewhere in the organisation ... it says that's the only way how we establish a department, or a collaborative department, depending on what's available, and what's available is very thin. But it does exist in different forms, and it allows for revisiting institutional arrangements... so I would think that would be the route. So there is a major opportunity."

#### **Restructuring to achieve equity:**

An early step towards achieving a developmental outlook is the reprioritisation of resources towards attaining greater parity between the poor and the rich in delivery of infrastructural and environmental health services. Within the context of time constraints and finite resources, the restructuring process has unfortunately not been able to address inequity in resource allocation between areas. For instance, with respect to EHOs, in one of the large black areas, consisting of both formal and informal housing, the ratio of EHOs to client base is reportedly 1:150 000, whereas in other, presumably more wealthy, probably white areas, the ratio is 1:10 000. Reprioritisation as a starting point may require a step into unknown territory for some in council:

"Historically, we've got quite a good idea of what we should be doing in a developed area like this are where we are now, but it's much harder to know how to compare that with a developing area like Khayelitsha."

Councillors from disadvantaged areas clearly vocalised the need for reprioritisation of resource allocation. Thus one councillor noted that service delivery was still carried out in diametrically opposed ways in different areas:

"There's still a apartheid system of application even to a thing as easy as garbage removal. Because if you look at how the garbage is collected in Manenberg, as opposed to how the garbage is collected in Constantia, you know there's a vast difference between rich and poor. In Constantia they won't even leave a sweet paper behind, here they leave half the bag falling out, and they just push on without knowing about it."

Another councillor commented on the need for greater expenditure on short term projects that will make an immediate improvement to quality of life:

"If you talk to the community out there you will find out very quickly that nothing has changed tremendously. I think, from talking to various people, that too much money is going into the capital budgets and very little into the operational budget. The more money that is in the operational budget the easier it will be. It would give us the capacity to deliver that service much more efficiently. And that is what people want."

Reprioritisation is also compounded when the unequal situation with respect to community participation is factored in - "on the other hand, the most vocal sectors of the population are the ones who have been most served in the past. Now we are faced with this host of complaints, letters and pressure from councillors, to operate there from one place and detract from our ability to place the emphasis where it is needed." This was described by another official as "a dilemma we have to face".

With democratic local government, the constituency base of municipalities has broadened to include a range of socioeconomic areas and many people who lack experience in interacting with the local government system. A number of councillors pointed out that expertise and experience on the part of local government officials to engage in a positive manner with their new and divergent constituencies is not yet present:

"I must say that one would have hoped a better relationship, between community level and local government, than what it is at the moment. I don't think that local government see that they, in a lot of cases see the role that they have to play, in a) capacity building the local communities around in helping environment issues ... what responsibility has local government got? I think they have got a major responsibility around educating the communities, and especially in this area, because they are the landlords of this rental stock estate, and any landlord won't allow, if you have private owned property, they won't allow you to dispose of dirt the way it is done here."

In summary, restructuring has had major impacts on almost all aspects of organisational functioning. While restructuring may, and was certainly implemented in order to, improve local government functioning in the medium and long term, respondents identified a number of negative impacts on morale, efficiency and capacity to engage in policy-making in the short term. The generally negative attitude towards further restructuring may reflect a strong need, among senior decision-makers, to get the current structures, which are only now being put in place, functioning effectively. The study did not set out to examine whether the goals of the local government restructuring process have been met, but it would seem important to examine that question before embarking on further changes.

### *Theme 3.3.B: Relations between different spheres of government*

One of the objectives of this study was to explore and map the network of relationships and communication between actors in the policy and decision making processes. Although the primary focus was on relationships between local and metro council officials, relations between local, provincial and national government spheres are also salient. Additionally, the network of relationships between actors within a council is of crucial importance for policy making, and this is dealt with in the section on environment / health linkages. Exploration of these relationships indicated that they have been greatly affected by restructuring, as discussed in this section.

#### **Division of functions:**

A major preoccupation for officials was achieving clarity on the allocation of responsibilities and functions to the different spheres of local government, as set out in the Agreement on Powers and Duties (noted earlier in this paper). All MLC respondents were aware of the distinction in broad terms and of the policy/coordination functions of the CMC, with the following response highlighting the collaborative nature of governance that would be required:

"I think the CMC in a lot of the powers and functions has an over arching and policy function. Metropolitan local councils are actually the functioners, so catchment management, for example, air pollution is dealt with by the CMC, although we assist them. So, there is quite a bit of cross pollination."

Unsurprisingly, however, within this period of transition, there was a general feeling of uncertainty amongst MLCs with respect to the division of functions as set out in broad terms in the Agreement. It was felt that these broadly stated roles would require testing in specific situations, as well as buy-in from MLCs:

"In respect of planning generally it's unclear. It's clear to the extent that it provides a co-ordinating role throughout the metropolitan area. The big debate which is still to be resolved is what level of detail planning do the metropolitan council go down to? And I'm sure there's going to be lots of bumping of heads in that whole process to determine where those cut off points actually are. But again, I think the Constitution, collaborative government, we need to work together."

Response from councillors endorsed this perceived lack of precision about respective roles:

"Up until now to me it is not [clear] and I even come to question what the role of the CMC is. But I am also able to say that the CMC has got a role to play, the role is just not clearly defined. That is one problem."

"... we're actually trying to find our way because we've got problems doing things on housing, you've got us trying to find our role and you've got the local authorities who are also doing their thing, I'm now trying just to see what province should be doing ..."

The following response from a senior official stressed that the broadly stated functions were open to different interpretation:

"My personal opinion - I don't think it's clear. Other people think it's crystal clear but, I just want to use the example of air pollution. Air pollution or pollution monitoring/co-ordination has been given to the Metropolitan Council as a function. How they see that function is different to how I see it ... So, yes, I think there are some differences of opinion."

CMC respondents tended to feel that division of powers and functions was clear, but did concede that while the agreement clearly states CMC's responsibility for issues of metropolitan significance, the distinction between metropolitan and local significance would not always be unambiguous.

Given the current degree of lack of clarity within the minds of officials as to the exact nature and extent of CMC/MLC powers and duties - referred to as "a minefield" by one official - one cannot expect the public to be well-informed regarding different responsibilities. One MLC councillor stressed the importance for political accountability, and, one may assume, for re-election purposes, of public comprehension of the differing roles, and stated:

"If their role were clear, then every ordinary man on the street would know that the CMC exists. Because the ordinary people on the ground do not know that there is that body -whenever they talk they will refer to their particular council, not know anything about the CMC, so that to me is one problem."

As mentioned earlier, local councils saw a role for CMC in developing overarching policy to ensure consistency across the city, but felt that locally developed policy would be required to address the specific local concerns:

"In other words whatever policies the MLCs come up with need to be consistent with and then be integrated into the broader policy framework, say formulated at metro level. But, I think also, there needs to be consistency, at least to some degree, policies must take account of this contextual situation and therefore it is not possible to have exactly the same policies."

" ... even though the Metro is there to do overall co-ordination, one of the main functions must be to capacitate the MLCs to do local things there. And I see their major role as setting those guidelines at a Metro level. In other words, that they should have established relevant structures where they consult with everybody and then develop guidelines that each MLC buys into those guidelines."

However, not all local council officials appeared to be agree that policy should come from the CMC:

"I tell you another approach might be that, given that people in this MLC, as opposed to the CMC and the province, are in the field, so to speak, maybe we should find the time and the resources to propose a policy, rather than someone ..."

The specific nature of the relationship between the two spheres of local government will necessitate collaborative policy making for metro-wide issues, as the CMC, while playing an overarching coordinating role, does not have authority over the MLCs:

"Well, I think as long as they are participative about it and I think if the structures feel that they've played an adequate role in development of that policy, nobody will argue. The danger is if CMC go ahead and create ... or any policy with environmental implications which impacts on the local councils and they don't feel included ... and I think there will be very different environmental issues to the different structures."

However, developing a metro wide policy would require a great deal of cross-sectoral and between council collaboration which may not be easy:

" ... it might be a bit difficult because, there might be a bit of politics into it as well because the local authorities obviously at this stage are fighting for their autonomy

and they see the CMC as Big Brother. So, one has to be sensitive on that. Then also getting ones own colleagues to agree on something ..."

Interaction observed at a planning meeting raised the question of whether the CMA could afford to spend two years developing a metro environmental policy when significant decisions were looming and would have to be taken in the absence of an overall framework. Clearly the advantage of longer time frames for policy development is that there can be greater involvement and buy-in from a wider range of actors. A balance clearly needs to be found between the need for rapid and large-scale service delivery and the need to contain environmental impacts and involve stakeholders in planning.

Within the environmental health sector there was much discussion on the respective roles of provincial and local government, as noted previously. Clarification of these roles was currently under discussion. The same was true for environmental management functions, particularly with respect to who should be the competent authority to implement the new environmental impact assessment regulations:

"The competent authority is the MEC [Member of the Executive Committee] responsible for Environment in the provincial government. There are provisions for local authorities to become competent authorities on application to the provincial authority and authorisation by the national minister. So a local authority would have to show us they have the competence to administer the regulations. There're all sorts of issues they'd have to have ..."

#### **Establishing trust between organs of government:**

In addition to the lack of clarity regarding functions, a certain level of sensitivity, and in some cases mistrust, was discernible between the two local government spheres. From CMC's side, a concern was expressed that the metro council should not be seen to be interfering with the autonomy of the MLCs. On the part of the local councils, a certain amount of hesitancy with respect to the motivation of the metro council was apparent, although responses indicated that tensions were decreasing and working relations were improving:

"I think we're still finding our feet to a certain extent ... In the last month or two I have discerned a much better working relationship. The first time everybody spoke with one voice and a lot of that former mistrust I think was sort of brushed aside. I think things will improve. I think there was initially quite a bit of distrust and quite a lot of uncertainty as to ... actual functions, powers and duties, who did what - things were put together and in the end , well the whole agreement was put together in the last month and we said, right, that's it. Deadlines were tight ..."

Tension was apparent to provincial government officials interacting with local government: "... and I picked up tension immediately because CMC ... they've not really clarified their powers, relations ..."

The above responses need to be seen through the filter of the context of differential resources - as one CMC official noted: "The CMC has the financial weight now". Reportedly, support for the MLCs from the CMC was R209 million in the past tax year. In the face of this tension between dependence on the CMC and the need for autonomy, it is not surprising that local councils perceive the current context as conflictual.

### **Vehicles for communication, co-ordination and integration:**

Good relationships between local councils and with the CMC require that appropriate and effective channels of communication are established. The restructuring of local government has indicated that large-scale movement of staff may set back communications when too much reliance is placed on *ad hoc* and personal links. Although it is early days, steps have been taken to set up liaison structures to provide for better communication between all seven CMA councils. For instance, a monthly meeting of the heads of Environmental Management has been instituted, which, in recognition of time constraints, is also to serve as the connection point for involvement in the current metro environmental policy formulation process. Within the health sector, the Cape Metropolitan Municipal Health Liaison Group, chaired by the CMC, meets regularly. However, with the focus on curative health compounded by the crisis in funding, environmental health forms a tiny component of the business of this structure. The Metro Environmental Health Forum is an advisory body which is supposed to link up with the Provincial Environmental Health Forum, which in turn links with a national forum. Respondents mentioned several more liaison/coordinating bodies within the municipal health sector - "there's a number of them. As a matter of fact, sometimes I think there's too many of them" - but noted the drawback: "But they're not formal, they don't have any official standing."

Thus, across all sectors, better structures that allow not just for liaison, but for coordination and integration required for collaborative government are largely still to be instituted:

"I think there's going to have to be a number of vehicles set up to allow effective communication, co-ordination, integration, of not just policy issues, strategy issues and I think at a political level there's been a recognition of that because the old Metropolitan Restructuring Forum has now been done away with and a new body, they call it the Metropolitan Co-ordinating Forum, is being set up in its place. So, there's recognition at a political level that there needs to be co-ordination. And then we have what we call the CEOs Meetings where the chief executive officers of the seven local authorities do meet on a monthly basis and I think that will start to begin to trickle, as we get better organised and we get additional resources on board that you'll find more of those vehicles for communication, co-ordination, integration coming into being."

### **Implementing policy:**

Given the agreement on CMC's broad role concerning policy formulation, and the need for some degree of consistency across the metropole, both for norms and standards that are perceived to be fair, and as the best way to deal with environmental issues that transcend boundaries, one needs to question how a metro policy would be enforced? Within the context of cooperative governance, it is hoped that enforcement will not be necessary. However, an official foresaw possible problems with implementing a metro policy:

"This is the big problem because the CMC does not have that authority. Its role is co-ordinating and facilitating and I think that's a very valid comment but I don't know how, because this is the whole thing, each local authority is autonomous and they are looking ultra sensitive at this stage. Possibly later on it might get better..."

As councils are at differential stages in their organisational design and are not currently equally resourced, there is a danger that councils not yet up to speed may not be able to ensure that their interests are adequately represented in a metro-wide policy. In recognition of the greater capacity of the CMC at the moment, MLC officials suggested

a capacity building role for CMC. For instance, it was suggested that local councils should be empowered by the CMC to deal with minor local air pollution matters:

"...what I'm saying is that with something so local, why can't they teach our environmental health people to go and do the necessary investigation and only if there is a problem, would you call in the CMC for their assistance. And if CMC is going to do everything, how are we going to ensure that there isn't a time delay? How do we ensure, if we want something approved within a week, that they aren't up in X doing some other survey and what concerns me is that CMC will be putting so many staff in there and maybe it's not really necessary. Maybe their focus should be more on training and developing the local council environmental health officers."

The comment above can also be seen within the context of the "current high level of sensitivity and suspicion with respect to the division of functions", with, in the words of a metro council official, CMC "facing accusations of 'empire building' from the MLCs".

Lack of clarity at local and provincial level is compounded by lack of clarity at national level. With respect to the above example of the new EIA regulations, a local authority official voiced these concerns:

"That's a very difficult atmosphere in which to operate. ... For us especially in environmental management, it's problematic, because also the national legislation with respect to impact studies is so poorly written, that it is not a good sense, of who is the authority that manages a particular study, whether it's the province, the city or the CMC."

In summary, the nature of relations between different spheres of government, with high levels of uncertainty, compounds an already complex context shaped by restructuring, thus providing a challenging environment for policy making.

### *Theme 3.3.C: Party politics and transformation*

Responses from councillors highlighted the adversarial nature of party politics, with at times negative effects:

" ... but they are still in the majority. So most of the time, they just push things through. But I think that we could agree on many issues, it's just that people sometimes make political issues out of ordinary issues. I think that is the problem."

Party political differences and point scoring, present in any parliamentary democracy, are complicated in South African local government (as indeed at the national level) by a system where councillors are either directly elected (ward councillors) or elected from the party list (proportional representation). Problems arise where MLC ward councillors are also councillors at the metro level CMC. In this case, councillors are required to wear two often contradictory hats - taking decisions in the interests of their local constituency, or taking decisions in the metropolitan interest. This can lead to decisions being taken at the metro council that are contrary to the interests of the local councils:

"X is a case in point where their own representatives voted against what they voted for in council so they vote one way in the local authority and they come to the CMC and they vote another way."

Legal opinion on the role of MLC councillors at the CMC is not felt to resolve the problem:

"There's a debate at the moment: X municipality got a legal opinion on what the role of a councillor from the local authority is at the CMC. Is their role to represent the view of the council or is their role to represent the party that sent them there? And the opinion was they represent the party not the local authority ... I actually do believe it's the wrong view and a lot of other people do believe it's the wrong view."

Thus extra complexity is introduced into an already complex "two sphere" system of local government where actors believe that division of functions between the CMC and the MLCs is not sufficiently clear-cut. A number of other factors that may constrain the effectiveness of councillors in promoting community decision making were identified. In the larger local government structures, the workload for councillors prevents them being able to do their own research and they are therefore more reliant on the information supplied by officials:

"When I look at X municipality I find that a councillor can only make a decision on information that is given and therefore his decision can obviously be influenced by what the officials feed him."

A number of comments made by councillors pointed to the power exerted by officials, as well as to a certain amount of polarisation between councillors and officials:

"So the officials, I believe often, and I've got many cases where the officials have taken decisions which they don't have the authority to do ... I think sometimes they assume authorities that they don't have and I'm finding that over and over again. The trouble is that too few councilors bother about that sort of thing ..."

"The officials have a tremendous amount of power, tremendous."

"... this has been my second term of office in council. And it is only now that one knows how to get information out of them, and what are the kinds of information that is available. You know they can give you information that is irrelevant, and you know they insist but this is what you want for that meeting, and so on."

The converse is that officials believe that motivation of councillors is "largely vote catching - if they can get into the press and print a story about it". The somewhat adversarial nature of the relationship between officials and councillors is perhaps inevitable in the democratic system, and may at times be in the public interest. However, it is clear that the rhetoric of local government as a partnership begins to be realised where a relationship of trust is developed between officials and councillors.

#### *Theme 3.3.D: The megacity - a solution?*

As mentioned earlier in this report, further restructuring for local government may be in the pipeline in the form of the 'megacity' approach<sup>26</sup>. Most respondents appeared to be emphatically opposed to changes which might result in further restructuring:

"We are very much getting into the trenches on the megacity arena. Megacities will mean mega bureaucracies, which may have more to do with career aspirations of bureaucrats than with good governance. Big bureaucracies will not be able to reach communities and councillors will be able to distance themselves from what should be their constituencies. It is always the disadvantaged who suffer in such cases."

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<sup>26</sup> See earlier footnote for summary of the megacity model.

Politics of patronage also becomes a factor."

"Now there is talk of restructuring again, the goalposts are being moved again, and this has negative implications for the morale and commitment of local government."

" ... there's a big thing regarding that megacity story. I tremble when I hear this ... they've got a problem in Gauteng<sup>27</sup>, now they want to force it on to us here ..."

One of the lone voices in the wilderness in support of the megacity concept was that of a councillor, who highlighted the redistributive role proposed by supporters of the megacity model:

"That is why, when people speak for instance of the concept of the megacity, I think that local government is one of the most dynamic organisms to be found in the world. It changes continuously ... We have now broken it down to seven (structures) and we are still not in touch with people on the ground. People say that it's closer to the people, but that is the big question – is it really? I would say that there are major principles that we need to look at. One of the principles is what we call redistribution. How do we start to be able to ensure that we bring all of the communities to a similar level? ... It is a traumatic change but I if you look just three years back and ask yourself what the metro system, the two tier system, delivered for us, it didn't really ..."

Redistributive potential and reduced costs of governance notwithstanding, the question as to whether local government in the CMA, already suffering "transition fatigue", could withstand a further round of major restructuring is a significant one. As one participant to the workshop stated:

"Goodwill is rock bottom. Experienced personnel will leave and take experience and skills with them."

### *Theme 3.3.E: Innovative strategies*

Notwithstanding these constraints towards a new orientation, interaction with local government has revealed the beginnings of innovative solutions, from the attempt to draw participatory initiatives into the Khayelitsha Development Vision<sup>28</sup>:

"The vision will include a framework of priority actions with special target programmes. There are many initiatives in Khayelitsha, but the challenge is to synergise a vision and implement programmes, and to establish a robust management framework."

to innovative and positive moves in the face of severe resource constraints faced by a provincial government department:

"I'm starting a bit of an NGO network, using e-mail. Interesting stuff that comes across my desk, I'm e-mailing - I've got a whole list of people - say our legislation comes up for comment - hey guys, do you know that the draft Planning Bill came up, do you know that there's a new Bill, comment by so and so, you can get your copy

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<sup>27</sup> Gauteng is one of South Africa's nine provinces, and includes the country's largest urban area: Greater Johannesburg.

<sup>28</sup> To be funded by an international donor, possibly as a long term project which would include capacity building initiatives.

from this department ... In the ideal world, I would like a web page, with a little data base, where people can print out the last month's applications that have come in. ... but there are a lot of people out there who would like to know and make input ... so there are people out there we can use, but we've got to work clever."

Integrated Development Planning is seen as a tool for transformation by some:

"And for those of us who are keen on transformation we see the IDP as a tool for achieving precisely that. Because it starts taking otherwise sort of neutral bureaucratic processes, and measuring their performances in terms of outcomes of their communities and the real world, and therefore provides a framework for improvement and adjustment."

However, it must be noted that many feel the necessary skills are lacking and that the IDP will place greater pressure on an over-stretched council. Additionally, carrying out the integrated development planning process within the restructuring context outlined above may not be simple:

"... and the major labour relations problems involved in different cultures in terms of work ethic, management styles and so on. So doing an integrated development plan in that context, it's not easy to know where to start."

As a potential positive step, the IDP must include integration of environmental considerations, together with commitment of budget to achieve this:

"The local authorities will be responsible for putting in place an integrated development plan for their area, be it a town or a District Council, and tying it to budget, so if there are environmental issues in the integrated development plan, they'll have to be tied to a budget, so the local authority will have to develop environmental capacity and the budgetary capacity to deal with those environmental aspects in their integrated plan. That's the way that planning's going to be moving forward ..."

Even restructuring was seen by some as an opportunity to make use of the flux to improve institutional arrangements: "outside everything I have said, I will say that the opportunity does exist to improve, to revisit, to restructure all of that you need ..."

In conclusion, it remains to be seen exactly how environmental considerations will be integrated into the overall planning. Clearly a major challenge is ensuring that policies are implemented:

"Policy, to me, is a good thing. I won't deny that. We should have a basic framework within which to operate, but what I would see as being much more useful is how you start to implement that policy. And we haven't come to grips with it."

Further potential lies in the fact that programmes such as the Healthy Cities initiative and the Local Agenda 21 Model Communities Programme have been linked up in the CMA, and the CMC has recently appointed coordinators for these initiatives. It is hoped that these initiatives will play a role in attaining the " effective synergy between state and society required for creation of the trust necessary to allocate resources" (USAID, 1998). As a final visionary statement, a senior official noted:

"If local government in the CMA forms effective partnerships, there is potential for it to be at the leading edge of environmental management in the developing world."

Key points on the impacts of local government transformation on the environment and health sectors:

A. Restructuring, in the context of resource constraints, has had negative effects on efficiency, with many structures not yet fully operational and a weakening of liaison structures. Organisational morale was also perceived to be low, but this was very

context dependant.

- B. Despite a range of problems in the short term, restructuring was seen to be potentially positive, in terms of local government functioning, in the medium and long terms.
- C. There is a lack of clarity on the division of functions between spheres of local government. Building trust between different structures was highlighted as a mechanism of facilitating 'co-operative governance'.
- D. The roles and functions of elected representatives is a contested area, but one in which there appears to be healthy debate.

# 4 CONCLUSIONS AND RECOMMENDATIONS

This section of the report presents the study conclusions and recommendations. These are organised as follows: firstly, the key findings and conclusions are presented for each major theme of the study. Secondly, a number of broad conclusions are presented. This is followed by the main recommendations emerging from the study.

## 4.1 Conclusions

### 4.1.1 *The local government policy process in Cape Town*

The following key points were identified:

- Policy, as understood by the respondents in this study, has a number of functions. These include setting standards and ensuring a minimum level of uniformity in implementation; providing a framework for action and for dealing with potentially sensitive issues; and promoting the transparency and accountability of service providers. In general, respondents appeared to have high expectations of the ability of 'policy' to influence the actions of environment and health departments.
- Environment and health departments at the local government level are engaged in a number of policy development and implementation processes. While, in the past, policies were inconsistent, adhoc, reactive and often impractical, officials felt that, under the new dispensation, policies needed to be realistic, adaptable and linked to budgets. It was also noted that policy could be used to bargain for more resources, particularly where these policies were formalised in law and therefore required enforcement.
- There was agreement on the need for wide-ranging public participation in policy development but councillors and officials differed with regard to how this could be achieved and the extent to which participation in policy making had been broadened to date. Public participation in, and awareness of, policies was also seen to be a method of enforcing the accountability of councillors and officials by reducing their discretion to take arbitrary decisions.
- A number of constraints to policy development were identified, including inadequate environmental and health data; lack of co-ordination and consistency between policies under development; inadequate attention to implementation mechanisms and lack of capacity amongst officials.

Conclusions:

- A. Particularly striking is the very large number of policies which are either under discussion, under development or ready for implementation, and which have either direct (e.g. the district health system) or indirect (e.g. Environmental Impact Assessment regulations) implications for local government health and environment departments. As is the case with restructuring in general, the capacity of departments and councillors to successfully participate in the development and implementation of these policies is very variable.
  - B. Past experience and practices often do not provide a useful framework for policy making in the new dispensation, and this is compounded by the loss of
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experienced personnel during the restructuring process. New strategies for ensuring both cross-departmental and public involvement in policy making need to be explored, evaluated and implemented. However, several respondents pointed to the difficulty of establishing cross-cutting structures with real decision-making rather than advisory powers as these are sometimes seen to infringe on the territory of individual departments.

- C. While some decision makers saw policy implementation as a mechanism for generating resources and capacity, it was also acknowledged that inadequately trained or resistant fieldstaff could impede or derail implementation. It has been noted elsewhere that the implementation of policies by field workers is often hampered by a ‘...lack of clarity in [policy] goals or a lack of resources to achieve them’ (Hill 1993 p379). Hill goes on to comment that fieldstaff ‘...do make policy, but not in the way they would really like to. Coping strategies dominate their lives.’ (p379) In other words, actions that are perceived as ‘resistance’ may, in practice, be mechanisms evolved by field staff to enable them to cope with their working conditions and pressures. Policy implementation might therefore be facilitated if more attention is paid to developing the capacity of fieldstaff and middle management and to examining barriers to implementation at those levels.

#### *4.1.2 Exploring the environment - health nexus*

The following key points were identified:

- Despite a number of constraints, including lack of clarity on how environmental health services will be integrated into the district model and on the functions of EHOs, restructuring appears to have impacted positively on the status of the environmental health sector in local government. At the provincial level, however, the environmental health department is perceived as weak and in need of support and direction.
- There appears to be a strong awareness of the need to make links between environmental conditions and health impacts and therefore between environment management, environmental health and health departments. However, adequate linking structures are not yet in place or operationalised and administrative systems do not appear to be structured to facilitate co-ordination. Departments still tend to function within their own areas of interest, and the implementation of policies that promote cross-sectoral actions has been slow. This may be linked to issues of departmental ‘territory’ and a lack of formal liaison structures, particularly at middle-level management and field levels. The health sector seems to be more sceptical about the feasibility of working closely with other sectors, such as planning departments, than is the case in these other sectors.
- Officials and councillors were not in agreement on what constitutes meaningful community participation in environment and health policy making and how this could be achieved. Broad participation was viewed, by some officials, as an obstacle to the speedy implementation of policies, while other respondents acknowledged the difficulty of balancing the need for participation against the pressure for rapid improvements in service delivery.
- The difficulties of operationalising ‘community participation’ in the context of very diverse and often conflictual communities was acknowledged. Most respondents agreed that councillors have an important role to play in this regard, but they may

be limited by lack of capacity and support and by lack of familiarity with the bureaucratic processes of local government. Other obstacles to effective participation include the apathy within communities; the bureaucratic and non-user friendly processes of local councils; and inadequate or inaccessible information.

- 'Buy-in' from senior politicians and officials and the establishment of integrated working groups were identified as important in effecting participation and cross-sectoral linkages.
- The role of indicators in informing decision making and facilitating dialogue between service providers and end users was discussed. Officials distinguished between municipal or metro-wide indicators, which most supported, and community-based indicators which, while seen to be useful, were not considered to be a priority for development at this time. The current focus of planning within the city is at municipal rather than community level and draws heavily on the 'management by objectives' approach. This may account for officials' focus on macro- rather than micro-level indicators. Nevertheless, officials were aware of the need for accountability to communities and saw indicators as a potential way of improving this.

#### Conclusion:

While environmental management and environmental health departments share many of the same concerns, and increasingly make the links between environmental driving forces and health impacts, there is still very little real co-ordination of policy making and implementation across these sectors. Co-ordination, where it does exist, is focused on 'downstream' issues, such as air pollution monitoring rather than on 'upstream' issues such as policies on industrial development. By shifting environment - health policy co-ordination 'upstream', it is possible that these departments could have a more substantial impact on the environmental driving forces that often result in poor environmental conditions and health.

#### *4.1.3 The impacts of local government transformation*

The following key points were identified:

- Restructuring, in the context of resource constraints, has had negative effects on efficiency, with many structures not yet fully operational and a weakening of liaison structures. Organisational morale was also perceived to be low, but this was very context dependant.
- Despite a range of problems in the short term, restructuring was seen to be potentially positive, in terms of local government functioning, in the medium and long terms.
- There appears to be a lack of clarity on the division of functions between spheres of local government. Building trust between different structures was highlighted as a mechanism of facilitating 'co-operative governance'.
- The roles and functions of elected representatives is a contested area, but one in which there appears to be a healthy debate.

#### Conclusion:

The overall impression is of profound and far-reaching changes within local government structures, with very different impacts across departments and between

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levels of management and field staff. Senior managers, many of whom were involved in driving these changes, seemed generally positive about their outcomes but it was also clear that middle management was struggling to cope both with the flood of changes and with decreased capacity and increased demand. Fieldstaff, although not explicitly included in this study, were perceived to be demoralised and even, in some cases, paralysed by the restructuring process. That the impacts of local government restructuring have been experienced differentially across levels and departments within the health and environment sectors is not surprising, but this makes it extremely difficult to generalise regarding the nature and scope of these impacts. Furthermore, it would imply that strategies to address both the structural issues arising out of restructuring, such as the need for new interdepartmental structures, and the fears and anxieties of staff, will need to be carefully tailored to the settings in which they are applied.

#### *4.1.4 Policy: is it a panacea for the problems of local government?*

While there were widely diverging views on what constitutes 'policy' at local government level, policy was seen to have wide-ranging functions including ensuring consistency of actions; setting parameters and standards (e.g. across the metropole); promoting transparency and accountability; dealing with politically sensitive issues (e.g. informal trading); and enabling service delivery. These high expectations of policy, seen together with the large numbers of policies currently being developing in the health and environment sectors, often in an unco-ordinated manner, begs the question of whether policy development is being used as a 'panacea' for a range of ills or problems in these sectors? While policies need to be revised and new policies developed, there is a danger that policy making will divert attention away from other important issues relating to the transformation of local government, such as the need to build the capacity of councillors and officials and to find methods of accommodating widely divergent organisational cultures within the new MLCs. As is the case with 'restructuring', policy making and policies cannot, in themselves, result in the transformation of organisations. For meaningful transformation to occur, attention will need to be paid to the organisational barriers impeding transformation, from the historical maldistribution of resources to poor staff morale. This may be a far more challenging exercise than the process of policy development itself.

In contrast to this, while officials had high expectations of policy and were engaged in a number of policy development initiatives, the process of organisational restructuring itself was not generally perceived to be explicitly or implicitly driven by policy. Restructuring was generally seen as a technical and very rational process of organising people and resources into manageable and effective units. This links to the issue raised earlier in this report of whether local government structures should follow function or whether function will follow from these structures. Within the health and environment departments in Cape Town, the latter approach would seem to be predominant, although the boundaries between these two approaches were not always clear.

#### *4.1.5 Has restructuring achieved transformation?*

A number of respondents highlighted the difference between 'restructuring', which involves re-organising the components of local government, and 'transformation' which implies a more profound shift in the form and nature of local government, impacting on the entirety of functioning from the attitudes of staff to organisational policies. It is perhaps too early to comment on whether the restructuring processes described in this report have in fact resulted in the transformation of environment and health departments, and how (and indeed whether) this process of transformation is reflected in policy development and implementation. Having said that, a number of the themes identified in this report, including the focus on participation in policy making, on developing cross-sectoral structures for that process and on trying to achieve equity in resource distribution across the city, while not novel in themselves, are important in the extent to which they appear to be receiving significant policy attention. While these issues were often raised prior to restructuring, the shift towards action perhaps indicates that local government *is* undergoing a significant transformation in its modus operandi. Further research would be needed to ascertain whether these promising trends are maintained over time.

#### *4.1.6 Policy analysis: a useful tool for decision-makers?*

Walt et al (1994) have examined the role of policy analysis in health sector reform and have suggested that policy analysis has an important role not only in analysing the policy process, but also in the development and implementation of policies. Others have suggested that stakeholders in implementation need to understand when certain strategies of action are likely to pay off and when they are not (Elmore in Hill 1993). This necessitates an understanding of the different models of policy implementation and how they can be applied to the implementation of social programmes.

This study may prove useful for decision-makers in two ways: firstly, the findings have been fed back to key stakeholders and have already generated useful debate (Minutes of Feedback Meeting, 1997). Secondly, the findings will inform the process of developing an environmental management strategy for the CMA over the next 2 years (Environmental Evaluation Unit 1997), by highlighting where policy making is weak and where it could be strengthened.

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## **4.2 Recommendations**

This section presents recommendations arising from this study followed by suggested routes for implementation or sub-recommendations, as appropriate.

### **Key recommendation 1:**

**Environment and health departments in local government should develop a policy which defines how communities will be incorporated into decision-making, and should establish a mechanism for the implementation of this policy.**

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Routes for implementation:

- Series of metro-level workshops, involving the major stakeholders, including officials, councillors and representatives of civil society, to establish a broad framework for the policy on community participation.
- Literature review of local government policies on community participation developed elsewhere in South Africa and internationally (focusing on the Southern African region) to inform discussion and policy formulation.
- Clear time-frames for implementation of the policy.

**Key recommendation 2:**

**Methods and procedures used by councils, and specifically by health and environment departments, to facilitate community participation and empowerment with respect to service delivery should be evaluated and, where shown to be effective, strengthened and expanded.**

Methods and procedures that could be explored include:

- A broad process of information dissemination at the community level to inform residents of local government services and other activities. Language should be accessible and technical terminology minimised. This could include notice boards in communities outlining how service delivery or other problems, such as unauthorised dumping, can be reported.
- Simple information sheets informing the public of items on the agenda of each municipal council and CMC meeting and where further information can be obtained. Community radio may also be a useful medium for disseminating such information.
- The role of Community Liaison Departments (as created in one MLC) in facilitating intersectoral coordination as well as community participation .
- The potential of existing statutory structures, such as the Provincial Development Council, for facilitating better communication between policy stakeholders.

**Key recommendation 3:**

**Explore the feasibility of developing and implementing a training programme to build the capacity of councillors to participate in decision-making at local government level.**

Implementation options:

- Link with similar initiatives developed at the national level (for parliamentarians) and similar programmes funded by UK DFID<sup>29</sup>.

**Key recommendation 4:**

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<sup>29</sup> Department for International Development of the United Kingdom (formerly the Overseas Development Administration - ODA).

**Existing administrative systems are not often conducive to efficient functioning, nor are they appropriate for new demands placed on local government. Attention therefore needs to be paid to developing new systems that function efficiently within existing resource constraints, and that streamline bureaucratic procedures.**

Suggested changes:

- Establish a database of policies formulated by MLCs, CMC and national structures (where appropriate). This database could act as a reference point for decision-makers, implementers of policy and the public.

**Key recommendation 5:**

**Clarify the objectives of intersectoral / departmental collaboration and, if appropriate, decide on the most appropriate structures to achieve these objectives.**

Suggested changes:

- Departments should be encouraged to collaborate through financial or other incentives, perhaps as part of the IDP process i.e. release of resources could be tied to proof of effective intersectoral collaboration. This may encourage joint budget planning between local council departments.
- Develop innovative cross-sectoral structures in the environmental health domain, bringing together environmental health, environmental management and conservation departments, and sharing resources across these currently under-resourced departments.
- Identify a strong lead agency within local government which can 'champion' intersectoral initiatives and take primary responsibility for their implementation.
- Identify 'champions' for intersectoral policies within council and other structures of civil society who can assist in driving these initiatives.

**Key recommendation 6:**

**Local government in Cape Town appears to be suffering from 'restructuring fatigue'. In the context of debates on the 'megacity' option, the damaging effects of further restructuring should receive serious attention from local and national policy makers. If further restructuring is unavoidable, consideration should be given to the timing and the speed of implementation.**

**Key recommendation 7:**

**There are concerns regarding the location of environmental health departments within the health sector. A multi-sectoral task team should be established to examine the role and functions of environmental health departments and to make recommendations regarding their location**

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**within local government structures.**

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## **APPENDIX 1: INTERVIEW SCHEDULES**

### **A.1 Local government civil servants**

- What do you understand by "policy" at the local government level?
- There is ongoing debate regarding the division of powers and functions between MLCs, CMC and province. What are your views on the existing relations between these different structures? How do these relations impact on policy formulation and implementation?
- How will elected councillors, and other community viewpoints, input into policy making?
- Linking environmental planning to health is increasingly being seen as important. To what extent are the links between environment and health being made in policy making?
- Policy development may require detailed information on current access to services, community priorities, health impacts etc. To what extent is existing health information useful in developing policy and in monitoring its impact?
- Do policies set goals, targets and an implementation framework?
- What is your experience of the policy implementation phase with regard to resource constraints, different organisational cultures, and other constraining factors?

### **A.2 Councillors**

- The concept of democratically elected councillors is very new in South Africa. What have some of your experiences been?
- How do you see your role as a councillor?
- Local government is required to work in partnership with communities - how is this occurring?
- How do different council committees link up? Is there ever any joint business and how is this organised?
- What do you see as the benefits of improved service delivery?
- What are environmental health priorities among your constituents?
- What EH information do you get from officials? How helpful is this for the decisions you have to take in council? Does EH information agree with community priorities?
- There has been much discussion of the impacts of restructuring. What has been

your experience of it and what effects has it had on LG performance and service delivery?

- How do you see policy working? Is it limiting or desirable? What would be the goal around developing policy?
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