AUTHOR GUIDELINES

1. The journal publishes articles written within the multi-disciplinary context of the discipline of Public Administration, Local Government and Development.

2. An article should consist of an abstract of between 200 and 300 words and keywords of between 3-6 words.

3. The length of the article should be confined to a range of 4500-6000 words.

4. The editorial team will subject all articles to a double blind review.

5. The reference style required for submission is strictly Harvard.

6. Authors are required to follow this style specification consistently.

7. The editorial team will reject any article not conforming to the Harvard referencing style.

8. For direct quotations, authors should use double quotation marks (and a single quotation for within the quotes) and page numbers

should be provided for direct quoted material as illustrated bellow:

-     Public administration is concerned with application of resources to deliver political ends (Sebola, 2012:45).

9. Where multiple-sources citations are used within text, they should be arranged chronologically in order of years of their publication (Sebola, 2010; Tsheola, 2011; Ndou & Sebola, 2013; Manyaka and Oni, 2015). Authors should observe closely the use of alphabetic order for sources published in the same year (Manyaka, 2010; Sebola; 2010; Tsheola & Sebola, 2010).

10. Multiple-Authors (more than two): authors are advised to mention all the authors at first use within text and state first author's surname et al. in subsequent uses (all authors must be mentioned in the list of reference). Authors are advised to use ampersand (&) instead of the word "and" for multiple authors sources (Nemukula & Newton, 2014).

11. Where there is more than one reference from the same author(s) in the same year, they should be identified using letters "a", "b" and so on, after the year of publication (Mgiba, 2012a) or (Mgiba, 2012b).

12. Reference should be arranged in alphabetic order at the end of the paper; under the heading References; and this heading and citation details or references should not be numbered.

13. Acknowledgements should be inserted at the end of the paper just above the list of references, under the heading acknowledgements and should not be numbered

14. REFERENCE LAYOUT

a) Book: Sedibe (2010) - Author as part of text; (Sedibe, 2010) – Author as not part of the text; Sedibe (2002:150) – Direct quotation; Sedibe (2010, cited in Ndou, 2013: 119) – indirect quote within quote. Sedibe, S.J., 2010. *Governance in the 21st Century: A guide for developing Countries*. London: SAGE Publication.

b) Edited Books: Sebola M.P. & Tsheola J.P., (eds.) 2014. *E-governance in complex organisations.* Cape Town: Juta & Co.

c) Chapter in Edited Book: Ndou, S.D., 2014. The Complexity of networked organisations. In Sebola M.P & Tsheola J.P (eds.) *E-governance in Complex organisations*. Cape Town: Juta & Co.

d) Journal Article: Manyaka, R.K., 2016. Government and Society at the Edge of Chaos. *Journal of Complex Socials*, 32(1): 344-362.

e) Institutional Authors: Republic of South Africa –RSA (1996) – first use RSA (1996) – subsequent use: Republic of South Africa (RSA), 1996. *The Constitution of the Republic of South Africa, 1996.* Pretoria: Government Printers.

f) Internet Sources: The Republic of South Africa (RSA), 2013. Growth and employment indicators. http://www.polity.org.za/govdocs/policy/ grow/ .Accessed 14 January 2016.

14. SUBMISSION OF ARTICLES

a) Manuscript should be sent to the attention of the editor at

bataleapublisher@gmail.com/ mokoko.sebola@ul.ac.za

b) Only manuscript written in English will be considered for processing.

c) Manuscript submitted must have prove that they were edited by an English professional.

EDITORIAL: THE FIRST EDITORIAL

Governance is currently a noble discourse for discussion in the public administration and the development environment. In this first issue of the Journal of Public Administration and Development Alternatives the editor consciously selected articles that question the manner, the relevance and applicability of governance models in both public and non-public institutions. This edition provides eleven articles which all of them talks to the notion of gorvernance in a variety of perspectives

Silima's article looks at the manner in which governance principles are not adhered to in African public administration and conclude that only adoption of good governance principles and adherence will solve Africa's public administration problems. Co-incidentally **Sebake and Mahlatji and Ntsala** focused on student governance problems in South African universities. Sebake argues that students' representatives at universities have forgotten their student representation function to self-enrichment while Ntsala and Mahlatji are concerned about the SRC's ability to navigate the students' information needs.

Ndou's article explores the state civil society relations in order to inspire scholarly perspectives for good governance towards achieving African Union Agenda 2063, while Maleka, Vuma and Shai questions the capacity of the African Union in navigating for peace in Africa. **Molosi and Dipholo** brought to the fore a critical governance problem of the Botswana government system which ignores the participation of the San community on issues of their livelihood. **Zitha, Sebola and Mamabolo** and **Mokgopo** focused on similar issue of improvement financial management in government services. **Maswanganyi and Nkoana**'s article identified the factors that hinder media firm growth in the Capricorn District. **Malapane**'s article questions the potential of the South African parliament in holding the executives accountable. Chikwema and Wotela's article investigated as to whether the City of Johannesburg's institutional model of the separation of executive and legislative function of the council approved in 2006 improved the status quo. It therefore suffices to conclude that the different articles in this edition provide different flavours of knowledge required for in the discipline of Public Administration and Development in general.

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ABSTRACT

This article provides an analytical argument about good governance and conflict resolution in Africa. The article aims to explore and explain governance as an act of governing and an applicable practice in Africa. The article is conceptual in nature and it critically engages the application of good governance principles which need to be applied in African countries. The article supports the notion that good governance is characterised by respect for human rights and creating democratic institutions for promoting good governance and conflict resolution in Africa.The article concludes that the focus of government function has now changed, and thefore government and therefore gorvenments in Africa have to comply to true governance model.

***Keywords*:** Good governance, Government, conflict resolution, Human rights,

1. INTRODUCTION

Governance has become a pivotal concept within the study of Public Administration, Development Administration, and Political Science. It is because government plays a major role at just about every main juncture of our lives and, therefore, in a democracy, governance should be the concern of all of us. A high level of citizen understanding, co-operation and participation is essential if a democratic government is to be really successful. In the past, governments assumed principal responsibility for the development and delivery of public services. This has mainly been provided through large-scale government departments and other public institutions. Over time, governments became aware of the benefits of working more closely with each other and other delivery agencies. The complex problems facing governments have led to the inclusion of not only other government departments, but also the non-profit and private sectors as well as community-based organisations. This change is a reflection of an emphasis away from looking at government, per se, to looking at the concept of 'governance'.

2. GOVERNANCE AS AN ACT OF GOVERNING

Kooiman (2006) describes accurately that governing issues are not just 'public' (state) anymore. They are frequently shared, and governing activity at all levels is becoming diffused over various societal actors whose relationship with each other is constantly changing. This may sound very confusing to you, but what it simply means is that the Government is not the only entity which is rendering services and products to society anymore. Government is but one actor or partner in this network of organisations, agencies, society and businesses.

Kooiman (2006:4) defines 'governing' as "…the totality of interactions, in which public as well as private actors participate, aimed at solving societal problems or creating societal opportunities; attending to the institutions as contexts for these governing interactions; and establishing a normative foundation for all those activities". Kooiman (2006:4) further defines 'governance' as "…the totality of theoretical conceptions on governing". It is also known as the interactions between government and society. In other words, the moment government implements policy to render services, it is busy with its governance function. This is, however, a very simplistic way at looking at things. A government is thus one of the actors in governance. Pierre (2000:14) is of the opinion that 'governance' can be used as a blanket term to signify a change in the meaning of government. In simple terms "governance" means the process of decision-making and the process by which decisions are implemented (service delivery) as well as a network of actors which are involved in this process.

3. TYPES OF GOVERNANCE

Governance can be used in several contexts such as democratic governance, corporate governance, global governance, and so forth. There are different types of governance. This provides a more holistic perspective of governance this article provides democratic governance, corporate governance and Networked, holistic or third party governance.

3.1 Democratic governance

According to the Centre for Political and related Terminology in Southern African Languages (2004) a democracy is a form of government where the power to form a government and to make decisions by legitimate representatives lies with voters - often referred to as "the people". Thornhill *et al* (2014:413) refers democracy as a political system in which decision-making power is widely shared among members of the society. The word literally means "rule by the people." A constitution, free and fair elections, the right to vote, freedom of expression, freedom of the press, freedom of association, and equality before the law characterise effective democratic governance.

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Voters determine the broad governance framework by which government works. The quality of this process, and thus the quality of governance, depends on well-informed citizens that can influence the outcome of policy decisions.

3.2 Corporate governance

Corporate governance describes the manner in which boards or their like direct a corporation, and the rules applying to that direction. It thus consists of the set of processes, customs, policies, laws and institutions affecting the way people direct administer or control a private sector organisation. Corporate governance also includes the relationships among the many role-players involved and the corporate goals. Typical role-players include the shareholders, management, and the board of directors. Other stakeholders include employees, suppliers, customers, regulators, the environment and the community at large. According to Hornby (2005) governance involves or is shared by all members of a group.

3.3 Networked, holistic or third party governance

Public management lies at the centre of a web composed of many different relationships that extend to the citizen, to the state, to society and its values, to the economy and its development, and more. In their work '*Public Management in an Interconnected World*', Bailey and Mayer (1992) explain this complex web of actors involved in matters that affect our daily lives. They explain that the environment is dynamic and the public managers should constantly adapt and adjust to solve complex problems. At the heart of this web is interaction and interdependence. No single actor, public or private, has the knowledge, infrastructure and skills required to solve complex, dynamic and diversified societal challenges. The public manager should learn to think clearly about these relationships and the values and balances they affect, for they constitute the synthesis that is public management. Because of these broad relationships, public management must constantly and correctly define and redefine its role in society. Not even in Socialistic states does a government try to do everything; in the democratic state, government does what it should or must, according to the will of the people.

The 1990s brought network analysis as a new way of looking at and analysing traditional government and public sector structures, thus discovering new governance patterns. It focuses on diversity, fragmentation, interdependency, mutuality and the need for consensus-building, co-production and interaction in public service delivery. A network approach to New Public Management (NPM) has emerged. Networks can be regarded as a 'mode' of governance, expressing new government-society interactions (Kooiman, 2006:105). The networks, also known as 'third sec-

tor' organisations, are embedded within the fabric of civil society constituting what is called "third party governance" (Gildenhuys & Knipe, 2000: 68). These are organisations which are neither government nor markets, having a great impact on government policy. Network analysis makes it clear that people working in government and administration will have to learn to think of organisation as an external, not internal activity. The prospect is that hierarchical control will be replaced by continuing processes of bargaining among interested parties within most fields of public administration (Peters & Pierre, 1998:31).

Leat, Seltzer and Stoker (2002:212) explored the challenges that networked or holistic governance brought. They summarised these challenges as follows: "Holistic governance is a major commitment for the reform of policy-making, civil service and local government structures, budget, work processes and professional networks, systems of staff development, management practices, information systems including the design and use of digitial information technology, and for the accountability of public officials at every level". From this quote, it should be clear that serious challenges lie ahead to institutionalise holistic governance – especially to collaborate, coordinate and integrate functions between different actors involved in governance. Leat, Seltzer and Stoker (2002:14) are of the opinion that especially

the following developments gave rise to the development of holistic governance. They are –

- *Problem-solving government*: which maintains that certain felt problems should be addressed and solved by government action, rather than the argument being accepted in advance that these problems are insoluble or that any solution would be worse than the problem;

- *Effectiveness in policy design and implementation*: for effectiveness of governments' social, domestic and economic policies in their publicly stated terms and for their publicly stated goals of social problem-solving, rather than for other implicit goals, symbolic reassurance or simply to provide selective benefits to important interest groups;

- *Rational design*: for systems of accountability, evaluation, data collection on performance and outcomes, and financing within governance systems that are designed to service that end;

- *Integration*: for more specific coordination between agencies as a key feature of that design;

- *Prioritisation*: for more effort to devise systematic, even formula-based strategies by which to settle priorities between problems and available solutions

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for the attention of politicians, for the allocation of resources, for the allocation of effort in scrutiny and oversight, rather than simply relying on politics, pressure, media interest and the diligence of interest groups and lobbies and a responsive culture of democratic political government that allocates according to popular concerns, interest group's voices and media pressure; and

Anticipation and prevention: for increased institutionalisation of foresight and anticipation, and the use of more preventive mechanisms in the design of policies and specific interventions in particular cases.

In holistic governance, there are the issues that should be integrated to become a 'whole. In South Africa this would mean that all tiers of government should work closer together, that there is better coordination within government functions such as security (so-called 'cooperative governance'). This would mean, for example, that the South African Police Service, Correctional Service, and the South African Defence Force collaborate or where everybody involved in health provision (i.e. Dept of Health, private medical institutions, local clinics, social care, etc.) work together to achieve joint outcomes. Furthermore, holistic governance also means that the public sector work closer with the private sector, non-governmental organisations, and community-based organisations.

4. PRINCIPLES OF GOOD GOVERNANCE

According to the Development Assistance Committee (DAC) of the OECD, good governance has eight major characteristics.

4.1 Participation

Participation is the act of taking part in an activity or event (Hornby 2005:1062). Participation by citizens is the cornerstone of good governance. It is thus important that governments create mechanisms to facilitate participation in decision-making. Participation could be either direct or indirect through elected representatives. Citizens could participate through groups or associations (e.g., trade unions, chambers of commerce, nongovernment organizations, political parties) and as individuals (e.g., through letters to newspaper editors, participating in radio and television talkshows, voting). At grass roots level, participation should help local government to make decision regarding the design and implementation of public programmes and projects. This increases legitimacy of government and "ownership". Often, citizens could actively participate in these service delivery projects, by, for example, help with the construction of houses in an area.

4.2 Rule of law and respect for human rights

The doctrine of the rule of law is important in governance (Kleyn and Viljoen 1998). Good governance

requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minority groups in society. To ensure impartiality requires an independent judiciary and an impartial and incorruptible police force. The rule of law encompasses well-defined rights and duties, as well as mechanisms for enforcing them, and settling disputes in an impartial manner. It requires the state to be as much bound by, and answerable to, the legal system as are private individuals and enterprises. Respect for human rights (freedom of movement, political participation, worker's rights, freedom of speech, and freedom of religion) is a further criteria for good governance. These human rights are promoted by the Constitution of South Africa and the International Law (Beukes 2008: 11).

4.3 Openness and Transparency

According to Du Toit et al (2002) public servants are obliged to inform citizens about the administration and management of national and provincial departments, what it costs to run them, and who is responsible for running them. Transparency means that governments can defend the decisions that were taken and that mechanisms were created to facilitate a say in the making of those decisions. It means that government-related information must be freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in easily understandable forms and media.

Transparency refers to the availability of information to the general public and clarity about government rules, regulations, and decisions. Transparency in government decision-making and public policy implementation reduces uncertainty and can help inhibit corruption among public officials. To this end, rules and procedures that are simple, straightforward, and easy to apply are preferable to those that provide discretionary powers to government officials or that are susceptible to different interpretations. Openness should be a rule to secure public accountability (Du Toit et al 1998:155).

4.4 Responsiveness

Responsiveness is based on the belief that government must answer to the will of the people. It expects that public institutions, officials and political leaders should be sensitive to the needs of the people (Du Toit et al 1998; 113). There are the constitutional stipulations for good governance in section 195 of the Constitution. It states that "...people's needs must be responded to, and the public must be encouraged to participate in policy-making." This means that our Government must ensure that public institutions serve everybody within a reasonable timeframe.

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4.5 Consensus-oriented

According to Hornby (2005:309) consensus is an opinion that all members of a group agree with. In a heterogeneous society like South Africa, there are different groups – each with their own views, aspirations, needs, and perceptions. Good governance requires that the Government should try to reach a broad consensus in society on what is in the best interest of the whole community and how this can be achieved. A democracy thus does not simply mean 'majority rule', because the Government must act in the best interest of everybody. This can only result from an understanding of the historical, cultural and social contexts of a given society or community.

4.6 Equity and inclusiveness

According to Riker and Brisbane (1997) equity and inclusiveness is a situation where there is no unfair treatment of certain people based on various factors such as race, religion, tribe, point of view and others. A society's well-being depends on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires all groups, but particularly the most vulnerable, have opportunities to improve or maintain their well-being. This implies that people must have the opportunity to contest elections freely, respect for basic human rights, and the absence of gender discrimination. Without these components of political freedom, many other political goods that collectively compose good governance are difficult to exercise. No discrimination against people is accepted in good governance and democracy (Du Toit and Van der Waldt 1997:101-102).

4.7 Effectiveness and efficiency

According to Cloete (1994) effectiveness, efficiency and economy are regarded as the 'three good Es' in public governance. Good governance means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. A government should thus utilise scare resources optimally to the benefit of everybody. Everything and everybody involved in translating resources into service delivery must perform effectively and efficiently. Concepts of efficiency and effectiveness in the context of good governance also cover the sustainable use of natural resources and the protection of the environment.

4.8 Accountability

Buekes *et al* (2008:170) indicate that accountability is a principle of controlling the arbitrary (without good reason) exercise of administrative discretion of persons exercising authoritative authority. Accountability is imperative to make public officials answerable for government behaviour and responsive to the entity from which they derive their authority. Not only governmental institutions but also the private sector and

civil society organisations must be accountable to the public and to their institutional stakeholders. Who is accountable to who varies depending on whether decisions or actions taken are internal or external to an organisation or institution. In general an organisation or an institution is accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency and the rule of law. Accountability also means establishing criteria to measure the performance of public officials, as well as oversight mechanisms to ensure that the standards are met. The accountability of public sector institutions is facilitated by evaluation of their economic and financial performance. Economic accountability relates to the effectiveness of policy formulation and implementation, and efficiency in resource use. Financial accountability covers accounting systems for expenditure control, and internal and external audits (Geldenhuys 1997).

5. CAUSES OF CONFLICT IN AFRICA

The major causes of conflict in Africa are ethmcity,racism,religeon,political affiliation, wealth and service delivery.

5.1 Ethnicity/tribalism

According to Fairchild (1984:256) a tribe is defined as a social group, usually comprising of sibs, bands, villages, or other sub-groups. It is normally characterised by the possession of a definite territory, a distinct dialect, a homogeneous and distinctive culture, and either a unified political organisation, or at least some sense of common solidarity as against outsiders.

5.2 Racism

Racism is the tendency to identify oneself racially and to show hostility or lack of moral respect for members of other races. The word race is present in all languages of Latin origin, and it is identical in English and French. Race is generally and merely refers to a group of common origin and is thus no clearly distinguishable from ethnicity or nationality. Racialism is the doctrine that indicates that racial categories are important in determining human behaviour. In general racism has shown a capacity to survive long after the demise of racialism as a serious intellectual belief. The politics of race since 1945 can be described as the politics of post-racialist institutions. In its most important forms it has consisted of powerful interest groups maintaining the structures of power which existed when racialism was predominant (McLean and McMillan 2009:448-450).

Globally, the most notable example of this was in South Africa where the victory of the (Boer) Nationalist Party led by Dr Hendrik Verwoerd in 1948 led to the institution of apartheid, a policy of separate development for black, white, Asian, and coloured(mixed race) peoples. Apartheid was often jus-

tified in purely cultural terms, but it operated on racial criteria and prohibited interracial communities (McLean and McMillan 2009:450).

5.3 Religion

According to Kleyn & Viljoen (1998) religion determines the relationship between an individual and a Supreme Being. Fairchild (1984) says that religion is the social institution built up around the idea of a supernatural being or beings, and the relation of human beings to them. In any particular culture this idea becomes formalised into a social pattern, or patterns. Such a pattern comes to be known as "the religion" of a particular group. Every religion firstly involves the nature and character of divinity, secondly a set of doctrines concerning the reciprocal duties and obligations between divinity and humanity, and thirdly a set of behaviour patterns designed to conform to the will of God and to assure to the individual behaviour the approval of his conscience and whatever rewards or freedom from penalties in this world or the next are included in the doctrines of particular faith (Fairchild 1984:256).

Some religious people do not tolerate people who do not belong to their religions. They regard them as enemies as long as they do not belong to their religious organisation. There is a need of change of attitude so that people can live together as brothers and sisters in the world.

5.4 Political affiliations

Political parties may be defined by their common aim (Ball, 1993:79). They seek political power either singly or in co-operation with other political parties. In other words, the first and foremost aim of each political party is to prevail over the others in order to get into power or to stay in it.

The main aim of the political party is to capture the state political power (Heywood 2007). The capture of political power, or indeed its retention, can be achieved within existing political structures or by overthrowing them. Working within the political system, parties can present candidates and leaders to the electorate and seek to mobilise the support of the electorate by propaganda, organised activities and by emphasising ideological differences with other parties in competitive party systems. The overthrow of the existing system can be achieved by a *coup d'état*, civil war, guerrilla activities against the existing government, or by capturing power by legitimate electoral means.

5.5 Wealth (resources)

Greed causes the politicians, officials and the capitalists not to be satisfied with the wealth or resources they have (Bauer 2003:22). Wealth can be regarded as material objects owned by human beings or the bodies of owners. The source of all wealth is the land, and the processes of creating wealth

are comprehended in the general term production. The phenomena arising in connection with making and distribution of wealth form the subject matter of the special social science of economists. Wealth is of two main types, production goods and consumption goods and material possessions of considerable amount (Fairchild 1984:337).

5.6. Service delivery

The government is a body with supreme authority over the area of jurisdiction. A government is also regarded as a body of persons and institutions that make and apply all enforceable decisions for a society (Thornhill et al 2014:414). It is a mechanism through which the state operates. The government is responsible to render services for the promotion and improvement of the general welfare of the society. It is also concerned with stimulating development and eradicating development problems such as poverty, inflation, corruption. Government should be responsive to public opinion, and should pursue policies that are prudent, rational and mutually consistent. Policies should manifest themselves as services to the people. There are many strikes which are caused by lack of service delivery and other factors, and are occurring all over South Africa (City Press, 26 June,2016).

6. INSTITUTIONS FOR PROMOTING GOOD GOVERNANCE AND CONFLICT RESOLUTION IN AFRICA

There are various institutions which are responsible for conflict resolution in Africa. Their effectiveness and efficiency will depend upon the environment and methods of conflict resolution. In this article only two major institutions were mentioned. They are:

6.1 United Nations (UN)

The United Nations is an international organisation which is established to promote co-operation amongst the states of the world. It was established on 24 October 1945. The organisation has purposes such as; to promote and facilitate cooperation in International Law; to promote international security; economic development; social progress ;human rights, civil rights, civil liberties and political freedoms; democracy, good governance; and to achieve lasting world peace (Joyner 1997).

6.2 African Union (AU)

 African Union is an international organisation which is established to promote cooperation among the independent states of Africa. It was founded on 26 May 2001(AU Handbook 2016).

7. MODES OF CONLICT RESOLUTION

The management of conflicts

places leaders in the difficult situation of having to select a conflict resolution mode. Modes of conflict should be used based on the type of conflict, and whom the conflict is with. Modes of conflict resolution are as follows:

7.1 Confronting (or Collaborating)

This is a problem-solving approach whereby the conflicting parties meet face-to-face and try to work through their disagreements. This approach should focus more on solving the problem and less on being combative. This approach is collaboration and integration where both parties need to win (Meiring 2003:183).

7.2 Compromising

To compromise is to bargain or to search for solutions such that both parties leave with some degree of satisfaction. Compromising is often the end result of confrontation. Some people argue that compromise is a "give and take" approach, which leads to a "win-win" position. Others argue that compromise is a lose-lose position, since neither party gets everything he/she wants or needs (Kerzner 2001:407). According to Riker and Brisbane (1997:119) a compromise is a solution that requires both parties to give in on certain points and allows them to have their way on other points. Through reaching a compromise, each party leaves feeling that the solution to the conflict is acceptable. Every party wins in this mode.

7.3 Smoothing (or Accommodating)

According to Pruitt & Rubin (1986:2-4) accommodating is one of the modes of conflict resolution. This approach is an attempt to reduce the emotions that exist in a conflict. This is accomplished by emphasizing areas of agreement and de-emphasizing areas of disagreement. An example of smoothing would be to tell someone, "We have agreed on three of the five points and there is no reason why we cannot agree on the last two points". Smoothing does not necessarily resolve a conflict, but tries to convince both parties to remain at the bargaining table because a solution is possible. In smoothing, one may sacrifice one's own goals in order to satisfy the needs of the other party.

7.4 Forcing (or Competing, being uncooperative, being assertive)

According to Kerzner (2001:408) forcing is what happens when one party tries to impose the solution on the other party. Conflict resolution works best when resolution is achieved at the lowest possible levels. The higher up the conflict goes, the greater the tendency for the conflict to be forced, with the result being a "win-lose" situation in which one party wins at the expense of the other.

7.5 Avoiding (or Withdrawing)

Pruitt and Rubin (1986:2-4) says

that avoidance is often regarded as a temporary solution to a problem. The problem and the resulting conflict can come up again and again. Some people view avoiding as cowardice and an unwillingness to be responsive to a situation.

8. RECOMMENDATIONS

This article present recommendations on both good governance and conflict resolution.

8.1 Good governance

There is a need of coming up with laws which will be able to promote good governance. These laws and regulations should not only be made, but should be conformed to and be implemented adequately. Principles of good governance should be followed without an excuse by the leaders, public officials and the community at large.

Educational programmes are significant for modern communities. They need to be introduced, in which the political leaders, public officials, and the community are trained on good governance. All levels of government should be involved in the educational process, in order to promote vivid understanding amongst the stakeholders in good governance. The society, political leaders and public officials should actively participate in governance, and this will help in legitimising their government. They must all take an active part in policy making and implementation, and all aspects of service delivery.

8.2 Conflict resolution

The political leaders, public officials and community must be ready to agree on issues which are causing conflict in their states. Conflicts need to be resolved in a rational way, and decisions should be made in order to take actions which are just, sound, fair and reasonable to all the affected parties in a conflict. A suitable mode or modes of conflict resolution should be selected in order to promote a manner of resolving conflicts effectively and efficiently. This choice will depend upon the environment, and the type of a conflict.

9. CONCLUSION

The research was conducted at a time when there is no peace in the continent of Africa, as some of its countries are facing various types of conflict. South Africa in particular, is currently encountering conflicts such as service delivery strikes in most of its parts, and some political unrest in other parts of the country. Some African countries are facing violence caused by opposing groups, which are aimed at destabilising and toppling the governments.

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INSTABILITY AND CORRUPTION IN STUDENT GOVERNANCE CAUSED BY TENDER SYSTEM IN UNIVERSITIES IN SOUTH AFRICA: SELECTED CASES FROM UNIVERSITIES OF TECHNOLOGY

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ABSTRACT

The landscape of Higher Education in South Africa has made a significant move to recognise the "voice of the voiceless" and embraced democracy at all cost. This argument is attested by the establishment of the Student Representative Councils (SRC's) in all Universities to embrace inclusive governance through representation in statutory committees as determined by the Higher Education Act: 101 of 1997 as amended and the statutes of Universities respectively. The current analysis of the role of student leaders in the supply chain committees of Universities in South Africa has been contested as having a personal enrichment on individual student leaders themselves, and it can stifled progress in some parts of the Universities. This article examines tendencies of self-enrichment and how they impact on student governance. This article also calls for and examines ethical consideration in supply-chain and its relations to the experiences of the student leaders in Universities student governance. The sample is conducted on selected Universities of Technologies in three provinces inter alia: - Western Cape, Free State and Gauteng respectively. The article then include the overview of the role of student governance, the potential corrupt tendencies, and the theoretical analysis of the good governance, which is used to assess how Student Leadership embraces it. The study is then concluded and possible solutions to the current issues and problems will be identified in order to provide a scientific solution oriented study to improve the university governance.

Keywords: Corruption, Good Governance, Democracy, Accountability, and responsibility

1. INTRODUCTION

Student governance of any public higher education institution reflects the current democratic policy imperatives, which the rationale for its existence being to provide space for co-operative governance. Over the

past decades, higher education institutions have faced increasing complexity related to governance (Berhal, 1991; Birnbaum, 1988; Kezar, 2000; Leslie & Fretwell, 1996) as cited by Kezar & Eckel (2004). Amongst the complexities, conflict of interest and corruption have increasingly affected stability in operational activities of governance, which compromised the legitimacy of the processes. One issue at the crossroads of formal provision and actual practice concerns how student representatives are identified and elected (Bergan, 2003), and the understanding of representation manifest in student politics. The moral fabric of "*Accountability*" provides space for examining the extent to which this platform for students has been circumvented by the corrupt element of student leaders themselves. The major challenge of student governance framework is the competing nature of "Mandate" versus "Representation", which often contribute to the overlooking of the university processes as part of the conduct of student leaders in statutory bodies of the universities. This was scholarly attested as Keeler (1993) who proclaimed that the mandate conception of representation is wide spreading, and scholars, journalists, and ordinary citizens relay as if it were axiomatic. The fundamental criticism of a mandate within the context of student governance is always whether the mandate is doable, and this always find no expression in some student leaders, which the ultimate actions contributes

towards "ethics hitting the snag". Over the past decade, the traditional purchasing and logistics functions have evolved into a broader strategic approach to materials and distribution management known as supply chain management (Keah, 2001). This provides space to always enquire within the scholarly reflections fundamentally and critically as to whose responsibility in the university it is to perform supply chain processes. Is it a governance process or an administrative process? Are student leaders co-governing and/or co-administering the University supply chain process? This article will then seek answers to these important questions, and the alleged holding of university processes at ransom due to temptations that may come with the involvement of student leaders into supply chain committees in Universities.

2. THE NATURE AND ROLE OF THE SRC

It is understood that SRC's are established in conformity with the Higher Education Act and also in terms of the Universities statutes respectively, and members are elected in terms of their respective institutional SRC constitutions. These student leaders represent student constituencies in university statutory bodies as established by their respective universities and their role in supply chain committees have been observed to be problematic. There have been

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continuous talks about growing corruption and little focus on student issues that created instabilities in student governance activities in highly political hotspots universities. These instabilities are agitated by the fragile conflict of interest with little recognition of the negative culture that is being created. The example of these was the observation of a quick accumulation of wealth by student leaders immediately upon assuming SRC office. SRC elections deployments being contested heavily and threats being made against others who don't agree on a specific deployment, which create an impression that there is more that slaving of serving students. The above reflect a snap short of the crisis of instability in student governance, which boil into embezzlement of resources in particular the supply chain processes as a quick handsome payment for holding an office as always attributed by some student leaders.

3. THE ROLE OF STUDENT GOVERNANCE AND HISTORICAL OVERVIEW

The concept "governance" may in its implications reflect a very complex concept which requires continued self-reflection. While there are many others who researched on the history of student governance and its evolution, there are still more lessons to be learnt. Student activism has also been generally ineffectual in the academic and political life of universities (Altbach; 1997: 5), therefore it reflects that very rarely have student organisations taken on interest in the University reform, curriculum, or governance. The Higher Education system exists as part and parcel of the society and is characterised by the socio-political and economic interactions (Thobakgale; 2001). Therefore, the SRC represent the microcosm of the establishment of the transformed higher education in South Africa. The historic highlight of the evolution of the political overview of students in South Africa was in the period before democracy characterised by youth activism, through the established students' movement. The character of these student movements was to look into transformation of the entire country, and little attention was given to Universities transformation. The above was dictated by the politics of the time. Thobakgale (2001) argues that the emergence of student movement in South Africa was linked directly to the country's struggle against oppression and exploitation in the quest to resolve the national question. The focus then provided the notion that students view themselves as "members of the community before they are students", and the move was a reflection of a joint efforts to transform the society first before the universities. The post-apartheid period requested a different approach from the students' movement in South Africa. The ultimate focus of which was to transform the education system

and university campuses in South Africa as a whole. Some of the burning issues includes Financial and academic exclusion; admission policy transformation; student rights and life re-curriculating within the context of inclusive education; and democratisation of the universities governance structures.

All these burning issues above demanded a strategic shift from liberation strategies to transformative strategy, which can be cited that students have lost battle for student movements particularly on the call for "free education". The loss is the manifestation of the neo-liberal policies that did not transform the economy to suite the working class and the poor that are bulk majority that pays fees for the students in Universities, and the example is the enforcement of "GEAR" which students' movement rejected with other civil societies with no luck of success. The ideological orientation of the society particularly the left wing forces, which for some reasons, students movements were behind the struggle and defined it as a neoliberal economic agenda of the capitalists forces. Narsiah (2002), proclaim that neoliberalism is a doctrine which has philosophical roots in Adam Smith's free market school of economics. Neoliberalism also stems from a reaction to the Keynesian economic programmes of the post-World War II era up to the 1970s. The argument that the root of corruption is deep among student leaders may have arisen from poverty among student leaders as a result of economic pressures with aspirations to change the lifestyle, however corruption is not justified lawful activity.

4. CORPORATE GOVERNANCE AND PUBLIC ENTITIES

The issue of corporate governance relate largely to the monitoring and accountability as proclaimed by R.I Tricker (author of Corporate Governance Gower; 1984) that the two key elements of governance concern supervision or monitoring of management performance and ensuring accountability of management to stakeholders and other stakeholders. The supply chain, in terms of the implication of corporate governance reflects three key aspects that were proclaimed by Johnn; Hendrikse and Hefer-Handrikse (2012); which are listed below:

- **Economic power**: takes the form of channels of influence, and therefore provides space for manipulation that collapses governance;

- **Corporate power**: may be used as an instrument within which supply of goods or services and decide on the price to charge, therefore this is the power that the service providers have within the supply chain process; and

- **Customer power:** the power of voice that makes itself heard and the option to consume or not to consume a particu-

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lar product. The argument of the third element may be assumed to refer to students as end-users of most of the supply chain products in universities.

These key elements may reflect demarcation of responsibility in governance of the supply chain at the universities below as indicated in figure 1.

Figure 1: Stakeholder Relations.
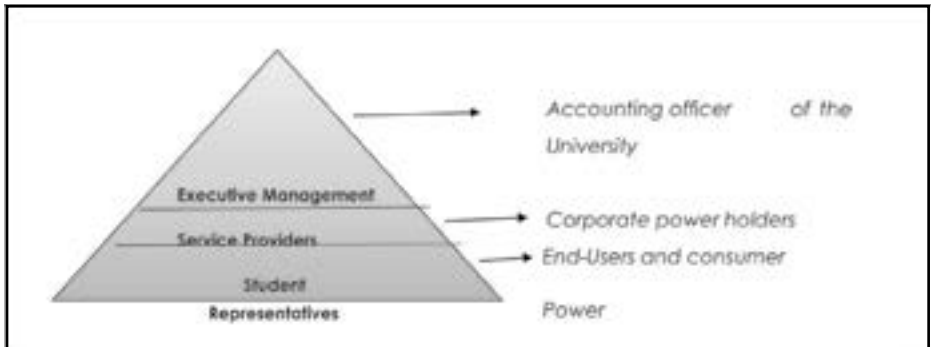
Source: Author

Figure 1 illustrates the stakeholder relations for the University supply chain as a scientific analysis of the corporate and stakeholders' power on the supply chain management. The analysis which further gives significance of the challenge at hand makes one to imagine the end-user as "consumer power" holder trying to play a role of a "Corporate power" holder persistently, which gives rise to the selfish compromise of the ethical values of accountability.

The Institutional governance reflects supply chain as not one of the statutory committees of the university, but the University Governing Council as a statutory body, which then provides an administrative and managerial support to the University Executive Management. This is attested by the "King Report" that (code 2.1.1.) reflect that "The Board" is ultimately accountable and responsible for the performance and affairs of the company, also that code (2.1.7.) reaffirms that the board has to adopt a strategic plan. This then condemn any reference of the supply chain as the statutory requirement, but a managerial and administrative tool of reaching the objectives.

5. SHIFTING FROM REPRESENTATION TO TENDERPRENEURS

The intention of the existence and establishment of Student Represen-

tative Councils in universities is to represent the views of students, in which Mashele & Qobo (2014: 83) reflect that the role of politicians should therefore be to advance the well-being of the society, rather than self-enrichment. This kind of approach thrives better in democratic societies, where the normative framework of the political system is constructed around enhancing the capacities of citizens, as well as promoting transparency and accountability of those who govern. The argument may be a critical question: are student leaders themselves embracing the values of accountability and transparency in their activities within the supply chain committee where they are serving in the midst of the growing trends of corruption? It is hoped this study will answer this fundamental question. Citing the important observation of the dominating student movement in South Africa that share ideological context with the ruling party (ANC), South African Student Congress (SASCO) observed a rot in its cycles that the most sensitive discussions in the organisation for both good and bad reasons. On the good, comrades (SASCO deployees) fight around this because it involves the framework that guides the manner in which the organization deploys cadres who advances own objectives in strategic areas such as Councils and Senates of Universities (Buku; 2010) also observed on the bad side that the fight is about the fact that being deployed involves a change in one's lifestyle and thus to one's friendship clique on campus, and therefore recommended that SASCO deployees must not sit in tender committees. The above reflect the admission from the political trenches that the rot is changing the ideological character of the student movement into that of the "tenderpreneurship", which has no interest of the students but that of self-enrichment.

6. RELATIONS BETWEEN CORRUPTER AND CORRUPTEES

The scientific question to always ask is the impact of corruption on the society, which provides space to interrogate the relationship between the corrupter and corruptee. Most people claim that they are against crime and that corruption should be classed as a crime (Senior; 2004). However, the problem with crime, corruption and many other acts is that criminality frequently is in the eye of the beholder. Huisman & Vande (2010) attest that when corruption was researched, it was mostly in the context of broader concepts of crime, such as organized crime. This is rather strange because other concepts are perfectly suitable for a criminological analysis of corruption. From the context of the argument, it can easily be concluded that the relationship between the corrupter and the corruptee is based on unlawful arrangement, which constitutes a criminal act and must be classified as such.

The fundamental question is

whether these corrupt activities have been accepted as part of the society. Mashele (2011) asks this critical question: how does the society liberate itself from the belief that there is no alternative to the corrupt, incompetent, arrogant and unaccountable government under whose weight the rest of the society is collapsing? This scholarly argument reflects the cracks in student governance, which also agrees that corruption may then reflect non-creativity to participate lawfully to the economic trenches of the universities or society as a whole, and therefore elements of incompetence and persistent arrogance to stifle the University governance compromises the governance and administrative values.

The relationship between the "corrupter and the corruptee" does not have any consideration of transparency and accountability, it is always questionable as the country as a whole and universities as well have the policy framework that deals with corruption. This creates space for asking if leaders of our country and student leaders in universities have the political will to deal decisively with corruption. The argument is informed by the realities that all these policies need political leadership that is willing and not observe corruption silently and babysit it, which reflect what Mashele (2011) refers to as the political rot in the society.

7. RESEARCH DESIGN AND METHODOLOGY

The research method constitute a scientific qualitative orientation of gathering information; Popper (2002: 16) states that in order to make this idea a little more precise, we may distinguish three requirements which our empirical theoretical system will have to satisfy. First, it must be *synthetic*, so that it may represent a non-contradictory, a possible world. Secondly, it must satisfy the criterion of demarcation, and it must not be metaphysical, but must represent a world of experience. The study draws a particular theoretical context on "*good governance*" and creates space for qualitative nature of the experience of a sample of three (3) University officials, one (1) from each and twelve (12) student leaders, four (4) from each Universities of Technologies in Western Cape, Free State and Gauteng as a selected sample. The standard questions are developed to relate experience of the sample and quality information will be analysed and interpreted.

8. FINDINGS AND DISCUSSIONS

This section of the article reflects the narrative experience of current and former student leaders and officials in student governance of the universities of the respondents. Summaries are provided in tables 1 to 8. The following naming are used to represent the names of the institutions that par-

ticipated in the study below respectively, and not use actual name for ethical purposes:

- University A (Western Cape)

- University B (Free State)

- University C (Gauteng)

Question 1: Are student leaders' part of the supply chain in your respective University and what the experience of the involvement is?

UNIVERSITY A	The Student Representative Council (SRC) members were sitting on the supply chain committee before 2013. Given the service providers lobbying students for their support in exchange for "kickbacks", and the university withdrew their membership.
UNIVERSITY B	The respondents indicated that the University had to take a decision to exclude SRC members as they used to fundraise in exchange for putting in a word on behalf of preferred suppliers.
UNIVERSITY C	The experience is that before 2011, SRC was participating during evaluation. After that period, the university decided to remove the SRC from this committee.

Question 2: Are there any procedures around declaration of conflict of interest and how it was handled by student leaders?

UNIVERSTITY A	At the time SRC members were part of the supply chain committee, there was a form for declaration of conflict of interest, but often they were not informed of its implications.
UNIVERSTITY B	There was always an indication that each member of the committee who is conflicted can recuse him/herself, but SRC were not and, at times, they will even leaked information.
UNIVERSTITY C	The university had a conflict of interest form, which was issued with the agenda in the meeting.

Question 3: Do the student leaders make decisions to select the service provider or are they sitting at an observer level? Relate the experience?

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UNIVERSTITY A	At the time, the SRC members had full voting powers such that it could even stop the meeting if it was not happy with the service provider chosen.
UNIVERSTITY B	Before the University take decision to exclude the SRC, its members were able to make decisions to influence the process, even to bring service providers to the institution.
UNIVERSTITY C	The SRC at the time were regarded as full members with decision making rights, as such they were not regarded as observers.

Question 4: Is it the correct practice to involve student leaders in this field and why?

UNIVERSTITY A	The experience shared by respondents shows that the SRC's views are necessary not at the stage of decision making, but only on making inputs on service standards.
UNIVERSTITY B	The respondents feel that involving SRC in such processes is a tantamount to exposing them to the danger of the underworld and corruption.
UNIVERSTITY C	An understanding of SRC is that there is nothing wrong to involve SRC members, but teach them to act in accordance with the rules of the committee and also it will assist in career development.

Question 5: What is the reaction of the University Executive towards student leaders' involvement in the supply chain committee?

UNIVERSTITY A	The University Executive always looked at the interest of protecting the image of student leadership given the past experience of alleged corruption.
UNIVERSTITY B	The University Executive always views the SRC as an important component of the university, but given the bad experience of their involvement in supply chain committee, the SRC be removed.

UNIVERSTITY C	The SRC were always used as a tool to support management decision, given the allegations of corruption by student leaders. There is still corruption reported even when they are no longer seating on the committee.

Question 6: Are student leaders often corrupted by this system and does student governance become dysfunctional based the system?

UNIVERSTITY A	The respondents agreed that the system has made student leaders corrupt and those deployed always saw SRC as an advancement to a gravy train.
UNIVERSTITY B	The respondents reflected that once a commitment is made with the service provider privately, if the move is objected and nothing must function. These tendencies led to majority of student leaders being charged and suspended.
UNIVERSTITY C	The respondents also provided an indication that student leaders are often corrupted by the system, as the service providers also corrupt them by providing "kickbacks". The corruption is not only caused by tenders, but by the political ideological system.

Question 7: Do student leaders account to students openly on their role in supply chain committee? If not why? If yes, relate the experience?

UNIVERSTITY A	In most cases, student leaders are not accounting openly to students on the activities of the supply chain committee. The only area of accountability is on mandatory issues such as financial aid.
UNIVERSTITY B	It was said that student leaders are not accounting on activities of this nature at all and if they sense that there are those who are going to ask questions about corruption and SRC interest on service providers, they would then send students to disrupt such a meeting so that it does not conclude its business.
UNIVERSTITY C	SRC is not accounting to the students on matters of supply chain committee, unless they lost the debate in the committee and need support of students.

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Question 8: What do you recommend to be done to improve?

UNIVERSTITY A	Believe that no SRC members should be involved on supply chain committee and further student affairs put processes for student leaders to account.
UNIVERSTITY B	There is a need to caution the SRC members of the rot of corruption and its unintended consequences. The need to emphasis on public accountability as one of the pillars of democracy.
UNIVERSTITY C	The respondents believe that the SRC must be included on the committee, but feel the conflict of interest be investigated and taken to the disciplinary process if they transgress.

9. IMPLICATIONS OF GOOD GOVERNANCE

Governance has become a "hot" topic as evidence mounts on the critical role it plays in determining societal well-being (Graham, Amos & Plumptre; 2003). The concept also gives rise to a fundamental question of what is the character of "*good governance*". This concept has been argued by scholars such as (Maserumule; 2011) proclaimed in his thesis that *good governance* is a conceptual problematique. It means different things to different people depending on the context from which it is used. Good governance is a complex concept. It therefore cannot simply and only be understood from a positivist or realist epistemology. The reflection of "*good governance*" is the ability to abide by a set of rules that govern the environment, therefore quote of good practice constitutes that framework. It therefore implies that the implication for student governance is the ability by elected leaders to follow the provision in their constitution and abide by the University rule in adhering to their responsibilities e.g. resist corruption when seating in supply chain committees and stick to rules to avoid what Saint Paul attested that "My own behaviour baffles me. For I find myself not doing what I really want to do but doing what I really loathe."

10. CONCLUSION AND RECOMMENDATIONS

The article demonstrated the rot of corruption emanating from the involvement of student leaders in the supply chain management committees of universities as per the selected sample. The point of departure was to unpack *corporative governance* as an important governance transformative move that necessitated the inclusion of student leaders in the form of SRC

on the statutory committee. The second point of departure was to critically analyse whether the supply chain committee is a statutory body that needs representation of all stakeholders or is it a management tool. The third point of departure was that the research demonstrated that the historical evolution of student movement which was of a character of reforming society as a whole, and the emergence of shifting from the transformative role to that of self-liberation through "*corruption*" have created danger of democracy in the space occupies by student governance in Universities. The conclusion of the article is that, as attested by the respondents, student leaders often get corrupted by the process such that they view being deployed in the SRC as "*gravy train*" and consequently their exclusion was a wise move, which supported the conclusion that students must be excluded from the committee as it falls outside their scope. Given the narrative experience and in a quest to ensure that SRCs' focus on their role of representing students in statutory bodies, the study recommends that drawing of specifications and services standard student leaders as end users be consulted. This constitutes an initial and internal stage of determining service standards, which will then use supply chain as an administrative tool.

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STATE AND CIVIL SOCIETY RELATIONS PERSPECTIVES FOR GOOD GOVERNANCE: PROPOSITIONS FOR THE AFRICA AGENDA 2063 ASPIRATIONS

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ABSTRACT

There is a growing role of civil society in inspiring citizen action across Africa and the world. This has seen a momentum considering the growing connectedness, enhanced by information and communication technology innovations. Though there is a worrying sluggish progress by established institutional powers within nations, for engagement with civil society, there is recognition of good governance avenues, cited in the role of civil society on supplementing and regulating the state and the market. This importance is also noted by multilateral and global institutions such as the African Union, African Development Bank, United Nations and the World Bank. This article explores state-civil society relations literature, in order to inspire scholarly perspectives for good governance towards achieving the African Union Agenda 2063. The article is narrative in its nature. Hence governance is applied as a theoretical stance. The article argues that there is a positive acceptance of civil society as a strategic partner in achieving national and regional aspirations, as with it is with the Agenda 2063. The article concludes by adding that new multi-levels engagements and dialogues are needed to contextualise and steer new socio-political ideologies for a radical wake of a new social labs to facilitate the agenda of a unified civic driven Africa.

Keywords: Civil Society, Governance, Africa Agenda 2063, State

1. INTRODUCTION

The year 2015 was the watershed year for the global development discourse, and thus marked the winding down of the Millennium Development Goals (MDGs). It also marked the wake of a new agenda which will shape global development for years to come – more precisely the post-2015 Sustainable Development Goals (SDGs). Governments and their constituencies are central to the achievement of such global commitments. Therefore the development of governance approaches within regions remains critical to position collective representation and guided participation in the global political economy (NEPAD, 2001; Pere, Pressend, Ruiters & and Zondi, 2008). Africa has been no exception in this

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case. The development of the Organisation of African Unity (OAU) in 1963, followed by the African Development Bank in 1964 and the conversion of the OAU to the African Union (AU) in 2002 indicated Africa's unity in the idea of a collective and integration for strategic global participation (Tieku, 2007; AU, 2013; AU, 2016). This idea has been supported by states and often their conceptualisation is influenced by socio-political ideology trade, through civic dialogue among diverse forces (Nyaxo, 2004; Moyo, 2007; Englebert, 2009). Civil society organisations play a great role in the achievement of the desired inclusive Africa (AU, 2015). This is evident in inculcating the idea of Africa's collective identity, culture, politics and economics in the discourse and activism within civil society organisations (Hearn, 2001; Adetula, 2016). However the idea of integrations remains a complex phenomenon, hence Africa presents a complex socio-political and economic environment. Notwithstanding that Africa is part of a complex world and is subject to the trends and emergence of interconnected and dynamic realities that are prevalent today.

Contexts of state–civil society relations in Africa presents complex and diverse scenario because of its colonial history. African states have been in the past and to some extent continue to be sensationalised (particularly by the media) as a place of coups, famines, corruption and gross inhumanity (Hearn, 2001; Ellis, 2007; Meagher, 2007; Englebert, 2009). This was accompanied by largely underrepresentation in global forums, marginalisation in global negotiations, debates and decision-making process (AU, 2013: 2). The idea of state–civil society partnership presents a renewed sensation of a collective Africa driven by civic power than institutionalised government hegemony. This is in the sense that civil society engagement with the state and other constituencies create avenues for a people centred and responsive governance than just government (Biekart & Fowler, 2009; Vincent-Jones, 2006). The role of civil society in inspiring, supporting and promoting practices of civic driven development and democracy has continued to thrive, despite challenges of dealing with obstinate governments and market-economy powers.

This *article* explores perspectives of African state – society relations in order to inspire propositions for good governance towards the Africa Agenda 2063. The article uses a narrative literature review approach as a method. Scientific literature review articles are methodological studies which use database search to retrieve results of research, and have their main goals, objectives and theoretical discussion of a specific topic (Green, Johnson & Adams, 2006; Cronin, Rayan & Coughlan, 2008; Randolph, 2009). Narrative literature review describes and discusses the state of science in a specific topic from a theoretical and

contextual point of view (Gray, Bebbington & Collins, 2006; Enferm, 2007; Randolph, 2007). Narrative analysis is more qualitative, while on the other hand systematic literature reviews are systematically planned to answer specific research question using specified methodology for identifying, selecting and critically evaluating of studies in a specific topic.

2. THE IDEA OF CIVIL SOCIETY IN AFRICAN CONTEXT

The concept of civil society continues to receive deferent definitional connotations for scholars and discourse. Civil society has presented wide contestations of its meaning and application, (Gebre-Egziabher, 2001; Sievers, 2009; Benequita, 2010; Jaysawal, 2013) to an extent that some has rendered it to mean anything that is not done by the state or the market. Therefore exploration of the concept of civil society must be considered in order to contribute valuable inputs, particularly for a partnership with the state. The point being that there is to some extent confirmable understanding of what the state and market are than the emerging so called civil society (Althusser, 2006; Kapferer, 2011). Civil society as a sector is broadly understood as the occupation of the space between, family, market and the state (Gray, Bebbington & Collins, 2006; CAFSA, 2012). Civil society encompasses the way in which society organises itself to promote or discourage discourses in their communities. Commonly it is viewed as the voluntary sector where communities organises, provides services, undertake policy dialogue and advocacy.

Political theorists like John Locke, viewed civil society as when society strives to define and develop political legitimacy, where politics represents the order of a good life desired by society (Gebere-Egziabher, 2001),in which case society determines the rules and norms of political legitimacy. Civil society is social spaces where commons interact in ideological transactions, to determine a suitable state of public affairs within their polity. These interactions are constituted by ongoing dialogues, producing civic driven change in governance (Biekart & Fowler, 2009). Though there are arguments that the concept has ancient roots (Siligman, 1995; Kean, 2013), the recent idea of civil society originates with the enlightenment of the 18th century. In the context of the enlightenment civil society was referred to as associational life organised spontaneously by community based on their common interests and values (Pearce, 2002; Edwards, 2009; Colas, 2013; Hall, 2013). This notion emphasised communities' requirement of cooperative behaviours for survival (Sievers, 2009), notably independent from the state, family and the market. The concept has however thrived to be commented about in other sectors, including private sector, public sector and political discourses.

In order to make effective contributions the article lean on the

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definition provided by the London School of Economics and Political Science, Centre for Civil Society (LSE). The LSE puts it that *"Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy groups"* (LSE, 2006 cited in Merkel, 2012: 335; Jaysawal, 2013: 2). The article leans on this definition considering that it covers most of the conventions about what civil society is in contemporary literature. In order to ensure that this adopted definition covers adequately what has been viewed as civil society, the article unpacks and compares the definition with used definitions of the concept. It is worth noting however that each stance is worth special attention as a focus of research about civil society. Hence the focus of this article is on the civil society-state interface on the issues highlighted on the Africa Agenda 2063.

2.1. Uncoerced Voluntary Actions

LSE begin their definition noting that "civil society is an arena of uncoerced collective action around shared interests, purposes and values". This is from the view that people in civil society organisations are voluntary actors, who seeks not profit in return of their service or participation (Kanyinga, Mitullah & Njagi, 2007; Scholte, 2007). Membership to civil society organisations is thus stimulated by the free will of participation by members, with consciousness to the non-monitory or material beneficiation. Civil society formation should not be bound to state rules or regulation but by spontaneous actions of community members. These actions are those that are collectively undertaken as a means of promoting or discouraging discourses that affects citizens' lives (Cuong, 2008; wollebae & Selle, 2008, Edwards, 2009). Although civil society organisation may generate revenue they may not seek for profit, but rather give back to the organisation to further serve its social causes in society. Thus civil society organisation can engage in business like operations, which benefits society rather than individuals.

2.2. Shared Interests, Purposes and Values

Civil society represents groups and organisations, which act independent of the state and market to

promote diverse interests in society (Jaysawal, 2013; Ndou, 2014). Civil society organisations promotes shared interests, purposes and values of collectives, in self-generating, self-supporting and state-independent organisations that allows its members to act collectively in the public sphere. Civil society as opposed to the state and the market, it represents cultural forces that emanates from societal values, beliefs and norms (Kanyinga, Mitullah & Njagi, 2007). This makes civil society to form associations to promote social justice, moral generation, education, human rights and cultural protection groups. While at the other hand the state represents political forces and the market economic forces.

2.3. Civil Society Institutions are Distinct from the State, Family and Market

Civil society though public in their activity, they are private in their institutional form, in that they are not public as government institutions. The distinction mainly is evident in their funding models. Civil society organisations' funding is mainly privately sourced, as opposed to public tax based funding for government institutions (Colhoun, 2011). Civil society organisations are self-governed, in the sense that they operate within a legal framework, independent of the state, and are under no interference by other organisations, including that of family and market except in contexts where the state funds activities of civil society (Gray, Bebbington & Collison, 2006). In

which case, civil society is required to account for such funding to the state. However the state would not interfere in the operations of the civil society organisation concerned. Further it is non-profit, in that there are no material benefit speculated to the founders of civil society organisations. Civil society as opposed from business (private sector) it does not engage in business operations to benefit individuals, but for the benefit and pursuit of social cause (Coung, 2008). Civil society organisations are organised society with institutional realities, which distinguish them from informal structures such as the gatherings, movements and families (Ancheier, 2000).

2.4. Blurred, Complex and Negotiated Boundaries with the State and Market

Civil society is regarded as promoting socially coordinated public action among their members and other citizens (Krishna, nd: 1). Cameron (2008: 1) contextualises civil society as the sphere of social interaction between the economy and the state. The edges of interface between the state, the market, the family and civil society are often blurred, complex and negotiated, due to the interactions and mutual influences among these sectors (Coung, 2008). The context in which civil society relates to the state and the market are more complex and sometimes difficult to notice. This is because most of problems today cannot be associated with one sector. For instance civil society's interest in advocacy

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for sustainable development and environmental protection is a central issue in modern business and policy practices. More other issues that mark the proliferation of civil society are important for both the public sector and the market, these include education, politics, policy and human rights.

2.5. Civil Society Embraces a Diversity of Spaces, Actors and Institutions

Civil society has been conceived as located in the space between the family, market and the state. In Cameron (2008) civil society is described as the space of collective public actions as well as the actors and institutions that populate such a space. As noted issues confronted by civil society cannot be subjected to one sector. However civil society activities are carried out in various settings, which affect varied organisational setups and players. Many civil society organisations are made of many institutional memberships, and individuals drawn from many sectors including the public sector, political society and economic society (Salamon, 2010; Low & Smith, 2013; Hassan, 2015). Civil society is now organised in dynamic and productive spaces, most notably the cyber space (Garratt, 2006; Ellison, Lampe & Steinfield, 2009; Clark, 2012). Internet aided interactions and dialogues have seen proliferation, accounting to advances in information and communication technologies.

2.6. Civil societies are often Populated by Organisations of May Forms and Purposes

Civil society is often recognised by its population. For instance there are a number of authors that cites civil society as the aggregate of a range of organised groups and institutions that are independent of the state, self-generating and self-reliant. Civil society is constituted of organised societies, possessing institutional reality (Anheier, 2000; Pekkanen, 2006; Edwards, 2009). In this case the populations or types of organisations that must be included or excluded in civil society must be clear. For instance civil society has been viewed as not seeking to win state control, power or positions, but persuades the state concessions, benefits, policy change, institutional reforms, redress, justice and accountability. In this regard civil society excludes all groups and individual who run for power in government office. Therefore political parties are excluded from civil society and form part of political society.

3. CONTEXTS OF STATE-CIVIL SOCIETY RELATIONS

Civil society is concerned with public rather than private ends. It is thus deferent from parochial society (Diamond, 2009: 8). Civil society also relates to the state in some way, which is blurred, negotiated and complex. In its relations to the state it does not seek to control over the state. Thus civil society does not seek to govern the polity as a whole (Diamond, 1997:

8). Coung (2008:16) differentiates between civil society, political society, economic society and institutions of the family. To explain the context of state-civil society relations, the *article* adopts Howards's (2003) model of defining civil society position in a social system.

Figure 1: A model to define civil society position in a social system
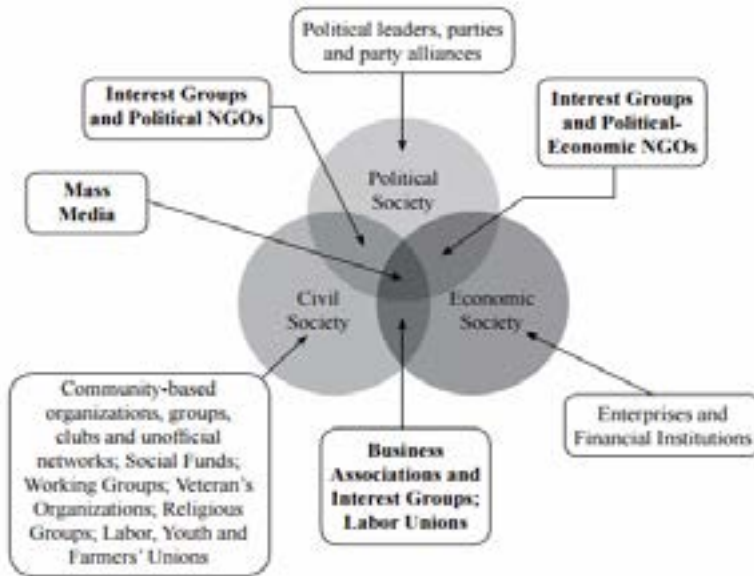
Source : Howard,2003: 38

From this framework Howard, displays the interface of three sectors, from which the diverse spaces and groups of civil society can be located (Cameron, 2008; Coung, 2008). This model provides a clear picture that civil society is the acts in between several spheres of society, depending on a particular interests, which ranges from social, political and economic (Biekart & Flower, 2009; Hassan; 2015). In order to classify therefore the approaches of state-civil society relations, on the basis of this framework, there is a need to identify the reasons for interactions. For instance a civil society that is found between civil society and political society or that which is found between economic society and political society. These former are interested in influence the state, in their institutional and social formation. The later instead is interested in influencing either government or the economic society in the affairs of the economy. Basically there are three positions that motivate the interface between the state and civil society. Which are discussed in the following:

3.1 The Social Context of State-Civil society Relations

The basic assumption about civil society is that it emanates from the social behaviours that accumulate and preserve cooperative attitudes, social values and interests. It equips individuals with the necessary skills to understand their inadequacies, to learn to act collectively with others to achieve agreed objectives (Hearn, 2001; Brown & Jagadanadana, 2007; Calhoun, 2011). This provides the state with good citizens which require minimal state intervention (Wang & Young, 2006; Ataei &Enshaee, 2011; Zhang, Xue, Wang, Zhang & Gao, 2012). The state therefore is required to provide guidance and support for flourishing civil society, which does not compromise principles of good governance and democracy (Rau, 2006; Satterthwaite & Mitlin, 2013). In most cases it is the main objective of government to promote effective and inclusive governance, civil society therefore informs provides platforms for dialogue and continued social inquiry (Anheier, 2000; Habib, 2003; Biekart & Fowler, 2009). Government is the custodians of the social welfare of the people. Development of social policies that are embedded in the social, political and cultural contexts of society requires inclusion of practical and lived experiences of the society (Simmons, Dobbin & Garrett, 2007; Deci & Ryan, 2012). This context resides within grassroots organisations that gather the social values and norms of society and preserve them. Civil society is socially resourced to build social capital, from which political society can draw public leaders, who understand the social aspiration of society.

3.2 The Political Context of State-Civil Society Relations

Good governance of public affairs, emphases the importance of the extent to which governments programmes are directed by the society they are served to (Stoker, 1998; Gridle, 2007; Castell, 2008). Civil society in this case channels the voices of the poor and marginalised people in society. These ensure that the views of the poor are witnessed in the development, implementation and examination of the application of state policy. States that strives towards good governance improves its legitimacy through civil society's participation in decision making, as civil society is regarded as preservers of public interests (Arko-cobbah, 2006; Steffek & Nanz, 2008). Evidently civil society ensures strong transparency and effectiveness in all democratic processes, from elections to service delivery itself (Brown & Jagadanandana, 2007). At times civil society dose provide public services to communities, which are primary roles of government. Government can thus promote such services by funding civil societies act to supplement and complement public service.

3.3 The Economic Context of State-Civil Society Relations

A market economy cannot operate efficiently without civil society and the state for many reasons, including regulations of unfair competition, protection of society, collective labour bargaining, and consumer protection (just to mention a few). Transaction in any economic system requires the participation of good citizens and agreed mutual trust mong such citizens (Castells, 2008; Cuong, 2008; Somers & Wright, 200). For government to develop economic policy, it requires strong participation of both the economic society and civil society, to contextualise policy positions that balance the interest of both the sectors. In the recent developments, there is a growing concern about the contribution of industry to environmental challenges. This has manifested in the growth of policy and civil society organisations that are driven by the environment agenda (Allen, 1997; Edwards, 2009; Kean, 2013). State-civil society relations are critical in developing sustainable communities. Improving economic growth require a strong entrepreneurial culture, which can be cultivated from economic NGOs. Governments' ability to ensure an enabling environment for such kind of civil society, has far reaching benefit for citizens, which is the ultimate goal of government.

3.4 African State-Civil Society Relations

The African state-civil society relations present an interesting and yet complex context. Africa in general has been viewed by the world as largely under developed and lacking coherent governance systems (Ellis, 2007; Meagher, 2007; Obadare, 2011). Civil society reports shows growing hostility by states towards civil society and social cause. In order to ensure the achievement of the article's objectives, the article will engage contexts of state-civil society relations approaches, seeking aspects of state-civil society relations that can contribute insights to partnership towards the Africa Agenda 2063. There are clear cut context that characterises civil society as distinct from the state and the market as demonstrated in the earlier discussion of the article. However there are interfaces that have been remarkable about civil society and the state (Scholte, 2004; Finke, 2007; Calhoun, 2011). In most instances civil society arguments are placed that governments has a role to play in the creation of environment where civil society should flourish. In order to do so, government should interact with civil society, the market and other stakeholders to ensure that activities of every sphere of society are beneficial to the public in general. Recent literature of the context of state-civil society indicates emergence and unpredictable patterns (Moran & Elvin, 2009; Pahl-Wostl, 2009; Loorbach,

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2010; Ghosh, 2011). These are evident in the rage of public unrests over socio-political upheavals. The relations between the state and civil society in Africa present tensions and trials. Most are known of imbalances of power and privileges. Funding constrains continue to hamper civil society's performance. In many instances civil society is marked by international funding and influence, with less relevance to local communities.

4. AFRICA AGENDA 2063 AND COMPLEX GLOBALISATION CONTEXTS

As part of lessons learned from the review of past Pan-African plans, the African people through the African Union introduced an African Agenda 2063. In the Agenda 2063, the AU calls for mobilisation of the people and their ownership of continental programmes at the core. It promotes the principles of self-reliance and Africa financing its development; the importance of capable, inclusive and accountable states and institutions at all levels and spheres and holding the government and institutions for results (AU, 2015:1). In this Agenda, Africa rededicate itself to the enduring Pan African vision of "an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena (Airhihenbuwa, 2006; Adogambe, 2008; James, 2012). In this views and contexts of Africa, it is well established that Africa is seeking a strategic role playing in the global political economy. Hence

the establishment of civic driven change is at the centre of the call for people and their ownership of development programmes in the continent. Civil society remains organisations at grassroots in which African states can set the Agenda for an integrated prosperous and peaceful Africa (Shivji, 2006a; Ellis, 2007; Young, 2007; Glasius, 2010). The value of civil society is increasingly recognised in international communities. Civil society continues to play a diplomatic role in conflict resolution and cooperation with other civil society across the globe.

At the centre of the Agenda 2063 are seven aspirations, which the continent is committed to act together and achieve (AU, 2015: 2). These aspirations are:

- A prosperous Africa based on inclusive growth and sustainable development

- An integrated continent, politically united and base on the idea of Pan-Africanism and the vision of Africa's Renaissance

- An Africa of good governance, democracy, respect for human rights, justice and the rule of law

- A peaceful and secure Africa

- An Africa with a strong cultural identity, common heritage, shared values and ethics

- An Africa whose development

is people-driven, relying on the potential of African people, especially its women and youth, and caring for children

- Africa as a strong, united and influential global player and partner

In all these aspiration, a strong partnership between the state and civil society, can create progressive alliance, and be responsive to emerging community needs. The aspirations in their setting underpin the development agenda in the global arena presented in the post-2015 Sustainable Development Goals. Therefore a strong state-civil society relation has a potential of making Africa a strategic player in global issues. If Africa committedly engages in these aspirations, to unify its socio-political and economic discourses, it will be a dynamic force in the global political economy and decision-making.

5. STATE-CIVIL SOCIETY RELATIONS CONTEXTS FOR PROMOTING THE AGENDA 2063

In order to achieve the objectives of the Agenda 2063, governments of African states should organise themselves to implement such an agenda. This can be achieved only if conducive environments for dialogue and interactions between all sectors of society are provided (Shivji, 2006b; Rotberg, 2009). African state commitment to these aspirations and their achievements require strong governance principles, which are recognised by the

African community. Governance principles in Africa should be embedded in the idea of unity in Pen-Africanism (Carmichael, 2007; Adogamhe, 2008; Shijvi, 2009; Martin, 2012; Sherwood, 2012). This is to secure a governance context that recognises Africa is a unique and complex society, with its own cultures that does not compromise, human rights and their collective identity (Stoker, 1998; Shivji, 2006a; Young, 2007). The concept of governance remains critical as an approach of achieving agreed programmes, like the Agenda 2063. Contextualising contexts in which government and civil society interact, in the decision making and their implementations are critical for Africa today.

Governance as opposed to government signifies a change in the condition of ordered rule. Governance is concerned with the creation of conditions for ordered rule (government) and collective action (Civil society and the market). The outputs of governance are rather not deferent from those of government; it is rather the deference in the process (Rotberg, 2009; Bevir, 2011; Crook & Booth, 2011; Monga, 2012). The process of governance recognises the role of multiple stakeholders in decision making, implementation and evaluation, while government is in pursuit of public interests through the political society. In the case of government the state is dominant and their decisions are commonly state-centric. In governance political society, economic society and

civil society interact to shape the behaviours of a minimal state (Makinda & Okumu, 2007; Kaufmann, Kraay & Mastruzzi, 2009; Monga, 2012). This is a context in which government works with organisations and institutions that represents contexts and lived expressions of the public. Governance creates a condition for states and civil society to recognise their joint responsibility to tackle socio-political and economic challenges of society. Governance is a proposition for what Stoker (1998:18) recorded as five propositions for governance as a theory. The propositions includes viewing governance as : 1) a set of institutions and actors that are drawn from but also beyond government; 2) Identifying the blurring boundaries and responsibilities for tackling social and economic issues; 3) identifying the power dependence involved in the relationships between institutions involved in collective actions; 4) Autonomous self-governing networks; and 5) recognises the capacity to get things done which does not rest in the power of government command or use its authority. In this context, it is clear that state require some level of cooperation with civil society and the market to get programmes going.

5.1 Embedding the Africa Agenda 2063 in State-Civil Society Relations

In order for African states to develop strong governance position, it should develop governance contexts that will guide the participants on the role for promoting the Africa Agenda 2063. Civil society as described in the above interacts with the state in various contexts that includes social, political and economic pursuits. The prevalent challenges of the continent are marked by multiplier effects, which demarcate them within various spheres (Yartey & Adjasi, 2007; Booth, 2012). In order to pursue the Agenda 2063, African sates need to create a conducive environment, allowing a free flow of relations between actors. This can be through establishing partnerships with civil society that promote principles of good governance (Arguden, 2011; Brinkerhoff, 2011). Civil society can be useful in shaping and monitoring the state and thereby promoting democracy and protecting human rights. Promotion of a vibrant and capable civil society to supplement African states in their developmental mandates, require established funding and support (Davarajan, Khemani & Walton, 2011; Scholte, 2011; Grindle, 2012; Van Rooy, 2012). Development of legal frameworks that guide civil society relations with the public and private sector is critical. This will also help reduce misuse of civil society by private individuals and capital. This should be done with clear intentions for the promotion the seven African aspiration outlined by the Agenda 2063

6. CONCLUSION

The aspirations outlined by the Agenda 2063, can only be achieve if African states involve communities in their governance.

Upholding principles of good governance that promote the view that government needs regulation and support from diverse forces of civil society. Governance as new approach of public administration is critical and needs to be conceptualised in the context of the African people. This is on the view that if African governance should be one which serves the interest of Africans, most notable within the contest of Pan-African views. Civil society, states and markets in Africa needs to reinvent themselves to fit such contexts of African governance embedded in the Agenda 2063. New multi-levels engagements and dialogues are needed to contextualise and steer new socio-political ideologies for a radical wake of a new social labs to facilitate the agenda of a unified civic driven Africa

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POWER RELATIONS AND THE PARADOX OF COMMUNITY PARTICIPATION AMONG THE SAN IN KHWEE AND SEHUNONG

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ABSTRACT

The discourse of community participation has been popularised by both Government and Non-Governmental Organisations as a 'technical fix' to most community development problems. As such, participation is seen as a necessary condition for empowering grassroots communities such as the San in Botswana. However, despite this claims of empowerment, most often than not, the empowerment fostered under the rubrics of participatory development seems to be perpetuating the very disempowerment it seeks to combat among the San communities of Khwee and Sehunong. This article seeks to explore how notions of power and power relations influence how the San perceive themselves in the social fabric, which in turn influences their perceived participation and conceptualisation of empowerment as embedded in the discourse of community participation. The data is from a qualitative multiple-case study using semi- structured interviews and focus groups. The findings suggested that since the San are considered to be socially inferior, they are not only left out of decision making and need to be integrated but most importantly, they are disadvantaged by the various institutional and relational structures which only serve the facilitation of selective empowerment.

Keywords: Community participation, Khwee, Non-Governmental Organisations, participatory development, Technical fix

1. INTRODUCTION

Community participation has become a buzzword in the field of development as it promises to make people at the grassroots central to development processes. It is believed that, with participation, there is likely to be more success of development projects as communities will feel ownership and commitment towards the projects. However, even though community participation is seen as a panacea to most development problems at grassroots level, its ability to dismantle hegemonic structures that condone unequal power relations among the San and Tswana speaking groups has been less examined. As observed by Co-

binah (2011), power and power relations are among some of the issues that control and shape participatory practice. The dynamics of power relations that shape inclusiveness and exclusion in the participatory spaces for the San is critical for understanding how the participants are perceived and how they perceive themselves in the whole process.

This article seeks to explore how hegemonic structures and relations influence the San's perception of themselves, participation and empowerment as embedded within the discourse of community participation. The rationale to focus on power relations in this article is informed by the subordinate-dominant ethnic relations existing between the San and the Tswana speaking groups. Power in this instance is understood in relational terms, as a relationship between groups and individuals rather than an attribute- it is power over others (Mosse, 2007:7). In its relational sense, power is a scarce resource which groups compete in zero-sum games. It is on this basis that participation is explored in relation to power, particularly the connection between power, voice/silence and ethnicity as well as the structural forces at play (Parpart, 2004:177).

Critical social theory has been used to provide a theoretical framework for this article. This theory argues that social relations are power relations. Hence, the extent to which an individual or community can influence a development process depends on the power the individual or community has (Cobinah, 2011).

2. WHO ARE THE SAN AND THEIR POSITION WITHIN BOTSWANA SOCIETY?

According to the historical accounts, the San were the first people to inhabit what is now called Botswana (Wagner, 2006). While they are generally considered as an indigenous group, the official position of the Government of Botswana is that no group is more indigenous than others; all Batswana are indigenous except for those who are Batswana by naturalisation (Government of Botswana, 1993:29). The government defended this position by claiming that giving the San an indigenous status will bring divisiveness in the society as this may give rise to negative even racist reactions from other segments of the society (Saugestad, 2001). This position has been contested as others believe that denying the San an indigenous status does not do them any good, but increases social inequality issues. According to, Ditshwanelo (2006) for instance, denying the San their indigenous rights and emphasising on 'formal equality' which is based on seeing everyone in the same form and treating people equally does not make people equal in terms of results. The fact that the San are treated just like everybody else is the very reason they are being ridiculed because they are neglected, thus poor and oppressed (Molosi, 2015). Accord-

ing to Saugestad (2001), in as far as development debates ignore the history of the indigenous people, development will always sideline them and marginalise them even further.

History records that by the time when the *Tswana* speaking groups began to inhabit the same area as the San in the eighteenth and nineteenth centuries, the San were made to live in the periphery as serfs *(malata)*, while rising *Tswana* speaking groups gained wealth and power (Mompati & Prinsen, 2000). According to Chawawa (2015) the relationship between the serfs and the masters provided the masters with exclusive rights to use the serfs for any form of service they deemed fit. As a result, as the masters used the serfs to accumulate property, the serfs (San) remained poor and marginalised. The relations of inequality between the Tswana speaking groups and the San can be evidenced by the complex unequally perceived statuses of different ethnic groups, where some are regarded as 'inferior' and others 'superior' (Datta & Murray,1989).

3. THE CONCEPT OF COMMUNITY PARTICIPATION

Participation simply refers to the engagement and involvement of people at the grassroots level in decision making processes. Penderis (2013) distinguishes between participation as a means to achieve the objectives of development, as opposed to participation as an end which stresses empowerment and transformation to capacitate beneficiary groups in the development process. Participation as an end is of great interest to this article as it lays the empowerment nature of the concept.

Participation according to Hickey and Mohan (2004) should ensure the transformation of development practice by closing the gaps that have been causing social exclusion of the excluded groups. The form of inclusion through the participation discourse is not a straightforward thing. For some, it simply means involving beneficiaries in the planning and implementation process through selective engagement while for those aligned with the 'NGO view', participation is just a moral imperative which is a precondition for funding (Green, 2000). According to World Bank (1994: 6) participation is a process through which stake-holders influence and share control over development initiatives, decisions and resources that affect their lives.

Even though the concept of community participation promises some degree of beneficiary involvement in project planning and implementation, it is fraught with vagueness in its definition, and ambiguities in its interpretation. Cobbinah (2011:53) has observed that sometimes participation is confused with just representation whereby community members are just invited to meetings where they are meant to witness devel-

opment decision making taking place. According to Molosi (2015) participation at times comes in the form of consultation where communities are informed of the decisions already taken and their position sought. This form of participation is problematic because it lacks the power to ensure that the community's position is taken on board should they challenge decisions already taken. Mohan (2002) cautions that participation as consultation and information sharing is only used by the dominant to maintain the status quo and retain their privileges as they only allow the 'have nots' to be heard with no power to change anything.

In explaining different forms of participation, Arnstein (1969) noted that the concept of participation takes different shades which differ in terms of where power and control lies. Power and control in participation practice implies that the greater the bargaining power the better the opportunity for a group's voice to matter in the development process (Cobbinah, 2011). According to Arnstein, participation can be understood in terms of a typology that ranges from citizen control (where communities actively make decisions) to merely consultation which is tokenistic.

Participation takes place in a variety of spaces that are created by different people for different reasons. As suggested by Gaventa & Valderrama (1999), community participation is about power and

how it is exercised by different social actors in the spaces created for interactions between the community members and development facilitators. As such, this spaces are not just 'there' and neutral, but are dynamic social products humanly constructed means of control and domination (Lefebvre, 1991). Foucault (1977) also draws our attention to the fact that spaces are not homogeneous and empty, but are sites of social relations. In this regard, spaces are defined by those who are invited into them, as well as those who are doing the invitation. As such participatory spaces reflect power differentials which determines the shape participation can take at a particular point in time.

According to Cornwall (2002), participatory spaces can be organic/ created or invited. Gaventa (2004) informs us that 'invited' participatory spaces are designed and enforced by external forces and the beneficiaries are invited to participate. The challenge with the 'invited' spaces of participation is that although it's a common form of participation, the dominant are still situated within a position of privilege as 'conveners' of participation. As such, as the 'invited', you will have to play by the rules created by the 'convenor', which can be disempowering (Cornwall, 2008). The 'convenor' will have the latitude to shape the boundaries of what is possible and which interests can be pursued. The 'created' spaces

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of participation are those claimed and constituted by citizen groups. These spaces are formed by the less powerful to challenge the more dominant or to raise common concerns that are not being adequately addressed by authoritative figures (Penderis, 2013:116).

4. THE PARADOX OF PARTICIPATION AND EMPOWERMENT

For the rights-based approach, the right to participate is a basic citizenship right which helps to protect and guarantee all other political, social, economic and cultural rights through an empowered agency of citizens (Gaventa, 2004). From this view point, participation has progressed from just a simple invitation offered to beneficiaries of development to a right (Gaventa & Cornwall, 2001). As such, the proponents of participatory development sell community participation as a very critical component of successful community development initiatives because it gives 'voice' to the communities. It is this 'voice' that leads to greater consciousness of abilities and possibilities of making a difference (Budiriwanto, 2007).

As observed by Green (2000), much of the literature on community participation and the kinds of programmes it legitimates, rests on a particular philosophical construction of participation as leading to the empowerment of communities in the grassroots. However, even though empowerment is the main basis for community participation (Green,2000),

the capacity of participatory development to bring about empowerment to people in the grassroots is in question, firstly because there is no detailed empirical evidence indicating that indeed participation has brought empowerment to rural people (Cleaver,2001). Empowerment in this instance refers to the capability to influence social spheres and question the status quo (Freire, 1972). Secondly, power relations that stem from ethnicity are rarely a focus of attention in the participatory development literature. Gaventa (2004) cautions that if power relations are ignored, participation evolves as underhanded disempowerment because in many development programmes thought to be participatory, they are only participatory when the ideas of the oppressed are aligned to those of the oppressors. In fact, Cleaver (2001:36) asks the proponents of participation to be careful of entrenched beliefs that participation is essentially good and that its practice ensures success and issues of power and politics must be 'avoided as divisive and obstructive'. A further analysis by Mwanzia and Strathdee (2010:4) has illuminated that one of the challenges with participatory development is that power is frequently delusional and conceals the extent to which participatory processes are manipulative and marginalising rather than liberating to disadvantaged people.

In this context, empowerment should be understood as the basis

for agency and resource bargaining in the communities. Agency is the ability to define one's goals and act upon them or a process by which choices are made and put into effect (Budiriwanto, 2007:7). Drawing from Freirean philosophy, people should be able to question the status quo and recreate their reality through conscientisation. Freire argues that the proper objective of participation is to ensure the 'transformation' of existing development practice and, more radically, of social relations, institutional practices and capacity gaps which cause social exclusion. In this context, participatory development is directly intended to challenge existing power relations, rather than simply working around the power with more technically efficient service delivery (Hickey & Mohan, 2004:168-169).

Both agency and resources form the people's capabilities to live the lives they want. Resources are not simply distributed based on dire need, but distribution is located on various institutions and relationships of power (Budiriwanto, 2007). Resources in this context refer not only to material resources, but also human and social resources that help to exercise choice. As alluded by Kabeer (2005), the way in which resources are distributed is influenced by the ability to define priorities and enforce claims which is based on social power. Equally important here is the people's perception of themselves in as far as bargaining of resources is concerned. The

way people perceive themselves may influence what they say, how they say it and whether they are heard. As explained by Budiriwanto (2007:8) empowerment begins from within, it is rooted in how people see themselves, their sense of self-worth.

5. METHODOLOGY

This *article* draws from a more comprehensive qualitative study undertaken among the San in Khwee and Sehunong settlements. Qualitative research approach was used as it is considered to be more faithful to the social world as it allows data to emerge more freely from context (Gergen& Gergen, 2000). Semi-structured interviews and focus group discussions were used to collect data. The use of these two data collection methods were considered to compensate for each method's individual limitations and strengthen their advantages as well (Shenton, 2004). Participants were selected through purposive sampling and snowball sampling techniques. A total of 36 participants were selected for in-depth interviews. In-depth interviews were categorised into three cohorts. The first cohort was made up of 12 San people from each research site (Khwee and Sehunong) who are the recipients of a poverty alleviation programme known as the Remote Area Development Programme (RADP). The other groups of participants were village leaders and government community development workers. The village leaders group consist-

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ed of councilors, chiefs and members of the Village Development Committee (VDC). There were eight participants in this group. The other group – government community development workers (GCDWs) – consisted of four participants who were mainly extension workers in education and social and community welfare. It is important to note that in all the settlements, both community development workers and the councillors were from Tswana speaking groups, thus non- San.

For focus groups, participants were chosen from among the RADP recipients group and the VDC. People chosen from these groups were later joined by eight people from a category for the purpose of this study was termed the Village Mobilising Group. This group consisted of leaders of active groups in the village such as the Parents Teachers Association, Community Home Based Care and Out of School Youth Group.

Nvivo software was used in the data analysis process. The data analysis followed the grounded theory data analysis procedures.

6. FINDINGS AND DISCUSSIONS

The findings and discussion presented in this article are in accordance with research questions raised for the study. The findings and discussion are presented as follows

6.1 The meaning of participation

It is evident from the findings that participation is seen as a necessity in facilitating successful development projects and programs. Most participants of this study emphasised that participation is important in any development intervention because it gives the community a voice to be in charge of their development processes.

However, even though there is common acknowledgement of the empowerment ability of participation, this was understood in two different ways. The different ways in which participation was understood depicted two different levels of decision making power and control. Participation was understood as consultation and as decision making power. Both the interpretations of participation imply different power levels which have been explained by Ainstein's ladder of participation.

Participation as consultation was mainly popular among those participants with education levels lower than the Botswana Government Certificate of Secondary Education (BGCSE). This group conceived participation in terms of different shades of tokenism which represents a top-down development approach. They indicated that they are actively involved in the development processes because they are informed about decisions made concerning their settlements as indicated in the following excerpt,

We are actively involved in the RADP decision making. Whatever they plan to do, they inform us. There is nothing that is done without being informed and consulted. Even for projects, they tell us about them and we choose amongst what they offer (BNS3).

This group equated consultation with decision making power, when they were in fact only perceived as clients and consumers rather than equal partners in the development process. Paradath (2006) reminds us that the only meaningful participation entails decision-making partnership, which does not only enhance development practice but also contribute do deepening the democratic process. Viewing participation in terms of consultation by some of the participants may be reiterating the confusion that surrounds the definition of the concept of participation which is usually associated with any form of involvement offered to beneficiaries of development projects (Cobinah, 2011). This view of participation is problematic for many reasons.

Firstly, this view of participation shows how the concept can be used to perpetuate the very disempowerment it seeks to combat. Despite its claims of empowerment, its interventions are premised on a denial of the poor's capacity to bring about changes for themselves, by themselves, there is always development agency institutional structures involved (Green, 2000:67-68). As indicated in the findings, when su-

perordinate groups are involved, practices that only reflect false sense of power or control may be confused with control and decision making. Following from this, Gaventa (2004) cautioned that in many development programmes thought to be participatory, they are only participatory when the ideas of the oppressed are aligned to those of the oppressors. As suggested by the findings, the outsiders who are mainly Tswana speaking who serve as both policy makers (councillors) and implementers (community development officers) at local level, are at the centre of the whole process while the San are located within the peripheries of power but made to believe that they are in fact in control. According to Crewe and Harrison (1998) when those in a position of power locate themselves at the centre of a participation process, they consolidate their power and perpetuate the unequal social structures. As a result, unequal social structures may be perpetuated and the status quo maintained as the dominant groups advance their interests.

Secondly, this San's perception of what is participation may influence their ability to engage with authorities because the way people are perceived influences what they say, how they say it and how they perceive themselves (Cobinah, 2011). This has implications for the community's agency and empowerment because both agency and empowerment pro-

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cesses are rooted in how people perceive themselves and how others perceive them (Budiriwanto, 2007). Borrowing from the work of Bourdieu (1990), the construction of social reality is determined by people's position in the social space or *habitus*. It is this position that influences a community's ability to engage with authorities or people seen to be superior to them. According to Molosi (2015) this view of participation shows that the San might be seeing themselves as too powerless to question their 'masters' which leaves the status quo untouched. In fact, the discourse of participation has been criticized because it fails to question the relational and institutional forces at play, which may continue to (re) produce unequal power relations.

The other view presented meaningful participation as decision making power and control, where the community is seen as equal partners in a development partnership. This understanding was mainly aligned to those participants with education level at BGCSE and above. As indicated in the following excerpt, some participants wanted to be located at the centre of power and not the periphery.

When it comes to development, the community should take the lead in controlling the process. Government should act on the priorities given by the communities, not whereby things are just thought up in high offices and we are told about them (BNS6).

The findings suggested that participants who viewed participation in terms of decision making felt that the way participation is currently done is just used as a tool to grant development projects a stance of moral authority, while they are in fact only perceived as clients and consumers rather than equal partners in the decision making processes. It appears that even though structures such as the Village Development Committee are recognised as platforms to engage the community in development discussions and negotiations, the findings suggests that VDC only plays a symbolic role in Khwee and Sehunong. This is indicated in the following statement,

Even at times when we are involved as the Village Development Committee (VDC), when we are invited thinking that we are going to contribute our views, instead we will find that everything has been thought about us and there is nothing we can contribute (FGK)

The above statement can be explained by what Arnstein (1969) calls tokenism. Tokenism according to Arnstein's ladder of participation is a stage of information sharing whereby the 'uppers' inform the 'lowers', and the latter are able to inform the 'uppers'. However, in this arrangement, the decision making power remains with the powerful as the 'oppressed' do not have the power to challenge the dominant in cases where opinions differ. According to Molosi (2015) this is the same

concept of participation and decision making as embedded within the traditional *kgotla* system. Although the *kgotla* was believed to offer the subordinated groups a chance to voice their concerns, it was mainly the voice of the dominant Tswana speaking groups that was given priority because of their social standing (Mompati & Prinsen, 2000). Following from this kind of structures, groups considered inferior may end up internalising their powerlessness and perceive them as 'natural'.

6.2 Spaces of participation and power relations

The findings have shown that the interplay of social relations seem to be critical in the way the San understand the concept of participation. There is evidence that due to their inferior social status within Botswana society, their democratic right to participate in decision making is compromised. For example, some participants explained that because '*ke masarwa*', even when they make suggestions they are rarely taken on board. According to one participant, '…other people's voice is always listened to, but for us it doesn't matter, '*ke masarwa*'. The data suggests that the '*ke masarwa*' connotation is used to highlight San's powerlessness as a class of no consequence. Based on this, it appears the San have accepted the powerlessness bestowed upon them by the Tswana speaking groups such that they consciously or subconsciously, keep reminding themselves of who they are within the social ladder when it comes to participation. For instance, one participants indicated that because the San are mostly poor, they cannot initiate any engagement platforms, government and other stakeholders should create such platforms and engage with them. Freirian philosophy terms this scenario internalised oppression. According to Freire (1972) internalised oppression is whereby the people tend to normalise their discrimination and see it as a part of them. This is not surprising because as explained by Penderis (2013), past experiences and social relations leave their footprints even it participatory contexts.

Although some participants valued participation as decision making and control, the findings suggested that they still preferred participation within the invited spaces. It seems most of the participants believe that government and other stakeholders should be at the forefront and create spaces for participation and invite them to discuss their lives. In this context, this group of San believe that it should be community development workers and councillors who invite them to discuss their development, they seem not to want things done the other way round. This view of participation is problematic. Firstly, the problem with the invited spaces is that those who offer the spaces have power over the spaces- they decide the form of participation. As such, people will be joining a game, the rules of which have already been

decided (Vincent, 2003). Borrowing from Gramsci (1971), invited spaces may serve as places of hegemony and platforms for control and repression to preserve the status quo rather than an opportunity for citizenship and the exercise of agency.

Secondly, invited spaces are frequently reduced to hierarchical sites of inequitable relations, which reproduce dependency and undermine the potential for meaningful participation and deliberation (Penderis, 2013). As explained by Budiriwanto (2007), the process of empowerment is rooted in how one see their self-worth. Hence, due to the norms and values that has over the time deprived the San an opportunity to be equals in the social rung, they may even not consider themselves with any capability to engage Tswana speaking people and other development stakeholders on their own terms as indicated in the following,

It's difficult to initiate things on our own because we do not have resources and also we do not know a lot of things. That is why we continue to depend on outsiders who end up bossing us around (BNK7)

Using Foucault (1980) to explain the preceding view, Foucault has argued that if in the development process there is a dichotomy of those who are seen as developed/undeveloped, those developed will be seen as the creator and giver of development while those underdeveloped are only objects. This perhaps stems from the fact that being the recipient of generosity means to be 'inferior' to the one who gives because when you ask for something, you make the person from whom you are asking great (Saugestad,2001:218). This has implications for participation because unequal power relations maintain the status quo of disempowerment and powerlessness.

7. CONCLUSIONS AND RECOMMENDATIONS

As indicated by Hickey and Mohan (2004), the proper objective of participation is to ensure the 'transformation' of existing development practice and, more radically, the social relations, institutional practices and capacity gaps which cause social exclusion. However, if participation is just done on an 'add-on' approach, without addressing power relations between the San and the Tswana speaking groups, empowerment though participatory development is still a dream far from reach. Measures should be put in place to help the San to create their own world through meaningful participation. This is important because no person can empower another, people should engage in their own empowerment (Freire, 1972). As argued by Inglis (1997), there is a distinction between individuals being empowered within an existing social system and struggling for freedom by changing the system.

When viewed through the lens of a critical social theory framework, the findings of this study calls for

a change of position, moving the San from the peripheries of development where they are development objects, into the core where they would have genuine control and decision-making power as actors of development. However, if participation is implemented on an 'add-on' basis, without transforming the social structure, development initiatives will only be useful in furthering selective participation. In this sense, transformation will need to take place even 'upwards' before those at the 'bottom' can have any reason to believe that they can have an effect.

It is also recommended that appropriate education should be used to help conscientisation of the San so that they can engage in self-reflection and action. For example, education grounded on Freirean critical pedagogy ideas, which provides skills and knowledge necessary to help the expansion of capacities to question deep seated disempowering social practices. Both formal and non-formal education can be utilized in this instance. San youth who have been exposed to different worlds and education could be useful in taking the lead.

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COMPLIANCE TO PROCUREMENT PROCESSES, DEVIANT BEHAVIOUR AND EFFECTS ON SERVICE DELIVERY IN THE PUBLIC SECTOR

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ABSTRACT

This article investigates compliance to procurement processes and its effect on service delivery in the public sector. Public procurement non-compliance has triggered a lot of debate in recent years. Due to colossal amount of money involved in government procurement and the fact that such money comes from the public, there is a need for accountability and transparency. In order for government to realise the provisions of section 195 of the Constitution of the Republic of South Africa, 1996 government departments are required to comply with the rules, regulations and prescripts governing procurement of goods and services. For instance, in 2011, five Provincial Departments in Limpopo Province were put under administration in terms of Section 100 (1) (b) of the Constitution of the Republic of South Africa (1996). Procurement was mentioned as one of the weaknesses that contributed to the impasse. According to Smart Procurement (2011), despite the reform processes in public procurement and employment as strategic tool, there are predicaments in South African public procurement practices. This article is conceptual in nature and it explores the deviant human behaviour in relation to procurement compliance. There are various theories that did an exploration on the deviant behaviour of human beings which is the centre focus of the study. However the article will focus on social bond theory given the relevancy of their exposition to the study. The article concludes that only compliance to procurement guidelines will ensure service delivery, in South Africa public services.

1. INTRODUCTION

In terms of section 217(1) of the Constitution of the Republic of South Africa (1996) when an organ of state in the national, provincial or local sphere of government, or any other institution identified in national legislation, procure contracts for goods or services, it must do so in

accordance with a system which is fair, equitable, transparent, competitive and cost-effective. Despite the reform processes in public procurement and the introduction of Supply Chain Management (SCM) as a strategic tool for addressing socio-economic imbalances of the apartheid regime, there are predicaments in South African public procurement practices, for example non-compliance with procurement and SCM related legislation and policies as well as tender irregularities (Smart Procurement, 2011). It is against this background that the aim of this conceptual article is to investigate compliance with procurement processes and its effect on service delivery in the public sector. This article will keep the relevance of its discussion to the following, the social bond theory, legislative frameworks governing procurement, pillars of procurement, challenges of compliance to procurement, complex legislative requirements an impact of compliance to procurement.

2. THE SOCIAL BOND THEORY

As cited by Defee, Williams, Randall and Thomas (2010), good research should be grounded in theory. There are various theories that did an exploration on the deviant behaviour of human beings. But for the purposes of this conceptual article focus based on social control theory given the relevancy of its exposition to the study. Social control theory was developed by Travis Hirschi in 1969, and it is also known as the

social bond theory. According to Hirschi (1969), social control theory proposes that people's relationships, commitments, values, norms and beliefs encourage them not to break the law. He posits that individuals break the law due to a breakdown within their societal bond and maintain that weak containing social systems results in deviant behaviour. This theory is in line with the exposition of the conceptual article on the value of exemplification of ethical behaviour as one of the key enhancement strategies to compliance (Dintwa, 2012). Contrary to the social control theory, Tittle (1995) posits that control theories generally focus on the factors that restrain or control the behaviour of individuals such as societal norms, values and customs, however it does not consider the control exercised by these individuals over their social environment. Reckless (1961) echoes the same sentiments by indicating that the individual is so isolated in contemporary society – so free to move from one context of external control to the other or even to escape from most of it – that internal control is the more basic factor in conformity. Thus advocating for the notion of internalisation which he refers to it as the process by which social norms are taken so deeply into the self as to become a fundamental part of the personality structure (Reckless 1961). Tittle (1995) made an innovative insight that people are not only objects of control but also agents of control. In his social control theory, he postulates that each person has

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a certain amount of control that he or she is under and a certain amount of control that he or she exerts.

This article argues that the establishment of different law enforcement agencies, chapter nine institutions, and development of policies and strategies aimed at dealing with corruption alone cannot suffice, there is a great need for officials to regard compliance as necessary. There is a need for individuals to reawaken the internal eye which will make them shying away from deviant behaviour. The theory postulates that if moral codes are internalised and individuals are tied into, and have a stake in their wider community, they will voluntarily limit their propensity to commit deviant acts. This implies that the power of internal means of control, such as one's own conscious, ego, and sensibilities about right and wrong are powerful in mitigating the likelihood that one will deviate from social norms. According to Hirschi (1969) social bond is much like a dam holding back floodwaters; social bonds keep individuals safe from crime. He argues that if the dam cracks or breaks, then criminal motivations can flood these individuals and no barrier exists to prevent them from offending. The next presents the legislative frameworks governing procurement system and service delivery in South Africa.

3. LEGISLATIVE FRAMEWORKS GOVERNING PROCUREMENT SYSTEM IN SOUTH AFRICA

As advocated by Hanks, Davis and Perera (2008) public procurement operates within a highly legislated environment set by national government and extended to provinces and local government bodies by specific policies, legislation and regulations. This section is limited to acts, legislative and policy frameworks which give guidelines on the compliance to procurement processes and the enhancement of service delivery in South Africa.

3.1. The Constitution of the Republic of South Africa (1996)

Under the constitutional supremacy, the Constitution of the Republic of South Africa, (1996) is the bedrock for compliance with regard procurement of goods and services and a yardstick through which service delivery can be measured. Section 195 (1) of the Constitution of the Republic of South Africa (1996) spells out democratic values and principles governing public administration. The public service as an instrument of governance as contemplated in section 217(1) of the Constitution of the Republic of South Africa, 1996 provides for the basis of procurement and determines that "when an organ of state in the national, provincial or local sphere of government, or any other institution identified in national legislation, procure contracts for goods or services, it must do so in ac-

cordance with a system which is fair, equitable, transparent, competitive and cost-effective" (Van Gruenen and Van Niekert, 2010). Therefore any procurement action in public sector will be measured against this constitutional imperative, failure to satisfy the requirement will constitute non-compliance to procurement processes, policies and procedures, thus undermining the constitution itself.

3.2. Public Finance Management Act No 1 of (1999)

The Public Finance Management Act, No 1 of (1999) governs financial management practices in South Africa and establishes a regulatory framework for Supply Chain Management within national, provincial and state owned enterprises. According to Purera and Turley (2014), this act makes provision for the use of procurement as a policy tool, and following the aforementioned five pillars contemplated in section 217 of the Constitution of the Republic of South Africa, 1996. According to Zitha and Mathebula (2015) adherence to this Act by procurement officials will see government procuring goods and services at market related prices, thus optimising the quality of public service delivery.

3.3. Preferential Procurement Policy Framework Act, No 5 of (2000)

Parliament approved the Preferential Procurement Policy Framework Act No.5 of 2000 and its revised regulations to adhere to the requirements of the Constitution of the Republic of South Africa, 1996. This act gives effect to the government priority of empowering designated categories of persons through preferential treatment in procurement activities.

3.4. Preferential Procurement Regulations (2011)

Part 2 (3) (a-b) of the Preferential Regulations, 2011 states that "an organ of state must, prior making an invitation of tenders, properly plan for, and as far as possible, accurately estimate the costs of the provision of services, works or goods for which an invitation of tenders is to be made and; determine and stipulate the appropriate preference point system to be utilised in the evaluation and adjudication of tenders". In putting these regulations into effect, departments are required to have procurement plan which must be approved by the accounting officer. The procurement plan if used appropriately can be the masterpiece for planning within the procurement environment.

3.5. Construction Industry Development Board (2003)

The Construction Industry Development Board Act (CIDB) (Act 38 of 2003) provide for the establishment of the Construction Industry Development Board; to implement an integrated strategy for the reconstruction, growth and development of the construction industry. Compliance to this Act will see government contracting

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companies that have requisite skills and capability to execute construction projects thus enhancing the delivery of sustainable quality services.

3.6. Private Security Industry Regulation Act (2000)

Bidders in the security industry have to comply with Private Security Industry Regulation Act (PSIRA) (Act No.56 of 2001). The Act regulates the Private Security Industry and to exercise effective control over the practice of the occupation of security service providers in the public and national interest and that of the Private Security Industry itself. This minimises the undesirable consequences of appointing security companies without minimum requirements prescribed by PSIRA Act resulting in security companies failing to protect government property.

3.7. Promotion of Administrative Justice Act, 2000

The Promotion of Administrative Justice Act (PAJA) (Act 3 of 2000) gives effect to the right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action as contemplated in section 33 of the Constitution of the Republic of South Africa, 1996. Through this Act, the disqualification of bidders and the passing over of bids (not awarding the bid to the bidder who scored the highest bidder) can only be done if such decision is fair, reasonable, justifiable and can stand the test of time if tested before the courts of law. Although it has often prolongs the timelines for finalising bids, however it does protect the state against possible litigations which might arise out of error in judgement as well focus much on administrative compliance and compromise substance. Failure to comply with this act results in litigations that often comes at a hefty cost at the expense of service delivery.

4. POLICY FRAMEWORK FOR ENHANCING SERVICE DELIVERY

As echoed by Nzimakwe and Mpehle (2012), the South African government has committed itself to service delivery through the enactment of various legislative frameworks and the creation of an enabling environment for service delivery. According to Maluka, Diale and Moeti (2014) the most significant policies in this regard are the White Paper on the Transformation of the Public Service (1995), the Public Service Regulations (2001) and the White Paper on Transforming Public Service Delivery (1997).

4.1 The White Paper on the Transformation of the Public Service (1995)

The White Paper on the Transformation of the Public Service enacted in 1995, had as purpose the establishment of a policy framework to guide the introduction and implementation of new policies and legislation aimed at transforming the South African

public service (Nzimakwe and Mpehle, 2012).

4.2 The White Paper on Transforming Public Service Delivery, 1997

The White Paper on Transforming Public Service Delivery, 1997 was introduced with the aim of transforming the overall public service institution and service delivery (Maluka, Diale and Moeti, 2014). On the other hand, Nzimakwe and Mpehle (2012) regard the White Paper on Transforming Public Service Delivery, 1997 (*Batho Pele*) as a policy framework that would revolutionise public service delivery in South Africa was seen as an instrument that will bring about efficiency and effectiveness in the provisioning of services. According to Nengwekhulu (2009) the introduction of public service delivery policy was a response to high expectations which accompanied the emergence of a democratic South Africa. According to the Department of Public Service and Administration (1997), the White Paper on Transforming Public Service Delivery, 1997 introduced eight principles which became the compass in terms of which success or failure of public service delivery is assessed. The eight Batho Pele principles to be complied with aimed at promoting people first, set the framework for the type of service quality that citizens can expect. These principles include consultation, value for money, redress, the development of service standards, access to information, openness and transparency, as well as courtesy.

4.3 The Public Service Regulations (2001)

Furthermore, section two of the Public Service Regulations (2001) includes the code of conduct, which issues guidelines for the conduct of public officials' relationship with the legislature and the executive, the public and another employees, as well as performance of their official duties and the conduct of their private interests. The code of conduct prohibits an employee from using his or her official position to obtain gifts and benefits for herself or himself during the performance of his/her official duties. Section three of the Public Service Regulations (2001) requires senior managers (equivalent of a director) in the public service to declare their personal financial interests in private or public companies, directorships and partnerships, ownership in land and property, gifts and hospitality received (Public Service Commission, 2013). Without compliance to this act, officials will see their private interests overtaking their interest to serve the public which puts service delivery in jeopardy.

5. PILLARS OF PUBLIC SECTOR PROCUREMENT

According to Ambe and Badenhorst-Weiss (2012), the pillars of public sector procurement forms the base for compliance to procurement processes by procurement officials. According to the General Procurement Guidelines issued by National Treasury public sector procurement thrives on five

pillars, namely; value for money, openness and transparency, ethics and fair dealings, accountability and reporting, and equity (National Treasury, 2005). It is important to highlight that they are viewed as pillars because collapsing one of them means that the procurement system will fail which introduces range of procurement ills with multiplier effect on service delivery.

5.1. Value for money

Procuring without ensuring that government receives good quality services for the amount spent cripples service delivery. Forsaking this principle will result in government procuring services at exorbitant prices which such funds could have been used enhance service delivery in other needy areas. In this regard best value for money is the best available outcome when all relevant costs and benefits over procurement cycle are considered.

5.2. Open and effective competition

Asner (2006:7) advances that fair and open competition is the cornerstone of government procurement process since it gives each bidder an equal chance of obtaining government business. Therefore this principle must be incorporated into the procurement process of government departments since procurement thrives on real competition. Therefore, compromising this pillar compromises the quality of services that

must be rendered to the citizenry of South Africa.

5.3. Ethics and fair dealings

Procurement officials are required to recognise and deal with conflicts of interest or potential thereof, ensure that they do not compromise the standing of the state through acceptance of gifts of hospitality. According to Munzhedzi (2016), acceptance of gifts and hospitality compromises the good standing of the state, thus suffocating the ethical cord and throws fair dealings off the window. Ignoring the value of this principle will see bids awarded to cronies, families and friends which compromise the quality of services.

5.4. Accountability and reporting

According to the General Procurement Guidelines issued by National Treasury (2005) accountability and reporting involves ensuring that individuals and organisations are answerable for their plans, actions and outcomes. It provides accountability chain in terms of reporting, thus stipulating that openness and transparency in administration, by external scrutiny through public reporting is an essential element of accountability. Accounting Officers takes overall accountability for procurement decisions and should ensure that decisions made are justifiable and in the best interests of the organisation (Muchainyerwa, 2013).

5.5. Equity

The word equity within the context of public sector procurement guidelines means the application and observance of government policies which are designed to advance persons or categories of persons disadvantaged by unfair discrimination. The Preferential Procurement Policy Framework Act, (Act 5 of 2000) has been enacted to legitimise giving preference to designated groups of people in an intention to address equity in the country. According to Muchainyerwa (2013), as far as possible procurement decisions should be based on an objective evaluation of all bids in terms of the set criteria. Failing to adhere to the principle of equity disables government from achieving its objective of distributing the wealth of the country equitably which impacts on service delivery.

6. COMMON CHALLENGES ON COMPLIANCE TO PROCUREMENT PROCESSES BY PROCUREMENT OFFICIALS

According to Langseth (2000) common challenges on compliance to procurement processes by procurement officials manifest itself in various forms, however this article will unpack the hub of compliance challenges that procurement officials are experiencing whilst executing their daily responsibilities which have an impact or effect on service delivery.

6.1. Conflict of interest

Conflict of interest is at the centre of non-compliance to procurement processes which has an adverse effect on service delivery. According to Grundstein-Amndo (2001) and Kanyane (2005) conflict of interest occurs when personal interest comes into conflict with an obligation to serve the interest of the public. According to Reed (2008) conflict of interest must be properly understood as a situation and not an action, and he argues that a public official may find him or herself in a conflict of interest situation without behaving corruptly. However, such conduct constitutes an abuse of public office for private advantage and may hold a potential for non-compliance with procurement regulations, which affect the delivery of quality services to the people.

6.2. Lack of procurement officials with requisite skills

Van Zyl (2006) noted that non-compliance to procurement processes and procedure is attributable to lack of requisite skills, capacity and knowledge of the workforce to be able to fully implement procurement function across various spheres of government. Compliance with procurement processes requires a degree of knowledge base with regard to procurement processes. This can be linked to the accretion by Eyaa and Oluka (2011) that non-compliance with procurement processes is attributable to

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three variables which are professionalism, familiarity with procurement regulations and institutional factors. They argue that in the absence of the procurement professional having a sound knowledge of procurement indicators, there is likelihood of non-compliance with procurement regulations and rules of any organisation.

6.3. Lack of proper procurement planning

The outcomes of the evaluation by the Public Service Commission (2009) reveals that there is lack of proper planning by programme managers and procurement officials whereby they neglect demand management roles and responsibilities. The above give rise to range of shortcomings with negative impact on service delivery. Procurement plans remains a critical tool to enhance planning, however it is quite often used for malicious compliance (compliance for the sake meeting the set timelines) by departments.

6.4. Cancellation of bids

According to Limpopo Provincial Treasury, Practice Note No. SCM 8 of 2006, the trend of cancelling bids prior to the award, due to poor planning defeats government's objective of ensuring that the procurement process is done in a cost-effective manner. Cancelling and re-advertising of bids comes at a cost of which such funds were supposed to have been used to fastrack service delivery.

6.5. Not having a credible supplier database

National Treasury Practice Note No 08 of 2007/2008 issued in terms of section 76 (4) (c) of the Public Finance Management Act, 1999 prescribes that Accounting Officers/Authorities should compile a list of prospective suppliers to be used for the procurement of goods, works and services in line with the procurement thresholds. It further prescribes that once such a list has been compiled, price quotations should only be invited there from. The absence of an electronic database gives officials an opportunity to rotate their preferred service providers without the necessary capacity to execute for personal gains which has the potential to affect the quality of services. It is the view of the researcher that the introduction of Central Supplier Database (CSD) by National Treasury will go a long way in addressing the above anomalies.

6.6. Complex legislative requirements

Furthermore, complex legislative requirements that public procurement process is subjected to also contribute to non-compliance. According to Gelderman, Ghijsen and Brugman (2006) public purchasers will comply with rules they perceive as clear. The contradictive nature of frameworks governing procurement processes contributes to the impasse. This implies that tenderers must comply with all the conditions, failure

which results in the invalidation of their offers. On the other hand section 33 of the Constitution of the Republic of South Africa, 1996 i.e. the Promotion of Administrative Justice Act (PAJA) holds that the solicitation, evaluation of public tenders amount to administrative action. The act introduces a concept of form and substance in the evaluation and adjudication of public tenders. Making such a judgement call requires massive interpretation which could be subjective in nature. To date, this has been at a centre stage of inconsistency with the procurement processes resulting in litigations which cost government millions.

6.7. Deviating from procurement process without valid reasons

Amongst other compliance challenges within the procurement environment includes not inviting three quotations, deviations from competitive bidding without valid reasons, not requiring of tax clearance certificate, preference points system not applied, awarding contracts to suppliers who did not score the highest points and non-existence of a prospective suppliers' lists (Auditor-General, 2011). Matthee (2006)) re-affirms the report by the Auditor General by indicating that in some cases the validity periods of bids are unduly extended, there are inadequate controls and procedures in the handling of bids, drafting of ambiguous specifications. This becomes a fertile ground for corruption and has adverse effect of service delivery.

6.8. Failure to verify recommended bidders before award

It is a requirement that before any final award is made, departments must subject the recommendable bidder(s) to a verification process with the South African Revenue Services, Company Intellectual Property Commission, PERSAL, National Treasury register for non-performing service providers and the National Treasury register for restricted service providers (Kwazulu-Natal Provincial Treasury: 2010). National Treasury Instruction No.3 of 2014/15 with regard to tax compliance for persons conducting business with the state indicates that fighting with supply chain management related corruption and ensure that persons who conduct business with the state are afforded no scope of abusing the supply chain management process. However compliance with the above requirements remains a critical challenge with adverse effects on service delivery.

6.9. Lack of institutional support

Obanda (2010) indicates that low levels of institutional support have a detrimental effect on compliance with procurement processes. Strong support institutional support is needed by procurement personnel in order to promote integrity, monitor the public procurement process and apply law appropriately towards the compliance of public procurement (Migosi, Ombuki, Ombuki and Evusa, 2012).

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7. IMPACT OF COMPLIANCE TO PROCUREMENT PROCESSES ON SERVICE DELIVERY

Given the above discussion, this conceptual article deduces that the impact of compliance to procurement has multiplier effect on service delivery and it manifests itself in various shapes and forms. The impact of non-compliance to procurement processes is discussed below:

7.1. Undermining constitutional democracy and the rule of law

As advocated by Pillay (2004) on the impact of corruption on service delivery, failure to comply with procurement processes erode accountability, undermines the rule of law and constitutional democracy, degrade governance, dent public trust in the state's credibility and threatens ethics of government.

7.2. Violent service delivery protests

According to Deloitte Tohmatsu (2003) non-compliance to procurement processes contains an element of inefficiency as that it has direct financial loss and the lost time spent to rectify such inefficiencies. Moreover, the resources that the organisation could be using for achieving its objectives are diverted to the areas they were not initially intended for.

7.3. Poor quality service delivery

According to Ambe and Baden-horst-Weiss (2012) non-compliance to procurement processes have a bearing on poor quality service delivery in that they will be focussing on how much goes into their pockets rather than the quality of service that must be rendered to the community.

7.4. Waste tax payers' money

As indicated by Mahlaba (2004) and Munzhedzi (2013) with regard to the impact that corruption has on service delivery, it is the researcher's view that non-compliance to procurement processes cost South Africans tax payers hundreds of millions of rands each year. The assertion by Smart Procurement (2011) that in 2010 South African government spent R26.4 billion in ways contravening laws and regulation, and the fact that a large sum of government money ends up in corrupt activities often the procurement process becomes a clear evidence that non-compliance thrives, tax payers money is at jeopardy.

7.5. Contribute to the growing scourge of unemployment and poverty

Purera and Turley (2014) opine that with government procurement representing 19 per cent of the Gross Domestic Product (GDP), it has a significant potential to be leveraged to address South Africa's social, economic and environmental challenges. It is in the same assertion whereby the researcher deduces that non-compliance with procurement pro-

cesses contribute in the growing disparities between the rich and the growing scourge of poverty and unemployment in South Africa.

7.6. Destroys state's machinery for service delivery

Munzhedzi (2015) argues that if the link between public sector procurement and corruption is not adequately addressed, then the challenge will destroy the state's service delivery ability because it makes a huge dent in the public purse. As advocated by Munzhedzi (2015), the researcher is of the view that non-compliance to procurement processes paralyses the state's machinery for delivering services to the people.

8. STRATEGIES FOR ENHANCING COMPLIANCE TO PROCUREMENT PROCESSES

The discussion hereunder focuses on strategies to be employed by government departments in order to enhance compliance to procurement processes. It is the writers's view that if the strategies can be implemented it can contribute greatly in enhancing compliance to procurement processes thus impacting positively on service delivery.

8.1. Institutional mechanisms for enhancing compliance to procurement processes

There are various mechanisms introduced by government to enhance compliance to procurement processes. These include the Public Protector, the Auditor-General, Public Service Commission. These institutions are established in terms of chapter nine of the Constitution of the Republic of South Africa, 1996. They are regarded as watchdogs which keep government in checks and transform the society, thus safe guarding our constitutional democracy. According to Naidoo (2012:667) these institutions are charged with ensuring that not only procurement officials, but public service in its entirety should conduct itself in line with the values and principles enshrined in the Constitution of the Republic of South Africa, 1996 and thus geared to promoting good governance.

8.2. Criminalising political interference

As advocated by Schapper, Malta and Gilbert (2006) public procurement is considered an inherently a political sensitive activity. The research does not ignore the relationship that exists between politics and administration, however exposes the impact that such relationship poses to the attainment of the objectives of hard fought democracy. The usage of political power and public office by both ministers and political parties to receive clandestine payments in government procurement ultimately interferes with the procurement process and thus constraint compliance thereof. The introduction of the concept

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"political mandate" in the public procurement circles has not gone unnoticed. Political mandate is concept used when procurement officials are given a list of companies that they must "take care of" during the evaluation and award of tenders. It is against this background that this article proposes that government must criminalise political interference. Therefore, without criminalising this menace, the attainment of quality service delivery will yet be another boardroom phenomenon that will not be achievable.

8.3. Training and capacity building

According to Munzhedzi (2013) public sector procurement is associated with lack of proper knowledge, skills and capacity. The training and capacity building programmes must address the core issues in procurement environment that has a negative impact on non-compliance such as planning, legislative framework, conflict of interest, as well as the impact of procurement decisions (taken during evaluation and adjudication of bids) on service delivery. Such programmes must also include political office bearers so that they are able have a clear understanding on the impact of their political pronouncements.

8.4. Enforcement and visible sanctions

Enforcement and visible sanctions calls for a decisive action that requires regulators to put in place measures to ensure compliance with procurement processes. Such measures will ensure that the wound of non-compliance to procurement process does not become cancerous and pollute the whole public service delivery machinery. Zubic and Sims argue that enforcement action and increased penalties lead to greater levels of compliance. It is the researcher's view that officials who are not complying with procurement processes must be named, shamed and punished.

8.5. Exemplary leadership

According to Mafunisa (2008), one of the powerful tools for enhancing compliance is the exemplification of ethical behaviour by senior public employees. He further asserts that if unethical practices exist at the top of the hierarchy, they are likely to penetrate the entire public service. Therefore, expecting compliance from procurement officials will remain a dream.

8.6. Integration of risk management into procurement processes

Risk management is another area that has a bearing on non-compliance with regard to procurement process. The findings by Ambe and Badenhorst-Weiss (2012) reveal that there is a lack of internal control environment and the implementation of risk mitigation procedures in procurement. According to Smart Procurement (2011) the lack of internal control environment builds a fertile ground for

corruption to thrive within government departments which imped effective implementation of procurement function thus impacting on service delivery.

8.7. Remuneration of procurement officials

Mafunisa (2002) and Klitgard (1997) are of the opinion that economic factors can prompt non-compliance to procurement, whilst Klitgard (1997) and Clapper, De Jager and Fourie (2002:30) further postulate that the less a public official is paid, the more likely such an official is susceptible to deviant behaviour in an attempt to supplement his/her salary, thus constitutes non-compliance with procurement processes. The aforesaid suggest that fair remuneration and recognition of the responsibilities assigned to procurement officials plays an important role in enhancing compliance to procurement processes.

8.8 Customised Code of conduct and policy guidelines

Mafunisa (2008) advocate for the importance of code of conduct, therefore it is important for government departments to have clear procurement policy, guidelines and code of conduct. Policies are important in any organisation as they provide principles and procedures or guidelines that should be followed when carrying out assigned responsibilities. Therefore, the writers is of the view that the process of developing procurement policies, procedures and

code of conduct should not supposed to be a top-down process but rather engage all officials who will be key in the implementation thereof. This approach will instil an element of ownership of the documents developed to enhance compliance to procurement processes.

9. CONCLUSION

Compliance with procurement processes remains a critical achievement through which government can achieve quality sustainable service delivery to its citizenry. Literature revealed that although government made strides in terms of introducing legislative frameworks for enhancing compliance to procurement processes and also enhancing service delivery, it is however important to indicate that there is still a lot that needs to be done to translate what is on the article into actions.

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THE ROLE OF KING III REPORT ON CORPORATE GOVERNANCE IN IMPROVING POOR SERVICE DELIVERY IN THE SOUTH AFRICAN GOVERNMENT

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ABSTRACT

When the new government came in to power in 1994 it inherited dysfunctional municipalities. In fact it inherited a country with high levels of poverty, growing levels of inequality and also social dysfunctionality. As such in an attempt to redress apartheid legacies, the new government reformed previous legislation and policies to address issues pertaining to segregation, inequity, inequality, discrimination, poverty and to establish new transitional local authorities. Therefore new institutions have been created with new principles, philosophies and support mechanisms to make the transformation of local government a success. This is irrespective of the government coming up with good policies and laws the South African local government sphere is still rocked by poor service delivery in the majority of the municipalities including the big metropolitan municipalities. Since 2008, South Africa has witnessed many service delivery protests by communities demanding better services. This article critically analyses the role of the King III report on corporate governance in improving poor service delivery in South African local government and to assess if indeed these policies and legislations can improve service delivery. The findings in this article indicates that corporate governance principles are an effective instrument in improving municipalities in South Africa and if adhered to by the municipal councils and management of all municipalities then the challenges that are faced at the local government will be minimised. This article further finds that the only way to restore public confidence in South Africa is by first fixing the local government as it is a test of the country as to whether it is able to manage its affairs and providing services to the members of the communities (public).

Keywords: Corporate governance, Dysfunctionality, Local authorities, Support mechanisms.

1. INTRODUCTION

The South African government inherited dysfunctional system of government from the apartheid government and after the official end of apartheid in 1994 the introduction of democracy left many people with lot of expectations for a better well-being. Most people who were in serious poverty, particularly in black homelands, expected the government to deliver them out of poverty aggravated by unequal allocation of resources by the apartheid government. According to Green (1957) Jan van Riebeck landed in South Africa in 1652. Local government began thirty**....** years later, and its subsequent history was confined almost wholly to the Cape of Good Hope until the middle of the nineteenth century.

There was little settled population elsewhere before the urban centres of Pietermarizburg, Durban, Winburg, Bloemfontein, Potchefstroom and Pretoria began to grow between 1840 and 1860; and it was not until the passing of the Natal Municipal Ordinance, 1854, that the initiative in the development of local government first tended to pass from the Cape (Green 1957). Since the beginnings of the present system of local government are thus to be found in a colony administered from both the Netherlands and the United Kingdom, local government in South Africa has two historic sources which are; firstly the Dutch and secondly the other British. The Dutch source was pre Napoleonic and exerted its influence through the *landdrost* and *heemraden* system of rural government, and the urban Cape *raad der gemeente*. The British source mainly influenced the development of urban municipal government but it also had the effect of divorcing judicial from civil administration in rural government and led to the introduction of elected representatives there long before the English County councils Act of 1888 (Green 1957).

Van der Walt, Venter, Van der Walt, Phutiagae, Khalo, Van Niekerk, Nealer (2007) posits that the present post-apartheid democratically elected South African government inherited problematic administrative, economic and political structures emanating from the legacy of decades of apartheid rule. The legal and administrative structures it inherited were not developed to serve the broad population of the country, but rather a small section of it, the white people. After the abolishment of apartheid in South Africa the new Constitution of the Republic of South Africa, 1996 was developed which plays a pivotal role in the development and function of the municipality.

Atkinson (2002) attests that since 1994, South Africa has experienced a steep learning curve with regard to institutional design in general, and local government in particular. When the transition to democracy took place, South Africa inherited a dysfunctional local government system, based

on inappropriate jurisdictions, structures and programmes (Sebei 2013). During the past years, great progress has been made in designing municipal systems and governmental principles intended to promote sustainable development. Non-Compliance and lack of proper implementation of government policies and legislation has always contributed to a large-scale of failure of governance. This therefore resulted in poor service delivery from the South African government to its citizens. It was observed that the failures of the majority of municipalities with regard to service delivery are a result of lack of competent and qualified people in the municipality. It further seems that the government failures from the nation, provincial and local government emanates from lack of proper implementations of Cooperate Governance Principles as provided for by the king III Report.

2. METHODOLOGY

This research is library based and reliance is on library materials such as textbooks, reports, legislations, regulations and articles, government manuals, legislative policies as well as internet sources. Consequently, a combination of legal comparative and legal historical methods, based on jurisprudential analysis was employed. A legal comparative method was applied to find solutions, especially to resolve the South African challenges from the local government level

3. THE APPLICATION OF THE CORPORATE GOVERNANCE

The King III Report and the Code apply to all entities incorporated in and resident in South Africa and the national institutions (departments), regardless of the manner and form of incorporation or establishment and whether that establishment is in the public, private or non-profit sectors. In contrast, the King II Report only applied to certain categories of business enterprises, namely listed companies, financial institutions and sector enterprises, while companies falling out of these categories were merely required to consider the application of the King II Report insofar as it was applicable.

The USA codified its corporate governance provisions in the Sarbanes-Oxley Act of 2002 and legal sanctions are applied for non-compliance with this Act (Cassim, Jooste, Shev & Yeast 2012). In South Africa, compliance with the King III Report and the code is mandatory for the companies listed on the JSE, financial institutions and sector enterprises, but for all other entities there is no statutory obligation to comply with the King III Report and the Code. While corporate governance practices in South Africa may be voluntary, note that they are highly recommended and have considerable persuasive force. Commonwealth countries and the European Union states have also not legislated their corporate governance practices and have adopted a similar approach to that adopted in

South Africa.

4. THE PRINCIPLES OF CORPORATE GOVERNANCE

The King III Report is divided into nine chapters of which each one of the principles contained in this Report is set out in the Code together with the recommended practices relating to each principle. Therefore some of the main principles and practices of the King III Report will be discussed below. The King III Report provides guidance on the following aspects related to corporate governance: Ethical leadership and corporate citizenship, Boards and directors, Audit committees, the governance of risk, the use of information technology, compliance with the laws, codes, rules and standards, Internal audit, Governing stakeholder relationships and Integrated reporting and disclosure

4.1 Ethical leadership and corporate citizenship

The underlying philosophy of the King III Report revolves around leadership, sustainability and corporate citizenship. On the issue of leadership, the King III Report requires the board of directors to provide effective leadership based on an ethical foundation (Cassim et al 2012). Ethics or integrity is the foundation of and very reason for corporate governance. An ethical corporate culture constitutes more than social philanthropy or charitable donations (Nevondwe 2012). The reasoning behind the ethics of corporate

governance, which requires the board of directors to ensure that the government institutions and department is run ethically, is that, as this is achieved, the national government earns the respect and approval of those affected by and affecting its operations.

The South African government i.e. the national, provincial and local government should conduct its business in an ethical manner. The board should set the values on the departments and ensure the formulation thereof in a code of conduct. Nevondwe points out that the board should ensure that the company's ethics are managed effectively (Nevondwe 2012). This does not apply only to Companies but also to all municipalities in South Africa. According to Nevondwe (2012) the board should ensure that an ethical corporate culture is built and sustained in the company. It determines ethical standards which are clearly understood by the company and that the company ensures adherence in all aspects of it business, adherence to the ethical standards is measured. The risk management process incorporates ethical risks and opportunities; the ethical performance of external business partners is aligned around the ethical standards of the company.

4.2 Boards and Directors

The King III Report differentiates between executive and non-executive directors. An executive director is involved with the day-to-day management of the

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company or government depart-
ments. He or she is in the full-time
salaried employment of the gov-
ernment and is generally under a
contract of service with the gov-
ernment whether national, provin-
cial or local. Whereas a non-exec-
utive director, on the other hand,
is a part-time director. He or she is
not involved in the management
of government institutions and or-
ganisations, but plays an import-
ant role in providing objective
judgment, independent of man-
agement, on issues that are faced
facing. Generally, non-executive
directors contribute to the devel-
opment of management strate-
gies and monitor the activities of
the executive directors.

In Fisheries Development Corpora-
tion of SA Ltd v Jorgenses and Fish-
eries Development Corporation of
SA Ltd v AWJ Investment (2002),
the court stated that non-exec-
utive directors are not bound
to give continuous attention to
the affairs of the company. Their
duties are of an intermittent na-
ture, to be performed at period-
ical board meetings and at any
other meetings that may require
their attention. Non-executive di-
rectors are expected to attend
board and relevant board com-
mittee meetings and to acquire
and maintain a broad knowledge
of the economic environment,
industry and business of the com-
pany. The role of non-executive
directors and the independence
that they are believed to bring to
the board of directors has been
a consistent theme of corporate

governance theories, policies and
programmes (Nevondwe 2012).

Nevondwe (2012) also states that
an independent non-executive di-
rector is a director who is required
to be independent in character
and judgment. There should be
no relationships or circumstances
that are likely to affect, or could
appear to affect, their indepen-
dence. In this context, 'indepen-
dence' means the absence of un-
due influence and bias that could
be affected by the intensity of the
relationship between the director
and the company, rather than any
particular fact such as length of
service or age. Not only should the
director be independent in fact,
but he or she should also appear
to be independent in the percep-
tion of a reasonably informed out-
sider. The board of directors is the
most important governance struc-
ture, as it is ultimately responsible
for the performance and affairs of
the government in South Africa.
Several investigations after recent
corporate collapses and munic-
ipal failures pointed towards a
lack of effective accountability
within the South African spheres of
government. The board of direc-
tors can therefore be seen as the
vocal point of any government
poor service delivery elimination,
and the Code as part of its rec-
ommendations lists the duties and
responsibilities of the board of di-
rectors from a government institu-
tions point of view

4.3 Audit committee

An independent audit committee fulfils a vital role in the South African government. The audit committee is a critical component in ensuring the integrity of integrated reporting and financial controls, the proper identification and management of financial risks and the integrity of the reporting practices (King III Report 2009). The Report points out that at each AGM, the shareholders of a public company, state-owned company or any other company that has an audit committee must elect an audit committee. The nomination committee (where there is one) should present shareholders with suitable candidates for election as audit committee members. The audit committee should meet to perform its functions, but it is usually recommended that the audit committee meets twice a year. The committee should also meet with the internal and external auditors at least once in a year without the management being present. Nevondwe (2012) further provides that the audit committee should comprise at least three members who should be suitably skilled and experienced independent nonexecutive directors. Section 94(4) of the Act prescribes further requirements to qualify as a member of the audit committee. A member of the audit committee must be director of the company who satisfies any minimum qualification requirements set out by the Minister of Trade and Industry as being necessary to ensure that the committee comprises persons with adequate relevant knowledge and experience to equip the committee to perform its functions. From the above it can be noted that the audit committee is currently viewed as one of the most important governance structure within the modern South Africa. Nevondwe (2012) attests that the Companies Act also regulates the appointment, role and composition for all public companies and state-owned entities while on the other hand the King Code furthermore stipulates that the board should ensure that the company has an effective and independent audit committee

The Report furthermore states that the audit committee should review arrangements made by the company/government to enable employees and outside whistle-blowers (including customers and suppliers) to report in confidence concerns about possible improprieties in matters of financial reporting, or compliance with laws and regulations, that may have a direct or indirect effect on financial reporting.

4.4. The governance of risk

The King III Report requires that the board of directors be responsible for the governance of risk and determine the levels of risk tolerance that the company is able to bear in the pursuit of its objectives. Risk is defined as the taking of risk for reward. The board of directors should determine the levels of risk tolerance at least once a year. It

should review these limits during periods of increased uncertainty or any adverse changes in the business environment (Cassim et al. 2013). It is recommended that the board's responsibility for risk governance be expressed in the board charter. In addition, the board's responsibility for risk governance should manifest in a documented risk management policy and plan, which should be widely distributed throughout the company and reviewed by the board at least once a year. The board should also comment in its integrated report on the effectiveness of the system and process of risk management (Nevondwe 2012).

4.5 The governance of information technology (IT)

The governance of IT is dealt with for the first time in the King III Report. As acknowledged by the King III Report, IT has become an integral part of doing business and is fundamental to support, sustain and grow the business. The King III Report states that IT governance is not an isolated discipline, but an integral part of overall corporate governance (Nevondwe 2012). Information technology governance can be considered as a framework that supports the effective and efficient management of IT resources to facilitate the achievement of a company's strategic objectives. The IT governance framework should include the relevant structures, processes and mechanisms to enable IT to deliver value to the business and to mitigate IT risks. It should focus on the governance of the information as well as the governance of technology (Nevondwe 2012).

Nevondwe (2012) states that the King III Report requires the board of directors to be responsible for IT governance. The board may appoint an IT steering committee or similar forum to assist with its governance of IT. It is recommended that the Chief Executive Officer (CEO) appoints a Chief Information Officer (CIO) to be responsible for the management of IT. There is an increased risk to organisations that embrace IT and its directors should ensure that the reasonable steps have been taken to govern IT.

The board should monitor and evaluate significant IT investment and expenditure. The board should specifically focus on value for money, return on investment and the protection of intellectual property and also the assurance on IT internal controls should also include outsourced services (Nevondwe 2012).

IT should form an integral part of the company's risk management: Management should regularly demonstrate to the board that sufficient disaster recovery procedures are in place and that the board should also ensure that the company complies with all IT-related laws and regulations (Nevondwe 2012). Nevondwe (2012) further provides that it is therefore held that a risk committee and audit committee should assist the board in carrying out its IT respon-

sibilities. The risk committee should ensure that IT risks are adequately addressed and assurance should be obtained regarding controls in place. It is further recommended that IT should be considered by the audit committee in relation to financial reporting and going concern, it should also be considered how the use of IT could improve audit coverage and efficiency.

4.6 Compliance with Laws,Rules,Codes and Standards

The King III Report requires the board of directors to ensure that the company complies with all applicable and relevant laws and that it considers adherence to non-binding rules, codes and standards. A compliance culture should be encouraged through leadership, establishing the appropriate structures, education and training, communication and the measurement of key performance indicators relevant to compliance. The board has a duty to take necessary steps to ensure the identification of laws, rules, codes and standards that apply to the company. Details must be disclosed by the board in its integral report on how it has discharged its responsibility to establish an effective compliance framework and process.

The King III Report goes as far as to require the board and each individual director to have a working understanding of the effect of the applicable laws, rules, codes and standards on the company and its business. Directors should suffi-ciently familiarise themselves with the general content of applicable laws, rules, codes and standards to be able to adequately discharge their fiduciary duties and their duty of care, skill and diligence in the best interest of the company.

4.7 Internal Audit

The Institute of Internal Auditors defines internal auditing as "an independent, objective assurance and consulting activity designed to add value and improve an organistaion's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes." From this definition we can conclude that the internal audit department of a company can play an integral role as part of an effective corporate governance system (Thornhill & Cloete 2013).

The King III Report requires the board of directors to ensure that there is an effective risk-based internal audit. An internal audit should evaluate business processes, perform an objective assessment of the effectiveness of risk management and the internal control framework, systematically analyse and evaluate business processes and associated controls, and provide a source of information, as appropriate, regarding instances of fraud, corruption, unethical behaviour and irregularities. An internal audit plays an important role in providing assur-

ance to the board regarding the effectiveness of the system of internal controls and risk management of the company (Cassim et al. 2013). Internal audit should provide a written assessment of the effectiveness of the company's system of internal controls and risk management: the internal audit should form and integrated part of the combined assurance model as the internal provider of assurance. The internal audit should also focus on operational, compliance and sustainability issues, and not only on financial matters. It is also provide that the internal audit should provide a written assessment of the system on internal control and risk management to the board. Furthermore the internal audit should provide a written assessment of internal financial controls to the audit committee (Thornhill & Cloete 2013).

4.8 Government Stakeholder Relationships

Nevondwe (2012) posits that the King III Report adheres to the 'triple context' or integrated approach, which acknowledges that companies should act with economic, social, and environmental responsibility. Directors should consider economic, social and environmental factors when they manage the company.

Thus the Report advocates the notion that the board of directors is responsible not merely for the company's financial bottom-line, but rather for the company's performance within the triple context in which it operates ('triple bottom-line') (Nevondwe 2012). Nevondwe (2012) is of the view that Companies in South Africa are encouraged to adopt the inclusive approach to governance based on which companies are required to act in the best interest of all stakeholders. This section of the code provides guidance regarding the governance of stakeholder relationships.

One implication of the right to vote being a right of property is that shareholders may choose not to exercise their right to vote at all. But if shareholders are passive, it undermines good levels of compliance by management (Nevondwe 2012).

Nevondwe (2012) further state that to encourage shareholders activism, an environment should be created where shareholders are not mere speculators, but owners concerned with the well-being of the company in which they hold shares, constantly checking whether the directors are practicing good corporate governance.

4.9 Integrated Reporting and Disclosure

Sustainability reporting has been the subject of the king II report. Sustainability reporting can be defined as reporting on those financial and non-financial matters that influence the company's ability to survive and prosper and sustain its business future. Where financial reporting tends to provide an historic account, sustainability

reporting and disclosures provide a balanced and integrated record of the economic, social and environmental performance of the company. This now generally referred to as "triple bottom line" reporting. The economic aspect of "triple bottom line" involves the financial aspects relevant to the business of the company, whilst the social aspect focuses on the values of the company, ethics, and reporting on the company's engagement with stakeholders. The environmental aspects include reporting on the effect of the company's products or services on the environment (Marx et al 2011).

The king III Report on Corporate Governance advocates the publication of an integrated report dealing with both financial and non-financial matters in integrated manner (Nevondwe 2012).

The board of directors should ensure the integrity of the company's integrated report. An integrated report means a holistic and integrated representation of the company's performance in terms of both its finances and its sustainability. The integrated report should be prepared every year (Marx et al 2011). Sustainability reporting and disclosure should be integrated with the company's financial reporting. The annual financial statements should be included in the integrated report, and the board should include a commentary on the company's financial results. This commentary should include information to en-able a stakeholder to make an informed assessment of the company's economic value (Marx et al 2011). The board should ensure that positive and negative impacts of the company's operations, together with plans to improve the positives and eradicate or ameliorate the negatives in the financial year ahead are conveyed in the integrated report (Nevondwe 2012).

5. CONCLUSION AND RECOMMENDATIONS

In conclusion, it is evident that the Principles of Corporate Governance is the best way of building an effective and accountable nation away from corruption activities and maladministration's in government institutions, provincial departments and municipalities. The purpose of the King Report 1994 was, and remains, to promote the highest standards of corporate governance in South Africa. This means that even the municipalities cannot be exempted from corporate governance as mentioned. The integrated report should be prepared every year. Sustainability reporting and disclosure should be integrated with all the provincial departments and municipality's financial reporting. The annual financial statements should be included in the integrated report, and the board should include a commentary on the national, provincial and municipal financial results to be commented by the members of the public. It is therefore provided that this commentary should include informa-

tion to enable a stakeholder to make an informed assessment of the economic value in the country. The board should ensure that positive and negative impacts of the South African government operations, together with plans to improve the positives and eradicate or ameliorate the negatives in the financial year ahead are conveyed in the integrated report.

This means that for the provincial governments and municipalities to perform their duties effectively, government must do away with hiring the politicians who do not have skills or excellent educational background in order to promote and enforce all the principles of corporate governance. For it is through all this politicians that are being employed in the municipalities that we see municipalities being hid with irregularities and protests due to poor service deliveries. Politicians are not performing their functions in so far as the municipality is concerned but they are there to promote and safe guard the interest of their political parties.

Looking at the definition of corporate governance we could conclude that local government is also covered in the definition, it is not only about the companies. Corporate governance is generally understood to mean the way in which companies are directed and controlled. Thus, the emphasis is on those organs which play a vital role in corporative decision-making. It is widely accepted that corporate governance does

not affect or apply exclusively to listed companies, as some writers insist. In order to simplify matters, a distinction needs to be drawn between corporate governance applicable to all companies and corporate governance applicable to 'affected companies' as defined by the King Committee on Corporate Governance.

Municipalities and provinces need an effective board of directors as provided for in the King III Report which provides that an executive director is involved with the day-to-day management of the company and he or she is therefore in the full-time salaried employment of the company; and is generally under a contract of service with the company. A non-executive director, on the other hand, is a part-time director, who is not involved in the management of the company, but plays an important role in providing objective judgment, independent of management, on issues facing the company. Generally, non-executive directors contribute to the development of management strategies and monitor the activities of the executive directors.

The Constitution of the Republic of South Africa recognises the importance of good governance. Section 195 deals with basic values and principles governing public administration. Our Constitution compels government in all of its forms, both through government departments and organs of state (including state-owned enterprises) to adhere to principles

of good governance. Therefore there is no doubt that corporate governance is a key element in improving the South African service deliveries to all the members of the society and eradicating corruption from its roots, It will also promoted economic efficiency and growth as well as enhancing investor confidence. This will be achieved only if there is consistency in applying the above mentioned principles. These principles will be the yardstick of pointing to the right direction as to who should be held accountable for all poor service deliveries as it will ensure that functions are assigned to rightful spheres of government and its employees in order to eliminate service delivery protest.

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AN EXAMINATION OF FACTORS HINDERING THE GROWTH OF MEDIA FIRMS IN CAPRICORN DISTRICT REGION OF LIMPOPO PROVINCE, SOUTH AFRICA

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ABSTRACT

All firms operate within the challenging macro- and micro-economic factors and internal and external environments. Media firms experience additional challenges from disruptive innovation. With this background, this article reports on a qualitative study that examined factors that hinder the growth of media firms operating in the Capricorn District of Limpopo Province, South Africa. Empirical data was collected by administering an interview guide through face-to-face interviewing with Chief Executives of media firms (n=20). Primary data obtained from the interviews was analysed using Qualitative Content Analysis (QCA). The researchers found that the main barriers of growth of media firms in Capricorn District are associated with political interference, sexual advances, and lack of financial capital.

1. INTRODUCTION

Neo-liberal economics argue that the benefits derived from the growth of firms will trickle down to the lower classes and solve the wicked problem of poverty and underdevelopment (Rittel & Webber, 1973). Private sector growth, away from 'big' government interference, is touted as a silver bullet for the development of poor countries. Media firms are also expected to play their role in this orchestra. However, the chink in this 'neo-liberal' armour is the various macro-economic and micro-economic factors and the internal and external environments that conspire to arrest the growth of the firm and diminish hopes that come with it. The most prominent of these challenges media firms face today is disruptive innovation of old technology by new ones. Hence, it is important to investigate the ever-changing barriers to growth of media firms-a task we take on in this article.

Our article is divided into three sections: Section 2 begins by mapping out the changing media landscape and establishes a theoretical framework that anchors our article in scientific literature and methodology. Section 3 briefly outlines the methodology used to collect field notes, and Sections 4, 5, & 6 discuss findings and make concluding remarks and recommendations.

2. THE MEDIA INDUSTRY

Zapiski (2003) states that the growth of media firms is an essential part of developing the media industry, as thus, will lead to positive economic contribution including job creation and a growing tax base. Despite their potential, media firms encounter growth challenges from the micro-economic (i.e. reliability of suppliers) and macro-economic (i.e. national legislation, disruptive technological innovation) factors and internal (i.e. organisational culture) and external (i.e. competition) environments. These factors have been explained extensively in the New Firm-Formation Theory (Karlsson, Johannisson & Storey, 2003) and Growth of the Firm Theory (Burns, 2001). We highlight these theories that were used to guide the process of this study in an attempt to arrive at our aim. But before this, we draw on the technological innovation changes sweeping the media industry. These changes, dubbed, disruptive innovation have a potential of decimating existing firms while new ones that take full advantage might emerge from this trend.

2.1. Changing trends in the Media Industry

Changes in the media industry are mainly driven by technological changes. However, technological innovation in the media industry is not new. Newspaper circulation began to decline in Europe and North America with the introduction of television and radio over five decades ago. The decline of print media and a gradual migration to broadcast media was driven by technological advances. Today, both the broadcast (i.e. radio and television) and print media (i.e. newspapers and magazines) are in decline due to the emergence of the Internet in the 90s (Tandon, 2008). Nowadays, consumers prefer online media platforms such as news websites (such as News24), social network sites (mostly Facebook), and instant messaging (including WhatsApp) and so forth (Nutley, 2006; Tandon, 2008: 37-42; Cohen, 2012; Murray, 2012).

2.2. New-Firm Formation Theory

There are two approaches central to the New-Firm Formation Theory. One approach has focused on the organisation of the industry and examined the effect that market structure exerts on the ability of firms to enter an industry. A particular emphasis of the industrial organisation approach has been on identifying those characteris-

tics of market structure that either impede or facilitate entry (Karlsson, Johannisson & Storey, 2003: 40-41). The alternative approach focuses on economic conditions in the macro-economic labour market, and of particular interest to the labour market approach is the relative importance of push (i.e. large supply of unemployed workers) and pull (i.e. demand for goods and services) factors determining the aggregate amount of firm formation activity (Karlsson et al., 2003: 40-41). It is important to look at the abovementioned approach in a serious light as the reason to start a firm determines the growth of the firm.

2.3. Growth of the Firm Theory

A point to be made here is to make diferences between hindrances that limits the growth of firm and approches for growth and sustainability

2.3.1. Macro-economic and micro-economic hindrances

McIntyre & Dallago (2003: 51) reiterate that the growth of the firm is influenced by macro-economic and micro-economic factors and the internal and external environments within which it operates. They point us to a case in Russia that reveals the following macro-economic and micro-economic conditions as barriers to growth, and these are: tax burden, gaps in legislation, limited access to finance, administrative barriers,

business security, reliability of business partners, and access to information, training and counselling of entrepreneurs. Similarly, here in South Africa, the obstacles to the growth of firms include: access to finance, crime and corruption, electricity crisis, lack of skills, lack of access to land, and problems of transportation (Mengistae, Daniels, Habiyarimana, Kaplan, Love, Ramachandran, Shah & Xu, 2010).

2.3.2. Internal and External hindrances

Growth firms versus Static firms

There are other factors derived from the internal and external environments that also influence the growth of the firm. Burns (2001: 40-72) maintains that there is an expectation for a small firm to transition or grow into a big one. However, small firms do not grow to any size because they are 'life style businesses' that provide the owner-manager with an acceptable income but, more important, a comfortable lifestyle. Burns continues that, despite this, small firms must develop in the early stages to a certain size if they are to survive. Even 'growth businesses' often grow to a certain size and then falter or stagnate, usually at around five (5) to twenty (20) employees. Going beyond twenty (20) employees often means that the way business is organised has to change. To this end, Burns tabulated a typology of characteristics

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that distinguish growth firms from static firms.

Table 1: Characteristics of Growth and Static firm characteristics

	Growth firm	**Static firm**
Objectives	Maximise profits Increases Sales	Less emphasis on profits More on independence
Organisational structure	'Tree' structure Development of 'teams' 'Clover leaf' (full-time, part-time and temporary) employee structure emerging	'Tree' in well established firms
Style of management	Autocratic to start Consultation emerging	Paternal
Structure of internal accounting	Strong movement to profit centres	Less emphasis on profit centres
Historical data	Strong on cash flow Trend to monthly forecasts	Very little
Key variables	Cash flow Profitability Sales	More emphasis on supplier relationships

Source (Burns, 2001: 41)

Purchasing power

The power of the buyers is determined by the buyer versus firm size and concentration, the volumes purchased, buyer information and switching costs, and their ability to backward integrate. Thus, a small firm selling large volumes to a big company buyer, where these volumes represent small volumes to the big company, is a priori, in a weak competition. The power of the market mix and its ability to differentiate the product and insulate it from price sensitivity will also have an effect. The power of

supplier is also affected by the relative size of the firm. Thus, a small firm buying from a big firm is relatively disadvantaged (Burns, 2001) and this might negatively affect its growth prospects.

Threat of New Entrants

The threat of new entrants: barriers to entry keep out new entrants to an industry. These can arise because of legal protection (i.e. patents and so on), economies of scale, proprietary product differences, brand identity, access to distribution, government policy, switching costs, capital costs and so forth. For example, a firm whose product is protected by patent or copyright may feel that it is relatively safe from competition (Burns, 2001: 50-51) leading to complacency resulting in stagnation.

Threat of substitutes

This revolves around their relative price performance, switching costs, and the propensity of the customer to switch. Thus, for example, a small firm selling a poorly differentiated product in a low-price fashion market should find it difficult to compete (Burns, 2001) and stagnate.

Intensity of Rivalry

The rivalry of an industry will depend on its newness and growth, its attractiveness in terms of profit and value addedness, intermit-

tent overcapacity, product differentiation, brand identity, switching costs, concentration, and diversity of competition and exit costs (Burns, 2001: 50-51). In the case of media firms, an old industry, the competition is fierce, with larger firms dominating the industry and smaller ones at their mercy, and this impact detrimentally on the growth of small firms.

2.3.3. Growth facilitators

Burns (2001: 54-56) argues that there are four fundamental ways of achieving sustainable competitive advantage necessary for growth. These are: Cost Leadership (i.e. via mass production), Differentiation (i.e. specialisation), Focus (i.e. Niche Strategy), and Diversification.

Cost Leadership

Cost leadership is where the firm sets out to be the low cost producer in the industry. This is often unattractive to small firm as it requires economies of scale, constant capital investment in new technology, substantial relative market share advantage and market power and experience curve effects.

Differentiation

Differentiation is whereby the firm sets out 'to be unique in the industry along some dimensions that are widely valued by customers'. This is called developing a Unique

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Selling Point (USP). The firm sets out to establish itself as unique and different from its competitors in some ways. It can then charge a premium price for this unique service experience.

Focus

Focus is when the firm focuses on a narrow target market segment combined with either of the abovementioned strategies. If the firm adopts a strategy of 'focused differentiation' it is said to pursue a niche strategy. This is a very attractive option to smaller firms wishing to survive in the cut throat media industry.

Diversification

In search for further growth, a business has four options, illustrated in the product market mix and they are. Firstly, it can stay with its base product or service, and its existing market, and simply try to penetrate the market further. This involves selling more of the same product to the same market. This is dealing very much with the familiar and is normally the lowest risk option, although the point will come when further penetration is not possible or economic. Secondly it can develop related or new products for its existing market. Thirdly it can develop related or new markets for its existing products, and lastly, it might try moving into related or new markets with related or new products.

The strategies discussed above are called 'horizontal' strategies. Two further strategies for growth open to the small firm are 'backward vertical integration' where the firm becomes its own supplier of some basic raw materials and services, and 'forward vertical integration' wherein the firm becomes its own distributor or retailer. Synergy is often used as a justification for diversification, particularly through acquisitions or mergers. Synergy is concerned with assessing how much extra benefit can be obtained from providing linkages within the value chain (Burns, 2001).

Managing Growth

The process of how growth is managed also affects the development of the firm. Greiner's growth model shows each evolutionary phase dominated by a particular management style used to achieve growth. Each evolutionary period presents a management problem to overcome. Only phases 1 to 3 really apply to smaller firms. However, the model demonstrates how the management style adopted by the owner-manager must change if they are to pass successfully through the different phases of growth (Burns, 2001: 61-67).

• *Existence:* The strategy is to stay alive, and the company needs to find customers and deliver products/services. The organisation is simple. The own-

er does everything. Planning is minimal/non-existent.

- *Survival:* strategy is to establish the customer base and product portfolio. The company has to demonstrate that it has sufficient products and customers to be a viable business. It has control of its revenue and expenses to maintain a cash flow. The organisation is still simple and planning is, at best, cash flow forecasting. The owner is still "the business".

- *Success:* the company is big enough and has sufficient customers and sales to establish itself with confidence. The owner has acquired functional management and basic marketing, financial and operations systems. Planning is in the form of operational budgets. This company has two strategic options. The first option is disengagement. If it can maintain its market niche and/or, adapt to changing circumstances, the company can stay like this for a long time. If not, it will either fold or drop back to the survival stage. The second growth is if the owner consolidates the company, clarifies his vision and ensures that resources are diverted into growth, strategic planning is introduced to achieve that vision. The business, however, must remain profitable.

- *Maturity:* the firm begins to develop the characteristics of a stable company with professional management and formal information systems which inform planning.

- *Take-off:* this stage is critical but provided the owner-manager can ensure satisfactory finance and management, the firm can become very large.

3. METHODOLOGY

The use of a qualitative research design for this study is supported by Creswell (2013) and Patton (2001: 39). In line with this, the researchers administered an interview guide through face-to-face interviews with Chief Executives (*n*=20) of Media firms operating in the Capricorn District. Capricorn District includes Polokwane, the Capital City of Limpopo Province in South Africa. An equal number of male and female Chief Executives Officers were purposively sampled. A Qualitative Content Analysis (QCA) was used to analyse the rich text and talk emanating from the interviews with media industry executives (Bryman, 2008; Denscombe, 2010).

4. RESULTS AND DISCUSSION

First, the following key themes kept re-emerging: 'political interference', 'political appointments', 'sexual advances', 'being asked for sex', 'supply chain corruption', 'white monopoly capital', and

'businesses are held by whites'. Shockingly, all responses on 'sexual advances' were uttered by female respondents. This may suggest that the female media firm owners are asked to perform sexual intercourse with the government official and/or politicians in positions of power and influence in return for government tenders. We discuss these findings in more details later.

Second, the researchers' findings indicate that there is lack of growth of media firm in the Capricorn district region. This is despite the fact that most of these media firm owners are mostly young Black people that are favoured by the government's positive discrimination policies of Broad-Based Black Economic Empowerment (BBBEE) when allocating government tenders (RSA, 2003). Moreover, female business owners seem to be at more disadvantage than their male counterparts. Again, their disadvantage is despite the fact that they are favoured more than males by the government's positive discrimination policies. It would seem that the respondents' age, race, and gender does not have an impact on the growth of their business in this regard.

Third, this study attests to the fact that the level of education of an individual does not guarantee business success and even those with business qualifications strug-gle to grow their businesses. This makes sense because most of the respondents do business with the government that operates in a political environment that is much politicised. All the respondents complained about negative political interference from political party officials and government bureaucrats in the awarding of public tenders.

Fourth, and on the up side, previous work experience seems to benefit small business owners that worked for large media companies in Gauteng Province. Their exposure with those media houses outside the province assisted them to craft their strategies, and therefore, have different or competitive products and services to offer in the Capricorn district region.

Fifth, limited access to finance for growth and corruption seem to be dominating barriers for growth followed by insufficient start-up finance. Reliability of business partners and tax burden are also alarming when further analysing the barriers of growth of small business. These barriers are consistent with (McIntyre & Dallago: 2003)'s findings in the Russian case study.

Findings from this section are illustrated in Figure 1 below:

Figure 1: Distribution of responses to the barriers of growth affecting small businesses
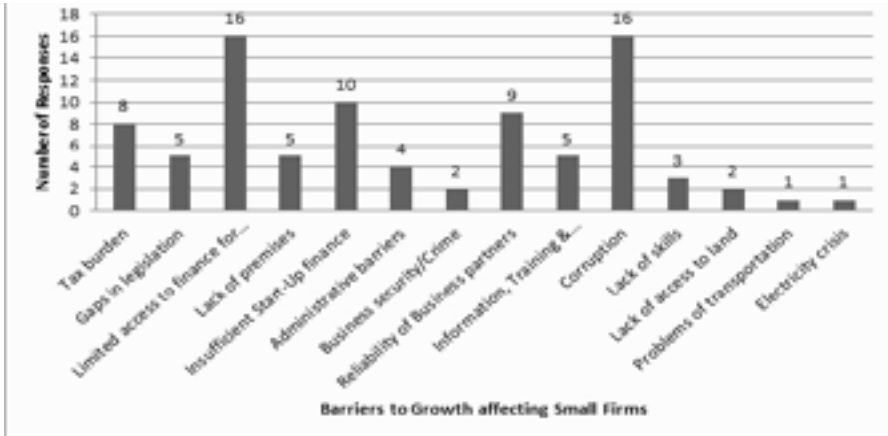
Sixth, we also discovered that race has an impact on the progress of media firms in the Capricorn district region, with White-owned media firms such as Northern Media Group (NMG) dominating the Limpopo Province media industry. Most Black-owned media firms are mostly owner-manager run with little or no permanent staff and limited financial capital and technical knowhow, in turn, they rely heavily on White-owned media firms to service their client base. Inability to deliver to meet contractual obligations is another challenge brought about by limited financial capital by Black-owned media firms. In this context, Black-owned media firms receive government tenders but are not able to meet their contractual obligations due limited financial capacity resulting in terminated orders and legal action. On top of this, respondents indicated that they do not have social networks or safety nets that they can call upon for temporary financial loans. These social networks can assist in pooling resources through crowd funding and spreading the risk across the social network.

On the seventh point, answers from most respondents indicated that they started their media firms either to benefit financially from their own skills or to gain personal independence. It is not a surprise that limited access to finance for growth was listed overwhelmingly by the respondents as the major hindrance to growth. This is because most of the respon-

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dents are the sole owners of their businesses and cannot raise financial capital from potential investors (in the form of shareholders), and also they have little social capital in the form of weak social networks that can act as guarantors for business loans from lending institutions. Revealingly, the respondents raised corruption as the second most important barrier to the growth of their media firms. Again, this does not come as a surprise because most of the respondents' firms trade with the government sector which is highly politicised.

On the last point, and from more theoretical perspective, most media firms in the Capricorn district region are relatively small with the firm having less than twenty (20) employees on a part-time basis. This scenario is indicative that the media firm is in the survival and existence stages (Burns, 2001) with little prospects of growing out of these critical phases. Despite their education, this might mean that Black-owners are not taking advantage of the knowledge provided in literature about avenues available for small firms to grow including differentiation (i.e. specialisation), focus (i.e. Niche Strategy), and diversification (Burns, 2001: 54-56). This is confirmed by the fact that during face-to-face interviews the researchers picked up that some of the respondents did not even understand the meaning of a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis. This finding is quite concerning considering the complexity and fierce competitiveness of the media industry, and the fact that it is constantly in transitions. Players in this rapidly evolving industry should have the knowledge to deal with the complexities.

5. CONCLUSION

This article aimed at diagnosing the barriers to growth affecting small media firms in the Capricorn district region from theoretical and empirical perspectives. To achieve this end, theories on Firm Formation and Firm Growth informed the theoretical anchorage of this article. These theories list macro-economic and micro-economic factors and the internal and external environments as affecting the formation and growth of firms, in our context, media firms. To ascertain this, we conducted a fieldwork and administered an interview guide with twenty (20) leaders of big and small media firms operating in the Capricorn district region. These captain and pioneers of industry were distributed equally by gender between males and females. First, most respondents, particularly Black Africans, complained about the political interference with the awarding of government tenders and pointed to this as a barrier to growing their media firms. Second, female participants cried foul about requests to perform sexual favours as a precondition for awarding government tenders to their media firms. Third,

White-owned media firms perform way better than Black-owned media firms. Fourth, Black-owners do not have access to financial and social capital that might support the growth of their emerging media firms. Last, despite their decent levels of education, Black-owners seemed to be unaware of various scientific literatures on growth theories available at their disposal. Such literatures might improve the prospects of growing their media firms.

6. RECOMMENDATIONS

Informed by our findings, we recommend the following novel solutions:

A follow up study to conduct an in-depth investigation into the barriers of growth to media firms,

Since political interference and sexual advances are the foremost barriers, we call on government officials and political office bearers to abide by ethical and moral standards such as Ubuntu or Botho. A moral regeneration programme amongst the government officials and politicians is recommended.

Media firms should approach government and its business development sectors such as the National Youth Development Agency (NYDA) and Small Enterprise Development Agency (SEDA) for mentoring and counselling in business skills.

Black-owners of media firms should establish crowd funding and social networking initiatives to raise financial capital and create safety nets.

Small media firms cannot compete on Cost Leadership or Economies of Scale. However, they should specialise in a specific service through differentiation, focus, and diversification. This might improve their competitive advantage.

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STUDENT REPRESENTATIVE COUNCIL: ADDRESSING IN-FORMATION NEEDS OF STUDENTS AND EVALUATION OF INFORMATION DISSEMINATION CHANNELS USED BY THE SRC OF THE UNIVERSITY OF LIMPOPO

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ABSTRACT

Students' representative formations in institutions of higher learning are responsible for governance and administration of students' academic matters. That is, they lead and represent students on various platforms on or outside university campuses. For the Student Representative Council (SRC) to be truly representative, it has to have information about matters affecting students and also how the university functions. This will enable students to access information on policies, academic rules and any other information that affect them. The term access, in this article, is taken to mean ability to obtain, read, understand and apply the information efficiently and effectively. It is imperative for students to know the role of the SRC, its activities and challenges that affect students. This will allow active participation of students in university activities and SRC administration to enhance students' wellbeing at the university. This article argues that there are many students who need SRC intervention upon violation of certain academic policies and rules. It is worth noting however, that due to the inaccessibility of SRC, some of such students are left with little or no information to address their challenges. This is in spite of the fact that the SRC is mostly considered to be better positioned to educate and make information accessible to the students. It is for this reason that this article has sought to investigate how the SRC at the University of Limpopo learn about student's information needs. It is important that students get the right information, at the right time, at the right place, in the right format using the right information dissemination channel. Moreover to evaluate the dissemination channels in use to reach the entire student body. The article concludes by illustrating how the accessibility of such channels can be improved.

Keywords: Information needs, Dissemination channels, Communication channels, Student Representative Council, Policies and procedures.

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1. INTRODUCTION

Studies on students' governance show that Students Representative Councils (SRCs) remain the important stakeholder of academic institutions worldwide and are responsible for students' governance (Klemenčič, 2012). Klemenćić indicates that SRCs are the fulltime governing body entrusted with specific matters by their constituency and university management. In the South African context, the SRCs are now considered to be statutory structures as provided for in terms of section 35 of the Higher Education Act 101, of 1997. Section 35 of the Higher Education Act 101 of 1997 allows for the establishment of the SRC which has jurisdiction over students' matters. SRCs represent students on forums such as School boards, Faculty boards, Senate and University Councils. In this case the SRC have to exercise authority over students and hear students' cases or issues.

It is clear that the SRCs serve as a link between the student body and the university management. To ensure success of student affairs on campuses, SRCs should liaise closely with students in order to understand the needs and challenges facing students they represent. Through their services, SRCs lead various activities and are responsible for coordinating formation of students' organisations, societies and clubs in order to enhance the university environment for students. This suggests that SRCs, as leadership bodies, need to have access to quality information for good governance. Characteristics of good information are (Wright, 2013):

- Valid: - information should be accurate and reliable to ensure that no misunderstandings occur, as this could lead to a wrong decision being made.

- Reliable: - To ensure that information is valid and not sourced from someone/somewhere that is known to spread disinformation.

- Fit for purpose: - Information should be relevant to the students, for example information about examination rules should be given to students, not staff promotions.

- Accessible: - making sure that information is available for use by any student that needs it is important because it could be the difference between the correct and wrong decision.

- Timely: - Information should be obtained and used in a timely fashion to ensure that any decisions being made are made as easy as possible.

- Reliable", "timely", "fit for purpose" to mention a few. Quality information is important for the SRC because it can assist it with planning, making informed decisions

and solving students 'problems effectively. As such, information remains an important resource for enabling SRCs to undertake their responsibilities effectively.

- Understandable by the user: - If information isn't understood then it cannot be considered usable information in the first place and would be pointless to gather from the start. When developing information, it is important that it is what the user requires and that they are able to understand it.

- Communicated by an appropriate channel of communication (Lucey, 2005:20)

According to Appiah (2012:3) information dissemination channels and can be grouped as (i) people intensive(room to room campaign, rally/students gathering and encounter in the lectures halls) (ii) mass media (radio, newspapers, magazines, posters), and (iii) information communication technologies (text messages, emails, social networks:- Facebook, twitter and WhatsApp). Hence, this atricle focuses on how SRCs use information to maintain good governance and which idcs are used at the University of Limpopo. To map out the role of SRCs in addressing information needs of the students at the university, it is crucial to firstly to explain the conceptual framework that underpins this article.

2. CONCEPTUAL AND THEORETICAL FRAMEWORK

Like any formal structure the SRC should have a constitution. According to Bonakele, *et al* (2003), SRC constitution is a basis for the operation and management of the SRC, and defines the purpose of existence of the SRC as an organisation responsible for the needs of students. Klemenčič (2014), Klemenčič, Luescher and Mugume (2016), and Luescher-Mamashela and Mugume (2014) added that members of the SRC have to execute their duties in accordance with the provisions of the SRC constitution. The SRC constitution is regarded as a written enactment of the will of the student body. Such a constitution also provides for a less chaotic and non-confrontational manner of addressing disagreements with the development of policy and practice within students' governance (Bonakele, Mxenge, Thabakgale, & Tabane, 2003: 7). Some of the functions of SRCs are summarised as follows (Bonakele, *et al*, 2003):

- To address the needs of all students in the university.

- To keep the students informed about the events in the university and in the university community.

- To encourage good relationships within the university between learners and academics, and between students, administrative and support

staff (health centres, library- and counselling services.)

- To establish, for the benefits of students in the university, fruitful links with SRCs in other universities

The UL SRC is also expected to adhere to its constitution. It is the role of the UL SRC to forge links within the university and identify the challenges that the University and its students faces. This can be achieved when the SRC has the responsibility to gather and report valuable information to students and thus show interest in the student daily information needs.

The formation of the SRC in various universities is based on these three models namely, Liberal Democracy Model, Direct Model approach and Representative Democracy Model (RDM) (Perkin 2006; Bukaliya & Rupande, 2012).The Liberal democracy model postulates that a representative democracy is one in which the ability of the elected student representatives to exercise decision-making power is subject to a constitution incepted by the students to guide the operations, a constitution which emphasises the protection of students rights and freedoms and regulates the actions leaders against making unpopular decisions (Dahl, 2000).The direct model approach posits that in an organised institution, students participate in the decision-making of the organisation personally, contrary to relying on intermediaries or representatives. The direct democracy model gives the voting student population binding orders to its elected representatives, such as recalling them before the expiry of their term in office (Bukaliya & Rupande, 2012).The RDM apparently is of major use today in most institutions of higher learning including the UL. The RDM involves elections and the organisation with plurality of the votes becomes student council to represent the wishes and desires of the student body (Bukaliya & Rupande, 2012). This takes the form of negotiations, and lobbying on behalf of students (SRC Kwame Nkurumah University Science and Technology, 2014/2015). At UL on an annual basis the SRC elections are held whereby different organisations such as South African Student Congress Organisation (SASCO), Pan Africans Student Movement of Azania (PASMA), Students Christian Organisation (SCO), and Economic Freedom Fighters Students Command (EFFSCO) canvases to be elected as student representatives.

The student representatives are elected by the student body to act on their behalf and in their interest; they retain the freedom to exercise their own judgment as how best to do so (Dahl, 2000). The RDM seems to be the most preferred as it clearly describes the role of SRCs as to represent the student body which elected them for that purpose. This does not conclude that the model has no flaws.

Bloch (2016:18) agrees that SRCs

must represent all students. This could be possible if the SRC serves as the voice for all students by presenting issues as are necessary for smooth academic environment. The challenge with this is that even at UL like any democratic organisation, the majority rules. Allegations have been made of the UL SRC as serving the interests of the majority of the students who voted for them. Klemenčič (2014) notes that the SRCs have been blamed for not defending student interests, but end up serving the interests of the political parties to which elected student representatives belong to. SRCs are political party wings and/or student branches. The situation is the same at UL where students' branches belong to political parties such as African National Congress (ANC), Economic Freedom Front (EFF) and Pan African Congress (PAC). There are eleven students' branches at UL in 2016.

The SRC is expected to intervene and act on behalf of students. In representing and providing information to students, the SRC should be able to identify the needs and challenges of the students hence use of the information foraging theory as a framework for this article. The Information Foraging theory is deemed necessary in the context of this article as it describes how UL SRC addresses students' information needs and evaluates information provision channels used.

The *Information Foraging Theory* is drawn from Biology and Anthropology and refers to activities associated with assessing, seeking, and handling information (Pirolli & Card, 1995). The relevance of this theory lies in the fact that in order for the SRC to provide quality information to students, it should be able to assess the quality of information and if it addresses students' information needs. Moreover the SRC has to obtain information from various sources so that they govern effectively. The information foraging theory suggests that people should shape their behaviour to the information environment, and for the information provider (SRC) to know how information environment can be best shaped to people (students). This call for students to know which IDCS are used by the SRC. For example, UL-SRC prefers distribution of pamphlets next to major entrances, walls next around campus, next to SRC offices and more important is for students to attend mass meetings so that they have access to quality information. At the same time the SRC should also be cognisant of the idcs that can reach majority of the students. This theory is critical to this article as it is important to understand how UL SRC assesses and identifies students' information needs to ensure that the right information for the right student at the right time. The foraging of information refers to grouping information items into specific format and sources within space and time.

In addition, the foraging of information includes Information

patch model and information diet model. Pirolli and Card (1995) explain information diet model to refer to ranking the information by its profitability divided by the amount of time required to handle it, while Information patch model refers to displaying of information in reasonable packages and categories in a scrollable manner in which it will be easier to decide which one is relevant or not. The Information diet model alerts the UL SRC that it should to recognise that there is too much information circulating at university for students. Moreover, the SRC should determine which information is important for which students. The SRC should take into account that students have academic activities to complete within specific timeframes; as such the information disseminated should be arranged according to its importance and for the students to afforded reasonable time to access it.

On the other hand, the information patch model recommends that information should be arranged according to title/topic/theme so that the students should be able to scan it and decide whether it is relevant for them to read it. For example, it is expected that the agenda to list specific items to be discussed in the meeting. On the same note while in the meeting, the agenda should be followed to avoid derailing the purpose of the meeting. Even the disseminated pamphlets should not cover too many issues which at times are unrelated or have no relevancy to students 'issues'. Simply stated, the SRC has to provide information which is relevant to students. For example, during university orientation the SRC should talk to new students about what the SRC is about, what they do, university policies, rules as some new students may have no idea about life at a university in general.

The SRC should put across as much information as possible so that students may lead successful and effective academic life during their university years. To have a better understanding SRC governance and information dissemination channels, students' information needs will follow.

3. SRC AND STUDENTS INFORMATION NEEDS

SRCs exist for the benefit of the students in order to help students share ideas, interests, and concerns without tutors, other members of different faculties, administrative staff and to build harmonious relationships between students themselves (Bukaliya & Rupande, 2012: 74). According to Luescher (2009) in most universities in Kenya, the students' unions also supplement the services that are offered by the university. These include information dissemination on matters such as assistance with academic and administrative problems, peer counselling, the provision of financial assistance for needy students, offering study facilities and services, and running

businesses such as bookstores, Internet cafés, tuck shops and restaurants (2012: 74). Ledwaba when interviewed by Luescher-Mamashela (2013: 79) indicated that during his time as SRC leader at University of Cape Town (UCT) SRC focus on an institutional level was on academic matters such as ensuring that the academic calendar was not hostile to students, focused on academic development programmes and academic support staff, and academic exclusion of students. Another generally applicable issue would be engagement to ensure that fees do not necessarily go up, he added.

At some stages students' needs have led to protests that were experienced in most South African universities but the *article* focusses on those that affected UL. i.e

3.1. ACADEMIC MATTERS

It is vital that the SRC gather information from their constituencies about issues brought before the meetings and authorities as well as about any issue that their constituency might have (Bukaliya & Rupande, 2012: 75). This could be information on policies and rules that govern teaching and learning which are very crucial so that students are not taken off guard when they have to appear before disciplinary structures or are excluded from the university depending on the individual circumstances. The role of the SRC when it comes to exclusion is to advise and intercede on behalf of stu-

dents who have become financially or academically excluded in the past academic year (The Dailyvox, 2015). At UL the university rules are covered in printed general university calendars and the website. The SRC is expected to be conversant with application of rules in a practical situation. In most cases when students face academic exclusions the first place they turn to for help is SRC chambers. The UL SRC should be able to provide information such as grounds for students' exclusion, appeals' procedures and the role of students' counselling services in general.

Challenges tackled by UL SRCs are many and varied. There were instances where students raised concerns about extension of library hours, inadequate technologies, financial matters, accommodation and transport. The commitment to serve students was realised when UL SRC attended to the following issues as … in the letter dated. The letter read as follows;

> On the library issue the SRC warned "*that if the management does not comply to this commitment we are going to occupy the library and become the staff of the library unit until the University employs enough staff who are going to be on full operation at 08h00-00h00*".

As from 08 March 2016 the library operated from 08h00 to 00h00,

however the question is whether opening for longer hours has translated into use of library resources or the library is merely used as a space for reading because residences tends to be noisy in most cases.

3.2. TECHNOLOGICAL EQUIPMENTS

Universities need to ensure that students have adequate access to technological equipments such as computers to enable them to improve access to information they need for their studies. Students have to type their assignments, search online databases and internet as well as to access blackboard facilities. The study by Mansor and Nor (2011) established that SRCs also needs to use technology to communicate with students about planned and unplanned notices of the mass meetings, postponement of academic assessments (tests and examination), social events such sports and entertainment. The fact that the university does not have enough computers is frequently mentioned in the SRC memoranda to management (Zha, *Gao & Ni* 2013).

3.3. FINANCIAL MATTERS

Financial information that students require includes information on how National Students Financial Assistance (NSFAS) operates, when to apply, what other financial assistance such as the merit bursary by the university are available, who qualifies, etc. The SRC intervenes so that students qualify for NSFAS funding even though it may not cover all the fees. SRC members sometimes are not aware of the information to provide with regard to financial matters. The Department of Higher Education and Training (Mafilika, 2016) has organised roadshows to capacitate student leaders on issues such as tuition fees. Some SRC Presidents and Secretaries General submitted a list of demands to the Ministry of Higher Education at a meeting on 15 January 2016 (Ministry Higher Education and Training, Republic of South Africa, 2016). The letter covers progress made on (1) No financial exclusions in 2016 (2) the historic debt that must be cleared (3) free registration for all students. At the meeting of the SRCs with the Minister of Higher education alluded to the fact that some of the issues are the responsibilities of universities, while others are systemic and therefore the responsibility of the Ministry. This response may cause frustrations between the SRC and their constituencies. How much of this information was the SRC aware of? Mafilika (2016) indicated that there is communication breakdown between students and university management. The UL SRC like other campuses led marches concerning NSFAS. This reaction by the SRC makes one to question how much information they have on how NSFA functions or ask why the protests take place on campus instead of directly contacting NSFAS head offices.

3.4. ACCOMMODATION, SECURITY AND TRANSPORT

The other issue that has featured predominantly on the agenda of SRCs across most campuses in South Africa is students' accommodation. South African universities have a challenge of a high number of students who cannot be accommodated on campus and have to find accommodation outside campus. UL also experiences such a challenge. Even though accommodation is available in the neighbouring Mankweng Township, where the university is situated, most students may still need to know about crime and transport to campus. There are times when they have to write tests up to 19h00 or study at the library until late in the evening. The UL provides transport for students who live off campus even though it's still a logistic challenge. It's impossible to drop off students at their respective gates due to narrow streets and footpaths. This make females to remain vulnerable and fear walking late by themselves.

3.5. PERSONAL DEVELOPMENT SKILLS

First entering students arriving on campus university for the first time are responsible for their choices such as making decisions relating to budgeting, health, entertainment to mention a few. Unlike other universities UL has a Peer Support Programme where se-nior students mentor first entering students (mentees) adjust socially and academically to the university life. Nevertheless the SRC remains an important source of information and support to students in dealing with any form of harassment from other students and lecturers (Klemenčič, 2014). In February of 2016 the UL SRC issued a strong worded pamphlet which read as follows "We would like to urge all our female students to report all cases of sexual harassment to the office of SRC as we are totally against these devilish acts that are being done to our future mothers and parents of this country."

3.6. RIGHTS AND RESPONSIBILITIES

The Constitution of the Republic of South Africa 1996 guarantees individual rights. The Constitution guarantees the students' right to protest, the right to information, but these right go with responsibilities. These rights mean that individuals should be informed on how to behave under different situations. Budoo (2016) a project officer at Human Rights Commission commented that some female protestors marched half naked at Rhodes University concerning the rape claim. This action by half naked female students was at the same time violating the Criminal Law (Sexual Offences and related Matters) Amendment Act 2007 Section 3 (2), she added. The Criminal Law (Sexual Offences and related Matters) Amendment Act 2007 Section 3 (2) provides that

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'any person who is 18 years or older who wilfully and openly exhibits himself or herself in an indecent dress or manner at any door or window or within view of any public street or place or in any place to which the public have access, shall be guilty of an offence'. This provision was enacted taking into account all the requirements of section 36 of the Constitution of the Republic of South Africa and therefore, irrespective of the emotions that one is experiencing, legally speaking, nudity as a form of protest is not allowed in South Africa (Budoo, 2016).One may question whether the Rhodes University SRC had information regarding violation of others rights and responsibilities by half naked female protesters. Therefore, even if one is filled with emotions, one is not allowed to exhibit himself or herself during protests as this is violation of other peoples' rights. When students are informed they are expected to make better decisions and avoid unnecessary legal repercussions.

3.7.HISTORIC SYMBOLS

UL (formerly University of the North) renamed its buildings, residences, public spaces, and streets after certain political struggle stalwarts as far back as 1993. For instance Tiro Hall is named after Abram Onkgopotse Tiro who was elected president of the Student Representative Council (SRC) in 1972. On other campuses, African students studying in former White universities rejected and destroyed statues associated with colonialism and apartheid. Politicians and concerned individual rejected the move as they indicated that the National Heritage Resources Act of 2009 outlines the consultative processes that should be followed in the case of the removal of a statue. This may be information protesting students and the SRC lack. Matebesi as cited by South African Broadcasting Corporation (2015) maintains that the removal of these statues would deny future generations the opportunity to know the history of South Africa.

4. INFORMATION DISSEMINATION CHANNELS

As the representatives of the student body, the SRC has a responsibility to report valuable information to their fellow students. It is vital that they gather information from their constituencies about issues brought up in meetings with authorities as well as about any issues that their constituency might have (Wang & Salo, 2009). Lines of communication between different sections of the university community must always remain alive, open and never allowed to get blocked (Appiah 2012:3).The information dissemination channels mainly used by UL SRC are;

4.1. Mass meetings

The SRC in most universities are usually expected to hold regular and annual general mass meetings as indicated in their respective constitution. Mass meeting refers to

large or general assembly to discuss or hear discuss some matters of common interest or concern (Merriam-Webster Dictionary, 2005). During these meetings, SRC leadership learns about students' needs, informs them about University management decisions and provides information about activities on campus and so on. Mass meetings are used for information gathering exercises in order to allow student leaders to understand the needs of students. Furthermore, it is also a way for students to engage the governing authority so as to ensure that their information needs are met (Ballard, 2008:168).

Despite the mass meetings being a common feature in most campuses, it is notable that they have on many occasions failed to attract large numbers of students. In a study by Mugume and Luescher (2015: 11) on politics of student housing at the University of Ghana, established that some students were discouraged from attending SRC's mass meetings because they tended to turn into party-political contests rather than focusing on trying to constructively resolve the challenges facing students. This implies that mass meeting are not always relevant platforms to disseminate the information to students.

Regarding accountability, the main complaint was that the student leaders do not report back to them on certain matters in mass meetings and that they demonstrate little political willingness to

the student during their term in office (Koen, Cele & Libhabher, 2006: 409). Another challenge is political apathy which according to Nyundu, Naido and Chagonda, (2015:151) it is when some students do not see the need to be actively involved in SRC or student politics. Apathy can be simply described as the behaviour which reveals a lack of interest in an issue, due to prioritising personal or individualistic concerns. Students have also been described as disinterested in politics, disillusioned with the manner in which protests and negotiations takes place and as wanting on everyday issues (Chimanikire, 2009:46).

4.2. Pamphlets

Another way through which SRCs communicates with students is through distribution of pamphlets throughout the university campuses. Hubbard (2006) indicated that pamphlets have the ability to reach a large audience if distributed correctly. This author further stated that when using pamphlets as channels of information dissemination, one has total control over what is said and how it's said (2006). Pamphlets are regarded as the most basic style that gives information on particular subjects explains how things are done (Dhawan, 2009). At UL pedestrian gates are used as key points for distributing such pamphlets mainly for off campus students. This does not mean that students pick up the pamphlets.

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4.3. Participation during Protests

When the SRC calls for protests about students issues it represents all or some students' groups. Badat (2016:18) cites an earlier work by Lenin on four kinds of students' groupings;

▪ One kind is affiliated to and represents particular positions

- A second kind of students' grouping is 'indifferents'- those that are unresponsive and detached from the student protest movement.

- A third kind, 'reactionaries' are opposed to the protest movement.

- A fourth kind, 'academics' believe that student movements should be concerned with academic issues.

Since the SRC represents all students it has to find a balance to make sure that the rights of those who do not want to join should be respected, however on many occasions students were chased out of classrooms, the library and residences. Mafilika (2016) concluded that protests are largely based on lack of information on matters that affected students.

4.4. Social networking

It is common finding the youth hooked onto their cell phones accessing social networking sites while on streets, aboard transport, in school and at home (Mansor & Nor 2011). Social networks such as Facebook, twitter, WhatsApp groups may be used during SRC elections or making an announcement on envisaged protests or information on 'going back to academic activities'. The SRC should realise that the power of the #hashtags have grown tremendously in popularity. A warning to both the SRC and students is that they should remember that on social media is sometimes difficult to authenticate the source and accuracy of the information.

4.5. Community Radio

Community Radio has obligation to the community it serves. Community radio is essential, democratic, and participatory and should put the information needs of the community they serve. AT UL Radio Turf caters for the university community and surrounding rural villages. It's one of the channels the UL SRC could use to announce academic related matters. Research is needed to know if students do listen to Radio Turf.

5. CHALLENGES TO IMPROVED INFORMATION PROVISON

Sometimes it does happen that the SRC fails to address some of the demands adequately or at all. Advantages, limitations and issues associated with student participation in university decision making have been explored in

earlier studies (Zuo & Ratsoy, 1999: 3). Bonakele, *et al* (2003:29) warns that the challenges facing student's governance today cannot be resolved simply by constitutional acumen. Proper administration of student governance can, however, go a long way in providing an excellent basis from which these challenges can be tackled.

This article would not attempt to solve all the challenges individually, but will address the role the SRC should play in relation to understanding students' informational needs in order to remain credible among students. Bloch (2016:18) better addresses the SRC role when he stated that while SRC represent all students, they still represent that majority who voted for them as such one expects them to assist students at large. As SRC they have to decide amongst many students priorities. He appealed for them to do the work and give feedback to students. He urges that "By all means, lead the protests, even disrupt and challenge the law where needed. But tell students the consequences of your and their actions. Democracy means telling the students the truth, even as you lead them forward", Bloch concluded.

According to Obondo in Mwangi, (2015: 24), student representatives have also been noted to have the capacity to diffuse potential conflicts. This, they can do through regular meetings with their members and administrations, designing mechanism for regular communication, thereby restraining

their fellow students from unnecessary conflicts. However, reports on some protests that took place in 2015 in South African have shown that in many protests that took place at various campuses from 2015 were infiltrated or hijacked by people who were not students (Laterza & Manqoyi, 2015). Badat (2016) remarks about the actions taken outside the channels of the SRC's, whose credibility has been called into questions in instances, as "hooliganism" is unfortunate, as is the seemingly hostile attitude to student strikes, even if they are mobilised by groups other than the SRC. Bloch warns that the SRC should not allow minority take over, and should insist on recognition of the votes of the students by doing the work required (Bloch, 2016:18).

The interference of politicians in students' affairs has become a problem in the various universities, it is high time students resisted such a phenomenon (National Union of Ghana Students NUGS, 2011). The NUGS communiqué pointed out that such elected students leaders become "pawns" of politicians neglecting their key responsibilities such as championing the cause of Ghanaian students for which reason they were elected. Jansen is the only vice-chancellor, who, in light of experiences in the rest of Africa, has on the Bloemfontein campus prohibited political party affiliation. The SRC is non-partisan; candidates must be non- partisan although they wear party insignia (Cloete, 2008).

The other negative impact includes high levels of competition between parties, especially around election time. This allows for national politics to invade student politics, and for student leaders to become so 'captured' to the extent that their activism no longer represent students' interests but those of their respective political parties. In 2013, Mugume and Luescher-Mamashela (2015) undertook a more detailed study of Makerere University in Uganda. In this study, they found that different kinds of resource exchanges are contributing towards understanding the relationships, which include the financial and political strength of a political party and student leaders' ambitions of a future political career. Mugume and Luescher-Mamashela (2015) concluded that the main negative effect of this relationship is that student leaders are inducted into a patron-client relationship within the political party machinery, which constantly rewards student leaders as they submit to the whims of party bosses. The relationship distracts student leaders from representing students' interests. On 08 September, Ghana News Agency (GNA) the (NUGS), called on politicians not to interfere in students affairs but allow them to remain focused. This may affect the information that must be provided to students. Since students are eligible for voting they information about different political parties. With this information students will know different manifestos and more, but it should be

at the time when students need it.

The SRC further should concern itself with all issues that threaten the congenial atmosphere of learning. In line with governance, the roles and responsibilities of SRCs may include participation in the development and implementation of institutional and national policies on higher education; advice and support on the development of academic programmes and student-learning experiences; participate in institutional decision making structures; and manage and administer students' representation at different levels.

6. CONCLUSION

The purpose of this article was to indicate idcs used by UL SRC when communicating with the student body. Moreover, this article indicated various information needs and challenges for students and how SRC could address information needs of the students. The expectation is that the SRC has to show interest in daily students' matters and also take action to correct challenges of the students rather than be passive. SRCs should liaise with many academic formations and engage with various stakeholders on and off campus. Once the SRC is in place it needs to focus on understanding the students' information needs. Such needs are important because they represent the experiences of the individuals or groups involved. There are instances whereby the SRC priorities may not match the priorities of the stu-

dent body and their services may not be offered to students who do not recognize it as useful. The more information available about the students' needs the better are chances of students viewing it as relevant. It is notable that the SRC also employs different channels such as mass meetings, pamphlets or posters that are pasted against walls within campus, pamphlets with are usually disseminated at the pedestrian gate which is mainly used by students who stay off campus, those who buy at the nearest shopping complex and those catching taxis to reach various destinations. Most universities have community radio station on campus wherein The UL SRC can reach students via Radio Turf is a platform intended for students. What is crucial is that the information should be packaged to suit the behaviour of the students as per the information foraging model. Timing of when students listen to the radio is very important if the SRC values the students.

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PROBING THE PHENOMENA OF "AFRICAN UNITY" AS THE PILLAR OF THE AFRICAN UNION

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ABSTRACT

The dawn of the 21ˢᵗ century has witnessed the transformation of the Organisation of African Unity (OAU) into the African Union (AU). Thabo Mbeki and other pioneers of this transformation were concerned about the failure of the OAU to adapt to the changes in the international system. They saw an urgent need for Africa's continental body to shed its image of being seen internationally as the "dictator's club". As such, they envisaged that the newly born AU would elevate the promotion of unity and solidarity among African states from a political rhetoric into a principled action. It was also hoped that AU would tap into its unity and solidarity for the purpose of harnessing the notion of "African solutions for African problems". It appears that since the pioneers of the AU's transformation have left the presidency of their countries (South Africa, Nigeria and Burkina Faso), the AU is regressing towards the culture of the defunct OAU. If the response of the AU to the 2011 crisis in Libya and the circumstances leading to the election of Nkosazana Dlamini-Zuma as the AU Commission Chairperson is anything to go by, it is safe to state that "African Unity" remains a farfetched dream. Against this background, this Afrocentric article uses discourse approach and document analysis in their broadest form to examine the road navigated by the AU to bring about "African Unity".

Keywords: *African Union, AU Commission, African Unity, Organisation of African Unity*

1. INTRODUCTION

The post independent Africa saw the promotion of regional and continental integration through the formation of both economic and political institutions. The formation of the OAU in 1963 was the result of the awareness amongst the newly independent African states that their integration and self-reliance would be the foundation to counter dependence on former colonial powers such as Britain, France, Portugal and Belgium. African identity became an element of consciousness to ensure that colonialism does not repeat itself (Peppetta, 2010). Consequently, OAU was underpinned by the tenets of African identity, decolonisation

and the membership in the international society (Twinomugisha, 2013). Its charter called for transcendence of ethnic and national differences and respect of sovereignty and the territorial integrity of other states and for their right to self-determination. Therefore the main purpose of the OAU was to ensure that African states are liberated from all forms of colonialism. This institution was to guarantee that Africans became the owners and drivers of their own natural resources, economic and political development. Moreover, this main body was to maintain peace, security and protection for the sovereignty of its member states (Peppetta, 2010). However, 30 years down the line, the relevance of the OAU begun to be questioned. It is within this context that the year 1991 witnessed Muammar Gaddafi's proposal to reform the OAU (Twinomugisha, 2013). This proposal ignited the debate that later prevailed the birth of the AU in the year 2001. In other words, the AU succeeded the OAU as the continental body for the African states. It is worth noting that the metamorphosis of the OAU into the AU was mainly advocated by South Africa, Libya and Nigeria. The idea behind the transformation of the OAU into the AU was partly driven by the African leaders' common understanding that the former had outlived its mission and vision. This is to say that with the introduction of majority rule in South Africa in the 1990s, the OAU was considered to have achieved its historic mission.

As such, there was an urgent need for a reformed continental body, with a new focus on the developing a robust socio-economic and development agenda for Africa. Although Gaddafi immediately envisioned for the United States of Africa (USA), Thabo Mbeki (the then South African President) envisioned for a more gradual approach that would start with the consolidation of regional cooperation frameworks such as the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS). The latter model of integration was influenced by the belief in certain circles that regional integration is a prerequisite for continental integration (Williams, 2007).

Nevertheless, the AU became the main continental body in Africa; with regional bodies such as SADC and ECOWAS as its building blocks. It was hoped that the AU will effect meaningful promotion of unity and solidarity in the continent. It is against this background that this article draws from Afrocentricity as propagated by Asante (2003) to analyse the capacity of the AU in the realisation of the envisioned "African unity". Apart from the negatively viewed response of AU towards the Libyan crises in 2011, South Africa's vote of the Resolution 1973 serves as the litmus test for contextualising the overall objective of this article (Matheba, 2011). This is based on the fact that both South Africa and Libya spearheaded the trans-

formation of the OAU to the AU. The foregoing analysis highlights that the two countries along with Nigeria had common vision and a fathomable diversion by any of them is worth probed.

2. THE CONTEXT AND RELEVANCE OF THE AU TOWARDS THE AFRICAN AGENDA

Hengari and Turianskyi (2014) is of the view that due to the adherence to the principles of sovereignty and non-interference in the internal affairs of member states, the OAU has failed to contribute to peace and stability and people centred development. These led to critics that the OAU was failing or unwilling to condemn its member states. Therefore, it was predicated to be fast declining into the "old boys club". This position implies that the tendency of the leaders of Africa's liberation movements-cum-ruling parties to shield each other in the midst of social and economic injustice and at the expense of the masses of they ought to serve. It is against this backdrop that the transformation of the OAU into the AU in the year 2001 had carried hopes for good governance among the African masses. The establishment of Peace and Security Council (PSC) in the year 2004 provided the AU with essential peace and security architecture (Qobo, 2007). Of most importance, according to the Constitutive Act of 2001 (as cited by Ikome, 2007), the AU developed several norms that forge for the promotion of culture for peace, security and stability.

These include sovereignty, equality of member states; condemnation of unconstitutional changes of government and intervene in the member state where there are grave circumstances (Maake, 2009). The combination of all of the above steps by the AU was geared towards the realisation of the African leaders' quest to find "African solutions for African Problems".

Flowing from the above, there are perceptions that the AU has been successful since its establishment (Hengari & Turianskyi, 2014). In relation to this, Hengari and Turianskyi (2014) argue that "If there were over 70 successful coup d'états during the OAU's tenure, only a paltry 12 occurred since the establishment of the AU. This extrapolation suggests that the AU instruments such as the African Peer Review Mechanism (APRM), "including norms that have been adopted relating to governance, human rights and democracy have gained traction and started to bear fruit" (Hengari & Turianskyi, 2014). According to Mouzayian (2014) the APRM is a voluntary assessment tool instituted by African heads of state in 2003, to promote good governance and sustainable development on the continent. Most importantly it does this in participating states by deepening the principles of democracy, transparency, accountability, integrity and respect for human rights amongst others. It is against the above sentiments and principles of the APRM that the article-

begs to differ by virtue of that, if the mechanism was successful, African States would not be struggling with good governance in their own self. Literature points that out of the participating states of APRM, some such as South Africa, Nigeria, Ghana, Rwanda, Kenya, Algeria and Benin, do not show improvement and therefore not really motivating to non-participating states (Qobo, 2007; Peppetta, 2010).

For instance, if it is not a campaign against heads of states (Jacob Zuma's case in South Africa); it is a complaint about rigged elections (claims in Kenya 2013 elections) Mouzayian (2014). The article comprehends that perhaps the problem lies on the fact that the mechanism is voluntarily and therefore not really binding. These cause a divide and erode the vision of African unity. This is because the mechanism as it states, only deepens the principles of democracy, transparency, accountability, integrity and respect for human rights with "participating states". Implying that authoritarian states such as Libya and Zimbabwe are not necessarily bound by the APRM and therefore no review would serve as an aid towards a continental mission of common governance (Raphala, 2013).

3. CONDEMNATION OF UNCONSTITUTIONAL CHANGE OF GOVERNMENT

According to Sturman (2012), Gaddafi's role in pushing the AU reform had ulterior motives of se-curing his regime and ultimately, elevating it to the continental status. Hence, his authoritarian regime was against the AU principles of democracy and respect for human rights as articulated in article 4(h) of Constitutive Act of AU 2001. Sturman (2012) further argues that in 2003, Gaddafi convinced the AU Assembly to adopt the Amendment of article 4(h) of the AU Act, to extend to the right of AU to intervene in the cases of serious threat to legitimate order. The undertaking here is that this threat to legitimate order is actually the rebels against his regime and therefore the legitimacy of that order. On an opposing view, the uprisings in Libya caused a division within the AU as some perceived the campaign against Gaddafi as unconstitutional removal of government and therefore should be condemned since constitutional removal only happens through elections (Twinomugisha, 2013). However, it should be understood that the above contested AU principle was meant for challenges directed only to democratically elected governments. Therefore, such arguments may be discarded since the regime change riots were evidently against an authoritarian regime. Since 1969 when Gaddafi came into power, Libya has never had any general elections. Therefore, as compared to its North Africa counterparts such as Egypt where the rebels had a strong army that consequently overthrew President Hosni Mubarack, it cannot qualify as unconstitutional removal of gov-

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ernment. In this vein, it is this article's conviction that the division in the approach of the AU during the year 2011's Arab spring in relation to the North African crisis highlights the need for AU PSC to clarify as when and why the civilian led uprising against a head of state should not be defined as an 'unconstitutional change of government'.

In the light of the above analysis, this article submits that there is struggle to agree on what is "common". This "common solution" is a key denominator for the united Africa. Contextually, Corrigan (2011) points that there is no clear answer in terms of what is "common". He highlights that the problem is that what may be necessary for one country may not be the case for the other. Therefore, this situation hinders the necessity of "urgency" that requires integrated inputs. Even though most African states may share common parallels due to the fact that they were once colonised, countries do not have common problems that need common solutions. However, each can learn from the other's problems and solutions (Shai, 2016). For instance, the dislocation caused by Rwanda's 1994 genocide may not have a direct parallel in another country. But the problems may be 'common' to the extent that other countries have had to deal with other 'dislocation' issues such as migration and refugees.

Gazing from the Libyan situation in the recent past, it is safe to posit that the AU response to Gaddafi's war to stay in power contrast with the rejection of coups d'etat. The foregoing analysis is influenced by the impressive evidence that the AU has acted decisively in Mali, Niger and Madagascar in order to maintain its principle of reject of unconstitutional change of government (Twinomugisha, 2013). However, in the case of Libya a divergence from the principle of state sovereignty and non-interference in the internal affairs is observable. This can be explained in the fact that, although Africa is making inroads in terms of becoming a democratic continent, there are still several states that are undemocratic, but they are represented in the AU Assembly. These countries include Swaziland and Cameroon, among others (Raphala, 2013; Maleka, 2014). Therefore, they are threatened by this popularisation of democracy in Africa and the international community (Shai & Iroanya, 2014). Contrasting governance values that prevail within Africa certainly contradict with the commitment to democracy, constitutionalism and human rights as professed by the AU. This is highlighted by Corrigan (2015) when he writes that AU incorporates states ranging from the freest on the earth to the most repressive. For instance, out the 54 states in the continent, 11 are rated to be free, 18 are partially free, and 25 are not free (Mouzayian, 2014). Therefore, it breeds doubts for continental order amid the divergence of continental countries.

There were mixed emotions amongst African leaders about how the Libyan crisis was handled. Firstly, some African leaders such as then Prime Minister of Kenya Raila Odinga, questioned the acceptance of Libyan membership under the authoritarian leader Gaddafi. He argued that "in terms of the AU Constitutive Act, Article 3(g), one of the objectives of the Union shall be to promote democratic principles and institutions, popular participation and good governance" (Olali, 2011). According to Odinga, Libyan government was against this objective and by that it was supposed to be side-lined from the AU. He further stated that "African Unity must be based on the common position on the issues of interest to the continent and its people" (Olali, 2011:06). This article shares the same sentiment with Odinga on his analysis on the issue of Libya, because the first leadership that the AU should have provided was to ensure that all its member states adhere to its founding principles and objectives. The failure to do that will ultimately cause many problems. For example, currently the Kingdom of Swaziland is the member of the AU in good standing and Swaziland government does not adhere to objective no (g) on the article 3 in the Constitutive Act of the AU which is to promote democratic principles and institutions, popular participation and good governance (African Union, 2001). Such situations need to be addressed as soon as possible because they have

the potential to cause problems in future. The AU must be honest to itself and compel its member states to adhere to its founding principles and objectives. The reality is that there is more likelihood of seeing what happened in Libya happening in Swaziland in future. So what is the AU doing in order to prevent that? Because prevention is better than dealing with the real problem.

Some African leaders such as the President of Zimbabwe (Robert Mugabe) blame the western forces for threatening African Unity. These forces are accused of perpetuating the selfish agenda of Western countries by perpetuating divisions among the Africans and African states. In consideration of this backdrop, Mugabe and like-minded African statesmen often exploit the anti-colonial rhetoric to undermine the legitimate struggles of the masses of the countries that they lead. Mugabe goes to an extent of accusing some African leaders for dinning and wining with the western forces at the expense of African people (Kimenyi, 2014). He accuses them of putting their narrow selfish interests first. Some scholars such as Owuoche (2013) have also made contribution to the debate when he stated that "the AU has failed to follow Dr Kwame Nkrumah's vision of an African continent which enjoys autonomy and sovereignty in both material and intellectual terms. The AU and its member states have abdicated their intellectual and ideological

responsibilities to Western donors and to Non-Governmental Organisations (NGOs) funded by the same donors" (Olali, 2011:07). In relation to foregoing analysis, it is argued that external interests are at the lead of reversing the little gains that have been made by the African individuals and organisations insofar as the realisation of African Unity is concerned. This position does not in any way apportion whole innocence on the part of Africans and their institutions for the slow progress towards African Unity.

The former AU Commission chairperson Jean Ping, argues that "the case of AU's intervention in Libya is a classic example of how African efforts to solve the continent's challenges go unreported or are twisted to suit a hostile agenda" (Ping, 2011). He further stated that, African issues have long suffered from either a lack of exposure in the mainstream media, marginalisation and misrepresentation or from outright silencing (Ping, 2011). The biased reporting that puts emphasis on the negativities about Africa and not the positive stories should be understood within the context that most of the international media is owned by companies from the West. As such, the editorial decisions of these media platforms are often channelled to suit the foreign policy agenda of their countries. Flowing from the above, the question remains that; did the AU do enough to contribute to the attainment of the overall AU objective of consolidating democracy in the continent? For the authors of this article, the AU measures for promoting good governance in the continent are commendable, but obviously the challenges abound.

4. THE ELECTION OF NKOSAZANA DLAMINI-ZUMA AS THE CHAIRPERSON OF AU COMMISSION

In January 2012, Nkosazana Dlamini-Zuma was elected as the chairperson of the AU Commission which opened a huge debate about the issue of the AU leadership. The issue of leadership is at the heart of the effectiveness of the AU and is particularly timely given that the Assembly of Heads of State will elect the Chairperson of the AU Commission in the near future. Hence, the term of office for the current chairperson is coming to an end and she (Dlamini-Zuma) has indicated that she is not available to serve another term. Regardless of this, it is important to note that the 2012 elections of the chairperson of the AU Commission were highly contested by the incumbent Jean Ping (Gabone) and Nkosazana Dlamini-Zuma (South African). This election divided the African continent into two groups, those who support Jean Ping and those who support Dlamini-Zuma. The election of Dlamini-Zuma left the camp of Ping bitter and as the defeated group. The emerging of two camps on the race to the leadership of AU exposed the African continent to external forces. The external forces saw the African

continent as one divided continent. The fierce struggle for power was against the founding principle of the AU. The main priority of the AU is to unite African states. Unfortunately the election of the leadership of the AU was now used to divide the African states. Some leaders such as Ping, went to an extent of accusing South Africa as the country that needs to dominate continental politics. Certain African states did not want to accept the election of Dlamini-Zuma as the new leader of the AU. Such conducts make it safe to state that "African Unity" remain a farfetched dream. The rejection of her election was based on regionalism and squabbles that will only contribute in dragging the continent backwards. Despite this, it is worth noting the division of Africa over the question of the leadership of the AU Commission was fuelled by the fact that western countries such as France had interests on the outcome of this election. The foregoing narrative should be understood within the context of the desperate need of the big powers such as France and the United States of America (USA) to [ab]use established international organisations such as the AU and UN as the instruments to promote and entrench their national interests (Matheba, 2012).

It is the well-considered view of this article that, for the African states to excel in achieving African Unity there is a need to put the end on the issue of regionalism and national chauvinism. Africans need to learn to trust each other irrespective of their national or regional differences. If one African is given the responsibility to drive the African agenda, it is important for him/ her to be given a chance, space and support to do so. In other words, a judgement on a leader must not be based on regionalism, but on the leadership qualities that one has been portraying in his/her previous and current leadership responsibilities. Central to the weakness of the Africans is the propensity to allow external forces to infiltrate Africa and take decisions on its behalf; either directly or indirectly. Most African leaders are captured; they continue to champion the interest of external forces at the expense of African people. Such instances continue to compromise African Unity, because external forces become happy when there is a division amongst African states. They use such divisions on their advantage to fulfil their narrowish and selfish interests at the expense of African people. The 2012 elections of the leadership of AU has exposed African continent to the world. It proved without reasonable doubt that African Unity remains a farfetched dream.

5. DECONSTRUCTING THE NOTION THAT AU IS EQUIVALENT TO OAU WITHOUT THE "O"

The AU has proved several times that, it failed to stand for what it has been established for. The AU has failed to prove itself that it is not the same old OAU, which was well-known for its inability to deal

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with real problems facing the continent. For example in 2014, the continent was faced by the crisis of Ebola. But how the AU handled this crisis was not convincing and encouraging. A popular African newspaper carried an opinion piece entitled, "Where is Africa?" (Ndemo, 2014). This question was in reference to the fact that the AU which was expected by many Africans to lead the efforts against the epidemic was missing in action. The author suggested that the AU should have immediately called for an "Ebola Summit" to discuss the crisis and find ways to effectively deal with it. Instead, the AU was absent and left the job to governments and organizations from outside the continent (Kimenyi, 2015). The "wait and see" attitude on the part of the AU support the fact that its inability to act on issues that are facing the African continent opens a vacuum to foreign states to capitalise on that and step in to fill such a vacuum (Vines, 2013). The external forces fills the vacuum by absorbing most African states to rely on them as donor sponsorship and also formulate institutions which turn out to represent them and be African by names (Vines, 2013).

The following analogy captures the depth of the AU's dilemma. That is, if you are a man and you have a family and every time when your family has a problem, the next door man comes in and resolves problems on your behalf; then you must know that, you are in a very serious problem. Firstly,

your family will lose confidence in you and gain confidence from a man next door. Secondly, your family will perceive you as one useless man, because you do not have a meaningful role to play in their life. The point here is that, if the AU in many cases fails to intervene in many wanting cases, then its affiliated member states will lose confidence on it. They will also perceive it as being a useless Union and the external forces that always come in when the member states are faced with problems will be cherished by the member states. If African states start cherishing the external forces, it means there is a very serious problem and this misnomer would prevail the crisis of relevance for the AU. Regardless of the merits of the above analysis, this authors' alternative view is that the AU's challenges must not be seen in isolation. Like other international organisations, the AU is nothing more than its constituent parts. For it to be successful in enforcing African Unity and taping into it to find continental problems, it is necessary for political and socio-economic changes within its member states and their respective regions to be given due attention without any fear or favour.

At other times, the AU has been willing to act, but has been too slow in taking action. Besides addressing crises, the AU is also charged with the responsibility of coordinating continent- wide development efforts and serving as the voice of Africans in matters

of global governance (Kimenyi, 2015). The AU has the responsibility to tackle the most pressing issues on the continent including accelerating "the political and socio-economic integration of the continent;" helping "promote and defend African common positions on issues of interest to the continent and its peoples;" promoting "democratic principles and institutions, popular participation and governance;" and promoting "peace, security, and stability on the continent" calls for the participation of a supranational organization such as the African Union (African Union, 2001). But based on its progress, it is safe to state that the AU is either not willing or not capable of carrying out its objectives effectively (Carin, 2014).

For a continent that is comprised of 54 countries which vary widely in terms of land size, population, ethnic and religious diversity, and levels of development, the organisation that is expected to serve as the primary centralised coordinating institution in uniting Africans and advancing their joint welfare and also enhancing their peaceful co-existence must be the one that fully understands the various problems that currently confront the required policies and also has the legal authority to do so (Kimenyi, 2015). Of course, the AU cannot function effectively if it is riddled by incompetence, limited resources, corruption and other bureaucratic inefficiencies. Thus, the key to making the AU a successful instrument and powerful voice is reconstructing and reconstituting both the institution and its organs so as to create a political and bureaucratic institution that functions according to the rule of law and serves as a true representative of the wishes and aspirations of the broad cross-section of African people (Nolan, 2013). It is only such an efficiently run organisation that can deal effectively with various problems that are currently facing the continent.

6. REGIONAL INTEGRATION AS A FORCE TO AFRICAN UNITY

The AU is expected to spearhead the continent's regional integration effort and help provide viable regional integration units, which could serve as mechanisms for cooperation in investment, provision of infrastructure, management of the environment, and growth and development (Carin, 2014). Unfortunately, in reality, it is unlikely that the proposed Continental Free Trade Area (CFTA) a carryover from the Abuja Treaty will be realised by 2016 or any time soon because a large number of issues at the regional economic level of Africans, are Africa-specific (and hence, are unlikely to be lobbied for by other countries), and are least likely to be rejected (Carin 2014). The slow progress towards the regional integration amongst African states contributes to the failure of the AU to improve the socio-economic and political relations of African states (Murithi, 2013). In concurrence with the popular adage that "charity begins at home", the AU must open

a platform for inter-trade amongst African states and also develop a mechanism that will ensure that African states prioritise to assist each other before external forces come in. For example, the formation of economic associations like BRICS (Brazil, Russia, India, China and South Africa) should have been modelled and experimented amongst African states before Pretoria can "look East" (Nkadimeng, 2016).

7. PEACE AND SECURITY AS A FORCE TO ACHIEVE AFRICAN UNITY

Africa still suffers from violent mobilization by various ethnic and religious groups (Mpe, 2016). This is the case in spite the fact that, unlike the OAU, the AU has the mandate to intervene in these crises (Kimenyi, 2015). But it has been unable to deal directly with this violence, as seen in intractable civil conflicts in the Eastern Democratic Republic of Congo (DRC) and South Sudan, as well as the increasing threat of terrorism by groups such as Boko Haram, al-Shabab, the Lord's Resistance Army, and al-Qaida in the Islamic Maghreb (AQIM) (Ndemo, 2014; Mpe, 2016; Shai, 2016). Although there have been some notable successes such as in the case of Somalia. In many respects, it has been stated before; the AU has either been extremely slow to intervene in various conflicts in the continent or has done so ineffectively. The launch of the African Standby Force (ASF) has already been delayed several times, even though

it was expected to have been established and made operational by 2010 but largely due to limited resources from the member countries the targeted time frame was not reached (Dersso, 2014).

8. CONCLUSION

This article has mainly relied on document study to probe the principle of "African Unity" as a pillar of the AU. Parallel to the *problematique* of this article is the fact that previous studies on this subject have either aligned themselves to the neo-colonial discourse or the anti-colonial rhetoric. As such, this article sought to bridge the widening gap between these two discourses in order to deconstruct an alternative Afrocentric perspective. Based on selected test cases, this article has confirmed that African Unity is essential if the developmental and socio-economic agenda of the AU is to be successful. Unfortunately, the major finding of this study is that; due to both internal pitfalls and their exacerbation by Western interests; it appears that the African unity remains a far-fetched dream. This dilemma is worsened by the fact that the champions of the transformation of the OAU to AU have since left the presidencies of their countries and therefore have limited opportunity (if there is any) in shaping the agenda of the AU. In addition to the slow pace of regional integration, there is also an element of mistrust between leaders from different regions in the continent. Above all, there is no gainsaying

that the complexity and multiplicity of domestic challenges facing the regional powers of Africa such as South Africa and Nigeria are making it difficult for their leaders to pay adequate attention to African affairs and international relations as a whole.

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HOLDING THE EXECUTIVE ACCOUNTABLE:
PARLIAMENT AS THE BEACON OF HOPE TO THE PEOPLE

A Malapane

Gauteng Legislature

ABSTRACT

In recent times, the work of Parliament has been receiving attention on the public domain and discourse. This however does not necessarily mean that it successfully fulfils its mandate to hold the executive accountable. Parliament has been faced with various challenges that have placed doubt in its ability to oversee the executive. Hence, this article examines whether the South African Parliament has a potential and capability to hold the executive to account for its actions or inactions. This is done through inter alia revisiting the systems, procedures, and mechanisms as well as the environment were oversight is performed. In addition, this takes into consideration the theme of Parliament for 2016 which is: "following up on our commitments to the people". Shija (2012) argues that the true test of a maturing democracy should be determined by the extent of the government's response to the needs of the people. In this regard, the article argues that Parliament should be the beacon of hope to the people, and be in a position to hold the executive accountable for its activities.

1. INTRODUCTION

Parliament is an institution of democracy responsible for law-making, conducting oversight over the executive and facilitating public participation among others (Madue, 2012:431). It is mandated to ensure that government delivers to the needs of communities. This refers to the constitutional obligation to hold the executive accountable (Shija, 2012:5). Conversely, the South African Parliament has been facing public scrutiny in a time wherein the country is relishing over 21 years of democracy (Seedat & Naidoo, 2015:3). This is a significant time and milestone in the country wherein scorecards and reviews are released with the aim to consider the performance of the country's democracy through assessing institutions of democracy. In this instance, Parliament is one of the most important institutions of democracy (Shija, 2012), which is regarded

as a representative body of the people.

It is for this reason, among others, that organisations such the World Bank Institute and Inter-Parliamentary Union have directed their efforts in strengthening the ability of Parliament to perform its roles effectively (Stapenhurst & Pelizzo, 2006). This particularly relates to the ability to oversee the executive. It is the contention of this article that recent events and discourse affecting Parliament have placed doubt in its ability to hold the executive accountable. For example, the landmark judgement by the Constitutional Court (*Cases CCT 143/15 and CCT 171/15)* on how Parliament poorly dealt with the Nkandla issue in response to the *Public Protector's findings* raises several questions in the public discourse and domain (Business day Live, 2016). Then one of the central questions is: *does Parliament has a potential and capability to hold the executive accountable?*

From the foregoing, Stapenhurst and Pelizzo (2002) underline that for Parliament to effectively hold the executive to account it needs to understand the significance of its roles. This is in part assuming that Parliament as an institution and Members of Parliament (MPs) as legislators know their roles, hence understanding the importance of their roles is a crucial facet. It is interesting that in recent times the public is continuously engaged with the work of Parliament; however, this in-turn has not made its

work easy as each step it take is under public scrutiny. Therefore, taking into account direct or indirect positive connotations of the new theme of Parliament for 2016, which is coined as "following up on our commitments to the people", the article examines whether Parliament has a potential and capability to oversee the executive.

As a point of departure, it is important to put assumption aside and provide a clear conceptualisation of the term oversight.

2. CONCEPTUALISATION OF OVERSIGHT

In the conceptualisation of the term oversight which is the bone of contention in the article, the premise is founded in *Section 55(2)* of the Constitution of the Republic of South Africa, 1996. It stipulates the roles of Parliament to oversee the activities of government and any organs of state. The Oversight and Accountability Model of the South African Parliament (2009) also acknowledges that legislative organs of state are mandated by the Constitution of the Republic of South Africa, 1996 to scrutinise and oversee executive action and any organ of state *inter alia* State-Owned Enterprises (SOEs). This forms the basis of what oversight entails; however, various scholars have outlined their views on what the concept of oversight pertains.

In consideration of the literature review, Schick (1976) cited in Peliz-

zo, Stapenhurst and Olson (2006:8) asserts that oversight comprises of the supervision of policies and programs ratified by the executive. Johnson and Nakamura (1999:4) are also of the opinion that oversight happens subsequent to the enacting of legislation. Oversight consists of scrutizing the correctness and efficiency of policies and programmes implemented. These denotations support the long held view that Parliament is a reactive institution because its function transpires after an event has taken place. Contrariwise, Pelizzo *et al.* (2006:8) agree with the delineation provided by Maffio (2002) that oversight also comprises of the supervision of government's plans before their implemented by the government and any organs of state.

This infers that oversight can be conducted *ex ante*- before and during the implementation of a programme – as well as *ex post*, after its implementation (Pelizzo & Stapenhurst, 2004: 3-4; Pelizzo *et al.,* 2006; Stapenhurst & Pelizzo, 2002 in Madue, 2012: 434). This is in contradiction to the orthodox that Parliament respond to the activities of government to determine value for money which for this reason is mostly criticised of being reactive than proactive institution. Moreover, Zvoma (2010:3) is of the opinion that oversight is not the same as supervision. This is not a contrary view to the prior explanations of oversight; but the author argues against the use of the concept supervision, which is

justified as to respect the separation of powers.

Madue (2013:39) observes that oversight is a vehicle to hold the executive accountable in realising the programmes enacted and adequate spending by the executive. Lees (1977:193) defines oversight as "the behaviour by legislators and their staffs, individually or collectively, which results in an impact, intended or not, on bureaucratic behaviour". On the other hand, it is argued that oversight is a process that should be discussed in the framework of democracy (Shija, 2012:1). Particularly, oversight should ensure that the policies of the government represent the needs of the people (Yamamoto, 2007:9). The oversight role of Parliament should be to the benefit of all citizens of the country and this should be emphasised.

Furthermore, Oversight Model of the South African Legislative Sector (2012:4) defines the concept of oversight as "the proactive interaction initiated by a legislature with the executive and administrative organ that encourages compliance with the constitutional obligation on the executive and administration to ensure delivery on agreed-to objectives for achievement of government priorities". It is crucial to note that this definition attempts to capture both *ex-ante and ex-post* events, and further asserts the significance of parliamentary oversight which is a constitutional obligation.

3. THE SIGNIFICANCE OF PARLIA-MENTARY OVERSIGHT

Parliamentary oversight is good for the proper running of a democratic system of government (West & Copper, 1989; Pelizzo & Stapenhurst, 2006; Shenga, 2007; Madue, 2012). These scholars elaborate that for a democratic government to operate effectively, MPs who are elected representatives need to closely monitor the activities of the executive. West and Cooper (1989) cited in Pelizzo *et al.*, (2006:8) emphasise that amongst the benefits of effective oversight in a democratic system is to ensure that government improves its programmes and Parliaments' enact policies. This makes oversight an important feature in a political system (Nijzink & Piombo, 2004: 3). Its significance is to safeguard the constitutional obligation of the separation of powers. This separation of powers is between the legislature, executive and judiciary which is aimed at maintaining transparency and accountability amongst others. Johnson (2005:3) argues that this is to uphold the systematic checks and balances between Parliament and the executive, and it has several interconnected purposes and objectives.

Simmonds (2002:3) and Zvoma (2010:3) spell out those purposes and objectives of oversight as to improve the efficiency, economy and effectiveness of government operations; evaluate programmes and performance; investigate and prevent poor administration, waste, abuse, arbitrary and illegal and unconstitutional conduct; protect civil liberties and constitutional rights; inform the general public and ensure that executive policies reflect public interests; gather information to develop new legislative proposals or amend existing statutes; and ensure administrative compliance on legislative authority and prerogatives.

The purposes and objectives of oversight stress the significance of oversight in holding the executive to account for its actions or inactions. These facets among others stress the obligation of Parliament to uphold and defend the constitution. This is essential and it underscores the significance of the existence of a democratic Parliament. In performing its constitutional mandate, the relations between Parliament and the executive is fundamental as defined through the separation of powers. Thus, the complexity of this relation is outlined in the next section as power relations.

4. POWER RELATIONS BETWEEN THE EXECUTIVE AND LEGISLATURE IN PARLIAMENTARY SYSTEM

Scholars of legislative studies state that over the years the executive had endued criticism for Parliament's inability to effectively hold the executive accountable, yet recognising the weaknesses of Parliament (Shenga, 2007; Musavengana, 2012; Malapane, 2015). For example, Rapoo (2004:5) asserts that inadequate resources and

weak institutional capacity create the over dependence of the legislative branch to the executive. This takes place regardless of the clearly defined constitutional mandate of Parliament to conduct oversight over the executive. In the South African context, this is defined through *section 55(2)* of the Constitution of the Republic of South Africa, 1996. Khmelko and Beers (2011:501) concede that effective oversight is required to maintain the balance of power between the executive and legislative branch; however, the article argues that the nature of the relations between the two branches influence effective oversight. This is in reference to the existing and emerging literature defining the power relations.

Cheibub and Limongi (2011:21) are of the opinion that politicians across all systems have the same motivation regardless of the form of government. This pertains to the reference to presidential, semi-presidential and parliamentary system which is not discussed in detail in the article yet the latter is underscored. This article argues that the role played by the form of government cannot be easily discarded. For example, Friedberg (2011:526) states that in a parliamentary system, the government emerges from Parliament. Although, Ahmed (2011:15) is of the opinion that there is a strong relation between the legislative and executive branch in the parliamentary form of government, this creates ambiguity with regard to the separation of powers as the members of the executive are also MPs. Musavengana (2012:2) writes that: "the Westminster-inspired systems of government that are prevalent in most countries of Southern Africa tend to compromise the principle of separation of powers. Under these systems, ministers are most often drawn from MPs, which, ironically, should oversee their performance".

It is fair to point fingers to the nature of the political systems which include among others electoral rules, constitution and nature of political parties for the dominance of the executive and marginalisation of Parliament (Hudson & Wren, 2007:4). This places Parliament in a difficult situation as defined by Salih (2005:252) that in the process were Parliament endeavours to perform its oversight function, the executive fights to dominate it. The emphasis is that both the two parties compete to influence policy making and in-turn its outcomes. Johnson (2005:1) however argues that this should not be the case as "modern democracies are characterised by shared decision making between the legislative and executive branch of the state".

The foregoing entails that the two branches of the state should be able to compromise in fulfilling their constitutional mandates. For instance, the legislative branch of the state should have capacity to conduct oversight and in-turn the executive should be keen to conform to its requests. With re-

gard to the example provided in the article, this compromise is obscured. Thus, it is crucial that going beyond the complexities of the executive-legislative relations, Parliament should have capacity to be in a position to utilise its mechanisms to promote effective oversight, such as questions and committees of Parliament whether ad hoc or permanent among others.

5. PARLIAMENTARY OVERSIGHT TOOLS AND CAPACITY

Scholars have identified and studied several tools utilised to oversee the activities of government (Pelizzo & Stapenhurst, 2002; Simmonds, 2002; Rapoo, 2004; Yamamoto, 2007). These studies were conducted utilising the data collected by the World Bank Institute and Inter-Parliamentary Union through a survey of 82 countries in the early 2000s to determine the presence of oversight tools in various parliaments. The oversight tools identified as utilised in various countries include but are not limited to Committee Hearing; Hearing in plenary sitting, Questions, Question time, Commission of enquiry and Ombudsman (Public Protector in the case of South Africa). The tools have been broadly studied to investigate the potential of oversight depending on the number of tools employed (Pelizzo & Stapenhurst, 2004). Countries such as Germany and Sweden using the parliamentary form of government have more tools than the others, and South Africa as one of them has 5 out of 7 available

tools. Pelizzo *et al*. (2006:8) however highlight that effective oversight should not be determined by only the number of tools in effect, because it also depends on other conditions such as amongst others the information to conduct oversight and powers allocated to the legislative branch of government.

Yamamoto (2007:11) states that the absence of one tool in a parliament does not make it less powerful than the other. For example, before modern political parties tools such as question time and questions have been perceived as ineffective by how they are utilised. Payne (2009:22) writes that although questions time remains important wherein MPs are afforded the opportunity to raise questions, it has vast weaknesses such as irrelevant responses. Regardless of irrelevant responses provided, which is the case for most questions asked by opposition MPs; the executive utilises fewer time replying to questions, and more time making lengthy speeches. This has been playing out in the South African Parliament, more importantly with the contentious issue of Nkandla. In addition, Nijzink and Piombo (2004:6) stress that committees have a primary role in parliamentary democracy and the functioning of Parliament. Committees become representative in partisan composition and perform their roles better (Ahmed, 2011:11). This is relevant in this country that has espoused multi-party democracy although

it has been dominated by the African National Congress (ANC), and in-turn reduced to be a dominant party system. Thus, the ad hoc Committee which dealt with the contested issue of Nkandla was dominated by the ANC and in-turn partisanship prevailed.

Regardless of the above, the role of opposition parties or opposition MPs should not be excluded. The opposition continues to play a pivotal role in Parliament; although, its role is more prevalent in some parliamentary tools of oversight than others. For Example, Proksch and Slapin (2010:68) argue that opposition parties are dominant during question time, and they ask more questions than the governing parties. Although, the reasons for opposition parties' dominance may vary, question time presents an opportunity to opposition MPs to challenge the executive over policy or personal conduct (Saalfeld, 2011:272). In addition, Salmond (2004:77) states that "it is the only time the opposition can force government to address issues it would rather ignore. The opposition is able to set the agenda for large part of the proceedings in question time, something it rarely do in other parliamentary tools". The Nkandla debacle remains a good example wherein the opposition remained persistent to get answers from the executive.

As stated in the discussion, among others, powers and technical capacity to a certain extent determines the ability of Parliament to conduct oversight (Shenga, 2007; Musavengana, 2012). Powers and capacity may be vested in various aspects such as Parliament's independence, expertise and resources. In borrowing from the parameters that are utilised by Yamamoto (2007) to measure the potential of both Committees and questions, information and expertise are emphasised as important factors in the effectiveness of oversight tools. Simmonds (2002:6) asserts that information is vital to effective oversight; this entails Parliament possessing knowledgeable staff and members. Moreover, one cannot over-emphasise internal research offices as important assets. Generally, the staff compliment supporting committees of Parliament is broad comprising of Researchers, Content Advisers, Legal Advisers and Information Officers among others (Oversight and Accountability Model, 2009). The details could not be discussed further in this article; however, expertise is expected to be the case in the South African Parliament which considers itself to be a modern legislature.

Furthermore, the time available is also important, this entails the time MPs have to attend to their assignments as well as the time to do such assignments. Although, time is a grave issue that parliaments in general struggle with, in particular when dealing with budget and quarterly reports from the executive, for other matters outside this

scope wherein external tools of oversight such as Public Protector are employed, time should not be a justification. According to the Oversight Model of South African Legislative Sector (2012:43) "Parliament conducts Oversight visits, and such visits take place whenever a committee decides to produce one". This is one of the tools that were utilised for the Nkandla issue wherein the MPs undertook a visit to Nkandla to inspect the President's compound (Business Day Live, 2016). Despite this effort, the contribution that the visit made is elusive judging by how the overall issue was resolved.

Thus, if the argument presented in the foregoing discussion is to be carried forward; since Parliament possesses the necessary tools of oversight, with the constitutional powers and capacity to hold the executive accountable, then what influences the decisions of the majority of MPs? It is important to discuss what motivates individual legislators' decisions in the oversight activities used to oversee the executive. This is done through focusing on party discipline and unity discourse in parliamentary oversight.

6. INFLUENCE OF PARTY DISCIPLINE AND UNITY IN OVERSIGHT

This section pertains to the role or rather influence of politics, in particular parties on the oversight role of Parliament. Mickler (2013:423) denotes that partisan theory supports the role of political parties in Parliament. Political parties in this theory are the key actors, which makes MPs accountable to their own parties. On the one hand, Fredriksson and Wollscheid (2014:54) define party discipline as "the degree to which elected legislators keep their party's campaign promises after being elected". This points out that MPs are required to safeguard the interests of their political parties in the process of delivering to its electoral mandate. On the other hand, party unity "means that individual legislators of the same party votes as a bloc" (Field, 2013:362). It implies that MPs of one party maintains unity when it comes to matters before Parliament or voting whether there are agreements or disagreements. The Nkandla debacle remains an example.

Heller and Mershon (2008:911) argue that discipline is one of the approaches political parties use to maintain party unity, and also control negative agendas, and cohesion. The link between party discipline and party unity infers that MPs should uphold the party line. These are some of the main reasons why there is a need for party discipline. The absence of party discipline may lead to party disunity – a threat to political stability and democratic accountability. Since in parliamentary system, the electorate gives an electoral mandate to a political party, not individual MPs, hence party unity is essential for the effectiveness of parliamentary government (Heller & Mershon, 2008).

On the other hand, the manifestations of party disunity may include among others leadership challenges, party splits, party switching, and branches clashing with the central party line as well as speaking against party line in the press (Field, 2013:361). This is somewhat relevant to the South African discourse. Then a question arises: is this what the country's maturing yet fragile democracy needs to survive?

Brierley (2012:420) studying party unity in the African perspective with specific attention to Ghana's Parliament in comparison to Kenya National Assembly (KNA) in part holds a contrary view about the significance of party unity in Parliament. The author notes that strong party unity among others is held responsible for the restricted development in Ghanaian Parliament, and on the other hand, claims that weak party unity turned the KNA to be among the sturdiest African Parliaments. This is because MPs are caught between serving their party or electorates; however, based on the parliamentary system, this line becomes clear as parties are elected to Parliament, not individual legislators. The foregoing stresses that systems have a direct role in either improving or hampering both oversight and accountability (Obiyo, 2013:106).

Taking this African perspective and relating it to South Africa, stable party identities is the motive for MPs of the governing party to vote in line or adopt a similar position (Brierley, 2012; Obiyo, 2013). It entails that the ruling party utilises the whip system to maintain strong discipline and unity among its MPs who are a majority in Parliament. This particularly, relates to the country wherein the ANC has been in majority, since the advent of democracy in 1994. Stressing the importance of the whip system lead by a Chief Whip of a political party which is not discussed in detail in this article; the recent resignation of Mr Stone Sizani the 11th Chief whip of the ruling party after the Nkandla debacle underscores this position (Business Day Live, 2016). Instilling discipline and unity in Parliament may not come as an easy job to do; it takes a lot of compromises.

Based on the above argument, the MPs of the ruling party in Parliament have been supporting the executive whether there is an agreement or not. Regardless of the manifestations of signs of disunity when some broke ranks, when the time comes to defend the executive and the President party unity is maintained, which is professed as defending their political party. This stresses the influence of party discipline and unity in oversight. The former relating to defending their political parties is discussed below as the environment in which oversight is taking place.

7. PARLIAMENTARY OVERSIGHT SETTING

Parliament is the representative body of the people (*Section 42(3)*

of the Constitution of the Republic of South Africa, 1996). This is mainly a mandate which is defined by how it is established as an institution of democracy (Malapane, 2015). It has been discussed in this article that MPs are elected representatives which represent the interests of the electorate and to a certain degree the mandate of their political parties. This underscores the political context in which parliamentary oversight takes place (Wohlstetter, 1989; Aberbach, 2002). Salih (2005:3) asserts that Parliament is faced with competing roles as it is part of the machinery that confers legitimacy on the executive, yet it is constitutionally mandated to hold the executive to account for its actions to safeguard the public interests. As stated, in the parliamentary system the executive is created from Parliament who are expected to play the principal role over the agent, which is the executive in terms of the Principal-Agent theory (Basheka & Mubangizi, 2012:6; Madue, 2012:862). While the complex nature of the environment is recognized, this should not be the motive to neglect oversight.

It is noted that oversight used to be linked to opposition parties in most democratic Parliaments (Malapane, 2015). It is because the executive is established from a majority in Parliament. In the South African context, the ANC still enjoys an uninterrupted majority. This however does not suggest that the governing party's majority has been inactive in oversight. More-

over, Johnson (2005:8) states that the electoral system also contribute to lack of effective oversight. The author states that in proportional representation (PR) system espoused, MPs will tend to be most responsive to their parties' leaders who determine whether and where a candidate will be placed on the party list in the next election. This is because candidates are placed on a list, and citizens vote for parties than for candidate directly". On the one hand, it is for the above reasons among others that oversight encounters political opposition, and becomes constrained to protective relationship between Parliament and the executive (Ethridge, 1984:341). Deducting from the reviewed literature, this article argues that this should not be the case. Aberbach (2002:62) stress that oversight should be bi-partisan. In other words, it should be an institutional activity, putting aside petty political motives. This will make oversight constructive, systematic and objective enough. On the other hand, recognising the ever presence of partisanship, low level of partisanship is a contextual factor in determining the success of Parliament (Rockman, 1984).

From the foregoing, Malapane (2015) argues that it takes the willingness of Parliament to attain effective oversight, and also the possible influence of the available incentives or lack thereof. This is stressed as political will yet it requires positive incentives to be

nurtured (Pelizzo & Stapenhurst, 2014:259). Ethridge (1984:342) earlier stated that the absence of positive incentives for MPs is a systematic impediment in promoting effectiveness. Effective oversight is lacking in an environment wherein the cost of conducting oversight outweigh the benefits. For example, Malapane (2015) argues that MPs may know what is expected to them, but the fear of losing their seats in Parliament if they become more objective in their work is a hindrance. This insinuates that MPs may know the difference between right and wrong, yet they decide to do the latter as they are perpetually caught between serving the interests of the electorate and the mandate of their political parties.

8. ANALYSIS

It is clear that while oversight is a constitutional mandate of Parliament, it is faced with various challenges. The challenges are wide encompassing political opposition, partisanship, political competition and the power relations between the executive and Parliament, resulting to reluctance of the executive to cooperate. The systems and environment weere oversight takes place contribute to lack of effective oversight. For example, the PR system makes it easier to recall an MP. In addition, while Parliament attempts to hold the executive accountable, the executive fights to influence policy. This is the root of the power relations as NiJzink and Piombo (2004:3) stress that the executive

has occupied the responsibility to make laws, and it creates most of the bills. It has reduced Parliament in its main mandate to merely rubber stamping as most bills are prepared and drafted by the executive and presented to Parliament for approval.

On the other hand, it is noted that oversight is dependent on the willingness of the MPs. This point out to the environment parliamentary oversight is taking place wherein legislators are continually caught between responding to the interests of the electorate or their political parties. Regardless of the South African Parliament's commitment that MPs should be accountable to the people or electorate, the foregoing is a reality. This is because the nature of the parliamentary form of government results in protective relationships between Parliament's majority and the executive. This is the case with regard to the South African Parliament, as the ANC continuously inflicts its majority, and with the view that it will still maintain its majority in the next election. This highlights that the cost for oversight to individual MPs overweigh the incentives, so there is a leeway for the influence of party discipline and unity to succeed.

Furthermore, there is a notion that capacity is fundamental for effective oversight. It has been acknowledged that the executive is generally dominant over Parliament; however, Shija (2012:7) has maintained that Parliaments have been fighting to be independent

and diverge from the influence of the executive. This relates to Parliament building its own capacity to support oversight. This includes the capacity to generate its own independent information, and it is pointed out that the South African Parliament has such capacity. It is also stressed in the article that oversight tools have been studied focusing on oversight potential based on the number of tools utilised by Parliament. Thus, the South African Parliament uses most of the oversight tools, and this in part highlights its potential.

9. CONCLUSION

This article concludes that Parliament as an institution of democracy has a potential and capability to hold the executive to account for its actions or inactions, and it could effectively follow-up on the commitments made to the people. As discussed, this is depended on various issues which have either negative or positive connotations. This makes oversight appears to be weak or strong in certain instances. It is however important to emphasize that the setting in which oversight takes place has an influence on oversight. This includes party politics, discipline and the executive-legislative power relations. Therefore, for oversight to be effective it should be viewed as an institutional activity, and this may minimise petty party political motives amongst others.

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DERIVING A CONCEPTUAL FRAMEWORK FOR A FORMATIVE EVALUATION OF THE CITY OF JOHANNESBURG: 'SEPARATION OF POWERS' PILOT PROJECT

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ABSTRACT

Oversight and accountability of the executive to the legislature are cardinal to good governance and ultimately democracy and political development. Conflating legislative and executive functions limits oversight, effectiveness of governance arrangements, accountability, and public participation. The Department of Cooperative Governance and Traditional Affairs (COGTA) has stressed that governance and democracy at local level is 'in distress' because of inadequate accountability measures and a lack of a clear separation between the legislature and the executive. To counter the latter and improve governance, the City of Johannesburg provided for institutional arrangements that separate executive and legislative functions of Council in 2006. However, after implementing this governance model, we are not certain if separating legislative and executive functions of a municipal council improves governance at municipality level. This research intends to assess if this initiative can improve local level governance. Therefore, the focus of this article is on developing a conceptual framework for such a formative assessment. The article applies these frameworks to collect, process, and analyse data as well as interpret the empirical results.

Keywords: *Conceptual framework, Theoretical framework, Governance, Participatory*

1. INTRODUCTION

Oversight and accountability of the executive to the legislature are cardinal to good governance and ultimately democracy and political development. Conflating legislative and executive functions limits oversight, effectiveness of governance arrangements, accountability, and public participation. This is unfortunately the situation at local government level in South Africa. Visser (2005) has argued that there is a governance problem at local level in South Africa due to poor accountability resulting from weak oversight at municipality level. Further, the 2009 assessment of local governance in South Africa undertaken by the Department of Cooperative Governance and Traditional Affairs (COGTA) de-

scribes municipal governance as being 'in distress'—a position that we think has not changed seven years later. This assessment identifies two root causes of distress—(i.) non-separation of legislative and executive functions leading to (ii.) inadequate oversight, and hence accountability, measures (Department of Cooperative Governance and Traditional Affairs 2009). Similarly, Christmas (2009) points to an obscure division between executive and legislative roles in municipalities as the key cause of distress in municipal governance. Despite supposedly effective legislative provisions and implementing several interventions, McLennan (2009) thinks that governance arrangements in several South African municipalities is ineffective and remains a critical challenge. Governance challenges including a lack of accountability and responsiveness at municipality level may imply a flawed design of local government in South Africa (Fessha 2008). To improve governance, the City of Johannesburg provided for a clear separation of executive and legislative functions in 2006. However, after implementing this governance model, we need to ascertain that separating legislative and executive functions does improve governance at municipality level.

This 'theoretical' article proposes a conceptual framework for undertaking a formative evaluation the city of Johannesburg 'separation of powers' pilot project. After broadly interrogating governance, we propose democratic governance as the most relevant option for local government. Thereafter, we identify public accountability as a key ingredient of democratic governance. Further, we point out oversight, scru-

tiny, and public participation as key elements to attaining public accountability and, subsequently, democratic governance. We have also proposed preferred institutional arrangements and mechanisms for fostering public accountability at local government level. These include separation of powers principle and, therefore, oversight as well as scrutiny. It is these that form the basis of our proposed conceptual framework and local governance arrangements. We argue that, depending on the context, the 'separation of powers' principle and, therefore, oversight and scrutiny can provide a framework for assessing local municipal governance. In doing so, we are contributing to the debate on efficacy of local governance arrangements as well as sub-national initiatives.

2. THE APPROACH

Badenhorst (2007) has pointed out that we review literature to (i.) understand the context or setting and, thereafter, to appreciate the research problem, opportunity, or question, (ii.) justify the research, (iii.) identify the research and knowledge gap through reviewing past and current research studies on the subject of interest, (iv.) identify, understand, and develop frameworks, theories, models, and perspectives that we can use to interpret our research findings, and (v.) develop conceptual frameworks. Technically, the main outcome a literature review is a conceptual framework—defined implicitly by Kumar (2014) as an advanced outline of how a research should proceed after we have interrogated key literature on the research of interest. This implies that this outline or outcome results from a detailed understanding of (and

justifying) the research problem, identifying the knowledge gap, and then developing an explanatory or theoretical framework for interpreting the research findings. Inferring from this, Wotela (2016) has proposed that including the main outcome—which is the conceptual framework—a literature review should have the following seven key sub-components or areas of focus:

1. Evaluation setting or context analysis … to understand the evaluation setting or context.

2. Evaluation intervention analysis … to understand and justify the need to evaluate an intervention.

3. Review of similar past and current empirical research studies and evaluations … to establish the knowledge gap.

4. Establish and discussing the academic field of study (and its important components) encompassing the research or evaluation ... to give the research or evaluation an academic home.

5. Identifying and discussing the key evaluation attributes or variables … to understand what information or data we should be pursuing for our research or evaluation.

6. Develop an explanatory framework … to apply when interpreting our empirical findings.

7. Summarise Steps 1 to 6 into a conceptual framework … to outline how our research or evaluation will proceed based on discussions and decisions emanating from interrogating the literature.

In each area of the seven areas of focus, we apply a thematic summative content analysis when synthesising literatures and writing up. The approach is thematic because we have devised key questions against which we interrogate and synthesise literature theme by theme. It is summative because we have derived these themes before literature review but we allow and include those that arise during literature review. Lastly, it is 'content' because when reviewing literature we focus on explicit and implied subjective interpretation of the discussions. Hsieh and Shannan (2006) have provided a detailed description of summative content analysis amongst other types of qualitative content analysis.

We, therefore, apply this proposed outcomes-based literature review to develop an explanatory framework and more importantly a conceptual framework to prepare for a formative evaluation of the City of Johannesburg 'separation of powers' pilot project in the next sections. First, we begin with an understanding of the context (the City of Johannesburg metropolitan) and then the intervention (the City of Johannesburg metropolitan 'separation of powers' pilot project). Second, to establish the knowledge gap, we interrogate research approaches, designs, procedures and methods applied as well as findings and conclusions realised by past and

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current studies on and evaluation of governance arrangements in general and specifically separation of powers. Other than establishing the knowledge gap we also use this interrogation to consider methodological options that we can employ for our assessment. Third, we propose and detail a theoretical or rather an explanatory framework that will facilitate interpretation of empirical research findings on the workability of the City of Johannesburg 'separation of powers' pilot project. Worth mentioning is the linkage between these explanatory frameworks and our attributes of interest that we will collect research information on. Lastly, for now, we derive a conceptual framework that will guide the proceeding paper(s) when collecting, processing, and analysing data and information to assess this intervention with a view to recommend governance arrangements that can foster accountability and oversight at local government level.

3. THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY: THE RESEARCH CONTEXT

With about 4.7 million inhabitants, the City of Johannesburg is classified as a 'Category A' metropolitan municipality (Department of Cooperative Governance and Traditional Affairs 2009). It delivers its public services—ranging from water, waste management, power supply, and public transportation—through twelve Municipal Entities (MEs) that are in turn managed through boards accountable to the City Council. The City Council has 260 councillors. Of these 130 are elected Ward Councillors and the other 130 are appointed by the political parties proportional to the elected coun-

cillors. Thereafter, ten are appointed to constitute a ten-member Mayoral Committee. The elected Executive Mayor chairs the eleven-member Mayoral Committee—which constitutes the political executive wing of the City. On the other hand, the Speaker of Council is the legislative head and chairperson of Council. The Speaker presides over Council meetings in accordance with Council's Standing Rules. The Speaker is also responsible for Section 79 oversight committees that assist Council in the executing its oversight duties.

4. GOVERNANCE ARRANGEMENTS AT LOCAL GOVERNMENT LEVEL IN SOUTH AFRICA—THE RESEARCH PROBLEM AND PURPOSE

Other than the judiciary, the South African legislative framework provides for the legislature, the executive, and the government departments in all three spheres of government. The legislature (elected members) represents the public and their mandate includes approving policies and laws as well as monitoring the executive and the government departments. At national sphere, the legislature is represented by the national parliament and the National Council of Provinces (NCOP). At provincial sphere, the legislature is represented by the provincial parliament and at local sphere by the council of elected and seconded councillors. The executive (cabinet or executive committee) co-ordinates the formulation of policies and laws, oversees implementation of policies and laws as well as government departments. Similarly, at national sphere, the president and cabinet make-up the executive while at provincial sphere it is made up of the pre-

mier and executive council. At local government, it comprises the mayor and mayoral committee. The mandate of the government departments (public servants) is implementing government interventions (policies and laws) as directed by the executive. The national administrative functions are executed by respective director generals and the specialised departments within national government. At provincial sphere, it is heads of departments and specialised staff while at local sphere it is the municipal manager, heads of departments, and specialised staff. Section 133(2) of the Constitution of South Africa (1996) provides for national and provincial governments to separate the legislative and executive functions with the latter accountable to the former. Therefore, the legislature oversees the executive. Further, the constitution provides for the national government to establish national parliament and the National Council of Provinces (NCOP) to perform the legislative functions which include law-making, overseeing and scrutinising the work of the executive. At provincial government level, Section 114(2) of the constitution provides for the provincial legislature that oversees and scrutinises the provincial executive authority (Constitution of South Africa, 1996).

While the legislative arrangements for a democratic, responsive, and accountable government are certain and well defined at national and provincial government, they are not so at local spheres. For example, the Constitution of South Africa (1996) has placed executive and legislative roles in a single body of council at local government sphere. Therefore, in a municipal council plenary sitting conflates both legislative and executive powers. We argue here that conflating legislative and executive functions underlies the oversight and accountability problems that South African local governments are facing. This sphere of government cannot provide effective, transparent, and accountable local governments (Constitution of South Africa, 1996). This results in ineffective democratic, responsive, and unaccountable local governments.

In response to unclear separation of roles between the legislature and the executive leading to inadequate oversight and accountability measures, the City of Johannesburg reviewed its governance arrangements. This was with a view to improve on internal processes, oversight, accountability, transparency, and public participation as well as promoting democratic practices within the municipality (City of Johannesburg 2005). The Gauteng Provincial Department of Local Government mandated the City of Johannesburg Metropolitan Municipality to pilot the separation of executive roles from legislative roles of councillors in the municipality. The project, also referred to as the 'Separation of Powers' governance model was piloted during the 2006 to 2011 political term and, thereafter, implemented in the 2011 to 2016 political term. Obviously, over the years the City of Johannesburg has refined this model which is similar to the national and provincial parliament. It emphasises separating legislative and executive functions to promote oversight, accountability, and public participation through delegating legislative and executive functions of Council to the legislative and executive arms,

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respectively. The model also accentuates the role of non-executive councillors. However, despite implementing this governance model, we are not yet certain whether separating the legislative and executive functions of a municipal Council improves municipality governance. Therefore, we wish to assess if this initiative can improve local level governance. This article focuses on developing a theoretical and conceptual framework for such an assessment largely because South Africa, the challenge of local governments is not the absence of reforms but rather evaluating the instituted reforms.

5. METHODS,DATA, FINDINGS, AND CONCLUSIONS OF STUDIES ON AND EVALUATIONS OF GOVERNANCE ARRANGEMENTS

There are a number of studies on and evaluations of governance, oversight, and public accountability arrangements in different contexts. For example, Leach and Wingfield (1999) as well as Snape (2000) point out that scrutiny is a problematic function for local government. The former argue that it is important that political parties are protected from undue government restrictions but it is equally important that elected representatives enjoy the right to participate freely and independently in the business of their political assembly. Legislative scrutiny and oversight is often best performed by elected members who bring in a degree of independence whilst balancing party sentiments and community preference. This independence and structuring of political activities around political parties makes oversight, scrutiny, and public accountability problematic for local councils. There-

fore, internal political dynamics in councils determines the success of scrutiny. As a result, as Leach and Wingfield (1999: 87) point out "scrutiny ... [can] only work effectively in a cabinet/assembly system dominated by one party if its members are prepared to criticise their colleagues or the executive openly—something which is extremely difficult under present party discipline in the current system". They also raise a red flag that such an arrangement may not always succeed. The chairing of scrutiny committees by the majority party makes councillors reluctant to challenge their colleagues making oversight and scrutiny ineffective.

Similarly, Snape (2000) has concluded that scrutiny is a problematic function for local government councillors because they feel it unsettles internal political dynamics. An open and accountable legislative process tests the rights of elected members to take an independent stand on matters of oversight and scrutiny. However, as a matter of convenience, democratic communities structure their political activities around organised political parties (Uhr, 2001). Similarly, Snape and others (2002:42) argue that holding the executive to account is extremely difficult because it:

"... directly challenges the power, influence, and culture of the party group system. It also directly challenges often, the most powerful elements within the decision-making system. Although leaders, cabinet members, and senior officers declare their support for robust scrutiny, in reality some will not complain if the role emphasis lies with policy development and review rather than holding the ex-

ecutive to account".

Leach and colleagues (2003) as well as Ashworth and Snape (2004) have discussed local municipal council scrutiny committees established in 2000 to improve the effectiveness of local governance in the United Kingdom. They were meant to provide a clear cut delegation of executive and scrutiny functions between the executive and the non-executive councillors, respectively. The task of the former was making and implementing key decisions while the latter hold the executive to account. Obviously, the aim of these reforms was to make the executive accountable through scrutinising executive decisions and actions before they were made, before they were implemented, and after they were implemented. Leach and colleagues (2003) have noted a general reluctance to apply approved oversight mechanisms, such as the call-in mechanism, to improve accountability. They argue that scrutiny is problematic for councils based on evidence generated in during the early stages of these scrutiny committees. In the early stages, scrutiny committees gave low priority to scrutinising executive decisions and actions of council employees (Cole 2001; Ashworth 2003). Instead the executive exerted more influence on scrutiny than the scrutiny committee. Ashworth and Snape (2004) also audited these scrutiny committees from 2000 (when the reforms were introduced) to 2005. Their audit shows that oversight and scrutiny contributed positively to policy review but failed to hold the executive to account effectively. They conclude that oversight and scrutiny failed to become an effective part of local governance and was not yet an effective arrangement to 'check and balance' the executive.

The findings by Snape (2000) as well as Leach and colleagues (2003) emphasise how the majority party views scrutiny and how this perception determines the success or failure of local government oversight and scrutiny arrangements. For this reason, Snape (2000) has emphasised that before legislating local municipality scrutiny practices, this challenge should be considered. Therefore, local political and organisational factors are important ingredients of effective oversight and scrutiny (Hankla and Downs 2010). This makes the choice of municipality governance structures and the authority devolved to its internal organs critical to the success of any governance initiative. Uhr (2001) has described Chapter 9 Institutions in South Africa which enforce oversight and accountability in all the three spheres of government. These institutions provide specialised government accountability in addition to that performed by elected members or dedicated public agency established by the assembly to act as an independent entity. Chapter 9 institutions institute oversight by reviewing performance against prescribed standards. Effectiveness of their oversight and scrutiny depends on the government institutions abiding to the established standards and should be acknowledged by those being reviewed. There are various options for structuring local municipal institutions and devolving authority. One option is councils establishing strong executives (Blair, 1991). According to Hankla and Downs (2010), local executive dominance may lead to a successful oversight and other gov-

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ernance arrangements because it provides for sufficient financial resources as well as access to information and expertise to oversee the executive. The downside is that it weakens local democracy and eliminates responsive local government. It is unlikely that local citizens would prefer a strong executive compared with a council driven system.

The other option, as Hankla and Downs (2010) have argued, is influential legislatures that are critical for good governance and democratic oversight. Their role is verifying whether executives carry out their responsibilities honestly and effectively and ensuring citizen participation. To provide for local municipal authority and enhance public accountability requires a parliamentary form of institution where the elected council makes up the legislature with powers to appoint and dis-appoint the local executive. Such an arrangement will allow the local council to hold the local executive to account. One weakness with this arrangement is that local authorities would not remove executives without provincial consent (Hankla and Downs, 2010). Another function of legislatures is promoting public participation in government processes with a view to improve oversight, scrutiny, and public accountability. As Geurtz and Wijdeven (2010) has argued public participation in local government emerged to discourage one-sided decisions. They encourage shared power and decision-making. There is also a view public participation in local government contributes to authoritative resource allocation (Heller, 2001). Further, Orr and McAteer (2004) have identified three generic benefits of public participation.

First, increasing public participation in decision making improves the quality of services delivered to communities because the local government can proactively consult with local communities. Second, other than service delivery, local government provides a platform for political activity—that is, engaging the public better to capture the poorly organised, the poorly resourced, and the dissents. Third, greater levels of participation ensure the future of local government because if they do not consult they risk becoming irrelevant.

Orr and McAteer (2004) have also argued that absent or ineffective and disempowering public participation strategies weaken local government's oversight, scrutiny, and public accountability. Sometimes councils' perception of public participation as a survival strategy, and not as a genuine consultation tool, disempowers public participation. With this perception, councils configure public participation to resemble legitimate consultation when it is meaningless. The International Association of Public Participation (2004) state that meaningful public participation involves a process that informs, consults, involves, collaborates, and empowers local communities. When public participation is this effective the impact of the public on governance processes is certain.

Piper and Deacon's (2009) study has established the functionality of local government public participation in South Africa based on performance of ward committees in Msunduzi municipality. The South African governance system has provides for ward committees to facilitate deliberative democratic

decision making. Therefore, ward committees should foster public representation, consultation, and recommendations on matters affecting communities to or through the ward councillor to the local or metropolitan council, the executive committee, and consequently to the executive mayor. In accordance with Section 72 of the Municipal Structures Act, the local or metropolitan council may also delegate duties and powers to a ward committee. Piper and Deacon (2009) conclude that despite ward committees operating for seven years, they were not fully functional because committee members depend on ward councillors, political parties, and the municipality. This dependence syndrome undermines democratic benefits, therefore, compromising effectiveness of ward committees. Further, Smith (2006) and Christmas (2009) argue that structures (ward councillors and ward committees) provided for by the Municipal Structures Act of 1998 to facilitate public participation in municipalities are ineffective. This contributes to the perception that municipalities are not responsive to the needs of communities.

Michels and De Graaf (2010) have also assessed the relationship between citizens and government in two Netherlands municipalities to ascertain if public or citizen participation can improve the quality of democracy. The aim of this study was to establish the role of the public vis-à-vis government in local participatory democracy and account for the true contribution of citizens involved in policymaking. They focus on the relations between citizens and government from a citizens' perspective. Their findings show that the role of citizens is limited primarily to providing information which government uses to make decisions. They conclude that for a local level healthy democracy to emerge, there is a need for democratic citizenship— that is, collective responsibility in public matters, increased public engagement, and improved legitimacy of decisions are more importantly than having a voice in decision-making. Further, Geurtz and van de Wijdeven's (2010) study has described direct participatory democracy experiences of a medium sized municipality in the Netherland. In doing so, they have identified two main reasons a government involves the public in its programmes. First, citizen participation leads to people-informed outputs. Second, citizen participation makes decision-making process democratic. Geurtz and van de Wijdeven (2010) conclude that strong citizen participation at local government connects the citizens to its government. Besides, public participation tests a system's ability to accommodate scrutiny. Legislative scrutiny is enhanced if, and only if, it can disallow or veto executive regulations if they do not conform to specific standards or legal form. In relation to bills and regulations, political assemblies are tested for their willingness to promote greater public participation in scrutinising the core activities of government.

Compliance driven public consultation processes which are usually void of meaningful public participation, oversight, and accountability in municipalities is another challenge inhibiting effective public participation. In South Africa, Mogale (2003) has suggested that meaningful public participation is not always attained because its conceptualisation at local government level

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is fuzzy and ideological. This leads to a mismatch between public participation conceptualisation and operationalisation. This disconnection between theory and practice, degenerates public participation into just a strategy that convinces local audiences that local government recognises their development needs. As a result, positive effects of participation are minimal and municipalities are seen as unresponsive and not accountable to the public. Only a more collegial approach increases policy legitimacy especially if the initiative is supported by a representative structure.

The foregoing review shows that oversight, scrutiny, and public participation are key aspects to public accountability as well as advancing democratic governance. The United Kingdom experience shows that oversight, scrutiny, and public participation need overhauling to improve public accountability. However, evidence shows that local governance reforms have experienced challenges emanating from internal political dynamics that limit oversight, scrutiny, public consultation, and consequently public accountability. Accountability agencies and legislatures have a tendency to conserve their style of operations to 'play it by the book' (Uhr 2001).

6. SITUATING THE 'SEPARATION OF POWERS' ARRANGEMENT WITHIN THE DEMOCRATIC ACCOUNTABILITY AND ITS CRITICAL COMPONENTS

Democratic accountability and its critical components of oversight and scrutiny as well as public participation are normally exercised within the broad framework of 'separation of powers'.

Therefore, if we have to derive a theoretical framework and later on a conceptual framework, we need to discuss the over-arching framework that nests 'separation of powers' within which we interrogate the concepts of oversight, scrutiny, and public accountability, in context. Ashworth and Snape (2004) describe oversight as the process of investigating the 'hows' of organisational conduct, particularly where there is a greater expectation of official compliance with authorised policy. Oversight is a critical governance arrangement in legislative environments. The Parliament of South Africa (2008) states that its oversight role adheres to the Commonwealth description based on the conventional Westminster perspective whose emphasis is on the role of legislatures in ensuring that government performs and complies with statutory procedures and rules. Obviously, oversight objectives are linked to the broad objectives of democracy and accountability. They are meant to detect and prevent abuse of power, arbitrary behaviour, and unconstitutional conduct by government and its agencies (Snape and Ashworth, 2004). At the core, oversight protects rights and liberties of citizens (Parliament of South Africa, 2008) by holding the executive to account for their dealings so that they improve government effectiveness, relevance, and efficiency. This makes oversight useful in the implementation of government interventions and allows for transparency of and public trust in government operations.

Leach (2003) has argued that all forms of oversight measure performance against certain standards to test for compliance. Many oversight activities investigate entities

where appropriate legal authority has been stretched or bypassed particularly in relation to defence and security operations. In such cases, oversight is unusually confidential or in-camera hearings held between the overseer—such as the parliamentary committee established to monitor the performance—and the supervised. Oversight can include oversight visits by a legislated committee to conduct physical verification of performance against a standard.

Further, Ashworth and Snape (2004) describe scrutiny as a general investigation of the 'whys' in the political and administrative conduct where there is notable discretion by government officials. Scrutiny allows for reviewing government performance by political assemblies (legislatures), by public agencies established by the political assembly or government, and by non-governmental bodies including the media. Leach (2003) has discussed scrutiny processes especially those undertaken by legislative assemblies such as question sessions and parliamentary debates between government and non-government officials commonly called 'the backbench' as well as those initiated by opposition parties. Legislative or parliamentary scrutiny refers to accountability tasks undertaken by members of the legislature when scrutinising the government. Examples include a parliamentary committee investigating government operations or when a parliamentary chamber reviews a government bill, or when a parliamentary delegation to another country to examine the impact of an intervention or its contribution to an international programme. March and Olsen (1995) as well as Ashworth and

Snape (2004) have identified two avenues for effecting public scrutiny of local government decision-making and accountability, that is, (i.) political and community bodies and (ii.) specialist oversight using competent public authorities.

Ashworth and Snape (2003) point out, comparatively, oversight seeks justifications on the 'how questions' from administrative officials implementing approved interventions while scrutiny seeks explanations from policy makers to the 'why questions'. Scrutiny points to public and political review of government operations while oversight is less public orientated and focuses on technical reviews of government. Public authorities established to ensure that government operations conform to approved standards undertake most scrutiny responsibilities. However, compared with scrutiny, oversight is a more specialised form of enhancing accountability. Further, government oversight activities focus on a narrower range of operations though they vary across policy areas. One common form involves a designated oversight agency responsible for 'whole of government' compliance with particular policies. This could be a commissioner empowered to act on citizens' complaints, oversight activities confined to one government agency, or even span across a limited range of government operations. In practice, oversight and scrutiny functions tend to merge and the terms are frequently interchanged because most public accountability arrangements reflect aspects of both. As a result, in the absence of oversight, scrutiny processes are applied to provide for accountability. However, accountability

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can be ineffective when oversight mechanisms are employed in place of scrutiny. Therefore, one should distinguish the components of accountability. Further, as Uhr (2001) has argued, oversight and scrutiny are not reserved for legislative assemblies only. Agencies such as the Auditor-General and internal auditors do undertake public scrutiny activities.

The Parliament of South Africa (2008) points out that in South Africa scrutinising (formal and informal) as well as overseeing the executive are constitutionally mandated functions of the legislative organs of state. The latter entails overseeing the management of government departments by the executive in pursuit of effective service delivery. Uhr (2001) points out that legislatures or parliaments are key public accountability institutions in parliamentary democracies. Their systems differ in how they structure the freedom of the legislature to manage accountability. The most influential models of accountability among Commonwealth countries are based on the 'Westminster system' of responsible parliamentary government. One highlighted feature of this model is the evolution of accountability arrangements in parliamentary regimes. Snape and Taylor (2004) suggest that 'Westminster system' has evolved through three broad phases—that is, (i.) initially promoting the need for government accountability to parliament and the courts; (ii.) followed by extending it to public scrutiny; and (iii.) finally extending the range of oversight mechanisms designed to supplement parliamentary scrutiny.

As argued by Pillora and Mckinlay (2011), the basic norms of a responsible parliamentary government should reinforce the principles of representative government. Therefore, legislatures should link the people and their government to reinforce the principles of democracy. Uhr (1998) points out that while awaiting universal suffrage, responsible government systems invested heavily in parliament to foster public accountability. One important mechanism to achieve this is providing parliament the sole responsibility of approving government budgets, that is, accountability through financial control. Further, Uhr (1998) argues that excluding legal accountability (the judiciary and the courts); earlier components of parliamentary accountability focused on financial control, that is, government taxation and expenditure. Establishment of an independent state auditor attached to parliamentary public accounts committee meant to foster financial accountability is an important parliamentary instrument for financial control. These arrangements placed parliament at the centre of national governance making it the institution responsible for determining who holds executive power and under what terms and conditions.

According to Schedler, Diamond, and Plattner (1998), 'responsibility' in classic models of parliamentary government was conferred on elected members capable of commanding a stable parliamentary majority. The responsible government model rests on the norms of accountability that elevate the rights of those commanding the largest parliamentary parties. Accepting the responsibilities of executive office, leaders of the majority parties were inclined to emphasise the responsibility side

of governance and downplay the accountability side. Legislative support staff, referred to as scrutiny officers by Snape and Taylor (2001), promote public accountability in responsible parliamentary government. They provide for oversight, scrutiny, and therefore accountability processes by facilitating, publishing, and communicating findings of public hearings and investigations. Therefore, such staff should produce accurate and timely public record of legislative debates and committee engagements. The work (reports and transcripts) that scrutiny officers produce should be democratic worth, useful as official transcripts, and provide evidence of competence of government in managing public affairs. This provides the public and their representatives as well as the media an opportunity to view accountability records as significant illustrations of how government business is being conducted. However, as Snape and Taylor (2001) point out, research shows it is easier to secure public accountability in political theory than in concrete practice because the process involves extending parliamentary controls over the spheres of responsibility exercised by the political executive. This has potential to go against executive convenience. This is why public accountability is consistently reformulated by refinements in scrutiny and oversight. Uhr (1999) has suggested that "…left to itself, the attractive banner of 'parliamentary government' could be raised just as easily by unaccountable parliamentary oligarchs … as by friends of parliamentary democracy".

7. A FORMATIVE EVALUATION OF THE CITY OF JOHANNESBURG 'SEPARATION OF POWERS' PILOT PROJECT, A CONCEPTUAL FRAMEWORK

The governance arrangements in municipalities conceptual framework is based on the 'separation of powers' principle combined with oversight and scrutiny mechanisms. Specifically, it emphasises that the context within which a particular model is implemented is important as it can influence the effectiveness of any governance arrangement. Therefore, we do not recommend a completely new conceptual framework but rather how such existing concepts can be contextualised. Figure 1 presents a conceptual framework a formative evaluation of the city of Johannesburg 'separation of powers' pilot project. It arises from a reflective summary of the preceding sections in this article; namely, a research problem analysis as well as reviewing past and current studies on and evaluation of the 'separation of powers' concept in the context of governance. In doing so, we point out the knowledge gap including the lack of understanding the local dynamics that influence effectiveness of governance models. On the basis, of these we have proposed a more informed approach and established an accompanying plausible theoretical framework.

The principle of separation of powers is an important structural element to achieve accountability oversight and scrutiny in democratic governments through the separation of legislative, executive and judicial powers into different branches of government. A basic separation protects the independence of the judiciary from

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the political executive holding office as the government of the day. It also protects the freedom of the legislature or parliament from domination by the serving executive government. Historically, modern constitutional government first separated out the judicial power from the combined weight of the other two powers: the accountability of government was strengthened by protecting judicial office-holders from interference from the two political branches. Thus a basic element of accountability is the protections enjoyed by the judiciary through such institutional features as security of tenure, freedom of decision-making and the rights of citizens to approach the courts to seek review of government decision-making.

Figure 1: Showing a conceptual framework for a formative evaluation of the city of Johannesburg 'separation of powers' pilot project
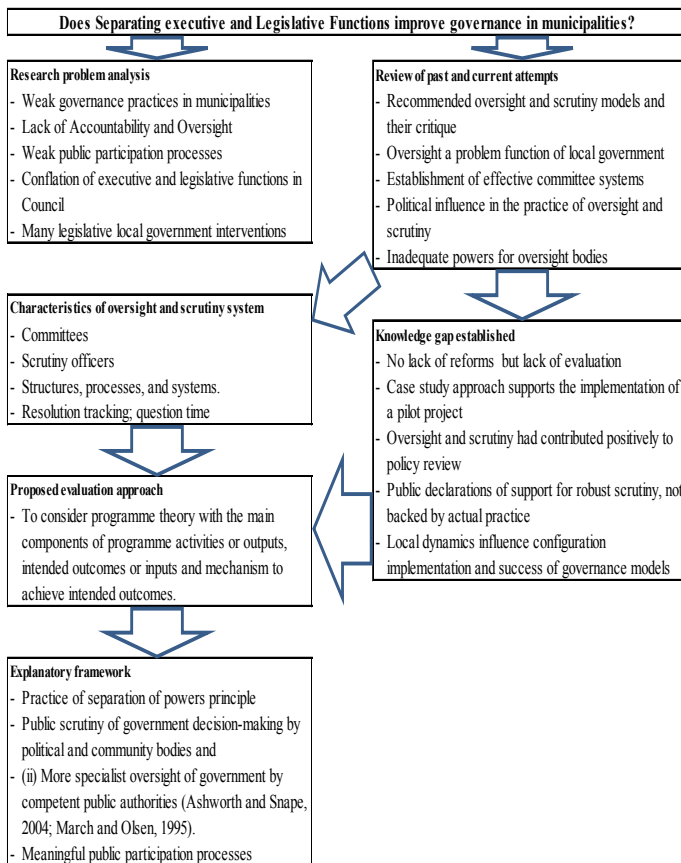
Accountability is further enhanced through a separation of legislative from executive power, either by forming two distinct branches of government as in the case of presidential systems, or by devising institutional checks and balances to highlight the distinctive responsibilities of the

political executive and the legislature. Most parliamentary governance systems have the political executive drawn from the party or parties commanding a majority of members of Parliament. Without special effort to protect the independence of the law-making function, parliamentary systems can degenerate into the subservience of the legislature to a dominant political executive which expects little more of the political assembly than that it 'rubber stamp' government initiatives. Democracy should protect the independent value of representative assemblies; making democracy effective means promoting the independence of the legislature as the central forum for community deliberation over law and policy. Accountability is best served where governance systems are able to mobilise public scrutiny of the executive branch and to subject government operations to sustained oversight by parliamentary and other specialist authorities.

The approach to accountability evident in the separation of powers has sometimes been called 'horizontal accountability', that is, accountability between equally autonomous if not quite equally powerful institutions. This is in contrast to most forms of accountability which illustrate 'vertical accountability', that is accountability between unequal institutions where one is acknowledged as the principal and the other as the subordinate agent. At times, both forms of accountability are combined. This applies in many parliamentary systems. Separation of powers is the practice of dividing the powers of a government among different branches of government (Carney 1993). At the centre of separation of powers doctrine is a suggestion there are different kinds of public roles that ought to be separated from one another and ought to be exercised by different institutions or personnel. According to Vile (1967) and Carney (1993), in a pure form of separation of powers, each of these branches would be allocated a matching identifiable role that is Executive, Legislative and the Judiciary (Vile, 1967; Carney, 1993). The legislative branch is mandated with making laws, the executive branch with administering the law and the judicial branch has a mandate to try cases brought to court and to interpret the law. The separation intends to achieve a balance and to prevent an overconcentration of power in the hands of a single person or institution (Carney, 1993). Each government branch is confined to exercising its own function and not encroaches into functions of other branches. Ideally, people who make up these branches would be separate and distinct.

Development of the doctrine of separation of powers is attributed to ancient and modern writers (Alvey, 2005). The writing of ancient philosophers such as Plato (427 – 347BC), Aristotle (384 – 322BC) and Polybus (205 – 123BC) influenced modern writers (Alvey, 2005). Their writing formulated theories of government, political theory as well as defining the key functions of government. The ancient 'mixed constitution' designed to avoid competition between factions is considered the ancient version of separation of powers (Alvey, 2005). The 'mixed constitution' was a mix of and balance among three forms of constitution, monarchy (rule by one),

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aristocracy (rule by the few) and democracy (rule by many) (Fitzgerald, 1980). Of the modern-day writers, Carney (1993) and Alvey (2005), credit Locke (1690), Baron de Montesquieu, the 'Spirit of Laws' (1748) and Madison (1788) with the modern idea of separation of powers. Locke (1960) was critical of absolute monarchy and advocated constitutional monarchy and limited government. Montesquieu (1748) improved the ideas of Locke and is credited with elaborating the modern conceptualisation of separation of powers doctrine. Collectively, they advocated perceiving separation of powers doctrine as purely a system of checks and balances (Alvey, 2005).

There are three key reasons for separating powers. First, drawn from historical times, separation of powers seeks to protect liberty and promote good government through dividing different powers of government among three branches of government. According to Carney (1993), Montesquieu suggested that, to avoid arbitrariness, and promote liberty, power of governance should be divided between three organs of the state. In promoting good governance and protecting liberty, the doctrine aims to use checks and balances to reduce abuse of power (Persson et, al.1997). The theory works by creating subtle conflict of interest between the three branches of government. It is assumed that this allows the bodies to discipline one another to the voters' advantage (Persson, et, all. 1997). By applying a strict separation of powers, it is assumed, 'each branch will be a check to others and that no single group of people will be able to have total control of machin-

ery of the state' (Carney, 1993:2).

The spirit of the doctrine is that if a single person or body held all three functions or powers, it would result in dictatorship and arbitrary rule. The doctrine suggests that political stability and freedom would be secured if the three arms of government remained separate. According to Carney (1993), Montesquieu argued that if power is concentrated in a single person's hand or a group of people then it results in a tyrannical form of government. They saw separation of powers as a way to reduce arbitrary power of unchecked rulers. In its later application the idea stresses the role of citizenry and gives citizens the rights to criticize state action.

Persson and others, (1997) describe separation of powers as a basic constitutional principle of liberal democracy that promotes accountability. They argue that separation of powers improves accountability of elected officials and effectiveness of voters. However they caution that this can only happen under proper checks and balances. They noted that separation of powers allows for the design of a system that allows for conflict of interest between executive and legislature and needs for executive and legislature to agree in legislative decision making (Persson and others 1997). Scholars identified three general ways in which a legislature may control the executive in a separation of powers system; oversight, legislation and budget making.

They suggest for separation of powers between the legislature and the executive tools to work, there must cooperation between the two branches in policymaking.

The legislature should have ability to oversee the executive and executive must be willing to comply with legislative laws. They give budget formulation as an example of how separating powers can work and produce accountability by splitting the decision over budget formulation into two stages while requiring both policymaking bodies to agree at each stage. Closely analysed, one body (executive) has full control over the size of the budget, while the other body (legislature) has complete agenda setting over composition of the budget. They caution, however, the mere existence of conflict of interest alone is not enough to improve accountability; however, it is important that no policy is imposed unilaterally without agreement of the two bodies.

Persson and others (1997) highlight the importance of agenda setting power in the design of separation of powers. They argue that important decisions must be separated in part and assigned to the different bodies, that is, executive and legislature. Each body will have full agenda setting power over its part of the decision. Each body will prevent the other from abusing its power through creation of overt and covert conflict of interest. Proper sequence of decision making can introduce controls to deprive the executive and the legislature of most of the rents they use to hold power. Second, separation of powers is a basis for setting up a constitutional system useful for dividing legislative, executive and judicial roles in a new or developing state (Carney 1993). Montesquieu's 1748 publication, the 'Spirit of Laws', according to Carney (1993) influenced the constitution of the United States of America and evolving of the

French republic. Third, according to Barber (2001) the purpose of the doctrine of separation of powers is efficient government. He argues that separation of powers is a tool to achieve a constitutional objective, that is, the goal set for the state by political theory. If the constitutional objective of a country is to be a democratic state, separation of powers theory can help a state achieve this objective.

A major critique of the separation of powers doctrine is the existence of major differences between its theory and its practice which have resulted in a complete separation being possible only in theory and not in practice (Alvey, 2005). These difficulties emerge, from the three-part classification of government power and functions. This classification and the nature of government functions ensure that it is not always possible to impose a strict doctrine of separation of powers (Carney 1993). According to Lumb (1983; 24) an absolute separation of powers would lead to anarchy. The realities of government have resulted in separation of powers being applied to varying degrees as governments try to uphold controls. As a result only a partial separation of powers has been implementable, complimented by further controls.

Another weakness of the separation of powers doctrine is assuming that it is possible to define the separate functions of government and to decide to whom their performance should be assigned (Barendt 1995). It is not possible to clearly place government functions into these three branches of government because governments the world over, enjoy significant delegated authority.

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Barendt (1995) argues the failure to conform to a strict separation of powers should not take away from the overall objective of separation of powers, which is to promote liberty and to prevent arbitrariness or tyranny in government which may arise from the concentration of power. The allocation of functions between three, four or five branches of government is not the most important, but that it is a process to achieve that end. Precise allocation may not be the most important factor; however, insensitive allocation may also produce incompetent inefficient government. He also cautions that, while it is possible to define in general terms the legislative, executive and judicial functions of government, what is crucial is that this distribution is enforceable by the courts. The absence of the enforceable distribution presents challenges for the doctrine.

Barber (2001) emphasises that, instead of allocating functions to an arm of government best suited to execute them, the competency of institutions to carry out these functions should be more important considerations. These may include composition and skills available, the knowledge and experience of actors in the institution, information gathering powers of the identified institution, decision making processes in the institution, and vulnerability of the institution to outside factors, among others. In essence Barber (2001) presents structural concerns that should not stop the allocation of functions but should be considered when engaging the doctrine of separation of powers, concerns that relate to deeper issues of legitimacy as well as the normative theories of rights and democracy. Separation of powers, therefore, presents opportunities for efficient exercise of power when various types of power are allocated sensibly to the right kind of institution.

Reality is that not all government functions can be neatly slotted into just one of the categories identified in the doctrine (Carney 1993). Instead there are suggestions that within a separation of powers exists a combination of both a separation and fusion of powers. For example, in many countries there is common acceptance the judiciary is sacrosanct and functions and responsibilities of the judiciary are distinct. However, there are suggestions, in the Commonwealth, of partial fusion between executive—executive and the legislature (Assembly)—(Bagehot 1963). The doctrine assumes that it is possible to distinctly separate the personnel that are involved with the Legislature, the Executive and the Judiciary. However, practically this is not always possible. For example in the Westminster system, the personnel of the Executive (Ministers) must be chosen from members of the Legislative Assembly, Members of Parliament (MPs). This presents an overlap which Carney (1993) describes as necessary as it promotes responsible government by making the cabinet responsible to the Legislative Assembly. While in many cases the separation between the Judiciary and the other two branches is clearer, the powers of the three branches of government overlap sometimes. Another weakness of the separation of powers doctrine includes that it is not always contained in a country's constitution and therefore cannot be enforced by law.

The separation of powers principle is also criticised for being subject

to external factors such as whether the system of government is a presidential or parliamentary democracy as different constitutions can strengthen or weaken the components sharing power. The institutional arrangements implemented in the judiciary, the legislature and the executive also have an influence on the functionality of the separation of powers doctrine in practice. Sometimes the form of separation of powers adopted is subject to political practice or legal arrangements. In some instances where separation of powers is not a legal restriction, it is complimented with other controls such as committee systems of parliamentary review and action (Carney 1993). As a result of these implementation challenges and innovations, a complete and strict doctrine of separation of powers exists only as a theory. There are implementation challenges to the separation of powers doctrine. While the separation of powers doctrine emphasises the interaction among the judiciary, executive and legislature, this article is interested in the separation of powers and the interaction between the legislature and the executive. The conceptualisation and implementation of the separation of powers has evolved over time and one example of this evolution is the development of legislatures. Over the past three decades, legislatures have enhanced their capacity to play a more active role in the policy-making process which has been dominated by the executive. Legislatures have assumed greater responsibility in formulating policy, and more actively oversee the operations of the executive branch oversight). This oversight role has taken many forms.

One way is of legislative standing committees responsible for continuous review of the work of the state agencies. Legislatures also create special committees or staff agencies designed specifically to evaluate agency operation and performance. In addition, legislatures review (and sometimes, veto) the rules and regulations developed by executive agencies to implement law. According to Persson et al, (1997) the separation of powers can have many rationales such as prompt correction of mistakes or protection of minorities; key to this is separation of powers assist a government to promote principles of democratic governance through limited government. The theory of separation of powers, mechanisms and tools as outlined above can be used to assess and evaluate the practical institutional arrangements in South African local government in general and as practiced in the City of Johannesburg in particular.

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