

**A Policy Analysis of the Implementation and  
Regulation of Waste Management Policies in the  
Msunduzi Municipality.**

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### **Declaration**

I, the undersigned hereby declare that the work contained in this thesis is my own original work and has not previously in its entirety, nor in part, been submitted at any university for a degree

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\_Tshepo Given Makhanye

## **Dedications**

In honour of my late friend, Constancia Tshakuma,  
She leaves behind a legacy of ambition, perseverance and determination.

### **Abstract**

This dissertation examines the extent to which the current local government structures are capacitated, in terms of the personnel and resources, in monitoring and ensuring compliance with environmental standards. Consequently, this dissertation is divided into three parts. The first part is the theoretical perspective, it defines and elaborates on some of the characteristics of public policy. It explains the distinction, and conceptual relationship, between public policy and policy implementation. The second part is the practical portfolio, this part looks at some of the development of local government in the Msunduzi Municipality to date, the Msunduzi Municipality's ability with regard to policy implementation, monitoring, and compliance. It also explores the views of some of the organizations representing a wider spectrum of business and industry interests in and around the Msunduzi Municipal area. The views of non-governmental organizations as well as organized labour unions are also considered in the discussion. Part Three is the final analysis, it argues that the major challenge facing effective environmental governance for under-resourced state institution is to marry the objectives of development and the creation of economic wealth without destroying the country's environmental resources.

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To my Father, Amos, a gentle giant, my mother Masesi, an excellent critic. To my brothers , Buyile (Jazz), Motlokoa( Tlokoa) Moshemane ( Wisey Mawaza), and Ntate (Mantash).

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**Lekoana la Malope Le Thekiso**

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## **Methodology**

Qualitative research of all types assumes a more naturalistic approach. It aims to construct meaning from the social environment. The naturalism of qualitative research means that gaining information about the social setting should be done in ways that will not alter the environment. (Baker, 1999:242)

Accordingly, this implies that the qualitative method can be defined as a set of methods for organizing, displaying, processing, summarizing, and interpreting words and image based information. It involves the analysis of data collected in a variety of forms, for example, observation notes, interview transcriptions, and historical documents. For data must reflect a profound and holistic interpretation of a specific phenomenon, that it must be grouped in classes and in a non-numerical manner. Face to face interviews were conducted, to get an in depth information and to observe non-verbal cues, and the environment as a whole. A semi-structured questionnaire with open-ended questions was used, thereby helping the interviewer and interviewee to offset possible misunderstandings.

Since most of social research is based on studies of people and social institutions. The question is, which people are to be studied? Sampling becomes a necessary research method, it is an approach that refers to planned ways of selecting subjects (i.e. people to be studied).

As I was conducting interviews or interacting with various officials from the local government, local industries, and other relevant institutions, which are stakeholders in this matter, purposive sampling techniques were employed. For it allows the researcher to use his or her own judgement about the respondents to choose, and picks only those who best meet the purposes of the study. With this technique the researcher does not necessarily have a quota to fill from within various strata, but neither does he nor she just pick any respondents, as is the case in convenience sampling.



## Introduction

According to the Department of Water Affairs and Forestry, research indicates that, under the past regime, more than 30 statutes and the myraid of regulations and directives to potentially control this waste were administered by 13 different departments. Consequently this legislative framework was unable to deal with problems relating to enviroment, with particular reference to waste management.

The growth of South Africa's towns and cities, and the increasing environmental concern of its citizen are facts of contemporary life. For example, the hazardous waste stream in South Africa, including air emissions and material discharged with waste water, is generated primarily by mining and industrial process. These processes generate 1.89 million tonnes per annum. (Noble, 1992: 1-5).

However, since the adoption of the new constitution in South Africa, there have been a number of new developments of policy regulation in this area. This relates to the adoption and implementation of, amongst others, *The National Environmental Management Act 107 of 1998: The Water Conservation and Demand Management National Strategy Act 36 of 1996, The World Heritage Convention Act 49 of 1999.*

In addition, section 156(4) of the Constitution says that the national government and provincial governments must give responsibility to local governmemnts for matters in the B parts of Schedules 4 and 5.

Local government is responsible for managing environmental issues in a manner that is economical viable and responsible. It is within this context that this research project critically examines the extent to which local government, its structures, resources and expertise are able to regulate and implement waste management policies.

## **Part One**

### **Theoretical Perspective**

Part one of this research portfolio is going to examine some of the views of Anderson, Pressman and Wildavsky, Grindle, Rees, and other contributors in the field of public policy and implementation.

Consequently, in this portfolio I am going to define and elaborate on some of the characteristics of public policy. Furthermore I will explain the distinction, and the conceptual relationship, between public policy and policy implementation.

According to Anderson, public policy is “a purposive course of action of a person, group, or government, within a given environment, to address a particular problem or issue.” (Anderson, 1997: 9). According to Hanekom, cited in Wissink (Wissink, 1990:8). Public policy can also be related to the opinions of individuals or groups. Public policies can be government actions that are good or bad, adequate or inadequate, effective or ineffective, responsive or unresponsive. Public policies can also be seen as being future orientated, usually aimed at the promotion of the general welfare and not that of individuals, but of a community or a society as a whole. It can be argued that, public policies are amoebic in nature, with no apparent beginning or end, in constant flux, or passive, fixed and rigid. Public policy is what government actually does, such as protecting the environment, regulating trade, controlling the money supply or inflation and, in general, ensuring that there is delivery of public service.

Dye cited in Wissink (Wissink, 1990:11) argues that public policy does not only refer to government action or change, but to government inaction as well. In addition, he argues that public policies are not eternal truths, but rather hypotheses subject to alterations, and to the devising of new ones if these prove to be unsatisfactory or inappropriate.

However, according to Anderson (Anderson, 1984: 12), public policy has a negative and positive form. Positive forms involve some overt form of action, implying an authoritative, potentially legal or coercive quality, which could mean the sentencing of offenders or the applications of rewards. On the

other hand, the government can follow a “Laissez faire” system, which, although the intention exists or the law is enacted, does not allow for sanctions or the imposition of fines. This could be seen as the negative form of policy.

Anderson further argues that public policies may be classified as either substantive or procedural. Substantive policies involve what government is going to do (such as constructing highways, paying welfare benefits, prohibiting the retail sale of liquor, or acquiring military equipment). In contrast, procedural policies pertain to how something is going to be done or who is doing the action. This includes laws providing for the creation of administrative agencies, as well as specifying the processes and the techniques that they can use in carrying out their programs. (Anderson, 1984: 14)

Public policy may be categorized as distributive, regulatory, self-regulatory or redistribute. Distributive policies refer to the distribution of goods, services or benefits to groups or individuals in the population. In some cases, individuals or groups gain benefits, for instance tax deductions for certain job categories. Hence, distributive programs typically involve the use of public funds to assist particular groups. (Anderson, 1984: 14)

Regulatory policies are aimed towards restricting, controlling or placing limits on the activities or behaviour of individuals and groups in society, in order to protect the rights of others, for example drinking and driving. Regulatory policy consequences and preconditions are often difficult to predict with regard to the difference and variety of regulatory policies. An example of this is setting forth rules of general behaviour, which relates to the restrictions on the monopolisation of private or particular services. Regulatory policies are distinguished from distributive policies in that regulatory policies facilitate immediate choices as to well defined recipients which will benefit or will be deprived, as opposed to distributional policies, which may, through an indirect and a long term process, provide benefits or deprive a sometimes undefined recipient. (Wissink: 1990, 5).

A group seeking protection or the promotion of their own interests usually designs self-regulatory policies. For example, self-regulatory policies are used in occupational and professional licensing, as in

the case of chartered accountants, medical practitioners and lawyers. Redistributive policies involve the re-allocation or redistribution of resources or benefits amongst groups and individuals. (Wissink, 1990:5). For example, the Reconstruction and Development Programme in South Africa.

Van Meter and Van Horn (cited in Wissink, 1990:5) say that policy implementation encompasses those actions by public or private individuals (or groups) that are directed at the achievement of an objective set forth in prior decisions. For Brynard, (cited in Wissink, 1990: 5) this definition makes a clear distinction between the interrelated concepts of implementation, performance, and impact and stress. They observe that impact studies typically ask "What Happened?" whereas implementation studies ask "Why did it happen?" However, definitions on public policy tend to ignore policy implementation.

Pressman and Wildavsky argue that policy implementation does not refer to creating the initial conditions. Theoretically, legislation has to be passed and funds committed before implementation takes place, so as to secure the predicted outcome. Similarly, the agreement with the stakeholders would have to be reached before attempts are made to carry them out.

This means that for implementation to take place, there must be a starting point. If there is no policy statement or framework, policy implementation will not take place. This suggests that implementation cannot succeed or fail without a framework against which to judge it. Implementation must not be conceived of as a process that takes place after, and independent of, the design of policy. Means and ends can be brought into somewhat closer correspondence only by making each partially dependent on the other.

Pressman and Wildavsky argue that successful policy implementation should lead the designers of public policy to consider more direct means of accomplishing their desired ends. They argue that when a program is characterised by so many contradictory criteria, antagonistic relationships among the participants, and a high level of uncertainty about even the possibility of success, it is not hard to predict or potential failure of policy implementation. Thinking about means and ends in isolation,

however, imposes an artificial distinction, between policy and implementation especially when more than one program is involved.

Pressman and Wildavsky argue that it is easier to disagree about means because they are there to provoke quarrels, while ends are always around the corner. Consequently, Pressman and Wildavsky list the reason why participants may agree with substantive ends of a proposal and still oppose the means for actualizing it. (Pressman and Wildavsky, 1973: 99 – 100).

Amongst those are:

- Direct incompatibility with other commitments - Here Pressman and Wildavsky argue that participants may agree with the merits of a proposal but find that it is incompatible with other organizational goals.
- Differences of opinion on leadership and proper organizational roles - Here Pressman and Wildavsky argue that, participants who agree about some programs goals may nevertheless disagree about which people or organizational units should be running the programs.

Pressman and Wildavsky argue that in situations of high controversy and mutual antagonism, the probability that actions would be favourable or taken in a reasonable time might be quite small. Hence, they conclude that the probability of agreement by every participant on each decision point must be exceedingly high for a program to be implemented successfully.

This suggests that the possibilities vary from one participant and organization to another over time with the same organization, and between different levels of government and private versus government actors. (Pressman and Wildavsky, 1973: 108 – 109)

✧ In the light of the above mentioned, Pressman and Wildavsky raise a number of critical questions for effective policy implementation: “Is each participant considered a separate entity, so that the final probability becomes a product favourable to each participant? Or are the probabilities linked, so that a favourable response at an early time increases the likelihood of a similar response at a later time?” (Pressman and Wildavsky, 1973: 109). In political language, the question is whether each participant

is independent. To what extent is one controlled by others and to what extent can one determine one's own position? Turning the question around, Pressman and Wildavsky ask how powerful is the participant in relation to the issue? Does an action in one part increase the probability that others will agree where they might have not done so? (Pressman and Wildavsky, 1973: 109).

Within the context of a fragmented power, Pressman and Wildavsky argue that coordination is a form of power. It means compelling agencies and their components to act in a desired manner, at the right time. Hence, they assert that obtaining an agreement means first securing a meeting of the minds. (Pressman and Wildavsky, 1973: 112).

Now, what is critical is how does public policy become a reality? Etzioni, (cited in Parsons) argues that:

Decision-making falls between policy- formation and implementation ... however (they) are closely interwoven, with decisions affecting implementation and the initial implementation affecting later stages of decision, which, in turn, affect later implementation. Decision making is hence not to be viewed as a passive process ... decisions are processes and early decisions are often directional signals, initial prods, or trial for later specifications and revisions. (Parsons, 1995:245)

The process of public policy making does not end when the general purpose of a particular institution or a government agency has been determined. Hence, it can be argued that if we are to define public policy as a process in which choices are made or preferred options are selected, then the notion of policy involves a point or a series of points in time and space wherein policy makers allocate values.

In this way, it follows that public policy takes place in different arenas and at different levels. For example, at one level there is a decision by national policy makers to provide the national policy framework. While at another level, there is another set of policy actors such as provincial or local government, who make public policies. As a result, in this context it can be argued that public policy

does not involve individual decision making, but it takes place within a particular context, across particular levels.

In the context of institutions, according Hall (cited in Parsons), it refers to an analysis of formal rules, compliance procedures, and operating practices that structure the relationship between individuals in various units of the polity and the economy. (Parson, 1995:334). Hall's approach is expanding the notion of institution to include the interaction of the state and society as well as of the international economy, all influencing the final policy outcome.

Hall further argues that Institutional Factors in a wider sense have two main roles:

- They affect the degree of power that the actors have over decision making and its outcomes,
- The institutional position of actors influences the definition of his or her interests, responsibilities and relationships. (Parson, 1995:334).

He argues that the institutional focus means that the analysis of policy making involves taking into account the way in which the configuration of interests and ideas within an institutional context shape and determine the process of policy making. However, institutions do not exist in isolation from the wider relationship to the state and society. Furthermore, Hall argues that unlike the approach taken by economic institutions, government remains a public institution which is obliged to make public policies in the interest of society at large.

Commenting on Hall's approach, Parsons argues that the strength of this approach is that it provides a framework for the analysis of decision making in historical and comparative terms. Hence, it requires that we understand to what extent institutions constrain decision making in government, outside the formal constitutional arrangement that shape and often determine decisions that are made.

However, the pluralist school of thought advocates the view that policy making was constrained by the working of capitalism, specifically, the interest of business and the market. It further states that public policy is not a neutral affair. The demands of business interests dominate over the demands of other

groups. Hence, it argues that decision making within the context of public policy is biased in favour of the powerful, and functions to the disadvantage of the less powerful and less well resourced. This suggests that in a liberal democracy, business interests have a dominant influence on decision making in public policy. Pluralist approaches have also developed new models which aim to take account of the evolution of policy making processes and structures which have occurred in recent decades. One of the most important of these is the notion of policy networks and communities. Smith, (cited in Parsons) has argued that the idea of policy networks and communities is, however, multi theoretic and may be applied by approaches other than that of pluralism. (Parsons, 1995:253)

For Marxists, the policy networks would be closed and dominated by the interests that represent capital. For elitists, policy networks would be closed and dominated by a small number of interests groups and state actors, as in a corporatist model. For state theorists, policy networks could take on different forms but would exist in order to pursue the interests of state actors. For pluralist, policy networks are continually breaking down into issue networks, which make it increasingly difficult for a small number of groups to dominate policy actors. (Smith, 1993: 74)

James Anderson, in his book Public Policymaking, (1984) argues that policy implementation is a term that carries both descriptive and pejorative connotation. He says that administrative agencies, among other things, are predominantly charged with collecting taxes, regulating banks, utility companies and agricultural production, construction and maintain streets and highways, inspect food, meat, water, and drugs to ensure safety and perform many other tasks of modern governments. (Anderson, 1984:238). This suggests that public policy implementation is often the responsibility of the administration or bureaucracy of a particular state.

Relating to the administration of public policy, Anderson raises a number of critical aspects. He argues that forming an administrative organization is a political as well as a technical task. This is based on the simple premise adopted from Seidman and Gilmour (cited in Anderson) who hold that:

Organizational arrangements are not neutral, we do not organize in a vacuum. Organization is one way of expressing national commitments, influencing program direction, and ordering



priorities. Organizational arrangements tend to give some interest and perspectives more effective access to those with decision-making authority. (Anderson, 1984: 223)

Anderson argues that all policies, an element of control. By one means or another, overtly or subtly, they are designed to cause people to do things or refrain from doing things. As a result, Anderson says that the control techniques authorized for their implementation are an important component of public policies. Decisions on these matters, like those on the substance of policy itself, can be highly controversial during the policy adoption process. The control techniques or instrument of policy implementation that a government department or institution have access to use may, in practice, have important consequences for public policy implementation. In addition those who oppose a particular public policy, for example, may attempt to lessen or negate its effects by restricting the administering agency's powers relating to enforcement and implementation. (Anderson, 1984:227)

Control techniques or instruments for policy implementation may be based on a number of behavioural assumptions. Economic incentives such as job training, information, and counselling programs, rely on the notion that people have the desire or motivation to do what is required, but lack capacity to act accordingly. For policy to be effective, more is needed than substantive authority and sufficient funding to cover financial costs for the implementation. Adequate and suitable techniques of control and implementation must be authorized to the responsible government department or institution.

What becomes critical now are the forms of action or the methods that can be used to implement policies to bring about compliance. Anderson argues that non-coercive means are those actions, which do not involve the imposition of legal sanctions or penalties, rewards, or deprivations. (Anderson, 1984: 247). Most self regulatory policies are of this nature. The effectiveness of this form depends mostly upon voluntary collaboration or acceptance by the affected parties. However, social and economic pressures arising from society may lend them an element of compulsion, rather than voluntary adherence.

Anderson further argues that, traditionally, economic regulatory programs have relied heavily upon such administrative practice as setting standards, inspection to determine compliance, and imposing sanctions upon violators. This pattern of regulation is often seen as command and control regulation.

Anne Schneider and Helen Ingram (cited in Anderson) argue that

Classical deterrence theory assumes that individuals respond to the severity, certainty, and celerity (speed) of punishment. (Anderson, 1984:258)

Here, implementation is sought in the form of fines, jail sentences, and other penalties, which contribute to compliance.

Anderson holds the view that the strong disposition to believe that threats punishment can control any behaviour has dominated government statutes, although few have been successfully enforced. In fact, policies depend greatly, for their effectiveness, upon voluntary or non-coerced compliance, because those responsible for implementation cannot effectively handle and apply sanctions in large numbers of cases. For example those who would normally comply with policies see others benefiting from non-compliance, they too may become violators, or enforcement can be hindered by a lack of capacity or resources necessary for achieving compliance.

Deborah Stone objects to the use of the command-and-control approach. She says that it dictates behaviour, discourages private initiative and innovation in attaining policy goals, and causes waste or misuse of societal resources. (Anderson, 1984:255). Instead, she prefers economic incentives in the form of rewards or penalties, which she sees as utilizing individual self-interest to achieve public purposes. Policies on pollution are predominantly regulatory and dependent on a command-and-control approach. If we consider how to manage environmental pollution through an incentive approach, policy implementation alternatives may prove worthwhile. Traditionally, a tax, a fee or a fine is imposed on each unit of the pollutant discharged. Those discharging the pollutant must then pay the tax or lower their discharges. Ideally, they would choose to pursue the latter, that is, reducing their discharges, as much as economically practical, or to the extent that it costs less to reduce pollution than to pay the tax. However, in reality this is a difficult policy to implement or ensure. Often

governments do not have the capacity or resources to measure pollution emitted, or cannot ensure compliance through fines.

Kneese and Schultze (cited in Anderson) argue that

Firms with low costs of control would remove a larger percentage (of a pollutant) than would firms with higher costs, precisely the situation needed to achieve at least a cost approach to reducing pollution for the economy as a whole, firms would tend to choose the least expensive methods of control, whether treatment of wastes, modification in production process, or substitution of raw materials that had less serious consequences. (Anderson, 1984: 254).

Perhaps regulatory policies should incorporate an incentive system. Its supporters believe that once the level of taxes appropriate for pollution is determined, only amounts in excess thereof would need to be taxed. They claim that large bureaucracies would be unnecessary, and political struggles would be avoided. They therefore argue that governmental coercion to cause compliance with the standards, with all the balkiness it creates, would give way to choice, driven by self-regulation.

However, Anderson argues that the incentive system would not eliminate government coercion, because it consists of a control system contrived and imposed by government on economic behaviour. Companies do have a choice between cleaning up or paying up, or some combination of the two.

Public policy implementation cannot be divorced from politics or bureaucratic administration, for it constitutes an integral part of political contestation, and Anderson therefore maintains that

In practice, the incentive system would be unlikely to eliminate the need for either politics or administrative agencies. Determining how much reduction of pollution was necessary, or conversely, how clean the air should be and what level of taxes would be needed to achieve this goal ... in short, such decisions would be highly political. (Anderson, 1984: 254)

Policy implementation depends on the range of policy instruments available. Policy instruments are mechanisms that are used to ensure that policy is implemented and complied with. Verbruggen argues that generally, policy instruments are subdivided in three different categories: communicative instruments, direct regulation (Command-and-Control) instruments, and economic instruments. All three categories of instruments aim at influencing private decision making in order to attain environmental goals, for they entail effects on prices, incomes and international competitiveness. (Opschoor and Turner, 1994: 42). However, these categories of instruments differ in at least two respects. Firstly, they differ in the extent, directness and time profile of their price and income effects. The price effects of regulatory instruments are not immediately visible, but with a certain time lag, additional investment costs in response to environmental regulation show up in prices. The same is true of voluntary agreements between government and specific branches or sectors of the economy in order to attain environmental goals, the so-called covenants. Secondly, the instrument categories differ in their presumed efficiency. At least in principle, economic instruments combine the properties of effectiveness in environmental terms and efficiency in economic terms. (Opschoor and Turner, 1994 :44)

A combination of these instruments can encourage emission reduction by those who can achieve them at the least cost. They also provide an ongoing incentive to apply the most efficient abatement strategies, through more efficient and cleaner technologies. This static and dynamic efficiency property is generally not ascribed to direct regulation. Verbruggen says that the inflexibilities in the setting of standards leads to static inefficiencies, ignoring abatement cost differences between firms. Direct regulation does not induce cleaner technologies either. On the contrary, as long as standards are in force, newer and cleaner technologies are often kept from the market in favour of the existing abatement technologies with which these standards can be met.

Verbruggen (cited in Opschoor and Turner) asserts that it becomes even clearer that direct regulation results in a relatively heavy burden on the government budget, since the administration and enforcement costs often prove to be relatively high. Even the present experiences raise serious doubts as to whether an ever-growing web of environmental regulation can, after all, be administered, monitored and enforced by government agencies (Opschoor and Turner, 1994: 44 - 45).

Verbruggen further argues that each instrument can have its own place, depending on pertinent circumstances such as the nature of the environmental problem at hand, the available technologies, market conditions, and the number of polluters. The social and the institutional acceptance, the possibility and the cost of administration, monitoring, and enforcement are also of importance in this regard. So, in the case of a few large polluters with similar cost abatement functions, direct regulation, preferably of the progressive technology forcing type or voluntarily agreed to long-term environmental objectives, may be highly efficient. This means that in a situation of many diffused polluters with relatively great differences in abatement costs, emission charges are preferable. (Opschoor and Turner, 1994: 44 – 45)

What is critical is the issue that relates to causes of compliance. Anderson argues that compliance with policy may also be based on some form of reasoned, conscious acceptance. Even individuals whose immediate self-interest conflicts with a policy may be convinced that the policy is reasonable, and just. Most people would undoubtedly rather not pay taxes, and many do try to avoid or evade their

payment. But when people believe that tax laws are reasonable and just, or perhaps that taxation is necessary to provide needed governmental services, such beliefs will, in all likelihood, contribute to compliance with tax policy.

Anderson then argues that, another possible cause for compliance is the belief that a governmental decision or policy should be obeyed because it is legitimate, in the sense that it is constitutional, or was made by officials with proper authority to act, or that correct procedures were followed in its development. Factors such as this clearly seem to contribute to the high degree of compliance.

On the other hand, Verbruggen argues that attempts should be made for a subsidy programme. Financial assistance would improve the capacity of industries to comply with policy regulations, which could (once the necessary changes for cleaner production are achieved) be ended.

To understand the forces and mechanism that can lead to protection of environmental quality, the influential work of Bachaunan and Tullock (1975) is worth considering. They examined the political processes, which lead to taxes and charges in control of pollution. They argue that firstly, the application of economic instruments, such as the polluter-pays-principle, amounts to a charge for an environmental resource which was previously free to industry. Some industries may prefer emission standards because they serve as a barrier to entry of new firms who do not comply, and they would therefore have less competition.

Verbruggen (cited in Opschoor and Turner) says it may be true that, as Majone(1976) has argued,

The actual outcomes of environmental policies are affected more by the institutional arrangement emerging from the political process than by the technical characteristics of the instruments employed, in which case the significant choice is not among abstractly considered policy instruments but among institutionally determined way of operating them (Opschoor and Turner, 1994: 593).

This means that, the implementation of policy hinges or depends, mostly on the capacity, and the resources available to achieve a particular goal.

Rees argues that given the range of objectives, conditions, and constraints, under which pollution control agencies have to operate, it seems intuitively plausible to suggest that each control mechanism has a role to play. This means that a successful policy implementation is dependent on the nature of the state institution in place, as well as the government's priorities. In developing countries, the emphasis is often on achieving development. Public policies then tend to emphasize ways of encouraging development, hence environmental compliance becomes less important.

In this way, what becomes critical is how government shapes, capacitates, and/or conducts itself to encourage compliance. Grindle, in her 1997 collection of articles Getting Good Government, explores why many countries have been unable to promote and sustain economic and social development over extended periods of time. She then examines the arguments that advocate the notion that governments have failed to fashion appropriate roles for the state in development, that they have been unable to organize and manage systems that identify problems, and formulate policies to respond to them, that they implement activities in pursuit of policy goals, and sustain these activities over time. Because of this, many have argued that development has not occurred, as governments have not really considered how to pursue this. (Grindle, 1997:32)

This means that to effectively play a developmental role and improve performance and compliance with respect to service delivery, the state must ensure that there is adequate capacity. Grindle argues that the notion of sustainable development underscores the need for a state that could take action to protect the environment, regulate markets, and promote social policies to alleviate poverty. Effective government performance becomes central to a changed definition of the role of the state in development and to its ability to create institutional conditions for market oriented economies, productive population, and democratic political systems. (Grindle, 1997:32-33)

Grindle argues that despite these imperatives, knowledge about how to improve public sector capacity remains uncertain. A large number of capacity development initiatives have only produced meagre results. In fact, in recent years, a variety of international agencies have produced reports indicating that investment in capacity building initiatives have not paid off in terms of improved effectiveness over all, or higher levels of organization or individual performance.(Grindle, 1997 44 )

Grindle further argues that in some countries, performance problems diagnosed at the level of an organization or individual may be deeply embedded in the economic, social, and political deficiencies of that country. Efforts to improve performance focus primarily on these conditions. Although the importance of a broader contextual setting for organizational and individual activities may seem obvious, many capacity building initiatives are in fact designed without regard for such an environment.

Advocates of this view rest on the belief that performance will improve when public servants are well paid, have well defined responsibilities, and work with well-structured hierarchies, rules, and procedures. Nevertheless, recent research indicates that such reforms do not necessarily result in improved output unless they restructure public sector management systems to be performance and result oriented. Most organizations that perform well are the ones that have cultures stressing flexibility, problem solving, participation, teamwork, shared professional norms, and a strong sense of mission. Moreover, despite evidence that the roots of performance deficits often lie inside the purview of specific organizations charged with accomplishing particular tasks, organizational culture can compensate for the constraints that are rooted in more general problems. Training activities focus largely on increasing of skills levels, particularly those that are necessary for the adoption of new technologies. Public servants in a broad range of countries and organizations regularly complain that they do not have meaningful work to do, that the skills they have are not effectively employed in their jobs, and that the quality of their performance is irrelevant to their career development. (Grindle, 1997:44 – 48)



It is within this context that Grindle identifies a framework or a model to assess capacity gaps. In developing this framework, she first defines capacity as the ability to perform appropriate tasks effectively, efficiently, and with sustainability, hence she refers to capacity building as an improvement in the ability of public sector organization, either singly or in cooperation with other organizations, to perform appropriate tasks. Appropriate tasks, in this sense, are those defined by necessity, history, or the situation in a specific context. Because of this, Grindle's framework or model is characterised by five dimensions, and correspondingly, five levels of analysis, which all affect capacity and capacity building interventions.

These dimensions are Action Environment, Institutional Context of the Public Sector, Task Networks, Organizations, and Human Resources.(Grindle, 1997:35). These will all be briefly discussed below.

Grindle argues that action environment is a critical dimension in constraining or facilitating the ability of governments to perform developmental tasks. For example, Morocco is a country which has a relatively high level of economic development, a far reaching educational system, and a stable and legitimate political system, all working together to create an environment conducive to relatively effective performance by government. In contrast, in the Central African Republic, a series of repressive, patrimonial regimes and successive military coups, a very low level of human resource development, and extended periods of economic stagnation created conditions in which the potential for effective public sector performance was non-existent. In Ghana, low salaries and salary compression led to the loss of many of the best public officials, and seriously constrained the government's ability to train new entrants into the public service. As a result, Grindle holds the view that the above-mentioned cases confirm that a low level of human resource development and extensive social conflict are among the most important causes of capacity gaps. In view of this fact, Grindle argues that the assessment of the action environment can also identify factors that are supportive of capacity building interventions, such as the existence of favourable labour market conditions or reformist political leadership.(Grindle, 1997:39)

Her research, conducted across six countries, yielded results as follows. There were low salary levels in the public service as a whole, a lack of effective performance standards, the inability to fire people, too few rewards for good performance, recruitment procedures which did not attract appropriately trained people, and promotion patterns based too much on seniority or patronage and too little on performance. She then argued that changing this situation, as opposed to finding ways to compensate for or manoeuvre around them, requires action at the level of public sector institutions in general. She then pointed out that what informed the above mentioned conditions was inadequate budget support, which affected capacity primarily through its impact on both public sector salary levels and funding for operating expenses and investment. Even in Morocco and Sri Lanka, where salaries had not fallen as seriously as in other cases, researchers noted that salary erosion was important in undermining the previously existing capacity. (Grindle, 1997:42)

This suggests that firstly, salaries that will attract qualified people into the public sector must be provided. At the very minimum, public servants must know that they will make money to live on, regardless of any other benefits, which accrue when working for the public sector. Salary levels alone do not necessarily attract qualified people to the public sector, however, and alternatives for employment and the degree of status and professional identity associated with government are also important factors. Hence, she argues that in terms of encouraging public officials to become more efficient and effective in their positions, standards for good performance need to be set and used consistently, especially as instruments of personnel management. This means that in meeting these challenges, a framework will have to be established which will seek to address questions relating to capacity building.

Grindle holds the view that economic reforms should emphasize a policy framework for micro-economic management, which will also strengthen the capacities of organization that contribute directly to the management of the micro-economy, or in sectors of high priority. For instance, local economic development at the level of local government can play an important role in promoting job creation and boosting the local economy, by providing good quality cost effective services and by making the local area a pleasant place in which to live and work, hereby stimulating foreign investors.

She then states that economic reforms, such as cutting back on the size of the public service, have important and often negative consequences for the development of public service capacity. Voluntary and incentive led retirement programs, for example, tended to result in the loss of best people in government, as those with the best chances of finding good employment on the outside are often the first to leave. In view of this fact, she argues that although diminishing the size of the public sector may be important to improve performance, it is usually carried out primarily to generate a net improvement in the budget deficit, and not to develop capacity.(Grindle, 1997:42 – 43)

Policy networks are an array of organizations, which help or contribute to public sector performance of a particular task. These may include private sector organizations and non-governmental organizations. Ghana is a good example of this. In order to remedy a coordination problem, agricultural extension services were reorganized to clarify reporting relationships among numerous service providers in public and private sectors. Greater coordination between policy and implementation were also stressed. A communication and training unit was established to coordinate research, extension, and training.(Grindle, 1997:47)

Coordination among those who set policy and those who implement is absolutely critical if an overall an overall policy framework is to guide the developmental task. Grindle argues that capacity interventions at the level of the task network should also be targeted, rather than to focus on the public sector only. She says that such interventions do not necessarily have to encompass the entire task network to make a difference, but can target those parts of it where specific weaknesses have been identified. Thus, the efforts to strengthen task networks should target the most critical areas and or weaknesses. Such efforts should include questions such as: does an overall policy framework specify objectives and mechanisms for a particular task? Which are the weakest organizations in the task Network, and how important are they to the performance of the task? Where do communication and coordination break down in the interactions among the organizations?(Grindle, 1997:47)

Grindle's study also explains why some organizations performed better than others. She states that this usually results from prioritizing the importance of a problem solving orientation within an organization, and from a dynamic interaction between human resources and how those resources are oriented, deployed and rewarded. Hence, she holds the view that an organizational culture, which stresses a commitment to a mission and result, oriented performance is fundamental to establishing a positive interaction and enabling the organization to be productive.(Grindle, 1997:48)

The other point Grindle raises is that the structure of work, authority relationship, communications, and behavioural norms also emerge as factors that differentiate good performers from bad performers at the organizational level, and these are linked to specific characteristics of organizational culture. This suggests that the link between organizational culture and management style, including factors such as setting a good example, openness to participation in decision-making, consultation, and encouragement are critical in the performance of an organization or an institution. (Grindle, 1997: 49)/

This means that organizations must be able to provide professional and technical personnel with meaningful job descriptions and share with them a commitment to professional norms of behaviour, thereby encouraging ethical behaviour among the staff, and building a commitment to mission driven activities.(Grindle, 1997: 49) .Grindle holds the view that training and recruitment are important aspects of developing capacity. Effective utilization of human resources within an organization is the most important factor in determining whether public officials are productive or not. This means that utilization should relate to the ability to retain qualified personnel. Retaining personnel would include providing them with a sense of organizational mission and involvement, job satisfaction, professional identity, and recognition for good performance. Lastly, Grindle argues that building effective state capacity means continuous development and effective utilization of human resources, constructive management of task oriented organization, an institutional context that facilitates problem solving, and economic, political, and social conditions that help to sustain such capacity.(Grindle, 1997:52-53)

## **Conclusion**

After examining literature on public policy and implementation, this portfolio has demonstrated that policy implementation requires an understanding that a sequence of events depends on complex chains of reciprocal interaction. Hence, each part of the chain must be considered with others in mind. Because of this, the separation of policy design from implementation is therefore fatal. Although we can isolate public policy and policy implementation for the purposes of discussion, our aim should be to bring them into closer correspondence with one another.

It has further been noted that policy implementation problems arise when goals are set at high levels of organizational decision-making, as there will usually be problems or distortion at lower levels of the organization, sometimes linked to poor institutional performance or capacity. Hence, it is argued that implementation should not be conceived of as a process that takes place after, and independent of, the design of policy. In fact, failure in successful policy implementation may actually be because of a failure during the policy design process to consider implementation.

## **Part Two (Practical Portfolio)**

### **Preliminary Study**

#### **Introduction**

This section of the research portfolio is going to look at some of the developments in local government, and more particularly the Msunduzi Municipality to date. The Msunduzi Municipality's ability with regard to policy implementation, monitoring, and compliance will be considered. It will explore the views of some of the organizations representing a wider spectrum of business and industry interest in and around the Msunduzi Municipality area. The views of various non-governmental organizations, such as the community based environmental organizations as well as organized labour unions, will also be considered in the discussion.

- The 1996 Constitution of South Africa provides for three spheres of government. These are the national, provincial and the local spheres of government. For the first time in South Africa, local government is acknowledged as a legitimate sphere of government. It is a sphere of government with immense responsibilities and probably closest to policy implementation.

According to the constitution, the functions of the local government are:

- To provide democratic and accountable government for local communities
- To ensure the provision of services to communities in a sustainable manner
- To promote social and economic development
- To encourage the involvement of communities and community organizations in matters of local government. (The Constitution of South Africa Act 108 of 1996) -

These provide serious policy implementation challenges for most local governments, in the townships and informal settlement where poverty and unemployment is the order of the day. The role of local government is to uplift communities and to provide basic services by pursuing local economic development programs.

Mark Butler of the Community Agency, claims that in South Africa, unsustainable development has been largely driven by economic and sectoral policies which were narrowly conceived of and focused, neglecting particularly the adverse impacts on the environment. According to him, poverty and unemployment is the order of the day. The role of local government is to uplift communities and to provide basic services by pursuing local economic development programs. He says that:

Many natural systems have been significantly degraded in a way which reduces biodiversity and the productivity of land and water, as well as the quality of life of many South Africans ... The loss of natural consumption and wasteful use of resources gives rise to wasted opportunities or the need for costly disposal. Traffic and badly managed urban sprawl causes serious health problems and reduce safety in local areas. (Butler, 1997:7)

This means that to change from unsustainable development towards sustainable development in South Africa, environmental concerns need to be increasingly incorporated as an integral part of economic and development policies. Equity led growth strategies, which put and keep poor people in the focus of development are needed to accelerate transition towards sustainable development.

Related to this is ~~Local~~ Agenda 21, which is as a universal plan of action and a blueprint for local government to pursue sustainable development. It is one of the five documents adopted by more than 178 governments at the United Nations Conference on Environment and Development in Rio De Janeiro in 1992( Agenda for Sustainable Development into the 21<sup>st</sup> Century, 1992: 3), and will gain prominence with the summit on sustainable development scheduled for August 2002 in Johannesburg.

Local Agenda 21 contains recommendations for integrating environment and development in all major policy sectors. It proposes a broad range and mixture of regulatory measures and economic incentives to ensure that national development programs become ecologically and economically sustainable. Agenda 21 sets out 38 main policy goals to be tackled, through 131 priority programs, with a combined 2,500 recommendations for national and international action. (SADC Policy and Strategy for Environment and Sustainable Development, 1994:2)

Of particular relevance to this study is chapter eight of Local Agenda 21. It emphasizes that countries should:

- Strengthen the national institutional capacity and the capability to integrate social, economic, and environmental issues at all levels of developmental decision making and implementation
- Develop or improve mechanisms to facilitate the involvement of concerned individuals, groups and organization in decision making at all levels.
- Establish domestically determined procedures to integrate environment and development issues.

Of importance, here is the Rio Principle 10, which reads as follows:

Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy.

(SADC Policy and Strategy for Environment and Sustainable Development, 1994:2)



This principle raises four aspects. These aspects are public participation; access to information; participation in decision-making; access to justice. Since 1996, South Africa protect such principles in its Constitution.

Section 24 of the South African Bill of Rights states that everyone has the right:

- To an environment that is not harmful to their health and well being
- To have the environment protected, for the benefit of the present and future generations, through reasonable legislative and other measures that -
- Prevent pollution and ecological degradation
- Promote conservation, and
- Secure sustainable development and use of natural resources while promoting justifiable economic and social development

The National Environmental Management Act 108 of 1998 (NEMA) was designed against this background, and one of the cornerstone principles of NEMA is public participation in the drafting and implementation of the environmental legislation. Public participation in the administrative and legislative arenas is important for a number of reasons, among which are the facts that it leads to a more informed decision-making, and it inspires public confidence in the decision-making process, as well as a sense of ownership.

Chapter Five of NEMA discusses integrated environmental management, and stresses the need for the integration of the principles of environmental management into the planning and development processes. It also calls for identifying, predicting and evaluating the effects policies, programs and projects may have on the environment. Through integrated environmental management (IEM), the provinces of South Africa, and departments involved in environmental affairs, are expected to establish assessment systems in their areas, and to cooperate where appropriate.

Compliance and enforcement are discussed in Chapter Seven of NEMA. The act places a duty of care on each citizen to prevent pollution or degradation of the environment, and protects the right of workers to refuse environmentally hazardous work. Chapter Eight provides for environmental management cooperative agreements. Moreover, local authority may enter into cooperation agreements with any person or community, for promoting compliance with the principles of environmental management.

What becomes apparent is that cooperative (environmental) management across all spheres of government plays a central role in the implementation of an integrated environmental management framework for South Africa. This means that all relevant spheres of government must participate and cooperate in coordinating, and aligning, their diverse environmental functions. This is a huge task for environmental policy implementation.

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Local government as the sphere of government closest to the to the people, is specifically and constitutionally tasked with this environmental imperative. Consequently, the objective of developing and integrating an environmental policy component into local government policy and practice is therefore fundamental and obligatory. In addition, the provisions of the constitution relating to the *locus standi* suggest that citizens can take legal action against local governments to secure these rights.

While recognizing that the role of local government is critical and vital, the supportive and enabling role of national institutions and frameworks is equally important. In this way, what becomes of importance is whether the current local government structures are capable, in terms of the personnel and resources, of monitoring and ensuring compliance of environmental standards.

Mark Butler holds the view that environmental control and management regimes are not working effectively, principally because of a lack of resources and the will to challenge certain practices. Thus, he argues that, although there is ostensibly a command-and-control approach to environmental management in many laws and regulations, the control aspects (especially monitoring and enforcement,

penalties, and so forth) are not sufficiently resourced and exercised. As a result, the overall system lacks credibility, and is in danger of becoming largely meaningless. (Butler, 1997:19)

What is critical is the question that relates to the extent to which the provisions of the environmental law are reflected, within the context of local government. Consequently, in dealing with this question, the relevant sections of the White Paper on Local Government and the Municipal Demarcations Act are going to be summarized.

## **Local Government and The Msunduzi Municipality**

### **The White Paper on Local Government of 1998**

The white paper is a policy statement, which explores how local government can meet its constitutional obligations to be developmental. The white paper defines developmental local government as “local government, which is committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives”. (Khoza, 2001:6)

It maintains that for local government, the provision of basic household infrastructure (or essential services like water, sanitation, electricity, roads, and storm water drains) is the central contribution to social and economic development. Its priority is the delivery of at least a basic level of services to those who currently have little or no access to them.(Khoza, 2001:6)

The Municipal Demarcation Act of 1998 established a demarcation board which had to rationalize municipalities across South Africa. The Board reduced the number of municipalities in South Africa from 843 to 284 in order to make them economically viable, so as to :

- Address spatial segregation
- Enable redistribution, and to
- Allow local government to play a positive role in the nations’ economy and well being.

The demarcation has resulted in the establishment of wall-to-wall municipalities, incorporating all parts of the country. This is significant for KwaZulu-Natal, as rural areas were finally incorporated into municipalities.

The Local Government White Paper categorized the different municipalities as follows:

• **Category A municipalities**

are those municipalities that have exclusive municipal executive and legislative authority in their areas. They are single tier municipalities in large urban areas.

• **Category B municipalities**

are those municipalities that share municipality executive and legislative authority in their area with a category C municipality within whose area it falls. This type forms a two tier municipality with a category C municipality.

• **Category C municipalities**

are those that have municipal executive and legislative authority in area that includes more than one municipality. (Khoza,2001:6)

The Msunduzi Municipality is a Category B Municipality, while Umgungundlovu District Municipality is the Category C Municipality into which the Msunduzi falls. There are seven category B municipalities under the Umgungundlovu District Municipality. These include the lower Umgeni municipality (Wartburg), the Upper Umgeni Municipality (Howick), the Mpofana Municipality (Mooi River), the Impendle Municipality, the Umkhambathini Municipality(Camperdown), and the Richmond Municipality(Richmond). (Sithole, 2001:3)

**The Msunduzi Municipality**

Since demarcation, the Msunduzi Municipality has brought the various suburbs of the city of Pietermaritzburg and its surrounding townships together with the rural areas of KwaVulindlela, which remains under the rule of Amakhosi (traditional chiefs).(Sithole, 2001:4) According to Ms Sithole, the situation that has developed is one where pockets of affluence exist side by side with the of

poverty. The challenge is to provide services to the newly incorporated rural areas, while municipal revenue remains largely unchanged.(Sithole, 2001:4)

Furthermore, noting the fact that municipalities are interdependent because of their geographical location, the Msunduzi Municipality is probably the richest within the District Council, and its central business district (CBD) therefore attracts people from the outlying areas. Consequently, the municipalities experience problems such as rapid urbanisation, informal settlements, crime, and urban decay. This becomes a burden, both economically and environmentally for the Msunduzi Municipality.

Various local government departments within the Msunduzi Municipality have shared responsibilities for environmental management and environmental policy implementation. These are the Environmental Health Department, the Waste Management Department, and the City Engineer's Department.

The Environmental Health Department deals with issues of public health. The management functions of the department are divided into two sections. There are two deputies who each control four teams, two of which are allocated to each Deputy Chief Environmental Health Officer. These teams are specialized to deal with the main areas of environmental health control. The first team deals with all aspects of food control, including dairies, milk, hygiene, water and aspects of water pollution, as well as restaurants and food preparation. The second team deals with places of care, which include old age homes, crèches, nursery schools, and so forth. It also covers aspects of infectious disease, tracing of the contacts in these particular scenarios, and ensuring that they receive treatment.

The third team deals with general environmental aspects such as, rodent control, mosquito control, general vector control, and field hygiene aspects.

The last team deals with industrial environmental control, which involves inspections of factories and workshops, and covers all aspects of occupational health. This would include the control of air pollution, emission of noxious gases, and the effects of industry on human health.

The Environmental Health Department has a direct relationship with the local council, for it reports directly to the Housing and Community Service Committee. The Environmental Health Department reports are presented to all the councilors at the various sub-committees, as well as to the Municipal Council Executive Committee. It is also accountable to Provincial Government, and they give quarterly reports to the Provincial Director of Environmental Health. The Provincial department supplies information on all inspection details, the work undertaken, and the problems encountered. They have quarterly meetings with all other local authorities within the province. They have a food sampling coordinating committee, the Natal Midlands Liaison Group, which represents Local Authorities in the Midlands area, as well as Howick, Mooi River, Greytown, Richmond, and Ixopo. The objectives of these meetings are to coordinate an integrated approach to specific problems, across the District. The Environmental Health Department interacts largely with the community in the form of the Air Quality Forum, which has only recently been established. The Air Quality Forum is representative of various non-governmental organizations, community-based organizations, as well as with industry. Its purpose is to enable communities to monitor air pollution, and more particularly, to monitor sulphuric dioxide. A financial contribution to the forum by industry plays a critical role in the existence of this forum.

The biggest challenge facing the Department of Environmental Health is to achieve environmental control effectively, with the few resources they have. They have limited human and financial resources. For example, a lot of their work demands site visits, yet they have only a few vehicles. This has forced the department to be creative in the way that they operate. For example, they seek funds from local industries through the Air Quality Forum. These industries are themselves donating money into the Forum's Trust, which is held at the University of Natal. This Trust enables them to carry out research, and advises the forum on monitoring air pollution, as well as other aspects of waste management.

The City Engineer's Department is another department within the Msunduzi Municipality, which reports directly to the Council Engineering Committee. This department deals with a variety of infrastructure issues, such as water, sewerage, roads and waste management.

Another relevant department is the Waste Management Department, which is amongst other things, responsible for the operation of the city's landfill site.

There is some sort of co-ordination between the Environmental and Health and Waste Management Departments, for in terms of permits from the National Department of Water Affairs, a landfill monitoring committee had to be established. This is the case in the Msunduzi Municipality, where the members of the Landfill-Site Monitoring Committee is comprised of representatives of the local government department of Environmental Health; the local government department of Waste Management; the Pietermaritzburg Chamber of Commerce and Industry, the Greater Edendale Environment Network, the Sobantu Environmental Desk, and other interest groups. The Landfill-Site Monitoring Committee is chaired by one of the municipality's local councilors. This constitutes a direct link between the council and other organizations, and is a good example of a policy network.

In an interview with Mr Raghanand, (the Divisional Manager in the Waste Management Department), he said that the department faces two critical problems when it comes to policy implementation. Firstly, there are no sufficient financial resources to run the services in the communities. Although their area of service delivery has doubled because of the new demarcations, their budget remains the same. Furthering this financial hardship is the high percentage of non-paying residents for services received. This is partly because of the large rural component of the municipality with little or no infrastructure, where illiteracy as well as unemployment is high. He argues that local government is in the process of restructuring and is currently reviewing the allocation of existing financial resources to be able to provide more cost effective services. Secondly, they are faced by a shortage of staff. Until the financial restructuring is complete, no additional staff can be employed – complicating policy implementation.

With regards to the implementation of environmental laws, Raghanand said that, in terms of the Constitution and the National Environmental Management Act Of 1998, local government is obliged to ensure that they are mindful of environmental hazards, it also compels them to develop a waste



management strategy to police and monitor the protection of the environment. Current bylaws on waste management are being reviewed. However, Raghanand said despite these developments, their major problem, is the implementation of the bylaws. He said these require a great deal of enforcement. In addition the implementation of these bylaws require resources specifically allocated to them, like offices and people who are trained to implement policy. Currently the situation is very inappropriate as the majority of councilors and officials in the Msunduzi Municipality are not capacitated, and hence the implementation of environmental legislation is hindered.

Mr Rajah, (the Operations Manager in the Waste Management Department) confirmed that in the Waste Management Department, they do not have sufficient resource to manage the enforcement of bylaws. He said, however, that they and their legal advisers, are currently reviewing the waste management bylaws. Rajah also feels that most of the councilors and officials in the Msunduzi Municipality are not knowledgeable and capacitated about the bylaws and their implementation. As a result, this hinders the process of implementation of waste management policies. He said that this is a major problem and suggests that councilors and officials in the Msunduzi Municipality will not able to relate to the policy programs and process that the Municipality is expected to engage in.

Mr Spencer Townsend, (the Landfill-site Manager) feels that the regulations and the by-laws with regards to the landfill-site, are properly enforced and effective, despite the fact that there is a shortage of resources. He is more concerned about public apathy. An example of this apathy can be found in Sobantu Township, where illegal dumping is rife even though it neighbours the landfill-site. The council, and most of the residents ignore illegal dumping, hence nothing is being done about it by both the council or the communities. Whether people know about the importance of waste management or not, Spencer Townsend said that the majority of the people do not know what the critical waste management issues are. They think that the landfill-site is a dumping place, as opposed to a site for proper control of waste management

Beside the various local government departments within the Msunduzi Municipality, there are also a range of organizations, forums, non-governmental organizations, and community-based organizations,

which influence environmental policy management and implementation. Some of these are the Pietermaritzburg Chamber of Commerce and Industry (PCCI); the Keep Pietermaritzburg Clean Association (KPCA); the Congress of South African Trade Unions (COSATU); the Environmental Justice Network Forum; (EJNF); the Sobantu Environmental Desk (SED), and the Greater Edendale Environmental Network (GREEN). I will briefly describe these.

### **Pietermaritzburg Chamber of Commerce and Industry (PCCI)**

The Pietermaritzburg Chamber of Commerce and Industry (PCCI), was established in the city in 1885, and represents the interests of the local business community. The Chamber's membership of more than 900 companies includes large corporations, as well as many small and micro-businesses, encompassing all business sectors and companies. Altogether, business employs about 3500 people from the Msunduzi Municipality.

The PCCI is affiliated to the South African Chamber of Business (SACOB), and is the fourth largest chamber of commerce in the country. It offers a wide range of business services and considerable support to its members, in a variety of ways.

The Pietermaritzburg Chamber of Commerce and Industry has also realized that it needs to address environmental issues. Mr Sampson presented a paper to the environmental committee of the PCCI on the 5<sup>th</sup> of October 1999, in which he argues that anyone who causes, may cause, or has caused pollution of the environment, must take reasonable measures to prevent, minimize or rectify such pollution. He also argued that all employers must conduct their business in such a manner that the general public is not exposed to health hazards, a lack of safety, or simply nuisance. He feels that all responsible parties must deal with emergency incidents that lead to or could lead to danger to the public, or pollution of the environment. He further states that under the current legislation, and the associated municipal by-laws, pollution-prone industrial activities invariably require prior consent to operate by a way of licenses, permits or other authorizations.

Mr Sampson pointed out that South African law is following international trends, whereby directors are held responsible with regard to employee health and safety, environmental safety, and product safety. For example, he argued, if a company is found guilty of an offence under the National Environmental Management Act (1998) and /or associated legislation, the directors of that company could be found guilty and penalized for the offences which the company has committed, and thus be

fined and jailed for the same offence as the company, unless they can demonstrate that they had taken reasonable steps to prevent the offence. (Strachan, 2001: 18) The legislative policy framework exist, however, ways of implementing this remains difficult.

Education has been identified by the government as one of the instruments for achieving sustainable development. The PCCI sees business as playing an important role in this area. As a result, the Business Environmental Education Program has been established, to assist business in the Msunduzi Municipality in embracing the principles of good environmental practice. The Industry and Business Environmental Education Program is a chapter of the Gauteng forum, and was created as a working group of the PCCI's Environmental Committee. A growing number of local business have joined voluntarily, realizing the benefit of networking, sharing ideas, and obtaining support in addressing environmental issues. Formally launched last year, the Industry and Business Environmental Education Program initiative has presented a number of information dissemination seminars, which have focused on discussions such as environmental legislation (like the new Water Act, the Trade Effluent Bylaws, and Waste Minimizations legislation). More importantly, it provides a policy platform for networking and support amongst business. (Bruin, 2001:19)

Mr Layman (Chairperson of the PCCI) said that as far as the Pietermaritzburg Chamber of Commerce and Industry is concerned, it is the industrial sector, which brought them to this arena. Supportive of the Best Practice Principles, they are not proud of businesses which do not comply with the regulations. However little is done to change this, and the PCCI has no real idea on how to address this. Although the PCCI acknowledges the financial implications and the costs compliance may have, it still maintains that compliance is a desirable alternative. The PCCI recognizes that waste management within industry need not be financially costly, and tries to convince industries that all steps towards achieving sustainable development are a good investment. However, beyond creating awareness, little else is done.

Layman argued that the manufacturing sector in the Msunduzi Municipality reveals both the best and the worst in environmental management. While the enlightened companies strive to achieve a clean

environmental state, others remain cynically obtuse and unconcerned. Some are making progress by adopting sound environmental policies, or at least seeking solutions where for years they did not even consider environmental implications. Considering the costs involved, Layman feels that it is naive to expect manufacturers to achieve the necessary transformation overnight. He then said that it is in just such an uncomfortable position that the local company PG Bison finds itself. PG Bison's wood manufacturing process generates air pollutants such as sawdust. The latter is of such a fine texture that it is difficult to manage. Technological advances have permitted cleaner production as far as air quality is concerned, yet, the company is still unable to meet most of these standards, to most of the local residents' dismay. However, it remains a main employer for local residents in an environment where unemployment is as high as 40%. Serious pressure may force the closure of the industry and result in major job losses.

The nuisances, and the dust factor associated with the sawdust, have also assumed critical proportions, and the company has been warned to bag this waste before it is acceptable for disposal on the landfill site. To do this will involve an additional process and, therefore, a higher cost to PG Bison. For this reason, and noting the fact that the running cost of the plant in Pietermaritzburg is already higher than other PG Bison plants in South Africa, the dilemma facing the company is obvious and typical of many industries. Environmental management needs more investigation and support by government. According to Layman, the questions that emerge are: What are the available alternatives? How can local government assist?

### **The Keep Pietermaritzburg Clean Association (KPCA)**

The Keep Pietermaritzburg Clean Association is a non-governmental organization in the Msunduzi Municipality. It is actively involved in encouraging the local council, the business sector, and communities to address environmental issues. As a result, it conducts programs that seek to educate the public about environmental issues. One such example is their campaign called "Adopt a Spot". This campaign encourages industries, or schools, to adopt a public area, and maintain it on behalf of the council.

The Keep Pietermaritzburg Clean Association also attends a number of committees within the Msunduzi Council. For example, it is a core member of the Local Agenda 21 Committee, the Industry and Business Environmental Education Committee, the Air Quality Forum, the PCCI as well as the Landfill-Site Monitoring Committee and Waste Management Technical Committee. KPCA also contributed to the drafting of the waste management policy for the Msunduzi Municipality. According to KPCA's project coordinator, they have a strong relationship with other non-governmental organizations and community-based organizations, such as the Greater Edendale Environmental Network (Green), and the Sobantu Environmental Desk (SED). All of them held a parade through Pietermaritzburg on the 14<sup>th</sup> of September 2001, in protest against the pollution of the Dorpspruit River by neighbouring industries.

When asked about the impact that the bylaws have in the Msunduzi Municipality, the KPCA said that, in theory, the current municipal by-laws are sufficient. The policies exist, the problem is that they are not being implemented or enforced. This arises from the lack of capacity and funding, and from the fact that most people either are scared or do not want to report abuses such as of illegal dumping. Hence, existing by-laws have very little impact in effective policy implementation.

Commenting generally on the attitude of business to environmental issues, the KPCA said that industries pay their fines if they are caught polluting. However, the fines are minimal, and cheaper than

compliance. The lack of adequate monitoring and enforcement merely allows for the continuation of industries polluting the environment, while government remains helpless.

### **The Congress of South African Trade Unions (COSATU)**

The Congress of South African Trade Unions (Cosatu) was launched in December 1985, after four years of unity talks between unions opposed to apartheid and committed to a non-racial, non-sexist and democratic South Africa. At its launch, the Congress of South African Trade Unions represented less than half a million workers, organized across 33 different trade unions. Currently, it represents more than two million workers. It has branches in all the provinces of South Africa. (Nelane Interview 2001)

According to Cosatu in KwaZulu-Natal, environmental issues are part of health and safety issues. Their focus is broadly on accommodating the impact of some environmental issues, such as waste management. Cosatu has representatives in the Pietermaritzburg Chamber of Commerce and Industry's Environmental Committee, and the Council's Local Agenda 21 Committee. However, they admit that they do not attend many meetings. They have a close relationship with the Environmental Justice Network Forum, both provincially and nationally, and they support and participate in most of their activities. With regard to the rights of workers in relation to environmental issues, Mlungisi, the Local Cosatu coordinator said workers at the level of shop stewards attended various workshops run by the Environmental Justice Network Forum.

The Occupational Health and Safety Act of 1993 necessitate the establishment of health and safety committees within companies or industries. Mlungisi said that such committees exist in most companies, but seem to become only active when there is a major problem, and not all employers cooperate with these committees. As a result, participants in these committees end up not being capacitated or well equipped. However, Mlungisi argued that Cosatu should shoulder part of the blame, for it has not taken any initiative to empower its workers. Because of this, he says, one cannot give an accurate assessment as to whether the existence of such committees have an impact on any environmental policy issues or not, especially with regard to waste hazards within the company and the manner in which waste is disposed of by the company. Furthermore, he acknowledged that information



is distributed by Cosatu, but without a proper educational basis. Hence, it usually does not have much of an impact, and as a result Cosatu's influence is limited.

Mlungisi also argued that various trade unions, such as the National Union of Mine Workers, employ full-time health and safety officers, who not only look at the safety rights within the mines in terms of whether workers have the necessary equipment, but also broadly look at issues of waste management within the context of its generation and disposal. He further argued that the problem of capacity is a major factor in the municipality. For example, with regard to the implementation of the waste management by-laws, he feels that most of the councillors and officials have difficulties in understanding environmental policy frameworks. He therefore questions their ability to successfully implement the provisions of the legislation.

In addition, Mlungisi raised the question around the administration of environmental law. He said that implementing environmental law in South Africa is weak, and cited the prosecution of Thor Chemicals in Cato Ridge in KwaZulu-Natal as a case in point. Thor Chemicals has long been known to pollute neighbouring rivers and residences with mercury, and yet it remains operational even to day. Local municipal by-laws have to date, not yet established a legal precedent in terms of prosecuting those responsible for environmental damage. Previous attempts to prosecute an industry like Thor Chemicals has remained largely ineffective. Again the fines imposed on such industries are minimal compared to the costs that industries would have to undergo if they were to improve their operating processes.

### **The Environmental Justice Network Forum**

The Environmental Justice Network Forum (EJNF) is a non-governmental organization. It is a network of organizations that subscribe to the principles of environmental justice. It is completely apolitical. In the Msunduzi Municipality, it works closely with the Sobantu Environmental Desk, the Greater Edendale Environmental Network and the Congress of South African Trade Unions, and other environmental organizations. They are also represented at the various Msunduzi Municipality Council Committees, such as the Local Agenda 21 Committee and the Waste Management Technical Committee.

Mrs Mngoma, the KwaZulu-Natal provincial coordinator, said that their membership is member based. Hence, the Environmental Justice Network Forum uses its broad representativeness to pressure the government on issues that require the government to cooperate and account appropriately, unlike other non-governmental organizations that are not membership based.

With regard to the regulation of waste management, She feels that there is sufficient legislation in the country. The fact that the Msunduzi Municipality is in the process of drafting a new waste management policy represents a step in the right direction. However, she argues that, there is no enforcement. She believes this is because funds and resources are not available. Linked to this is the question of the administration of environmental law, and the capacity of both councilors and officials in the implementation of all environmental legislation.

Mngoma said that in the Msunduzi Municipality, most of the councillors and officials do not have the capacity or expertise to ensure that the local environmental by-laws are complied with. They lack information and the understanding of the issues that relate to the subject. She says that this makes the local council vulnerable to abuse and non-compliance by the private sector. Mngoma does not believe in self-regulation of industries. She argued that self-regulation has no impact, for it is a historical fact that industries are not prepared to compromise their profits over the health of the workers and their communities. She raised the issues of Thor Chemicals in Cato Ridge, and another company that was mining zinc in the Eastern Cape, as cases in point.

Mngoma said that as a non-governmental organization, they believe that there must be a central administrative structure within the Msunduzi Municipality that will be able to deal with monitoring, for example, the amount of waste generated the generation of waste, as well as identifying the sources (whether the waste is manufactured internally or is imported). However, she said that the Environmental Justice Network Forum is in the process of drafting a document, which addresses questions of formal education in terms of public participation. The document proposes that workshops on environmental management can be used to empower the government to address loopholes in the legislation. (Mngoma Interview 2001)

From the above discussion, it seems as if there is widespread agreement amongst these various stakeholders that there is a limited pool of expertise and capacity available with the Msunduzi Municipality. As a result, the following situation is prevalent.

There is a:

- Lack of financial support
- Lack of measures of enforcement
- Lack of community consensus in setting of priorities
- Lack of environmental ethics within local industries
- Lack of information and expertise.

Most of the non-governmental organizations argue that inspection, monitoring, and enforcement of environmental management systems are either not happening at all, or are not sound and comprehensive. The capacity for accurate and reliable monitoring of environmental emissions and impacts is fragmented, across different local government departments with no coordinating body.

### **Conclusion**

The above discussion illustrates some of the difficulties within the Msunduzi Municipalities concerning environmental policy implementation. These difficulties do and will continue to, affect policy implementation and compliance. So far, much attention has been given to noncompliance within industries, to the lack of local government capacity and the weakness of policy implementation. However, not all industries in Msunduzi Municipality environmentally insensitive. The PCCI indicated that Preformed Line Products (PLP) is an industry which proves that compliance to waste management policies can be achieved in other ways. I will now briefly analysis PLP and its implementain of environmental management policies. It indicates that local government should perhaps consider other policy instruments besides punitive to ensure compliance.

## **Part Two**

### **Preformed Line Products: An Example of Voluntary Policy Implementation**

This case study will look at the history and the establishment of Preformed Line Products (PLP), located in Pietermaritzburg, KwaZulu-Natal. In my description of PLP, I will provide a brief description on the company by looking at the nature of products, clients, and whether or not it complies with environmental standards, both local and international. PLP management's interaction with their labour, especially with regard to environmental management issues, as well as how PLP relates to demands by non-governmental organizations, community-based organizations and the Msunduzi Municipality. This company has an admirable environmental management policy and implementation program. However, it is one of the few in the Msunduzi Municipality.

In an interview with Mr Kambouris (Managing Director of PLP) Preformed Line Product(Pty) Ltd in Pietermaritzburg , is an international company. It is a leading manufacturer and supplier of high quality, dependable fittings for power, telecommunications, and fibre optical conductors and cable systems. It also offers the finest quality passive cross-connect systems for communications networks, from their associate company in the United States of America (Superior Modular Products).

Preformed Line Products' Mission Statement defines its corporate philosophy, which is "to design and develop products that are of consistently high quality, are technically superior, provide dependable service, and offer practical, safe and innovative solutions for our customers' needs, to maintain standards of excellence consistent with the requirements of the industries we serve, to ensure that in the design and manufacture of these products these standards are continually maintained through ongoing laboratory and field testing, to ensure our products' quality and reliability are not sacrificed or compromised".(Kambouris Interview 2001)

In order to better serve its customers, the company developed its own research and engineering center. Technicians and engineers could, in-house, stimulate a wide range of external conditions faced by its products to ensure quality, durability and performance.

During the 1960's, the company was manufacturing products in Canada, England, Germany, and India, with Australia becoming a licensee in 1962. In 1964, PLP received the Presidential "E" Award for significant contributions to the export expansion program of the United States. With its reputation in the power industry, PLP branched out into the telecommunications industry in 1968, with the acquisition of the Smith Company in California. The Smith Company was known for its innovative line of products, designed to enable telecommunication systems to be installed completely below the ground. Enclosures ranging from the double-pair circular case to the stainless steel splice case quickly became international successes for PLP.

One year later, a marine system division was formed to serve the offshore gas and oil industry, as well as the United States Navy. This group manufactured a wide variety of underwater cable terminals and support systems, and provided design and special engineering services uniquely suited to marine applications. Additional avenues for the growth were found in more specialized industries, including metal building, cable television, and vineyards.

PLP continued to expand internationally, with full ownership of the manufacturing plants in England, joint ventures in Spain and Japan, and Subsidiaries in Brazil and Mexico. Through growth at home and abroad, PLP consistently delivered the highest quality products with superior customer service and training, fully supported by strong research and development.

In 1974, the company opened its New World headquarters in Mayfield Village, Ohio, where it remains till today. As its markets and product lines continue to grow, PLP realized a need for an expanded research and engineering facility. Built at their headquarters, the facility opened in 1979, and continues to be one of the most sophisticated in the United States.

Engineers and technicians test everything from tension load to the impact of the wind speed and humidity on product performance and durability. Industries in developed countries such as the United States of America and most European countries have to comply with a wide range of environmental regulations and standards. PLP is no exception. Therefore, it is only natural that environmental management issues would have to be considered by PLP.

In 1993, Superior Modular Products (a producer of high speed data cross connect systems for communications networks) was purchased. The COYOTE Closure, a high quality closure for fibre optic cables, was introduced in 1995, and the COYOTE name was extended to a full line of fibre optic products. As PLP continued its role and growth in a global market place, it secured ISO 9001 certification. ISO is an acronym for International Organization for Standardization, and defines the standards regarding quality management amongst thousands of other international standards. These standards are generic in nature, and apply to all products and services. They provide guidelines for an effective quality management system, including a framework for on-going improvement. These standards meet the growing requirements of many Western industrial and governmental sectors for international standardization of imports reaching their jurisdictions. (International Organization For Standardization, 1996).

Included in the 9000 series is ISO 9001, 9002, and 9003. The difference between these levels is that 9001 is the highest level of international registration, that is, the most complete quality process, and ISO 9003 is the minimum level to meet by checking the quality only at the end of the process.

A benefit for an industry of having ISO 9001 certification is that it may be a desirable requirement for their prospective clients. A second strategic benefit is a marketing advantage that positions the industry as a leader, and increases their credibility with potential customers and suppliers. Standardization brings more streamlined manufacturing and design processes, with substantial savings (and elimination of hidden costs and waste). In this way, improved benefits are created, and financial savings accrue from the sales of higher-quality products, production of less scrap, minimization of reworking, and timesavings with customer audits. Thus, meeting or exceeding the ISO 9001 requirements is more and

more seen to be an essential competitive strategy for business, thus increasing customer confidence in an organization's capability provide quality products and services. (Universty of Guelph, Canada: 1998)

In this way, this internationally recognized standard of quality guarantees that all Preformed Line Products are environmentally friendly and acceptable to the international community. PLP distributes products to more than 100 countries across the world, and it can influence subsidiary industries in other countries to comply with international environmental standards.

Australia became a subsidiary in 1962, which lead to establishment of a joint venture in South Africa. Preformed Line Products (Pty)Ltd was established in 1970, and is located in Pietermaritzburg. According to the current Managing Director for the South African Plant, Mr D Kambouris, Preformed Line Products fully complies with the Msunduzi Municipality's environmental by-laws on noise abatement, public health and waste management

#### **Environmental impacts of manufacturing process**

Based on a number of interviews with PLP staff, as well as Mr Layman of the PCCI and a personal site visit, it was determined that Preformed Line Products' manufacturing process has a number of environmental impacts. According to Kambouris, the manufacturing process produces five types of waste: water, oil, metal, paper products, and general wastes. Their waste management processes involves various processes. Water is neutralized before it is discharged into storm water drains, and it is checked daily through a recorded chemical test. Metals are collected into a large bin. Aluminum, copper, and steel are separated from each other, and are taken to a scrap dealer. Used office paper is taken to Mondi Papers, a paper recycling company. With regard to air pollution, PLP has changed its manufacturing process from using hazardous chemical effluents, which were discharged into the atmosphere, to non-toxic water soluble chemicals. Noise levels are relatively low, and certainly below the acceptable levels.



### **Health and Safety**

In terms of the health and safety of workers, PLP is in line with the provisions of the Occupational Health and Safety Act. PLP has established a Safety Committee, consisting of three people representing workers and management. This committee conducts regular inspections, based on the provisions of the Occupational Health and Safety Act. It meets once a month to discuss problems, which arise, to ensure that the necessary action is taken as soon as possible, and a final report is then submitted to the Managing Director, Mr Kambouris. Besides the safety committee, workers are informed about health issues through various notice boards throughout the factory, on subjects such as Aids and Tuberculosis. These issues are addressed and discussed with the factory.

The type of equipment and machinery used is in line with international standards, and far above those accepted by local standards

### **Education and Training**

Most of the staff members in the company can read and write. It has 60 employees, of whom 17 staff members (who occupy mostly high positions in the company) have attended a skills training program, conducted by the National Occupation Safety Association. Opportunities exist for staff to attend different training programmes. Some non-governmental organization such as the KPCA have facilitated different workshop for PLP staff.

In conclusion, the introduction of the National Environmental Management Act 107 of 1998, in particular, has brought South Africa in line with first world environmental legislation. This has been in response to public and government identification with global pressures for pollution control, and to international demands that local industry be subjected to standards similar to its overseas competitors. Hence, it can be argued that despite the relatively weak implementation of national standards, international pressure has had an influence in shaping the behaviour of Preformed Line Products (Pty)

(Ltd). This has transformed Preformed Line Products into an industry that is environmentally friendly, with a definite internal environmental management policy in place.

In fact, Preformed Line Products (Pty) (Ltd) has a very good relationship with the Pietermaritzburg Chamber Of Commerce, the Keep Pietermaritzburg Clean Association (KPCA), and other such organizations. It voluntarily contributes to different programs and initiatives such as the KPCA's Adopt-A-Spot campaign, and to the Industry and Environmental Education Program (IBEE).

Preformed Line Products also forms part of the Environmental Management Network, which had been voluntarily established by the Local Government Department of Environmental Health and Waste Management, as well as the PCCI and the KPCA. This has positive ramifications for environmental policy compliance and implementation within the Msunduzi Municipality. In fact, PCCI regards PLP as a model industry. The significance here is that PLP is complying with the environmental regulations on its own accord and not because of the effective policy implementation of the Msunduzi Municipality. Perhaps the Municipality should consider rewarding industries like PLP to provide other industries with an achievable example of successful environmental policy implementation.

### **Part Three**

#### **Final Analysis**

The central question in this section is the extent to which current local government structures are able, to monitor and ensure compliance with environmental standards, specifically those relating to waste management. In dealing with this question, this portfolio is going to critically examine the findings of this project as reflected in the second portfolio (the preliminary study), in relation to the perspectives articulated in first portfolio (the theoretical perspective). In other words, the dilemmas around policy implementation within local government will be considered.

According to Butler, empirical evidence suggests that after years of largely unsustainable development in South Africa, the livelihoods and lives of many people, as well as the economic prospects of most communities, continue to be threatened by environmental degradation. South Africa now faces a formidable series of critical social, economic, agricultural, energy, technological and institutional transitions and transformations in order to move towards development that is economically, socially, and environmentally sustainable.

As a result, this section is going to argue that the major challenge facing effective environmental governance for under-resourced state institutions is to marry the objectives of development and the creation of economic wealth without destroying the country's environmental resources.

This means that the state must effectively play a developmental role, in order to improve performance and compliance with respect to service delivery. Sustainable development underscores the need for the state to take action, and to prevent environmental degradation. In this way, effective governance becomes central to a changed definition of the role of the developing state, or a state in development. This suggests that government needs to manage the environment and provide service in such a way that it is able to create positive environmental spin-offs. This translates to investments in health and environmental education.

Environmental law in South Africa is fairly strong. For example, industrial aspects are mainly regulated by the following legislation:

- The National Environmental Management Act 107 of 1998.
- The National Water Act 36 of 1965
- The Occupational Health and Safety Act of 1993
- The Atmospheric Pollution Act 45 of 196
- The Environmental Conservation Act 73 Of 1989.

This is partly so because of the nature of the policy sector. Environmental management is necessary across the spheres of government as well as across and within different policy sectors.

Furthermore, any waste disposal site, has to comply with the Environment Conservation Act 73 of 1993, has to be approved by the Department of Water Affairs and Forestry, in terms of provincial planning legislation. Within this context, to use waste management as an example the national government may promulgate waste management policy, yet it is the provincial government which is responsible for enforcing the conditions of approval granted under the national planning legislation, and it is local government which is obliged, in terms of schedule 5 (part b), to enact legislation to control waste and to enforce such legislation. As a result, it is difficult to know which sphere of government is responsible for which environmental problem.

The key question facing local government is that of consolidating and strengthening the institutional capacity of newly established Municipal structures. A major consequence of the newly demarcated municipalities was the increase in the physical size of the municipality with new and larger responsibilities. At the same, the Msunduzi Municipality is confronted by escalating environmental problems, and this relates directly to limited staff and financial resources to cope with increased urbanization. Most of the senior positions in the Municipality are vacant. In addition to this, most of

the stakeholders do not attend meetings that deal with environmental issues, and the implementation of policies relating to the subject. On the one hand, environmental management burdens an already overburdened municipality. On the other hand, the council's lack of understanding of environmental policies deems them incapable. On top of this, local government is not adequately empowered and resourced to implement existing environmental policies such as the waste management bylaws. The consequence is rather gloomy.

In order to address this, it can be argued that there is a greater need for capacity - building within local government. Training and staff development programmes need to be developed, to deal with human resource development, as well as sustainable development. There needs to be greater support from higher spheres of government. Local government is a new sphere of government that has to deal with a lot of pressing issues.

The provisions of the White Paper on Local Government proposes that appropriate municipal institutions in areas which have no existing administrative capacity must be built, which will be likely to attract strong local government personnel, and which will increase the financial base, through support staff complements and sustainable service delivery. Once this is in place, environmental management can be incorporated into all the local government structures. However, how this is to be achieved remains unknown.

Environmental education, which includes capacity building for all stakeholders, is a critical challenge. Although local government has attempted drafting integrated developments plans, few of these plans incorporate environmental management concerns. This absence is then experienced when it comes to policy implementation.

Coordination between policy and implementation is crucial. This means that coordination is critical among those who set policy and those who implement it, especially if the overall policy framework is to achieve sustainable development. The 1996 Constitution of South Africa states that the main objective of local government is to encourage the involvement of communities and community

organizations in matters of local government. The Msunduzi Municipality's Waste Management Department has managed to, in terms of the National Department of Water Affairs, establish a Landfill-site Monitoring Committee. It is responsible for monitoring all the activities relating to waste management in and around the Msunduzi Municipality, and the extent to which waste is managed at the landfill site. In fact, the municipality has done well in including the public. The local Department of Health, the Pietermaritzburg Chamber of Commerce and Industries, the Greater Edendale Environmental Network, and the Sobantu Environmental Desk all participate in various forums.

This shows that for participation and coordination to be meaningful, government, the private sector, and civil society need to work together. The Msunduzi Municipality has been good at including, experts and representatives from the business community and other relevant non-governmental organizations, and have invited them to contribute to, and participate in all meetings, seminars, and workshops associated with environmental issues. They should also be involved in the planning and the implementation of projects, where they have special experience and expertise. In this way, involving non-governmental organizations in project planning and implementation can certainly help. However, there is room for other approaches to be considered, including networks for environmental information for the public and schools, public hearings in local communities, and other programmes such as tree planting, refuse removal, and other conservation activities.

The application of economic instruments to environmental affairs amounts to a charge for an environmental resource which was previously free to industry. This is in line with the integration of environment and development, and assessing its progress. Environmental capacity will need to be strengthened if this Polluter - Pays principle is to be enforced. Economic incentives, development indicators, and accounting systems will have to be developed or adapted to better measure progress made toward sustainable development.

The Polluter-Pay-Principle embraces the notion that the costs of environmental damage should be borne by the generator of the damage, rather than by society at large. This idea of the Polluter- Pays Principle, is encapsulated in Principle 16 of the Rio Declaration, which states that :

National authorities, should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account, the approach that the polluter should, in principle, bear the costs of pollution, with due regard to the public interests, and without distorting international trade and investments.(Glazewski, 2000:21).

The Polluter-Pay-Principle has been adopted in South Africa in a number of policy documents, most importantly in the National Environmental Management Act 107 of 1998. Chapter Three of the White Paper on Environmental Management in South Africa also includes the Polluter-Pay-Principle, in the following terms : “those responsible for environmental damage, must pay the repair costs both to the environment and human health, and costs of preventive measures to or prevent further pollution and environmental damage” (White Paper on Environmental Management, 1998)

The White Paper on Minerals and Mining for South Africa too endorses the Polluter-Pays Principle in the following terms: “The Polluter-Pays Principle will be applied in the regulation and enforcement of environmental management. The mining entrepreneur will be responsible for all costs pertaining to the impact of the operation of the environment, where for reasons such as the demise or incapacity of the mining entrepreneur...”. In the National Environmental Management Act, the polluter- pays principle is captured in the following terms: “The costs of remedying pollution, environmental degradation and consequent adverse health effects and minimizing further pollution, environmental damage or adverse effects must be paid for by those responsible for harming the environment “ (Section 2(4p) ).

However such an approach depends on a pattern of command-and-control for it dictates behaviour, and compliance with environmental standards. From the research findings one can deduce that it is not easy to implement policy in an environment where government resources and expertise are scarce.

Incentives should perhaps be reconsidered for those who comply, together with command-and-control direct regulation. A company like Preformed Line Products would then be rewarded for compliance

and act as a role model for other industries. What is necessary is an assessment of relative performance, such as efficiency, equity, acceptability, and efficiency, of all the tools under different institutional conditions. This view acknowledges that direct regulation results in a relatively heavy burden on the government budget, since the administration and enforcement costs prove to be relatively high. A burden which local government cannot really bear. Perhaps a combination of penalties and rewards could contribute to better policy implementation and compliance.



### **General Summary and Conclusion**

This research portfolio has demonstrated that the Msunduzi Municipality like many other municipalities is currently facing an increasing range of responsibilities, the most important one being development.

There seems to be a lack of capacity to control most aspects of waste management, as there are no precedents or standards related to waste management by-laws, which can be used to prosecute offenders. In many instances, this has been exacerbated by a lack of long term planning, and a lack of information that is manifested in insufficient data on waste generators, waste generation and waste disposal sites, all of which makes waste management difficult. In addition, because of a lack of capacity on the part of government, the implementation and enforcement of existing environmental legislation is confusing and frustrating.

The Minister of Environment And Tourism, Mr V Moosa, addressing the National Council of Provinces, said: "only 131 municipalities do any form of air quality monitoring and, of these, only 97 municipalities have taken steps to ensure compliance"(The Natal Witness, June 27 2001). He attributed this problem to a steady decline in the conservation budget. He argued that most of the township areas still fall outside the declared smoke control areas, causing residents to be exposed to the most appalling levels of air pollution from coal smoke, and adjacent industries, and he called on provinces and local government to increase their role in handling pollution control.

It can therefore be said that Majone was correct when he argued that:

The actual outcomes of environmental policies are affected more by the institutional arrangement emerging from the political process than by the technical characteristics of the instruments employed, in which case the significant choice is not among Abstractly considered policy instruments but among institutionally determined way of operating them ( 1976:593).

This suggests that if this continues, the potential for the Msunduzi Municipality to maintain its natural environment in years to come is limited, unless the challenges of policy implementation are addressed. However, while extra public funds are spend on promoting tourism attractions and building casino's, environmental agencies are unable to, due dire shortage of funds, effectively carry out their mandate to monitor and manage developments under their custodianship.

For policy to be effective, more is needed that substantive authority and sufficient funding to cover financial costs for the implementation. It can be argued that policy implementation is dependent on the nature of the state institution in place, as well as government priorities or political will.

Public servants in a broad range of services and activities have often complained that they do not have meaningful work to do, that the skills they have are not effectively employed in their jobs, and that the quality of their performance is irrelevant to their career development. For local government to be progressive, it is essential that efforts be made to consolidate and to build capacity for environmental management. The overall package of employment conditions and incentives for environmental practitioners within local government should be revised, in order to reward competent personnel with greater job satisfaction and career development potential.

However, in an environment where bureaucratic costs need to be curtailed, this is not an easy proposal to pursue.

## **Conclusion**

The introduction of the National Environmental Management Act 107 of 1998, in particular, has brought South Africa in line with the first world environmental legislation. This has been in response to public and government identification with global pressures for pollution control, and to follow international trends and developments.

Empirical evidence suggests that economic regulatory programs have relied heavily upon the practice of setting standards such as inspection to determine compliance, and imposing sanctions upon violators. This pattern is often seen as command- and- control regulation. However, in Anderson's view, the strong disposition to believe that threatening punishment can control any behaviour has dominated government statutes, although few have been successfully enforced. This is clearly captured by Verbruggen, who asserts that direct regulations results in a relatively heavy burden on the government, since the administration and enforcement costs often prove to be high.

Hence it can be argued that, policies depend greatly, for their effectiveness, upon voluntary or non-coerced compliance, because those responsible for implementation cannot effectively handle and apply sanctions in large numbers of cases. Accordingly, it can be said that, this is exactly what is happening at PLP and in the Msunduzi Municipality. For PLP is complying with environmental regulations on its own accord and not because of the effective policy implementation of the Msunduzi Municipality.

The problem of capacity has proved itself as a burden to the effective implementation of waste management policy at the Msunduzi Municipality. This problem is unlikely to vanish in the new future, given the financial and human constraints faced by local government. As long as this is the case, successful policy implementation remains doubtful.

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