

# From Shepstone to Mufamadi: The Community as an Object of Systems

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## A. Introduction

Imagine a world where you were born and had to forge your own social, resource and environmental map without many already existing constraints. If life was this basic, equality would not be a commodity sold by some people to others via the civil society brokerage through the workshops and the conferences economy. The reality is that people are born unequal and they strive for a livelihood against all sorts of odds in an unequal manner. The privatization of property has made it possible for people to be born homeless (in the sense of houseless) even if they are tied to a set of parents and relatives – biologically and/or socially. Land is not one of the basic entitlements even though housing, water and fuel are taken as basic services. The notion of basic services is itself beginning to be problematic as it is not about basic minimums that empower social beings to then pursue economic life further within socially agreed limits, but it is a question of humanitarian minimums that people are given because of some artificial recognition of their rights. Basic rights have thus become something like being ‘born again’ something that one acquires once he/she has established their identity in relation to a nation-state. But more disturbingly basic rights are something one receives not as basic tools for basic pursuit of life but as ‘consumables’ that one needs to live. They become limited to being ‘basic grants’, not ‘basics of a growing life’. The question of land becoming expensive property is at the core of this dilemma.



Born to float: land is NOT one of the basic entitlements in SA and globally

With the alienation of rights from life and the need to align with a particular (civil society, or governmental) regime to enforce rights to life, it is important to check what social, technical (including legal) and moral tools there are for one to navigate one's way into a rights-filled life. Rights-filling is one thing, and given the possibility of receiving blanket rights now, especially from the Constitution, it is not a problem at all to acquire rights with citizenship (which is the branding that gives you rights). It is the partaking in these rights – human rights and socio-economic rights – in practice that is a major challenge. The Integrated Development Plan (IDP) is the interface between rights and experience. It is one of the tools that try to make a reality out of the notional rights that we have all been given in the context of the citizenship branding that we are born into. To separate rights that one is born with and rights that one acquires over time is as challenging as to attribute responsibility for fulfillment of rights to anyone. But that is beside the point for now.

The IDP is one of the tools that attempt to make feasible the notional rights that we all have in the South African Constitution. It is a particular kind of tool, born out of the idea of a government being an authority in attributing rights and making them real (to debatable extent as defined by mandates, and to debatable willingness to own up to the practical side of this as defined by policy-based implementation). The IDP thus has specific boundaries tied to the level of government. It is accompanied by specific kinds of mandates and tied to specific boundaries in a particular way. There are certain things (e.g. provision of water) that can be done only through a District IDP even though co-ordination with the local municipality is essential. Provincial and national government co-ordinate support and access to funding of municipal IDPs and rationalize the dissemination of certain sectoral expertise. However things have been shaped by systematically orchestrated historical imbalances which do not seem to be disappearing at a socio-spatial level.

In the practice of local development, it is not clear whether the provincial and local government regime does consider the relevance of long and intensive history of colonial plundering and dispossession of certain spaces within the broader picture. In South Africa, despite the need, affirmative action has been limited to an individual level and not rendered to social and geographic spaces. This means that in KwaZulu-Natal, the impact of a well orchestrated socio-spatial resource dispossession through the Shepstonian system is not directly addressed. This paper starts by painting a brief picture of this 'colonial plundering' phase through government practice of more than a century ago, and then attention is turned to how the current local government has acted to elicit the community perspective in their practice. The paper specifies bureaucratic elements that continue to adversely patronize the community despite good rhetoric. It is argued that while these elements are necessary in co-ordination of development when they are dispatched or effected generally, they are not likely to have an impact on communities. Historical contextualization should influence the mission of development and frame strategic action.

## B. The Shepstonian phase

Theophilus Shepstone, Diplomatic Agent to the Native Tribes appointed in 1846, became a key strategist in the management of what was popularly called the Native Affairs. Even when looking at his work alone it is easy to see how Native Affairs was interlinked with the rest of the mission to establish a good life for White people, as a major colonial mission. The whole agenda of Native Affairs was integrated within the broader mission and how that mission was to be achieved. They had an unwritten vision and mission for Natal and Zululand and this mission and vision was geared at making sure that a certain section of the population benefited from effective Native management. The integrated agenda was not without sectors – these were mainly fiscal management, political subjugation of Natives, and labour control. These were key elements of dispossession and subjugation of African for the benefit of the White population. This was the beginning of a well-orchestrated, popularly debated mission, at least within the upper sectors of society, that later led to entrenchment of official racial segregation into White, Indian, Colored and Black in the order of superior to inferior respectively. When one looks at this history one marvels at the manner in which there was a clear sense of purpose that underpinned the integrated efforts of government.

Nomarn Etherington's (1989) paper entitled: *The 'Shepstone System' in the Colony of Natal and beyond the borders* shows the numerous aspects of Native management and more importantly the strategic mission behind it. He outlines how the budget was structured such that the black population financed the life of the Whites:

By final years of Shepstone's administration, the balance sheets showed how spectacularly successful had been the strategy of making Africans pay for their own government. After the deduction of interest payment and technical charges, the total revenue in 1872 was £191 196.... Of that total, £81 915 came from customs charges largely passed on to black consumers, £27 656 came from hut taxes, £10 468 came from fines and fees charged for African marriages, and £10 086 came from sales of ammunition. Fines imposed by colonial courts, which mostly fell from African offenders, raised £3 620, and sales of land (which had of course belonged entirely to Africans before White settlement) raised £7 819. Taken together, the funds contributed by Africans amounted to about £142 000 (roughly 75 per cent of all revenue).

On the other side of the balance sheet, expenditure (after deduction of technical accounting items) amounted to £150 675. Only £5 891 of the money was spent for 'Native Purposes'. The other £144 784 – a sum just slightly more than the total revenue raised from Africans – paid for: the salaries of all government officials, all the hospitals, all the gaols, all the grants to white schools, all the ammunition bought by government, all the money spent on colonial defence, the postal services, roads, streets, bridges, and the Legislative Council which levied the taxes. In other words, while Africans suffered taxation without representation, white settlers enjoyed representation virtually without taxation. (1989: 175)

It is shown in Etherington's work exactly how this was achieved by forcing Africans to go to work for money, and also it is shown exactly what items of black consumption were taxed how much, and that Whites' goods were exempted from tax. Types of taxation levied on goods and people are discussed.

Etherington (1989) also shows the foot soldier approach that Shepstone employed through his magistrates and administrators in ensuring a political administrative system that subjugated *amakhosi* under the colonial regime:

By rewarding his indunas and chiefs with portions of the fines they collected and booty they acquired on punitive expeditions, Shepstone secured a loyal following. His apparatus of government also provided for channels for the collection of revenue (1989: 174)

Foot soldiers had specific tasks designed to meet specific trends that were closely observed:

There was ...continual movement between Natal and distant lands. As secretary for Native Affairs, Shepstone could not avoid taking notice of these long-distance relationships. One of the tasks of his border agents was to record the movements and to check the credentials of all Africans who passed the frontier. Magistrates and Administrators of Native Law sat in judgment on very complicated lobola cases involving 'foreigners' which came to them on appeal from the courts of chiefs and headmen (1989:177)

Sometimes the situation described for the 1870s does not sound much different from our current times after the Demarcations Board has completed its work of 1999:

It frequently happened that chiefdoms overlapped the boundaries of magisterial authority, while the search for good land better wages, and access to colonial markets increased the distance between Africans and the chiefs to whom they were theoretically responsible (1989: 178)

Etherington also demonstrates how those who mattered at the time (the White population) participated in the debate around limits of use of African labour and potential strains that can lead to rebellious behaviour if Africans are put under excessive strain than they were tolerating. Shepstone thus proposed and pursued linkages with Africans from beyond Natal and Zululand – Zimbabwe and Tanzania. He also shows how the dual existence and the dual economy created for Africans manifested into a degraded form of existence whether they were in town or in rural areas:

The Refugee Law of 1854 made all individual immigrants liable to three years' service for white employers at fixed wages. Labourers recruited in gangs had no legal rights if they left their assigned employers. Africans from within Natal needed passes signed by their magistrates before they could legally enter a town. Curfew laws forbade all except Europeans to be out after certain hours. No alcoholic drinks could be legally sold to Africans. In 1873 Shepstone further curbed what he called 'the attractive but unwholesome liberty' of Africans in the main towns of Pietermaritzburg and Durban by requiring every 'Native' who was not a householder, renter or servant in monthly employment to register as a *togt*

(day) labourer or jobber... After five days in town, every jobber had to accept any work offered at fixed low wage or face imprisonment with hard labour for up to three months. This not only controlled African movements but helped to increase Shepstone's popularity among white employers. By such measures, he assisted the development of shanty slums and labour barracks which had become established features of the urban landscape even before he left office in 1875 (1989:180)

In recent times Zulu (1996), addressing the current situation and recognizing this historical creation of the dual economy argues that the livelihoods economy in rural KwaZulu-Natal is not likely to thrive given its competition with "the central economy" with its "high labour absorption capacity". He also argues that "existential experiences of poor black South Africans" have led to an engrained "mindset" that "militates against a willingness to commit... to subsistence agriculture or small-scale farming" (1996: 239-240). Zulu demonstrates that the creation of a dual economy led to:

...dire consequences for the structure of rural society in areas where indigenous Africans lived: what became known as reserves. In the main rural areas became mainly populated by 'residual people' – the unemployed and unemployable, mostly the elderly, less educated women and children. Younger able-bodied men and educated and trained women lived and worked away from home either as migrants in towns and cities or as professional. The few who remained – teachers in rural schools, nurses in rural hospitals, administrative personnel and extension workers – were either migrants into the rural areas in which they worked, or were an insignificant factor in terms of interest in production and organization. The position has not changed since. (1996: 240)

While it may be disputed that it is the "labour absorption capacity" of the "central economy" that makes the livelihoods economy decline, Zulu's observation around the nature of life in rural areas touches the nub of challenges faced by local economic development (LED) specialist today. It is argued in this paper that it would be impossible to bring about success in LED initiatives if the historically created nature of rural areas is not tampered with. Specifically, decentralization of the formal economy has to support LED initiatives. The formal economy has been historically funded by cheap labour which strived to connect with urban centres at its own cost. In the current LED initiatives in the rural areas, people are still being asked to connect with capital and markets in urban areas at their own cost. This is why, the good, yet disaggregated LED initiatives (that include provision of entrepreneurial skills, financial support from schemes in provincial government, agricultural support for production phase only, etc.) do not often yield results. One of the major challenges is connection with markets which are physically far from LED initiatives and which are often constituted by impenetrable communities.

### C. Implications for this era of local government

The point to going through all this history which, at face value, seems remotely related to local government practice as we understand it to today, is to make a point about integration and sustainability of development through highlighting the need to evaluate the historical development thrust of operation. If one reflects on history there are a couple of issues that begin to contextualize the need to define more sharply the current local government approach to service delivery:

- Integrated development needs to be informed by an assessment of the era needs. Era needs should inform the grand mission of development as they need to be derived from what issues are important to achieve fairness of access to development for all. Fair access to communal virtues cannot ignore the imbalances of the starting point for the current or the operating regime. This is virtually absent in the current government practice as there is timidity around affirmative action generally, hence affirmative action relating to space and social history has been hard to promulgate.
- Integrated development must be informed to some extent by an integrated area-based approach. This is what the magistrates of Native Administration used to effect felt progress in dispossessing Africans to the benefit of whites – they were administrators of revenue, administrators of justice, dispute interveners, labor regulators, and referees of any initiatives at a local level. They monitored and fed back the locally-specific information to the higher level of government which was also open to a case-by-case approach to issues to some extent. Socio-spatial affirmative action is necessary if one looks at how rural areas have been made to finance urban areas over the years, of course with racial overtones in earlier times. Even within the defined mandates of local government it should be possible for IDPs to be about area-management that is not only about extension of generic good to the local setting, but about crafting solutions in response to the local setting. The degree to which that happens is being questioned here with the hope to instigate further work on this.
- Even if a degree of generic principles is justified at higher level of government there is a serious need for clearer strategic direction to be spelt out: It was clear during Shepstonian era that ‘capacity use of one section of the population for the benefit of another’ was the framing principle behind action. What is the framing principle for this (presumably) definable period of government practice? – is it redress, is it equitable access in a manner that disregards the history of socio-spatial imbalances, or is it simply administrative egoism usually defined as efficient systems? Can the communities be defined a bit more socially in addition to being defined territorially according to Demarcation Board’s work of 1999? Can we ignore the sum total of history of the Province at this stage and not define affirmative measures as history calls for – even with the famous ‘sunset clauses’?

## **D. The Mufamadi phase**

Of course there is a lot of evolution of government practice, since Shepstone, that this paper ignores - evolution that contains indelible marks of terrible legislation that framed bureaucratic practice over and above framing the social relations. This paper cannot deal with this evolution at all; suffice to say that it created the indispensability of bureaucracy and more damagingly it created mediocrity about how bureaucracy should function. It is a result of this historical conditioning that South Africans have, for example, never thought of interfering with the twelve-month notion of a financial cycle, popularly known as a 'financial year', no matter how constraining the shortness of this period is to some of the missions to be done. Nevertheless, today we do have some reconfiguration of things from the way they were during the times of Shepstone, to a point where local government is a sector that is developmentally oriented and 'professionalized' to a national competency in the form of a Ministry and Department of Provincial and Local Government currently under Minister Sidney Mufamadi. Things have changed. But to what degree do they take into cognizance the historical situation that the democratic dispensation inherited? It would seem that there is very little historical contextualization of local government practice in South Africa.

Today we have come to a Mufamadi phase of socio-spatial resource appropriation that has its own complexities in terms of resource access codes, methods of delivery, and methods of accountability within provincial and local government. The disturbing thing is lack of continuity with history, i.e. there is no formidable discourse on how to deal with impact of discriminatory and deliberately 'dispossessive' planning – in the distribution of resources between urban and the rural, in giving attention to access to land, and in integrated attention to local economic development in previously disadvantaged areas. In the Mufamadi system things have a different logic, albeit an intelligent logic on surface. The IDP is designed to be responsive to various local realities. The principles of the IDP are good and reflect some inclination towards local specificity of development. In section 25, the Municipal Systems Act 32 of 2000, charges municipal councils to develop IDPs that would guide municipal planning. It reads:

- (1) Each municipal council must, within a prescribed period after the start of its elected term, adopt a single inclusive and strategic plan for the development of the municipality which-
  - (a) links, integrates and co-ordinates plans and takes into account proposals for the development of the municipality;
  - (b) aligns the resources and capacity of the municipality with the implementation of the plan;
  - (c) forms the policy framework and general basis on which annual budgets must be based;
  - (d) ....
  - (e) is compatible with national and provincial development plans and planning requirements binding on the municipality in terms of legislation.

The extent to which this is read in a technocratic fashion or allows for responsiveness to the local situation is a matter of the wrestle between needs for demonstrable accountability to these prescriptions, on the one hand, and accountability to citizens-felt impact, on the other. In particular compatibility with already existing legislation and higher level plans, especially at the time of the first IDP practice, leaves one to puzzle over the extent of creativity left to the IDP process. In other words, to what degree is development bottom-up as much as it is top-down?

However the idyllic situation of policy continues in section 26 of the Municipal Systems Act 32 of 2000:

An integrated development plan must reflect-

- (a) the municipal council's vision for the long term development of the municipality with special emphasis on the municipality's most critical development and internal transformation needs;
- (b) an assessment of the existing level of development in the municipality, which must include an identification of communities which do not have access to basic municipal services;
- (c) the council's development priorities and objectives for its elected term, including its local economic development aims and its internal transformation needs;
- (d) the council's development strategies which must be aligned with any national or provincial sectoral plans and planning requirements binding on the municipality in terms of legislation;
- (e) a spatial development framework which must include the provision of basic guidelines for a land use management system for the municipality;
- (f) the council's operational strategies;
- (g) applicable disaster management plans;
- (h) a financial plan, which must include a budget projection for at least the next three years; and
- (i) the key performance indicators and performance targets determined in terms of section 41.

The sequence of these demands is logical. The idea is to identify status quo and to work from it while attending to the various issues such as vision, prioritized service delivery, LED, spatial planning, and of course guided by clear operational strategies, containing fiscal feasibility of operations, contingency of disaster, all of which needs monitoring and evaluation of progress. As has already been raised above the alignment with national and provincial levels begs the question of how much of the bottom-up flexibility exists. If paper is good, why is there general perception that practice is a struggle?

## **E. Operational challenges of integrated development**

Despite the responsiveness weaved into the concept of IDP, at an operational level there are specific streamlining tools and tendencies that are strongly enforced in the name of accounting. Amongst the loosely cited difficulties that have not received intensive scrutiny yet are:

- Rigid prescriptions of the Public Finance Management Act and the Municipal Finance management Act;
- Demands of sanitized reporting to the Portfolio Committees
- Lack of recognition of ‘softer’ work e.g. gender mainstreaming, by structures of accountability
- Superiority of the political arm within municipalities – leading to dictatorship to the administrative arm at times. The political arm is also susceptible to competition for tangible, almost ‘trophy-oriented’ development for their areas.

This sometimes constrains systematic long terms delivery.

The neatness of talking from the abstract and the generic without reference to social space is a privilege of policy which must be recognized as such with the view to create a scope for centers of discretion for the benefit of experience. Unfortunately sectoralism and extreme vigilance of accounting measures militates against discretionary decision-making that interferes with ‘financial year’ cycle or transferring of funds according to urgency and need.

Because of severe entrapment within the self-created turfs it is difficult to render over-arching strategic leadership on the interdependence of land issues, redress of historic socio-spatial planning injustices, and the need to establish a provincial method of discretion in management of development within accounting frames. So despite what seems like ingenious policy instruments such as the Inter-Governmental Relations Act, and the Municipal Systems Act (which gives birth to IDPs), local government still experiences a disjuncture between its performance and its impact. The one way in which this embarrassing status of affairs can be tamed is by separation of unit-based delivery of development and socio-economic impact to citizens. Local government would rather focus on the former than on the latter in terms of rehearsing its achievements. Impact indicators as opposed to performance indicators have not even received serious consideration and attention. In the end it is all a question of objectivity of indicators. Besides the general key performance indicators that may be prescribed by the MEC, Section 41 of the Municipal Systems Act 32 of 2000 volunteers ways municipality could use to monitor performance:

- (1) A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed-
  - (a) set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with regard to the municipality’s development priorities and objectives set out in its integrated development plan;
  - (b) set measurable performance targets with regard to each of those development priorities and objectives;

- (c) with regard to each of those development priorities and objectives and against key performance indicators and targets set in terms of paragraphs (a) and (b)
    - (i) monitor performance; and
    - (ii) measure and review performance at least once per year;
  - (d) take steps to improve performance with regard to those development priorities and objectives where performance targets are not met; and
  - (e) establish a process of regular reporting to-
    - (i) the council, other political structures, political office bearers and staff of the municipality; and
    - (ii) the public and appropriate organs of state
- (2) The system applied by a municipality in compliance with subsection (1) (c) must be devised in such a way that it may serve as an early warning indicator of under-performance.

The argument advanced here is that while policy has every politically- and conceptually-correct slant, it brings about administrative egoism that makes sectors have a life of their own that makes planning, implementation and accounting systems coherent within sectors. Integrated development is then watered down to being all about ensuring that every sector receives some attention – i.e. sector plans are implemented and sector budgets are used up. This is strongly enforced administration of sector turfs with political heads and Portfolio committees looking to dissect IDPs sectorally. Sometimes provincial level sectors do not even recognize IDPs, they hurry to chase their own targets by implementing in IDP jurisdictions without sufficient consultation.



"I serve my territory and my sector the way I design. I respect my colleagues here who do the same.  
Our assistance knows no boundaries except those that we create ourselves"



"Please good people try and align your problems with my plans! Otherwise you will complain about 'no impact' and I will complain about 'no performance' and that helps no one!"

Performance and impact assessment remain alienated from each other. The 2004 Performance Management report of KwaZulu-Natal municipalities shows the objective nature of indicators that are used to assess performance. There is no doubt that these indicators are necessary, but there is also no doubt that qualitative measures are also necessary. While the 5 yearly review by national government may instigate debates about how it is done, the fact that it comes accompanied by debate is better than there be no qualitative measures of performance. A qualitative impact assessment is necessary and overdue for assessing local government impact, in relation to their jurisdictions. However for now, it seems using up the budget without a qualified General Auditor's report is taken as a good measure of performance. Therefore it may not be too cynical to suggest that good performance without good impact is possible and technically tolerated.



"Hooray, I can actually do a lot without moving anything! Thanks to the fact that impact and performance do not mean the same thing! I choose to stick with the PMS"

"What do you mean?"



"I can do research, stakeholder identification, business plans, fund requisitions, stakeholder meetings, conferences, financial audits, fund returns and then recite it all at during PMS. The financial year can then be closed and I can start it all again."

This is the context within which to read the failure and success of direct community involvement. Many analysts of local government practice that interrogate specific contexts rightly look at what the municipalities do when they encourage community participation – in accordance with the demands of the Municipal Systems Act. Municipalities are hugely criticized for the type of community participation they ‘encourage’ where they present almost completed plans to municipalities for ratification. Communities, on the other hand, are criticized for less or dwindling enthusiasm shown in matters of local government and local development. Such local level challenges must be confronted such that professional practice at local level is sincere to the intention of interactive development. However the whole system needs to be interrogated so that the bottlenecks that cause tension between a bottom up development approach and a top-down guiding policy are identified. Policy orientation that balances regulation and a scope for discretion is necessary. There is a need for policy to be community-centric in addition to promotion of accountability. This is one way to encourage people to value their role as participants.



"Can you make a statue of myself please that I can send to those 'participation for ratification' meetings?"  
Please man, they have just announced a new set of IDP participation dates"

## F. Conclusion

The main argument in this paper is that government practice has to be integrated both horizontally (i.e. in terms of development sectors) and vertically, the latter meaning that there has to be a broad vision of government practice that is able to guide strategic direction in a manner grounded on the vicissitudes of history. Amongst issues that need to inform the vertical integration of development are:

- That the concept of rights should not be about consumption but about minimum starting points of social life that is empowered to grow.
- There is need to develop a policy environment that is open to promoting area-specific attention to development, a policy environment that is continuously reviewable, and that allows for critical points for the exercise of discretion. The regulatory mode of policy has to be balanced with an iterative process that permits the bottom up participation to feed to the top and for participation not to be done for its own sake without influence on decision making
- Importance of recognizing that unless development monitoring systems recognize both the tangible and the soft side of development, it will be difficult for impact to be tracked.

There are many, now almost standard, criticisms to development that can be addressed if holistic (both horizontal and vertical) integrated can be accomplished. Development can currently be criticized as: sectorally neat, administration heavy, rigid and tangibly-oriented. This is an administrative egoism, aptly caused by policy out of necessity for accountability, but which needs to be checked. Performance assessment and impact assessment need to be encouraged to tally or at least to receive due respective focus. It is only within this people-centric (and community-centric) environment that citizens would feel that their participation can be valuable. Thus public and community

participation should be encouraged to yield constructive contribution to planning, implementation and evaluation, moving away from being a way to gain ratification of municipal milestones. There is a need to think about organizational designs conducive to horizontal and vertical integration of development, which will also allow for lines of communication to be opened between the policy sphere and the implementation sphere.

## **G. References**

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