

THE PRACTICE GAP: THE DISJUNCTURE BETWEEN POLICY AND PRACTICE WITHIN CRIME PREVENTION IN JOHANNESBURG, SOUTH AFRICA

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CANDIDATE'S DECLARATION

I declare that this thesis is my own unaided work. It is being submitted to the Degree of Doctor of Philosophy at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination at any other University.



.....
(Signature of Candidate)

19 August 2022

ABSTRACT

This thesis deals with the gap between *policy content* and *implementation* using integrated crime prevention policy in the City of Johannesburg (the City) as the case study. The City is one of the largest municipalities in South Africa, and policy is implemented in a dynamic and complex political and institutional environment. The *gap* arises in part from this complexity, including the involvement in policy implementation of multiple political and bureaucratic actors in the City across many departments and agencies. The challenge of complexity is addressed in the policy implementation literatures, but this research shows that there are other causes for the *gap* which are deeply embedded within the workings of the bureaucracy. In engaging these, I moved beyond the idea of policy implementation to understanding bureaucratic action as being rooted within the structures and processes of governance and institutions. I turned to 'New institutionalism' and 'Practices of the State' literature for a stronger theoretical lens. I draw specific themes, concepts and ideas from this literature: *path dependency*, *real governance*, *practical norms*, and *myth and ceremony*. These interconnected themes were used to analyse the case study based on documentary analysis and interviews with state officials, stakeholders and policy experts. Through an engagement between concepts and the empirical study, I found that the reasons for the policy-practice gap lie within the City's complex historical, institutional, political and governance makeup, and cannot be explained only through conventional governance and policy implementation literature. I found that policy implementation is influenced by the contested relationships between public institutions and citizens, the role and reach of formal and informal institutions, and how social actors mediate policy and practice.

DEDICATION

I dedicate this thesis to my parents, who would have been proud of my accomplishment.

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ACRONYMS AND ABBREVIATIONS

ANC	African National Congress
BOSS	Bureau of State Security
BRT	Bus Rapid Transit
CBD	Central Business District
CJS	Criminal Justice System
COGTA	Department of Cooperative Governance and Traditional Affairs
CoJ	City of Johannesburg
COP	Chief of Police
CPFs	Community Policing Forums
DA	Democratic Alliance
DIAS	Data and Information Analysis System
DP	Democratic Party
EDU	Economic Development Unit
EFF	Economic Freedom Fighters
GDS	Growth and Development Strategy
GJMC	Greater Johannesburg Metropolitan Council
GLU	Government of Local Unity
GSPCR	Group Strategy, Policy Coordination and Relations
HSD	Human and Social Development
HSRC	Human Sciences Research Council
IDP	Integrated Development Plan
IFP	Inkatha Freedom Party
ILP	Individual Learning Plan
IUDF	Integrated Urban Development Framework
JCSS	Joburg City Safety Strategy
JMPD	Johannesburg Metropolitan Police Department
Joburg 2030	Johannesburg 2030 Economic Development Strategy
MEC	Member of the Executive Council
MLC	Transitional Metropolitan Local Council

MMC	Member of the Mayoral Committee
MOE	Municipal-Owned Entity
MPO	Municipal Police Officer
MPS	Municipal Police Service
NDP	National Development Plan
NP	National Party
NPG	New Public Governance
NPM	New Public Management
OBPM	Outcomes-Based Performance Management
PMS	Performance Management System
REC	Regional Executive Committee
SACN	South African Cities Network
SADF	South African Defence Force
SAP	South African Police
SAPS	South African Police Service
SDBIP	Service Delivery and Budget Implementation Plan
SDG	Sustainable Development Goal
UACs	Utilities, Agencies and Corporatised Entities
USRG	Urban Safety Reference Group (forum for South African metropolitan municipalities and stakeholders working in urban safety-related policy and practice – convened by the South African Cities Network)
ZAR	Zuid-Afrikaansche Republic

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NOTE ON TERMINOLOGY

The terminology I use to describe race requires some explanation. Racial classification has been a contentious and difficult issue given how the colonial and apartheid systems used race to discriminate and exclude people from enjoying basic rights. The Population Registration Act No.30 of 1950 (Union of South Africa, 1950) divided the South African population into three main racial groups: White, Black and Coloured. Indians (Southern Asians from the former British India) were later added as a separate classification. In this thesis, because context is important, the following terms were used: 'Black' is used generically to represent African, Indian and Coloured. African refers to the indigenous people of South Africa.



Map 1: Map of the City of Johannesburg located within Gauteng Province (Source: CoJ, Public Safety Department – DIAS System¹)

¹ DIAS – Public Safety Department, Data and Information Analysis System.

PART 1

The chapters in Part 1 provide the context of the case study research.

CHAPTER 1: INTRODUCTION

South Africa has been a constitutional democracy for more than 25 years, since its first non-racial Constitution was adopted by the National Assembly in 1996 (RSA, 1996). Its adoption was inspired by great hopes and ambition for 'transformation'. New economic and social policies were adopted with the Constitution's 'transformative'² objectives in mind, including with respect to safety and security. Yet today, we have to reckon with disappointment and even failure across many areas of public policy. So, we have to try and understand what accounts for the yawning gaps between policy formulation and implementation. The focus of my research was on safety and security in the City of Johannesburg Metropolitan Municipality (hereafter referred to as the City, Johannesburg or the CoJ), since the establishment of the City on democratic foundations in December 2000, and more specifically from the time of the adoption of the Joburg City Safety Strategy (JCSS) in August 2003.

The JCSS was a key City level initiative to address crime and improve safety in Johannesburg. It advocated an integrated approach to crime prevention and safety by leveraging the involvement of City departments and entities by focusing attention on effective delivery on their core mandates. The custodian of the JCSS was the Department of Public Safety. Using a multi-disciplinary and multi-sectoral approach the strategy provided the City with a more innovative approach to addressing public safety than only using the traditional or standard policing practices of the municipal police. The strategy foresaw that City Leadership would play a critical role in realising a localised approach to crime prevention.

² The idea that the Constitution is orientated towards 'transformative' purposes can be traced back to a seminal article titled 'Legal Culture and Transformative Constitutionalism' by Karl Klare (1998). The idea of 'transformation' has also gained wide currency in the lexicon of public discourse and public policy debates.

1.1 Research Context

While the Constitution allocated the primary responsibility for safety and security to the National Government (RSA, 1996, Section 205), and the South African Police Service (SAPS) is organised on a national level, it also provided for the establishment of a municipal police service (RSA, Section 206 (7)) with responsibility for the '*prevention of crime*, traffic policing and policing of municipal by-laws and regulations' (RSA, 1998, Section 64E)³ as part of local government's broad responsibilities for 'development'⁴ and service delivery. The City, therefore, has a significant, constitutionally mandated responsibility for safety and security within its municipal boundaries.

The Constitution envisaged a 'developmental local government' (RSA, 1996) that would approach policymaking with respect to safety from a preventive and holistic perspective, drawing connections between safety and other areas of social policymaking. The scope of the latter includes the provision of basic services, prioritising services to the poor, economic development, the involvement of communities in matters of local government, integrated planning, and promoting a safe and healthy environment through a range of community and emergency services (Palmer et al., 2017).

This constitutional perspective was reinforced by subsequent experience. Significant increases in urbanisation in the City resulted in a host of challenges that included the need for affordable housing, growing unemployment, poor mobility and increased levels of crime and unsafety (CoJ, 2021a). Furthermore, internationally, debates on safety and security emphasised a broad focus on 'inter-sectoral' approaches to prevention as distinct from a 'narrow policing focus' in cities of the world (Shaw, 2009: 234). This inter-sectoral approach is now translated into normative frameworks for governmental action as defined in the United Nation's Sustainable Development Goals (SDGs) and the New Urban Agenda (Palmer et al., 2017). SDG goal 11, also referred to as 'the urban goal' (Palmer

³ The SAPS Amendment Act of 1998 provides a framework for the establishment, function and control of municipal police services.

⁴ Chapter 7 of the Constitution (Section 153: 77) outlines the *Developmental duties of municipalities* and states: 'A municipality must – a) structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community [...]'.

et al., 2017: 12), speaks to making 'cities and human settlements inclusive, safe, resilient and sustainable' (United Nations, 2017: 4), with specific acknowledgement of local government's role.

This 'broad' focus was integrated into policymaking in the City. A macro-economic development strategy for the City, namely the Johannesburg 2030 Economic Development Strategy (Joburg 2030) (CoJ, 2002), which was launched in 2001, included a strong focus on crime and safety. In terms of specifically addressing 'safety' and not just 'security', the City adopted a multi-sectoral approach in the form of the JCSS, mentioned above, two years later.

While Joburg 2030 as the macro strategic policy document for the City as a whole problematised crime and safety in Johannesburg, it did not provide any concrete policy direction. The focus of the JCSS was to provide this strategic policy direction for crime and safety which had been missing in the City's policy frameworks. The JCSS was adopted by the Council in August 2003 and following a revised JCSS in 2015⁵, the strategy was approved by Council in June 2016. The revised JCSS served as further endorsement and commitment by the City's leadership to create a safe Johannesburg. The JCSS confirmed that safety is a crosscutting phenomenon that required the involvement of multiple stakeholders. The JCSS has informed subsequent City policy documents, and it is for this reason that I also refer to the JCSS as policy.

However, there have been serious gaps in implementing this ostensibly integrated and multi-sectoral crime prevention policy, raising questions about whether its goals were achieved, and therefore, about the practical value of the policy. A key challenge also pointed to the organisational location of the JCSS in the Public Safety Department which is discussed in Chapter 5 and 7. Significant obstacles included but were not limited to consequent challenges of political and administrative buy-in; accountability issues that ranged from variable degrees of ownership of the JCSS and unclear mandates between

⁵ Recommendations from the 2013 assessment, undertaken by the Human Sciences Research Council (HSRC) of the JCSS implementation since 2004, informed considerations for improved implementation in the revised JCSS (2016).

different City role-players in relation to safety interventions; and differing priorities and competition for resources (HSRC, 2013). For this reason, analysing and documenting this policy-practice gap, and the reasons therefore will provide important learnings for Johannesburg, other cities and those interested in understanding the emergence of the 'policy-practice gap' in the implementation of public policies.

Text Box 1: Terms in Brief

Crime Prevention: In this thesis, the definition of crime prevention in the South African Government's White Paper on Safety and Security (Civilian Secretariat for the Police, 2016: 50) will be used. Crime prevention is understood as 'strategies and measures that seek to reduce the risk of crimes occurring, and their potential harmful effects on individuals and society, including fear of crime by intervening to influence their multiple causes'. This definition is based on the one articulated in the UN Guidelines for the Prevention of Crime (Shaw, 2010). This definition builds on the earlier policy documents and largely informs how crime prevention is understood in all three spheres of Government.

Safety: is used to refer 'principally to the state of an area and is determined based on the real and perceived risk of victimisation' (Civilian Secretariat for Police, 2016: 49). 'Unsafety' therefore refers to areas characterised by the significant prevalence of violence and crime' (ibid, 2016: 49). In practice, safety means keeping people safe from injury or physical harm. As such safety includes any concerns for security.

Security: is generally understood as measures taken by communities, individuals, and institutions to protect from a threat or danger. This understanding has also broadened and encompasses 'human' security that includes social, economic and political aspects of security (United Nations, 2017: 13).

Urban Safety: goes beyond the safety of persons, the integrity of investments and the sustainability of urban development – it invokes freedom of movement and access to public spaces, and unfettered participation in school, public life, and income-generating activities (SACN, 2016: 14).

Policy: 'Public policy is at its most simple, a choice made by a government to undertake some course of action' (Howlett & Ramesh, 2003: 3 cited in Pollitt & Bouckaert, 2009: 3).

The City also understands that: 'A policy translates Government's political vision into programmes and actions to deliver outcomes, i.e., desired changes in the real world. It outlines the Government's decision regarding a particular course of action that will be undertaken or an issue that needs to be addressed and provides a broad framework for decision-making and implementation' (CoJ, 2021b: 8).

Strategy: Strategy refers to a unique plan designed to achieve a competitive advantage and reach organisational goals and objectives (CoJ, 2019).

Practice: I use the concept of practice as defined by Laws and Hajer (2008: 412), viewed as 'a site of joint action and learning constituted around shared problems and a competence that resists reflection' in implementing policy. Practices have a social (and historical) context in institutions and are shaped and constrained by shifting contextual realities (Laws & Hajer, 2008).

Implementation: Implementation is used in the more technical sense as 'process, output and outcome' (Paudel, 2009: 38). The concept of implementation has been critiqued by policy scholars as institutional environments become more complex, where earlier notions were seen as mundane and top-down in how public officials carried out policies.

Informal Institutions (practices): Informal institutions are 'socially shared rules, usually unwritten, that are created, communicated and enforced outside of officially sanctioned channels' (Helmke & Levitsky, 2004:727 cited in Peters, 2019: 205).

1.2 Problem Statement and Research Rationale

The City is one of the largest municipalities in South Africa, operating in a dynamic and complex political and institutional environment. It is an environment where policy and practice come together. The implementational environment is of course, hugely complex, requiring action from multiple departments and agencies within or a network of actors (Peters, 1998; Bond & Gebo, 2012; O'Toole, 2012; Christensen & Lægreid, 2013). At least part of the disjuncture between policy and action stems from this complexity but, as I will show, there are other causes deeply embedded within the workings of the bureaucracy.

The disjuncture takes a distinctive form in relation to crime prevention in Johannesburg. While safety is institutionalised through policy and strategy as an *integrated* approach, the primary focus in practice has been on operational law enforcement activities. Some of the challenges of implementing the multi-agency approach has been confirmed in the Human Sciences Research Council's (HSRC, 2013) evaluation of the JCSS's implementation.

My initial conceptual framing was to apply the theories in the governance and policy implementation literature to understand the policy gap issue. The focus was on what in the implementational environment made the translation of policy difficult. However, after engaging the different bodies of literature, it became clear that understanding the nature and character of public institutions requires a broader set of interpretations. While the governance and policy implementation literature pointed to the complexity of contemporary institutions, we know that public sector institutions are also influenced by inherited bureaucratic structures, the new and complex relationships between government and citizens, the reach of formal rules and role of informal institutions, and more importantly the way social actors mediate policy and practice. This research acknowledges that the history of an institution influences how policy is initiated, developed and implemented and uses path dependency to understand the context of change and continuity in the City's policies. It is for this reason that a historical account of the evolution of safety policy in the City is needed. Therefore, policymaking is necessary to understand the policy-practice gap. I came to understand that 'New institutionalism' and 'Practices of the State' literature offered a stronger theoretical lens than the more narrowly defined 'Policy Implementation' literature (as detailed in Chapter 2).

My research project thus sits at the interface of work primarily focused on public policy, new institutionalism, and public governance as highlighted in the state practices literature. Understanding both the complexity of policy implementation and the complexity of the implementing organisation provided the theoretical angle I use to understand the policy-practice gap. Within this broad framing I draw specific from concepts and literatures that includes: path dependency (to understand the influence of a historical path on

policymaking); organisational complexity and practices (to understand how complex and hybrid structural arrangements shape policy and practices); and the interrelationship between formal institutions ('rules') and informal institutions ('practice') (to understand 'real governance'). These interconnected themes were applied to analyse the factors influencing policymaking and implementation.

1.3 Research Question and Aim

This research responds to the following question:

Why is there a disjuncture between policy and practice within crime prevention in Johannesburg?

This is elaborated into the following sub-questions:

- What are the key disjunctures between policy and practice in the City?
- How is policy made and implemented in the City?
- What, in the workings of the bureaucracy, make it difficult to achieve policy outcomes?
- How has policy shifted over different mayoral periods, and how has the bureaucracy itself changed, with implications for the policy-practice gap?

The research explores the reasons for policy disjuncture in Johannesburg. In consideration of this line of enquiry it compares policymaking across four political terms and looks at change and continuity in the governance of safety and the role various social actors played during this time. These understandings are juxtaposed against formal documents and discussions (to add further clarity and gather more information). Further, the research looks at both the macro- and micro-organisational perspectives of the implementation of the JCSS. Using these different narratives, the research was able to shed light on the complex nature of the bureaucratic environment and identify the limitations and opportunities of policymaking and implementation.

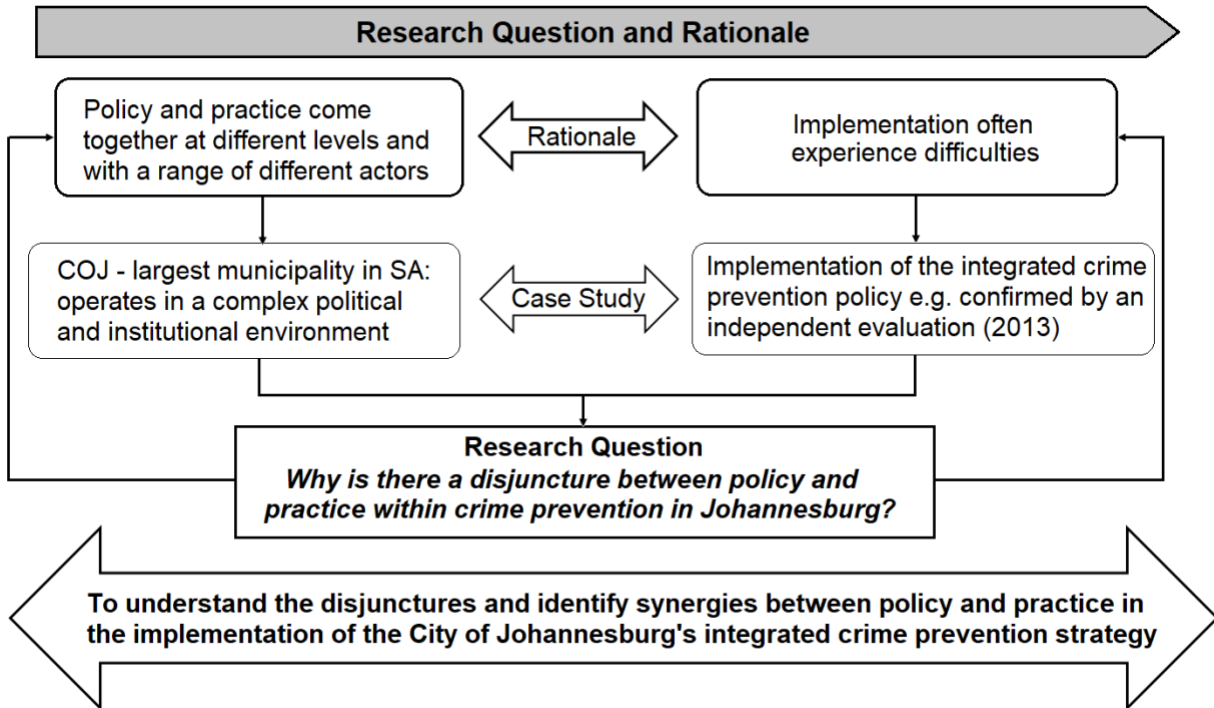


Figure 1: Overview of Research Focus (Author's own)

1.4 Significance of the Study

This research brings new knowledge in understanding policymaking and implementation and its challenges in the context of a large metropolitan municipality. It empirically examines the factors that explain why there is a gap between policy and implementation in the local government context. The context of the City is important to this research as it explains why I have chosen to focus my case study in this specific area. While a detailed account of the City's context is presented in Chapter 5, it is worth noting that the City's political and administrative bureaucracy has evolved from a contested history that has influenced the current structure and governance systems, including the governance of safety. The City thus, provides a unique historical, organisational and institutional environment, particularly in local-level policing, providing thought-provoking and keen insights for further analysis. While the context focuses on South Africa, I will draw from international literature and experiences where it is appropriate to demonstrate various concepts and insights.

The conceptual contribution rests in moving beyond a typical literature on implementation failures which focusses on capacities (for example, Pierre & Peters, 2000; Anderson, 2003; Hill & Hupe, 2014) to looking for causes in the complex functioning of the bureaucracy, including the ways in which it operates in relation to both formal system and informal practices. Through an engagement between concepts and the empirical study, this research shows that the reasons for the policy-practice gap is found within the City's complex historical, institutional, political and governance systems. In the bureaucracy, the practices of social actors intersect, shaping policy and its disjuncture with practice.

The research also contributes by adding to a slowly expanding corpus on local policy *practices*, and their implementation, in different fields and institutional settings. There is still a deficit of work in the public safety sector, and especially within the context of South Africa, where much of the recent work has focused on the reconstruction of policing with South Africa's transition to democracy (Shaw, 2002; Ivković et al., 2020).

This research arguably changes the perspective from which the City is usually engaged. Johannesburg has attracted keen interest from local and international researchers who tend to focus on public policy issues from the *outside*, related to urban development, urban safety and the City's governmental responses to social problems. An underdeveloped research area is understanding the organisational perspective from within the institution, with respect to constraints, limitations, obstacles, and opportunities in implementing public policies, informed by both outside *and inside* positions and perspectives.

1.5 Scope of the Study

The research covers the period from 2001 to 2019, during which the City's Safety Strategy was developed, adopted, implemented and revised. This, however, did not preclude looking at events before and after this period to trace the dynamics of policymaking. This period is also characterised by changes in political and administrative leadership, significant institutional reforms and changes in governance models.

I chose the safety sector as the specific policy area in the City because I have developed an understanding of this policy area and some of its implementational challenges over a long period through my embeddedness in the sector and institution.

Given that the focus is on the City's response to public safety, the study explored the Johannesburg Metropolitan Police Department (JMPD), although it does recognise the wider context including the SAPS.

It was not the intention of this research to analyse the crime prevention theories within the context of local government's mandate. However, the debates on the role of policing within the context of crime prevention and multi-agency policy implementation are examined.

1.6 Thesis Outline

This thesis has two parts. Part 1 provides the research context and addresses the methodology and theories that inform the case study: Chapters 1 to 4. Part 2 combines the empirical study and research results and presents the conclusions and closing thoughts: Chapters 5 to 9.

1.6.1 Part 1

Chapter 1: The Introduction positions the research and its importance in the context of policy and implementation research, especially at local level. It provides a background to contextualise the City, setting the scene with respect to an analysis of City policies, strategies and outcomes during the case study period. It further provides the link to the safety sector in terms of the policy-practice gap and the disjuncture experienced. It outlines the theoretical lens and approach adopted and states the research question to be explored.

Chapter 2: The Literature Review relates the research problem to the academic fields that best describe, support and analyse the research problem, identifying knowledge gaps and linking my research to filling this gap. This chapter looks at various theories of

governance relating to policy implementation analysis, the new institutionalism, and practices of the state with its emphasis on post-bureaucracies. From the theories in the literature, the conceptual framework is presented to locate the research.

Chapter 3: The Methodology clearly outlines the research methodology and methods, the research design, the data sources and data analysis approach. The temporal aspect of the case study is explained to understand policy change and continuity. The methodology outlines the case study approach and conceptual framework that informs the empirical data analysis and how the validity of the research was maintained. The issue of positionality is dealt with under the section entitled 'reflexivity'. The chapter concludes with some observations, the challenges encountered in the research process and ethical considerations.

Chapter 4: This chapter discusses the concept of crime prevention that has emerged as a collaborative and innovative alternative to traditional policing. The chapter serves to engage with the limitations of the crime prevention literature in explaining the gap between policy and practice within institutions. This chapter serves as the premise for the City case study in relation to the crime prevention debates.

1.6.2 Part 2

Chapter 5: I present the context of the City as an organisation and how it has evolved over the case study period. The City's historical context explains how the complex set of governance and organisational structures that were put in place to address inherited bureaucratic and political problems have had significant bearing on the current functions and policy implementation. It also explains the current governance structure and formal organisational arrangements. This chapter provides the context to explore the key themes of path dependency, organisational complexity and the intersection of the formal and informal within the City's institutional environment.

Chapter 6: This chapter looks at path dependency to further explore how these histories impact the City as an organisation. Path dependency is used as a critical lens to analyse

the City and understand how past decisions on public safety have influenced the available policy choices in the present and will influence future decisions. This chapter, therefore, critically engages with police transformation to understand the path dependency for local policing. The chapter further analyses the impact this path dependency has had on the City's crime prevention implementation approach.

Chapter 7: This chapter deals with the organisational complexity and practices in the City that frustrate the intentions of policy. It is a detailed look at the organisation based on analysis of data obtained in interviews. The chapter outlines the City's policymaking and approval process and explores the political-administrative interface and how this interface affects or supports policy efforts. Considered together, this chapter shows how complexity in policy itself and in policymaking assists to explain reasons for the disjuncture between policymaking and implementation in the organisation.

Chapter 8: From a place of understanding that bureaucrats are confined by certain structures and processes, this chapter focuses on mapping the formal rules and the informal practices to show how social actors conform and adapt to policy and practice. The chapter examines how the City seeks legitimacy through the maintenance of institutional structures. It further explores the concepts of myth and ceremony, and decoupling, derivatives of new institutionalism introduced by Meyer and Rowan (1977). By identifying the dissonance between formal rules and informal practices, significant in state practices literature, the chapter further understands the gap between policy and practice.

Chapter 9: The concluding chapter reflects on the large canvas painted in the earlier chapters to provide a synthesis on the various arguments presented about the complexities of the policy-practice gap. This chapter speaks back to the research question and links the findings to the conceptual framework taken from the theoretical perspectives introduced during the literature review. The thesis concludes with the academic contribution and limitations, future research directions and some concluding thoughts about policy in public sector institutions.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

My research focussed on the policy-practice gap, and specifically the factors that shape the translation and implementation of policies within a metropolitan municipal authority. My case study context is the City, and the policy area I focused on is the crime prevention policy of the City that it has been implementing as part of its broader developmental mandate to transform safety in Johannesburg. The challenge that the City faces is that this multi-agency crime prevention policy is being implemented, but with a predominantly *policing* approach. It is not easy to find the reasons for this disjuncture as they lie within the complex historical, institutional, political and governance makeup of the City. Examining the literature that has engaged with a similar set of issues in varied contexts and disciplines provides insights into how best to understand and approach the research problem. I aim to draw on some main themes in the literature that will help to frame my analysis of the case study and empirical data.

This literature review begins with an engagement with *Theories of Governance*, focusing on the ‘mainstream’ literature on bureaucracy and governance. I reflect briefly on understanding the shift from a *Weberian bureaucracy* to a *post-bureaucracy*. This literature frames my analysis of the case study to provide a wider context to locate and understand the different forms (models) of bureaucratic structure and action in public sector environments and its impact on policy and implementation. The literature on *Policy Implementation* provides an understanding of the different debates on how policies get implemented, with reference to matters such as interorganisational collaboration and coordination; and governmental capacity, networks and agency. However, this way of understanding implementation has its limitations as it does not address the complexities that shape the institutions which make and implement policies. Therefore, I draw on literatures on *New institutionalism* to add further insights into the relational complexities surrounding institutions to expand on the policy and implementation literature. I try to address the limitations of the implementation literatures by turning to writing informed by the new institutionalism, which offers perspectives on formal and informal dimensions in

explaining the problem of the *gap*. I follow this with a related literature that looks specifically at *Practices of the State*. This literature engages with the different approaches to the so-called post-bureaucratic State and tries to show the complexity and messiness of state practices, more especially in the context of emerging democracies.

2.2 Theories of Governance

2.2.1 From Weberian bureaucracy to a post-bureaucracy

There is a debate on whether contemporary institutions and public administrations are changing and introducing different ways of being responsive to citizens' needs (or just to survive as institutions). The discussion on whether bureaucracies no longer work or are ceasing to be the primary form of organisations in contemporary society is a focus of several comparative studies (Clegg, 1990; Hassard & Parker, 1994; Page, 2003; Alvesson & Thompson, 2006; Basu, 2019). The critique of bureaucracy is based on the classical characteristics of what was later termed Weberian bureaucracy, founded on the iconic work in early organisation theory of German Sociologist Max Weber (1864-1920). Typically, a bureaucracy is an organisational structure based on a system of rational-legal authority that 'takes the form of rules, procedures and duties' (Grey, 2005: 22). Weberian bureaucratic organisations consist of 'permanent civil servants with pensions, security of tenure and obligations to non-partisanship [...] organised in hierarchical ministerial structures, allocated specific tasks or "competencies", recruited by examination and promoted by some form of "merit" (including seniority)' (Page, 2003: 488). Authority in a rational bureaucracy resides in the job, and discretion is conferred on the role through 'technical superiority' and 'impartial performance' of the administration (Clegg, 1990: 37) hence, removing arbitrary conduct. In the political context, this would mean that political leaders can rely on an impartial and reliable administrative staff to implement policy (Clegg, 1990).

Grey (2005) notes that the removal of discretion means that another kind of arbitrariness disappears, in that people are appointed and promoted based on experience and qualifications. This role cast for the bureaucracy was, therefore, seen as a 'good thing', as something desirable (Clegg, 1990). The idea of rationality seems to be the defining

concept of the theory and practice of bureaucracies. For Grey (2005), the fundamental point is that, in the Weberian conception, bureaucracy sets up a dichotomy between formal or instrumental rationality and substantive or value rationality. In formal rationality, an action involves a rational decision of a means to an end based on rules, laws and regulations to achieve an efficient outcome without regard for the needs and values of persons (Grey, 2005). In this respect, bureaucratic practice is not concerned with ethics, being substantively rational structures, but rather is about achieving efficiency. For example, the pursuit of the Holocaust in the Second World War (and of apartheid) was formally rational as it was based on laws passed by a parliament while not being substantively rational. It detached ends from means (Grey, 2005). Still, formal rationality does require a form of judgement based on a system of rules that can be based on ethical considerations that are linked to the values of the administration (for example, a democratic constitution can outlaw discrimination). Tension between bureaucracy and democracy can arise if a bureaucracy promotes meritocratisation rather than the democratisation of decision-making (Clegg, 1990). How this objective reality is constructed and in whose interest it is, is what matters in the study of bureaucracy (Grey, 2005). In practice, formal rationality in relation to substantive rationality is not an either-or but rather functions on a continuum.

Grey's view that bureaucracies should be understood primarily in terms of a formal rationality is countered by du Gay (2000; 2005), who defends bureaucracy as a type of organisation that can address a wide range of substantive issues (for example, social welfare and health) through its structured large, unified working systems. For du Gay (2005: 2), there is a need to reassert the values of bureaucracy to create 'responsible and effective governance in a variety of organizational contexts'. In an interview, du Gay (Knudsen, 2013) argues that bureaucracies can act ethically as the norms of a modern legal-rational bureaucratic administration based on 'fairness, equality and due process' (Knudsen, 2013: 18). du Gay (cited in Knudsen, 2013: 15) explains bureaucratic accountability in public governance as adherence to particular 'procedure, standards, and consistency of organisation'. This *red tape* is therefore the price to pay for the equitable

treatment of citizens and employees⁶. Achieving this form of practice makes a good bureaucrat. du Gay (Knudsen, 2013) further argues that it is the lack of bureaucratisation, rather than the extension of it, that leads to ineffectiveness. Grey (2005: 27) argues, on the other hand, that du Gay (2000) is only correct in the context of what Weber called an ideal type of bureaucracy, which even Weber was not a proponent of in its purest form, in terms of 'an idea, concept or practice'. While Weber was concerned that 'the world was becoming enclosed in an "iron cage" of rationalization' (Grey, 2005: 23), he was also aware that states and organisations did not work to hierarchical and formal rules and that empirical reality did not conform to theoretical expectations (Page, 2003), possibly making him the first social theorist to have engaged with the issue of gaps at a macro level (de Sardan, 2015).

It is for this reason that Page (2003) defends Weber and the classical bureaucracy theories (rather than the practice) and makes a case for not discarding the Weberian perspective when analysing modern governments. Page (2003) bases his argument on the intellectual heritage that Weber brings, including his extensive empirical knowledge of modern bureaucracies. Weber's work offers a way to maintain continuity in perspective; to build a historical and contemporary perspective on current developments in bureaucratic changes. The principle of the ideal type of modern institution is only the starting point to evaluate the divergences between this model bureaucracy (the theory) and the reality (the lived experience) (Page, 2003). We have to engage with *actual* complexity in public institutions, moving in our analysis beyond ideal types (including those of Weber) and also beyond a binary conception of good and bad norms into messy, hybridised realities in order to study the factors that contribute to the policy-practice gap. Some of these complexities will be expanded upon later.

⁶ For du Gay (Knudsen, 2013: 15) equality is one of the strongest arguments for bureaucracy, and can lead to citizen outcry if people 'in exactly the same empirical situation [...], got different welfare entitlements, or paid less tax' because formal bureaucratic procedures were not followed.

2.2.2 The concept of governance

The concept of governance remains a key matter for scholars in understanding the changing relationship between the State and society and the growing reliance on non-state actors to govern in the pursuit of collective interest (Pierre & Peters, 2000). Theories on governance have been extensively dealt with by scholars, including Rhodes (1997), Stoker (1998), Jessop (2000), Pierre and Peters (2000) and Osborne (2010). The meaning of governance varies in academic literature. Some scholars take a state-centric view where the State continues to have considerable political and policymaking power by enabling and facilitating the participation of social actors in society (Pierre & Peters, 2000). In contrast, others see governance as networked where the focus is on the complex relationships between a range of different social actors in policymaking and providing government services (Kickert et al., 1997; Rhodes, 1997). The governance models that have come to influence public sector reforms can broadly be categorised as New Public Management (NPM), post-NPM, and New Public Governance (NPG), with the NPM relating more strongly to the first view on governance and the NPG to the second.

A broader view of the actors of governance emerged partially due to the increasingly apparent limitations of the NPM in the 1980s and early 1990s. NPM was a dominant public administration approach in the USA and the UK but also influential in many other parts of the world (see Harrison, 2006; Chipkin & Lipietz, 2012 for South Africa). Empirical studies have shown that the spread of NPM took place to varying degrees and was influenced by countries' specific cultures and ideologies. These administrative reforms have led, in practice, to a mixed type of governance model, making it a complex process to evaluate (Christensen & Lægreid, 2007). The literature does point to some common elements that define NPM as a broad neoliberal ideology, including 'privatisation, deregulation, cut-backs in public spending, tax cuts' and a 'distinctly market-based philosophy' in the delivery of public service (Pierre et al., 2000: 2). NPM introduced hard measures by addressing auditing and performance measurements and soft elements with more human factor features that included user orientation and training. The NPM approach emphasises efficiency, increased vertical and horizontal specialisation,

competition, managerial principles and the use of performance contracts (Christensen & Lægreid, 2007). In this context government's role was one of coordination and steering of policy goals rather than being the main provider of policy, nevertheless ensuring that implementation at every level adhered to policies decided at the top level (Lyall & Tait, 2005).

The second generation of reforms or post-NPM reforms, introduced from the 1990s, was a realisation that NPM had limitations, especially in addressing typically cross-sectional policies to respond to the many societal problems, such as poverty and environmental protection that cannot be solved by one specialised public organisation or the market (Christensen & Lægreid, 2007). More importantly, it was a reaction to Government's more arms-length approach to policy and implementation and what was seen as the negative consequences of 'structural devolution' and a 'more fragmented' public sector (Christensen & Lægreid, 2007: 8). New public sector reforms were introduced to allow Government to return as a central player in the regulatory and policymaking process. These new reforms to modernise Government came to be labelled as 'joined-up Government' and later as 'whole-of-Government' using formal structures to regain control and political influence, vertically and horizontally (Christensen & Lægreid, 2007: 10). Post-NPM focused on increasing centralisation, coordination and capacity building. However, Christensen and Lægreid (2007) point out that market solutions within the public sector have become institutionalised in many respects. The authors see post-NPM as a 're-balancing' of the NPM model and suggest a possible tension with norms of post-NPM to 'strengthen traditional values of fairness and impartiality' and the 'demands for greater flexibility and managerial discretion' (Christensen & Lægreid, 2007: 16).

Osborne (2010) provides an added paradigm to understand the changing role of the State in the context of the new realities and complexities facing both governments and society in the 21st Century (new social actors, climate change, increasing inequality, citizen demands, security threats and global financial crisis). NPG offers a way to examine institutions and processes and to respond to the challenges of networked and multi-sectoral issues. This governance perspective puts emphasis on public value and

collective governance and is seen to move beyond traditional public administration and NPM, with its attention on efficiency and effectiveness (Bryson et al., 2014). A consistent theme in the governance debates is how the complexity, dynamics and diversity of governance models impacted traditional policy approaches (Pierre & Peters, 2000). Thus, drawing the link between governance theories and their impact on policy.

More recently, the literature points to a more contested understanding of governance. The focus has shifted from a macro- to a local-level understanding of how policies are shaped and delivered (see Geddes & Sullivan, 2011). These debates will be covered in the discussion on practices of the State further on. The following section provides a reminder to the literature field on policy implementation to show some of its limitations in investigating the policy-practice gap.

2.3 Approaches to Policy Implementation Analysis

Policy implementation literature is extensive and spans at least three generations of academic research (from the early 1970s to the present), and considered a revolution in terms of the debates and breadth of research (Sabatier, 1986; Anderson, 2003; Paudel, 2009; Shober, 2010; Andrews et al., 2017; Young & Diem, 2017). A comprehensive review of the literature is not possible here, so I have limited the discussion to aspects of the literature that relate to the policy-practice gap. There is a variety of implementation research and methods; scholars tend to study implementation from the top-down, associated with the normative and prescriptive role of implementation or from the bottom-up, that is, looking more closely at policy networks, often in multi-agency settings (Schofield, 2001).

The first generation of implementation analysts discovered that public policies could not be implemented in a mechanistic and apolitical way. In 1973, Pressman and Wildavsky were heralded as the first generation of implementation analysts to discover the problem of implementation in analysing the reasons for policy failure in the USA by showing how programme outcomes did not match policy intentions (Schofield, 2001: 245). Policy implementation was thus seen as 'a process of interaction between the setting of goals

and actions geared to achieve them' (Pressman & Wildavsky, 1984: xxi-xxiii, cited in Paudel 2009: 36-37). Young and Diem (2017) and Andrews et al. (2017) showed how traditional policy analysis takes a linear approach to identify problems and provide solutions for implementation. This perspective looks at how the formal institution needs to steer problems and the factors (such as funding formulas, structures and authority, administrative controls, and so on) that require attention to improve centralisation and control (Paudel, 2009). The criticism, however, is the assumption that implementation deficits are due to the failure to operate in a rational and linear process (Schofield, 2001). In other words, seeing implementation as a purely administrative process (from policy design to evaluation). The political aspects that account for policies with multiple goals, ambiguous language and complex implementation structures that impact implementation were not considered (Paudel, 2009).

These second-generation studies drew attention to understanding the relationship between policy and practice by focusing on the formal and informal relationships involved in making and implementing policy (Paudel, 2009). The focus was on individuals and their behaviour, and here *street-level bureaucrats* were seen as important in policy translation by having the discretion to adapt policy objectives to suit their clients' needs (Paudel, 2009). Lipsky's work on how national policies are implemented by low-level bureaucrats shifted the research focus to understanding how policies are interpreted and enacted at the micro-level. The debate was now on the dilemmas that professionals faced in terms of work autonomy and how desirable discretion was in policy implementation. Contextual complexity, therefore, became important in how social actors negotiated ambiguous policy goals (Shober, 2010). The second-generation or bottom-up perspective is nevertheless critiqued for focusing on the details of implementation and overemphasising the level of autonomy in informal policy relations, ignoring the continued importance of the policymaking process at the more macro level (Paudel, 2009). Both the first- and second-generation models have been criticised for failing to provide conceptual clarification for implementation (prescriptive, descriptive or normative) and for not adequately addressing the causal mechanisms (outputs or outcomes) in implementation research (Paudel, 2009).

It is the third-generation models that claim to acknowledge the dynamic nature of implementation and address implementation processes (coordination and cooperation) by engaging in multiple and diverse empirical methods. It is this third-generation analysis that is current and is testing implementation theories by integrating the macro-world of policymakers and the micro-world of implementers (Paudel, 2009). Recent approaches take a participative approach to policymaking, expanding on the ideas of how participative methods to policymaking contribute to customised and contextual policy development as opposed to a best practice approach (Andrews et al., 2017). However, scholars who are engaged with state practices and policymaking, especially in the context of developing countries, acknowledge that the macro- and micro-level agency in policy development need to be better understood due to the complex nature of the State's relationship with the informality that exists in society (Polese, 2015; Davis, 2018).

Policy implementation literature has come a long way and has demonstrated the need to adopt different theories and methodologies when examining policy and implementation problems. This synthesis of perspectives draws attention to the complexities involved in the construction of policy and how policy might run its course in practice (Young & Diem, 2017). Young and Diem (2017) show how critical policy analysis has shifted the emphasis to include: how policies impact society and raise concerns about policy roots and processes; policy reality as political rhetoric; how power, knowledge and resources are unevenly distributed; and how policies institutionalise inequality. Paying attention to some of these issues provides a sounder analysis of the factors that contribute to the practice gap.

Understanding the nature and character of public institutions requires the deployment of a broader set of interpretations. The literature on governance highlighted the complexity that exists in contemporary institutions. We know that public sector institutions are not only influenced and shaped by their governance models but also by their inherited bureaucratic structures. This complexity is also linked to making policy. Policy implementation, therefore, becomes about understanding the new and complex

relationships between public institutions and citizens, the role and reach of formal and informal institutions, and the influence that social actors have in mediating policy and practice. New institutionalism offers a theoretical lens to explore these issues further.

2.4 New Institutionalism

The interest in institutions and how they shape political life has its roots in several disciplines spanning economics, anthropology, politics and sociology (March & Olsen, 1984; North, 1991; Hall, 2009; Hoag, 2011; Peters, 2019). In the political sciences, concern has been with the formal role of public sector institutions such as parliaments and legislatures and the departments and agencies in the bureaucracy. Institutions are seen as necessary for organising political life and are understood as 'sets of regularized practices with a rule-like quality which structure the behaviour of social actors' (Hall, 2009: 1). In this view, institutions function rationally and make choices that advance their interests, and individuals act according to the rules set out.

This view of institutions, which is primarily confined to formal governing rules and structures as a precondition for institutions to function (the old institutionalism), has been criticised for its overemphasis on the governing system and for downplaying the role of norms, collective behaviours, and social routines (March & Olsen, 1984). In this sense, the new institutionalism is not about the formal organisation but rather about institutions in the sociological sense. New institutionalism introduces a broader definition of institutions that includes informal conventions and formal rules, noting that informal conventions can be as binding as formal rules and may even be resistant to change (Lowndes & Roberts, 2013). New institutionalism allows us to capture the role of social actors in explaining the dynamic processes of 'creating' institutions and not just in 'describing the characteristics of the institutions resulting from that process' (Peters, 2019: 145).

There are thus two ways that the word institution is used; institutions in the formal sense (design, policies and programmes) and institutions as sociological institutions (individuals, networks of social groups and political groups). But there is also a recognition

that the two are interconnected: For example, within a formally constructed institution or organisation, there are also informally created social institutions that add to the complexity of what happens within the institution. A bureaucratic structure, such as a government department, is always intersected with multiple other institutions such as organisations of political parties, professional associations, informal familial networks and networks of relationships, amongst others. According to Lowndes and Roberts (2013), institutions are robust and endure over time, unlike organisations. In general, following the new institutionalism, I will use *institution* in its sociological sense and *organisation* to refer to a formally constructed structure of Government or civil society, although recognising the intersections between the two (Lowndes & Roberts, 2013).

In the theories of governance, there is recognition that the way in which formal institutions are configured makes it difficult for institutional change to happen. Historical institutionalism is one approach that allows for the understanding of how institutions evolve and change and how they shape public policy choices.

2.4.1 Historical institutionalism

Historical institutionalism understands institutions as being impacted by past decisions. Also referred to as path dependency, this concept contends that policy decisions made at a particular point in an institution 'will have a continuing and largely determinate influence over the policy area far into the future' (Peters, 2019: 81). Historical institutionalism argues that different institutional factors can influence policy choice in a given area. Once governments make these initial policy (and institutional) choices, 'the created patterns remain long after unless there is a disruptive force (a critical juncture) that triggers change' (Peters, 2019: 82). Mahoney (2001: 112) defines critical juncture as 'antecedent historical conditions that define a range of options available to actors at a key choice point' (also see Laughlin, 1991). It is during this choice point, or critical juncture, that options (for example, a specific policy, coalition institution or government) are selected. These decision choices, which social actors (referred to here in the political sense) make during a critical juncture, become locked in and lead to the creation of institutional patterns that social actors adjust to over time. However, path dependence

can be disrupted by exogenous factors (for example, social movements or even a pandemic) and endogenous factors (the role of social actors) in shaping policy choices.

According to Ebbinghaus (2005: 5), path dependency has been viewed in two ways. The first approach is a 'persistent diffusion' path that considers the evolution of an institution and its continuing and deterministic course. The second approach is referred to as 'branching pathways' or the 'developmental pathway' and looks at the 'interdependent sequence' of events that influence institutional changes. Both approaches recognise the possibilities for change, but the chosen path will be constrained by the formative period of the institution. In this developmental approach, however, the claim is that institutions are more open to change and options, giving path dependency an evolutionary rather than a deterministic path. When analysing an institution, the key question is the extent that past decisions shape the available alternatives for future ones (Ebbinghaus, 2005). Here, the work by Pierson (2000) adds additional insights into the path dependency concept by introducing the notion of increasing returns or positive feedback processes. Pierson (2000: 260) argues, for example, that politicians employ a 'highly discounted rate' in terms of long-term change as they need to keep an eye on short-term political consequences to satisfy their electoral constituency. This reinforces path dependencies. In this argument, the inherently ambiguous nature of politics and policymaking is significant when determining the nature of the change as organisational actors will act in their own interests (see Baier et al., 1986). Historical institutionalism directs the focus on themes and sub-themes such as power, critical juncture and path dependence to allow one to look at the impact of policy choices through time, to go back and forth, which adds new insights, closing off the link to impact on policy implementation. Historical institutionalism provides one explanation to explain change in organisations; hence, there is also a need to look at other dynamics through which change occurs that impact public policymaking (Peters, 2019). I discuss this below.

2.5 Formal Rules and Informal Practices

According to Lowndes and Roberts (2013), questions about the gap between the formal rules and how things really work can be explored by studying the institutional framework

(the formal rules of the game and the dominant practices) within which social actors function. Academics interpret formal rules and what influences them, such as values, norms or culture, in different ways. These questions add complexities when exploring any institutional environment, such as when and where to find these (for example, in a vision, mission or regulation) and, in turn, what constitutes informal values and practices and how do you look for these. But institutions are also about public trust and legitimacy. How institutions are portrayed to the outside world often does not reflect this behind-the-scenes messiness to deal with such complexities. So how do formal institutions sustain societal legitimacy in the context of a constantly changing external environment? To explore how formal institutions are understood, I draw on the work of Meyer and Rowan (1977), which is regarded as 'a seminal paper on new institutionalism' in organisational studies (Powell & Di Maggio, 1991: 11), and the extensively cited work by de Sardan (2015). Using these two theoretical frameworks applies to a broader dialogue to understand both the formal and the informal institution and to explore the gap issue.

Meyer and Rowan (1977: 340) see formal organisations as the 'systems of coordinated and controlled activities' that arise in institutionalised contexts. Features in an organisation that makes for an institutionalised structure include embedded norms and values, social relations, institutionalised myths, isomorphism, and leadership. The formal systems that these organisations incorporate are determined by prevailing rationalised concepts that are institutionalised in society. Conformity with the institutions they incorporate includes rules, regulations, classifications, professions, technologies and practices as the way to gain legitimacy and secure social resources from the environment to increase their survival prospects. Meyer and Rowan's (1977: 341) argument is that formal structures of organisations ceremonially adopt institutional rules that reflect the 'myths of their institutionalised environments instead of demands from work activities' to 'maintain gaps between their formal structures and ongoing work activities'. From this discussion, the interplay between these two requirements is at odds, creating tension (gaps) between formal structures and ongoing activities. So, while organisational structures are made more elaborate with the rise of institutionalised myths in highly institutionalised contexts, organisations must also attend to practical activities. The

solution is to maintain the organisation in a loosely-coupled state by binding participants to act in good faith (maintaining the gap). In this way, organisations might buffer their formal structures from the uncertainties of the technical activities of an organisation. So, while organisations are task-oriented, their behaviour is not always rational in the Weberian sense of the term (Meyer & Rowan, 1977).

By incorporating these rules, institutions become isomorphic (similar) with their environment, even if they are not evaluated for their efficiency criteria. Institutional isomorphism promotes the survival of organisations through legitimacy by social definition (for example, schools promote education) (Meyer & Rowan, 1977; Di Maggio & Powell, 1983). Institutional isomorphism can create structural inconsistencies when the organisation has to respond to both external and internal pressures. Further, to understand this gap issue, it is important to understand the effects of social behaviour and relationship networks - the informal institutions surrounding a given institution. Thus, for Meyer and Rowan (1977), all organisations are embedded in both relational demands (of local networks) and their institutionalised contexts (that must control activities). These core concepts, institutional myths, isomorphism and loose coupling, have become the central ideas in institutional theory to explain change (Boxenbaum & Jonsson, 2017). Understanding the formal context (the manipulation of symbols), but without assuming that these structural features are implemented in routine work activities, allows an examination of the complexity of an institution and the work they do (Meyer & Rowan, 1977). This understanding of formal institutions adds to the policy debates that explore why organisations perform contrary to their own rules and goals (Laws & Hajer, 2008).

Although Meyer and Rowan (1977) provide a sociological conception of institutions, little attention has been paid to understanding what they see as these informal networks. Nor do they provide a way to understand how these models of myths and ceremonies arise and in whose interest they initially serve (Di Maggio & Powell, 1983). Their approach is a macro-view of the institution, and the issue of power and agency is downplayed, especially at the micro-level of the institution. There is also an assumption that the work

activities are, in themselves, rational. Policy implementation literature points to how power and agency (at different levels) in an organisation can affect policy, and implementation success or failure is tied to individual (official's) incentives and beliefs (Paudel, 2009). Institutional theorists are also increasingly arguing that there are more heterogeneous institutions, especially in developing nations, and the sources and drivers of institutional change and responses to pressures are more diverse (Dacin et al., 2002; Lowndes & Roberts, 2013; Greenwood et al., 2014). To understand how the formal institutionalised rules are reflected in the practices of the institution, a bottom-up or micro-view is another way of understanding the gap issue. For this perspective, work on bureaucracies in Africa is considered below.

2.5.1 Practical norms

The work of de Sardan (2015) on practical norms within public bureaucracies (also see De Herdt & de Sardan, 2015) provides the micro-view of how to identify the policy-practice gap. Following extensive work in Africa, de Sardan (2015) takes a contemporary standpoint on formal institutions. Nevertheless, like Meyer and Rowan (1977), he also argues that an investigation of the formal structures and rules is inadequate as this kind of analysis fails to reveal all that you need to know about how a bureaucracy works or does not work. The problem of the gap is explained as 'a dissonance between formal rules and real practices of civil servants' (de Sardan, 2015: 1). While de Sardan (2015) acknowledges that forms of divergences between norms and practices are experienced in public bureaucracies worldwide, this phenomenon is particularly well developed in Africa.

In this context, de Sardan (2015) is also providing a critique of those theories that seek to create an ideal administration that functions in complete compliance with the professional norms, which aim to reduce divergences by using various management monitoring mechanisms. In Africa, donor agencies are often guided by the principles of NPM in development policies and encourage bureaucracies to adopt various procedures and their application in the quest for good governance models (de Sardan, 2015). This multiplication of official and professional norms increases compliance with the formal

rules that sometimes overlap and can be contradictory. According to de Sardan (2015), civil servants do not always follow official regulations, and evidence shows that there are informally regulated rules within the public bureaucracies. For this purpose, he proposed the concept of *practical norms*. Understanding these practical norms will encourage new empirical knowledge and contribute to the analysis of the gap issue and how bureaucracies actually work. This is a shift from a normative view of how to study bureaucracies in developing contexts and suggests that the problem of the gap should be approached free of any value judgements as they can have a positive impact on the delivery of service, as well as negative impacts. Here, de Sardan (2015) is making a methodological point on how to understand this phenomenon.

de Sardan (2015: 3) provides the following definition of practical norms: 'Practical norms are the latent regulations of practices of civil servants when these do not follow official regulations'. Official norms and social norms work their way into the professional and the organisational culture and get translated into a set of practical norms. What constitutes patterns of behaviour of public servants will provide an understanding of these divergences from the official norms (or social norms). These practices, de Sardan (2015: 8) explains, are not to be regarded as deviant, 'they are recurrent, tolerated and regulated, albeit by an "informal" register'. It is these practices that make it possible to understand 'the gap or the game played with the official and the social norms' (de Sardan, 2015: 8). Furthermore, the gap between official rules and actual behaviour does not presuppose that there is nothing in-between, but that there are alternative norms that are in use, practical norms that are 'implicit [...], "enacted", incorporated or embodied in the practices of civil servants' (de Sardan, 2015: 3). This agency-friendly perspective means that public servants' interactions with each other and service users are regulated and predictable at some level. The debates on how social actors negotiate ambiguous policy goals within contextual complexity are considered in the policy arena (see Shober, 2010). While de Sardan (2015) does not talk explicitly to policy implementation, this complexity, he describes, could help to understand the policy-practice gap.

Having completed the exploration of formal institutionalism, I now turn to the post-bureaucracies and the complexities of state practice in contemporary institutional environments. The following section will review studies of the State and governance institutions that have multi-actor involvement and both formal and informal players, planned or unplanned, and the influence on policy implementation will be analysed.

2.6 Practices of the State

The key issue in the post-bureaucracy debate is how much of the Weberian bureaucracy remains today and, if so, what form it takes. Alveßon and Thompson (2006) found that existing and new forms of bureaucratic structures and action remain dominant in several areas but in more complex hybrids than in earlier periods. In the public sector, there has been pressure to move away from structural hierarchies toward new forms of institutions to meet the needs of citizens (the customers). This shift requires focus on tasks and not on rules to adapt to the entrepreneurial culture (Alveßon & Thompson, 2006). The authors show that while important changes, especially in areas of decentralisation and disaggregation, can be seen in various sectors, they are not in the form of fully-fledged post-bureaucratic alternatives. Internal forms of horizontal institutions and external-network type relations (the informal institutions) co-exist with vertical hierarchies. Nonetheless, bureaucracies are not static and incorporate a diverse set of practices to adapt to a changing environment and introduce a diverse range of controls and coordination mechanisms and require broader considerations for meaningful analysis (Alveßon & Thompson, 2006). This section outlines some of the ways governments and the public sector have coped with new forms of institutional changes and what they imply for policymaking and implementation.

Comparative studies on African bureaucracies provide some important and useful insights into how institutions work and the historical and social processes that influence them. The literature is based on a critique of the State failure literature that advocates a Weberian conception of the State, influenced by neoliberal ideas, as a lens to interpret state politics in Africa (Hagmann & Peclard, 2010; De Herdt & de Sardan, 2015). Common

themes that arise point to understanding the messiness of state practices, the formal and informal dichotomy, power and agency and the lived experience versus the theory.

In this literature, governance is recognised as plural and multiform with a wide range of social actors, state officials and non-state actors that interface, both in cooperation and in competition with the state bureaucracy (Hagmann & Peclard, 2010). According to Lund (2006), this state-in-society relationship is important in Africa as there are multiple layers and branches of institutions involved in governance processes. These include the judiciary, administration, customs service and police and various extension agencies, which are present and active in many ways. Also, there are traditional institutions (for example, chieftaincy and churches) that are competing for public authority and often have government recognition. These multiple public authorities have different modes of governance that will have their norms (sometimes contradictory and overlapping), and therefore, none of them is exempt from the problem of the gap (De Herdt & de Sardan, 2015). Rather, the practice of governance varies from place to place and even from field to field, such as security, citizenship, property and development. De Herdt and de Sardan (2015) refer to this mode of governance as the coproduction of public goods and services. Therefore, the State and these various public authorities co-exist, and it is 'difficult to ascribe exercised authority to the "state" as a coherent institution' (Lund, 2006: 686). Implying that state institutions are never definitively formed and are in a constant process of formation – transitory. It is for this reason that both Lund (2006) and De Herdt and de Sardan (2015) appear sceptical about formalising public institutions. There is, therefore, a need to understand whether this is transitional messiness or how does the State deliver on its policy goals considering this messiness? Is there a need for the institution to 'institutionalise' before it can roll out policy effectively? The question then becomes how and when will a public administration become institutionalised, well-functioning and deliver on its policy goals? New institutionalism and the policy literature speak about the capability of the State in relation to how policy and processes get institutionalised (Andrews et al., 2017; Peters, 2019).

While this sociological conception of state-in-society does not assume the State has ultimate sovereignty, it does recognise the importance of understanding how the State comes into being (ideologically and materially) and its effects in explaining the complex political and policy dynamics that inform state practice (Sharma, 2006; cf. Parnell & Robinson, 2012). According to Sharma (2006), state structures' power can be examined by looking at how cultural and representational frames influence institutions and practices. Public institutions are not to be defined simply by structures, bureaucrats and policies, 'but also of imageries, symbols and discourses' that also have historical routes (Hagmann & Peclard, 2010: 543). The diverse literature on state institutions in developing countries converges to underscore this dual definition of the State as both image (symbols) and practice (Lund, 2006; Sharma, 2006; Hagmann & Peclard, 2010; De Herdt & de Sardan, 2015). The tension between both elements must be recognised, as symbols provide the State with legitimacy (myth and ceremony) and occupy the centre stage, and practices (in the social world of public officials) occupy the backstage, therefore, serving different purposes in how state practices are to be seen (De Herdt & de Sardan, 2015). Whereas the new institutionalists make a distinction between the formal rules and informal institutions (social norms), for De Herdt and de Sardan (2015), this distinction becomes more porous in the African context, as social norms come to dominate formal rules.

Sharma (2006: 18) further argues that it is through mundane bureaucratic proceduralism (the repetition of everyday work) and through various representational techniques (official letterheads, memos, organisational charts, reports, special uniforms, spatial arrangements of offices, and so on) that the primacy of the State is reproduced, and power is dispersed through institutional and social networks (cf. Hull, 2012). In other words, the messiness is present in state-society relations but concealed behind bureaucratic infrastructure (Sharma, 2006). Therefore, this complex dialectic between these formal representations of the State and its practices exposes the contradictions (dissonance) between ideas of the State and encounters with state officials (Sharma, 2006). It is this real-world complexity that points to how exercising discretion and hierarchical control creates tensions in how policies are implemented. But Sharma (2006) also points to the effects of the State as being limited when officials themselves do not

support, but rather resist, state bureaucratic programmes. Reminding us that bureaucracies are not neutral, and social actors have agency and power to shape policy and practices. Empirical case studies, in very different institutional contexts, point to how public officials navigate institutional logics and ambiguities in public policy through contested practices (cf. Anjaria, 2011; Baptista, 2013; Bertels & Lawrence, 2016; Nzinga et al., 2019). The different literatures discussed in the above section add further insights to understand how the formal and informal institutions intersect and point to factors that shape, restrain and enable politics, policymaking and implementation. Understanding such institutional complexities, together with policy implementation workings, is another way to understand the gap issue.

2.6.1 Informal institutions and governing

The shift to a post-bureaucratic State has witnessed both critique and support of this organisational change. A post-bureaucracy, as defined by Alvesson and Thompson (2006), has features of both formal and informal institutions that are seen as important in how policy is made and delivered, with more focus on citizens and participation (cf. Garcia, 2006). However, the term informality emerges in the literature to signify something different from a post-bureaucracy and suggests that informality is resistant to the idea of a bureaucracy. This dichotomy adds a further complication to understanding how public sector institutions work.

The idea of informal institutions emerges in various ways in the literature. One understanding sees informality as a way to legitimise the formal ideal (the idea of the normative bureaucratic State) (Pratt, 2019). In this sense, the term would undermine its comparison to what is produced as a state policy or decision-making process. Formality links to the concept of the rule (what ought to be) and to bureaucracy (cf. Meyer and Rowan, 1977). Informality lies outside of this (Pratt, 2019). Pratt (2019) challenges this duality and opts for a hybrid conception of formal and informal, noting that 'informality constitutes the everyday life and that numerous informal practices and systems are required to enable formal ones to operate' (Pratt, 2019: 3). On the other hand, De Herdt

and de Sardan (2015) argue that informal practices are jointly at work in determining how public administrations work.

Also, scholarship has emerged to legitimise informal practices as an aspect of formal governance, pointing to how informal, everyday practice forms part of the bureaucratic State and as a mode of governance when working with non-state actors (Røiseland, 2011; Peters, 2019). Informal governance provides for decision-making mechanisms (not codified or publicly enforced) between the range of public and private actors to agree informally around a set of policies to be implemented (Røiseland, 2011); a phenomenon that has characterised the European Union, for example. Røiseland (2011) identifies different forms of informal governance linked to private and public actors comprising soft law, networks, partnerships, coproduction, multi-level governance and open methods of coordination (Røiseland, 2011: 3; categorisation taken from Peters (2007)). But informal governance has to work alongside the formal democratically elected legislative structures for decisions and actions to be enforced (Røiseland, 2011). Thus, while decision-makers agree informally on policies, they do so by acting in a formal decision-making context (Røiseland, 2011). Pritzlaff and Nulmeier (2011: 144) refer to this political practice as 'subpolitical practices' (behind the scenes) that govern politicians' day-to-day activities. This raises the importance of the political-administrative interface in political decision-making processes, where informal arrangements have developed (some overtime) that have characteristics of institutions but are not based on written rules (Rhodes, 2011). This aspect of policymaking has the potential to reinforce the schism between informal practices and the formality of policy implementation systems.

In contrast, for Polese (2015: 7), informality refers 'to the area of activities that are not regulated by the state [...] but are either socially acceptable or do not harm directly a fellow human being'. This definition excludes informal activities like organised criminality. Informality can also be understood as where the State is not in full control but instead where there is a 'complex, interactive, and iterative relationship between citizens and the state' in urban governance (Davis, 2018: 365). Polese (2015) argues that a state's effectiveness or functioning capability cannot be measured by how much informality is

visible but, rather, accepting that informality is part of governance. Understanding where informal practices are taking place and how it is affecting policymaking and implementation requires getting inside policy organisations that are not only governmental but non-governmental and citizen groups as well (Polese, 2015).

The question of informal practices and how to evaluate their efficacy in the formal governance process is an important debate in the literature on informal institutions (cf. de Sardan, 2015). Røiseland (2011) urges the need to develop tools to incorporate informal governance into democratic decision-making with clear methods to evaluate informal governance and to seek ways for the formal institutions to support the informal processes more. Empirical-based studies provide a close examination of the state-citizen interface and see informal practices as a way that the State and citizens fill the gap where policy is absent or ambiguous (a grey zone); or inadequate, not understanding the nuanced issues; or see these informal processes as a way to negotiate a set of new practices, which can be transformative (Rubin, 2018; Pernegger, 2020). Polese (2015) does caution that informality is not about transitional processes, but in essence, it is about doing something different that is not formally regulated. Nevertheless, there is an argument made that informal practices can be conducive to democratic practice or can undermine it (Pernegger, 2020). However, Røiseland (2011) points out that informal governance as a process can also undermine democracy by involving the participation of some but not all social actors. This argument is linked to the discussion on the capability of the State, noting that there will be more informality in areas that are under or overregulated (Polese, 2015). These horizontal relations and policy subsystems in institutions are said to make policy dynamic, complex and diverse, as multiple social actors influence policy outcomes (Laws & Hajer, 2008), indicating that informality in state practices may contribute to understanding *the gap*.

2.7 Conclusion

The theories in the literature that have been analysed are diverse but agree that the gap between the aspirational policy goals and the actual outcomes exists. This literature provided insights to approach the research question. The literature review lacked a single

coherent view on the phenomenon to be studied, leaving space for multi-layered solutions. Multi-dimensionality of both the formal bureaucracy and the informal institutions have bearing on policy and practice. For my analysis, I looked at both the formal and informal institutions as my conceptual path to understand how they intersect. This nexus, the complexity of the implementing institutions together with an understanding of the complexity of policy implementation provided the theoretical lens to analyse the *gap* issue.

Having engaged with the literature dealing with governance, policy and implementation, new institutionalism and state practices, I highlight below the insights I drew on for my work. Some issues that assist in understanding policy-practice gaps in contemporary institutions stand out; I elaborate on these further:

Path dependency – legacy change: The history of an institution influences how policy is initiated, developed and implemented. Watershed events, whether political, related to governance strategy or more global (like a recession or a pandemic), can induce a change in how institutional policy is dealt with. Policy, strategy or approach can also be carried through an institution's history without wholly adapting to its present-day structures and requirements. The influence of a historical path on institutional structures and policy alternatives represents the context in which the phenomenon occurs.

Organisational complexity and practices: Bureaucratic structures still have prominence in state institutions but there are more complex and hybrid configurations within state-society relations. These organisational arrangements create multi-layered reporting, overlapping roles and responsibilities, and technical blurring versus the political governance processes. Further, multiple public authorities have their modes of governance, making collaborative projects a negotiated process (De Herdt & de Sardan, 2015). This organisational complexity can create synergy or disjuncture if this messiness is not understood in the policy arena. It can also shape practices and contribute to new ways of doing things or stifle innovation.

Formal rules versus informal practices: Institutions have formal rules based on a documented set of guidelines and informal daily practices that emerge over time. While the formal rules illustrate the explicit norms, *correct* ways of carrying out work within the institution, the informal practices follow more implicit norms, rules of engagement, adopted over time to facilitate things, *just get it done*, or to circumnavigate the procedural hurdles that might be present when carrying out the institution's work. Understanding how the formal institution and policy implementation relate is a way to look at the gaps and the shortcomings in policy and practice.

The first thread, path dependency – legacy change, is related to the phenomenon's context. It is about making policy (formal rules) or changing a policy (introducing new methods and/or systems) within the existing institution. It speaks to the formal bureaucracy and its historical path and how existing institutions deal with that legacy in the context of changing policy environments. There is a need to look at the policymaking process to understand the challenges and pitfalls as one of the factors for implementation problems. To develop this part of the work, historical institutionalism and the related concepts of path dependency and critical juncture offered a perspective to understand the pitfalls and challenges that may cause a policy-practice gap. The literature on state practices strongly emphasised how historical legacy shaped post-colonial institutional policy and practices (Hagmann & Peclard, 2010). This background of making policies and how they are communicated (sold) into the organisation has some context that explains why a policy is not instilled, maybe, as deeply as it should for implementing agents, producing policy implemented gaps.

The second thread, organisational complexity and practices, accept that bureaucratic structures are still prominent in state institutions but with more complex and hybrid configurations within state-society relations. These organisational arrangements create multi-layered reporting, overlapping roles and responsibilities, and blurring of the technical versus the political governance processes. Further, multiple public authorities have their modes of governance, making collaborative projects a negotiated process (De Herdt & de Sardan, 2015). This organisational complexity can create synergy or

disjuncture if this messiness is not understood in the policy arena. It can also shape practices and contribute to new ways of doing things or stifle innovation. The literature on bureaucracy accounts for the dynamic relations between the authority of hierarchy and public officials whose discretion the organisation depends on to implement policy (the formal rules). Post-bureaucracy literature begins to account for the more fluid interorganisational and network relationships, informal institutions and the boundaries within which authority and control are negotiated (Alvesson & Thompson, 2006), talking to macro- and micro-practices.

The third thread, formal rules versus informal practices, relates to policy implementation and touches on the issue of the gap between the formal and the informal organisation; the theory versus the lived experience in institutions. This issue remains (implicitly) an important area of focus in the literature representing the ambit within which the policy-practice gap issue may lie and offering various interpretive tools for understanding the reasons for the phenomenon (Meyer & Rowan, 1977; de Sardan, 2015). More than answering the problem of the gap, it is rather about understanding the complexities in the process to find more nuanced explanations of formal and informal practices in public sector institutions to explain policy disjuncture. In this framing, disjuncture may not necessarily be all bad.

Social actors and agency is the cross-cutting conceptual thread. Exploring the roles and the *everyday* experiences of social actors within state institutions can provide valuable insights into how institutions work by emphasising how individuals (the sum) contribute to the institution (the whole) in terms of their work experience, personal history and strategic approach, allowing a more nuanced understanding of situations as they arise.

To understand the policy-practice gap is to engage with how policy is made and also with the policy itself. Each conceptual theme effectively reflects on policymaking and to understand the extent to which past decisions constrain or enable policy choices in the present and will sway future ones. In this regard, path dependency and legacy is about policymaking in how the institutional structures created the way policies are made and

implemented, but also in terms of what policy has produced. These choices have an enduring effect on the formal organisation (its rules, norms, culture). In looking at the role of social actors there is a large degree of policymaking in how policy is understood and interpreted on the ground.

These conceptual areas represent the research analytical framework. I will apply these interconnected themes to understand the crime prevention policy and practice gap in the City organisational context. The limitation with these theories and applying them to the real empirical context is that institutions are different in many ways. Even if the contexts are similar, the conditions for analysis and comparison will be distinctive. Engaging with our South African experience and specifically, the City context provides the specificity to understand the contemporary complexities of policymaking and implementation challenges. This way of analysis is important for people making and implementing policy. In the next chapter, I discuss the research methodology and the approach to the study.

CHAPTER 3: METHODOLOGY

3.1 Introduction

This chapter discusses the research design and data analysis approach, explains the research methods used and the case study approach, and outlines the conceptual framework used to analyse the empirical data, as well as the applied thematic analysis approach and the coding process. The chapter includes a discussion on ensuring the validity and reliability of the research. Lastly, I consider my insider-outsider positionality, reflect on this throughout the research process, and share my challenges and observations.

My research approach is qualitative, and I applied the case study approach. Qualitative research allows a perspective of what is important to individuals and their interpretation of their work environment through in-depth investigations of individuals in their social environment (Bryman, 1992). I chose to undertake a case study, rather than a quantitative approach, for example, a survey, to gather opinions on the policy-practice gap, as the research aimed to gain an in-depth understanding from city actors regarding how they view and interpret policy implementation and their perceived reasons for disjunctures or synergies in policy implementation. These insights were essential in understanding how city actors have understood, grappled with, and engaged, their departmental policy issues within the bureaucracy of the City to understand crime prevention, and how it has been organisationally conceptualised. Equally of interest within the City context was to gauge how politicians influenced the direction a policy takes, their understanding of the governance of safety, the external influences, and the impact on the policy-practice gap. This research is also a historical account of the evolution of safety policy in the City.

3.2 The Time Dimension

The temporal aspect of any policy analysis is important to consider. Kay (2006: 1), making a case for the importance of understanding policy dynamics in the field of policy studies, notes that the difficulty of any policy process 'arises because there are typically several processes with different speeds going on at the same time'. Public policy, the author

further adds, depends on human decisions made in historical context and is, therefore, 'subjective, personal and partial' (Kay, 2006: 2). Temporality then refers 'to how we make events or experiences intelligible in terms of time' (Kay, 2006: 3). For Babbie (2013: 105), choosing a time sequence of events and situations is critical to determining causation in a study. Time will also affect the generalisability of research findings to accurately describe and explain the past, present or future (Babbie, 2013). This research focused on describing and explaining the formal organisational and institutional context and historical processes occurring in the City over the period identified rather than describing what exists now (Babbie, 2013). The timeline in Figure 2 describes the different phases of implementation of the JCSS aligned to the different mayoral terms. This research is about understanding the City both as a formal organisation with clear directives and rules but also as an institution, a social structure with elements of behaviour patterns, norms (what people value) and regulative elements (social relations that people establish) (Scott, 2010). This way of looking at policy allows reflection on the organisation's change and continuity. Reflecting on time and change can show how norms, culture, behaviour and practice are shaped historically over time and how they gain a particular agency in the present (Scott, 2010). While this is not a longitudinal study, using the case study design, I was able to study policy dynamics at a local government level and thus contribute to the current debates on policy-practice gaps in crime prevention.

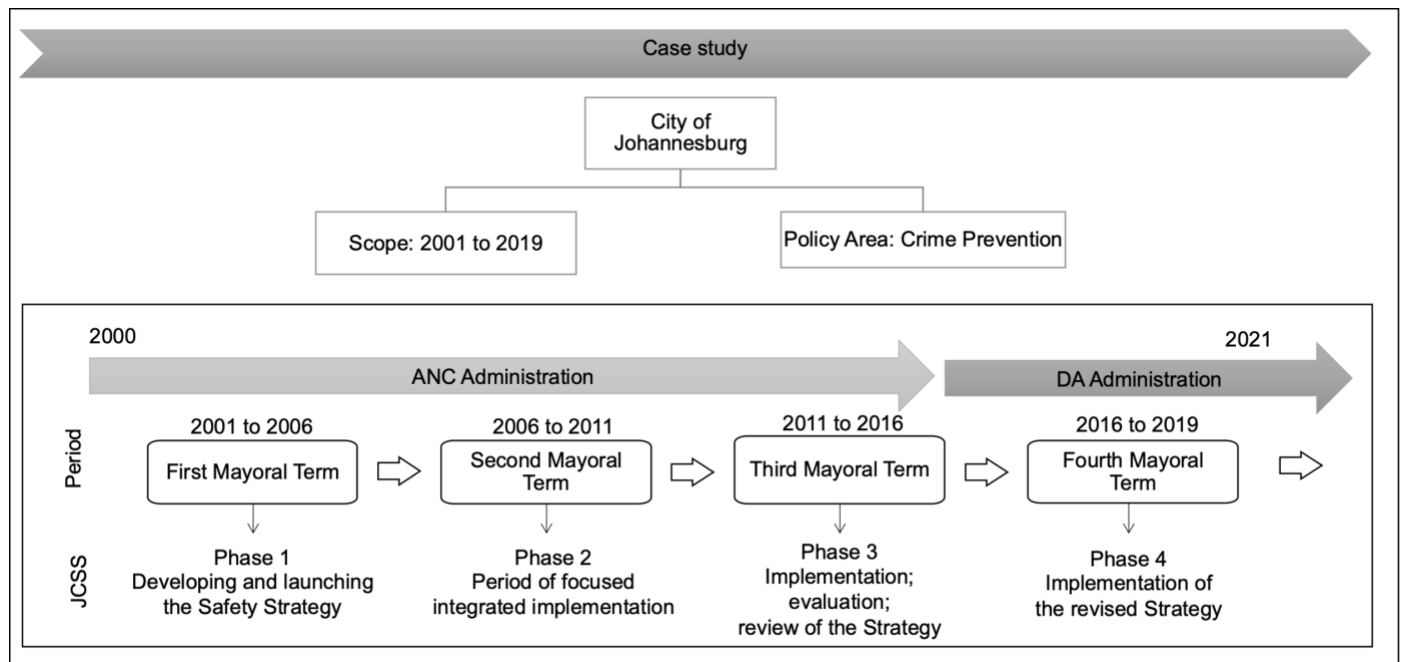


Figure 2: Johannesburg City Safety Strategy Implementation Timeline (Author's own)

3.3 Case Study: The City of Johannesburg – Johannesburg City Safety Strategy

I selected the JCSS as the case study boundary as it exemplifies the key issues identified in the literature concerning policy implementation in complex public sector regimes. A case study is an approach used in the social sciences and public policy (public management in particular) for several purposes, including 'testing theories' and 'tracing key causal processes and mechanisms', making it a valuable and flexible research method (Pollitt & Bouckaert, 2009: 12). The City case study provided a concrete example, a 'critical case' in Flyvbjerg's (2001: 79) classification. A critical case is defined by Flyvbjerg (2001: 78) as 'having strategic importance in relation to the general problem'. In addition, the decision to classify the City as 'the most likely' case to test the phenomenon is based on my experience of working as a policymaker and implementer in the City. This is a criterion identified by Flyvbjerg (2001: 78) for the choice of a critical case which will either confirm or falsify the proposition. Johannesburg is also a critical case because, as a municipal authority, the City plays an essential role in the administrative and economic life of the Gauteng Province and the country. Understanding the factors that influence public policy success or failure in this municipality is, therefore, of interest to policymakers elsewhere. Thus, also fulfilling Flyvbjerg's paradigmatic criteria

from where some generalised claims regarding characteristics or variables identified can be drawn. This case study also fulfils the criteria of being within a 'naturalistic setting' and, therefore, according to Cousin (2005: 253), prompts understanding in its 'own habitat', unlike an experimental design. Yin (2014) also emphasises the focus and attention on the context for case study design. In this regard, Yin (2014) and other authors explain a case study as an empirical enquiry to do an 'in-depth' description of some complex real-world life context, especially where there are several variables and it is not apparent which variables are present (Remenyi, 2012; Yin, 2014: 4). Johannesburg will serve as a 'single' case study, which will tap into the multiple perspectives and shared organisational knowledge (Silverman, 2004: 327) of the City's role-players (one of them being the police) to explain the policy-practice gap in local government, thereby providing a deeper understanding than an organisational analysis alone.

Policy analysts debate whether implementation should be studied from the top-down as a problem of control or the bottom-up focusing on problem-solving (Winter, 2012: 257). This case study allowed both perspectives to be combined to allow for the complex phenomenon of implementation to be studied in detail and context. Insights from several implementation actors from different organisational levels, including external stakeholders engaged in different capacities in the governance of safety in the City, allowed a richer perspective. I understand that the City is a complicated and complex system and that I may understand inside issues that a layperson may not see as complexity. I can also critically look at the *top*, in other words, *looking up* but from an elevated position, unlike someone outside the institution. This research is not only about looking at the success or failure in the policy-practice experience of implementing the JCSS, but rather to understand better how and why things work the way they do in a large bureaucracy.

3.4 Conceptual Framework

The theory chapter built on aspects from my initial conceptual framing and helped refine my thinking and approach for the analysis phase. While there was congruence with the initial sets of literature that helped frame my research, the additional literature also

contested how institutions are understood and the role of social actors in shaping policy outcomes. Institutions are made up of formal rules and informal conventions (Lowndes & Roberts, 2013). Understanding how the formal institution and policy implementation relate was a way of looking at the gaps and the shortcomings in policy and practice. Understanding that formal organisations are made up of bureaucratic structures and are more complex and hybrid in modern society helped clarify why policymaking and implementation would be complex in the City. The conceptual framework depicted in Figure 3 illustrates the approach undertaken to explore the disjuncture present in implementing the crime prevention strategy of the City of Johannesburg. The political and organisational (administration) relationships responsible for policymaking and implementation are important to understand. Governance is to understand the organisational and institutional arrangements to ensure policy gets delivered. The conceptual framework shows the implementing institutions and actors and provides the context to understand the complex relationships and interface between the implementing institutions and policy implementation that the empirical research revealed. Importantly, the research acknowledged that social actors (agency) play an essential role in influencing how institutions work. In the City context, this way of conceptualising what gets implemented, where action works better, where policy and practice falls apart or may deviate from the original policy goals, will provide a more dynamic response to the policy-practice gap.

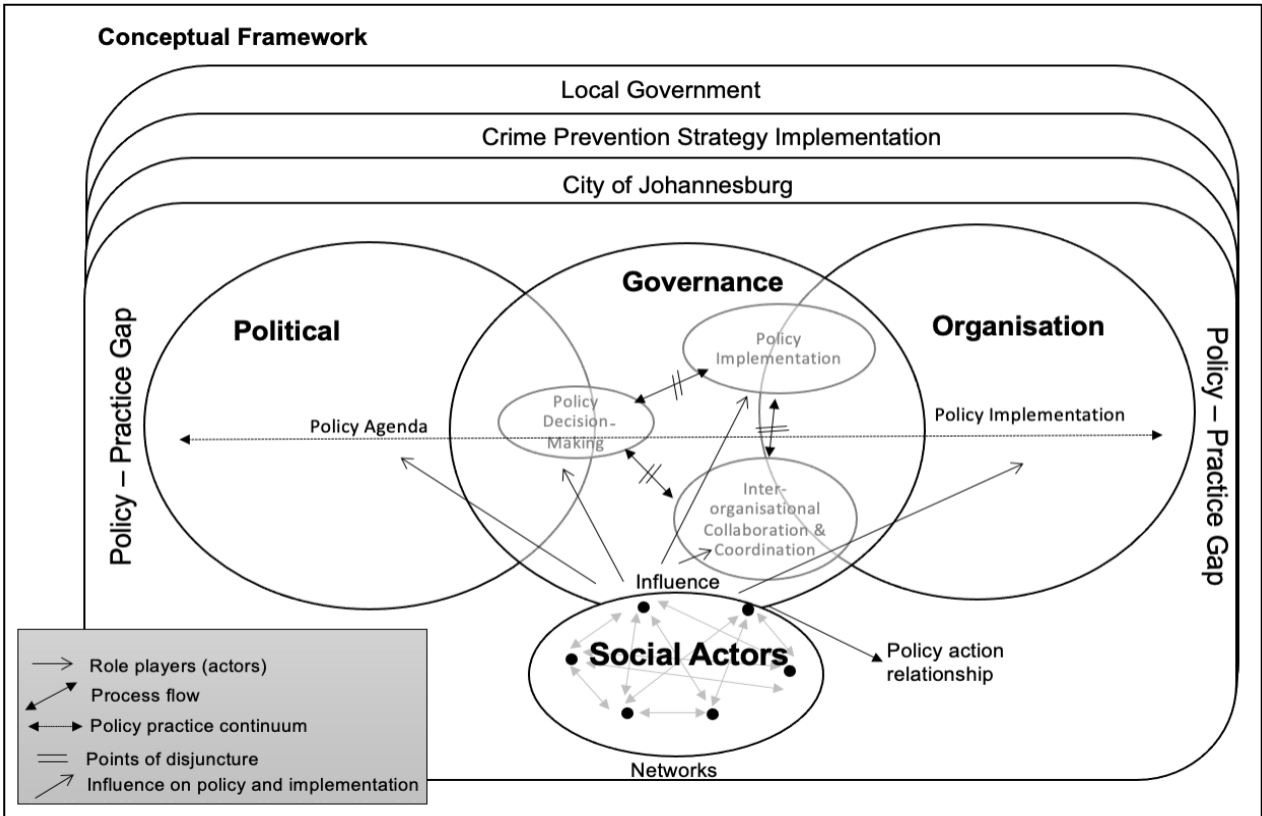


Figure 3: Case Study Integrated Conceptual Framework (Author's own)

3.5 Research Methods

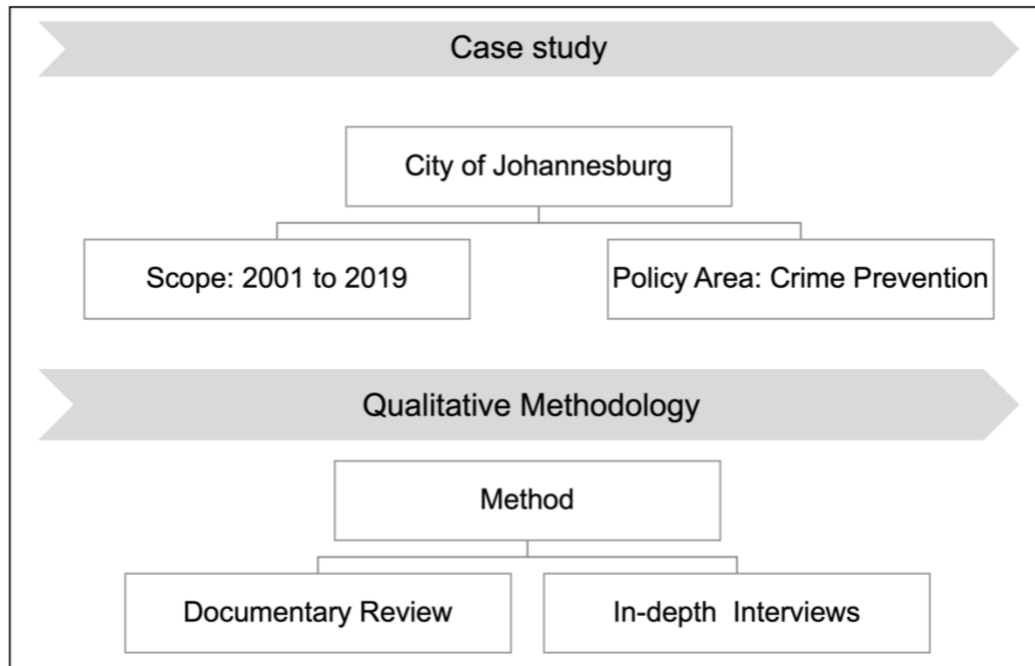


Figure 4: Research Method (Author's own)

The key information-gathering techniques were documentary reviews and interviews. The data gathering strategy enabled data collection from various sources using several data collection techniques to gather information. Figure 4 shows the research method. This research used informant interviews, municipal reports and documents, media articles, grey literature such as reports, working papers, government documents and archival documents. Using multiple sources of data and research methods, this case study meets the criteria of reliability and validity (with limited replicability). While critics of the case study design consider it to be a 'subset or variant of the research design' (Yin, 2014: 27), writers on case study research like Yin (2014), Flyvbjerg (2006) and Remenyi (2012) address this criticism by emphasising that case study research is not easy and requires the same academic rigour of applying multiple sources of evidence and research methods used in any complex research. Included in the criticism of case study design is the issue of generalisability. De Vos et al. (2011: 322) point to the case study design as being about 'particularization' and not 'generalization', referring to the work of Stake (1995: 6).

For practical reasons, this research is not a comparative analysis with other South African or international cities. However, Johannesburg has several similarities with local municipalities with respect to urban safety and safety governance issues, as evidenced in the *State of Urban Safety in South Africa Report* published annually by the South African Cities Urban Safety Reference Group (USRG)⁷. For example, crime and violence affects all municipalities but with varied intensity⁸; and urban safety governance is viewed as the responsibility of policing units within municipalities. Common challenges noted is an absence of an integrated approach and poor coordination of safety interventions (within municipalities and across all three spheres of government); and changes in political leadership impacts the sustainability of strategic initiatives (SACN, 2022).

3.5.1 Documentary review

The official documents of the City included relevant policies, strategies, annual reports, integrated development plans (IDPs), service delivery and budget implementation plans (SDBIPs), presentations, internal message communications, newspaper articles and various publications. In addition, being a city employee, I also drew on a personal document archive (which included meeting minutes, publications, City presentations, internal communications). These documents were used to understand the institutional perspectives on policy areas, especially safety. Sometimes the same documents were used to understand a different policy context, for example, the long-term strategies, annual reports and IDPs provided an understanding of the structures, organisational context and governance arrangements within which policymaking resides. At the same time, these documents assisted in mapping out the evolution of safety over the different political terms. Policy documents, City memoranda, procedural guidelines and strategy documents acted to define the context of the implementation environment. In addition,

⁷ The USRG is convened by the South African Cities Network (SACN) on behalf of its member cities.

⁸ Analysis of the recorded SAPS crime statistics for the past 13 years indicate that the murder rate for three Gauteng metros (Johannesburg, Ekurhuleni and especially Tshwane) has remained below the national average, while since 2015/16 eThekweni's rate has risen and Buffalo City continues to fall, and Cape Town's murder rate has steadily risen from 2009/10 (SACN, 2019a: 12). Reflecting the 'disproportionate' burden for this crime in cities across South Africa (SACN, 2019a: 12).

relevant national and provincial policy documents were reviewed, for example, the Integrated Urban Development Framework (IUDF) (COGTA, 2016), the National Development Plan (NDP) (NPC, 2012) and the White Paper on Safety and Security (Civilian Secretariat for the Police, 2016) as they relate to understanding safety. I respected the confidentiality of documents and used sources confidential to the City only for deep background purposes.

With respect to analysing documentary realities, qualitative research methodology stresses that careful attention must be paid to collecting and analysing documents (Atkinson et al., 2004; De Vos et al., 2011). For example, Hull (2012) speaks to the materiality of state documents, and within the City, documents form an integral role in how the organisation functions. In the same way, City documents also reflect the political and ideological influences that shaped content in the different administrative periods of the City. Given the focus of this research, critically looking at documents allowed a set of views to be tested about the safety policy and practice.

3.5.2 Interviews

Interviews were critical to this research. The interview approach was semi-structured with broad sub-questions linked to the main question that allowed for a diverse set of viewpoints and insights from the respective respondent to interpret the phenomenon (Kvale, 2009) of the policy-practice gap. Semi-structured interviews are commonly used in qualitative research as they are open-ended and allow for more in-depth interactions and are regarded especially suitable when one is particularly interested in complexity or processes (Kvale, 2009). This method allowed me to gain a detailed picture, 'thick description of the participants views' (Wertz, 2011: 89), opinions, experiences and accounts of disjuncture between policy and practice. The advantage of semi-structured interviews is that it allows for flexibility where participants can share in the direction the interview is taking and introduce an issue not in the predetermined questions guided by the interview schedule (De Vos et al., 2011). Another advantage was its usefulness in getting a large amount of data quickly and getting depth in data (De Vos et al., 2011).

The interview process is not linear, and engaging with the data collection and analysis did not proceed simultaneously (De Vos et al., 2011). This means that the research was an iterative or ‘cyclic’ process requiring critical reflection at each stage of the process (De Vos et al., 2011: 327).

3.5.3 Sample selection and planning the interviews

My sample selection was based on ‘purposive sampling’, used in qualitative research, where participants and sites are selected that can ‘purposely seek typical and divergent data’ to inform an understanding of the research problem (De Vos et al., 2011: 392). Key respondents inside the City were interviewed because of their functional expertise (both strategic and operational), experience and position within their respective organisations (see Figure 5). The position of the respondents indicates the general delegated powers, exposing them to different experiences and engagement at different levels in the organisation. Respondents included Executive Directors, Directors and Deputy Directors responsible for translating and managing policy in their departments.

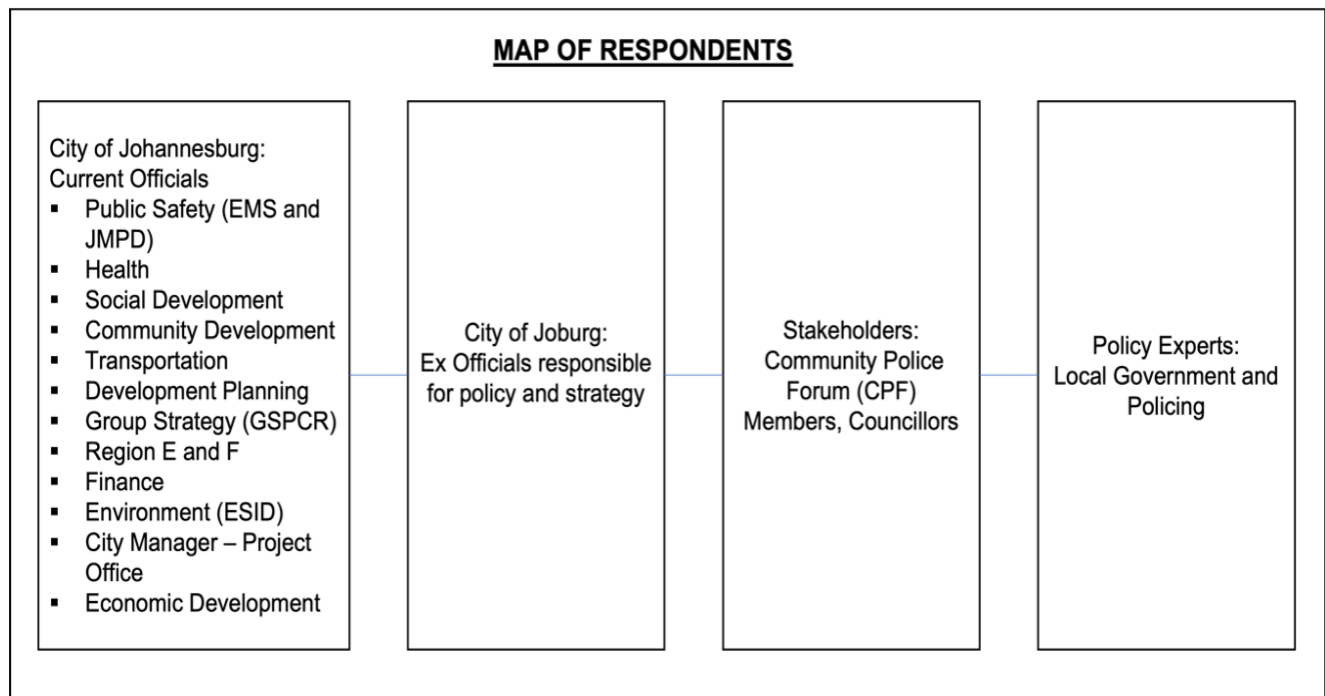


Figure 5: Map of Key Respondents (Author's own)

Interviews were held in two regions of the City, Region E and F⁹. Several of the City officials who were involved in the different implementation phases are still in the regions, thus allowing me to gain an in-depth understanding of how they see their role as implementers of policy (street-level bureaucrats). The multi-agency approach of the strategy meant that issues indirectly contributing to crime would be addressed through a localised approach, which involved the need to ‘devolve accountability down to managers at every level’ (CoJ, 2003a: 13). Interviews also included stakeholders outside the City (Community Policing Forums (CPFs) and councillors) who were involved during the JCSS implementation phase, ex-officials who were responsible for policy and strategy, and policy experts on local government and policing. In addition, interviews were conducted to gather background information on the establishment of the JMPD and the transition of policing in South Africa.

In planning the primary data collection, the interviews, a structured process was mapped out. An interview schedule of all the respondents was created on Microsoft Excel to keep track of response rates, refusals (no refusals, instead, ‘no response’ from one respondent), and when and where interviews were conducted. On acceptance of the interview request, the questions were attached to follow-up e-mails with a consent form. The questions were tailored for the respondent’s category (see Appendices 1 to 3 for examples of consent forms and questions). The final list of participants changed from the initial list in the research design proposal. This is expected in a qualitative research undertaking as research strategies and practices evolve (De Vos et al., 2011). Additional, interviews and discussions were added as the research unfolded and new information was required.

Meeting venues often included going to people’s offices; this was convenient for the participants, and a few interviews took place in my office. All the interviews were recorded with permission obtained beforehand, and interviews were anonymised for confidentiality

⁹ The administration of the City of Johannesburg was decentralised to seven operationally responsible regions named Region A to Region G. Region E includes Alexandra and parts of Sandton and Rosebank and Region F includes the Inner City and Johannesburg South (CoJ, 2014). See Appendix 8 for a map of CoJ Regions.

using respondent codes for reporting. For example, a current City official is referred to as RCO, an ex-City official is REC, a policy expert is RPE, a stakeholder is RSH, and a respondent with policing background is RPB (refer to Appendix 4 for the respondent codes).

3.6 Data Analysis Approach

3.6.1 Applied thematic analysis

There are different methods to analyse interviews; thematic analysis, narrative analysis, also referred to as thematic narrative analysis, and discourse analysis, which goes beyond thematic analysis to understand how language constructs reality (Braun & Clarke, 2012). Shared by these approaches is identifying themes by finding common views or ideas. The data analysis used in this research was based on the thematic analysis described by Braun and Clarke (2012: 57) 'as a method for systematically identifying, organising, and offering insights into patterns of meaning (themes)' in qualitative data sets that relate to the question(s). The text is coded and becomes the building blocks of the analysis (Braun & Clarke, 2012). Thematic analysis examines the relationships between concepts and constructs to see and make sense of collective or shared meanings and experiences (Braun & Clarke, 2012). This approach gives the researcher the power to organise data and identify the numerous patterns across data sets relevant to answering the research question. The thematic analytic method can be inductive or deductive.

3.6.2 Coding process

According to Tracy (2013: 186), coding is defined as 'the active process of identifying data as belonging to or representing some type of phenomenon'. This phenomenon can be 'a concept, belief, action, theme, cultural practice or relationship' (Tracy, 2013: 189). Codes then become the phrases that capture the summative essence of the written data.

I used a combination of deductive and inductive reasoning for coding and analysis, an approach described as 'iterative analysis' to depict a more interactive qualitative analysis process (Tracy, 2013: 184). This approach alternates between the deductive approach described as top-down, an 'etic' use of the literature analysis from which explanatory

themes were identified, and an 'emic' explanation, where the structure of the codes are inductively derived from the data process of constant comparison to arrive at abstract categories and theories, an approach often marked by grounded theory (Glaser & Strauss, 1967 cited in Tracy, 2013: 184). More importantly for this research, 'giving voice to the experiences and meaning to the world' in the respondents' narratives but to also examine how that world is constructed, 'put together', through theory-based meaning to explain why things happen (to explain the phenomenon) (Braun & Clarke, 2012: 59).

The analysis involved three major organising schemas: preliminary processing (reducing the volume of interview data), the simplification and abstraction of the data and linking them to preliminary codes; refining the codes and linking them to themes; and finally concluding from the data linked to the conceptual framework (Tracy, 2013). The overall coding structure was predetermined by the conceptual framework (see Appendix 5) and the interview questions. The data analysis commenced with preliminary processing of each interview (vertical process) referred to as coding level 1. Level 1 entailed adding first level descriptive codes to each of the questions answered. This stage allowed for preliminary observations and reduced the volume of data. In level 2, the connections were drawn with the codes across all interviews (horizontal process), and they were grouped using the coding framework themes. In level 3, the coding reached 'saturation point', and data links to the themes had been exhausted (Barbour, 2014: 267). A rigorous analysis was done to identify patterning in the analysis to ensure that the codes and themes used held up empirically (Barbour, 2014). The responses were grouped under themes: path dependency; policymaking; organisational complexity; formal rules and informal practices; and social actors and agency. The problem statement became more refined through the analysis and reporting process. These common perspectives on the reasons for disjuncture were substantiated through quotes, using the voice of the participants to provide valuable leads to explain the patterning identified (Barbour, 2014).

This was a back-and-forth process between reporting and analysis. As Tracy (2013: 184) notes, iteration is a '*reflexive* process' that allows the researcher to engage the data constantly and link to emerging insights, which helps refine the focus and understanding

of data. The principles in both the inductive and deductive approaches allow new ideas and themes to emerge, the value of interviews as qualitative data.

3.7 Ensuring Valid Research

Producing valid and reliable knowledge in qualitative research addresses the issue of trustworthiness and the ethical manner in which the research was undertaken. Trustworthy research is the extent to which a degree of rigour was applied in carrying out the research (Merriam, 2009). Merriam (2009), therefore, points to two main aspects, validity and reliability. The problems with establishing reliability and validity in the social sciences have been acknowledged because of alternative ways of interpreting and constructing reality (Bryman, 1992). Merriam (2009) provides an argument to apply these criteria in qualitative research. Validity is to access how ‘credible’ (Merriam, 2009: 213) the findings are, given the data presented, and reliability in qualitative research is about ‘whether the results are consistent with the data collected’, in other words, are the results dependable and consistent with the data collected (Merriam, 2009: 221). As this was a single case study, discussed in Section 3.3, the research wished to understand a particular phenomenon in-depth and not to generalise but rather to perhaps ‘extrapolate’ likely applicability to other situations with similar circumstances to the research site (Merriam, 2009: 225). To address these concerns and increase the internal validity of the case study, I used the method of triangulation and included multiple data sources, data collection methods and multiple theories to confirm the emerging findings (Merriam, 2009). Triangulation assisted in addressing bias by presenting the findings in language that was supported by literature, City documents and interview data from the different perspectives.

Thus, validity and reliability were accounted for throughout the research process from data collection, data reduction, data sharing and during the reporting and conclusion drawing process (Figure 6). These four areas had verifiable processes and procedures to ensure process credibility. These processes and procedures are made implicitly and explicitly visible in each chapter and the conclusion.

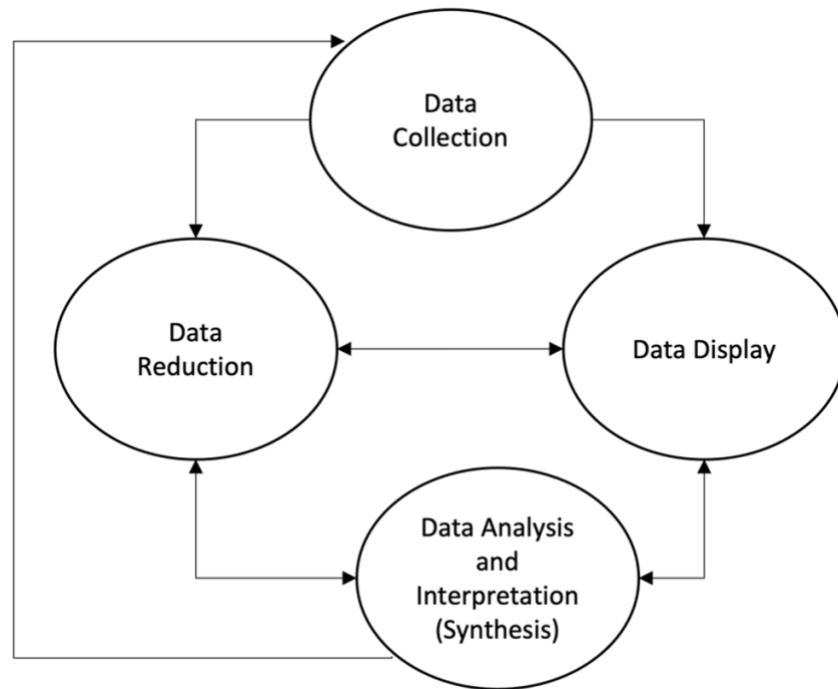


Figure 6: Components of Data Analysis (adapted from Mouton, 2001: 98-110)

In summary, the key approaches to ensure valid research were (Merriam, 2009: 229):

- Triangulation by using multiple data sources to ensure a thick description of the data.
- Data collection: adequate time was spent collecting data and thus saturating the data.
- An audit trail was applied, keeping some account of the methods, procedures, data preparation and reduction; this included the method of analysis, the techniques employed, and how the data was coded and reduced. This data coding is available.
- Peer-review discussions with colleagues regarding the process and findings, testing the tentative interpretations.
- Reflexivity: critical self-reflection was done in observation notes, for example, a research diary, notebooks, daily journal, process tracking, literature, useful quotes, and so on.

3.8 Reflexivity

When I started researching the organisation I work in, it made me an 'accidental (or unpremeditated) ethnographer' (Harrison, 2020: 2). While my research is not pure institutional ethnography, it bears some components as institutional ethnography takes some experience and work processes as a point of entry to define a problem or puzzle from that experience (Billo & Mountz, 2016). Institutional ethnography broadens the many 'structures, effects and identities' working through institutions 'as territorial forces' (Billo & Mountz, 2016: 1). I was not a 'participant observer' spending time on the inside, rather my status was one of being the 'insider' and 'outsider' (Dwyer & Buckle, 2009: 60) and considering my dual role as official and researcher, required a carefully considered ethical approach. This approach reflects the 'politics of location, positionality, and self-reflectivity' (Billo & Mountz, 2016: 6). The notion that social research is the creation of true, objective knowledge based on a scientific method has been criticised and replaced by a view that 'knowledge cannot be separated from the knower' (Alvesson & Sköldberg, 2000: 1). Therefore, as a member of the case study organisation, I acknowledged the issue of my 'positionality' (my multiple overlapping roles) (Bourke, 2014: 1) and engaged in self-reflexivity as part of the research process.

Alvesson and Sköldberg (2000: 5) refer to 'reflective or reflexive' empirical research, seeing these concepts used in similar ways. For the authors, reflective research has two basic characteristics: careful interpretation of results and reflection (attention inwards). With respect to interpretation, they strongly believe that the relationship between empirical facts and research results is not unproblematic and requires attention to the different kinds of linguistic, social, political and theoretical elements that influence the process of knowledge development. The researcher must provide knowledge that 'opens up' rather than 'closes' and furnish opportunities for understanding rather than establish 'truths' to how reality functions (Alvesson & Sköldberg, 2000: 5). Reflection, on the other hand, focuses on 'the researcher' and a 'critical self-exploration of one's interpretations' of the data and its construction within a specific social context (culture, language, history, narratives) (Alvesson & Sköldberg, 2000: 5-6). I address some of my reflections and challenges later in this section.

This research is grounded in my experience, understandings and realities that I have grappled with for the past 17 years as a City official fully vested in implementing the JCSS. The implementation challenges are many and well documented in internal reports and independent reviews that highlight the problems as the location of the strategy in the City, its consequent lack of political and administrative ownership, resourcing, leadership and communication on the strategy (HSRC, 2013). However, I was convinced that there was more to understand about this policy implementation puzzle and that I was in a unique position to engage with officials, policy experts and stakeholders. The City is a large and complex bureaucracy, and I believed a deeper understanding of the 'black box' of local (city) government was necessary. To unpack and understand the puzzle would require drawing on the knowledge and different perspectives of officials and policy experts at the interface of policy implementation and not just in crime prevention.

In this discussion, I reflect on my insider/outsider status, focusing on my role as the researcher and a member of the researched organisation. This is a complicated reflection as these are not simple boundaries to navigate when researching the organisation where one works. In this research, the boundaries between insider/outsider were often fluid and supported the notion of 'the space between', which allowed me to be both the insider and outsider (Dwyer & Buckle, 2009: 60). Nevertheless, advantages and drawbacks are associated with both positions. The benefits associated with the insider researcher was that I was a member and part of the population I was researching and, in many ways, shared an identity, language, experiences and challenges with the study respondents (Dwyer & Buckle, 2009; also see, Roberts, 2013). I realised this during the interviews when I often shared similar experiences, opinions and perspectives with my participants, and sometimes I did not. This is not because I saw myself as the outsider instead of the insider, but I realised how different each part of the City was and how little I knew about the workings of different departments and what people do. I certainly experienced the advantage of the 'insider role status' because I did not struggle to get an interview (Dwyer & Buckle, 2009: 58). While there were varying relations of power (positional) between the respondents and me, years of professional and collegial relationships made it easier to

secure interviews with respondents in senior positions, former City colleagues, former senior Government officials, and policy experts.

My perceptions of the participants were that they were relatively open about sharing their views about the organisational and leadership challenges and their own experiences. There was a sense that the topic of the policy-practice gap was an interesting and topical research area, and this gave many officials the opportunity to also reflect on their issues. There was a level of trust in sharing information with an insider (Dwyer & Buckle, 2009). I had to be aware of the disadvantages of an insider researcher (a complete member researcher), which the literature points to and needed to be managed (Dwyer & Buckle, 2009). Initially, I experienced role conflict and role confusion when responding to participants from a perspective other than the researcher. I realised in my dual role with the first few interviews that I was a lot more engaged on issues to set some common ground. On reflecting after the first few interviews, I realised that I might be impeding the research process and not allowing participants to share their experiences fully, and this way of engaging was corrected. Participants also confused my dual role and sometimes slipped into work discussions and sharing unrelated information. In some sense, this was my advantage with insider positioning; however, it also meant that I had to keep a fine balance in how I processed this data. But I was aware of this ambivalent role that an outsider with more distance may be able to better conceptualise and see through the complexity in ways that I could not. As the researcher, I was aware of these tensions with my positionality, and I had to 'embrace and explore the complexity and richness of the space between' as this is the nature of qualitative research (Dwyer & Buckle, 2009: 62).

Coghlan and Brannick (2001) point to how organisations are very political and how this may affect the research process and outcome in their discussion on doing action research in one's organisation. Reflecting on my position in the City, I was aware that participants might not feel free to be open and honest for several reasons: the position I hold as a senior manager and a perceived power-authority relationship; participants might have been sceptical about my motives for doing this research and may have felt threatened about the possible outcome; being aware that this research might have implications for

future relationships, especially addressing sensitive organisational issues; creating expectations that I might be able to address some of the challenges identified. When doing the research, I was aware of my subjectivity and biases regarding the organisation that framed my experiences over the years. Upon reflection, I realised I had a limited view of the reasons for disjuncture. My initial understanding of the policy-practice *gap* was framed by my own position in the Department of Public Safety and my relationships with social actors at various levels in the organisation. My understanding of the organisational context has shifted as it has been shaped by the multiple views and opinions shared by respondents that explain the messiness and complexity that I experienced implementing the JCSS. The impacts, the contradictions, the politics all started to give more sense for why 'safety' was experiencing similar problems. This understanding now requires some reflecting in terms of my role during the implementation of the JCSS and what I have learnt and, in hindsight, could have been done differently.

I have reflected on my position and possible biases in some of the City documents, as I had also used and contributed to the content. Several of these issues were carefully documented by Bourke (2014) after reflecting on his positionality as a White male researcher studying issues of race on a university campus. Thus, it is also important to acknowledge that qualitative research is a 'process, not just a product' and the continuous reflection and learning during and after the process will continue (Bourke, 2014: 1). Dwyer and Buckle (2009: 60) explain this: 'noting the way in which we are different from others requires that we also note the ways in which we are similar'.

3.8.1 Observations and challenges

Some observations from the interviews include: the respondents who worked with strategy and policy at a central city level shared insights on the political and administrative interface; officials within departments with both strategic and operational responsibility and subject experts provided perspectives and insights on their personal experiences with policy implementation's operational complexities; the narratives they shared tell of pride, frustrations, triumphs and endurance in their work; I realised that context matters – where you sit, which meetings you attend and how you interface with political leadership

– play a role on how much of your policy gets actioned; the policy-practice gap was experienced by all respondents with one respondent noting that it ‘is a universal truth we all experience it’ (RCO3). I was, however, surprised that while respondents saw the importance of a multi-agency approach, they had a limited understanding of safety and security, generally confined to notions of enforcement and visible policing. Participants’ personalities influenced their responses. Some respondents were conversational and reflective and used the questions as a guide to provide more in-depth conversation, while others were guided by the specific questions and had to be prompted for deeper insights. Former City officials were more introspective as the questions provided the opportunity to reflect in hindsight on the impact of past decisions on the present policy environment.

The timing of the interviews was interesting as the interviews were conducted from January 2020, the period when the newly established Government of Local Unity (GLU) took over the City administration after the resignation of the Democratic Alliance (DA) mayor. Respondents were answering the questions through a new lens, given that they had three years of policy and practice experience under the coalition government. This provided the research with additional insights.

From a methodology point of view, it must be noted that the conceptual themes were not fully constructed when interviews were undertaken. The interviews thus informed the literature themes and vice versa. As Agee (2009: 437) states, ‘theoretical framing evolves and changes [...] and also inspire additional questions as a researcher collects data’. Thus, the participants were active agents in the research process. Knowledge-generating rather than passive information-gathering interviews provided a richer context that informed the data analysis. Reflecting on the interviews, there was perhaps not enough direct discussion on the issues of practices in how individuals carried out policy in the organisation. The focus was, however, implicit in many of the responses.

Attempts to have a focus group discussion with members from other municipalities and National Government departments (Department of Cooperative Governance and

Traditional Affairs (COGTA), Secretariat for Policing) online were unsuccessful given that under COVID-19 restrictions, people were inundated with online meetings.

The conceptualisation and planning of the research began during the African National Congress (ANC) administration, however, after the research began, a new multi-party coalition under the DA administration took over. Events in the City after 2016 were very fluid and conducting my research during this period proved a challenge as my initial assumptions of the policy-practice gap were being tested. The idea that there was a commitment in the first three political administrations that policy guides strategy, strategy guides business plans, business plans guide implementation, to achieve a developmental vision was not there in the fourth political administration. There was an issue of policy coherence now.

In writing what initially started as my background chapter to the thesis on how the JMPD was established, it soon became clear that I had to understand better why and how the provision for establishing a local police was made in the interim and final Constitutions. The fieldwork entailed looking for documentary evidence and interviewing people who were involved in some way during the police negotiations. I, therefore, spent some time in the field to find empirical evidence on the debates on policing and what informed the transformation of the national police, as well as the thinking that shaped the rationale for municipal police. Formal City documents only refer to the JMPD as a department from the time it was formed in March 2001. For background information, senior JMPD officers who were part of the establishment of JMPD were interviewed, and further information had to be gathered from archival documents¹⁰.

3.9 Ethical Considerations

Ethical considerations were important in conducting the research at every stage. This included acknowledging all sources using complete referencing; informing all participants about the purpose, methods and intended possible use of the research; ensuring written

¹⁰ These documents were not collated in any formal way and had to be sorted from boxes stored in the Department of Public Safety.

permission was obtained from all participants. Given the nature of the research, interview data were used as quotes, and permission was obtained. All attempts were made to keep voices anonymous and to respect the integrity of the interview subject (Dwyer & Buckle, 2009), and most importantly, to produce high-quality research. The ethics policy of the University guided the data collection.

The City formally permitted me to conduct the research using the City as my research site on the condition that I provided the City with a copy of the research report (refer to Appendix 6). While the independence and ownership of my research have not been compromised, it will be important to present my findings to reflect an accurate account by validating my data across different data sources. As this research was conducted through interviews with City officials at different levels of the organisation, it was important not to 'misuse those results to the advantage of one group or another', as cautioned by Babbie (2013: 66). As a member of the organisation, I have established good interpersonal relationships with the key respondents (both inside and outside the City). I had access to the site and did not negotiate entry (Babbie, 2013). I acknowledge my sensitivity to reciprocity in giving back to the organisation and people, as alluded to by Babbie (2013). My motivation for conducting this research was based on a desire to understand the problem of policy and practice in the environment I find myself in and reflect on the insights gained positively. In this respect, the way reflective research is conducted had important ethical considerations that I considered; an issue dealt with earlier.

CHAPTER 4: CRIME PREVENTION AND IMPLEMENTATION CHALLENGES

4.1 Introduction

Crime prevention emerged as a collaborative and innovative alternative to traditional policing that was seen as ineffective in dealing with the multiple causes leading to crime. South Africa eventually adopted crime prevention as a policy agenda in the form of the 1996 National Crime Prevention Strategy. However, prevention has not been embedded in the South African criminal justice family, despite agreement that it requires far more attention (see Berg & Shearing, 2011). This chapter will focus on the concept and evolution of crime prevention in the governance of safety. It is not intended to provide an exhaustive review on crime prevention or policing, as these debates have been well documented (see Chan, 1997; Crawford, 2009; Reiner, 2010; Ekblom, 2011; Lab, 2014). Rather, I draw from these works to understand how the policy-practice gap is framed in the crime prevention literature and the governance implications. This chapter also reflects on the limitations of the crime prevention literature in relation to understanding the gap issue that the broader literature engaged with, discussed in Chapter 3. In this chapter, the concept and origins of crime prevention are briefly discussed. The partnership literature is included, as this approach is dominant in this policy area. The limitation of the literature is then discussed. This chapter provides a context for the Johannesburg case study in relation to the crime prevention debates.

4.2 From Policing to Public Safety

The concept of crime prevention (intervening in the possible causes of crime) is not new and has involved citizen participation in crime control and maintenance of social order throughout history (Reiner, 2010; Lab, 2014). However, formal systems of social control are relatively new, and crime prevention was the basic principle on which the British Metropolitan Police organisation was established in 1829 by Sir Robert Peel. Thus, the traditional model of policing emerged through regular patrols to deter crime, suppress disorder and maintain security. According to Reiner (2010: 43), policing was now part of ‘the institution of a bureaucratic organisation of professionals, rationally administering a policy of “preventive policing”’. This model influenced formal police forces globally. The

modern concept of crime prevention critiques this traditional model of preventive policing, seeing its limitations. From an academic perspective, criminologists opted for more 'ethically acceptable and evidence-based advance action' to reduce the risk of criminal events (Ekblom, 2011: 114). From a governance perspective, crime prevention was linked to collaboration between the State and non-state actors. Table 1 provides a synopsis of the difference between traditional policing and crime prevention.

Table 1: Synopsis of the Difference Between Traditional Policing and Crime Prevention

Traditional Policing	Crime Prevention
'Old style' or traditional policing is linked to command and control modes of regulation (Crawford, 2006: 450).	'New style' policing is based on the emergence of more 'plural policing' with multiple state and non-state actors (Crawford, 2006: 450).
It is directly linked to crime and justice/security/policing (the criminal justice system (CJS)).	It does not fall squarely inside the realm of crime and justice/security/policing but exists across the different realms (Rosenbaum, 2002). Crime Prevention and community safety challenged the traditional approach of the CJS.
The police are the first respondents (gatekeepers) to the CJS. They arrest, file reports and refer the case to the prosecutor (Lab, 2014). The CJS relies on the police to report crime, and the police respond to the crime. Traditional techniques involve patrols (foot or car) and detection.	The limitations of the role of the police in crime reduction and the factors that contribute to criminal behaviour are recognised. Crime prevention is more evidence-based intended to reduce the risk of criminal events.
It is a more reactive response to crime that does not deal with the causes of crime.	A proactive approach that focuses on eliminating the possibility of criminal events by intervening in the possible causes of crime. It recognised the presence of social and public harms which were structural rather than individually based (Crawford & Evans, 2017).
It does not include other complimentary and innovative strategies to deal with crime.	It requires both standard policing practices and more innovative ones.
Traditional policing does not depend on multi-agency partnerships.	More community-based partnerships and inter-agency networks are needed for crime prevention to be implemented.

This shift to crime prevention, therefore, required new institutional modes of governance and is briefly discussed below.

4.3. Evolution of Forms of Governance and Practices in Crime Prevention

The historical antecedents of crime prevention policies have a long history in the UK and can be linked to a few broad influences. Much of the literature is from the UK as New Labour played a leading role internationally in pioneering a shift to crime prevention. The Anglo experience had the greatest impact on South Africa with respect to concepts such as 'community policing', 'community participation' and 'social crime prevention' (RSA, 1998: 5-6). During the 1960s and 1970s, rising crime rates and the fear of crime forced a change in orientation towards crime and prevention, and the focus shifted towards situational prevention (for example, surveillance cameras) and target hardening (installing alarms). In other words, the State's role was limited to policies that expected individuals to adopt self-protection strategies and the social environment in which crime took place received little attention (Crawford, 2009). These were seen as neoliberal expressions of crime prevention that was unsympathetic to the idea of a welfare state and implied more exclusionary preventive strategies (Crawford, 2009). The 1980s and 1990s witnessed a new mode of governing crime under the conservative Thatcher Government. It was recognised that the CJS was not able to address all the levers and causes of crime and; therefore, crime reduction required social responses as well as a problem-focused approach through multi-agency approaches (Crawford, 2009; Crawford & Evans, 2017). This new way of thinking introduced more coordinated responses and the pooling of resources. At the same time, the police were subjected to increasingly managerialist accountability with target setting for the effective delivery of crime (Reiner, 2010). However, this was also a period when political parties were divided over law and order and the role of the police, especially during the 1984-5 miners' strike (see Reiner, 2010). The Labour party wanted to limit the power of the police, noting that they were given too much power under Thatcher. Nevertheless, this period was referred to as the 'preventive turn' in crime control policy linked to 'new modes of governing crime' with Government seeking partnerships with 'non-state agencies and organisations' (Crawford & Evans, 2017: 799).

When New Labour won the elections in 1997, Tony Blair, had already introduced a 'tough on crime, tough on the causes of crime' policy rhetoric when he was the shadow Home Secretary in 1993 (Reiner, 2010: 13). Thus the new 'Third-Way' version of police reforms introduced by New Labour with more 'joined-up' Government responsibilities as the myth of better policing reinforced the tough law and order approach of the conservatives before them and focused primarily on improving crime control (Reiner, 2010: 140). However, while the discourse on partnership policing started during Thatcher's Government, it was strengthened under Blair. Importantly, the shift in contemporary crime control thinking was followed by introducing new (institutional) infrastructure, which was given formal recognition (Crawford & Evans, 2017). Through the 1998 Crime and Disorder Act, New Labour effectively legislated joined-up, a whole-of-Government approach, that required the police to work in partnership with local government and other social agencies. The focus was on evidence-led analysis of crime and disorder by building a national institutional framework within which safety professionals would disseminate best practice to build community capacity (Reiner, 2010: xi). This new mode of governing crime essentially restructured the responsibility for crime control and took crime prevention out of the police-led silo (Crawford & Evans, 2017). The main implementation mechanisms were through partnerships and community safety to implement several local-level initiatives like the *Safer Cities Projects*, which ran from the mid-1980s to the mid-1990s (Crawford & Evans, 2017) and also took on international significance. In this way community policing was gradually interpreted as a crime control strategy (Reiner, 2010). Nevertheless, Reiner (2010: xii) points out that this smart crime reduction narrative did not hold out much promise as the political focus by Blair was on 'publicity-seeking short-term initiatives' espousing the law and order myth.

The period from 2000 under New Labour was coined as the 'regulatory state' or a version of the 'post-regulatory state' where significant changes in regulations had taken place (Crawford, 2006: 450). The State worked with networks and more hybrid alliances, where regulators recognised that voluntary compliance and self-regulation were more effective (Crawford, 2006). This pluralisation of regulation, in turn, changed the face of policing and

security and led to more complexities with contested and competing governing agendas between public police and non-state actors (Crawford, 2006). This placed policing in a different context as both formal and informal institutions were now in control of implementing safety and security initiatives. The politicising of crime and disorder determined the nature of prevention (Crawford, 2006). Several authors claim that the historical roots of crime prevention, of addressing the social issues, have shifted in the neoliberal agendas of governments (Hope & Karstedt, 2003; Crawford & Evans, 2017). As Hope and Karstedt (2003: 3) note, '[...] the government of the neo-liberal state promised to provide safety and protection from crime as a primordial collective good, but not necessarily security in the form of welfare for citizens'. Thus, the different and conflicting 'mythologies' about policing being the solution to crime reduction and that working harmoniously with communities will 'satisfy customers' has obscured the understanding of the role of the police, notes Reiner (2010: 140). More importantly, policing alone cannot deliver an orderly society. The key issue for Reiner (2010: 140) is that these mythologies of addressing the defects of police effectiveness over the years failed to recognise that policing 'reflects the conflicts and contradictions of the wider social structure, culture and political economy'. The rise in crime, for example, from the 1970s, was closely tied to the rise in inequality as a consequence of a return to free-market economies and the deregulation of global markets (see Reiner, 2010). Therefore, recognising that police work is 'more complex, contradictory' and 'confused' is important when analysing the work they do and the 'fairness of their actions' (Reiner, 2010: 140). Rather than relying on the oversimplified myth of police practice to introduce reforms like community policing with the hope of addressing the wicked problems of crime (Reiner, 2010).

4.4 Influence of Crime Prevention on the Global Discourse

The legacy of these policing reforms linked to the discourse of crime prevention, community safety, community policing and partnership policing that came to be institutionalised in the UK have had some influence on public policies across different countries. European countries, and more recently Latin America and Africa, have contributed to the diversity of crime prevention approaches and thinking. In France, the

model took a social crime prevention route; the Swedish model was based on a national strategy promoting the integration of relevant policy domains; in Germany, prevention policies varied across time, changing from a repressive approach to crime through technical and situational prevention in the 1970s, to notions of social prevention and community strategies through the 1980s and 1990s and back to more repressive techniques in recent years; and the Nordic model was more developmental and put greater salience on human agency (Crawford, 2009). Latin American countries have emphasised human security because of the high levels of crime and violence, models that have had more appeal in South Africa due to similar environmental and socio-economic drivers. Thus, Shaw (2009, cited in Crawford, 2009) emphasises how approaches and resources took a different meaning in developing contexts that had implications for safety governance. In situations where there was a weak or absent state, safety and security were thought of differently. Local knowledge, capacity and resources (bottom-up approaches) become important and institutions within civil society become significant (cf. Hagmann & Peclard, 2010). So, while there may be overlapping ideas through different channels of policy transfer (conferences, research, consultants, international agencies like UN-Habitat), crime prevention thinking is also shaped by institutions, context and culture (Crawford, 2009). The following section will look at how researching partnerships in facilitating the implementation of crime prevention policies were emphasised in the earlier literature to address the benefits and challenges.

4.5 Partnerships as a Key Theme within Crime Prevention Literature

Crime prevention literature emerged in the 1990s in the context of the Third-Way approach to governance. It is literature that focuses fundamentally on the role of partnerships in crime prevention regarded as a key organisational instrument to deliver on prevention policy goals. This literature complements the extensive public management literature on partnerships, interorganisational relations and multi-agency approaches in policy implementation (DeLeon & Varda, 2009; Andrews & Entwistle, 2010; Heranz, 2010; Andrews, 2014). However, there are limitations in this overriding focus on partnerships, and there are other aspects of governance, addressed in the previous chapter, which are not adequately explored in the literature. I draw attention to a select group of authors who

discuss the pros and cons of different types of partnerships and their effect on crime prevention delivery.

Crime prevention, as the approach suggests, is about a link to how collaboration between the State and other actors and stakeholders operate and how they are effective and beneficial. When it comes to prevention, the literature collectively points to the benefits of increased capacity when stakeholders work together (Rosenbaum, 2002; Andrews & Entwistle, 2010; Heranz, 2010). The challenges of implementing a multi-sector strategy are that it shifts the dominant focus of public policy delivery from government agencies to a range of service providers (Andrews & Entwistle, 2010). Andrews and Entwistle (2010) believe that, to find appropriate solutions to social problems, cross-sectoral partnerships are advantageous for Government as they often do not have the capacity or flexibility to deliver. It is finding what kind of organisations are best to partner with – public-private or public-non-profit – as they have different modes of governance. Heranz (2010) argues that the management and administration of partnerships are important as different institutional practices will have different power structures and position social actors accordingly. In addition, these collaborative networks will also have their performance targets, which create conflicting outcomes. For Heranz (2010), the State should be the driving force when partnering with other social actors; therefore, holding the administrative power to manage conflicting outcomes. On the other hand, empirical studies on crime prevention partnerships have pointed to the dominance of the police as the lead agency producing conflicting outcomes (Rosenbaum, 2002; Brunet & Chandler, 2009, Brewer, 2013, Crawford & Evans, 2017). When public safety partnerships are dominated by-law enforcement agencies they typically focus on enforcement and order maintenance strategies at the expense of more stakeholder and community involvement.

Police partnerships are more difficult as they operate in a hierarchical system, making innovation difficult when command and control will dictate the actions to be taken (Rosenbaum, 2002). Fleming and Rhodes (2017) indicate how craft knowledge is what the police typically draw on rather than research or evidence-based knowledge to inform decisions in police practice. Their key argument is that police officers use a variety of sources of knowledge of policing gained from both experience and inherited knowledge

that is shared and assimilated in an organisation, the practical norms or the unwritten rules (de Sardan, 2015). Therefore, when focusing on the factors that shape and influence policy translation and implementation, one of the factors is, in fact, the very debates about the role of policing in implementing multi-sectoral crime prevention policies (Crawford, 2009; Ekblom, 2011). This section has not specifically focused on the debates around policing in itself, but such debates and lack of consensus about the place and functions of policing in a multi-sector oriented policy approach may influence the policy-practice gap. Thus, the literature shows that partnerships must deal with contradictions and confused or conflicting mandates.

4.5.1 Limitations of the crime prevention literature

The complexities associated with crime prevention in the literature are primarily focused on two interrelated areas: the first is on organisational issues, focusing on the limitation of partnerships and governance arrangements, and the second factor is the police, in particular their role in the governance of safety and security. The fundamental concern in the literature is the focus on the relationship between the different social actors and whether the crime prevention initiatives, in fact, promote the inclusion of role-players and their ideas and how they contribute to preventing crime and building social cohesion. This literature draws mainly from public administration and organisational literature. While the crime prevention literature is important in providing insights into the nature and implementation complexities, it has limitations in providing the range of conceptual tools for an in-depth study of the policy-practice gap. Crime prevention literature fails to address the nature and complexity of the bureaucracy through which crime prevention strategies are processed and what social actors do. Thus, interrogating both the formal structures and the informal practices that lead to complexity in this policy field become important to consider. Some of these shortcomings are acknowledged by Crawford (2006: 451) when he qualifies his focus on the (post) regulatory state and admits that insufficient attention has been given to 'regional contexts, local infrastructures and organisational practices, often influenced by distinct institutional cultures and traditions and divergent penal narratives'.

4.6 Conclusion

The governance of safety has experienced both rapid changes in policing structures and decentralised reforms through partnerships in crime prevention. This dual process has foregrounded the importance of formal structures and informal institutions in governing safety and security. Crime prevention as a concept has evolved and has its complexities and ambiguities in its interpretation and practices. However, there is agreement that crime prevention is about understanding the contextual drivers at the micro-level to inform policy (for example, if domestic violence is a commonly reported issue, it would need to inform a policy approach). Therefore, crime prevention was broadened from narrow formal policing, and policy delivery increasingly rested with local city or regional authorities (Crawford, 2009). The 'turn to prevention' was very dependent on the politics of the time and the conditions in society (Crawford, 2009: xvi). While police reforms were introduced through new laws during the last two decades (for example, England and South Africa), literature has shown that the emphasis still involves maintaining law, peace and public order. The police continue to function on a continuum between standard police practices (driven by reactive policing) and the more innovative crime prevention strategies (collaboration, understanding the causal mechanisms of crime). Bureaucracies have also become more complex and responsibilities for policies more diffuse. The bias in the literature towards partnerships limits the understanding of where else to look for the policy disjuncture. Does it reside in the breakdown of the whole-of-Government approach, or the deteriorating social and economic conditions, or the lack of understanding of what really works, and doing the same things but expecting different results? However, the tough on crime rhetoric still prevails, especially during new political changes, and the myth perpetuated by politicians, city officials and the public that the police can reduce crime remains. This means that the implementation of crime prevention has its limitations. These are issues that will be further explored in the empirical chapters in Part 2 of the research.

PART 2

The chapters in part 2 are a construction of the empirical study and the various arguments presented about the policy-practice gap are synthesised in the conclusion.

CHAPTER 5: THE CITY CONTEXT – THE EVOLUTION OF AN ORGANISATION

5.1 Introduction

The City has evolved substantially as an institution over the last two decades. The purpose of this chapter is to provide an understanding of the context of the City as an organisation and how it evolved during the focus period of this case study. This chapter also provides an understanding of the City from its earliest political aspirations to transform from an apartheid-based institution to an established democratic local authority. This historical context is important as it shapes what subsequently happens in the institution, but more importantly, history also shapes how the institution itself influences and guides individuals in their preferences and actions (Pollitt & Bouckaert, 2009). My case study exploration was premised on three key themes: path dependency, organisational complexity, and the intersection of the formal and the informal within the institutional environment. The City provides the context to explore these intricate themes in the following empirical chapters.

I also look at the historical city-making context focusing on the inner-city for this chapter. While not an in-depth analysis, it illustrates how change in this particular area affected the City's spatial and social arrangements as a whole and also structurally changed the City (in a sociological sense) (Harrison et al., 2014). The crime and safety issues in the inner-city entirely changed the City's perception. This city-making context (spatial and temporal) discussion leads into a discussion on the organisation, or the administration of the City, with a focus on the evolution of the organisational structure, also a complex history to understand. To explore the complexity of a constantly changing city and its administration, which is fraught with *messiness*, gives current day Johannesburg a richness, but it is this complexity that provides intellectual challenge and requires us to analyse institutions from multiple perspectives.

5.2 Local Context: Johannesburg from Mining Town to Commercial Heartland

Text Box 2: Brief Facts about Johannesburg

Johannesburg, South Africa's financial capital and economic hub, is also home to the Gauteng Provincial Government. It is situated in the Gauteng province (see Map 1 on page xviii) with a regional population of 15.18 million, making it the province with the largest population in South Africa (CoJ, 2020). Johannesburg is the most populous city in the province, making up 40% (5.74 million) of Gauteng's population, followed by Ekurhuleni (3.37 million) and Tshwane (3.27 million). These three metros form part of what is also referred to as the Gauteng City Region, which is described as 'an integrated cluster of cities and towns and urban nodes that together make up the economic heartland of South Africa' (Wray, 2010: 38).

Johannesburg's annual population growth rate is estimated at 2.91%, almost twice that of South Africa's (1.57%). This growth is mainly due to migration – international and domestic – with an approximate rate of 35.3% (3027 people) entering the City every month (CoJ, 2020). South Africa's economic growth is slow, and the economic future is uncertain. The unemployment rate in Johannesburg is 35.1%, and the youth unemployment rate is 45.2%. The poverty rate is 46.4%, and the Gini coefficient (a measure of inequality) is 0.62 (CoJ, 2021c).

The history of Johannesburg is tied to mining. After gold was discovered in the Witwatersrand in 1886, an influx of migrants came to the area leading to the establishment of a mining camp that eventually evolved into the City (Mubiwa & Annegarn, 2013). Over the next few decades, Johannesburg became the financial and commercial hub of sub-Saharan Africa with extensive international investment and infrastructure development (Harrison et al., 2014). Johannesburg was known as the 'largest and most densely populated European city in Africa' (Bremner, 2000: 186). The decline of gold mining from the 1950s led to the emergence of secondary and tertiary sector industries, with most of the tertiary sector activity located mainly in Johannesburg's Central Business District (CBD) (Beavon, 2001). However, by the 1970s, premier firms and retail stores left the CBD, relocating to the municipality of Sandton and other areas in the north of the City

(Bremner, 2000), indicating a push-pull factor. During this period, considerable numbers of White residents also moved out of the inner-city areas, such as Hillbrow and Berea located in the heart of the City, and into suburbs leaving many vacant buildings (Rubin, 2008). At the same time, with the shortage of housing available for Coloured, Indian and African residents, there was a gradual move into the growing vacant housing stock in the inner-city, despite the illegality of their presence in a White-only area (Rubin, 2008).

From the 1980s, the increasing violence in townships and the removal of influx control laws contributed to the movement of Black people into the inner-city. This process, referred to as 'greying of the inner-city, was accompanied by physical decline' (Bremner, 2000: 186). A key factor in the buildings' decline was landlords, who took advantage of the 'illegal' status of many Black tenants and charged much higher rents than the market rate, leading to sub-letting and overcrowding (Rubin, 2008). The lack of maintenance and the eventual abandonment of buildings by owners allowed criminal syndicates to take over these buildings and continue the exploitation of tenants without providing any building maintenance (Mosselson, 2017). Another significant transformation of the inner-city was the rise of the informal economy from the early 1990s because of the declining formal economy and an increase in international migration (Bremner, 2000). The empty spaces of the inner-city were then reclaimed by the City's poor as the need for cheaper accommodation grew (Silverman & Tanya, 2008). The deteriorating infrastructure, culture of informality, poverty and crime makes the inner-city area very complex (JDA, 2009).

The City's local government was not prepared for this unprecedented change in urbanisation trends and the growth of the inner-city population. As the inner-city was transforming, the municipality itself was transforming as an institution and battling to manage the socio-spatial processes of the City. But, the inner-city has always been politically significant and quickly captured the attention of the City's leadership (Mosselson, 2017). RECO2 recalls Mayor Masondo reminiscing about the inner-city as a young person prior to his incarceration on Robben Island in the late 1970s, and upon his release, he was dismayed at the decline of the inner-city. Politically the inner-city had become a priority for the City's administration from as early as 1998 when an Inner-City

Office was established to halt and reverse the apparent decline. This initial preliminary work was institutionalised in the establishment of the Johannesburg Development Agency and subsequent regeneration strategies and projects (CoJ, 2007). The key challenge for the City remains: despite ongoing policy initiatives, these initiatives remain fragmented on many levels, as revealed in the interviews and further explored in Chapter 7. Critically, the change in the inner-city has impacted the spatial and structural arrangements of the City (Harrison et al., 2014a) and has also impacted the City as an administration ‘since it required increasing resourcing and political focus’ (RECO2). However, certain interventions in the inner-city have been controversial and have created tensions between communities, the administration and politicians (for example, forceful evictions of residents from unsafe buildings and clean-up campaigns) (Harrison, 2020). While I have focused on the inner-city because it had a significant impact on the City’s policymaking and the image of the City, it is important to note that institutional reform in the City was equally impacted by the complex integration of the previous White and Black local authorities (CoJ, 2001). The following section engages with the City’s formal governing system.

5.3 How the Formal Institution of the City is Structured

This section outlines the City’s current governance structure and institutional framework and how it works. Understanding how the formal structure works serves as a backdrop to Chapters 7 and 8 and aims to illustrate the governance complexities in how decisions are made and executed in a large bureaucracy that had to transform. The formal structure is understood from reviewing the City’s official documents and discussions with current and former city officials.

5.3.1 The City’s governance model

The City’s governance model has two functions – the Legislature and the Executive, with the former comprising an elected Metropolitan Council and the latter headed by an Executive Mayor supported by the City Manager and his executive team. In terms of the Municipal Structures Act (117 of 1998), the Mayor now has greater executive authority and responsibilities and is tasked with policymaking, identifying and prioritising

community needs, and drafting strategies to deliver on those needs. Most importantly, the task given to the Executive is to oversee the delivery of services by the City's administration (CoJ, 2013). To improve political responsiveness, 'the Executive Mayor system sought to depart from the previous ceremonial system. Symbolically, the idea was to focus accountability on the Mayor and the Executive (exemplified by the US strong mayor model)' (RECO2). The City Manager is responsible, in the capacity of administrative head, to ensure implementation of Council policies. However, in day-to-day dealings, the political-administrative interface is never straightforward and can create an ambiguous relationship. The administration is a combination of central departments, seven geographical regional (or district) offices structured to support service delivery initiatives and the Municipal-Owned Entities (MOEs) primarily responsible for service delivery (see Appendix 9). Besides the officially structured organogram, organisational arrangements such as a cluster-based reporting system link related functions. The elements and functions of the current structure are depicted in Table 2.

Table 2: Key Elements of the Governance Structure of the City (adapted from CoJ, 2014:23-37).

Governance Body	Council (Decision-Making Body)		Administration	
	Legislature	Executive	Administrative Governance	Service Delivery
Function and Oversight	The political governance system adopted has a Council, chaired by the Speaker (elected by Council) who is supported by the Chief Whip and the Chairperson of Committees. The Council is supported by a committee system which is set up in terms of Section 79 of the Municipal Structure Act of 1998, and a Mayoral Committee. The Council is to approve policies, municipal by-laws, the budget and the Integrated Development Plan (IDP) and oversee its implementation. The Council of the City comprises 217 elected councillors, and a total of 108 councillors and 109 ward councillors, that are elected with a mix of	Executive governance rests with the Executive Mayor and a ten-person Mayoral Committee that functions essentially as a City-level <i>cabinet</i>. Together they have overarching strategic and political responsibilities. Mayoral Sub-Committees provide a support function to the Executive Mayor to ensure integration of the work of Council across political portfolios and departments. The Leader of Executive Business functions as the bridge and coordinates all work between the Executive and Legislature. Coordination includes by-laws policies, reports, questions, motions and petitions.	The City's administrative model includes a core administration headed by the City Manager who is assisted by: The Chief Operations Officer; various Group Executive Directors; Group Heads; Cluster Convenors; Heads of core City Departments and Municipal-Owned Entities. The City Manager has responsibilities, which include financial management and service delivery in the municipality. The Chief Operations Officer, a function introduced in 2002 with the Delegation of Powers, oversees the operational departments such as Health, Social Development, Information Technology, and Joburg Connect (the call centre), as well as the seven	The City is divided into seven regions. The regions support the City Manager through decentralised urban management. Their function is to coordinate, integrate and monitor service delivery in communities in addressing service delivery breakdowns. Service delivery from an operational side is provided by 12 municipal entities directly to citizens. The entities are governed through a Service Delivery Agreement but remain under the control of the Council in terms of Corporate Governance Corporate Governance structures include an Audit; Risk and Performance Audit Committees that were set up in terms of applicable legislation, such as the Municipal Finance

	proportional and ward-based representation. In terms of the Municipal Structures Act and the City's Public Participation Policy, meetings of the Council are open to the public.	The City has introduced a cluster system of reporting. The cluster system is set up to coordinate programmes across four pillars of the City's Growth and Development Strategy, 2040. The cluster have a technical arm chaired by a senior official and a political arm that is chaired by a Member of the Mayoral Committee. The Mayoral sub-committee function is to vet cluster-based development departmental reports and channel it to the appropriate decision-making structure.	decentralised administrative regions. The need for constant integration and coordination of overlapping functions in the regions and the centre made this new position necessary.	Management Act (56 of 2003). These committees are set up in terms of best practices and form the independent structures that objectively monitor and advise the Council. The function of the Performance Audit Committee is to assess and oversee the overall performance of the administration and its employees by essentially monitoring annual targets set out in the IDP, Service Delivery and Budget Implementation Plans.
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5.3.2 Strategic planning documents

The City takes a long-, medium- and short-term approach to planning. However, the political mandates articulated in election manifestos guide the politicians in determining the City's priorities, and these have a five-year horizon as determined by the local government election cycle. In addition, the City derives its strategic policy mandates from national and provincial governments. Key national long-term policies include the NDP 2030 (NPC, 2012), intending to promote economic equality, reduce poverty and build institutional capacity, and the IUDF (COGTA, 2016), which sets out an urban development agenda to achieve economic development and improved living conditions, of which urban safety is a component. The City has an overarching long-term strategic framework, its Growth and Development Strategy (GDS: Joburg 2040). Both the mayoral priorities and the outcomes in the long-term strategy informs the City's medium-term planning, which is the IDP. The development of IDPs is a legislated requirement in terms of the Municipal Systems Act (32 of 2000). The Act sets out requirements for municipalities, including developing strategic plans, spatial development frameworks, financial plans and key performance indicators and targets from the specific political term of office. These complex sets of requirements guide city departments (for example, Housing, Public Safety and Health) in developing their specific annual programmes and performance targets for service delivery. These priorities are further reflected in the SDBIP, the departments' business plan. The integration and alignment of internal city strategic priorities and intergovernmental priorities often results in conflicting policy mandates. Figure 7 provides the City's strategic planning process.

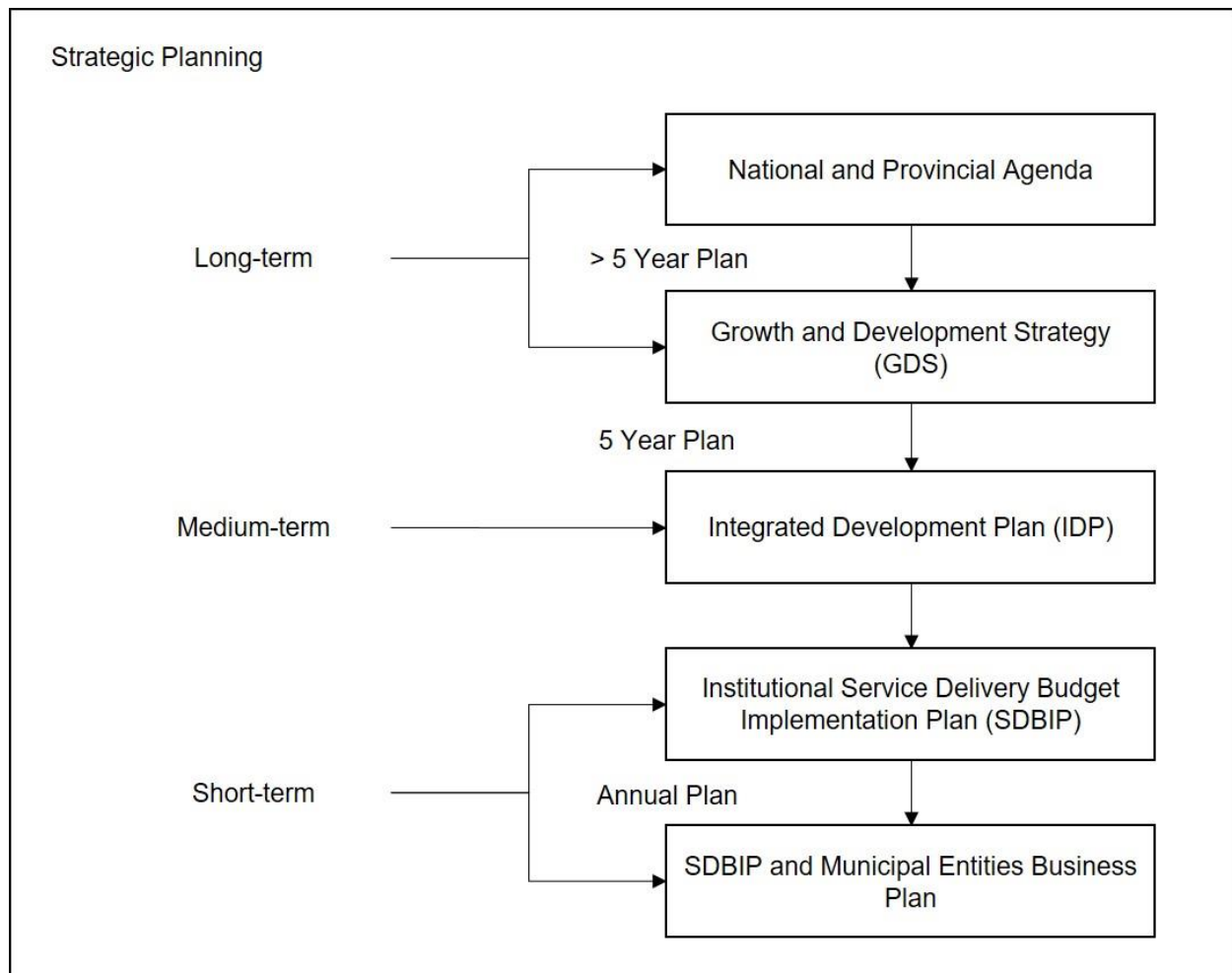


Figure 7: Strategic Planning Cycle of the City (adapted from CoJ, 2014:47)

5.3.3 Performance management

The City's Performance Management Policy is informed by and aligned with legislation and regulations governing performance management in the South African public sector. In line with the Municipal Systems Act (32 of 2000, ss11k), a municipality exercises its legislative or executive authority by establishing and implementing a Performance Management System (PMS). The City's PMS (CoJ, 2012a) serves as the primary mechanism to monitor and review the performance of the City's employees in line with the organisation's strategic goals. However, the nature of everyday complexities individuals face is difficult to capture in a formulaic management system that officials find

often stifles creativity but also allows people to *play* the system. Some of these challenges noted by respondents will be contextualised further in Chapter 8.

In summary, the City administration is guided by legislation in terms of functions, roles and responsibilities. But more importantly, this political and administrative bureaucracy has also evolved from a contested history that has influenced the current structure and governance systems, including the governance of safety. I provide a brief sketch of the political and institutional shifts in the following section.

5.4 City Policymaking in Context: Political and Institutional Shifts

What has emerged as important in the patterns of institutional reforms over the period reviewed was the need by each successive administration to deal with the perceived gaps left by former governance arrangements with attempts to strengthen the accountability of institutions and their capacity to deliver on policies further. To understand the historical context of the City's transformation, I have relied on academic and grey literature, especially the City's official documents, as well as formal interviews and background discussions.

5.4.1 The transition phase: Institution-building – 1995 to 1999

Local government institutions were shaped by the structures inherited from the apartheid and transitional period and National Government policy and regulatory frameworks introduced in post-apartheid South Africa, especially between 1998 and 2000. It is useful to note that the local government's transformation was a 'three-phase process' (Klug, 2010: 268). However, people involved at the time also speak of a pre-pre-interim phase that involved the Local Government Negotiation Forum, a parallel process to the national negotiations at CODESA, which made recommendations for the Local Government Transition Act (Act 209 of 1993), 'which effectively managed the transition process' (RECO2). The first, or pre-interim phase, formally began from December of 1994 until the 1995 local elections. It was characterised by appointed councillors at transitional metropolitan sub-structures and a Transitional Metropolitan Council. The appointed

councillors were drawn from the former statutory and non-statutory groups previously identified in the local-level negotiations (CoJ, 2001). The second, or interim phase, beginning after the November 1995 local government elections, allowed for the election of councils. For the first time, residents of Johannesburg had the opportunity to elect the councillors in their local areas democratically. This interim period lasted from 1995 to 2000 because legislation had to be passed, including the Municipal Structures Act (117 of 1998) and the Municipal Systems Act (32 of 2000). The third, or final phase, was the establishment of a democratically elected local government in December 2000, thus 'ending the transformation process' (Klug, 2010: 268). After the elections in 2000, local governments now had the difficult task of meeting their constitutional mandate, as set out in Chapter 7 of the Constitution (1996), which deals with the creation and functioning of local government in achieving its three interrelated duties: service delivery, economic development and democratic participation (Klug, 2010). However, people who spoke of the interim phases believed that 'delivering on the constitutional mandates had started in earnest soon after adopting the final Constitution' (RECO2).

By the late apartheid era, there were 13 racially divided local authorities across, what is today, the City, but institutional integration was negotiated in the early 1990s within the multi-party Central Witwatersrand Metropolitan Chamber (CoJ, 2001). The governance and institutional arrangements from 1994 were characterised by a two-tier local government system: a Greater Johannesburg Metropolitan Council (GJMC) and four Transitional Metropolitan Local Councils (MLCs), local authorities established by the Local Government Transition Act of 1993. The GJMC was primarily a bulk service provider, while 'giving the MLCs original powers to provide key services such as water, sanitation and electricity' through a Provincial Proclamation 42 of 1995 (CoJ, 2001: 19). This structure, however, was not optimal despite the GJMC's attempts to redefine the metropolitan administration along more functional lines. The reality was that the four MLCs were running as independent councils, each with the power to determine its priorities and pass its budget (CoJ, 2003b). However, as clarified by RECO2, 'the wealthier eastern and northern MLCs retained their surpluses to stymie redistribution to

less affluent MLCs'. This meant that the redistributive role intended to be provided by the GJMC could not be affected. The lack of an overall policy framework meant that the 'potential for poor coordination and discord was embedded in the system' (CoJ, 2001: 17). This situation led to overspending in an already constrained financial environment, and when the mainly White middle-class embarked on a rates boycott (the so-called Sandton boycott), the MLCs failed to pay their bulk service suppliers. The GJMC and MLCs were in a serious financial crisis by 1997 and required intervention. The Provincial Government intervened and set up an overarching governance structure, known as the Committee of 10¹¹. Its mandate was to find a solution, and the initial groundwork was laid to address the immediate financial crisis. These were short-term stabilisation measures, however, and did not consider the need for longer-term structural change (CoJ, 2001). It is not in the scope of this research to delve into this complex period, which defined the transition of local government in the City, but it is well explained, for example, in Beall et al. (2001).

5.4.2 The creation of a unicity: The iGoli period – 1999 to 2000

While there were still many uncertainties about what would happen, the Committee of 10 appointed Ketso Gordhan to the newly created position of City Manager in 1999. Gordhan has been noted for being instrumental in developing the iGoli¹² 2002 plan, which set out longer-term solutions to building financial stability, maintaining improvements and responding to the need for structural change (CoJ, 2001). The bold, but equally controversial plan, crafted a new political governance structure with a single-tier unicity addressing the fragmentation in political governance experienced with the five councils. This system was facilitated by enabling legislation in terms of the Municipal Structures Act (117 of 1998). Institutional reforms included a core administration, 11 decentralised regional administrations and the setting up of 12 companies (referred to as utilities,

¹¹ The Committee of 10 (later increased to 15) was established in October 1997 by the Gauteng Provincial Government through Section 139 of the Constitution, which provides for a provincial executive to intervene in the event a municipality cannot fulfil its executive obligations. The Committee was constituted by politicians and senior management.

¹² iGoli is a Sotho word for Johannesburg meaning 'place of gold'.

agencies and corporatised entities (UACs)) under contract to deliver services directly to the public (CoJ, 2006). This decentralised service delivery model, with a centralised administration, was based on the premise that each department, utility company and region should be self-sufficient and generate revenue independently while allowing the City central control over budgets. Central administration was built around the office of the City Manager and only incorporated functions responsible for policy, regulation of contracts and the *coordination* of service delivery (CoJ, 2001). At the time, there was substantial contestation by the South African Municipal Workers Union, the largest trade union in the municipality, and its federation, the Congress of South African Trade Unions. 'They viewed the iGoli 2002 plan as bringing in privatisation through the back door' (RECO2).

By the end of 2002, the iGoli 2002 plan was mostly implemented. It did introduce a level of organisational stability, but despite its various successes, the plan, and the process used to develop it, was criticised for failing to address the real challenges of poverty and inequality in the City (cf. Beall et al., 2001). The critics noted that there was undivided focus on changes within the institution, and not enough attention was given to understanding the complexities of a divided city. Defenders of the iGoli 2002 plan noted that it achieved its objectives and set the Metro on a 'growth with stability' path (CoJ, 2001: 75).

5.4.3 Implementation of the iGoli plan: Stability and consolidation – 2001 to 2005

By the start of the local government elections on the 5th of December 2000, the iGoli 2002 plan provided the City's first Executive Mayor, Councillor Amos Masondo, from the majority ANC, with an organisational structure to begin the process of institution-building and policymaking. Nevertheless, Mayor Masondo was confronted with a difficult choice. RECO2 commented: 'He found a ready-made recipe in front of him which would have been very difficult to reject. Being a pragmatic soul, he decided to implement the plan in the interest of stability and continuity in spite of any reservations he may have had'. A new City Manager, Pascal Moloi, had been appointed together with Executive Directors,

and staff from former municipal councils were migrated to positions within the new unicity administration (CoJ, 2003b).

The political governance system adopted by the new political administration retained the single-tier metropolitan governance model, introduced during the iGoli 2002 period. The new Council consisted of elected members with a mix of proportional and ward-based representation and an Executive Mayor supported by a Mayoral Committee. The Members of the Mayoral Committee (MMCs) were given political portfolios and were responsible for integrating the work of the different departments (CoJ, 2006). In addition, two types of oversight committees were established: 'Section 79 and Section 80 Committees'¹³ (CoJ, 2006: 45). This model would be later reviewed. Figure 8 shows the adopted single-tier metropolitan governance model and the mayoral sub-committees established to support the Mayor in the oversight role of departments.

¹³ Section 79 Committee, also known as Council Committees, are established as per Section 79. & 80. of the Municipal Structures Act of 1998 (RSA, 1998), to assist the municipality in performing some of its functions effectively, such as rules committees, oversight committees and audit committees. The Council appoints the Chair. A Section 80 Committee is often set up as a permanent committee that specialises in one area of work (e.g., civilian oversight of municipal police) and have executive powers to assist the Mayor in performing his or her functions. The Mayor appoints the Committee Chair.

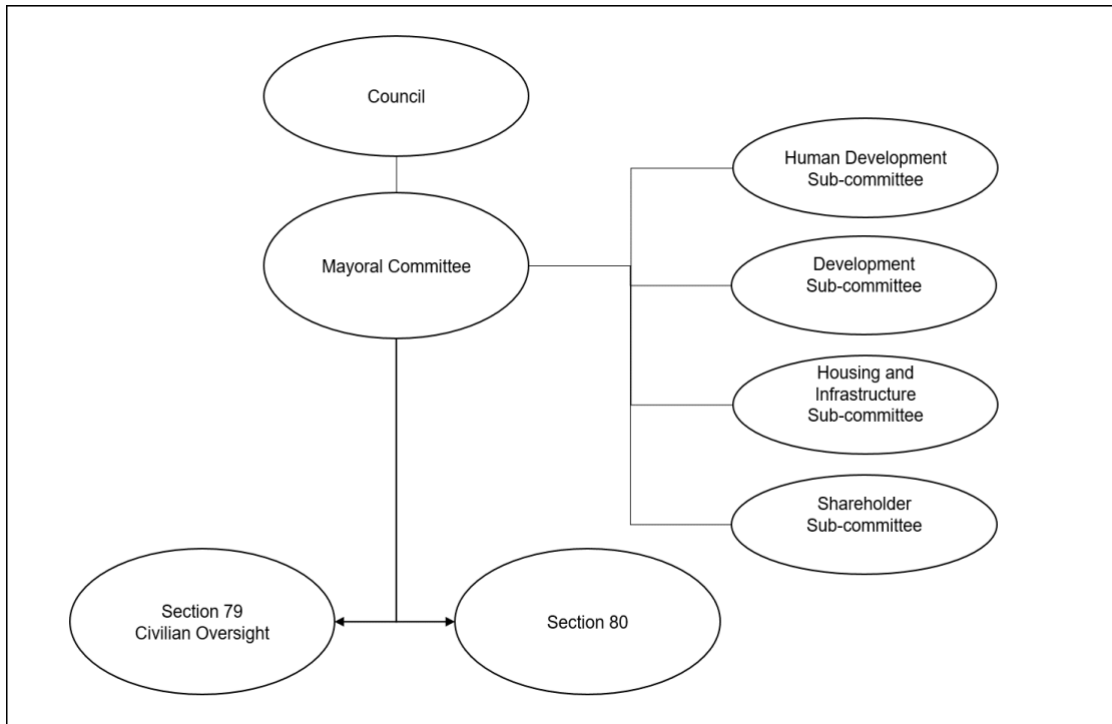


Figure 8: Single-tier Metropolitan Governance Model (adapted from CoJ, 2003b: 24)

This new administration adopted Joburg 2030 in February 2002. This plan was the longer-term response to the financial crisis and provided an economically driven strategy based on the ‘thesis that certain microeconomic constraints should be addressed in order to generate additional investment, which would create growth and jobs thereby improving the quality of life of the City’s people’ (Seedat, 2005: 63). This economic-focused strategy aimed at creating higher levels of growth but was criticised for its trickle-down approach. Nonetheless, it remained a key strategy for the City. The Economic Development Unit (EDU) was established to implement the City’s strategy. A new team of seven programme managers and a Director were appointed to bring fresh perspectives to deliver on the City’s innovative policy direction (RECO3). The significance of the Joburg 2030 strategy for the safety sector is that it took a strong view of the adverse effects of crime on the City’s economy and society. The Joburg 2030 strategy clearly stated that adequate ‘investment and GGP (Gross Geographic Product) growth in the City’ will not occur ‘in the absence of an effective response to crime’ (CoJ, 2002:24). This response required that

Council 'establish a broader safety and security capability to deal with strategy, co-operation, information and planning' (CoJ, 2002:121). The long-term strategy, therefore, laid the basis for the City to see crime and safety as a key policy objective that it needed to embrace over and above having a municipal police function. The strategic objectives of Joburg 2030 were therefore supported by sector-specific strategies to be operationalised, and so several plans and sectoral strategies were developed. These included:

- the JCSS
- the Inner-City Development Strategy
- the Human and Social Development (HSD) Strategy
- the Integrated Transport Plan
- the Spatial Development Framework
- the Water Services Development Plan
- the Environmental Management Framework

Significantly, within the first few months of the Mayor's term of office, he launched the JMPD in March 2001 (CoJ, 2003b). In his determination to bring back order through by-law enforcement and crime reduction, especially in the inner-city, the Mayor optimistically regarded JMPD as the key institution in safety governance. In 2004, the City's strategic multi-agency crime prevention strategy, the JCSS, was given to the JMPD to implement. The selection of JMPD as the lead implementing department was an administrative decision taken by the CM and motivated by the Director of the EDU and supported by the MMC for Public Safety at the time¹⁴. The decision taken assumed that the strategy is about safety and because JMPD deals with safety, it was best placed with the Chief of Police (RECO3). This arrangement included the setting up of the Joburg City Safety Programme office (JCSP)¹⁵ in JMPD to provide strategic support on the implementation of the strategy. Some respondents argued that this institutional arrangement failed to

¹⁴ Engagements with the Director of the EDU and City Manager at the time the decision was being discussed.

¹⁵ Initially located in the EDU and shortly thereafter the Project Office was moved to JMPD reporting to the MMC, Sizakele Nkosi-Malobane, and later to the Chief of Police, Chris Ngcobo.

understand that the JCSS had a cross-cutting focus and was a critical component of the Economic Development Strategy. The significance of the decision to give the JCSS to JMPD will be further discussed as one of the possible reasons for disjuncture in the implementation of the integrated crime prevention strategy.

5.4.4 Service delivery: Implementation of projects and urban management – 2006 to 2011

The second local government elections of 2006 saw the re-election of the ANC as the ruling party in the Metropolitan Council and the re-appointment of the Executive Mayor, Amos Masondo. In the Mayor's end-of-term report, a comprehensive assessment was made of all aspects of governance, institutional arrangements and prioritised service delivery that prevailed in the City between December 2000 to mid-2005. In summary, the report focused on a City coming out of a severe financial crisis at the start of the mayoral term, and a new structure, institutional model and political system helped it stabilise. A strengthened political centre, a core administration and municipal entities enabled a focus on service delivery to the City's residents. Results on the ground were being monitored, notably through the customer satisfaction survey, which provided areas of success but also ongoing challenges (CoJ, 2006). In the new term, Mayor Masondo proposed and implemented a few minor reforms to streamline and strengthen the City's governance. A new governance model was introduced in the City. The separation of the Executive and the Legislature. According to RECO2, who was Head of the Corporate Planning Unit at the time, the roots of the proposed changes occurred at a 2005 Mayoral Committee Lekgotla¹⁶, where the Gauteng Provincial Member of the Executive Council (MEC) for Community Safety, Firoz Cachalia, critiqued the prevalent model in local government, which did not strictly separate the legislative and executive functions. The new model introduced by the Mayor, familiar with its workings from his time serving as a member of the Gauteng Legislature, delineated a stricter separation between executive and legislative functions. Significantly, it introduced an ostensibly more objective system of

¹⁶ Lekgotla is a political strategic gathering.

polycymaking oversight and implementation. The Executive function comprised the Executive Mayor and Mayoral Committee, supported by the municipal administration. Conceptually such a system of greater 'separation of powers and independent legislative oversight should lead to more accountable and efficient expenditure of public funds, improved programme design and better policy outcomes, since, in such a system, the monitoring of policy implementation is theoretically more "independent" and "objective"'¹⁷. In the new model, the Legislature (Council) would retain its statutory duties of law-making, approval of the IDP and budget, and assume a substantially enhanced role on Executive oversight. This entailed the replacement of Section 80 Committees, chaired by the relevant MMC, with Section 79 Committees chaired by other councillors. The key difference between the two models is that the new model introduced the potential for oversight of the Executive by the Legislature. Importantly, in this new system, the chairs of the committees are still members of the majority party, and the Mayor and the MMC are still members of the Legislature, making this, in practice, only a *quasi*-separation of the powers governance model¹⁸. However, the effectiveness of this model depends on the rigour of oversight that members of all parties are willing to perform, especially members of the majority party. This governance model was very innovative, and after it was implemented in the City, noted RECO2, 'other metros followed, and it caught on in the rest of the country'. Figure 9 shows the separation of the powers governance model.

¹⁷ Discussion with Professor Cachalia, former member of the Provincial Legislature where the separation of powers governance model was introduced.

¹⁸ Similar to the South African parliamentary system where the President and his cabinet are members of Parliament.

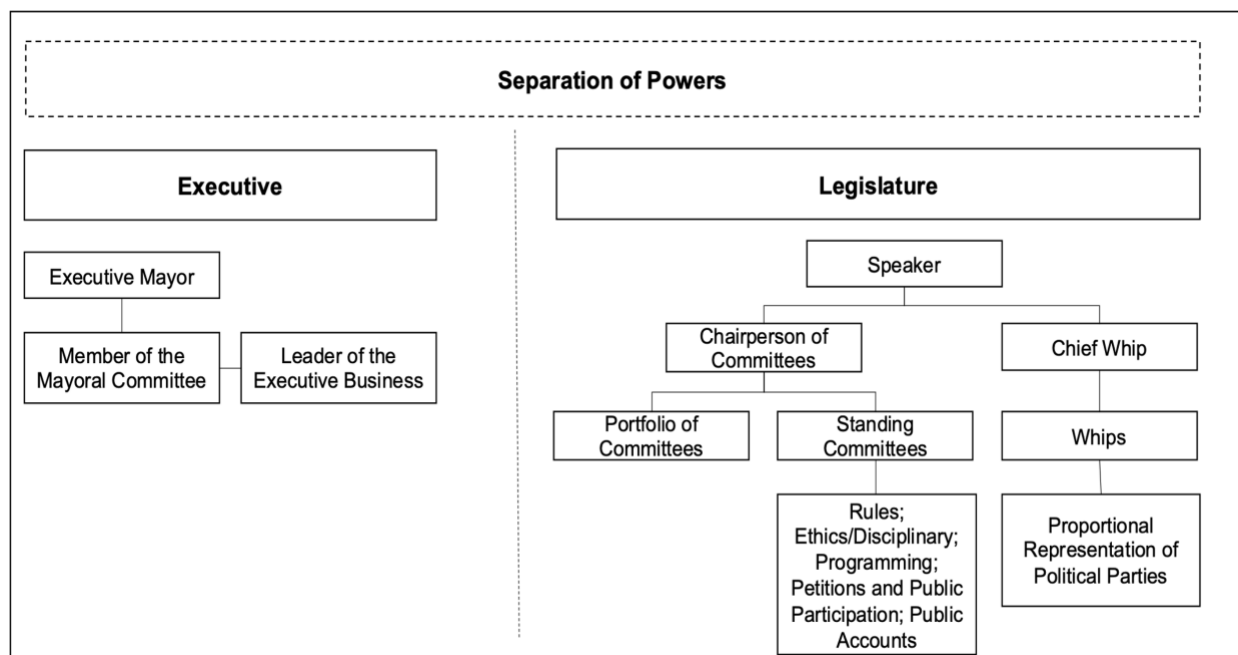


Figure 9: The Separation of Powers Governance Model (adapted from CoJ, 2011a: 41)

These institutional changes went side-by-side with a set of revised mayoral priorities, reflected in a more integrated GDS 2006. RECO2 explained that the original idea of a GDS for metro and district municipalities came from President Thabo Mbeki's ANC January the 8th statement in 2006. During Mayor Masondo's second term of office that year, the City adopted its first GDS as its long-term strategy. The 2006-2011 priorities are compared in Table 3 with the six priorities of the first term. The new priorities do not show a fundamental shift; the key focus remained economic development, but with a stronger focus on developmental issues and service delivery linked to social housing, health, urban management, safety and security, and transport (CoJ, 2011a).

Table 3: Political Priorities in Mayor Masondo's First and Second Term of Office (CoJ, 2003b; 2011a)

<i>2001-2005 Political Priorities:</i> • <i>Economic development and job creation</i> • <i>By-law enforcement and crime prevention</i> • <i>Good governance</i> • <i>Service delivery excellence, customer care and Batho Pele¹⁹</i> • <i>Inner-city regeneration</i> • <i>HIV/AIDS</i>		<i>2006-2011 Political Priorities:</i> • <i>Economic growth and job creation</i> • <i>Safe, clean and green city</i> • <i>Well governed and managed city</i> • <i>Health and Community Development</i> • <i>Housing and services</i> • <i>HIV/AIDS</i>
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Mayor Masondo's focus and priorities were significantly influenced by his past. He was part of the struggle against apartheid, and spending time in prison on Robben Island in the late 1970s shaped his aspiration to promote social dignity and order in the City (Harrison, 2020). This is exemplified in his 'concerted efforts to roll out public conveniences throughout the City' (RECO2). While he promoted programmes such as informal settlement upgrading, his pursuit of order, especially in the inner-city, was at times criticised for being anti-poor (Harrison, 2020). Evictions of residents from 'bad buildings' were promoted by the MMC for Public Safety and the EMS, as well as Masondo, who publicly contradicted the official position that the inner-city would accommodate residents with a mix of incomes. Despite these criticisms, Mayor Masondo's authority on the City was dominant but became more tenuous. The resignation of former President Thabo Mbeki in 2008 led to political uncertainty and factionalism within the City (Harrison, 2020). Although Masondo remained Chairperson of the ANC Johannesburg Region, a rival faction took the majority of positions on the Executive of the Regional Executive

¹⁹ *Batho Pele* means 'people first' is a South African political initiative for transforming public service delivery. The initiative was first introduced by the Mandela Administration on the 1st of October 1997, to stand for the better delivery of goods and services to the public.(see <https://www.dsd.gov.za/index.php/about/batho-pele>).

Committee (REC)²⁰. This led to his authority being undermined in the municipality 'since he was forced to fire two MMC and replace them with new MMC from the rival faction' (RECO2). Notwithstanding his loss of political influence, many but not all of the core policies of subsequent mayors were based on the policies he introduced: reduce unemployment, increased economic growth, safety and focus on the poor (CoJ, 2013, 2020).

5.4.5 Spatial and environmental 'justice': Strategic manoeuvres – 2011 to 2016

A new ANC-affiliated Mayor, Parks Tau, was elected to govern the City after the country's third democratic local elections on the 18th of May 2011. By 2011 the City had already experienced ten years of transitional local government, and as a member of the former Cabinet, the new Mayor had already been a key actor in setting the foundations of the administration and the governance system he helped to shape, including the set of policies aimed at transforming the City. In its first annual report, the incoming administration acknowledged this, noting that it had 'continued to build on the principles and the strong foundation delivered by the previous administration' (CoJ, 2012b: 4). There was, therefore, effective continuity in terms of policy priorities. The new administration also took over in a period that was impacted by internal factors with respect to the ongoing billing crisis and external factors such as the 2008 global economic downturn, which in the local context was 'reflected in a slow economic growth rate, rising input costs and severe pressure on households and consumers to pay for services delivered' (CoJ, 2012b: 4), as well as a still rapidly growing urban population²¹. Confronting these challenges, Mayor Tau was also determined to set a new transformation agenda for the City by introducing new thinking and approaches in policy development and implementation. While the Mayor was still influenced by his ideological position as an ANC councillor, he also took a more global and international perspective, influenced by

²⁰ The appointment of members of the Mayoral Committee is the prerogative of the Executive Mayor, but in practice the REC, a party-political structure, has a strong influence on the deployment of its members.

²¹ The population of Johannesburg in 2011 was four million with a 1.3% growth rate and 1.4 million households as compared with a population of 3.8 million in 2006 (CoJ, 2009).

his multiple roles in international forums (ICLEI,²² C40, Metropolis, United Cities & Local Government, UN-Habitat Global Network for Safer Cities) where international discourse was beginning to view cities as increasingly complex environments that needed to adapt to new challenges such as climate change and urban safety. Concepts such as the UN-Habitat's *safer cities* entered the political discourse, but with limited understanding by the central administration of its practical application, and even though the JCSS extended this concept to suit the local Johannesburg context. Once again, this priority was given to Public Safety to interpret and implement.

The new policy approach of the City was articulated in the GDS, Joburg 2040 (CoJ, 2011b). While the new strategy refined the objectives set out in the previous GDS 2006, it did introduce some key policy shifts. However, much of what drove the City's strategic focus during this mayoral term revolved around the idea of spatially integrating the City through transport corridors to transform Johannesburg. The focus on spatial transformation was coupled with a promise of substantial investment in capital infrastructure spend on projects that formed part of the Corridors of Freedom concept. In the 2012-2013 financial year, the Mayor had committed R100 billion in infrastructure and development over ten years, with the stated aim of 'eradicating spatial inequality' (CoJ, 2014: 9). This plan was more clearly articulated in his 2013 State of the City Address (Tau, 2013, para. 43), where the Mayor spoke about transport corridors connecting strategic nodes through an affordable and accessible mass public transit system: 'Along these corridors we will locate mixed income housing, schools, offices, community facilities, cultural centres, parks, public square, clinics and libraries'. The success of these corridor developments was coupled with the provision of safety. This urban vision of 're-stitching' the City has been critically examined by academic scholars to determine whether the attempts at densification and diversifying transit nodes have had a positive impact on transforming spaces (Ballard et al., 2017; Pieterse & Owens, 2018; Kotze & de Vries, 2019). Another flagship project introduced was the Jozi@Work initiative focusing

²² ICLEI is a global organisation focused on *Local Governments for Sustainability*.

on job creation and building entrepreneurship through community enterprises to provide basic municipal services (CoJ, 2013).

Organisationally, a fundamental restructuring of the City took place in 2012, led by the newly appointed City Manager, Trevor Fowler. The Executive branch was reorganised into a 'joined-up' system that clustered administrative departments, presided over by a MMC. This system of enhanced governance was to better align departments with more complementary goals (such as Social Development, Public Safety and Health (CoJ, 2016a: 19)). The idea was to improve coordination and manage interdependencies of service delivery. The cluster system, however, became another bureaucratic hurdle, as will be discussed further in Chapter 7. Figure 10 shows the configuration of the HSD cluster in the new institutional arrangement.

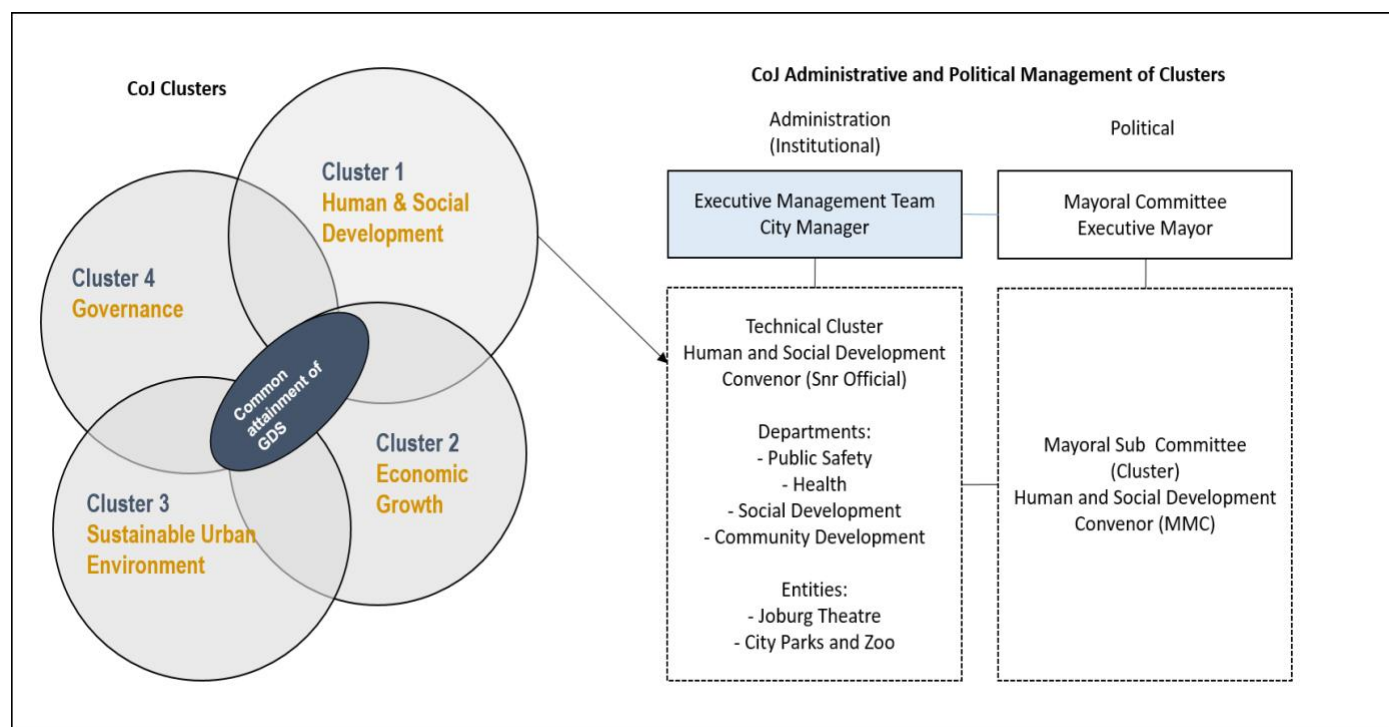


Figure 10: The Cluster Governance System, Using the Example of the Human and Social Development Cluster Configuration (adapted from CoJ, 2013:21)

Thus, there was a substantial policy shift in certain areas and a further attempt in term three to restructure the organisation and introduce more coordination structures to improve accountability and policy outcomes.

5.5.6 Coalition: Political & institutional disruption – 2016 to 2019

The 2016 local government elections brought an abrupt end to the ANC-led Council and a new *de facto* coalition Government of the DA with a range of smaller parties²³. The City's new Executive Mayor, Herman Mashaba from the DA, led the new administration. The 2016 local election was seen as 'electoral punishment' for the ANC by political analysts because of growing disaffection by its traditional supporters as a result of uneven local governance and service delivery, and the national narrative of corruption, poor leadership and accountability within the governing party (Booyesen, 2016: 532). There was no single winner in the 2016 local election, with the ANC winning 44.55% (121 seats), the DA 38.37% (104 seats) and the Economic Freedom Fighters (EFF) 11.09% (30 seats)²⁴. The EFF held the balance of power, and after two weeks of intense negotiations, the EFF chose to vote for the DA to remove the ANC, emphasising that this was not a coalition, nor would they co-govern with the DA. In this arrangement, the DA was pushed by the EFF to govern broadly in line with their policy-ideological positions (Booyesen, 2016). The EFF had 'kingmaker status', and Mayor Mashaba had to ensure that the 'EFF were more in Government than in opposition' for the minority coalition Government to work (Beaumont, 2020: 103).

Despite this political change, the City's core political and administrative governance model inherited from the outgoing political administration remained the same. An attempt at an institutional review, which may have resulted in the reincorporation of the MOEs into the core administration, was halted by a legal process (CoJ, 2020). In the political administration, there were newly elected councillors and MMC from the coalition parties

²³ African Independent Congress; the Patriotic Alliance; the Inkatha Freedom Party; the African Democratic Christian Party, Congress of the People, and United Democratic Movement.

²⁴ EFF is a South African political party, which was founded in July 2013

resulting in a new political alliance and policy orientations. In the administration, the City Manager remained, but a new Chief Operating Officer was appointed. There were changes made at senior management level where Executive Directors were released from their five-year contracts, or some contracts were not renewed as they were seen to be affiliated to the ANC²⁵. It has been noted that Mayor Mashaba ‘branded’ these senior officials as ‘snakes’ and ‘openly spoke about the snakes in his administration’ (Beaumont, 2020: 63). Mashaba’s pejorative attitude towards those he associates with the ANC was to impact the administration. There was a change in leadership in several departments and several acting appointments, including the Head of Department of Public Safety. The Chief of Police (COP) also had his contract shortened, and a new COP was appointed. This was a period of great uncertainty with respect to policy continuity and staff appointments. As a City official working in Human Resources reflected on the changes ‘it creates a lot of fear and uncertainty. Officials are not sure if they will have a job, if they will be moved elsewhere, how they are viewed’ (RCO11).

While the Mayor introduced a new set of priorities (Table 3), the DA administration was partial to the Joburg 2040 strategy. While attempts were made to review the strategy, this did not receive much political attention, according to RCO7. There was a major focus on the inner-city to deal with derelict or ‘bad buildings’ and bring back investor confidence, with a view to property-led regeneration. Several priority projects from the previous administration were brought to a standstill and were not allocated budgets; the City’s Rea Vaya²⁶ BRT phase 2 and 3 (the City’s bus rapid transit system), the Corridors of Freedom project, and Jozi@Work were amongst those projects.

Coalition politics was complicated, as was intra-party relationships within the DA. Mashaba claims that he is a liberal and joined the DA ‘because [he] could no longer stand

²⁵ This observation has been made from personal knowledge of being in the City during this period. See also, Beaumont, Chapter 7, ‘Into the snake pit’ (2020: 61–72).

²⁶ Rea Vaya is a phased implementation approach and phase one started in 2009. Rea Vaya links the Johannesburg CBD and Braamfontein with Soweto. Phases two and three will expand towards Sandton, Rosebank and Midrand

back and watch my country being destroyed by ANC corruption, failure and arrogance'²⁷ (Beaumont, 2020: 188). Yet the complex orientation of the new administration, oriented to both a White-Indian middle-class constituency and its alliance with the EFF, led the Mayor to be a willing partner to contrary DA policy positions. Mayor Mashaba relied heavily on the EFF to maintain a working majority in the Metropolitan Council. For example, Mashaba needed the support of the EFF to secure every budget and adjustment budget vote in Council, including the approval of 'senior appointments in the administration' (Beaumont, 2020: 101). Some of the compromises led to the insourcing of security and cleaning services, which went against the dictates of DA policies²⁸. Various pro-poor initiatives, including the Inclusionary Housing Policy that requires new developments to allocate a percentage of the development to affordable housing options and the Nodal Review that sought to bring people closer to jobs and opportunities in the City, ironically policies of the ANC administration, were influenced by the EFF and approved in Council. But these policy-ideological positions created severe tensions within the DA caucus and within segments of the DA nationally. It was believed that he favoured decisions promoted by the EFF at the expense of the DA and turned a blind eye to corrupt activities of the EFF²⁹. Underlying tensions between Mashaba and the DA also surfaced as he believed he was being micromanaged in his role as his decisions were often questioned³⁰. Things came to a head when changes within party leadership nationally, including the resignation of DA leader Mmusi Maimane and the election of Helen Zille as Chair of the DA's Federal Council. Mashaba resigned as Mayor in October 2019 and explained his resignation to a local newspaper, indicating that he had been 'without a "solid mandate" from the DA, which had been the "most difficult partner" in the coalition with the Economic Freedom Fighters' [...] (Tandwa, 2021, para. 7).

²⁷ Stated in Mashaba's resignation speech from the DA on the 21st of October 2019.

²⁸ The decision to insource security has had a serious resources and financial impact on the City and has required the establishment of a new division within the Department of Public Safety (several discussions with a senior official in Public Safety during 2019 to devise a strategic business plan for his Unit)-

²⁹ Discussion with a former DA communications Director, July 2021.

³⁰ Ibid.

In December of that year, a new ANC-led GLU was once again formed through a delicate balance of *vote bargaining* in the Council³¹ where it was believed that close to eight DA councillors broke rank and voted for Makhubo, the ANC's candidate for mayor. This led to the formation of a new political alliance in the City involving the ANC and minor parties, excluding the EFF. It is not in the scope of this research to go beyond 2019. What can be observed is that the new GLU political administration, effectively an interim administration as local elections are scheduled for 2021, has recommitted to the policy direction of the Joburg 2040 strategy, and this policy continuity is seen in the new mayoral priorities, shown in Table 4. However, compared with the former DA Mayor's priorities, there is no fundamental difference except how the different political orientations may impact how the policies are actioned. The DA-led coalition had emphasised 'law and order', for example, and so did the new Mayor in the ANC-led administration, Geoffrey Makhubo (2021, para. 4), who talked about 'waging war on lawlessness and the rampant violation of by-laws'.

Makhubo went on to launch the 120 days *Accelerated Service Delivery Programme* where he prioritised the remaining 18 months of the administration to 'visible, felt, and acknowledged' service delivery (Makhubo, 2019, para. 3). His plans included increasing momentum on inner-city regeneration, economic growth and on improving intergovernmental relations. In his message to City employees, Makhubo urged the City's senior management team 'to work with the GLU in a cohesive and integrated manner' (Makhubo, 2019, para. 4). Makhubo did not realise his goals as Mayor as he succumbed to COVID-19 in July 2021³². Following the untimely passing of Makhubo, the 'GLU remained intact and endorsed the election' of Jolidee Matongo, an ANC official, as the new mayor of Johannesburg (Moerane, 2021, para. 10). Matongo immediately heightened the service delivery programme of Makhubo from his first week in office (Moerane, 2021, para. 13). Six weeks into his mayorship, Matongo died in a car accident

³¹ Discussion with a DA ward councillor, December 2019.

³² Makhubo led the City throughout the pandemic and during his term of office had to defend himself at the State Capture Commission (Zondo Commission) against allegations of financial impropriety (Nicolson, 2021).

in September 2021. Subsequent to this tragedy, Mpho Moerane from the ANC was elected as Mayor, shortly before the November 2021 local government elections³³.

It was also at the beginning of the GLU taking office that the COVID-19 pandemic hit the country in March of 2020. The pandemic has had a significant impact on the work of the organisation, but this is beyond the temporal scope of the research.

Table 4: Comparison of Mayoral Priorities: Mayors Mashaba and Makhubo (CoJ, 2018; CoJ, 2020)

2016-2019 Mayor Mashaba's Priorities		2019-2021 Mayor Makhubo's Priorities
• Promote economic development and attract investment towards achieving 5% economic growth • Ensure pro-poor development that addresses inequality and provides meaningful redress • Create a culture of enhanced service delivery with pride • Create a sense of security through improved public safety • Create an honest and transparent city that fights corruption • Create a city that responds to the needs of residents • Enhance the City's financial sustainability • Encourage innovation and efficiency through programmes such Smart City • Preserve our resources for future generations		• Economic development • Sustainable environment development • Job opportunity and creation • Smart City • Sustainable service delivery • Integrated human settlements • Safer city • Financial sustainability • Good governance • Active and engaged citizenry • Minimising the impact of COVID-19

³³ Morane died on 18 May 2022 from injuries sustained in a car accident while still serving as a Councillor in the new Multi Party Government (MPG).

5.5 Conclusion

This chapter has provided some insights into how the City's history and its formal structure are critical to understanding where it is going. We see complex governance and organisational structures to address inherited bureaucratic and political problems. In this endeavour, successive political administrations tried to put governance and administrative systems in place to achieve better policy outcomes, trying to 'narrow' the gap between policy and implementation. During Mayor Masondo's second political term, there was a significant impact on governance within the City with the objective to clearly allocate decision-making powers and decentralise to improve policymaking and accountability for sounder implementation. Later, in term three, there was another realignment based on a departmentalisation model to improve coordination again. With a complete change in administration in term four, complex relationships developed as power relations shifted and created a sense of uncertainty in the administration. This organisational complexity shapes practices and informs how individuals cope and navigate these changes (de Sardan, 2015). These are some of the issues that will be explored further in the following empirical chapters.

The City's institutional changes impacted the implementation of the JCSS. Bureaucratic and governance changes meant that in terms one and two the responsibility given to JMPD as the custodians and lead implementers of the JCSS was clear. However, during term three a Public Safety Department was established with a civilian Head responsible for strategic functions and the implementation of all departmental policies. There was a change from JMPD being the custodians of the JCSS to only being implementers to allow JMPD to focus on their operational mandate. In practice the HOD focused primarily on JMPD's day-to-day operational activities, rather than to also guide the strategic implementation of the JCSS (RCO18). Decision-making also became more complex with more layers of accountability in Public Safety.

Having effective systems and policies does not mean that policies will be implemented as planned (Laws & Hajer, 2008; Paudel, 2009). The political and administrative interface is

also a more complex relationship. While attempts were made to keep a strict divide between the political and the administrative, this strict dichotomy is not possible in practice. Each successive political term introduced priorities and long-term strategies; safety has featured in all the mayoral priorities. This 'myth and ceremony' is important as it gives the organisation confidence in the public domain. But what is articulated in the formal 'rules' does not reflect what is happening in the informal practices. This is expressed in the interviews where the narratives of city officials reflecting on the past but also engaging with the present reveal the complexity of the institution at work.

In this chapter, I have also tried to show how the City structurally intersects with institutions by looking at the inner-city and its transformation. This institutional complexity, both inside and outside, has a bearing on policy implementation. These factors show how context is important to understand so that my analysis of the policy-practice gap is informed. It is not exhaustive as there are potentially more avenues to explore, but for my case study looking at the formal institution and institutions in a sociological sense is to reveal complexity in understanding the issue of the gap.

The next chapter looks at path dependency to further explore how these histories impact where the City as an organisation is today. This chapter will look at how policymaking from as early as the negotiations for a democratic South Africa shaped present local municipal policing and crime prevention efforts in the City.

CHAPTER 6: PATH DEPENDENCY AND LEGACY

6.1 Introduction

The City was established as a democratic local authority in 2001. However, its trajectory in terms of institutional development, visions, policy and planning, from that time, was deeply impacted on by a historical institutional legacy. In Chapter 5, I applied a historical path to explain how the City's present governance and institutional model evolved through a complex transition and influenced the policy choices made during the different political terms. I continue to build on this historical understanding in this chapter. I use the concept of path dependency as a critical lens to analyse the City and understand the extent to which past decisions on public safety have influenced the available policy choices in the present and will influence future ones. I use this chapter to demonstrate how path dependency shaped the establishment of the City's Metropolitan Police Department and the impact this has had on the implementation approach of the City's crime prevention policy.

A thorough understanding of the policy process, and its implications for implementation, requires joint consideration of national and local histories (Pollitt & Bouckaert, 2011). In South Africa, the constitutional and legal provisions regarding national and local municipal policing is an important part of the story of how policy is made and implemented at local level. City authorities used the Constitution and enabling legislation to create a space for policy manoeuvre to establish municipal police, but the negotiated Constitution and, indeed, a deeper historical legacy constrained the choices available to local government in setting up local policing and establishing public safety policy. The path dependency established before and during South Africa's transition to democracy is one source of disjuncture in how policy is made and implemented.

However, the gaps between policy and practice must also be explained by the local history of policing in the City. I have chosen to explain how the JMPD was established as a key agency entrusted with implementing the City's integrated crime prevention strategy

in the context of intersecting national and local path dependencies. Police transformation is an illustrative case to support the claims that specific historical patterns of timing and sequence matter and that examining the macro context at a critical juncture can contribute to the understanding of Government, politics and public policies in the present (Ebbinghaus, 2005). This chapter, therefore, looks at how institutions change and evolve.

The following sections will cover apartheid policing and its institutional legacy. This will be followed by the South African national transition and transformation of the institutions of policing and the space created for municipal policing. Finally, the establishment of the JMPD will be considered. This trajectory will show how the political settlement at national level, embodied in the Constitution, provided the framing for changes at the sub-national level, including in metropolitan Government. It enabled changes but also led to some of the ambiguities, complexities and confusion that have characterised sub-national policymaking and implementation.

6.2 Path Dependency

Historical institutionalism is a theoretical approach in contemporary political science that looks at how institutions, at a macro (country) or micro (institution) level, are embedded in past decision choices that create enduring institutional patterns, or path dependencies, that social actors must continually adjust to (Ebbinghaus, 2005). In this sociological perspective, institutions are understood as social rules, norms and ideas that guide practices but also restrain social behaviour, making transformative or far-reaching change unlikely (Ebbinghaus, 2005). This idea suggests that institutions continue to evolve as environments change due to social and political manoeuvring but in ways constrained by past decisions and along trajectories that are largely pre-established (Thelen, 1999). However, there are moments of *critical juncture* when alternatives become possible, for example, South Africa's political transition during the 1990s. However, even critical junctures are constrained by prior histories, and an institutional analysis always involves a study of continuity and change (Pierson, 2000; Pollitt & Bouckaert, 2009). Also, critical junctures establish their own path dependencies into the future.

Klug (2010: 21) points out that path dependency in countries in transition is particularly complicated and 'laden with inherent contradictions'. He notes that while the future vision and source of new ideas are based on legacies of struggle and alternative aspirations that shaped the history of resistance to colonialism and apartheid, institutional stability required some continuity with the old (for example, legal continuity) (Klug, 2010). These legacies and the complexity they impose on the theory of path dependency are important to recognise when analysing the transformation process as the constitutional outcomes both 'facilitates and hinders' particular alternative options for ongoing democratic transformation (Klug, 2010: 59). In the following section, I begin by looking at colonial and apartheid policing to highlight why institutional reforms in policing were necessary to advance democratic change during South Africa's national transition but to show also how complex it was to introduce radically new police institutions.

6.3 Colonial and Apartheid Policing - An Institutional Legacy

In the following section, I look at the origins of policing in South Africa. The significance of understanding the history of policing in South Africa, lies in many respects in the discussion on the 'legitimate exercise of authority', which became blurred in its meaning and practice in how police organisations functioned (Ivković et al., 2020: 33).

6.3.1 Colonial policing 1652 to 1910

Policing in South Africa had its direct antecedents in colonialism and the subjugation of the indigenous populations. Law enforcement and race attitudes had their roots in the Cape Colony with the first Dutch settlement when the Dutch East India Company (or VOC³⁴) set up a permanent refreshment station and trading post in 1652 (Ivković et al., 2020). Under Jan van Riebeeck, a policy of 'benign coexistence' with the indigenous Khoisan³⁵ soon ended when there were alleged reports of VOC metal and livestock theft

³⁴ *Verenigde Oost-Indische Compagnie* or VOC (Ivković et al., 2020: 35)

³⁵ The Khoisan were herders and pastoralist and known to have been trading beef and mutton to mostly Dutch and British sailors passing the Cape en route to Asia.

(Ivković et al., 2020: 35). Driven by the need to protect the interest of the Company, martial law was proclaimed, and the 'first police official, the *geweldiger* or *skout*' (scout) was appointed and subsequently 'supported by *Caffres*, felons from the east who had been banished to the Cape to serve their sentences' (Van Heerden, 1982: 28). This is the beginning of seeing police work as low-status activity, maintained in later traditions of colonial policing (Brogden, 1989). From 1652 until 1840, the main law enforcement agency in Cape Town was under the *fiscal*. He was given judicative powers (for example, tax collection and enforcing tolls) and policing services to maintain law and order, and law enforcement officers were conscripted from the ranks of the Colony's ex-soldiers (Van Heerden, 1982). These officers worked closely with the *Night Watch*, also referred to as the Dutch or Burgher Watch, the first horse-based military unit formed to police the frontier borders (Laband, 2020). This unit became the forerunner of the Commandos, which consisted entirely of burgher volunteers sanctioned by the VOC, to mount rapid attacks against the Khoisan (Laband, 2020). According to Laband (2020), a precedent was to be set that would be the norm thereafter as territorial conquest spread.

6.3.2 Organised military-style police

When the British succeeded the Dutch in 1795, they retained the Dutch Watch rather than replace it (Van Heerden, 1982). Gradually the British implemented their laws over the Dutch law of the VOC and introduced a British style court-centred administration, and the magistrate and the police became the legal administrative arm used to enforce the law (Sachs, 1973). In 1825 the Cape Constabulary, modelled on the London Metropolitan Police, replaced the Burgher Watch (Ivković et al., 2020). However, the police at the Cape was an unorganised quasi-police, unable to deal with crime effectively, and so the Cape Town Police Force was established in 1840 (Ivković et al., 2020). In addition, a permanent military police guard was established in 1855 on the eastern frontier, known as the Cape Colonial Forces. The organisation consisted of the Frontier Armed and Mounted Police, who were noted for their cruelty during expeditions against the Xhosa (Laband, 2020),

the Burgher Force and the Volunteer Force. This district-based, White male militia, continued from the time of the Dutch (also referred to as the Boers)³⁶.

Through the creation of the Cape Mounted Riflemen in 1878, from the amalgamation of smaller rural and towns police, there emerged a trend of a systematic reorganisation, consolidation and institutionalisation of different urban police forces and military regiments across the four colonies (Brogden, 1989). This was precipitated by a decision taken in 1862 by the British Commons that 'Colonies exercising the rights of self-government ought to undertake the main responsibility of providing their own internal order and security [...]' and therefore reduced military assistance to their colonies (Laband, 2020: 265). The British were thus forced to reorganise the different police forces to create more professional and effective police (Laband, 2020). Nevertheless, while changes were made to the form and structure of the police under the British, it also meant a greater diffusion of military-style policing rather than citizen policing for safety and crime control (Brogden, 1989). Ivković et al. (2020) point out that the degree of military influence on early policing in South Africa has been noted as unique in the colonial experience. The 'musket and the horse'³⁷ became a mark of civilisation and a symbol of 'real and symbolic power' over the indigenous inhabitants (Laband, 2020: 291).

The other colonies, the Transvaal, Natal and the Orange River Colony, had their own police. In the Transvaal, also known as the Boer or South African Republic (ZAR³⁸), the ZAR police was established because of the increased demands made on the police as Johannesburg grew after the gold rush in the 1870s. This growth was brought about by the mass influx of migrants and foreigners who came to look for work and opportunities (Chanock, 2004). Crimes such as gambling, prostitution and organised crime flourished

³⁶ As Dutch settlers increasingly resisted British rule, they began a trek further into the interior of the country and settled mainly in the Orange River Colony and the Transvaal. They became known as the Voortrekkers or the Boers.

³⁷ Horses were first imported by Jan Van Riebeeck from the East Indies, along with the musket, but eventually the Dutch created their own breed of horses in the colony (Laband, 2020).

³⁸ Dutch: Zuid-Afrikaansche Republic (ZAR) Politie.

(Chanock, 2004). The ZAR amalgamated the ad hoc mounted commando police and the cavalry and foot patrol infantry and became notorious for their coercive treatment of the Black population (Brogden, 1989). There was now a major shift from the forms of control needed in a rural economy to controlling an urban labour force (Brogden, 1989).

After the British annexation of the Transvaal in October 1900, the South African Constabulary was established, and its methods and organisation were borrowed from the Royal Irish Constabulary and the French Gendarmes, known for their proven record for suppressing civil unrest and political agitation (Hornberger, 2014; cf. Chanock, 2004). Thus, it was the defence functions that determined the organisation of the police (Chanock, 2004). The militarised constabulary, dealt with both Black and Afrikaner rebellion and other civil auxiliaries assisted during major strikes (Chanock, 2004). During the two Anglo-Boer Wars (1880-1881 and 1899-1902), both the Boers and the British used their commandos and constabularies. This interconnection between the military and the police established blurred lines as the police would 'embrace strong paramilitary characteristics' in doing both law enforcement and civil order functions (Ivković et al., 2020: 40). Later in 1902, however, the development of ordinary civil policing was seen with several police stations set up in the country towns (Van Heerden, 1982).

By the beginning of the 20th century, as South Africa was industrialising and growing into a modern State, there was still no single police force but various decentralised police forces with branches such as mounted regiments of riflemen, railway and harbour police to protect infrastructure, town police and native administration police as well as several urban police forces and mine police (Hornberger, 2014). The mining industry, mainly on the Witwatersrand, organised its private mine police used for 'prevention and detection of crime' to protect private company assets and prevent labour unrest (Baker, 2002: 32). There was an established relationship with the mine and the police, where police officers were also placed in service of the mining industries to forcefully manage the workforce during unrest outside the jurisdiction of mining property (Baker, 2002). This relationship between capital and the State grew even stronger in later years, and this path

dependency is a critique of the State and its political economy even today by some scholars (Saul & Bond, 2014).

6.3.3 The creation of a single South African Police: 1910 to 1948

It can be argued that when South Africa became a Union³⁹ after 1910, this was the critical juncture for firmly establishing the growth of the police into a modern centralised organisation in South Africa (Sachs, 1973). The Union ended the bitter war between the British and the defeated Afrikaners (Boers) and handed political power over to the White minority Government, which entrenched the continued domination of Black people. The Police Act (14) of 1912⁴⁰ provided for a national police force, the SAP, out of policing structures in the four colonies. The SAP became an independent government department responsible, through a Commissioner of Police, to the Minister of Justice, Police and Prisons (Van Heerden, 1982). But already, there was some disagreement between the Police Commissioner, Theodorus Truter, and the Minister of Justice, N.J. de Wet, who rejected advice that there should be a single civilian police force (Chanock, 2004). To this end, Government insisted on a dual policing system with a close relationship between the SAP serving the urban areas and the South African Mounted Riflemen to police the rural areas and control any ethnic disputes and possible resistance against White rule (Hornberger, 2014). The SAP was tasked to enforce various discriminatory laws passed by Government. During this time, the formation of the South African Native National Congress in 1912 (renamed the ANC in 1926), a response to the exclusion of Africans from the political process, posed a direct threat to the State (Ivković et al., 2020). Therefore, the Police Act of 1912 incorporated both traditions of policing: it amalgamated local civilian crime-oriented police forces into a national force with a military character (Chanock, 2004). This process of militarisation was seen in the inclusion of drills and

³⁹ The Union of South Africa came into existence on the 31st of May 1910 and under a Constitution passed by the British Parliament (Klug, 2010), brought together the previously separate colonies of the Cape, Natal, the Transvaal and the Orange River Colonies (Orange Free State). Britain withdrew from the Government of South Africa. (<https://www.sahistory.org.za/article/union-south-africa-1910>).

⁴⁰ It is also significant to note that in the same year the Defence Act (13) of 1912 was also adopted by Parliament due to the close connection of the two Acts (<https://www.samirror.com/sapolice-history.html>).

weapons training and the introduction of military ranks in 1919 (Hornberger, 2014). Ordinary policing was, however, not concerned with common law crimes but dominated by statutory crimes, in particular, the pass and liquor laws and the control of trade in gold and diamonds (Chanock, 2004). The growth of the police force was assisted by the establishment of the provincial and municipal traffic forces who had ordinary police duties and contributed to the number of arrests made each year, mainly of Black people (Sachs, 1973). Made at the time of the Union, the significance of this decision to centralise policing, with some minor exceptions (for example, traffic and railway police), created a powerful and enduring path dependency that continues to the present time.

6.3.4 Organisational issues post-Union

Black and White police recruitment posed a particular challenge after the Union because the labour market offered better pay to the literate and educated people (Chanock, 2004). The SAP, therefore, struggled to attract Whites and were recruiting from the bottom of the Afrikaner available workforce and recruited African officers mainly from the rural areas, as the 'state believed they would be less likely to be politicized' (Ivković et al., 2020: 43). But the employment of African police was always regarded with scepticism. Firstly, due to the defence function of the police, and secondly, because of the limited range of functions African police were allowed to perform (Chanock, 2004). According to Ivković et al. (2020), between 1913 and 1936, approximately 30% and 50% of officers were Black. These would also be lower-ranking officers as Black officers were only promoted to a certain rank. In addition, with the introduction of the Colour Bar Act (job reservation⁴¹) after the Union, those classified as Coloured were demoted, leading to growing tensions in the workforce. For much of the twentieth century, Black officers were not allowed to carry a firearm, were paid less than White officers of the same rank, and held no authority over a White colleague (Ivković et al., 2020).

⁴¹ The Colour Bar was first entrenched in the Mines and Works Act No.12 of 1911 (<https://www.sahistory.org.za/article/apartheid-legislation-1850s-1970s>).

The recruitment of White officers also became complicated after the Union, notes Chanock (2004), as tensions between English and Afrikaner recruits to the force surfaced, especially in managerial positions. The senior ranks were mainly occupied by English speakers or those thought to be supporters of the dominant South African party, while Afrikaners were recruited into the lower ranks, with low pay and military-style discipline, and they also felt politically alienated (Chanock, 2004). Over time, the Government increasingly shifted policies favouring poorer Afrikaners to grow White wealth, and the SAP became one of the key state employers. This recruitment practice was intensified under apartheid. The legacy of these structural arrangements is also seen in how traffic departments evolved in municipalities, to be discussed later in this chapter.

6.3.5 Apartheid policing

In 1948, when the right-wing National Party (NP) won the Whites-only elections using the ideology of apartheid as a campaign promise, it was this triumph for Afrikaner Nationalism⁴² that brought with it four decades of apartheid rule (Marais, 2011). Apartheid was not a break from the segregation policy of the past; instead, it set out to radically entrench racial segregation that had already been a feature of South Africa. From 1950 to 1953, the NP immediately set out to strengthen the segregation of races through several legislative, administrative and other coercive measures (Marais, 2011). It was chiefly the security apparatus, and more especially the police, who continued to become the primary vehicles of the State to exercise power and legally enforce the unjust apartheid laws against the majority African people. The most tangible symbol of apartheid ideology was the so-called pass law strengthened in 1952, requiring Africans 16 years and older to carry the infamous *pass book* that proved that they had permission to work

⁴² Afrikaner nationalism can be understood in general terms as a broad social and political response to the uneven development of capitalism in South Africa. It gained momentum within a context of increasing urbanisation and industrialisation between the two World Wars. Afrikaner nationalism's ideological stance included promoting a common language, culture and religion based on the Calvinist doctrine (Giliomee & Schlemmer, 1989); also see South African History Online 'From Apartheid to Nation-Building: Contemporary South African Debates', <https://www.sahistory.org.za/archive/book-4-industrialisation-rural-change-and-nationalism-chapter-3-afrikaner-nationalism-1930s>.

and reside in urban areas (Ivković et al., 2020). At the same time, a battery of 'petty apartheid' laws was introduced, making it an offence to use 'Whites' only buses, trains and recreational facilities such as parks benches, swimming pools and even beaches (cf. Marais, 2011: 17). As in the colonial era, policing was an oppressive and coercive system and continued to ensure the limitation of movement and to uphold the apartheid social order (Ivković et al., 2020). This history of social order policing is seen by some authors to have led inadvertently to longer-term social problems (Ivković et al., 2020). For example, Ivković et al. (2020: 47) note that the 'incessant stopping and searching and coercing of African men' by the police could have led to feelings of 'belittlement and emasculation', leading unwittingly to attempts to reclaim their masculinity through interpersonal violence in the mine compounds, township taverns or even violence against women and children in the confines of family life. Police action often showed a disregard for human rights, which meant a disregard for communities' safety needs (Wits School of Governance, 2020).

Political policing also intensified as popular resistance grew during this first phase against the apartheid discriminatory laws, first, through legal and non-violent means during the Defiance Campaign organised by the ANC in 1952, where growing demands later culminated in the Freedom Charter in 1954, and then from the 1960s ANC resistance turned to armed struggle, the SAP also evolved with new coercive powers (Marais, 2011). The Police Amendment Act (27) of 1958⁴³ broadened the functions of the SAP, allowing for a closer relationship between the police and the military (Marais, 2011). The passing of this legislation extended the mandate of the police beyond the standard police operations and outlined the functions of the police to include the protection of the country's internal security.

This first period of apartheid rule came to a crisis point when on the 21st of March 1960, the police opened fire on protesters in Sharpeville, a township on the Rand, protesting

⁴³ The Police Amendment Act (27) of 1958, referred to as the Police Act of 1958, based on the Police Act (14) of 1912.

against the pass law and killed 69 protesters (Davies, 2021). Despite local and international condemnation through boycotts and sanctions, the Government responded with further repressive measures (Davies, 2021). The regime banned the ANC and Pan African Congress and introduced detention without trial (Davies, 2021). The ANC, under the leadership of Nelson Mandela, set up its military wing – *Umkhonto we Sizwe* and planned sabotage campaigns, but the regime eventually arrested the high command (Davies, 2021). Several ANC leaders, including Mandela, received life sentences under the Suppression of Communism Act (1951) in 1964 in the famous Rivonia Trial (Ivković et al., 2020). The mid-1960s to the mid-1970s was regarded as the ‘golden years’ for apartheid beneficiaries (Davies, 2021: 15), with several political leaders imprisoned or banned and the internal security intensified with more coercive political prisoner interrogation by the SAP (Ivković et al., 2020). In 1966 John Vorster became prime minister after serving as the Minister of Justice and was regarded as the ‘strong man’ of repression (Davies, 2021: 16). He established a new intelligence agency, the Bureau of State Security (BOSS), later becoming the National Intelligence Agency. With new powers, the security branch was decentralised in local municipal areas and began working closely with the SAP and formed the key intelligence community known for their harassment and intimidation of suspected political activists (Ivković et al., 2020).

The SAP during this period was also beginning to professionalise as an organisation and to portray itself as a skilled, politically neutral organisation (Ivković et al., 2020). New technologies were introduced, the educational requirements for recruits were raised and a police degree programme was established through the University of South Africa (Ivković et al., 2020). Despite these efforts, another key turning point for the police was the aftermath of the infamous June 1976 student uprising in Soweto against Afrikaans as the medium of instruction. When the protest turned violent, the police opened fire, repeating the *modus operandi* of the 1960s (Ivković et al., 2020). A commission of enquiry (the Cillie Report) concluded that the police ‘were completely unprepared for such a mass demonstration’ in terms of ‘manpower, equipment and mental attitude’ (Ivković et al., 2020: 56). The police underwent crowd control and counter-insurgency training, and

mobile riot units were established to respond swiftly to control local protest action⁴⁴ (Ivković et al., 2020). Thus, by 1984 the size of the force grew by almost 30% (Ivković et al., 2020). But more importantly, these incidents showed the inadequacies of the police in the townships, which increasingly became unregulated, violent and lawless, while policing focused on delivering law and order in the White areas (Ivković et al., 2020). Policing of White communities was outwardly 'normal' in terms of policing models present elsewhere in the world and aimed to investigate and reduce crime levels, thus providing a state service (Shaw, 2001).

The next decade of apartheid policing from the 1980s to 1990s was dominated by securocrats, an influential grouping of military and security officials, established by president P.W. Botha, who replaced John Vorster after he resigned amidst a scandal in 1978 (Davies, 2021). This National Security Management System, chaired by Botha, was granted extensive powers to combat the liberation movements (Ivković et al., 2020). Under Botha, the State underwent significant militarisation, and Government decision-making was dominated by security structures (Davies, 2021). The Government also introduced ten homeland police forces but under the command of the SAP, which added yet another layer of policing in the 'self-governing' homelands created for the various indigenous African people in terms of apartheid policy. They also gained a reputation for their harsh policing of anti-apartheid activists to 'support the ruling elite' (Shaw, 2002: 27). The South African Defence Force (SADF) generals devised a 'total strategy' (a carrot and stick approach that promised political reforms amidst increased security) to respond to the communist threat, thought to be planning a 'total onslaught' (Davies, 2021: 17 cf. Ivković et al., 2020). Reforms included scrapping the pass law and giving Coloureds and Indians new political rights. But these piecemeal reforms were rejected by most non-white inhabitants, and resistance was simply intensified.

⁴⁴ In 1979 a 'national Reaction Unit' was established with the intention to deploy them anywhere in the country in the event local riot units were unable to quell local unrest (Ivković et al., 2020: 56)

By the mid-1980s, the volatile history of apartheid rule came to a head when internal resistance intensified against the State, organised by the United Democratic Front (UDF), a grassroots organisation launched in 1983 (Marais, 2011). The UDF were better organised and mobilised support from students, teachers, lecturers, business and church leaders, women's groups and labour (Ivković et al., 2020). Once again, the State gave the police powers to act against people engaged in political protest, which took the form of detentions without trial, torture and banning orders of political activists, especially those thought to be aligned to the ANC⁴⁵. The State also resorted to assassinations and extrajudicial murders (Davies, 2021). Cock (1989: 7) describe this period as the militarisation of South African society, demonstrating that during the 1984-86 protests, the SADF and police often acted together where 'their activities were indistinguishable to township residents as they fused patterns of violence and fear'. This ideology of militarism meant that the State began to legitimise state violence as a solution to conflict (Cock, 1989: 3). Referred to as the joint security forces, the distinction between the army and the police began to fade during this period, a reappearance from colonial policing. Still, the police were the most visible component of the security establishment in Black communities where the presence of different components of the police forces' security arms operated and included the riot squad, the reaction units, *kitskonstables*⁴⁶ (special, or instant constables, as they were recruited quickly with minimal skills and training), a special guard unit, a special task force, the police reserve and the voluntary police reserve, and the counter-insurgency units (Phillips, 1989: 16). It would be the dismantling and amalgamation of these units in a post-apartheid police that would prove most challenging and enduring in terms of a police culture.

⁴⁵ Tymon Smith (2018), reminds readers in a newspaper article headlined 'A blue birthday for torture HQ' of the notorious John Vorster Square police station, now renamed Johannesburg Central. This police station had become 'synonymous with detention without trial, torture and death' (Smith, 2018, para. 4). The ten-story building opened 50 years ago by John Vorster, the then prime minister who introduced laws that gave the police greater powers to deal with opponents of the State. The article is a reminder of the repressive nature of policing, which the transition had to address, and the new Constitution had to protect citizens from.

⁴⁶ The mass recruitment of *kitskonstables* in the 1980s, with very little education and who were trained and tasked to repress uprisings against the State, had to be amalgamated into the post-apartheid police (SAPS (<https://issafrica.org/amp/iss-today/recruiting-for-the-police-at-an-early-age>)).

Although protest action in Black communities also turned violent with attacks on state property and, in some cases, alleged informants, Black police officers and councillors were targeted and even killed (Ivković et al., 2020). The ANC's strategy to 'render South Africa ungovernable' increased protest action and heightened violence in communities as the police responded (Ivković et al., 2020: 59). This cycle of violence perpetrated by both the State and community members has had a lasting effect on community-police relations in the country (Ivković et al., 2020). Therefore, the gap left by the State in providing primary policing to address crime was filled by 'different formations of informal justice', which often turned from 'sanctioned force to menace' and often ignored by the apartheid State (Wits School of Governance, 2020: 7). As Shaw (2002) points out, the police force had always been primarily a political instrument designed to suppress dissent and not to prevent crime. Community activists and liberation movement leaders understood that the lack of security provisions and a need for trusted and accountable police was an important goal in a democratic South Africa (Wits School of Governance, 2020).

Despite the apartheid State's ability to use its security apparatus to suppress the opposition, the ANC increased pressure on the Government and corporate business to initiate negotiations (Klug, 2010; Marais, 2011). Key to the transition approach was the role of political agency and actors on both sides of the political divide⁴⁷ in determining the nature of change (Southall, 2013). This was to ring true for police transformation. Reflecting on the apartheid police and the institutions of policing provides the backdrop to the broader debates to transform apartheid institutions during the negotiations to decide the structure of control and functions of democratically elected institutions, including the police in a democracy (Bruce, 2011). This long history of a coercive and paramilitary system of policing was complex, and the path dependencies can be seen in the difficult way police reforms were negotiated.

⁴⁷ Alister Spark's (2003) book 'Tomorrow is another country: The inside story of South Africa's Negotiated Settlement' provides an account of the first talks that took place in clandestine discussions (in prison cells, in hospital and abroad) with key ANC leaders and unlikely government representative before Nelson Mandela's release from prison. These stories reveal how these processes set the stage for the constitutional negotiations that followed in the context of violence that was unfolding in the country at the time.

6.4 Transition and Police Transformation – Shadows and Legacies

When P.W. Botha suffered a stroke in 1988, he was replaced by F.W. de Klerk from the NP as president (Ivković et al., 2020). In February 1990, de Klerk unbanned the ANC and the other liberation organisations and declared to the parliament his willingness to enter into negotiations for a new constitution (Davies, 2021). Nelson Mandela's release, after 27 years as an anti-apartheid political prisoner, was the defining moment for South Africa's transformation. These historically contingent events or critical juncture switched the country's path (Ebbinghaus, 2005) from an authoritarian regime to a negotiated transition for a democratic constitution that legally ended apartheid in 1994 (Saul & Bond, 2014). Critically, de Klerk set the path for police reforms when he reigned in the military and security establishment, who were themselves divided on the transition (Southall, 2013).

6.4.1 Negotiations and constitution-making

It is important to grasp the complex and delicate nature of the negotiations, which Klug (2010) explains through a two-stage constitution-making process (Appendix 10 charts the two-phase negotiation process). The first stage, from February 1990 to April 1994, involved pre-negotiations in setting the agenda for the formal talks and producing an Interim Constitution in a pre-election process, which was adopted by a White parliament. The second stage, from 1994 to 1996, was to finalise the Constitution, a task left to a democratically elected non-racial Government after the 1994 election (Klug, 2010). The scope of this section does not allow a detailed treatment of the negotiations; this has been dealt with extensively by others (see, for example, Ebrahim, 1998; Klug, 2010; Marais, 2011; Andrews & Ellman, 2001). I, however, point to the more notable aspects of the negotiation process.

It was through the convening of negotiating forums, famously called the Congress for a Democratic South Africa (CODESA I and II), which met in December 1991 and again in May 1992, that formal negotiations took place with input from 19 political parties to draft

the Constitution (Ottaway,1993). The main political parties included the NP, ANC, Democratic Party (DP), Labour Party, Inkatha Freedom Party (IFP)⁴⁸, parties operating in the homelands, and the Governments of Venda and the Transkei (Ebrahim, 1998: 660). The initial structures set up for deliberations were working groups, divided into five areas, and focused on the creation of a climate for free political participation; general constitutional principles; signed sessional arrangements, the future of TBVC states (the independent homelands Transkei, Bophuthatswana, Venda and Ciskei); and the timeframes for the implementation of CODESA's decisions. The proposals were presented to the second plenary round at CODESA II in May 1992. The result was that after three years of formal negotiations with several breakdowns in the talks due to ongoing violence, it was at the Multi-Party Negotiating Forum, which met in April 1993, that a political settlement was reached and where the key police reforms were accepted. Post-apartheid South Africa would be a constitutional democracy defined in the 1993 Interim Constitution and guided the historic 1994 democratic election and the establishment of a Government of National Unity (Ebrahim, 1998).

It is important to briefly reflect on the issue of violence and criminality across different parts of the country during these early years that presented a serious problem during the negotiations and threatened a peaceful transition⁴⁹ (Klug, 2010). These events were important in shaping the negotiation process as well as the tensions that emerged with the security establishments, given the long history of police repression. In looking at the work of the Technical Committee on violence during the negotiations, Shaw (1994a) provides details of how violence rose in the 1990s in the year negotiations began and

⁴⁸ The IFP did not sign the Declaration of Intent (the agreed issues and principles for negotiations) at CODESA I by all participating parties on the 21st of December 1991 and refused to attend CODESA II due to the Zulu King not being invited to participate. The refusal to participate in a number of the proceedings throughout the negotiations became a constant pressure point for the negotiating parties. See Ebrahim (1998: 528) for Declaration of Intent.

⁴⁹ Klug (2010: 24) provides a brief analysis of this period of uncertainty and violence by looking at the political history of the years from the unbanning of the ANC up to the process of the adoption of an Interim Constitution to hold democratic elections (also see Gerhart & Glaser, 2010: 209-211).

how it peaked in 1993 in the year it ended⁵⁰. There were various explanations for the escalation in violence. One key reason was linked to political rivalry between the IFP and the ANC, further fuelled by covert state security involvement (Shaw, 1994a). In 1991, it was revealed that the state security apparatus were complicit in death-squad murders (so-called 'third force' security elements) and used Inkatha to instigate violence against the ANC and communities, as the Goldstone Commission Report confirmed later in 1992 (Ebrahim, 1998: 144; Gerhart & Glaser, 2010; also see Cawthra, 2003). It was in this context that the National Peace Accord (NPA), a multi-party initiative led by the Consultative Business Movement, an organisation representing sections of business, trade unions and church leaders, was concluded and signed at the National Peace Convention on the 14th of September 1991 (Ebrahim, 1998: 86). The accord had two basic aims: it provided legitimate structures for resolving disputes at the local level and set procedures and mechanisms for both the police and communities to monitor and mediate conflict situations. Innovations included police monitors, a police advisory board and a police code of conduct (Van der Spuy, 2008). The police board, for example, played an important role as an interim policy mechanism by widening the debate on police reforms⁵¹. Nevertheless, while the accord failed to end the violence, Van der Spuy (2008: 38) contends that:

'[...]the NPA broke new ground in creating a number of mechanisms through which it hoped to institutionalize notions of civilian accountability and multi-party oversight.'

⁵⁰ Although political violence was already a feature of South Africa in the 1980s, Shaw (1994a: 182) shows how deaths in Natal rose from an estimated 800 in 1989 to more than 1 500 in 1990 with a dramatic increase of 2009 in 1993. On the Reef, in the Witwatersrand, there were 1000 fatalities in 1990, and increased to more than 2000 in 1993.

⁵¹ The Police Board was appointed by the Minister and included civilians and police officials. Members of the Board included Prof. Haysom and Prof. Shearing who both played an important role in informing the ANC's policing policy inputs during the transition. See Van der Spuy (2008) for a detailed discussion on the role of the Police Board in shaping police reforms.

This assessment is supported by the former Deputy Minister of Defence, Ronnie Kasrils⁵², a member of the Transitional Executive Council's Sub-Committee on Defence, who recalls that the peace accord shaped the thinking around safety and community safety at the time given the 'grievous situation'⁵³. Reflecting on the present, for Kasrils, the democratic and human rights principles incorporated into South Africa's policing ethos during negotiations hold true today as police integrity has been in the spotlight⁵⁴ (cf. Suttner, 2018).

However, debates on the reasons for high crime rates and violence in transitional societies, especially from authoritarian rule to a democracy, have shown a complex picture that has led to the 'blurring of political and criminal activities' (Shaw, 2001: 9). These discussions often centre on the role of the police in these transitional states and tend to shape the policy focus on the type of police organisation required to impact crime and their role in the new democracy (Shaw, 2001). However, police transformation during any transition from authoritarian to democratic rule is a contested and difficult process (Shaw, 2001). Similarly, the emerging debates during the negotiations around police transformation, due to the political nature of the institutional context, brought to the fore a different set of power relations that influenced the negotiation with respect to the role of the police and different conceptions of where policing should be located. From within the liberation movement, the exiles were trained and influenced by the ideological perspectives of Eastern European countries and the Cuban model. The negative influence of this ideological perspective on the ANC and the SACP, notes Kasrils, was the 'conspiratorial paranoia of a counter revolution', which some leadership saw as a threat to guard against in South Africa⁵⁵. However, qualifies Kasrils⁵⁶, ANC thinking was influenced mainly by western sources from Canada and Britain, which were viewed as

⁵² In 1994, Ronald (Ronnie) Kasrils was appointed Deputy Minister of Defence in Nelson Mandela's first Cabinet. From 1999 to 2004 he held the position of Minister of Water Affairs and Forestry. He served as the Minister of Intelligence Services from 2004 to 2008. He retired from Government in September 2008.

⁵³ Ronnie Kasrils, interview, September 2018.

⁵⁴ Ibid.

⁵⁵ Ronnie Kasrils, interview, September 2018.

⁵⁶ Ibid.

more appropriate to creating liberal democracy than the authoritarian ideas from the collapsed communist countries. Nonetheless, in a more general sense, observed Kasrils, the key debates that centred on 'safety and security', in the ANC, from the underground to the exiles, including the internal UDF, were framed around the 'ethos' and 'principle objectives' of the Freedom Charter, which also finds expression in the Constitution⁵⁷. Thus, strands in the debates included human rights issues, police legitimacy and credibility, and how to move away from an authoritarian police state to an open democratic state that serves the people⁵⁸.

But, there was a strong view from the ANC that some form of centralised police control was necessary (Shaw, 2001). While the White elite and minority parties exercised centralised policing control in the past, they certainly did not advocate for centralised domination in the future and, therefore, pushed mainly for federalised and local policing arrangements. As Kasrils recalls, 'it was the DP (now the DA), the old NP and the IFP, everybody outside the ANC alliance, who took a position which was driven by the fear of ANC majority Government and wanted to water down the control of the country's provinces and cities'⁵⁹. This ideological difference would have policy implications, especially for policing at a local government level, in how the compromise between the dominant players was struck. It is against this complex background of negotiations that the transformation of the police took place.

6.4.2 Negotiating police reforms

The historical and political context outlined in the previous sections has an important bearing on police institutional reforms and path dependency, as will be shown. Police transformation has been shaped by three interrelated processes essentially. The first process started with internal reforms initiated by the Government and police from the 1990s, followed by the formal multi-party negotiation phase in late 1991 up to the instance

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

of the Interim Constitution in 1993 and a final phase in 1996 culminating with the adoption of the Constitution.

Phase one: internal police reforms

The first phase of police reforms was driven by the police force before formal negotiations began. Once the SAP leadership realised that political reforms were underway and that the apartheid Government was reviewing its security legislation in light of its unbanning of the liberation movements, internal debates within the police took place to introduce reforms (Cawthra, 2003). The first of these changes was introduced in a restructuring plan announced by the SAP in 1991. Reforms included the 'depoliticization' of the organisation by restructuring the security branch (a section in the SAP, also known as the Special Branch) into the Crime Combatting and Investigations Unit; the introduction of 'community - supported policing' at local level to improve relations between the police and communities; the civilianisation of certain posts and bringing in outside 'experts' to advise on training reforms (Rauch, 1993: 3). By 1992 several generals were retired and retrenched, allowing the old leadership to be replaced and the organisation rationalised (Rauch, 2001). These reforms aimed to create some credibility and accountability in the face of concerns regarding policing in the transition and brought certain individuals to the forefront during negotiations. Career police officers like George Fivas, who drove the strategic reforms, assumed senior positions in the post-settlement bureaucracy (Shaw, 2001). According to Shaw (2002), the reformists within the police leadership recognised that they could control the reform agenda and retain some form of power under a new Government by initiating change. Therefore, the police entered the negotiations somewhat prepared and accepted that the police had to change (Shaw, 1994b). These positive overtures by some senior management seemed to have worked in their favour, as the police eventually became the dominant force in the post-apartheid restructuring process despite the civilianisation of the police through a Civilian Secretariat⁶⁰. These initial changes were however, minimal structural changes and did not create a new

⁶⁰ Mark Shaw, interview, August 2018.

direction for the police and it was during the formal negotiations where the transformation of the police was finally dealt with (Shaw, 2001).

Phase two: negotiating a new police structure

Phase two of police reforms took place during the formal negotiations, which started at CODESA I. Within Working Group 1, sub-group 2 focused on political intimidation, the National Peace Agreement, crime and the security forces. This phase was primarily focused on addressing violence, promoting law and order and paving the way for elections to take place in a peaceful environment (Shaw, 1994a). The recommendations from these deliberations strongly advocated that ‘the successful implementation of the peace accord was fundamental to the creation of a climate for free political activity’ and detailed arrangements were outlined (Ebrahim, 1998: 112) and accepted at CODESA II when it reconvened in May 1992. The agreements reached in Working Group 1 were ‘far-reaching and if implemented would liberalise security laws, institutionalise democratic politics, and transform significant state institutions’ (Cachalia & Klug, 1992: 249). When the CODESA talks ended in deadlock and adjourned, no agreements were ratified (Ebrahim, 1998). It also became clear early in the negotiations that there was much distrust between the negotiating parties as they were pursuing several objectives regarding police reforms, as noted above. Several sources have cited an incident where the Minister of Law and Order, Hermanus Kriel, and the Chief Police Negotiator, Andre Pruis⁶¹, tabled a document at the working committee that accused the ANC of ‘[...] not committing itself to peaceful negotiations’ and of ‘flagrant breaches of the conditions of a protest’ (Shaw, 1994b: 207; Ebrahim, 1998: 112). *The Star* headline read: ‘Kriel document threatens Codesa’ and reported that a ‘furious and acrimonious exchange of words between the Government and the ANC threatens to mar Codesa 2 [II] plenary session’

⁶¹ Andre Pruis was brought into the SAP in the late 1980s as a lateral entry from the military, where he served in military intelligence. He became a pivotal figure in subsequent negotiations over the future of the police organisation (Van Der Spuy, 2005: 60, fn. 28).

("Kriel document" threatens Codesa, 1992, para. 1)⁶². Kasrils recalls this incident well⁶³ and is also quoted in the same article as saying that the 'government was trying to "pin the violence" on the ANC [...] to distract public attention from recent remarks by two judges [...] that "the police had a hand in the violence"' ("Kriel document" threatens Codesa, 1992, para. 17). These incidents illustrate how difficult it was to create a new climate of trust when the police were still using their 'old authoritarian methods'⁶⁴. While the SAP negotiating tactics were seen as apolitical, this particular incident showed that there were still close links between them and the apartheid-era politicians during these early negotiations (Shaw, 1994b).

In April 1993, the multi-party negotiating process was underway with a new structure, the Negotiating Council, responsible for finalising and ratifying all agreements negotiated (Ebrahim, 1998)⁶⁵. The key debates on the organisation and control of the police formally began in this phase. Ironically, when the ANC entered the negotiations, their policy proposals on policing formed the basis of the negotiations. One reason for this, a point made by Shaw (1994b: 215), is the SAP 'might have devised a sophisticated strategy to secure its future, but it seems to have little capacity to negotiate policy'. By the time negotiations began, all parties agreed that the symbols change to reflect the new ethos of the police from a force to a service and to demilitarise the rank structure. These included changing uniforms, insignia, the colour of the police vehicles and the rank system (Rauch, 2001). While these were symbolic changes, senior officers accepted the change to re-build the public image of the police (Shaw, 1994b).

However, the key and major dispute in shaping the structure of control of the police rested on whether the police should be a centralised or regionalised institution. The issue

⁶² The Star newspaper article accessed from Kasrils, Ronald, Wits Historical Papers William Cullen library, University of the Witwatersrand.

⁶³ Ronnie Kasrils, interview, September 2018.

⁶⁴ Ibid.

⁶⁵ The Record of Understanding signed by Mandela and de Klerk on the 26th of September 1992 was seen as a historic turning point, according to Ebrahim(1998), as it outlined the agreed process of negotiations and the constitutional principles.

revolved around restructuring the new provinces and whether there should be regional and city police agencies. It was here where some of the key ideological differences emerged. This question of a federated South Africa was one of the issues that the NP and IFP pushed during negotiations to prevent political power of a national majority Government (Shaw, 1994b). On the other hand, the ANC feared that decentralised police would mean that the opposition parties would have some control of the policing resources in provinces and metros where they could have the majority seats (Shaw, 2002).

It was Hermanus Kriel, on behalf of the Government, who made a strong argument for policing to be devolved to the regions, as it was rumoured that he was earmarked for the position of Premier of the Western Cape⁶⁶. A key actor in the debate was the police themselves, who did not align their views with the NP as expected but supported the ANC's view of centralised police. According to Shaw (1994b: 216), Andre Pruis was 'sympathetic to the ANC's position' as he understood the need for centralised control during periods of change, also implying their need to control the change. This issue led to a heated and difficult negotiation between the ANC and the NP, and the dispute was resolved in an urgent meeting between the ANC's Chief Policing Negotiator, Nicholas Haysom, Kriel for the NP, and Cyril Ramaphosa and Roelf Meyer, for the ANC and Government respectively⁶⁷. At this meeting, a compromise was reached to give the provinces policing powers but under the direction of National Government. Shaw (1994b: 217) mentions that it was reported how Minister Kriel 'angrily left the meeting'. Thus, what seemed most noteworthy in the South African transition process, says Shaw (2001), was that to some degree post-apartheid policing was 'essentially bargained behind closed doors amongst a small group of people, including senior management of the SAP' (2001: 28). What Cawthra and Luckham (2003: 309) refer to as 'elite pacting' where 'the rules of the game are agreed to between the outgoing and incoming elites'.

⁶⁶ Mark Phillips, discussion, October 2018.

⁶⁷ At some point in the negotiations, notes Shaw (1994b), the ANC nearly conceded to the regional issue and the ANC police policy strategist, Nicholas Haysom, immediately summoned a meeting with Kriel when he heard of this.

Phase three: final police reforms

Another significant issue that arose during the final stages of the negotiation was the dispute over the appointment of provincial police commissioners. Here again, the ANC's stance was to centralise the appointment through the National Commissioner, ensuring the link between the national and regional levels. Although, the apartheid Government wanted the provincial commissioners to be appointed by regional governments, thereby maintaining greater autonomy over policing (Shaw, 1994b). A compromise was reached on this matter as well, with both sides conceding ground. Provinces were given broad concurrent legislative power, and local government was strengthened too (Ebrahim, 1998). What emerges is that, while local government policing was not viewed as the most important issue by those looking at the bigger question of police reform, the policing function was, in the end, also allocated to local government. However, with the Provincial Government playing an arbitrator role in whether local government can set up municipal police or not. This is discussed further below.

While police negotiations had several sticky points, the Interim Constitution (Act 200 of 1993)⁶⁸, set out the agreed framework for police reforms, which were also included in the final Constitution of 1996. The police structure would remain a strong centralised national police service but with a change towards community policing and civilian oversight. The Provincial Executive responsible for policing were given some policing powers, although ultimately having only an oversight function. Sec 214(1), (Chapter 14, Interim Constitution, 1993) reads:

'There shall be established and regulated by an Act of Parliament a South African Police Service, which shall be structured at both national and provincial levels and shall function under the direction of the national government as well as the various provincial governments.'

⁶⁸ Constitution of the Republic of South Africa, 1993 (Act 200 of 1993) – referred to as the Interim Constitution.

The SAPS Act No.68 of 1995⁶⁹ repealed the former Police Act of 1958 and was passed approximately two years after the Interim Constitution. The new legislation formalised the creation of a single unified national police service by amalgamating the 11 existing police agencies with a single budget and command structure. The amalgamation was a mammoth task and took two years from the beginning of the democracy (Shaw, 2002). The need to transform required bringing in diversity at the senior and middle ranks, leading to a loss of skills and institutional memory (Shaw, 2002). The new policing principles were formalised in the SAPS Act, 1995 and provided for the establishment of a *Civilian Secretariat for Safety and Security*, with oversight and monitoring functions, an *Independent Complaints Directorate* and Section 18 of the SAPS Act, 1995 makes provisions for the establishment of CPFs. The CPFs had to be established at all police stations countrywide. Given the context of apartheid policing and the animosity created between the police and the community, the CPFs are constituted of representatives of community formations and the police to promote cooperation and accountability. In addition, other oversight and decision-making structures included the Minister of Police, parliament and provincial executives. The Constitution was an important shift in guiding the institutions of policing to ensure police responsiveness and accountability to citizens and the State. But in practice in post-apartheid South Africa, there have been several drawbacks where civilian oversight was rolled back after the 1999 elections, and the architecture of control and the size of the police organisation has limited their ability to be innovative and responsive (Bruce, 2011).

6.5 Expanding Policing to Local Government

While the Interim Constitution, concluded in 1993, set the limits on the autonomy of the provinces and the provincial police, at the same time, it expanded policing to the local level. It did this in two ways. First, it provided a greater role to the community through CPFs secondly, it allowed for local municipal police agencies, although it limited their

⁶⁹ The South African Police Service Act No.68 of 1995 – referred to as SAPS Act, 1995, was passed by the Constitutional Assembly, serving as the body to finalise the Constitution and acted as a parliament, which passed legislation.

functions ‘to crime prevention and the enforcement of municipal and metropolitan by-laws’ (Interim Constitution, 1993, Section 221(3)). More importantly, it required that ‘consent’ to establish such a police service must be given by the Premier of the province (Section 217(1)). The final Constitution of 1996, Section 206(7) endorsed the above provisions but states:

‘National legislation must provide a framework for the establishment, powers, functions and control of municipal police services’.

This was provided for in the SAPS Amendment Act of 1998, Section 64E⁷⁰, which limited the powers of the municipal police to the ‘prevention of crime, traffic policing and policing of municipal by-laws and regulation’. Many South African cities had some form of policing, which played a role in governing cities from traffic and regulating through various functions; these functions were retained as critical by the negotiators. The primary focus of the SAPS Amendment Act of 1998, however, was to prescribe the process for the establishment of municipal police. Section 64A (1) on *Establishment of municipal police service* reads:

‘Any municipality may in the prescribed manner apply to the member of the Executive Council for the establishment of a municipal police service for its area of jurisdiction.’

Both the SAPS Act, 1995 and the SAPS Amendment Act of 1998 would limit the extent of municipal police reforms at a local level. This issue will be discussed further in the chapters that follow. However, the reality of establishing municipal police was much more complex. The elements of the debates on municipal policing have been more difficult to gather during my research than the debates on national and regional issues. Shaw (2002) has pointed to two plausible explanations as to how the issue of allowing municipal police

⁷⁰ South African Police Service Amendment Act 83 of 1998, gazetted on the 28th of October 1998.

emerged. The first is that the provision for municipal police in the Interim Constitution was 'a result of the insistence of the Democratic Party' (Shaw, 2002: 123). The second issue was that the Durban City Police was already operating as the one municipal police agency in the country⁷¹, reputed for being 'well-managed and professional' under the control of the Durban Local Council and providing visible policing and crime prevent functions (Shaw, 2002: 123).

However, several contradictory and ambiguous policy decisions need to be noted as it explains why municipal police remained a difficult and contested policy area. In a paper, *Municipal policing in South Africa: development and challenges*, Rauch et al. (2001) highlight this complexity further. The first few years of the post-apartheid Government was focused on prioritising the restructuring and transformation of the national police. This was done through the SAPS Act 1995 discussed above, and even though provisions for a municipal police service (MPS) were included, it did not deal with the structure and functions in any detail (Rauch et al., 2001).

The second attempt at policymaking came after 1996, when some interest was shown by the Gauteng Provincial MEC to look at legislation for municipal police. This interest appeared to be driven by the public outcry regarding crime and the ANC wanting to take the initiative from the DA, which was advocating for municipal policing to address issues of local safety. These developments culminated in a 1996 provincial Green Paper, followed by a report by the Gauteng Standing Committee on Safety and Security, chaired by the DP (Rauch et al., 2001). Their proposals seem to be limited to the idea of using existing traffic departments and ensuring that provincial nor National Government would fund local government police services, as this was to be the responsibility of local authorities. According to a DA member of the Gauteng Provincial Legislature, the issue of municipal police was really about responding to citizens' fear of crime and became part

⁷¹ Established by the British colonialist in 1854 (Shaw, 2002).

of an elections issue, but admits in hindsight, that more thought should have been given to the legislation⁷².

In the end when a joint task team of local and central government officials was established to draft the legislation, the police dominated the process. Concerns from the SAPS revolved around ensuring close cooperation between the police and municipal police, that police budgets would not be used to fund local government police services, and that municipal police would give allegiance to the National Police Commissioner (Rauch et al., 2001).

In this context, the SAPS Amendment Act of 1998 was crafted primarily focusing on the procedure to be followed to establish a MPS and control and oversight of activities. According to the SAPS Amendment Act of 1998, a MPS cannot conduct criminal investigations, and arrested persons must be taken to the SAPS. The Act does not detail the roles and responsibilities, especially related to crime prevention or how the MPS will interface with the SAPS (Rauch et al., 2001). The legislation makes no mention of the new powers and functions of local government and their developmental mandate as per the Constitution and, therefore, how a MPS would contribute to this undertaking.

As discussed above, the process to agree on having autonomous regional police agencies ended in a contested and messy compromise. While there were complex trade-offs made, the only issue that really mattered for the ANC in the short-term was to ensure a police agency with power resting at the centre.

I now turn to the discussion on the establishment of the City's Municipal Police Department to illustrate how political developments at a local level is also 'punctuated by critical moments or junctures' (Pierson, 2000: 251) where the choices made has been

⁷² Mr Micheal Moriarty, DA, member of the Gauteng Provincial Legislature, telephonic discussion, 15 July 2021. Mr Moriarty resigned from the legislature shortly after Mpho Phalatse's election as mayor of Johannesburg in 2022 to take up the position of Chief of Staff.

consequential in the creation of an institution with enduring patterns that has made it difficult to transform.

6.6 Background to the Formation of the Johannesburg Metropolitan Police Department

This section traces the origins and establishment of the JMPD from a Traffic Department to the largest department in the City to understand what policy choices were made when the department was formed and the impact of these decisions on the present organisation. This discussion is based on a documentary review, including limited archival documents. Therefore, interviews and discussions were also conducted to fill the gaps. However, fading memories and confused timelines of those who were part of this history of transformation made it challenging to be precise in the details. The account below, however, has been triangulated with the interviews and illustrates the complex and fraught attempts of public sector reforms at a local government level, which for this research, is important to understand for policymaking. It was apparent that the story of how JMPD was established is more complex than what was found in official City documents post-2001. Before looking at the process to establish JMPD, a brief history of the origins of traffic policing in Johannesburg is helpful to understand its evolution.

6.6.1 The origins of the Johannesburg Traffic Department

Traffic control, in the early inception of Johannesburg, before 1887 and prior to the introduction of motor cars, was the responsibility of the Sanitary Superintendent⁷³. From October of 1887, traffic control fell under the custodian of the newly established Town Traffic Office under Mr A.E. Smithers. The unit consisted of officers mounted on horses and foot patrols, and their uniform was similar to that of the army⁷⁴.

⁷³ Penz, 2013, *Johannesburg the early years, and its History of Traffic Control*. Unpublished document. This history has been compiled by former traffic officers who worked in the City of Johannesburg Traffic Department. A literature search was unable to find any information on the evolution of the Johannesburg Traffic Department. This unpublished work seems to be the only historical account available. Permission has been granted by one of the co-authors to use and cite the content (Dennis le Roux, July 2021).

⁷⁴ Ibid.

Once motor cars were introduced in Johannesburg, the need for efficient traffic control grew. The first firms selling motor cars were established in 1902, and by 1912, there were 959 motor cars and 1 344 motorcycles registered. However, only a few police constables were available to be placed on traffic duty. The introduction of the traffic light⁷⁵, or *robot* as it became known in South Africa, eased the need for physical traffic control. By 1932, there were 58 robots allowing police staff to go back to regular policing duties⁷⁶.

In 1933, the Johannesburg City Council created a Traffic Control Section, run by the Chief Licence Officer, Mr F.W. Norman, under the Licensing Department, which later became a permanent part of the Traffic and Licence Department⁷⁷. In 1935, there was a split of the Traffic Control Section from the Licensing Department, and Lieutenant Colonel Hayton of the 1st Rand Light Infantry was appointed as the Chief Traffic Officer of the newly formed Traffic Department⁷⁸. This appointment indicates the interconnectedness of the military and the Traffic Department, indicating the paramilitary influence on traffic control. In 1938 the City Council resolved to establish a non-White section⁷⁹. Given the segregated laws and the introduction of the Colour Bar after 1910, the conditions of service and duties of Black officers were based on discriminatory and differential treatment from their White counterparts.

From the 1950s, there appears to have been a shift in the appointment of the Chief Traffic Officer from the military ranks to more professional skills. Saville Dorfman, appointed Chief Traffic Officer, was a Graduate of the University of the Witwatersrand with a BSc in Civil Engineering and held the position between 1954 and 1972⁸⁰. The limited powers of

⁷⁵ The first robot in the city, a donation by Mr Schlesinger in 1927, was placed on the intersection of Rissik and President Street (Pentz, 2013).

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Dorfman was instrumental in the improvement of traffic flow through the synchronisation of robots, the introduction of one-way streets and off-street parking (Pentz, 2013).

arrest of traffic officers were improved in the late 1970s, and traffic officers were allowed the same powers of arrest as the SAP⁸¹. From 1973, all traffic officers were given diploma and in-service training to create a more professional Traffic Department⁸².

In 1984, the Traffic Department and the Security Department were joined, seen as a downgrading by some of the traffic departments as it was no longer an independent department⁸³. This reorganisation can be linked to this period of heightened security by the apartheid State. In 1990, the Hiemstra Commission was formed to investigate allegations of a spy ring within the Johannesburg City Council masquerading as the Security Department (The Southern Africa Project, 1990). This alleged ring, which functioned as an extension of Military Intelligence Operation, was tasked with monitoring opposition leaders and carried out violent attacks (The Southern Africa Project, 1990). As a result of the inquiry, John Pearce, the Security Chief, was fired. There were further organisational changes, and in 1985, the Department of Public Safety was established and included traffic, security, fire, ambulance and civil defence⁸⁴. In 1991, the Department was elevated to a Directorate of Public Safety, and the Traffic Division became an independent department again⁸⁵. Thus, the evolution of the Traffic Department in Johannesburg has some parallels and links with the evolution of policing in the country. It also emerged from taking on a paramilitary form and traffic control in separate functions merged into a fully functional professional Traffic Department. The decision to create a municipal police reveals the underlying tensions that emerged. The following discussion traces the stages for creating a municipal police.

6.6.2 Interim arrangements for Safety and Security: 1995 to 2000

At the time of the local government transition period from 1995 (Chapter 5), the GJMC established a Public Safety Department and brought together the former traffic

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Ibid.

departments, of which there were seven⁸⁶, the Security Department and Emergency Management Services, under one umbrella. These functions were headed by a newly appointed Strategic Executive Officer, Mr Heilo Maeko, a civilian, who was given overall responsibility for public safety and who would report to a political head responsible for Public Safety. As this was a temporary arrangement, the GJMC decided to conduct a feasibility study for the establishment of a MPS because of the need to stabilise the untenable crime situation in the City (RCO16). According to RCO16, the initial debates were more on the feasibility of establishing a MPS, given that the Interim Constitution of 1993 and the SAPS Act, 1995 made a small allowance for local authorities to establish a municipal police service. The project team conducting the study were met with much resistance as they first explored the idea with the role-players in the various departments with regulatory enforcement responsibilities, of which there were 16 agencies⁸⁷ (such as Planning and Environmental Health) to join traffic and security to form the MPS (RCO16). The initial focus was on how best to use the City's regulatory functions to address safety and security. Areas such as the inner-city of Johannesburg were experiencing crime and urban management issues, and ad hoc structures and work was done to do multi-disciplinary crime prevention work. But the idea, according to RECO4, was to have a more comprehensive approach and make the MPS more accountable to the community. It was also understood that the Traffic Department would form the basis of the proposed MPS as they were the largest department and had the infrastructure in place to support law enforcement functions. The task team's report concluded in favour of a MPS⁸⁸.

In 1996, as part of the greater transformation process of the GJMC, the seven separately administered traffic departments of the City were merged into a Metropolitan Traffic Management Services and appointed its first African Traffic Chief, Mr Titus Malaza.

⁸⁶ These areas included Midrand, Alexander, Randburg, Johannesburg, Soweto, Diepmedow, Roodepoort and Sandton (RCO14, interview JMPD Official, April 2018).

⁸⁷ Johannesburg's policing fell under 16 law enforcement agencies, five local government security agencies and various traffic law enforcement agencies (presentation titled: *Johannesburg Metropolitan Police department – 2001-2017*, no date, hard copy available)

⁸⁸ This report could not be found during the archival search. Respondents noted that many documents were lost during the amalgamation when people and units moved.

Drawing from discussions and interviews with JMPD officials, it became apparent that the merger was messy and fraught with several challenges. Under apartheid, the different traffic departments were geographically divided and racially constituted with very different administrative systems. The conditions of service, salary structures, benefits and ranks were not uniform across these different departments. The branding was distinct in terms of the markings and colour of vehicles, uniforms and badges. The system of traffic fines and the data capturing methods was administratively separate. The 'forced merger', according to a JMPD Director, required 'them to start the department from scratch'. He recalls how 'everybody is fighting for their space' during this time (RCO15). There was a lot at stake for individuals, both Black and White, and it became 'a very politicised process', noted another respondent. Discussions were happening in 'different corners as people were concerned about their positions' and 'others were looking at new opportunities as well' (RCO16). There was a 'mass migration of senior White traffic Chiefs who left on the ground that there was no future for them in the new Department as new actors emerged' and there was scepticism and distrust with what they perceived as the emerging ANC aligned officials who they would have to report to (RCO15). Tensions were high during meetings, as a JMPD Director recalls: 'people would stand up in meetings and swear, and they [task team] were even threatened with guns' (RCO16). However, once the merger was underway in 1996, the biggest challenge was the conditions of service and the issue of parity between Black and White officers. This was a sticky issue but was never addressed at the time of the merger. Nevertheless, consensus was eventually reached regarding the realignment of the ranks⁸⁹ across the different traffic departments to bring uniformity, but with no remuneration or promotions attached⁹⁰. Importantly, while there was resistance from many of the traffic officials, the merger also presented opportunities for people to advance themselves, and some of the senior officers began to take an active lead in the restructuring process that followed (RCO16).

⁸⁹ For example, a Chief Traffic Officer became a Deputy Chief and an assistant Superintendent became a Superintendent

⁹⁰ The issue of promotions and salary parity (for both Black and White officers) has been an ongoing human resources issues and has been a key challenge for the JMPD (personal knowledge of some of the departmental issues raised in management meetings over time).

The merger also created an additional financial burden on the City when the City was suffering a serious financial crisis. The City had to tap into the pension funds to pay the salaries of traffic officers as places like Soweto did not have an adequate budget⁹¹. In addition, the merger also presented opportunities for corruption. Respondents noted how the system was abused by stealing assets (cars and furniture went missing in the merger), and benefits such as leave, car maintenance and overtime were falsely claimed. This phenomenon of 'looting' was across the City: 'people were milking the City at a time when the City was struggling financially' (RCO16). This meant that while the need for the merger was apparent to create a uniform structure, it was a contested and messy process, but people eventually moved with the process. This merger determined the first step towards the idea of a single MPS in Johannesburg.

On 22 October 1998, the GJMC formally resolved to establish a Municipal (Metropolitan) Police Service for the Greater Johannesburg area⁹² by merging the traffic and security functions. Once again, many rank-and-file traffic officers, including senior traffic officers, were initially opposed to establishing a MPS, citing that traffic officers were better trained and perceived that they would have less power if they became municipal police officers. Nevertheless, once the possibilities of training and advancement were presented, there was less resistance, especially from lowly-skilled security officers who saw opportunities to upskill themselves. However, a few respondents pointed out resistance to the merger from some ANC officials because the Johannesburg Security Department was known to have had links with the SAP security branch. When the SAPS Amendment Act of 1998 was being formulated and City officials started impacting the legislation for establishing

⁹¹ The apartheid administration had separate pension funds for African and White employees, with the City contributing 25% to the White pension fund and 16% to the African pension fund (RCO15). This changed after 2000.

⁹² Annexure D 'Business Plan for the establishment of Municipal (Metropolitan) Policing for the City of Johannesburg', in 'Application for the Establishment of a Municipal (Metropolitan) Police Service for the City of Johannesburg', (CoJ, 2001) (hard copy only available). The reference to 'Municipal (Metropolitan) Policing' stems from the use of the word "Municipal" in all legislation. It is however optional for a council to use a different name e.g., "Metropolitan/City/Town" Police' (CoJ, 2001: 5 Annexure D).

the MPS, these complexities and tensions began to dissipate as people saw real opportunities for themselves. In the end, an agreed process of 'conversion from a traffic to a metro police officer was set in motion' (RCO15). This process required traffic officers to undergo police training provided by the SAPS, and this conversion effectively gave them a rank of Municipal Police Officer (MPO). As noted earlier, the SAPS were also ambiguous about the role of the MPO and ensured that they were distinguishable from a SAPS officer in uniform, rank and branding. Despite the recommendation from certain officials in the task team to civilianise the ranks, the SAPS were able to influence officials who were more ambitious to keep paramilitary ranks. It is apparent from the interviews conducted that the conversion process was very operationally focused, with senior officers wanting to secure their positions and ranks. Most of the conversions were completed by the end of 2000, and the structure for a Municipal Police Department was in place.

6.6.2 Establishment of the Johannesburg Metropolitan Police Department

It was against this backdrop that the JMPD was established in March 2001 in a newly elected democratic local government with the endorsement of the MEC for Safety and Security in the Province (CoJ, 2003b). The former structures were now constituted into a single department located in the central bureaucracy reporting to the City Manager. A COP was appointed, Chris Ngcobo, a civilian who came from the ranks of the ANC, who was instrumental in the task team to establish the MPS. According to REO2, the new COP was given a strategic mandate to transform the department to a new way of policing that is community-oriented and has a problem-solving approach. But the COP had to bring in the 'old guard' of senior traffic and the former security officers to his management team, who had mainly operational experience and were not motivated by a progressive policing agenda. Institutionally not much had changed. The conversion process made it mandatory that every officer do the traffic officer training before the SAPS training. The traffic officer uniforms did not change except a few cosmetic changes to signify a new department with a new shield. In terms of an organisational structure, the JMPD followed a typical paramilitary police structure and chose eight levels in its ranks, from the COP to

an MPO⁹³. The biggest constraint, however, was the SAPS Amendment Act of 1998. This legislation effectively determined the direction, roles and functions of the new Metro Police Department. With a focus on traffic, by-laws and crime prevention (interpreted narrowly in policing terms), there was little room for innovation. For JMPD, centralised control of policing and legislation that governed the MPS defined their mandate and determined their role as primarily an extension of the SAPS but with limited powers. Inherited personnel from Traffic and Security Departments, further prevented JMPD from taking on a new way of policing that was more community oriented and required a problem-solving approach. Within this very operationally driven institutional context, in 2004, the JMPD was given the City's first multi-agency, integrated crime prevention strategy to implement. The question: How does the way the JMPD is established and operates impact the implementation of the City's crime prevention strategy, which required both an operational and strategic problem-solving approach to address the growing problem of crime in the City?

6.7 Conclusion

Decisions taken at a particular historical juncture are shaped by social actors given the balance of forces present at the time (Pierson, 2000). The decisions taken will also have consequences that impact the future. The context in which decisions were taken by the ruling NP and the ANC concerning police reforms during the negotiations for a new democratic constitutional order was shaped by the profoundly damaging legacy of apartheid and its policing institutions. This chapter has tried to show that while there was change, there was continuity in how police change happened. The changes made to apartheid policing institutions did shift how policing was to be done, but the eventual path chosen was a compromise because that path was incapable of dealing with persistent patterns of the past. For the ANC, having centralised police ultimately drove their policy position, and once this was formalised in the Constitution, they left the transformation details to be dealt with by later legislation. The compromise was to allow provincial and

⁹³ JMPD Brochure, *Johannesburg Metropolitan Police Department*, 2011. [hard copy retrieved from Public Safety Department archival documents].

municipal police, but with power still resting in a centralised command structure. It is a key reason why the fundamental pre-1994 patterns of policing remain. These patterns have come to shape local municipal police and is evident in JMPD's transition from traffic to a police department. This embedded policing approach constrained the JMPD from implementing the JCSS that required a more innovative approach to crime prevention at the local level. Therefore, to study institutions is to *really* understand the nature of path dependency and how, in its broad term, earlier historical processes have lasting consequences and will shape how the whole institution functions: its design, structures and social conditions. These conditions, in turn, influence and constrain policymaking and implementation practices in the present. Using path dependency theory, showing how structural continuities even during political change will persist, helps to understand the local government experience.

In the next chapter, I look at organisational complexity and practices and focus on issues of policymaking and implementation in the context of the current City organisational structure.

CHAPTER 7: ORGANISATIONAL COMPLEXITY AND PRACTICES

7.1 Introduction

This chapter deals with the organisational complexities in the City that frustrate the intentions of policy. I specifically use the term ‘organisation’ rather than ‘institution’ as this chapter deals primarily with the way the City is set up (i.e., its structure and processes) rather than with ‘institutions’ in the sense used in the Sociological and New institutionalist literatures. However, there is an overlap between organisation and institution, and formal structures and processes cannot be considered entirely apart from the informal norms and practices that underpin behaviours within state bureaucracies. Therefore, there is a full acknowledgement that the organisational and institutional domains are interconnected – officials, for example, continually draw on practical norms in navigating the complexity of organisational arrangements. This discussion on formal structures and informal institutions will be explored further in the next chapter.

The ‘organisational approach’ used in this chapter is based on the premise that organisational characteristics matter and help explain aspects of state practice (Pollitt & Bouckaert, 2009; Trondal, 2020). Even though we need to drill much deeper than officially created structures to understand the workings of the State, the formal apparatus of Government (in this case, the City) enables and constrains policymaking and implementation. Furthermore, it makes some policy choices and some behaviours more likely than others (Trondal, 2020).

This chapter is a detailed look at the organisation of the City based on analysis of data obtained in interviews. Respondents shared their understanding of how the organisation broadly functions and how policy is made in the context of organisational complexity. The primary research question asked was *Why is there a disjuncture between policy and practice within crime prevention in Johannesburg?* Responses to this broad question were interlinked with macro- and micro-level organisational issues. Respondents pointed to several issues: the lack of organisational set-up for policymaking, interorganisational

dependencies, technical skills and accountability, and the gaps in formal and informal rules and individual actions that make the policy-practice interface complex. This chapter shows complexity in policy itself, in policymaking and in the organisation, which, considered together, helps to explain reasons for the disjuncture between policymaking and implementation. This analysis begins with the practice of policymaking. The organisational complexity and its impact on policy implementation are then scrutinised. Finally, I look at the political-administrative interface.

7.2 The Practice of Policymaking

According to Anderson (2003: 3), public policies in modern political systems 'do not just happen'; instead, they are designed to 'accomplish specified goals' (although these are not always achieved). The policy process will entail defining the problem and placing it on one or more governmental agendas. Alternatives are developed, presented, debated, and, once adopted, implementation can begin (Anderson, 2003). However, experience may reveal shortcomings, loopholes or defects in the policy; some monitoring and evaluation can lead to legislative or administrative adjustments; more implementation follows, and the cycle continues (or a policy can even be terminated) (Anderson, 2003). Policymaking is, therefore, an iterative process, which means that policies are dynamic instruments and need to adapt according to changing contexts (Baier et al., 1986). According to Baier et al. (1986), the policymaking process can create conditions for implementation failures, and we cannot posit a framework that is about *good policy* and *bad implementation*. They point out that policymaking is hardly a rational process but is very political and contested, involving conflict and struggle amongst people (officials and citizens) with conflicting policy desires, interests, norms and values (Baier et al., 1986; also see Anderson, 2003). In addition, policymaking never starts from a clean slate but is always informed, constrained and enabled by what has come before. There is always a *path dependency* of sorts, as discussed in the previous chapters. Nevertheless, while implementation is mediated by all the complexities identified above, the challenges of the implementation gap begin with the policy itself. This case is illustrated in the formulation of the JCSS discussed below.

7.2.1 The formulation of the Joburg City Safety Strategy

Policymaking and approval in the City is the political responsibility of the Executive Mayor and the Mayoral Committee in the political sense – supported by the administration, headed by the City Manager, in formulating and implementing (CoJ, 2016a). Although, ultimately, policy approval and implementation are the responsibility of Council. Group Strategy, Policy Coordination and Relations (GSPCR), a unit in the central administration, is tasked to assist the City Manager to formulate strategy, policy and coordinate policy across the City and with external stakeholders (CoJ, 2016a). Despite this function being in the bureaucracy, there is a view amongst City respondents that this department cannot fulfil its role. This issue is explored further in this chapter.

In formulating the JCSS, although there was no formal *written* set of guidelines in use, the process followed was one that has been used *informally* in the City to make policy. Policymaking in the City is characterised by a participatory and inclusive approach, a normative view subscribed to in post-apartheid South Africa (see Booysen, 2006). However, following this generally accepted process and getting political approval for a policy does not necessarily mean that implementation would run a smooth course. An illustration of how complexity starts in the policymaking process can be seen in the formulation of the JCSS. The Economic Development Unit (EDU) undertook the formulation of a crime prevention framework, the JCSS, in 2002 as a response to realising the strategic policy objectives for safety as articulated in Joburg 2030⁹⁴. The JCSS resulted from a range of processes, including consultation with relevant stakeholders, a review of relevant legislation and analysis of crime statistics, a victim survey for specific areas in Johannesburg, and a review of international best practices (HSRC, 2013). Stakeholders involved in both the conceptualising and implementation of the JCSS included the JMPD, the SAPS, the City's Social Service, infrastructure departments and

⁹⁴ Joburg 2030 was the City's long-term economic development strategy that guides policymaking in the different policy sectors in the City. The EDU was established as a structure to integrate, mainstream and eventually institutionalise the key strategic outcomes of Joburg 2030 across the City. The EDU was expanded into a department.

agencies, and the Gauteng Provincial Government, including provincial Social Services. Once the JCSS received approval from the City Council in August 2003, the implementation plan for the JCSS was developed through a participative process involving all relevant implementing agents and was endorsed by the Mayoral Committee (HSRC, 2013).

Even though the JCSS is still formally in place and incrementally updated, there are gaps in implementation. A shift in the structural location of the strategy to the JMPD meant ownership and interpretation of the strategic and policy objectives changed (HSRC, 2013). As a former official of the EDU reflected: ‘I think instead of playing a role from a Joburg 2030 point of view to make strategy and safety a part of everything the City did, the JCSS ended up being moved to JMPD... we created a silo for safety’ (RCO3). The strategy lost its salience over time as new political priorities emerged. Institutional memory around its original rationale has been lost, and the JCSS has not been sufficiently embedded in City’s policy approaches (HSRC, 2013). However, it is fair to say that the JCSS has informed and shaped much of the current thinking around the challenges of safety in Johannesburg, and this is reflected in key City documents and plans (for example, the Joburg 2040 GDS and Joburg10+) to be further discussed in Chapter 8. The sections below contextualise the complexity of policymaking in the City and the implementation challenges created by organisational complexities.

7.2.2 Absence of an institutionalised policymaking approach

The complexity of policymaking in local government is also about who the different policy drivers will be. Responding to the question of who makes policy, respondents identified different types of policies and policy drivers to which the City needs to respond. These include legislative requirements from National Government that will filter down the political agenda to local government, which is then ‘forced to write policy’ and must align with national policies (RCO1)⁹⁵. These policy requirements often do not consider the different

⁹⁵ See Chapter 2 for interview coding explanation.

capacities and context of local authorities to implement and can also contradict local government policies. Local government can also develop their own policies, not covered by national policies, but these should be 'needs-based to solve a problem' (RCO6). Other policies might come from local government political leadership who 'genuinely want to make a difference' and will champion a policy to address a problem (RCO1). Or it is a job given to a senior manager to develop policy upon an identified need in a specific policy field. These multiple policy actors and their varied policy objectives, therefore, necessitates a coordinated approach to policymaking in municipalities and capacity to provide the support, technical skills and resources to policymakers. Respondents viewed this organisational capability as an essential part of policymaking.

However, a key disjuncture identified in policymaking in the current administration is the lack of an 'optimal organisational set-up' capable of facilitating policymaking across all the departments and entities (RCO1). Respondents from departments attributed this problem to the absence of a 'functional' centralised policy coordination function and capacity (RCO9). This view was supported by a senior official in GSPCR, who noted that the function exists on the city managers' structure, but 'we have been battling for two years to institutionalise it' (RCO7). There was, thus, agreement between central administration and the departments that not having a central policy coordination function has led to several problems concerning City policies. Problems with policymaking identified by respondents included: different agendas between departments result in each department deciding on their policy needs in isolation of other existing policies; a lack of communication between departments during policy formulation leads to working in silos; a shortage of technical skills in policy formulation; most importantly, policies are not reviewed by departments, so there is no feedback-loop to determine where the implementation gaps are. As an official from Social Development explained, 'reasons for gaps in one policy area may lie in another policy area' (RCO9). A recent policy audit

conducted by GSPCR indicated that the City has an excess of eight hundred policies, with ‘many overlapping and contradicting one another’⁹⁶ (RCO7).

Centrally there is an understanding that departments have the responsibility to review their policies, but this function is not taken up. The policy function is in each functional area, for example, in Health and Public Safety. According to the senior official from GSPCR, it is not a centralised function because the experts are located within the function (RCO7). But, according to this official, policy *coordination* can be centralised to find policy gaps, contradictions and to standardise policies, for instance, in Human Resource (RCO7). A report to the Mayoral Committee indicates that the policy coordination function must be institutionalised as it ‘is crucial to ensure policy coherence, avoid contradicting directives and to identify policy gaps’ (CoJ, 2019). Departments should know their policy mandates and have the capacity to address them: ‘policy is about boundaries and each functional area must identify the gaps in their policy area and address how to intervene’ (RCO7). At the same time, the official also noted that during the policy audit, it was found that officials in departments did not fully understand the difference between a policy, a strategy and a framework, so rather opted for a framework to be safe. In theory, departments should develop policies, but in practice, departments need more support from a centralised function. ‘I do not have the time to look at all policies when I make mine’, argued one respondent, ‘that should be the responsibility of a central function’ to ensure a departmental policy aligns with the overall City’s policy environment (RCO6).

Respondents also directly correlated the difficulties in policymaking to the ‘lack of a formal policymaking framework or guidelines’ of developing policies (RCO9). The argument made by the respondents was that formal guidelines must inform policymaking for departments to comply, and this uniformity would inform the practice of policymaking (especially if someone is new in the City) and assist in identifying any shortcomings in the process (RCO9). Here again, this gap identified with respect to the technical aspects of

⁹⁶ See Policy coordination progress report (CoJ, 2019)

policymaking is seen as the responsibility of the central function that should be guiding policymaking. However, it should be noted that after some of the interviews, a policy guideline document was approved by the City in March 2019 under the DA coalition Government and a Policy Coordination and Management Support Unit was established in GSPCR. But according to a senior official from GSPCR, the policy guidelines – *Policy Development Review of Standard Operation Procedure* – is not being implemented in the GLU administration⁹⁷. Thus, pointing to a complex political and administrative environment in which policy is formulated. This issue will be further unpacked under the section dealing with organisational complexities.

While officials want to take overall responsibility for their policies, they also want sufficient support and accountability from the City Manager's office. However, officials regard the central bureaucracy as removed from the real challenges that departments face, and there appears to be an ambivalent attitude by the central administration relating to departments in providing capacity and support for policymaking and effective policy coordination. According to respondents, this centralised policymaking support seemed to have been present in the bureaucracy in the past and policymaking was more robust⁹⁸. The following section examines the legacy of policymaking in the context of the different political imperatives in the City.

7.2.3 The legacy of policymaking in the City

Changes in the City's Government since its transformation to a unicity, examined in Chapter 5, have led to significant policymaking initiatives. There was policymaking impetus because Johannesburg was coming out of its apartheid past, and there were technocratic skills to develop policies: 'the policy environment today is shaped by the past'

⁹⁷ This document was initiated by the DA coalition Government with a very different mandate, to relook at City policies developed by the ANC government. The rationale for these guidelines appears to be political and not developmental. There is also some reluctance by the GLU to take ownership of the document. Discussion with an official from GSPCR, September 2021.

⁹⁸ This function existed in the City Manager's office during the first two terms of the administration as the Corporate Planning Unit, which coordinated strategy and policy for the City.

(RCO9). The first mayoral term was focused on 'institution-building and saturation' to consolidate the new unicity institutional arrangements and to give the institutions time to embed themselves (REO2). Thus, noted the former Head of the Corporate Planning Unit;

'We were not talking very much about policy in the early days but rather put the emphasis on the structural processes to create more efficient systems for service delivery – housing, water, electricity – which was the dominant policy position of National Government in the Reconstruction and Development Plan.' (REO2)

Between 2001 and 2005, the policy approach was still evolving with Joburg 2030 and the different programmes – 'but they were not knitting together' (REO2). It was during the second term when the policy emphasis became more coherent by linking all the separate strategies under the GDS 2006. From a policy point of view, the City introduced a long-term strategic approach with the support of the political leadership. The process of change was thus seen to be gradual, so the increments build up, one upon the other, but eventually aiming for fundamental change (Pollitt & Bouckaert, 2009⁹⁹).

There was consensus by officials with a history in the bureaucracy. The central administration during these earlier periods was better at lobbying politicians on behalf of departments. These senior managers had the role of transforming the administration; they promoted new ideas and implemented new programmes (see Masango, 2020). But in hindsight, 'we were idealistic and did not understand the complexity of transforming organisations to achieve policy changes' (REO2). Similar views were shared by the policy experts speaking to the National Government's approach to policy in crime prevention,

⁹⁹ According to Pollitt and Bouckaert (2009) developments over time often exhibit certain patterns. The authors describe the patterns of change using the 'BEST' schema (Boomerang, Earthquake, Stalactite, Tortoise) developed from work by Streeck and Thelen (2005) (Pollitt & Bouckaert, 2009: 18). The process of change can be gradual: A) Classic – incrementalism: TORTOISE; B) Gradual, but eventually fundamental change: STALACTITE. The second process can be abrupt: C) Radical – conservatism, rapid return to previous ways: BOOMERANG; D) Sudden, radical change: EARTHQUAKE (punctuation) (Pollitt & Bouckaert, 2009: 18).

where it was envisaged that SAPS would automatically embrace and implement a new crime prevention approach (RPB3, RPB5).

Nevertheless, respondents believed that these senior officials were ‘skilled at combining various policymaking processes with the strategic advantage of knowing the political actors’ (RCO8). They *strategically* responded to the mandate of the ruling party and were able to align National Government imperatives to guide local government. The National Government took a long time to have a city (urban) focus and only recently developed an urban strategy (the 2016 IUDF). This lack of a macro-level understanding of the complexity of cities prompted officials to commission academic research and invited foremost thinkers to political *lekgotlas* (strategic political gatherings) to share the latest trends that would impact cities and guide policy thinking. This is supported by the content of documents produced in the City. Public participation was an important pillar on how policy was made. RCO8 acknowledged that these earlier policy and strategy documents like the GDS and IDPs were not perfect documents but held that they were ‘fairly sophisticated and visionary and pushed policy thinking from the long-term to the short-term’. It is this organisational culture of policy making that respondents believed is lost in the current political administration.

There was a sense that under Mayor Masondo, there was more of a team guiding policymaking. Mayor Tau, in contrast, was seen as more ambitious and guided more by what he wanted to see; ‘he had a vision – he had a big picture’ and policymaking was about looking towards the future, benchmarking against more successful cities, and it was not just about addressing the apartheid legacy – but also how to build a sustainable city (RCO8). There were study tours looking at international best practices and collaboration with Metropolis¹⁰⁰ and other international organisations. Under Parks Tau, there was an extensive process of stakeholder consultation into the City’s Joburg 2040 strategy development. A policy expert in leadership development indicated that it was the first time

¹⁰⁰ The global network of major cities and metropolitan areas, <https://www.metropolis.org>

that she was invited to participate in local government policymaking and always believed policy was only made by National Government (RPE2). Officials were also aware of the limitations of public participation in long-term planning: 'it is difficult to get more than five years visioning out of the public participation'; still, it was seen to be a very important process for policymaking (RCO8). Thus, following a participatory bottom-up approach to policymaking instead of a top-down approach was seen as necessary as a policy outcome. This process of change appears to be more radical as 'the claims and intentions' of City policymakers indicated that a major policy shift is being taken (Pollitt & Bouckaert, 2009: 19). There is a view that perhaps Mayor Tau 'did not get it quite right' by focusing less on the immediate service delivery issues and therefore, lost support in the 2016 local government elections 'because people don't really want to accept the hardships now for something better in the future' (RCO8). However, in the case of the City, it could be argued that within a few years, the policy system tended to slip back to its former self with a 'business-as-usual' approach, a feature of this pattern of change, known as the 'boomerang change' (Pollitt & Bouckaert, 2009: 19). Some of the forces that produced this *return* in how policies are made and implemented are raised by the respondents discussed in this chapter and the next chapter.

Policymaking is about understanding the immediate needs as well as responding to a future vision. The respondents criticised Mayor Mashaba and his administration for their want of this balance. Respondents stated that between 2016 and 2019, the policy environment was stalled under the DA multi-party Government. The view was that while Mayor Mashaba's aids had good technical policymaking skills, 'they were very political and did not really have city vision', which led to short-term policy thinking (RCO8). Respondent RCO8 emphasised this point on the Mayor's short-term political vision: 'Mashaba doesn't believe in policies – so now there is no real emphasis on policies' (RCO8). One respondent summed up his view on policymaking in the City and indicated that the legacy of policies is not responding to changing social contexts: 'previously we were policy rich and implementation poor – now we are policy poor and implementation poor' (RCO7). It was suggested that policymaking (and implementation) picked up again

after 2019 with several policy reviews under the GLU¹⁰¹. These different policymaking periods highlight when policymaking in the City was taken seriously; most policies were made under the Masondo political term and still influence policies today. From an analysis of the respondents' views, three key issues emerge that have shaped policymaking in the past: the significant influence that a political party had on how much policy departments made; the technocratic skills in the administration; and the trust relationship between administration and politicians. These complex and interrelated issues relating to policymaking intersect with the complexities of the organisation. In the next section, I engage further with the complexities and messiness of the organisation and how it affects policy implementation.

7.3 Organisational Complexity and its Impact on Policy Implementation

The City regards itself as having a 'well-defined' governance model that delineates the separation of powers between political and administration (CoJ, 2016a: 22). On the one hand, the current organisational structure, discussed in Chapter 5, can be described as having the key elements of a modern Weberian type of bureaucracy, with formal rules (documented written instructions and procedures); centralised decision-making authority based on hierarchy; and contractualised and specialised roles for officials based on the delegation of powers and division of tasks (Clegg, 1990). The administrative structure is a hierarchy with an executive management and the City Manager as the accounting officer, and they drive the implementation of the City's strategic objectives as laid out in the long-term strategy and the IDP complying with national legislation (CoJ, 2016a). Thus, the formal structure tells us how the City should work and implicitly how it will collaborate to implement its policies.

In an effort to modernise, the organisation also has the features of a post-bureaucracy: 'It is a complex organisation' a City official from Organisational Development summed up: 'it has core departments and quasi-independent service delivery entities (MOEs) with

¹⁰¹ The department of Social Development reviewed three policies and the Smart City policy was updated and approved in 2020.

boards to implement services' (RCO11), creating focused, specialised and non-bureaucratic processes (CoJ, 2016a). The autonomous entities make the internal City processes much more complex. The departments, likewise, use service providers to assist in delivering policy and regulations; for example, speed law enforcement is outsourced to private service providers on behalf of the Department of Public Safety. These multiple public authorities, according to De Herdt and de Sardan (2015), have their own modes of governance, which makes collaborative projects a negotiated process. There are also regional structures to support the City Manager through decentralised (localised) urban governance. These multiple sites of urban governance, especially in democratic transition, can be highly fragmented and fluid, adding to the complexity of understanding organisations in the broader institutional context (Lindell, 2008).

In addition, the City has an intergovernmental relations model to foster coordinated delivery of policy and services to citizens in partnership with the Gauteng provincial departments (CoJ, 2017). According to the post-bureaucracy literature, the reliance on decentralisation rather than on hierarchical authority alone creates more complex interorganisational and network relations (Alvesson & Thompson, 2006). The City's governance structure supports the claim by Alvesson and Thompson (2006: 2) that bureaucracy still prevails as a coordination mechanism alongside 'markets and trust' and has adapted over time into a more hybrid organisation. The City's bureaucracy, therefore, relies on interorganisational (both vertical and horizontal) coordination, collaboration and relations to implement policy (O'Toole, 2012). Therefore, looking at the City through a purely bureaucratic lens, as a structure with hierarchy, does not consider a more complex and networked environment, making it more difficult to achieve policy coherence. The following section will look at how this multi-level governance arrangement *actually* works to reveal a more complex reality for policy implementation through the insights of city officials.

7.3.1 Organisational constraints

Respondents pointed to several organisational constraints that they understood contributed to the disjuncture between policy and practice. Constraints included the conventional problems identified in policy implementation literature (see Schofield, 2001; Ali, 2006), including unclear or ambiguous policy goals, political commitment, governance structures, centralisation and resources.

The respondents accepted bureaucracy as necessary and how governments are managed throughout the world to 'deal with the system of government because without it things will collapse' (RCO9). This notion of bureaucracy as necessary supports the argument of du Gay (interview with Knudsen, 2013), who defends bureaucracy as a type of organisation that can deal with complex issues¹⁰². The importance of making the bureaucracy work and understanding 'how do you navigate it' was emphasised by respondent RCO9, who suggested that the City's bureaucracy is not an easy environment to work in. However, another respondent noted that having a bureaucracy is good and 'sometimes sticking to the letter of the law is important' (RCO8). This rational view of bureaucracy as an instrument of accountability (Knudsen, 2013) was based on the respondent's experience of implementing a large capital infrastructure project (Rea Vaya BRT) in the City, which was a complex process due to the scale and stakeholder arrangements. The respondent emphasised that despite implementation problems, it was important to have had a robust approach to the laws (procurement rules), especially as the first phase was very expensive. Bending these rules could have led to unfortunate consequences for a project (RCO8): 'Our laws are not perfect' but are a necessary 'bulwark' against corruption¹⁰³ (RCO8). This rational view of the bureaucracy speaks to how following due process can have its own difficulties in adhering to it, especially if there are conflicting interpretations of the formal rule. Officials conceded that the bureaucratic system is not perfect, but having those regulations is necessary to close the loopholes

¹⁰² See Du Gay, In praise of bureaucracy: Weber, organization, ethics (2000).

¹⁰³ The extent of corruption in the South Africa Government has been highlighted in the Zondo Commission, which was set up by President Ramaphosa in 2019. Also see Olver (2017) on corruption in the Nelson Mandela Bay Municipality.

that people will find ways to exploit. Ironically that means dealing with red tape can be for the public good; being ethical and not just rational in Government is necessary (du Gay, 2005).

Respondents identified issues linked to internal problems such as budget constraints, lack of capacity, people getting overloaded, lack of technical skills and no functional set-up for interdepartmental collaboration. Thus, it is the interface between all the different elements – the political, the administrative and technical; the different spheres of Government; and the stakeholders – that really become complex, in an organisation that is already complex. As a consultant to the City observed, Johannesburg is ‘probably the most complex organisation’¹⁰⁴. These elements combined make interorganisational relations challenging.

7.3.2 The difficulties of interorganisational relations in policy implementation

The debates on the dynamics of multi-level modes of governance and their effect on interorganisational relations have been well documented in literature (Lowndes & Skelcher, 1998; Peters, 1998; Alvesson & Thompson, 2006; O’Toole, 2012). The analysis considers how interorganisational relations, especially concerning collaboration and coordination, influence implementation processes and the practical implications for officials trying to manage policy successfully. An essential component of the multi-agency JCSS was premised on an organisational environment where coordination mechanisms were available to support implementation activities.

RCO11 indicated that ‘by virtue of the size of the organisation, a number of complexities will exist’. The most common view held was that interdepartmental collaboration and coordination is not happening effectively, which was seen as a critical factor in the policy disjuncture issue (RCO9). The reason for departments not effectively collaborating was that departments work in silos. A respondent stated that ‘we work in silos because we are

¹⁰⁴ Discussion with a consultant, commissioned by the City to advise on strategic planning during the Joburg 2040 implementation process, Nov 2021.

in Government and [...] bureaucracy is very difficult to coordinate in a systematic way' (RCO9). The failure of coordination was once again primarily attributed to the lack of a central mechanism in the City Manager's office. Respondents felt that the lack of proper coordination, especially of transversal policies, like Safety and Climate Change, resulted in inadequate institutionalisation. The City Manager's office is expected to have the influence to elevate cross-cutting issues and authority to hold individuals and departments accountable for achieving policy outcomes¹⁰⁵.

There is, however, a mode of governance in the City, the cluster-based approach, to facilitate better coordination of strategic policy outcomes through integrated programme implementation and to manage interdependencies (CoJ, 2016a). Respondents believed that the structural arrangements with the cluster system¹⁰⁶ were initially a good idea as they were meant to break down silos amongst similar functions; however, they have had the unintended consequence of creating cluster silos. The cluster arrangements make it harder to get a complete picture of the City and its interdepartmental dependencies and build relations outside the cluster (RCO11). In this respect, the cluster arrangement creates isolation, lacks leverage, and makes information difficult to manage and communication even more complex (RCO11). Some respondents saw the cluster system as merely a 'tick-box to get reports and policies approved' with no strategic agenda (RCO11).

The cluster system, although not located on the formal City structure (organogram), functions on a set of *informal* rules for approving reports and policies. However, the real practice of coordination is based more on 'loosely coupled' informal structures based on interdepartmental collaboration (Peters, 1998: 299). To address policy coordination

¹⁰⁵ A draft chapter on 'Safety planning in municipalities' to be published in a *Guidebook on developing community safety plans*, 2021 (USRG, 2020 forthcoming), emphasises the macro-level support for safety through political commitment of the of the Metro Council, namely the Executive Mayors, and implementation supported by the City Manager's office to hold other sector departments accountable.

¹⁰⁶ The cluster system is based on a joined-up model of grouping departments with complementary functions, discussed in Chapter 5.

directly, respondents believed it came down to individuals to make it happen. The *new institutionalism* calls this way of reasoning a 'logic of appropriateness', which is created in different institutions and guides the behaviour of its members and, in turn, the institution itself (Peters, 1998: 298; also see March & Olsen, 1984). Peters (1998) views these logics as relevant for coordination in two ways: firstly, coordination is more likely to be used without authority; and secondly, if organisations share common policy values, coordination is likely to occur.

The multi-agency nature of the JCSS was an important factor impacting implementation, and the approach relied heavily on relationship building and inter-agency networking to achieve its objectives (Rosenbaum, 2002). The complexity was because the JMPD is very operationally focused and not geared to provide the strategic coordination function required for an integrated approach, and their policing agenda therefore dominates (see Crawford, 2009; Brewer, 2013). Peters (1998: 299) points to how linkages to other organisations (public and private) can potentially produce an interorganisational version of the 'tragedy of the commons' whereby 'individual (single organisation) rationality conflicts with collective rationality'. It is the practitioners, according to Peters (1998), who must promote coordination and find ways to produce governance within such a system.

In the City, policy is used as a mode of governance to force coordination where a department or entity is not willing to support a policy outcome. Here *bureaucratic politics* and the *power* of policy is used to influence collaboration. As one respondent commented, the role of policy is to break down silos and improve coordination. Policies are not just departmental; they apply City-wide and, therefore, can give officials *clout* and *leverage* when required: 'so when [x] does not respond to me, I will "throw" the policy on the table, this is an approved Council policy, you attended the meeting and approved the policy [...]' (RCO6). The use of approved policies to *coerce* collaboration rather than being more consensus-driven is common practice in the City, generating a set of informal governing conventions to implement policy (De Herdt & de Sardan, 2015) rather than the formal, approved mechanisms. The cluster-based system was set up to be the consultative and

consensus-driven policy integration mechanism. In addition to the challenges of coordination in a multi-level governance structure like the City, in mitigation, respondents also linked organisational constraints in policy to the current complexities of local government.

7.3.3 Local government and external structural challenges

Local government is regarded as 'so big that collaboration around programmes is fraught with challenges' (RCO1). These complexities are about addressing the growing socio-economic problems that city governments face. Thus, Peters (1998: 296) points out, in looking at managing horizontal government, that issues are becoming increasingly cross-cutting and do not fit the 'ministerial boxes into which governments, and policy analysts, tend to place policies'. These structural changes (the wicked problems), for example, immigrants as a client group, confound government processes as they require services from various departments (Peters, 1998). In understanding this external environment, an official commented that 'the housing policy cannot be made in isolation of the land invasion policy, and in isolation of the planning policy – somehow they need to talk to each other' (RCO6). The challenge of most policies is that they need support from other policy areas to have real impact in complex environments such as the City, which makes the coordination question central to interorganisational politics (Peters, 1998). It is for this reason that respondents pointed to the intentional actions needed by politicians that would go beyond voluntary coordination (Peters, 1998). However, respondents believed that politics and the interface between politicians and administrators had been critical factors that contributed to policy and implementation problems. This issue is discussed further below.

7.4 Political-Administrative Interface

Pollitt and Bouckaert (2017: 165) argue that to study public management, it is important to understand the 'crucial relationships which exist between administration and politics, and between administrators and politicians'. *Politics*, as used by Pollitt and Bouckaert (2017: 165), is not confined to elected politicians or to the institution where political

activities take place (a parliament or ministerial office) but ‘is defined by the *processes* followed’. As such political activity involves exercising power, which can involve mobilising resources to achieve certain ends, especially where there is a potential conflict of interest (Pollitt & Bouckaert, 2017). Here civil servants ‘may remain neutral’ but can also engage in ‘political processes’ to ‘bargain and negotiate’ to get support for their policies and programmes (Pollitt & Bouckaert, 2017: 166). In this research, I also use ‘politics’ in the narrow sense to mean party politics.

Before engaging with the specifics of the political-administrative interface, it is necessary to contextualise the discussion by explaining the formal policy approval process, which is the legislated responsibility of politicians. Once the administration develops a policy, it becomes the responsibility of the political head of the department to defend the policy in Council to get it passed. As will be shown, the approval process itself can impact the policy and contribute to implementation difficulties. Text box 1 below explains the formal process for policy approval.

Text Box 3: The Policy Approval Process in the City of Johannesburg (adapted from CoJ, 2019)

The process of policy approval typically follows the route where a department develops the policy; gets further input from the technical cluster and sub-mayoral committees to which it belongs; the Mayoral Committee approves for public consultation; public consultation takes place with the relevant stakeholders; the policy is finalised; the policy is approved by Council (the Legislature) once approval is given by the Mayoral Committee (at the Executive level). The Council becomes the arbiters of the policy but cannot change policy; the Executive must do that. The formal policy approval process flow is depicted in the diagram below:



The process looks straightforward on *paper*, but in practice, respondents experienced a much more complex process. The approval process is seen as a 'laborious, expensive and time-consuming process' (RCO6). Respondent RCO6 from the Economic Development Department described his experience of the policy making process as follows:

'Firstly, it must go through all the internal City processes and committees just for approval before it can go out to stakeholder engagement; and then you have to deal with all the stakeholder engagements, then you have to re-address the policy to include various concerns; and like the IDP it is a bottom-up, not just top-down process. Once approved, you then have to identify programmes to address the shortcomings the policy wants to address.'

The Official in Development Planning confirmed this sentiment, noting that the department completed a *Nodal Review Policy*, quite a complex policy, more than a year prior, but despite broad consensus amongst stakeholders, it was still pending approval due to political pushback by some politicians¹⁰⁷ (RCO3). On the other hand, officials admit that departmental policies may not always be in the interest of all citizens, and the role of politicians is to mediate such interest. This view links to Baier et al.'s (1986: 206) argument that one needs to look at the policy itself, as policies are 'frequently ambiguous' particularly when an issue is difficult to resolve or is contested. Thus, a policy can go through several iterations in each stage of the specified process. Often departments lose momentum, as it takes too long, which is possibly why many departments steer clear from actual policy development and revision¹⁰⁸. But complexity in the policy approval process also arises due to the complex political-administrative interface, discussed in the next section.

¹⁰⁷ The nodal review policy was finally approved by Council in February 2020.

¹⁰⁸ Discussion with a City official, August 2021.

7.4.2 The different Executive Mayors' interface with the administration

Many of the respondents agreed that the political-administrative interface is affected by the different individuals that occupy 'the office' (mayors and city managers) and their approach to creating relationships with city officials (RCO3). The effectiveness of the different mayors in how they approached interaction with officials was partly attributed to emphasis on their political priorities as well as to their different leadership styles. Reflecting on their experiences, respondents' perceptions of the different mayors were relatively similar. Under Mayor Masondo, senior officials had weekly engagements with the Mayor's office, which focused on 'product specific' issues such as content for annual reports or the political agenda for Council meetings (RCO7). The senior official believed there was minimal engagement beyond the Mayor's 'ruling compliance' or asking officials to go back and 'think some more', which meant 'redo work and come back' (RCO7). But officials believed there was more interface at an operational level. The Mayor was very hands-on and operationally driven, 'he came with solutions' and built the foundation to ensure basic service delivery was done right (RCO1). 'Disciplined in a stern fatherly way' meant that the officials responded and 'did their basic jobs a little more' (RCO1). What comes out clearly in the interviews is that the Mayor was vested in improving communities, which was reflected in his leadership style. However, this hands-on approach also meant that the Mayor would bypass departmental heads and engage directly with their direct reports, leaving administrative decisions outside the purview of the Executive Head (Harrison, 2020).

Mayor Parks Tau, on the other hand, was perceived by officials as very engaging on issues and was noted for taking 'immediate decisions', which would filter into policy action by departments 'without the need for another policy or strategy or review' (RCO7). 'A working and trust relationship means that policy changes can be effected in a more fluid and agile way without the administrative red tape' (RCO7). This approach relied on the Mayor delegating to his MMC and the administration (Executive Directors). There was a change from the conservative *back to basics* paradigm to a smarter service delivery approach. However, respondents were divided on whether the individuals or the

departments had the skills, capacity or resources to translate the vision and deliver on his policies. But the Mayor also took control of his priority projects via his office, for example, the Corridors of Freedom and Jozi@work projects, and was seen to work around the administration and the formal rules (RCO6, RCO8). Consequently, this complicated the political-administrative interface where officials believed the Mayor undermined the role of the City Manager in decision-making and setting the implementation agenda. This added to the political-administrative complexity. However, respondents agreed that the ANC politicians were more responsive, open to ideas and allowed officials a platform to present and share information.

By comparison, during the DA coalition phase, respondents indicated that under Mayor Mashaba, as the politics changed, the political environment seemed less engaging and responsive to officials and their ideas at a policy and strategic level. A senior official recalls that 'there was total distrust when Mashaba became Mayor [...]' (RCO7). This lack of trust in the administration was seen in the centralisation of power in the Mayor's office, and the interaction with the administration was mainly with the Chief of Staff, Michael Beaumont, and two of his office staff. According to Beaumont (2020: 15), his biggest task was to get the strategic direction of the multi-party Government into the 'plans and practices of a hostile administration'. The perception was that 'the 33 000 employees appointed by the previous Government, notorious for cadre deployment [...]' would not support the efforts of the new administration, and, therefore, the Mayor needed 'an A-team to handle the task' (Beaumont, 2020: 15). Thus, the Mayor worked on the advice of his Chief of Staff and his team, and decision-making did not include senior officials, giving the perception that advice was brought in from outside (from the DA headquarters in Cape Town). Mayor Mashaba was viewed as a typical businessman not interested in politics, and he 'outsourced the politics of the mayorship to others' (RPE4)¹⁰⁹. The consensus view was that the Mayor wanted to run the municipality and deal with issues immediately without really understanding the root cause of problems. There was little appreciation for the

¹⁰⁹ Discussion with a former DA communications director, July 2021.

technical knowledge. In the Mayor's own words, he states: 'I was not a politician, either by experience or desire. It was something I got myself into [...]' (Beaumont, 2020: ix). The interface by the administration with the private office of the Executive Mayor was also seen by some respondents as a result of a weak City Manager not able to take any decisions.

The political-administrative interface creates organisational complexity, evident during the different mayoral terms and how the politics of politicians and leadership styles can create disjuncture in policy and practice. Politicians ultimately shape policy decisions and practices in the City as they reassert political control over the bureaucracy with each political change. These tensions between the political and administration are explored further below.

7.4.3 Tensions between political roles and administrative responsibilities

It is highly complex and difficult to balance the political priorities of politicians, what the administrators can do and what their technical expertise tells them is the right thing to do. The City's two-tier separation of the powers governance model (discussed in Chapter 5) increased political oversight of the bureaucracy with the rationale to make it more accountable, transparent and to free the administration to manage and improve service delivery. Politicians (here, the MMC) are to provide policy support and oversee departments to hold them accountable while supporting the administration¹¹⁰. Translating the policy agenda is the work of the bureaucracy. However, respondents spoke to the lack of role clarification often in how politicians acted. Political leadership has a strong hold over functions of City administration. But rather than oversight and policy implementation support, a respondent indicated that 'the MMC's office is now a *de facto* HOD' (RC07). Officials often use the MMC's office to resolve labour disputes and bypass senior management; MMC tend to micromanage heads of departments and direct

¹¹⁰ Discussion with a DA councillor, December 2019.

operational work¹¹¹ and make decisions on departmental appointments or implement their own projects. There was a view that some HODs also defer to the MMC to get political cover for their actions or do not question an MMC's decision due to political affiliations. What de Sardan (2015: 10) calls 'knowing the ground rules' with respect to political behaviour. However, outside the formal encounters (the official norms), the social norms are also at play between officials and politicians where more informal relationships exist.

All these actions lead to blurring political and technical lines and can create tension amongst implementing agents. The blurring of roles was closely tied to the issue of technocratic skills and a lack of leadership and knowledge by senior managers to engage politicians and steer policy decisions. City officials reasoned that administrators have technical expertise related to their policy fields, which should guide politicians. But that is not the current nature of the interface:

'...we are supposed to be the technical professionals in our fields [...] and answering how it works [...] give advice, but sometimes it is a little bit reversed, or just a little bit murky.' (RCO3)

The above view was strongly emphasised during the interviews, especially in what was referred to as the 'functional experts', those who make and set the implementation agenda. A senior official strongly felt that:

'...both politicians and people in leadership positions should be big enough to ask questions. To be big enough to acknowledge, I don't know certain things. There needs to be a level of trust with your technical experts.' (RCO1)

¹¹¹ The MMC of Public Safety under the DA administration held weekly meetings with senior managers to track key performance indicators on the department's business plans. This oversight mechanism was seen as assisting the department unblock challenges but at the same time holding them accountable for non-delivery (personal attendance in these meetings).

Respondents believed that administrators should be able to present alternative suggestions, instead: 'it is that disjuncture between what we [are] supposed to do and what politicians want' that creates the complexity in policy implementation (RCO10). Respondents accepted the logic that politicians are the leaders but thought this interface should allow for robust discussion and persuasion. The role of advocacy and influence those political actors have within the organisation is closely tied to the power and agency this gives policymakers and implementers. This advocacy role of officials was supported by several respondents, as a senior official noted with enthusiasm: 'absolutely, everybody should be an advocate for something and an activist and a diplomat at the same time' (RCO7). Respondents equally recognised that to undertake long-term policy goals, politicians need to show strong political will and capacity to support officials in implementation (see Adachi, 2021).

Despite the complexities in the political-administrative interface with respect to the influence on policy implementation, the most common view of the respondents was that political changes had the biggest impact on policy action and continuity where policymaking processes change or collapse (see Pollitt & Bouckaert, 2009 for country-specific case studies).

7.4.5. Change and continuity

Change every five years, related to the electoral cycle (or in the case of the City was within one political term in the current administration¹¹²), was seen as very 'disruptive', and respondents were somewhat frustrated that new political leadership could unsettle existing relationships and policy efforts. This frustration is shown in the following comment:

¹¹² In the case of the current political term, the resignation of the DA Mayor into the last eighteen months of the multi-party coalition, meant a new coalition Government was forged in December 2019, with the appointment of a new Mayor.

'I am finding it difficult that a new leadership would come in and overnight try to change the way that the City operates, because of some political agenda [...] it is normally quite a disruptive institutional process, and you lose a lot of momentum, you lose a lot of content [...] and I suppose energy with it.' (RCO3)

Even a slight redirection or orientation to a policy can derail a policy process as the City works on a multi-year budget. The problem, complained one respondent, was that: 'every time a political term shifts, your project shifts' (RCO2). But according to the respondent, the 'public good' of a project needs to carry more weight than political agendas as policies need time to have a sustainable impact (RCO2).

The political and policy shift from Mayor Masondo to Mayor Tau saw some policy continuity because the fundamental ideology of the ANC did not change, and the long-term developmental vision was the same. The change, therefore, did not destabilise the administration. But the major shift came with creating a coalition Government with very different ideologies, especially between the DA and the EFF. Political change with an ideological change creates more complexities. In the case of the City, it was not just ideologies but rather a shift to a *de facto* coalition in which ideologies diverged (DA and EFF) and had to be continually mediated. Officials had to balance these very different ideologies. While respondents saw coalition governments as the future of how local governments will function, they believed that both the political parties and the administration were still trying to find equilibrium.

A research report by the South African Cities Network (SACN, 2019b) indicates that the most significant change in the political-administrative interface in South African local government since 2013 is a move to multi-party coalitions from having single-party majorities in cities. While seen as a good thing by one official 'because you can negotiate settlement on particular projects' (RCO9), others felt that it affects the policymaking process as certain policies are associated with a particular political group, and policy suffers. Change, in respondents' understanding, was also linked to ownership of policies,

and where there was no ownership, for example, even if safety was a priority, each political administration thinks they can solve the problem better than the previous administration as they want to create their own legacy.

In the Public Safety Department, the change of MMC (seven¹¹³ since the JCSS was implemented) meant that understandings and interpretations of the JCSS and crime prevention as a concept fluctuated over time, as did the emphasis on particular programmes (HSRC, 2013). Different Public Safety MMC also interacted differently with the JCSS, which led to shifting ownership levels at the City level and influenced practices (HSRC, 2013). Under the first Mayor's leadership, the political prioritisation of safety as an integral part of the City's governance was established, and he appointed an MMC for Public Safety. The MMC took direct ownership of the strategy, approved under her leadership and, therefore, drove implementation. Subsequent MMC who *inherited* the JCSS had a much more ambiguous relationship with it and prioritised different projects and programmes, often responding to what the mayors wanted to see as visible action to appease the public.

Officials who have been in the administration through different political terms have come to understand that officials should be aware of the politics but not get involved: 'Do your technical work and advise and influence for correct decision-making' (RCO1). A senior official emphasised this view: 'People need to understand, you are not playing politics.' You are providing the best technical advice. 'What politicians do with that politically, they need to understand the implications of it [...] that was always our approach, and I think that's how we survived political terms of offices' (RCO7). The change-coping strategies shared by respondents is what Clegg (1990: 13) refers to as 'modes of rationality', where social agents (officials in this context) attempt to use tactics and strategies to make sense of 'complex situations' with more or less opaque rules, 'shifting in their or some others' favour'. In this case, officials use their 'power and institutional knowledge' (Clegg, 1990:

¹¹³ When the JCSS was evaluated in 2013 there were five MMC in three political terms, and since then there have been two changes made, in 2016 and 2019.

13) to make sense of working in a highly political environment. According to de Sardan (2015: 21, making reference to Long and Long (1992) and the work of Giddens (1984)), social actors are equipped with 'knowledge' and with 'capacity' to respond to norms that are no longer considered as external constraints (here political changes) imposed from outside on officials, but are seen as 'a repertoire of available guides to action'. In other words, officials use practical norms (navigating different ideologies and political changes) to manoeuvre and adapt to the new official norms. Officials either asserted their technocratic role and influenced policy or followed the lead of politicians. In many respects the new official norms, introduced every five years in the City, exist with social norms and practical norms that have been evolving as the administration grows and adds more layers of complexity, which social actors respond to.

Respondents believed that continuity is essential to 'protect existing policies and strategies', and even during changes in political terms, a level of continuity in political and administrative leadership was necessary (RCO7). Officials were not opposed to supporting new political priorities, as long as they did not divert from the long-term goals. Reflecting on the research question, one respondent said during the interview:

'One of the comments I made on the disjuncture between policy and practice is that a policy and strategy are supposed to be long-term, but we find ourselves acting on a short-term basis [...] four years is a short time for anything – not long enough for one policy to be 50% implemented.' (RCO3)

Change in political priorities means that policy conditions change as well. The narratives shared by officials have clearly indicated that the bureaucracy is a contested space. Political decisions directly or indirectly impact officials as politicians think in political cycles (Pierson, 2000). But change in a bureaucracy takes longer to adapt to policy changes (Grey, 2005).

7.5 Conclusion

This chapter has addressed understanding organisational complexity and the messiness linked with making and implementing policy in the City. The empirical findings explain the factors contributing to the policy-practice gap in relation to the complex organisational environments officials must navigate. The findings show that policymaking is a contested process, and different complexities exist along the policymaking and implementation continuum. These findings are supported by literatures that speak to policy implementation problems as well as complexity in organisations (for example, Baier et al., 1986; Clegg, 1990; Anderson, 2003; Alvesson & Thompson, 2006). Responses to the research question on what creates policy disjuncture were interlinked with the macro and micro-level organisational issues. Disjuncture was found in several critical areas. Firstly, this empirical research has shown that there is disjuncture in how central administration sees its role and the capacity in departments to fulfil their policymaking role. Central administration, which provides policymaking and implementation support, appears to have an ambivalent relationship with the policymakers and implementers in departments (at the micro-level). The practice of policymaking is complicated by the lack of coordination mechanisms to monitor and evaluate policies across the different policy sectors. There is also confusion in the policymaking process, with no formal operational guidelines, which adds another layer of difficulty in how policymakers at the micro-level navigate structures, systems and processes.

Secondly, policy itself can lead to disjuncture. Literature points out that it is not only the discourse of policymaking and implementation that one needs to look at but the policy itself, which is not always clear with a stable policy intent (Baier et al., 1986). There needs to be awareness of the complications. In relation to the JCSS, the implementation challenges began with the policy itself, and despite the policy being formally approved, a change in the policy owner from the EDU to JMPD meant that the mandate of the EDU to strategically mainstream the Joburg 2030 strategy in all City departments via its sector plans, of which safety was one, became an operational policing plan instead. This has had a significant impact on how the JCSS policy was interpreted, resourced and

implemented. This additional dimension shifts the policy-practice gap discussion from simply focusing on administrative compliance and organisational competence for implementation to the policy itself.

Thirdly, the legacy of policymaking was another critical disjuncture seen in the City, where the past shapes the current policy environment. Political priorities, skills and capacity have changed over time, and the current view is that policies from the first two administrations still influence policymaking today. While this was not viewed as bad by the respondents, it pointed out that the current policy environment is not adequately responding to changing social and economic contexts. The role of central administration and its relationship to politicians was seen as critical to how much policy is made. Therefore, an essential part of policymaking is creating a stable Government and an optimal organisational environment and capacity to facilitate effective policymaking across all the departments and entities.

Fourthly, the empirical findings have shown how organisational complexity was seen as a key factor that creates policy disjuncture. The multi-level arrangements contributed to collaboration and coordination challenges in policy implementation. The City's configuration, the internal and external (intergovernmental relations, private sector and citizens) structure and the governance arrangements have made it difficult for the organisation to coordinate these different networks (Peters, 1998; Alvesson & Thompson, 2006). The coordination failure was again seen as the lack of a centralised mechanism that should integrate transversal policies such as Safety and Climate Change, as they impact and influence other policy areas. Given the size and different mandates of departments, officials believed forging an institutionalised approach to policy could make clearer choices about what needs to be pursued possible. However, due to these different internal and external challenges, policy implementation is narrowly focused and unable to address the complex policy environments in the City. In the absence of a formal working mechanism to coordinate policy, officials employed more *loosely coupled* informal mechanisms for policy collaboration based on relationships, common policy values and

a degree of trust. In the case of the City, bureaucratic politics was also a common tactic used by officials to coercive policy implementation. Therefore, how the organisation is structured creates the complexities that mediate implementation and need to be better understood (Trondal, 2020).

Fifthly, a key factor identified in policy disjuncture was explained because of the tensions that rise in the political-administrative interface, especially between what politicians wanted and what officials had to do. The rational Weberian view of bureaucracy sees this interface as important as it is the administration that must implement the policies that politicians approve. The City's system of political oversight in the policy cycle, discussed in Chapter 5, in theory, was to have a more objective monitoring and evaluation system to identify weaknesses and find ways to narrow the policy-practice gap. However, in practice, this model does not appear to have worked. The relationship between the politicians and the technocrats in the administration is not straightforward as the empirical evidence has shown, and which literature supports (Pollitt & Bouckaert, 2017). The politics identified in the processes of policy implementation, as described by Pollitt and Bouckaert (2017), indicates how both politicians and officials use power and agency to navigate relationships to influence public policy and its implementation in the bureaucracy.

Finally, changes in the political administration were seen as a key disjuncture for achieving the longer-term policy objectives. Some policy continuity after each political change was seen as important.

These cross-cutting factors associated with disjuncture discussed above are in fact also applicable to the policy-practice gap that exists between the JCSS and the implementation thereof. These factors include: the location of the JCSS within Public Safety. As the lead department behind this multidisciplinary strategy that extended beyond traditional policing and law enforcement, JMPD was highly dependent on other City departments, entities and external stakeholders; the failure, at a central

administrative level, to align and integrate the JCSS into the strategic management and functional practices of City departments and entities resulted in safety not adequately addressed in the IDP and in SDBIP's, and therefore, not appropriately resourced; the lack of appropriate structural mechanisms for coordinated roll-out of strategic interventions limited implementation of the JCSS. This shortcoming has led to the current approach where integration often occurs as a result of informal collaboration; change in political leadership resulted in evolving City priorities and shifting understanding of crime prevention; and changes in the administration also inevitably led to variable degrees of ownership and interpretation of the JCSS by senior officials. These organisational complexities have led to stifling continuity and momentum of the JCSS implementation.

Understanding organisational complexity and the messiness means that social actors across organisations must adapt due to this complexity. However, the amount of change possible in a bureaucracy is closely tied with rules and structures that have emerged at different times in the organisation, reflecting the institutional norms from different periods. The formal apparatus is, therefore, complex and layered as it tries to create legitimacy constantly by incorporating new rules and structure. In the next chapter, I deal with the formal rules and the informal practices to show how social actors conform and adapt to policy and practice.

CHAPTER 8: FORMAL RULES AND INFORMAL PRACTICES

8.1 Introduction

The empirical evidence (Chapter 7) has shown the complexity and messiness of working in an integrated and collaborative way in a governance system ostensibly set up to make this possible. All the respondents agreed that while the City has formal policies, there is recognition that these are not necessarily implemented or implementable. The respondents confirmed that there is a disjuncture between policy and practice. In addition, respondents also spoke to the impact of the political and administration (technical) on the implementation process. So how does the City manage and sustain policy in the context of such complexity and policy ambiguity? In this chapter, I examine how the City seeks legitimacy through the expressed maintenance of institutional structures. I use the concepts of myth and ceremony, and decoupling, derivatives of new institutionalism introduced by Meyer and Rowan (1977). These concepts explain how the City continues with the appearance of effectively delivering policy while at the same time recognising the 'messiness' of policy implementation that it has to deal with (conflicting demands, limited resources and capacity and satisfying the electoral base). In this way, implementation efforts may be reported as successful based on reaching certain management indicators. While reporting this 'success' is politically relevant, on the ground, these indicators may be subverted or misused. I argue that institutionalised structures, such as long-term strategies and PMSs, regarded as fundamental to maintain the organisation and behaviours, introduce more complexity in organisational practices. These dynamics lead to the dissonance between formal rules and informal practices, a key focus of the practices literature (Sharma, 2006; De Herdt & de Sardan, 2015). The focus here is on informally regulated rules. The discussion rests on the formal organisation (rules) and the informal institution (practices) to further understand the gap between policy and practice. While using the terms formal and informal, there is a recognition that a continuum of practices exists between the two extremes of formal and informal and that most processes are hybridised (Lowndes & Roberts, 2013). The discussion below provides a brief overview of institutional theory.

There are different arguments, debates and critiques of how institutions function, change and survive (Lowndes & Roberts, 2013). I focus more on the sociological perspective of how institutions work. Institutions consist of both formal rules (constitutions, laws, policies, professions and programmes) and informal constraints (sanctions, customs, traditions, and codes of conduct) (Lowndes & Roberts, 2013). Institutions matter, according to institutional theory, because they display 'resilience over time' and produce patterns of behaviour that may eventually institutionalise into codified structures and rules (Lowndes & Roberts, 2013: 3, quoting Huntington, 1968). In the case of a state apparatus, it formally defines the parameters of what is possible or not for politicians and civil servants.

Sociological institutionalists combining the work of organisational theory understand the (external) environment to 'penetrate[s]' the organisation, forming the lenses through which social actors interpret the world and the 'very categories of structure, action, and thought' (Bingham, 2018: 244). These theorists explain that for organisations to survive, they look outward to seek legitimacy from influential constituencies and the values they embody (Meyer & Rowan, 1977). These processes of 'institutionalization' happen whereby 'mythic' or 'symbolic' elements of an organisation's environment are built into its structures, cultures and outputs (Lowndes & Roberts, 2013: 146). These symbolic elements (for example, police enforce the law and provide safety and security – a normative element) form 'templates' for organising and arise from professions, legal and public policy frameworks, classifications, technologies, public opinion and prevalent ideologies (Lowndes & Roberts, 2013: 146). As such, institutionalised myths have ritual significance and become ceremonial for the organisation that adopt practices and routines to gain legitimacy and socially demonstrate an organisation's capability (Meyer & Rowan, 1977). On the surface, both individuals and organisations maintain a 'front' (performance) that legitimises their actions; meanwhile 'back stage', social actors behave 'differently, intentionally contradicting' the public image they want to portray (Bingham, 2018: 249-250). Thus, organisations must not only conform to myths but must 'also maintain the appearance that the myths actually work' (Meyer & Rowan, 1977: 356).

Meyer and Rowan's (1977) key argument is that organisations succeed in their institutionalised environments by conforming to structures (procedures, programmes and policies) even though the relationship of these structures to actual performance is not well established. They are myths because society adopts them on faith and does not question their legitimacy or truth. Therefore, organisations create a gap between formal structures and institutionalised rules through decoupling (or buffering) and the logic of confidence and good faith of the internal social actors and their external constituents (Meyer & Rowan, 1977). This is a way to maintain the balance. Decoupling in relation to policy-practice, as described by Meyer and Rowan (1977), refers to situations where 'policy is adopted', but 'implementation is symbolic' and does not have the intended consequences (i.e., the JCSS) (Kern et al., 2017: 2). In such cases, the practices aligned to formal structures may be 'tenuous' or 'opaque' in promoting the primary policy goals (Kern et al., 2017: 3). Explained differently, social actors can *game* (manipulate) systems created by rational designers, so behaviour becomes decoupled from rules and formal structures (Scott, 2010). In relation to the JCSS, for example, social actors used performance scorecards to game the system. This will be further elaborated on in section 8.3.2. However, despite the lack of control and coordination, decoupling does not necessarily lead to chaos, and daily activities continue, at best, in an orderly way (Meyer & Rowan, 1977). de Sardan (2015) refers to these practices as *practical norms*, patterns of behaviour that make it possible to understand the 'gap or the game played'. Taken together, these related concepts of institutional myths and ceremony, and decoupling helps to analyse both the macro- and micro- social interaction in an organisation (Bingham, 2018). In the sections below, I look at two formal structures in the City as examples of institutionalised myth and ceremony and illuminate the complex actions in the context of safety in achieving policy goals in local government.

This chapter focuses on the City's long-term GDS (Joburg 2040) and the PMS – an obligatory regulatory policy for each department to implement. Both are akin to formal institutions that define the City as an organisation. Joburg 2040 is the key reference point,

as it is very much a part of the myth and ceremony in the City, and the PMS is the key instrument for the implementation of Joburg 2040. Safety is coupled to Joburg 2040, and the JCSS has become part of the institutionalised myth. Using safety as the case study examples will show how institutionalised structures function to decouple the formal structures from the actual safety practices, thus building the policy-practice gaps.

8.2 Joburg 2040 – Myth and Ceremony

Joburg 2040 was ceremoniously launched on the 20th of October 2011 by the newly elected Executive Mayor, Parks Tau, at the First National Bank Stadium (Soccer City)¹¹⁴ in Johannesburg. The strategy provides long-term direction for how the City plans and governs into the future. It is institutionalised (Council approved) and in some measure beyond the discretion of officials. It is intended as an integrated strategic framework covering the City's full range of governance activities, including its approach to safety. While Joburg 2040 strictly speaking is not a policy or a *formal rule*, it has components of policy and strategy. Joburg 2040 is a framework document that contains a philosophy and a set of principles and combines it with the City's context to provide a strategy that can putatively translate into policy¹¹⁵. As such, the contents of the document are also performative. It has become a management tool that officially informs all City planning, including the IDPs¹¹⁶, City budgets, and all departments and entities report annually on performance against the Joburg 2040 deliverables. Joburg 2040 has become a symbolic system, rationalised as part of a formal mechanism. This formal mechanism, as described by Meyer and Rowan (1977) becomes a source of powerful institutional rules that bind officials through various social purposes as technical prescriptions. This ceremony aims to display confidence to the City's external and internal constituents. These institutional environments include citizens, National Government, officials, and politicians.

¹¹⁴ The FNB Stadium, previously Soccer City, borders Soweto and was the main venue rebuilt by the City to host the 2010 FIFA World Cup™.

¹¹⁵ Discussion with a consultant, commissioned by the City to advise on strategic planning during the Joburg 2040 implementation process, Nov 2021.

¹¹⁶ To recap, South African municipalities are legally obliged to develop medium-term IDPs that serve as a formal mechanism for incremental five-year planning (CoJ, 2011b).

The process of formulating Joburg 2040 speaks to some of the shifts in its orientation from the past strategies. Unlike Joburg 2030 (CoJ, 2002), formulated primarily from documentary research and some consultation, the development of Joburg 2040 was an outcome of broad public consultation, regarded by the City as the first in long-term strategy making for the City and viewed as a key component of a successful long-term strategy (CoJ, 2011b). On the occasion of Joburg 2040's launch, Mayor Tau stated that the GDS outreach process (over nine weeks) 'has been of tremendous significance in building a collective and shared vision of the future city of Johannesburg we all aspire to' (Tau, 2011: 2). As a build-up to the launch, various structures like bridges and buildings 'will be lit up and branded with the Joburg 2040 logo' (CoJ, 2011c). Thus, building an image and branding the City as a key component of Joburg 2040.

The narratives that framed the strategy document, boldly named 'A promising future', was part of the ceremony that allowed people to connect and interpret the *myth* that promises prosperity and development for all, *if* the outcomes are achieved: 'by 2040, Johannesburg will be an inclusive city offering its residents options and opportunities to improve their own lives'¹¹⁷. In the area of City governance, the emphasis on community participation in developmental processes is a strong focus in Joburg 2040. The strategy identifies the key challenges confronting the City and aspires to democratic processes that involve active citizenry, and a more active, engaged and responsive city Government: 'we will not treat citizens as passive recipients of government services' (Tau, cited in CoJ, 2011b: 3). Joburg 2040 is based on the supposition of deepening cooperative governance and partnerships and building individual and community capacity and capabilities. The strategy incorporates the norms and values that the City ostensibly aims to instil – 'resilience, sustainability and liveability'¹¹⁸; and the need to build social cohesion amongst

¹¹⁷ *Joburg 2040 growth and development strategy booklet* (CoJ, 2011b, hard copy available).

¹¹⁸ Resilience is the 'capacity of a system to continually change and adapt'; Sustainability represents 'an idea, where human and economic development will not destroy the natural ecological carrying capacity of the city'; Liveability speaks to 'an array of different issues, underpinned by a common set of guiding principles that

the diverse communities that inhabit the City (CoJ, 2011b). Joburg 2040 identifies four key drivers to achieve this type of city: good governance, economic growth, HSD, and environment and services, as illustrated in the Joburg 2040 paradigm in Figure 11.

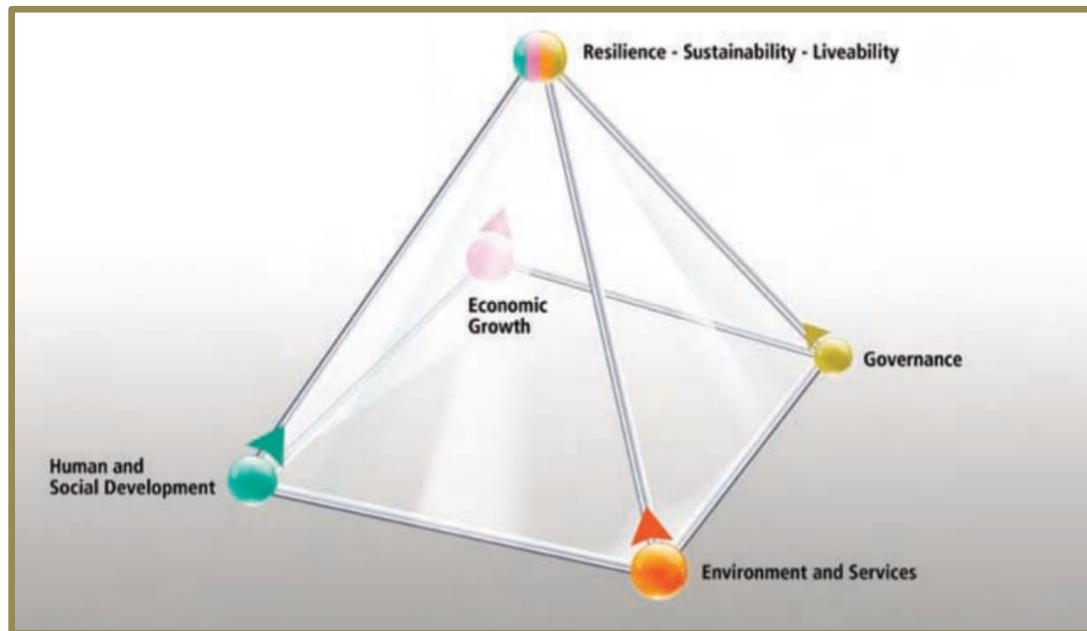


Figure 11: The Joburg 2040 GDS paradigm (CoJ, 2011b: 23)

The framing paradigm and principles work alongside outcomes, outputs and indicators. Four major outcomes define Joburg 2040: improved quality of life and development – driven resilience for all; a resilient, liveable, sustainable urban environment – underpinned by infrastructure supportive of a low-carbon economy; an inclusive, job intensive, resilient and competitive economy that harnesses the potential of citizens; a high performing metropolitan Government that pro-actively contributes to and builds a sustainable, socially inclusive, locally, integrated and globally competitive Gauteng City Region (CoJ, 2011a). However, at a GDS launch event, the Deputy Minister of Cooperative Governance and Traditional Affairs pointed to the ‘tensions between now and the future; between what’s possible and what’s desirable, between ideas and practice. And there are

give substance to liveability: equity; dignity; conviviality; participation and empowerment’ (CoJ, 2011b: 23-24).

tensions too between government and governance’ (CoJ, 2011a: 1). In conforming to the new institutionalised rule, the City was to experience a new set of governance challenges in the internal organisational processes to manage the many tensions to deliver on the promise.

New rules often require a new way of organising, redefining existing ones, and require social actors to organise along prescribed lines (Meyer & Rowan, 1977). The City identified key priority areas to give effect to the new institutionalised rules. Firstly, it expanded its formal structures to express the new myths. Grouped or *joined-up* functions and a cluster system was introduced. As Meyer and Rowan (1977: 356) point out, an organisation’s promise of reform in the future ‘makes the organisation’s current structure illegitimate’. The emphasis during this mayoral term was on more interdepartmental coordination and aligning budgets to enable the City to achieve its transformative outcomes. However, as discussed in Chapter 7, in practice, the challenge was that departments still worked in silos as the implementation of the cluster system is very uneven. Secondly, to define new domains of (rationalised) activities, the central administration attempted to simplify (demystify) this complex future strategy via an implementation *roadmap* or masterplan, illustrated in Figure 12, and to show how things will be broken down and made more manageable to implement. Whether it simplified the process and made the work more manageable has not been evaluated¹¹⁹. These flagship¹²⁰ programmes were delivered via priority implementation plans divided into three decades. In this way, the political priorities took centre stage.

These priority implementation plans, top-down prescriptions, were to be further cascaded into the IDPs, departmental plans and performance scorecards. The City resolves ‘inefficiencies’ that may arise from conflicting ceremonial (formal) rules so as not to make them public record by allowing departments to work out the technical interdependencies informally (Meyer & Rowan, 1977: 357). Through IDPs and SDBIPs, the City can show

¹¹⁹ Monitoring the progress on implementation of Joburg 2040 is provided in CoJ annual reports.

¹²⁰ Flagships was a euphemism for mayoral priorities at the time.

that the departments are *really* working. Through the logic of good faith, the City creates a buffer between the formal structure (the new policy) and its actions from the inconsistencies and anomalies linked to the implementation of Joburg 2040 related initiatives; thus, impeding critical evaluation and supervision. Joburg 2040 is how the City positions its goals to gain legitimacy, the front stage, but knows that all is not going to be attainable.

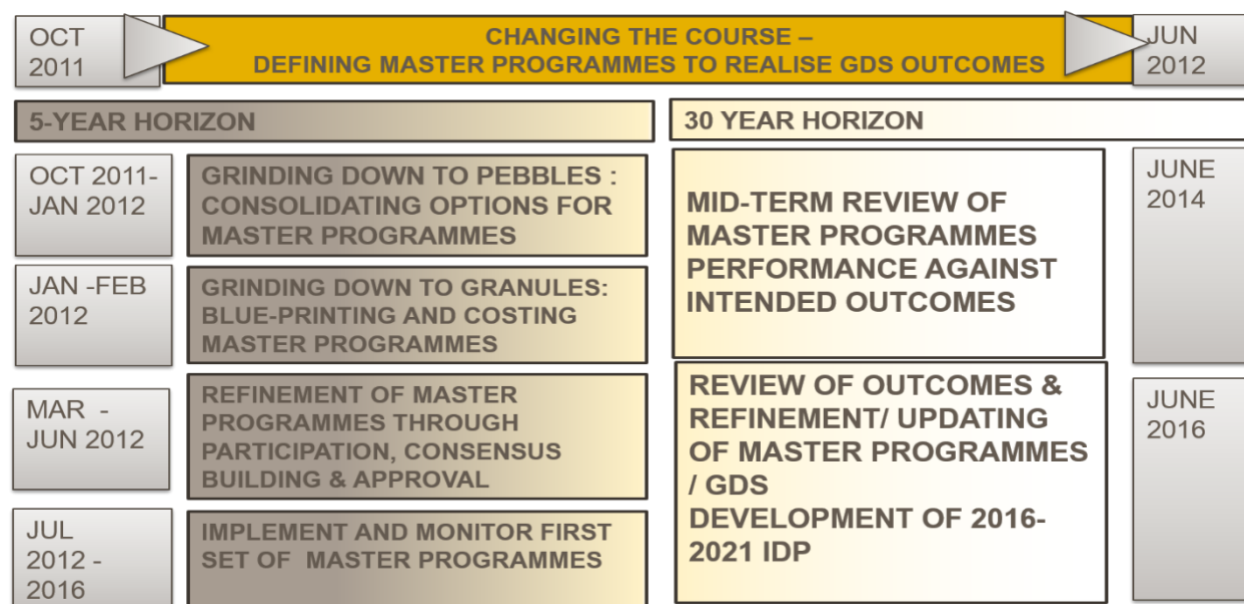


Figure 12: Joburg 2040 Implementation Road Map¹²¹

Behind the scenes, the backstage, the formal institutions are more complex. These processes – referred to as ‘grinding down to pebbles’, ‘grinding down to granules’, ‘refinement of master programmes’, and ‘implementing and monitoring master programmes’ – take on a ceremonial role and allow departments to interpret their roles because moving towards greater coherence around achieving the Joburg 2040 principles is challenging. The outputs and outcomes detailed in IDPs and SDBIPs are ceremonial in their crafting, as will be shown later. Because if the formal rule, with its inputs and

¹²¹ City Manager, Trevor Fowler, internal presentation - *Mayoral Committee Presentation: Joburg 2040 – From Strategy to Implementation*, 10 November 2011: Slide 12.

outputs, is strictly implemented, it will generate several implementation problems (lack of budgets, resources, capacity, coordination, shifting political priorities) that respondents defined (Chapter 7). Thus, from an institutional perspective, even the language used to label activities, for example, clusters and master programme, are myths that give the appearance of better coordination.

Having business plans and the IDP has high ceremonial value and gives the City a more favourable position with its internal and external constituents. Therefore, what the City reports on publicly in its annual reports as progress against these activities, will only display the ceremonial achievements and presents a single front to the public. The mayors and city managers will also reflect on achievements and what they will still do in the future. This way, the City can 'demonstrate socially' the 'fitness' of the organisation (Meyer & Rowan, 1977: 351) to fulfil its developmental and service delivery responsibilities. Sharing the details and the actual performance of each department, looking deeper, may show that the institutionalised elements (resilience, sustainability and liveability) are not an optimal or efficient solution to achieve City goals (Meyer & Rowan, 1977). As such, the City can loosely couple (not completely disassociate) the City's performance as a whole from the work of officials in the bureaucracy. Because concerns with delivering on day-to-day activities create immense uncertainties and officials struggle to link the ceremonial elements (Meyer & Rowan, 1977). To further illustrate how departments decoupled from the outcomes set in Joburg 2040, I consider how safety is approached in departmental business plans.

8.2.2 Decoupling from formal safety practice

Safety is coupled to Joburg 2040 and identified as a key component that contributes to the overall objectives of Joburg 2040. While the JCSS is not specifically referred to in the Joburg 2040 document, many of its key ideas and tenets around safety have been incorporated into the long-term strategy. Joburg 2040's shift in orientation places change and uncertainty as central to its approach, and the challenges relating to safety in the future informed the City's response to how it would deal with the changing nature of crime

and safety. Joburg 2040 articulates several areas of challenge to safety and approaches to address them that are central to the JCSS (HSRC, 2013). It emphasises a multi-agency, collaborative approach as well as significant community involvement in achieving a secure and safe city. It also stresses equal access to police (JMPD) services and safety support for all the City's residents and a significantly reduced crime rate (CoJ, 2011b). Thus, the strategy links safety to an improved quality of life for the City's residents, 'the City envisages a future that presents significantly improved human and social development realities' (CoJ, 2011b: 92). It is important to note that safety and security is a contested concept, and there were different understandings during the outreach process (CoJ, 2011a; see also Chapter 5). Nevertheless, the shift in approach in Joburg 2040 to crime prevention and urban safety is broadly consistent with these views and reflected in the following outputs:

- Building trust through active engagement of all;
- Creating sound spaces that promote community safety;
- Shifting alcohol and abuse patterns - building a different society;
- Focusing on the youth;
- Addressing the needs of the vulnerable;
- Addressing other issues of harm - fire, floods and environmental hazards (CoJ, 2011c: 79-80).

The JCSS (CoJ, 2016b) was revised in line with Joburg 2040 (Joburg 2040 - revised from Joburg 2030) and articulated the following outcomes. (see Appendix 11 for further details on the outcomes below):

- A well-regulated, responsive city;
- A safe and secure urban environment;
- Informed, capacitated and active communities.

The JCSS provided the guiding framework to support inter-agency initiatives in order to achieve the objectives of creating a *caring, safe and secure* city through the outcomes indicated above. The HSD cluster was the implementing structure to achieve these goals.

However, the safety policy shift only happened on paper. It is apparent that the approach to safety has not significantly changed when one considers how departments craft their performance indicators. The following example relates to substance abuse and illustrates how City departments sustain the myth and ceremony of policy prescriptions, but in practice, implementation is still departmental and therefore siloed. Addressing substance abuse is identified in Joburg 2040 with the stated outcome of shifting alcohol use and abuse patterns and is linked to the outcome that speaks to 'improved quality of life and development-driven resilience for all' and the JCSS outcomes (CoJ, 2011b: 92). Substance abuse was also elevated as a mayoral priority in the DA administration and reflected in the 2020-21 IDP. Therefore, departments within the HSD cluster had to adopt it ceremonially as a programme and anchor it to the IDP¹²² and the SDBIPs. Although the scope of this research is up to 2019, the 2020-21 IDP is not materially different from the 2019-2020 IDP. However, to illustrate my point, substance abuse is the only common indicator in the reviewed 2020-21 IDP. The indicators for substance abuse, as shown in Table 5, have been extracted and evaluated from the 2020/21 SDBIPs of a sample of departments in the HSD cluster: JMPD, Health, Community, and Social Development. These indicators are also linked more generally to safety indicators within the City. The 'strategic objectives' (Table 5) refer to the Joburg 2040 outcomes for safety.

¹²² Addressing substance abuse features in the reviewed and finalised 2021-26 IDP.

Table 5: Extracts from Human Social Development Cluster Service Delivery and Budget Implementation Plans for 2020-2021 on Substance Abuse Indicators¹²³.

DEPARTMENT	STRATEGIC OBJECTIVE / PRIORITY / PROGRAMME	LINK TO JCSS	KEY PERFORMANCE INDICATOR	KEY INTERVENTIONS
JMPD	Create a sense of security through improved public safety.	Outcome 1: A well-regulated, responsive city.	Number of drug searches and seizures.	- Organised drug raids - Stops and searches - Strengthen specialised units: K9 unit (dog unit set up for drug operations) - Enforce COVID-19 State of Disaster regulations
Health	Caring, safe and secure communities.	Outcome 3: Informed, capacitated and active communities.	Number of awareness programmes on teenage pregnancy, substance abuse, and HIV& AIDS at schools.	Input to learners on substance abuse, teenage pregnancy, nutrition, HIV/AIDS at schools (high & primary).
Community Development	Improve service delivery.	Outcome 3: Informed, capacitated and active communities	Number of drug and substance abuse awareness programmes implemented	not provided
Social Development	Safer city: drugs/ substance abuse.	Outcome 3: Informed, capacitated and active communities.	Percentage implementation of the integrated substance abuse prevention strategy.	- Implementation of the elements of the strategy through the maintenance of Local Drug Action Committees - Crisis line statistics - Establishment of rehabilitation centres - Prevention programmes.
			Number of clients receiving substance abuse treatment services.	- Substance abuse treatment - Centres located in the City's facilities - Providing medical treatment - Social workers - Therapeutic services - Aftercare services - Integration into community life

¹²³ Adapted from 'Report on the overall COJ safety performance indicators', 9 November 2021: 20. Joburg City Safety Programme Office, Department of Public Safety.

Despite being in the same cluster, it is evident that there are a number of different programmes within and between cluster departments, but there is no integrated response that targets the range of common areas linked to the problem of substance abuse. An issue like substance abuse is a grey policy area as the problems are interrelated – linked to livelihoods, jobs and housing. To deal with these policy ambiguities, departmental indicators are broad and vague and draw attention to the fact that they do not respond to the key thrusts and priorities with respect to safety as identified in the JCSS. This type of ‘gamesmanship’ (Lowe & Wilson, 2017: 993) allows these departmental indicators to deviate from the real impact desired by focusing the key performance indicators on numbers (outputs) and activities that are input-based (for example, several awareness programmes on substance abuse and input to learners on substance abuse as opposed to whether, for example, the programmes result in a reduction in the cases of substance abuse). Addressing substance abuse is linked to a range of external partners such as schools (input to learners), young girls (teenage pregnancy) and therapeutic services as indicated in the work activities. By being in the same cluster, the assumption is that departments are planning and coordinating, but as revealed by the indicators, activities across the departments are fragmented. Instead, individuals work together informally across departments and sectors to achieve outputs, as revealed in Chapter 7. Furthermore, these informally constructed social institutions add to the complexity of what happens within the organisations as they have their modes of governance and practices (de Sardan, 2015), but they become important to please constituents and give legitimacy to work. The idea of coordination is built into the formal structure, but the logic of the bureaucratic administration makes it difficult to work in an integrated way. Thus, through these mechanisms of decoupling and these face-saving activities, the City can maintain the assumption that departments are acting in good faith, i.e., responding to the stated policy imperative to make communities safer, and this contributes to the myth of the formal structure (Joburg 2040 and the JCSS).

Another way the City sustains the front of the rationalised myth is through the PMS. The PMS has become the key mechanism for implementing Joburg 2040. The following section tracks the key issues and discussions on the City's PMS to provide further insights on how formal institutions work in the City to maintain the myth and ceremony but constrain behaviour at the same time.

8.2.3 The Performance Management System – A key instrument of decoupling

In this section, I discuss how the PMS has become a mechanism to 'dramatize ritual commitments' (Meyer & Rowan, 1977: 358), which the City uses to display good faith to deliver on its formal institutionalised rules. The PMS has become a key instrument of decoupling from Joburg 2040. Using the framing of the Joburg 2040 outcomes, indicators and outputs that have essentially become regimented as the myth in the City the PMS provides a system to enforce its implementation¹²⁴. However, the PMS has become a compliance-driven exercise that in many instances encourages officials (at all levels) to behave 'perversely' and can subvert the stated goals of policy (Lowe & Wilson, 2017: 985). The myth built into the PMS as an institutionalised element is necessary to make public sector organisations more accountable and effective. The quest for an ideal administration is to ensure compliance with formal rules, which means the 'problem of the gap' will not arise (de Sardan, 2015: 2). However, respondents identified the PMS as a key disjuncture when asked to give reasons for the policy-practice gap. The PMS (as the formal rule) was seen as a compliance tool to reach performance goals. One respondent argued: 'We have all these measures of performance but if you really read into it, a lot of it is smoke and mirrors...I think we are so incredibly obsessed with measuring performance that we don't actually get to the point of performing' (RCO3).

According to the City's *Group Performance Management Policy*, a rationalised formal rule, the aim of a PMS is:

¹²⁴ Discussion with a consultant, commissioned by the City to assist with the Joburg 2040 strategic implementation process, November 2021.

‘a process of establishing a shared understanding about what is to be achieved and how it is to be achieved. It is an approach to managing people that increases the probability of achieving success’. (CoJ, 2012c: 9)

The PMS has become part of the myth and ceremony of City governance. The PMS is designed to facilitate service delivery to ‘achieve its objectives as set out in the GDS, the IDP and SDBIP’ (CoJ, 2012c: 9). The City’s policy is informed by and aligned with legislation and regulations governing the local government sector (Municipal Systems Act 32 of 2000). This legislation is codified in the institutionalised language of the outcomes-based performance management (OBPM) approach (see Zia et al., 2015 and Lowe & Wilson, 2017). With its performance indicator and results-oriented management system, the City’s PMS is an example of convergence with national performance measures (see Pollitt & Bouckaert, 2017). However, as indicated earlier, performance is rarely about outcomes but to maintain the myth of Joburg 2040 and is about the games people play (Lowe & Wilson, 2017). Lowe and Wilson (2017: 981) argue that rules embedded in the outcomes-based approach in various policy settings reveal that it is rarely about achieving outcomes but rather promotes gamesmanship and distorts the behaviour of organisations, managers and practitioners who undertake it. As such, ‘individuals will often perform acts of decoupling to reconcile competing expectations from institutional rules by which individuals cannot, or do not wish to abide’ (Bingham, 2018: 249). This is well documented in police organisations, where police officers decouple their practices from formal rules (see Chan, 1997 and Crank, 2003).

The City’s PMS requires: each employee has a performance scorecard and Individual Learning Plan (ILP)¹²⁵, developed jointly with the line manager (supervisor’s role); the employee must be reviewed quarterly; and evidence-based performance must be

¹²⁵ ‘ILPs are seldom actioned, and a lack of budgets are often cited as the reason’ (RCO18)

evaluated at the end of each financial year (30 June) and the employee rewarded accordingly¹²⁶ (CoJ, 2012a). The formal process is illustrated in Figure 13.

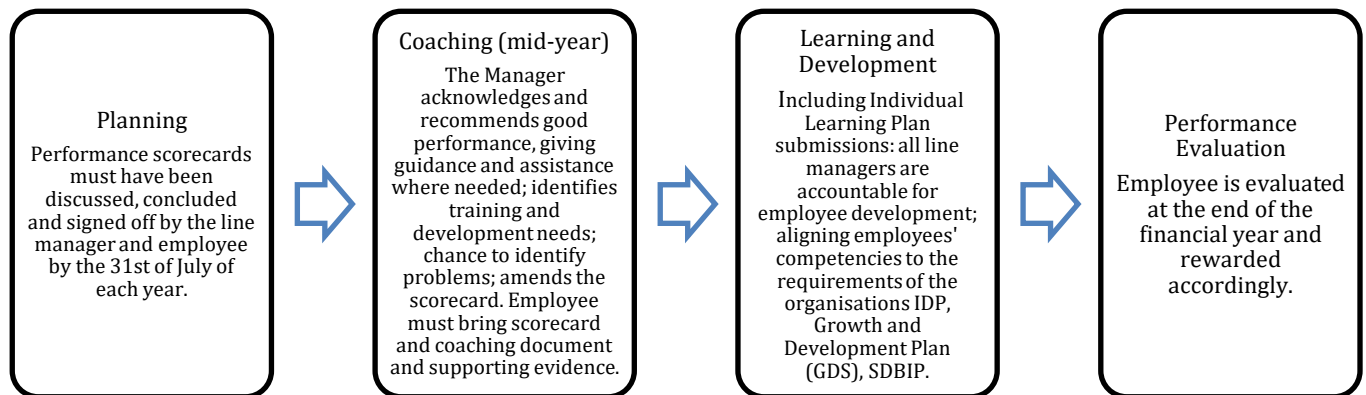


Figure 13: The Performance Management Policy Process (adapted from CoJ, 2012a)

In practice, the PMS - the whole process of preparing the scorecard, the evidence, the review, the reporting - becomes part of the bureaucratic game - the ceremony. The formal process is compliance-driven, so that attending the review sessions, collecting evidence and filling in the required templates has ritual significance when engaging with a line manager (although there are exceptions on how this is done). In many respects, the game begins with skilful bureaucratic operators that can manipulate their performance scorecard preparation and assessment. Research into the effectiveness of OBPM reveal that the rules of OBPM require the simplification of the complex reality of social life. Consequently, people develop tactics that focus on data production, on things they can control, which impacts their practices and shapes their thinking (Lowe & Wilson, 2017). This was seen in how IDP indicators are developed.

¹²⁶ According to the City's performance management policy it awards a non-financial performance bonus in the form of leave days to employees below the level of executive director, calculated on a sliding scale according to the score attained with a maximum of four leave days given for a performance score of between 90-100 points. Executive Directors and the City Manager (also referred to as Section 57 employees) are rewarded a monetary performance bonus in line with the Municipal Systems Act 32 of 2000). According to respondents, this change since 2011 has had a negative impact on the performance of directors and below, who previously received a financial bonus.

Through this research, I have undertaken a systematic assessment of scorecards and a similar scenario is found with developing individual performance scorecards. I refer to the Department of Public Safety and use the performance scorecards of the COPs for the 2012-2013 and 2018-19 financial years as an example to show how the myth is maintained to 'look and act' like a police department (Crank, 2003: 189). Police organisations are exemplars of institutionalised structures. They do valuable work and must preserve relations with their constituents and are frequently under pressure. Hence, complexity in the institutional environment is reflected as organisational complexity (Crank, 2003). Therefore, to preserve good relations with their usually conflicting constituents, the community and politicians, the police 'will loosely couple' the formal goals of the organisation with actual practice and behaviour (Crank, 2003: 188). The limitations of the normative perspective of police work, as required in Joburg 2040 and the JCSS, are shown through a selection of performance indicators of the JMPD COP scorecards in relation to crime prevention, by-law enforcement and traffic management, as shown in Table 6.

Table 6: A Selection of Key Performance Indicators from the 2012-13 & 2018-19 Chief of Police Performance Scorecards¹²⁷.

Chief of Police Performance Score Cards				
Year	GDS Outcome	Outcomes - Key Performance Area	Key Performance Indicators	Evidence
2012-2013	Improved quality of life and development-driven resilience for all	To contribute to reducing priority crimes in the City (drunken driving, stolen cars, and high speed)	Per cent reduction of assaults and robberies in areas covered by CCTV	CCTV incident report on assaults and robberies
		To contribute to reducing priority crimes of the City (drunken driving, stolen cars, and high speed)	Per cent reduction of incidences of priority crime across the City (as per the SAPS magisterial jurisdiction areas)	JMPD crime statistics: the possession of illegal firearms, drugs, stolen vehicles, drinking and driving
		To contribute to improving compliance to the City's priority by-laws (street trading, waste management, water, electricity, and advertising)	Per cent participation in joint operations to deal with priority by-law infringements	Operational plans, sign-off by relevant stakeholders
		To contribute to reducing road accidents and fatalities, improve compliance to road traffic regulations, improve traffic flow	The number of roadblocks implemented	Register of operations plans
			The number of roadside checkpoints implemented.	Register of operations plans.
2018-2019	Improved quality of life and development-driven resilience for all	To improve citizen compliance to priority by-laws - Operation Buya Mthetho- (street trading, waste management, water, electricity, and advertising)	The number of by-law enforcement operations in the City to restore law and order	By-law enforcement operations reports extracted from DIAS ¹²⁸ (Data and Information Analysis System) and the City's Annual Report
		To ensure citizen compliance to road traffic laws and regulations	The number of enforcement operations in the City to ensure orderly road traffic control (driver fitness, vehicle fitness moving violations)	System generated report (JMPD DIAS) and Quarterly Report
		To address the underlying causes and drivers of crime	The number of stop and search operations conducted	System generated report (JMPD DIAS)
		To minimise any risk of loss of property and life on Council premises	Per cent implementation of Security Project Plan	Security project plan
		To ensure the free flow of traffic	Per cent of JMPD pointsmen deployment to congested traffic intersections	Traffic complaints call logging register search tool

The COPs have very operationally focused scorecards, and the focus of each successive Chief is on the mandate of JMPD: traffic, by-laws, crime prevention - an ambiguous and narrowly defined role, seen in relation to supporting the SAPS. The COP must also focus on the political priorities at any given time, which will often focus on visible operations and increased law enforcement. The numerical based performance targets are also dictated by the City Manager's office, particularly increasing the crime reduction targets. This requirement points to the narrow understanding of the role assigned to JMPD in public safety. The Department of Public Safety was given the lead role of implementing the JCSS, which requires collaboration with other departmental heads. The scorecards of the different Chiefs reveal that while they drove a multi-agency crime prevention agenda, it was narrowly focused on joint operations with SAPS and other law enforcement agencies. This is despite the official view of the City that crime prevention requires collaboration and coordination with other City departments and stakeholders.

A key factor in understanding the disjuncture on how the crime prevention strategy was viewed is how the different COPs articulated their role in implementing the JCSS. Although they were open and supported the idea of an integrated crime prevention strategy, there was little understanding of how to achieve this in practice. The first COP, Chris Ngcobo, was an advocate of the JCSS 'but did not lead the implementation of the strategy, nor did the subsequent Chiefs' (RCO18)¹²⁹. Ngcobo, as the choice for COP for Mayor Masondo, 'was not surprising as they worked together politically as activists during the transition in the Soweto Civic Association and the Soweto Peoples Delegation to the Central Wits Mero Chamber, and was a relationship based on mutual trust' (RECO2). As the new COP, Ngcobo quickly took on the ceremonial role and was very visible during JMPD operations. His allegiance was to the newly converted JMPD officers, and to win

¹²⁷ Performance agreement between the City Manager (Trevor Fowler) and Chief of Police (Zwelibanzi Nyanda) City of Johannesburg Metropolitan Council. Public Safety Department, July 2012 to June 2013, Available from the Public Safety Department on request; Performance Agreement between the City Manager (Dr Lukhwareni)) and Chief of Police (David Tembe), City of Johannesburg Metropolitan Council. Public Safety Department, July 2018 to June 2019, Available from the Public Safety Department on request.

¹²⁸ An internal data capturing system used in JMPD.

¹²⁹ A view shared from my own experience working with the various Chiefs of Police over the years.

them over. Accommodating the more progressive views of the JCSS in how to police the City was a divergence from what he inherited in terms of an organisational culture and the pressure to conform. His successor, Bansi Nyanda, was appointed by the Tau administration in 2012. The new COP came with credentials as the Provincial Head of SAPS Crime Intelligence Division. Prior to this, he was a brigadier in the South African National Defence Force¹³⁰. He was clear that his role was not to implement the JCSS and coordinate with other departments but rather saw this coordination function as a responsibility residing in the office of the City Manager, noted responded RCO18. Nyanda played less of a ceremonial role during public displays of policing and focused more internally to address long-standing human resources issues¹³¹. He was replaced three years into his term when the DA administration took control. David Tembe was appointed as the COP in 2017. His leadership style was more individualistic and his policing style harder hitting, a legacy he brought with him from when he was the JMPD Director of Operations in 2006. Tembe also publicly supported the JCSS but focused primarily on enforcement operations. However, he soon gained a reputation for his actions in the inner-city when he was put in charge of implementing Mayor Mashaba's controversial policing initiative (to be discussed later in this chapter). The view of the Mayor was that the JMPD needed to become a 'serious crime-fighting force', and in recruiting David Tembe as Chief, 'Mashaba knew he had a real cop to establish a real police force' (Beaumont, 2020: 44).

Thus, the Chiefs' performance scorecards are mainly driven by interests in terms of what performance areas are under the manageable control of the JMPD and what politicians prescribe. As RCO18 explained, 'over the years the Chiefs' were adjusting their score cards with different ways of measuring performance of the police, and inputs, outputs, and activities were greatly featured there; for example, if drugs was a priority for a specific Mayor or MMC, there would be an indicator included that would say percentage recovery of drugs'. Outcome indicators are not featured, for example, making an area drug free for

¹³⁰ Discussion with the Chief of Staff in the office of the COP, December 2021.

¹³¹ Ibid.

communities, as this would expose real shortcomings in impact. In this sense there may be no gap between the stated intentions of a scorecard and actions, but a huge gap between what needs to be done contextually and what is done.

The PMS is set up to ensure that the bureaucratic system works well and is a way to achieve policy outcomes while managing officials' behaviour. In this sense, the PMS is central to the functioning of the bureaucracy and has become the ceremony of how officials across all levels engage in the practice. Performance management is about how indicators are crafted and achieved and a management tool in itself. However, how things work on the ground for officials is very different from the formal policy requirements. In some instances, it can undermine effective practice. The difficulty that PMS presents is that it is of relatively short duration, and performance must translate the outcome into inputs and outputs, leading to misalignment between the long-term goals and measuring individual performance. As the focus is on more immediate work activities, 'the COP can claim alignment to Joburg 2040 and the JCSS as policy documents as these are sufficiently broad and do not detail activities linked to crime prevention' (RCO18). To a great extent, the Chiefs' performance scorecards have rationalised the role of the City police and has decoupled JMPD from the complexities of playing the role of the JCSS implementer - to address the crime and safety needs of communities in a more multi-stakeholder and integrated way. 'So, the problem-solving approach, that is in the JCSS, is not there, it gets lost' (RCO18). Problem-solving has not been a practice in how policing is done in the City. This issue was identified as a more general problem in the City and linked to the PMS.

The PMS is full of myth and ceremony; however, respondents were clear about its limitations and shortcomings. Officials saw a deeper problem with the PMS and pointed to several problems, such as the Government tending to overregulate. The PMS was used as an example to illustrate this point. While the PMS is intended to enhance service delivery and motivate employees to work more impactfully, in practice, the experience of officials indicated a rather prescriptive process where even professional people (formally

trained) were now not turning their training into applying problem-solving approaches. The implications of the PMS, as stated more frankly by RCO1: 'it stops people from thinking for themselves, people do not apply themselves because of trying to answer everything up-front (meeting performance targets) with this tick-box approach of achieving outcomes'. Implicit in these remarkably similar views from respondents is that the PMS's intention is not to actually implement policy but instead, to create the appearance of performance in the policy arena. The challenge in practice is to measure outcomes, but instead, 'people measure what is measurable and call it an outcome' (Lowe & Wilson, 2017: 989). Respondents believed this impact is detrimental to responsive and effective policy delivery.

Some respondents also struggled with the simplified (and codified) rules of the PMS, especially for those playing the game at the coalface of policy delivery. As one respondent remarked, 'let's work in-between' to achieve policy outcomes, rather than being prescriptive, that's the informal way of doing things, filling the gap, and to still reach a similar outcome (RCO3). 'I think what we've learnt is just stop trying and to do – I mean own the process, but don't dictate it...get the local community to actually facilitate those sessions, let them set the scene and you guide...' (RCO3). Implementation of policies may require officials to look deeper at the needs and realities of communities and adjust plans as necessary. In another context of implementing an illegal-dumping strategy with 'a whole morass of dependencies', respondent RCO1 believed that 'some people really care' and 'they going to find a way around those challenges', but sometimes people get overwhelmed and they almost backoff and they play it (policy implementation) on paper'. Thus, working around the rules. These perspectives supports the new institutionalists theory that the formal rules of the public sector's game operate in tandem with the informal practices, but perhaps with a different set of context-specific social norms (de Sardan, 2015). In the following section, I provide a few more safety-related cases to understand how informal practices use myth and ceremony and how some practices impact safety governance and policy implementation.

8.3 Prevailing Informal Practices in Safety and Security

This section focuses on the informal practices that prevail in the City and affect the formal organisation and influence social actor behaviour. I specifically look at two safety initiatives, announced by Mayors Tau and Mashaba during their respective political terms of office. These initiatives were not formalised, but as mayoral priorities had to be implemented. Both initiatives were focused on making the City safer, with one advocating for community policing and the other on pure law enforcement. These initiatives had unintended effects on policing and crime prevention.

As noted earlier, the City recognises in its various public and internal documents that crime prevention (and reduction) requires different strategies and advocates a more integrated and multi-agency approach. One of the key challenges experienced with delivering on the JCSS is that role-players interpret safety and crime prevention differently. When asked what shifts respondents had noticed since the City's integrated crime prevention policy, many were not fully aware of the policy and its content. However, respondents agreed that there is now greater awareness of crime prevention and a shift in the thinking around safety from simply understanding it as a matter of fortification and policing towards a more holistic understanding of crime and the need to 'address the root causes of crime' (RCO6). While there has been a broadening of understanding of the City's role in urban safety since the implementation of the JCSS (HSRC, 2013), delivering on safety continues to be viewed as a *policing* responsibility by both politicians and City role-players. The location of the JCSS within public safety further entrenches this view. Therefore, the JMPD is always under pressure to respond to political demands, and at the same time, respond to day-to-day crime issues.

Safety is a priority for all residents of the City¹³²; therefore, it is a priority for mayors. However, they approached it from various perspectives. The respondents agree that safety initiatives throughout the different mayoral periods were mainly focused on policing

¹³² Safety is a recurring concern raised in all public IDP consultations.

the inner-city through a range of law enforcement activities. Mayor Masondo was concerned with the emerging safety and urban management issues in the inner-city and established strong police visibility with 'in excess of 600 police officers deployed in the inner-city' (RCO2).

8.3.1 Joburg 10+ and ward-based policing

In keeping with the intention of new Joburg 2040 strategic goals, emphasising equal access to police services, safety support for all the City's residents and a significantly reduced crime rate, in his 2012 inaugural State of the City address, Mayor Tau introduced a 'smart policing' approach by decentralising policing to a ward-based level¹³³. The media interpreted the Mayor's speech with the headline '*City to get 24-hour protection*' and reported it as the Mayor's ambitious new plan to stamp out crime and 'to protect and empower communities'¹³⁴. *The Star* reported: 'The City of Joburg is to dedicate ten metro police officers to each of Joburg's 130 wards' (Cox, 2012, para. 1). The message was that the City was moving away from the image that the JMPD simply collects revenue through traffic fines to being more responsive to the needs of the communities they serve. The Mayor outlined his safety plan for the City by articulating a need to 'take back the streets' of Johannesburg:

'In partnership with communities and various stakeholders, we want to reclaim our streets, parks and squares' [...] Through the JMPD we will deploy at least ten police officers per ward throughout the City.' (Tau, 2012: 25)

The Mayor further explained: 'this is to make sure crime is prevented and to come up with new and creative ways to take back the streets of our city'. He said: 'the police will have to work with CPFs, street patrollers and private security companies' and will 'continue to

¹³³ The standard way JMPD deployed officers was regionally under the direction of a regional commander.

¹³⁴ Nare, S. 2012. City to get 24-hour protection. *The Daily Sun* (Johannesburg). 23 March 2012. (newspaper clipping from personal archive).

partner with the SAPS'. The Mayor also committed the municipality to find new ways to prevent crime through urban design and management (Tau, 2012: 25).

Soon after these pronouncements, the Mayor announced an urban governance programme named Joburg 10 plus (Joburg 10+) to effectively address the City's local-level multiple social and urban management challenges. The *plus* intended to create cooperative urban governance teams in each of the municipal wards to support these teams of JMPD officers to address the range of safety and crime challenges, including social and urban management problems such as illegal dumping, vandalism of infrastructure, urban decay and by-law infringement (HSRC, 2013). Joburg 10+ and ward-based policing was part of Mayor Tau's progressive policing agenda to introduce a new way of policing, taking a softer approach, by working closely with communities and stakeholders to problem solve. The Joburg 10+ project was officially launched in each region in October 2012, where the relevant City role-players introduced themselves to the community as the dedicated Joburg 10+ teams.

But the Mayor's ceremonial public pronouncement to better police by bringing the police closer to communities took on a different form in practice. The challenge that the initiative confronted from the start was understanding the concept - there were different views on what was meant by ward-based policing, and the approach was never formalised into a single City programme document. This resulted in varied interpretations of ward-based policing, and various approaches have been used in the wards with no consistency nor synergy with the intended approach. In the police, the concept was mainly internally conceptualised to focus on enforcement with minimum participation from the community and stakeholders. This was left to the regions to manage. This initiative also brought to light the internal capacity and skills shortages within the JMPD (few supervisors to manage teams on the ground and resources for 130 wards). There was little to no training of officers on the *new* requirements of community-based policing. Institutional arrangements to support the implementation across the wards were not in place. Thus,

the management of interdependencies between policing and service delivery workstreams created tension between the police and officials.

The Joburg 10+ programme 'became highly politicised; the opposition parties, particularly the DA ward councillors, pushed for answers in terms of why they were not allocated the ten officers and three vehicles to combat crime and enforce by-laws in their ward' (RCO18). A year into the initiative, the ward councillors took to the media to complain that the allocated ten dedicated JMPD officers were very absent. Councillor Steve Kotze told a reporter, 'I saw the JMPD vehicle marked for ward 86 on the 18th of July for the first time'; ward 87 councillor, Amanda Forsythe, noted 'some officers are trying to do their jobs. They are constrained by decisions from the top with regard to resources and organisation' (Ten Plus Invisible: By-law enforcement is hampered by the lack of resources, 2013, para. 5 & 6). Wayne Minaaar, JMPD's spokesperson, assured the media that vehicles were operational in every region, but comments from senior JMPD officers contradicted this statement, indicating that the 'allocation process is painfully slow and JMPD is aware of the current situation in the regions' (Ten Plus Invisible: By-law enforcement is hampered by the lack of resources, 2013, para. 10). The Region B Director, Vicky Shuping, promised the councillors that she had 'requested an urgent update on the situation' (Ten Plus Invisible: By-law enforcement is hampered by the lack of resources, 2013, para 11). This was an example of the public gamesmanship between the JMPD and Regional Directors.

This case illustrates the process of decoupling from the Mayor's original pronouncements of the myth of the 'beloved UK bobby', 'policing by consent', and a (smart policing) problem-solving approach by working with communities (Reiner, 2010: 68-69). Since Joburg 10+ was announced, the JMPD struggled to allocate what became the myth of ten officers in 130 wards. To appease the political principles, ward-based policing was conceptualised to focus on visible policing and became more about enforcement, with minimum engagement on community involvement and participation. Respondents raised the issue that Joburg 10+ removed critical resources from parts of the city (especially the

inner-city) to accommodate the ten officers per ward. By providing the numbers, JMPD was seen to be adhering to the formal rule in public, but the actual work activities took on a business-as-usual focus. Regulations and legislation primarily define the JMPD's activities, thus driven by routine practices to ensure compliance. An overnight focus on community and neighbourhood policing was a significant practice shift. In addition, the internal tension and power play, which Joburg 10+ inadvertently created, meant that departments continued to play the game but reverted to their familiar practices of working in silos.

8.3.2 Buya Mthetho: Bring back the law

The Joburg 10+ initiative ended abruptly when Herman Mashaba was elected new Executive Mayor in 2016. He ran on a platform that assured residents that he would undo the culture of political maladministration, inadequate provision of basic services and improve safety and security, especially in the inner-city. He aimed to achieve this through various programmes such as *Operation Buya Mthetho*, which translates to 'bring back the law', and *A Re Sebetse*, SeSotho for 'let us work'. Key concerns raised by the Executive Mayor included by-law contraventions linked to hijacked buildings (the illegal occupation of buildings), waste management, street trading and illegal electricity connections. These were not new problems and were a focus of ongoing political initiatives during the previous political administrations, especially in the inner-city. However, by giving new ceremonial names, the Mayor gave new impetus and legitimacy to these initiatives. The *mythology* perpetuated during this time was that law and order was wanting in Johannesburg because of a lack of policing by the previous administration, and the solution to the challenges of crime and grime was to increase policing and intensify law enforcement. This way, the Mayor purported to increase the power of the police. The Mayor's first action concerning safety was to mandate the JMPD to recruit 1 500 new police officers. This way of positioning himself was to gain investor confidence, displayed in the slogan

‘Turning the inner-city into a construction site’¹³⁵, where the bulk of the officers were promised to be deployed.

Buya Mthetho was launched on the 5th of February 2018, under the newly appointed COP, Mr David Tembe. Mayor Mashaba explained ‘Operation Buya Mthetho is a daily ward-based raid initiative focusing on the implementation of City’s by-laws within the municipality’ (Mashaba, 2019, para. 2). This Operation was referred to as a new multi-department operation aimed at enforcing by-laws and bringing back the rule of law to the City. ‘Joint operations is not a new practice in the City’, noted a JMPD officer in charge of the inner-city, ‘it has just been given a new name’ (RCO17). When asked to identify the difference with previous operations, the big difference noted was the focus on inner-city bad buildings and revenue collection. Mayor Mashaba’s newly established Group Forensic Investigation Service (GFIS), under General Shadrack Sibiyi, and the Revenue Department were now key players during the joint operations. While the Revenue Department dealt with illegal water and electricity connections and residents not paying for services, GFIS investigated alleged corruption. In a City response to *The Star* newspaper’s article headlined ‘Elite unit takes City for R100m’, the Leader of Executive Business, councillor Funzela Ngobeni, defended the unit by saying that ‘people who looted the City with impunity are now challenging the establishment of GFIS’ (Ngobeni, 2019, para. 2). He defended the alleged R100 million spent on investigations, indicating that ‘the unit now stands with over 4000 cases for investigations, totalling a staggering R24 billion’ (Ngobeni, 2019, para. 2). Councillor Ngobeni further noted that through Operation Buya Mthetho, ‘arrests now exceed 800 and the unit recovered more than R1.2 billion of public money’ (Ngobeni, 2019, para. 2). The Mayor made regular announcements to the media and to City employees on the achievements of Operation Buya Mthetho: ‘since its inception, over R1.3 billion in lost revenue has been recovered from large non-compliant developments who have been illegally connecting to City services’ (Mashaba, 2019, para. 2).

¹³⁵ Slogan displayed on City internal communications and website during Mayor Mashaba’s term of office.

Operation Buya Mthetho has not been formalised as a concept and approach in any City document. The planning and implementation were directed by the COP. RCO19 explained that the COP would plan the joint operations and share it with the Mayor, who was present at many joint operations and 'identified problems together with departments'. The officer regarded the presence of seniors as a good thing as the JMPD officers and City officials 'feel engaged and motivated' (RCO17). The Mayor held monthly press briefings in the Council Chamber together with the COP and regional JMPD officers to showcase successes achieved during the joint enforcement operations. During these events, the Mayor and the COP shared statistical data. A media presentation made by JMPD highlighted that between February and April of 2018, 69 trucks linked to illegal dumping were impounded, 140 residences and businesses were disconnected from illegal connections, 456 outstanding warrants were carried out (of which 17 people were arrested and 54 people paid off their warrants), seven places of entertainment were closed, and 34 others were issued with notices and 208 unlicensed and unregistered vehicles were taken off the road¹³⁶. Officers were singled out during these monthly media briefings and rewarded for 'good police work'. Publicly announcing statistics of increased arrests, citations and revenue was part of the ceremony and reinforced the myth that increased policing was contributing to a safer city and less corrupt city. City officials and politicians maintained an appearance of progression in the fight against crime. While this may have been beneficial for the public's perception of the City, it prioritised optics over real solutions. Some argued that the figures presented by the Mayor and the Chief of JMPD on policing successes 'is not a measure of crime', rather 'it is a measure of arrests' (Bornman, 2019: 3, citing Newham from the Institute of Security Studies). There was agreement on this by JMPD officers, who indicated that the statistics shared 'were really estimates at the time', as people who are arrested must still be processed at the police station for a case to be opened (RCO17). The Metro Police Department, in terms of legislation, can arrest but do not open cases and collate crime statistics; this is the

¹³⁶ 'Unwrapping Buya Mthetho', JMPD media presentation, (27 March 2018, slides 4-10), available from the Public Safety Department.

responsibility of the SAPS. But it was important for the 'political leadership to acknowledge good work and show what this administration is doing' (RCO17). According to Meyer and Rowan (1977), these ceremonial criteria of worth and ceremonially derived production functions, as with the police – arrests and citations – are useful to the organisation as they legitimate organisations with internal participants, the public, and the state. With respect to the police, their internal power rises with their performance on ceremonial measures, as was the case with the COP, who had the confidence of the Mayor¹³⁷.

But the fiercest criticism of the actions of Buya Mthetho was that of targeting immigrants. The Mayor earned a reputation for his harsh stance against immigrants in the City, and seen to have 'routinely blamed undocumented migrants for crimes, disease and dysfunctional services' in the City (McMicheal, 2020: 2). Critics believed that his public display of xenophobia, and his choice of the image of migrants, did not make the City safer and, in fact, made it a more dangerous place for the many immigrants living in Johannesburg (Bornman, 2019). Political analysts viewed the Mayor's xenophobic drive as being similar to existing global political and cultural discourse of 'right-wing populism' that 'combines a *laissez-faire* domestic economics which calls for hardened borders and social conservatism' and at the same time champions 'capital and consumerism – yet draconian on matters of welfare, crime and policing' (McMicheal, 2020: 5). A 'mythology that was central to Trump's victory' in the USA (McMicheal, 2020: 7). Many officials felt that the interventions targeting immigrants were not in keeping with National Government or City policies like Joburg 2040, and while not publicly disagreeing with the Mayor's actions, they adhered to the rules of the game with great ambivalence. One official stated that the strategy was enacted in isolation to policy - with no link to housing or other relevant departments. The focus was on regulation without doing 'all the homework to

¹³⁷ Of interest to note is that after the 2022 local government elections, the former COP David Tembe, was appointed as the MMC (political head) for Public Safety in the new coalition Government representing Action SA, Herman Mashaba's new political party.

see what supplementary policies were there to transition from one experience to another' (RCO1).

The formal policy of the City is crime prevention with a focus on building community capacity and resilience, taking into account the mediating effects of context, a move away from traditional policing - applying procedures, strategies and tactics that produce the best results for crime prevention or suppression (Crank, 2003). Yet, there is a default to *traditional policing* in the informal practices. In the case of Joburg 10+ and ward-based policing, while forward-thinking and moving towards greater impact on safety via community policing, Mayor Tau's chosen mechanism failed to consider the institutionalised environment of the police. Therefore, the JMPD struggled to conform to the ritual commitment of decentralised policing with a problem-solving approach. But to save face and keep their policing activities running and avoid public ridicule, the JMPD decoupled from the elaborate myth of community policing and continued to police the wards by simply bending the rules to accommodate their constituents. Operation Buya Mthetho, on the other hand, was premised on the myth of law and order and the merits of tough policing. The focus on making the JMPD a crime-fighting force, Mayor Mashaba, emphasised policing of a punitive nature. The COP coupled the JMPD to catching criminals and engaging in 'a daily ward-based raid initiative' (Mashaba, 2019, para. 2). The reality was that these practices decoupled the JMPD from their stated crime prevention and community policing role and increased the policy-practice gap with respect to the JCSS. A key outcome of Operation Buya Mthetho demonstrates that the institutional reach of the State is found in the police, as discussed in Chapter 6. Buya Mthetho was replaced by Joburg 10+ when ANC Mayor Makhubo took over after Mayor Mashaba resigned in October 2019¹³⁸.

¹³⁸ Buya Mthetho has been reinstated and prioritised by the new DA coalition Government after the 2022 local government elections.

8.4 Conclusion

At one level, the City is a very formal organisation. Formal policies play an important role in the City and, as such, there is a lot of formality because all these rules are set up in terms of various legislation or regulations and internal bureaucratic processes. There is, therefore, a myth about how things *actually* operate and the different roles assigned to politicians and administrators. Ideally, policy, as the formal rule, should be implemented formally. However, the informal practices come into play to work around the complexity introduced by the array of formal rules as officials adapt to these institutionalised rules. Thus, as new institutionalist and state practices literature argue, while policy has a role to play in a public sector organisation and there are attempts to implement a policy, it is also important to acknowledge that there are multiple motivations for actions within a bureaucracy and policy serves multiple purposes. Social actors within the City use policy to legitimate their actions¹³⁹, as seen in the myth and ceremony of Joburg 2040, annual reports, crafting performance indicators for IDPs and SDBIPs and individual performance scorecards. There is a lot of ceremony around these documents, and they operate in cycles of time. Joburg 2040 has taken on the myth of formal institutions but is sufficiently broad as a policy for officials and constituents to claim adherence to legitimate policy action. These myths and ceremonies are important to demonstrate that the City is performing its purpose to its constituents. However, in practice, these institutionalised structures are decoupled from each other and work activities because the realities of what happens *backstage* are more complex.

It is within these institutional complexities that City officials confront incompatible prescriptions. Where multiple logics intersect, decoupling is more likely. While decoupling is not easy to study or identify, this chapter has identified select areas with evidence of decoupling. It has been shown how the City puts on a public face through formal institutions, Joburg 2040 and the PMS, and informal practices, Joburg 10+ and Buya

¹³⁹ Due to the limitation of space and the focus of this chapter, I have not dealt with the external constituents and how they respond to and use policy to legitimate their actions. However, a stakeholder interviewed, viewed some City policies like the JCSS as a way to involve communities and give them a role and a voice in crime prevention and urban management issues (RSH1).

Mthetho, but inside the organisation, things were more complicated and social actors had to adapt and play the game. The PMS is an example of officials addressing these multiple and often contradictory issues. By decoupling from the formal rule, officials become creative about getting things done. Thus, breaking a few rules to get to the outcome allows things to keep moving. This way, the City maintains the appearance that the myth actually works. This does not mean there is chaos within the bureaucracy; it continues to function, as the formal rules of the game operate in tandem with the informal practices (De Herdt & de Sardan, 2015). This was shown in how departments and individuals 'game the system' (Lowe & Wilson, 2017: 986) to develop performance indicators and outcomes to produce the desired results.

While myth and ceremony legitimate the organisation, it also reveals a great deal about the politics of the time and the society the myth wants to legitimate. This is seen in how safety has been approached over different political administrations and formally institutionalised in policy. However, the practices of safety and its governance points to the dissonance between these ideas and the practice. Therefore, how the myth and ceremony (the intention) is received by social actors is important. How social actors evaluate the myth means that they will support policies that work in their favour, and others will not benefit. The role of social actors inside the bureaucracy is more challenging to unpack with their personalities, motivations, commitments and politics (see Harrison, 2020), but the empirical research has shown that officials come to understand the bureaucratic institution and are engaged with the complex realities that confront them. Therefore, understanding practices of the formal and informal institutions provide a different way to analyse the *gap* thesis.

CHAPTER 9: CONCLUSION

9.1 Research Question

Why is there a disjuncture between policy and practice within crime prevention in Johannesburg?

The overarching research focus has been to understand why the policy-practice gap in the City and crime prevention was chosen as the policy area to give explanatory significance to the question. This research is at a time when there is a sharp and increasing focus on government policies and performance. According to Palmer et al. (2017), while there are demonstrable gains that have been realised by the post-apartheid Government in the last 20 years, they show that the record of building state capability was not achieved consistently over the period to meet developmental service delivery, especially at sub-national level. At the time of writing this conclusion, President Cyril Ramaphosa ritually delivered his 2022 State of the Nation Address¹⁴⁰, once again to inspire the country with words of hope and deliver a plan of action on several major topics, including the current State of Disaster (COVID-19), power problems, the unemployment crisis, corruption, social unrest and addressing the stagnant economy. A common thread amongst the public responses was that this was a bold plan but tempered by the reality that these pronouncements were made before with little delivery – and will these policies be implemented?¹⁴¹ Questioning the reasons for policy disjuncture at a local government level offers a return to the question of the role of policy in public sector institutions.

My initial conceptual framing of the question – to focus on the intersecting domains of the institutional, the political, the administration and the role of social actors in the City context – resonates with the literature and the empirical data. Institutions are seen as important in the literature but with different emphases. The broad understanding in institutional theory is that institutions are social structures and display a degree of resilience over time

¹⁴⁰ <https://www.gov.za/speeches/president-cyril-ramaphosa-2022-state-nation-address-10-feb-2022-0000>

¹⁴¹ <https://www.sabcnews.com/sabcnews/ramaphosas-sona>

and produce patterns of behaviour that get institutionalised into codified structures and rules (Lowndes & Roberts, 2013). Recent scholars believe it is also important to focus attention on the forces that create institutional disruption and change as society becomes more complex (Dacin et al., 2002; Lowndes & Roberts, 2013; Greenwood et al., 2014). Therefore, organisations are becoming more heterogeneous and will introduce more complexity in analysing formal rules and everyday practice, especially in transitioning societies. Institutional change has emerged as an important focus for organisational researchers to understand its effects on organisational structures and behaviour (Clegg, 1990). The decision to include the theories of new institutionalism and state practices literature provides a richer perspective and analysis than the conventional explanations of the policy implementation problems, both at the macro and the micro-organisational level.

For my analysis, I looked at the formal organisation (its structure and processes) and informal practices as my conceptual frame. There is recognition that there is an overlap between *organisation* and *institution* because formal structures are underpinned by the *informal* norms and practices that influence behaviour within state bureaucracies (Lowndes & Roberts, 2013). It is this nexus, the complexity of the implementing institutions together with an understanding of the complexity of policy implementation that has provided the theoretical lens to analyse the policy-practice gap. A more sociological understanding of the City has shed light on the multiple roles of social actors and their agency in providing further clues to the problem of the gap. The City as the case study choice serves to underline these relational aspects in understanding where and why disjuncture happens, especially in safety. As Scott (2010: 7) states: 'to be of interest to social analysts, social institutions must be inhabited by human actors'. Given the scope and complexity of studying a large bureaucracy, my research only provides one narrow aspect that accounts for this gap by examining the issue of policy and practice in crime prevention at local government level.

To answer the main question of the thesis, I drew out the conceptual issues from the diverse literatures that assisted me to engage with my case study and the interview analysis. Looking at how policy is made and implemented and how people work within them rather than how institutions are constructed and operate runs through the following themes: path dependency and legacy, organisational complexity, and formal institutions and informal practices with social actors playing a key role in how institutions change. These concepts are understood to refer not to static or settled public sector institutions but to shifting patterns of change and continuity (when there is convergence and divergence of policymaking). Therefore, understanding implementation *failures* in crime prevention requires understanding how these different elements influence processes. These are the interrelated themes that the research followed:

- Tracing path dependency and legacy of the organisation is important for understanding how policy is initiated, developed and implemented. The influence of a historical path on institutional structures and policy alternatives for both the City and its municipal police was key for seeing change and continuity.
- Understanding the complexity of the organisation is to accept that bureaucratic structures still have prominence in state institutions but with more hybrid configurations. These organisational arrangements create a set of complex arrangements: multi-layered reporting, overlaps in roles and functions, blurring of political and administrative functions. Considering the City in this way has provided critical insights in uncovering the *messiness* and complexity in formal organisational arrangements and how officials work and understand the City.
- Recognising that organisations have formal rules, many of which are legislated and set guidelines for internal processes, and also have informal daily practices that emerge over time. So, while the formal rules illustrate the explicit norms, the informal practices follow more implicit norms, rules of engagement adopted over time to facilitate things. Recognising where and how these formal rules and informal practices occur within the institutionalised structures further illustrated the complexity and messiness of achieving policy outcomes in the context of the City.

The research sub-questions that supported the conceptual framing broadly included:

- What are the key disjunctures between policy and practice in the City?
- How is policy made and implemented in the City?
- What, in the workings of the bureaucracy, make it difficult to achieve policy outcomes?
- How has policy shifted over different mayoral periods, and how has the bureaucracy itself changed, with implications for the policy-practice gap?

9.2 Illustrating the Complexities of the Gap

This research has shown that policymaking is inherently complex and intersects with multiple factors. How and why a policy comes about significantly impacts its formulation and implementation. This was clearly established by looking at the origins of the JCSS and the integrated and coordinated approach at local government level focused on achieving more complex outcomes than only providing policing services to achieve public safety. This proved to be a challenging aspect of the policy process.

The findings of this study point to a range of reasons for policy disjuncture. These reasons include: policies are constrained by the past; the bureaucracy does not change as quickly; there is often bureaucratic resistance or inertia to policy implementation; Government tends to overregulate; formal systems hamper innovation; lack of resources, skills and capacity; political commitment; the relationship and alignment between politicians and the administration; departments continue to work in silos; and the disconnect between the central administration and departments implementing policy. Besides what is referred to as the conventional policy making and implementation problems in an organisational setting discussed in the policy implementation literature (Anderson, 2003; Ali, 2006; Paudel, 2009), there are less obvious reasons for overlap with what has been identified for why there will be policy disjuncture. Evidence has explicitly and implicitly pointed to some of these factors which I deal with under the conceptual themes.

9.2.1 Path dependency and legacy

This thesis has shown that the City has been fundamentally shaped and continues to be shaped by the legacy of the past. The City is a product of its transition history, shaped by the legacy of apartheid and its complex challenges. We see complex governance and organisational arrangements to address inherited bureaucratic and political problems. In this endeavour, successive political administrations tried to enhance governance and administrative systems to achieve better policy outcomes to *narrow* the gap between policy and implementation. In this complex mix, the bureaucracy and officials navigate policymaking as practice.

At the beginning of the first mayoral term under Amos Masondo, the City inherited a new bureaucratic and governance structure. These new institutional and political systems resulted from the local authority responding to a financial crisis in the mid-1990s that had significantly impacted its performance (See Chapter 5). This series of events represented an 'earthquake' or 'punctuation' (in path dependency terminology) (Pollitt & Bouckaert, 2009: 19) that led to the iGoli 2002 process. This policy process introduced radical changes that set the City on a new path and had consequences that impacted future institutional and organisational choices. The creation of a unicity with a strong centralised structure with core departments and semi-privatised UACs and decentralised service delivery was the model that was entrenched and had an enduring impact. It was this hybridised multi-level organisational model (Alvesson & Thompson, 2006) that introduced complexity in policymaking and practices.

While these changes were introduced in quite a short period due to endogenous circumstance and pressure (Laughlin, 1991; Pollitt & Bouckaert, 2009), the institutional reforms of the City were equally impacted by the complex integration of the previous White and Black local authorities. This impact was seen in how JMPD was established. The significance of the decision by the City to give the JMPD the City's integrated crime prevention strategy (the JCSS) early on in its formation as well as in the life of the strategy is one possible reason for the disjuncture within crime prevention in Johannesburg. This

claim is premised on the following reasons. When the groundwork for creating a municipal police was being prepared after the formation of the GJMC in 1995, it was a contested and very politicised process with conflicting interests determining the outcome. These negotiations eventually resulted in the amalgamating of the Traffic Department and the security units. Given the complicated nature of converting from traffic police to MPO, the changes introduced were 'gradual' (or 'stalactite') (Pollitt & Bouckaert, 2009: 18), with incremental change through training, which eventually led to the establishment of the JMPD. As this research has shown, the second and important reason is that the patterns that emerged in how JMPD was established are closely tied to police transformation during the post-apartheid constitutional negotiations. Through the provisions for local policing in the Constitution and the passing of the municipal police legislation (SAPS Amendment Act of 1998), the direction for policing in the City was determined. The centralisation of policing has led to unintended consequences for local policing and their efforts to respond to local-level crime prevention requirements. The Constitution gave broad powers to the National Commissioner to issue regulations for policing at all levels. While the ANC considered a decentralised model with a community policing approach to policing during the transition, centralisation drove their decision not to allow any opposition parties to control the police at local level. The JMPD were now expected to carry out policing and regulatory functions simultaneously. The COP at local level derives legitimacy by virtue of the SAPS Act of 1998 and has entrenched the policing focus of the municipal police in the City. The paramilitary nature of the metro police is also an enduring pattern from the way traffic policing evolved and reinforced when the JMPD took on the paramilitary ranks of the SAPS. The research has shown that the militarised and overly politicised form of policing we see today stems from colonial and apartheid periods where the main focus of policing was social control.

Thus, the paradox created for local policing is that the key institution established for the governance of local safety in Johannesburg, the JMPD, derive their mandate from the SAPS rather than from the Mayor. Nevertheless, the influence of local mayors over the municipal police created multiple and conflicting roles over time. This path dependency

and legacy of policing imprinted the implementation, shaping how the JMPD received and interpreted its role in implementing an integrated and multi-agency public safety strategy. It shaped existing practices of the JMPD into the future and maintained and reinforced the prior behaviour and practices. Thus, what national policy had produced in policing at a local government level has had an enduring effect in terms of safety governance in the City. Therefore, this path dependency constrains any new policymaking initiatives.

9.2.2 Policymaking in the context of organisational complexity

Secondly, this study claims that disjuncture can start with the policy itself, in the policymaking process and the organisation's structure and processes. These issues are often interlinked and, when considered together, help to explain reasons for the policy-practice gap in crime prevention.

The politics of policymaking

The research has evidenced an implicit framework for making policy and a formal approval process in the City. However, the practice of policymaking is a contested process, and different complexities exist along the policymaking and implementation continuum. The JCSS illustrated how complexity starts with the policy itself. The JCSS was developed through a participatory process and received approval from the City Council in 2003 and later in 2016 after it was reviewed. Despite being a formal policy of the City to address safety, this thesis has shown gaps in implementation. One of the reasons pointed to in the research is the shift in the structural location of the JCSS from the Economic Development Department to the JMPD. This meant that ownership and interpretation of the strategic and policy objectives focused on policing and not on integrated crime prevention. In addition, the JCSS lost its salience over time as new political priorities emerged, and the change in both political and administrative leadership meant shifts in ownership of the strategic policy goals and an ambiguous relationship with the policy itself. This research has shown that the assumption of starting a policy process with a clear conception of safety can still lead to a contested process in the implementation. Baier et al. (1986: 209) argue that having a simple concept of

implementation with its 'implicit assumption of clear and stable policy intent' does not consider the complications of the policy process itself. To please different constituencies, policy is left ambiguous and 'as a result, policies reflect contradictory intentions and expectations and considerable uncertainty' (Baier et al., 1986: 208).

The absence of an institutionalised set-up for policymaking

Regarding who makes policy in the City, the case study identified multiple policy actors and their varied policy objectives. These ranged from National and Provincial Government legislative requirements – policy or regulatory requirements that may not always align with local government capacities and context; local government policies based on need in the respective departments; and policies championed by local government political leaderships. Evidence showed that this competing policy environment necessitates a central policy coordinating function for policymaking in the municipality and the capacity to provide support and technical skills to policymakers across the City. Most policies are written in a transversal way (requiring the support of other policy areas), posing many organisational challenges. Nonetheless, the capacity for this essential part of policymaking seems to be absent. The lack of an optimal institutionalised function in the central administration has led to several policymaking problems, for example, departments deciding on policy in isolation of other existing City policies, which has inadvertently created the silo approach of policymaking; there is no feedback-loop as policies are not monitored or evaluated to determine where the policy gaps are. This absence of a formal policymaking framework to guide policymakers and a more supportive policymaking environment has added to the messiness of policymaking. These findings point to a central administration, the GSPCR, that is ambivalent towards departments and their role in supporting policymakers, seeing this responsibility as that of functional experts in each department. But the evidence pointed to a need for this capacity in practice for the reasons cited above and, more importantly, for policy coherence and support for transversal policies, like safety. Rather, the GSPCR sees their coordination role to find policy gaps, contradictions and to standardise regulatory policy across City departments and UACs. A key facet of these observations is that they come

from officials with a history in the bureaucracy and have seen the shifts in policymaking over the years.

The legacy of policymaking in the City

The research has shown how the organisational culture of policymaking has changed in the City but with varying degrees and types of change as broadly categorised by Pollitt and Bouckaert (2009), discussed in Chapter 7. If policy is understood as an iterative process (Anderson, 2003), then the case study has revealed that policymaking has been key to the City's trajectory. This is seen in each of the mayoral terms. Each successive mayor has introduced a series of policy changes and presented them through political priorities. Safety has remained key but with shifting focus.

The earlier period of policymaking in Johannesburg was seen as world-class. There was policymaking impetus because Johannesburg was coming out of its apartheid past. This was a period of experimentation with ideas and crafting a vision for the City that was future-looking and developmental at the same time. There were technocratic skills in the central administration that supported the departments and lobbied politicians on their behalf. There was a sense that the political-administrative interface was based on a platform of trust. Thus, the first five years was a period of institution-building and consolidating the new unicity institutional arrangements. The next five years from 2006 to 2011 was focused on policymaking seeing gradual but incremental change. During this period, mutual adaption in the administration allowed the build-up of practices and norms that became more established. The period from 2011 to 2016 saw a more radical change in policymaking and the administration. However, the research shows that within a few years, the policy system tended to slip back to its former self with a more 'business-as-usual approach' (Pollitt & Bouckaert, 2009: 19). The case study shows that while there were big policy changes being introduced, the bureaucracy was slower to change, and there was a 'curve back towards the point of departure' (Pollitt & Bouckaert, 2009: 19). For example, the introduction of a more 'community policing' approach during this administration somehow got diminished by other pressures such as differing

interpretations of the idea and lack of capacity. Literature shows that there are periods when major policy initiatives are possible and likely to be successful, but this is exceptional. Pollitt and Bouckaert (2009: 144) show how typically different types of change may be 'layered upon and tangled' with others during a given period. The political and policy changes between Mayor Masondo and Mayor Tau saw some policy continuity because they came from the same leadership and political party. Mostly, what is possible is gradual change (Pollitt & Bouckaert, 2009); sometimes, the gradual change in a way only reproduces the path that is dependent. This case study shows that policies get institutionalised in the City and that the policymaking environment is not reflexive and agile enough to respond to social and institutional changes.

This longer-term stability in policymaking was interrupted by a change, a 'punctuation' or 'earthquake' (Pollitt & Bouckaert, 2009: 19) in the political administration between 2016 and 2019. The policymaking environment was stalled under the DA multi-party Government. This political administration forced a fundamental shift from the more longer-term policymaking approach towards intermediate quick fix and short-term policy horizons (Pollitt & Bouckaert, 2009). The approach implied the realignment of resources, human capital, bureaucratic processes, and budgets and a change in institutional practices (for example, the focus was on corruption, law and order and compliance because of a lack of trust in the bureaucracy). Policymaking was impacted by the nature of the coalition Government in Johannesburg but also pointed to the leadership style of the Mayor, who had a more business-like approach to government. Nevertheless, the introduced intermediate changes had to be mutually interwoven with what existed as the City is also guided by the legislative frameworks set up by government that dictates to a large extent how the City does things. The research, however, shows that after the resignation of the Mayor in October 2019, policymaking under the ANC-led GLU picked up again. Thus, this broader political context has impacted the organisational culture of policymaking, which the evidence seems to suggest is lost in the current administration. The research shows that more was achieved in the policymaking environment when there was a dominant party that was able to make longer-term decisions with a broad vision for change.

However, the Mayor that led the DA coalition came with less of an electoral mandate; he was eager to showcase success but driven by more short-term considerations to please his electorate. The evidence shows that for officials, political change, especially if it comes with an ideological change, had the biggest impact on policy action and continuity. The case study showed that even a slight redirection or reorientation to policy can have a significant impact, especially as the City works on a multi-year budget.

Politics, politicians and the administration

The political-administrative interface creates complexity in the organisation and was given as another reason for policy disjuncture. In the City, politicians ultimately shape policy decisions and practices. Politicians reassert political control every five years, a feature of democracy in local government. Political activity is defined by processes (Pollitt & Bouckaert, 2017) and therefore, new political priorities will be introduced to meet the political mandate given to them. Officials had difficulty balancing the political priorities with what departments have to do daily. The tensions between political roles and administrative responsibilities were about this interface. From this perspective, the policies and practices within the City are very much shaped and dependent on the approach and interaction (leadership styles) between the mayors, MMC and officials in the administration. However, the case study revealed the often blurring of roles where politicians tend to be more hands-on in administrative decision-making instead of playing their oversight and policy support role. This is despite the improved separation of the powers governance model introduced during the second political term of office. But strong political will and capacity to support policy implementation were seen as game-changing where policies struggled. This factor shows the importance of a working interface between technocrats and politicians. Thus, the role of advocacy in the administration was regarded as important to get policies recognised but also to advise politicians correctly. This observation, however, led officials to conclude that this mutual relationship, capacity and level of technocratic skills are missing in the current administration. The increasing politicisation of the administration was seen as undermining the professional capacity of officials and the professionalisation of institutions.

Fragmented organisational practices

The case study shows that the City cannot be viewed through a purely bureaucratic lens as a structure with hierarchy; it is considered more complex and networked, making it more difficult to achieve policy coherence. The interface between the different elements, political, administrative, technical, intergovernmental and stakeholder relations, becomes complicated in an already complex organisation. This will introduce complexity in the policymaking and implementation environment. The formal structure of the City has also evolved and became more complex and layered, which tends to slow down processes. Furthermore, it has multiple sites of urban governance in the form of regional structures that monitor service delivery. As a result of this contextual complexity, several organisational constraints emerged with respect to policy implementation. Key was the difficulties of interorganisational relations. Literature shows how these hierarchical relations with reliance on more decentralised policy implementation will create more complex interorganisational and networked relations (Lowndes & Skelcher, 1998; Peters, 1998; O'Toole, 2012).

The case study revealed that despite making modest structural changes to the bureaucracy during the 2011-2016 political term of office to improve joined-up policy implementation, fragmented organisational practices continued. Literature has shown that where bureaucracies are making changes to introduce less bureaucratic forms of control, the changes tend toward 'more rules, hierarchy, and centralisation' (Alvesson & Thompson, 2006: 14). This seems to be the case in the City with grouped centralised functions but with a cluster-based model for joint planning and implementation. Here the evidence revealed that people underestimate the challenges of collaboration, and the problem was further linked to how structures for collaboration are led and the need for mutual trust for collaborative work. External stakeholders revealed that it was also understanding the different pace at which Government and external stakeholders work, and it has this cultural intelligence to navigate state bureaucracies - recognising that it is easier to be innovative as an external partner in collaborative work than it is to be in a

bureaucracy with rules. The 'messiness' of policymaking and practice has been a key area of disjuncture in crime prevention. This thesis has shown that crime prevention is complex and require various officials, politicians and stakeholders across the City to work together.

The implementation of the JCSS relies on collaboration with other departments, municipal entities, as well as other spheres of government as a whole range of interdependencies exists in safety and security. However, safety and crime are complex, multifaceted and ever-changing constructs and thus come with contention around agreeing on the actual problem and what solutions and approaches are best suited. Compounding this is the slow pace at which departmental stakeholders adapt their practices to implement safety and crime prevention strategies. Therefore, these functional pressures lead to more informal ad hoc processes between and within departments, often driven by individuals. Literature looking at patterns of change in post-bureaucracies describe this as 'selective bureaucratization', noting that cultural orientations will make the work less constraining where the presence of systems, procedures and rules have limited impact on the core work of a specific entity (Alvesson & Thompson, 2006: 14). For example, the findings pointed to the limited impact of the cluster model. Instead, leadership and individual agency were seen as essential to driving implementation because the path to implementation is not a smooth one – here, centring the actual practices of individuals. Laws and Hajer (2008: 411) emphasise the notion of practice as a site of joint action 'maintaining ways of squaring institutional demands with the shifting reality of actual situations'. In other words, informal collaboration practices will partly transcend bureaucracy (Peters, 1998; Alvesson & Thompson, 2006). But the study also revealed the tensions such practices demand and the need for constant engagement. The challenge is in how the bureaucracy sees policy integration as opposed to policies as boundaries and functional expertise. The key question was, what weight is given to the kind of practices and policy outcomes set out in long-term policies?

9.3. Formal Rules and Informal Practices

This research's third claim is the nexus between formal rules and informal practices. From the outside, the City as an organisation is easily treated as the State, somehow singular and functioning (Sharma, 2006). This is because the City is a very formal organisation and formal policies play an important role in ensuring the bureaucracy is functioning. The research has shown many divides, levels of responsibility and functional roles inside the City, which come together in complex ways to make the City work. This is done through *myth* and *ceremonial* performances. Drawing on the new institutionalism literature, the case study was able to show complexity in the way formal rules work as 'mythic' or 'symbolic' elements of the organisation's environment as they are built into its structures, cultures and outputs (Lowndes & Roberts, 2013: 146). The case study has shown how the City seeks legitimacy through the expressed maintenance of formal institutionalised structures such as long-term strategies and PMSs, regarded as fundamental to maintain the organisation and behaviours. But the case study demonstrates that these institutionalised structures, for example, Joburg 2040 and the PMS, introduce more complexity in organisational practice because the actual work (the substantive processes) differs from those set down in the formal rules. Through an analysis of formal documents (annual reports, IDPs) and performance indicators, the case study revealed how the organisation and individuals 'reinterpreted' policy by 'reframing' the policy (emerging logic) in terms that were compatible with their existing practices (Bertels & Lawrence, 2016: 367). The implementation of the JCSS, for example, has focused on crime reduction and enforcement targets facilitated by structures such as the IDP, SDBIP and the COP scorecards. Practically, these structural elements (collaboration with different safety partners) are 'decoupled' or only 'loosely coupled' (Meyer & Rowan, 1977: 340, 341) to work activities performed by individuals in the City. In this sense, the PMS turns the policy (rules) into a 'simple game' to navigate complex and conflicting demands to legitimate the daily practices of officials (Lowe & Wilson, 2017: 994). Thus, policy (the Joburg 2040 and the JCSS) is used to justify and legitimate practices through the PMS. In this sense, the PMS is full of myth and ceremony and results in fostering a compliance culture. In this highly regulatory City environment, people believed this created a fearful

culture, and instead, officials maximise compliance to minimise risk. This factor was also linked to the need to respond to the external myth and ceremony as it relates to National Treasury compliance rules and the Auditor General's report. These external pressures lead to more inward-looking approaches to deal with policy rather than innovative practices. This highly regulated environment impacts practices because officials thought it was difficult to navigate complex social problems without innovation and problem-solving. The nexus between formal rules and informal practices is important to this research as it brings attention to how the City actually operates and explains why policy, at times, is separated from actual practice.

9.3.1 Social actors and agency

Finally, the interplay between the practice of policy implementation and the experiences of officials becomes important in understanding how this large City bureaucracy functions. New institutionalists point to how institutions constrain action while it is also shaped by human agency (Lowndes & Roberts, 2013). Analysis has shown how social actors across the organisation adapt to the complexity in the organisation and deal with the messiness. Literature has shown how social actors within organisations use coping strategies to make sense of complex situations. These 'modes of rationality' were clearly applied in the City, where officials used their 'power and institutional knowledge' (Clegg, 1990: 13) to adapt to shifting and changing political environments (Chapter 7). Officials had to balance these shifts in their daily practices to respond to change and were themselves part of the myth and ceremony. Agency is important in determining and engaging with the formal rules – it is really about the individual's reality to navigate through the institution that is at the coalface between the formal and informal practices. An important element that emerged in this study is the role of social facilitation – the ability of officials to communicate the policies they create effectively – officials learnt that working with communities requires sensitivity to language and culture to bring across the message, which demonstrates 'the ability or capacity of an actor to act consciously, and in so doing to attempt to realise his or her intentions' (Lowndes & Roberts, 2013: 79). Social actors saw themselves working 'in-between' in several ways – advocacy, adapting to policy,

bending the rules – and this adaptive skill, continually drawing on practical norms, to deal with complexities in local government can narrow the gap between policy and practice in the future. Importantly, the case study has revealed ‘the will to improve’ (Li, 2007:4) expressed amongst social actors that opens opportunities for innovation rather than closing it.

But actors cannot achieve their strategic intent alone and must act collectively. Agency in crime prevention as a policy area provides the most challenges. This is because attempts at reforms are constrained by institutional effects accumulated in the City over time, creating path dependencies, in how crime prevention has been understood and practised. Practices relating to crime prevention evolved as a negotiated order over each successive mayoral term and may have been sub-optimal as the strategy was constrained by conflicting objectives and shifted the focus to law enforcement. Despite the efforts to achieve crime prevent at local government level through policy intentions, implementation has been constrained through a combination of both structural and contextual issues.

9.4. Academic Contribution

While there is recognition that the policy-practice gap exists, the focus is often on a macro-policy. By locating the discussion within local government, a deeper investigation of the implications for policymaking and the discourse on policy and practice is advanced. The findings also added to the policy and new institutionalism literature by demonstrating that formal institutions are important in how policy works as well as informal practices in how they use and respond to formal policy. Another key point was understanding that disjuncture often starts with policy and what finally gets implemented does not always resemble the original policy. Policy is about practice; therefore, it becomes more complicated as the implementation process is contested. There are various reasons why there will be a policy-practice gap. What happens in an organisation and the change and continuity experienced affect policymaking. At best, there will be incremental change as path dependency impacts why it is so difficult to change policy.

The research extended and empirically showed how organisational complexity contributes to institutional politics showing how power and agency take on different aspects of policymaking and implementation. This was demonstrated more starkly during police transformation in South Africa and subsequent policymaking processes. Adding to the literature on crime prevention, this research supports the constrained context of the police in the implementation of multi-agency and integrated policies that require coordination outside of law enforcement partners and also presented how difficult it is to change well-established practices within police organisations. The research empirically suggested that institutionalisation of formal structures, like the PMS, can entrench old practices but can also constrain the introduction and institutionalisation of new policies (new routines and processes).

9.5 Limitations

The limitations of using theories and applying them to real empirical contexts is always a challenge as the institutional context within which organisations function are distinctive. While this investigation has focused on the City and the arguments are based on empirical evidence, there is scope for comparative case studies of other municipal departments concerning the policy-practice gap in safety governance – functions, discourses and practices.

In terms of data collection, there were limitations with accessing documents before the local government transition. This was demonstrated when looking for background information on how the metro police was established. This information had to be reconstructed from people's memories, incomplete documents, and no formal account of processes. This was the same for researching the background to the transformation of policing, although there were some research accounts and books to assist with filling the gaps.

9.6 Future Research

Much of this thesis was written before COVID-19 reached SA. Future research needs to analyse its impact on the City and its policies, formal institutions, and practices by looking at the resilience of organisations and how we think differently about policymaking? The COVID-19 pandemic, also punctuated by the violence and looting incidents that South Africans experienced from 9-18 July 2021, once again brought to light some of the inadequacies of policing both locally and nationally and the need for more robust coordinating mechanisms, where information sharing and data analysis is in real time and where decisions can be taken without the red tape to respond effectively but responsibly. The pandemic has seen a shift in how safety is seen and has given rise to different types of crimes impacting local government, adding to the complexity of safety. More so, a shift in how public safety approaches are delivered, particularly accessing information and engaging with stakeholders.

9.7 Closing Thoughts

This research has tried to answer the question on the policy-practice gap by exploring the City as a case study context for informed analysis. The identified factors are not exhaustive as there are potentially more avenues and methodologies that can be used to explore this phenomenon further. Looking at the formal institution (including its organisational structures) and the informal practices (understanding the City in a sociological sense) has revealed complexity in understanding the gap issue. More importantly, the research highlights that it is not only about having policy, implementing it and understanding the mediating factors that this study has explored – the problems that arise from path dependency, organisational complexity and how the formal organisation and informal practices work in tandem – it is about policy itself. If policy is made to implement, there will always remain a gap. Policy resides in complex institutional environments that make implementation difficult, and policy itself cannot address all the issues that society faces. Safety is a public good but not easy to deliver. It is a hope that this research opens up a richer discussion within public sector institutions at all levels and amongst practitioners to re-animate some of their professional work by better

understanding why public sector reforms are so difficult. All that can be hoped is that public sector organisations understand where the complexities lie and try to narrow that gap between policy and practice.

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Appendix 1: Participant Consent Form

	Participant Consent Form Official in the COJ		University of Witwatersrand Faculty of Engineering and Built Environment Architecture and Planning													
Project title	The Practice Gap: The Disjuncture between Policy and Practice within Crime Prevention in Johannesburg, South Africa.															
Researcher's name	Nazira Vahed-Cachalia	Researcher's telephone	011 758-9299 or 0824644259													
Address	Spatial Analysis and City Planning, School of Architecture and Planning, University of the Witwatersrand, Johannesburg															
Researcher's e-mail	ncachalia@gmail.com															
Supervisor's name	Professor Philip Harrison	Supervisor's telephone	011 717 7646 or 011 717 7678													
Supervisor's address	NRF SARChI Research Chair in Spatial Analysis and City Planning, School of Architecture and Planning, University of the Witwatersrand, Johannesburg.															
Research nature	Interviews for production of a doctoral thesis and related academic purposes.															
Iagree to participate in this research project. This research has been explained to me and I understand what my participation will involve. <table border="0"> <tr> <td>I agree that my participation will remain anonymous</td> <td>yes</td> <td>No (circle)</td> </tr> <tr> <td>I agree that the researcher may use anonymous quotes in her research</td> <td>yes</td> <td>No</td> </tr> <tr> <td>I agree that the interview may be audio recorded</td> <td>yes</td> <td>No</td> </tr> <tr> <td>I agree that the information I provide may be used anonymously by other researchers following this study</td> <td>yes</td> <td>No</td> </tr> </table> _____ (signature of participant) _____ (Name of participant) _____ (Date)					I agree that my participation will remain anonymous	yes	No (circle)	I agree that the researcher may use anonymous quotes in her research	yes	No	I agree that the interview may be audio recorded	yes	No	I agree that the information I provide may be used anonymously by other researchers following this study	yes	No
I agree that my participation will remain anonymous	yes	No (circle)														
I agree that the researcher may use anonymous quotes in her research	yes	No														
I agree that the interview may be audio recorded	yes	No														
I agree that the information I provide may be used anonymously by other researchers following this study	yes	No														

Appendix 2: Sample of Interview Questions – Current City Official

	Interview Notes Purpose of interview: Identifying the factors that contribute to the disjuncture between policy and practice in crime prevention in the City of Joburg TARGET: Current Officials	University of Witwatersrand Faculty of Engineering and Built Environment Architecture and Planning
Project title	The Practice Gap: The Disjuncture between Policy and Practice within Crime Prevention in Johannesburg, South Africa.	
INTERVIEWER DETAILS		
Name	Nazira Cachalia	
Date of interview	5 March 2020	
Place of interview	Public Safety HQ- 195 Main road Martindale	
Time of interview	7.30am	
KEY INFORMANT DETAILS		
Name and Surname		
Department/Organisation (current)	CoJ Health Department	
Department/Organisation (Previous)		
Designation (current)	Director: Public Health	
Designation (Previous)		
Duration (current position)		
Duration (previous position)		
Brief description of Roles and Responsibilities (current and Previous)		
Main Question: Why is there a disjuncture between policy and practice within crime prevention in Johannesburg?		
Sub-questions: 1. In your view what would you say are the key disjunctures that exist between policy and practice in the City? and what do you think creates these disjunctures? 2. How is policy made in the City? a. In your view who are the key policy decision-makers in the City? a. In your opinion, what would you say are the key problems with how policy is made in the City? b. How do you understand policy and practice? b. How do you think the city of Johannesburg differs from other cities (spatially, socially, economically)? What implications does this have for policy makers?		

- c. What shaped the policy and delivery priorities in the different mayoral periods (since you joined the City)?
 - d. In your view why was safety a policy priority for each of the Mayoral periods?
- 3. How is policy implemented in the City?
 - a. What would you say are the key problems with how the City implements its policies?
 - b. What has your experience been with the implementation of policies in your department?
 - c. Who do you see as key actors responsible for implementation of policy in your area?
 - d. How would you describe the leadership styles of the different Mayors (Tau and Mashaba) and the impact/effect this has had on policy implementation?
 - e. What would you see as major changes over the different political terms in the policy environment and what continuity do you see?
 - f. In the work you do, would you say that there is a 'formal' and an 'informal' way in which policies get implemented in the City?
 - g. With respect to the City's integrated crime prevention policy, have you seen a shift in how the policy has been implemented? What do you believe the main influences of these shifts to be?
 - h. What role do you see for your department in this policy area?
- 4. What mechanisms exist in the City for collaborative action?
 - a. Is the cluster system working for your unit? Do you think its achieving its objectives?
 - b. What prevents integrated approaches in practice?
 - c. Which policy area/s in your department are you implementing well, what would explain this?
- 5. How the bureaucracy works
 - a. How does the City's bureaucracy impact on the implementation of policies?
 - b. What do you think is really impeding the City from achieving its policy objectives?
 - c. How would you describe the organisational norms and values of the City?
 - d. What would you say is the role of the officials in a bureaucracy like the CoJ?
 - e. What political-administrative issues do you believe have a major influence and impact on how the City performs?

Thank You.

Appendix 3: Sample of Interview Questions – Policy Experts

	Interview Guide Purpose of interview: Identifying the factors that contribute to the disjuncture between policy and practice in crime prevention in the City of Joburg TARGET: Policy Expert	University of Witwatersrand Faculty of Engineering and Built Environment Architecture and Planning
Project title	The Practice Gap: The Disjuncture between Policy and Practice within Crime Prevention in Johannesburg, South Africa.	
INTERVIEWER DETAILS		
Name	Nazira Cachalia	
Date of interview	14 February 2020	
Place of interview	SACN – 16 th Floor Metro Centre	
Time of interview	9h30am	
KEY INFORMANT DETAILS		
Name and Surname		
Organisation	SACN	
Designation	Programme Manager of the Built Environment and Integration	
Duration in current position		
Brief description of Roles and Responsibilities	Researcher	
Main Question: Why is there a disjuncture between policy and practice within crime prevention in Johannesburg? Sub-questions:		
1. Broadly speaking, what do you see as key factors that contribute to policy and practice disjunctures at a local government level? 2. How is policy made in local government? a. In your view who are the key policy decision-makers in local government? b. In your opinion, what would you say are the key problems with how policy is made in local government? c. How do you understand policy and practice? 3. How is policy implementation viewed as it relates to local government? a. What is identified in terms of institutional barriers? b. What is identified in terms of political barriers? c. What other barriers are identified? d. What opportunities exist for local government to effectively implement its policies? e. How would you describe the leadership styles of the different Mayors (Masondo, Tau and Mashaba) in the CoJ and the impact/effect this has had on policy implementation? 4. What mechanisms exist in local government for collaborative action? a. Do you think local government is correctly structured to implement policies which require cross-cutting action, like crime prevention policies? b. What prevents integrated approaches in practice? c. Which policy area/s in your research field/work are being implementing well, what would explain this? d. In the research/work you are doing, do you believe there is a 'formal' and an 'informal' way in which policies get implemented in local government? 5. How the Bureaucracy works?		

- a. How would you characterise the political-administrative interface at a local government level? and do you believe this has an impact on how local government performs?
 - b. What would you say is the role of the officials in a bureaucracy like the CoJ?
6. How does Johannesburg compare with global cities (in the north & south) with respect to the governance of safety?
 - a. What impact does the way safety is governed have on the community?
 - b. What has been viewed as the political understanding of crime prevention in local government?
 - c. What has been viewed as the institutional understanding of crime prevention in local government?

Appendix 4: Respondent Category Codes

Respondent Code	Designation	Department	Interview (I) or Discussion (D)	Colour Code (category of respondent in excel)
RCO1	Current City Official	Environment & Infrastructure Service Delivery (EISD)	I	
RCO2	Current City Official	Office of the City Manager	I	
RCO3	Current City Official	Development Planning	I	
RCO4	Current City Official	Social Development	I	
RCO5	Current City Official	Health	I	
RCO6	Current City Official	Economic Development	I	
RCO7	Current City Official	Group Strategy, Policy Coordination and Relations	I	
RCO8	Current City Official	Transport Department	I	
RCO9	Current City Official	Social Development	I	
RCO10	Current City Official	Finance	I	
RCO11	Current City Official	Organisational Development	I	
RCO12	Current City Official	Former COP	I	
RCO13	Current City Official	Region E - Regional Operational Manager	I	
RCO14	Current City Official	JMPD	I	
RCO15	Current City Official	JMPD	I	
RCO16	Current City Official	Public Safety	D	
RCO17	Current City Official	Emergency Management Services	I	
RCO18	Current City Official	Public Safety -Strategic Support	I/D	
RCO19	Current City Official	JMPD – Region F	I	
RCO20	Current City Official	Region F – Deputy Director: Citizens Relationship & Urban Management	D	
RECO1	Ex-City Official	Joburg City Safety Programme	I	
RECO2	Ex-City Official	Corporate Planning Unit	I/D	
RECO3	Ex-City Official	Economic Development Unit	I	
RECO4	Ex-City Official	Greater Johannesburg Metropolitan Council – Security Department	I	

RPE1	Policy Expert	South African Cities Network	I	
RPE2	Policy Expert	Common Purpose (leadership development)	I	
RPE3	Policy Expert	Institute for Security Studies	I	
RPE4	Policy Expert	DA – Communications Director	I	
RSH1	Stakeholder	Community Policing Forum and ex-councillor in the CoJ	I	
RSH2	Stakeholder	Residents Association & Community Policing Forum	I	
RSH	Stakeholder	Ward Councillor	D	
RPB1	Policing Background (SAPS)	(Major General) Component Head: Tactical and Operational Research	D	
RPB2	Policing Background (SAPS)	Former Secretary for Safety & Security – National Government	I	
RPB3	Policing Background (SAPS)	Former Director – National Crime Prevention Strategy (National Government)	I	
RPB4	Policing Background (SAPS)	Global Initiative	I	
RPB5	Policing Background (SAPS)	Retired Police General	D	
RPB6	Policing Background (SAPS)	Former Minister for Intelligence Services	I	
RPB7	Policing Background (Traffic – CoJ)	Former Traffic Officer in the Greater Johannesburg Metropolitan Council	D	
	Discussion – Sept 2021 – Policy making in the City	Group Policy, Strategy & Research	Telephonic Discussion	
	E-mail correspondence – September 6 & 21 verifying the formal policymaking process	Acting Director: Group Legal	E-mail	
	Discussion – Joburg 2040 implementation (10 November 2021)	Consultant – On Joburg 2040 implementation process (and various other projects)	Teams	

	Discussion – Strategic plan for new insourced security guards	Director – Newly established Security Department – Public Safety	One-on-one	
	Follow-up verification discussions on CoJ governance shifts (10 & 13 January 2022)	Former Director CoJ – CPU	One-on-one	
	Follow-up verification discussion on CoJ PMS and implementation of GDS – in relation to Public Safety (August 2021, October 2021)	Deputy Director: Strategic Support	Teams	
	Discussion with former member of the Provincial Legislature where the separation of powers governance model was introduced.	Former member of the Provincial Legislature	One-on-one	

Appendix 5: Framework Used for Coding Levels and Themes

No	Main Theme	Theme	Sub-Theme
1	Path Dependency / legacy Change Blue	Historical Political	End of apartheid
			5- year terms
		Administrative	Regional / Unicity / etc
			Adjustments to governance approach
		Watershed Events	Constitution/ National legislation
			COVID-19
2	Formal Rules vs Informal Practices Dark Red	Norms	Formal rules of engagement
			'Work around' rules
		Myth and Ceremony	Hierarchy
			Process
3	How policy is made Red	Political influence	Ambiguous/Complexity
4	Social Actors / Agency / The role of the individual Green	The 'everyday' Experience	Empirical / Anecdotal accounts
			Power and agency (or lack thereof)
		Individual as driver of policy approach / owners of projects	Lobbying power
		Use of discretion/hierarchical Control	Disempowered
		Culture/ History / Baggage / work experience	Value in individual experiences / Richness
			Ways of working
5	Organisational Complexity / Practices Orange	Institutional Structure	Collective
			Innovation
			Multi-layered reporting
			Overlap in roles
		Collaborative projects	Technical versus political
			Disjuncture
			Synergy
		Understanding Complexity (the messiness)	Stakeholder engagement
			Bending the rules
		Role of leadership	Adapting as a result of understanding complexity
6	Interesting Exceptions Light Blue		How different leadership styles impact (types of Executive Mayors/ City Managers – to understand the influence of political leadership & the interface with the administration).
			Issues that are not recurring horizontally – and needs noting.
7	Quotes Pink		To support claims

Appendix 6: City of Johannesburg Letter of Permission



a world class African city

City of Johannesburg
Department of Group Corporate & Shared Services: Human Capital Management
Office of the Deputy Director: Employee Relations and Development

6th Floor, B Block
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Memorandum

TO : Nazira V. Cachalia
Student: University of Witwatersrand
PHD Doctoral Candidate

FROM : Enoch Mafuyeka
Deputy Director: Employee Relations and Development

DATE : 27 March 2017

SUBJECT : **RESPONSE ON THE REQUEST TO CONDUCT A RESEARCH ON TOPIC:"THE PRACTICE GAP: THE DISJUNCTURE BETWEEN POLICY AND ACTION WITHIN CRIME PREVENTION IN JOHANNESBURG, SOUTH AFRICA."**

1. The above matter refers to the letter received on the 24 March 2017 in which a request was made to conduct a research in the City of Johannesburg.
2. The City of Johannesburg hereby grants permission to conduct the above-mentioned study, on the provision that proof of granting ethical clearance be provided prior to commencement of the study.
3. NB. On completion of the study, a copy of the research report should be submitted to the City of Johannesburg in honour of your commitment.
4. The City of Johannesburg wishes you the best during the period of research.

Please do not hesitate to contact us if we can be of further assistance.

Kind Regards



Enoch Mafuyeka
Deputy Director: Employee Relations and Development
Tel: (011) 407-7250
Email: Enochm@joburg.org.za

Appendix 7: Ethics Clearance Form



Research Office

HUMAN RESEARCH ETHICS COMMITTEE (NON-MEDICAL)
R14/49 Vahed-Cachalia

CLEARANCE CERTIFICATE

PROTOCOL NUMBER: H17/11/61

PROJECT TITLE

The Practice Gap: The disjuncture between policy and practice within crime prevention in Johannesburg, South Africa

INVESTIGATOR(S)

Mrs N Vahed-Cachalia

SCHOOL/DEPARTMENT

Architecture and Planning/

DATE CONSIDERED

17 November 2017

DECISION OF THE COMMITTEE

Approved
Two year extension only

EXPIRY DATE

31 January 2023

DATE

01 February 2018

CHAIRPERSON


(Professor J Watermeyer)

cc: Supervisor : Professor P Harrison

DECLARATION OF INVESTIGATOR(S)

To be completed in duplicate and **ONE COPY** returned to the Secretary at Room 10004, 10th Floor, Senate House, University. Unreported changes to the application may invalidate the clearance given by the HREC (Non-Medical)

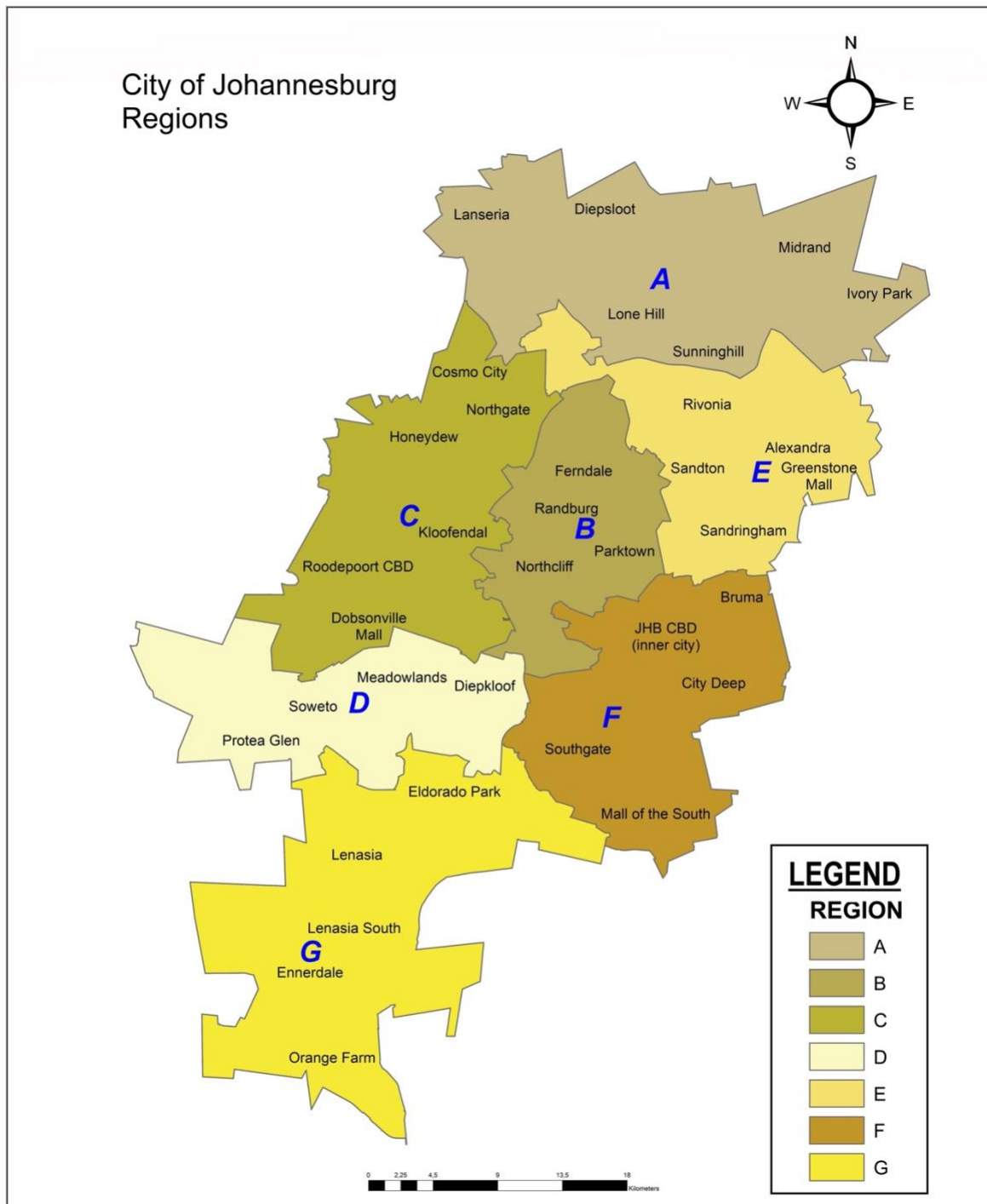
I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to submit an amendment of the protocol to the Committee. **I agree to completion of a regular progress report. For Minimal and Low studies, this is due annually on 31 December. For Medium and High Risk studies, this is due twice annually on 30 June and 31 December.**


Signature

31 / 03 / 2022
Date

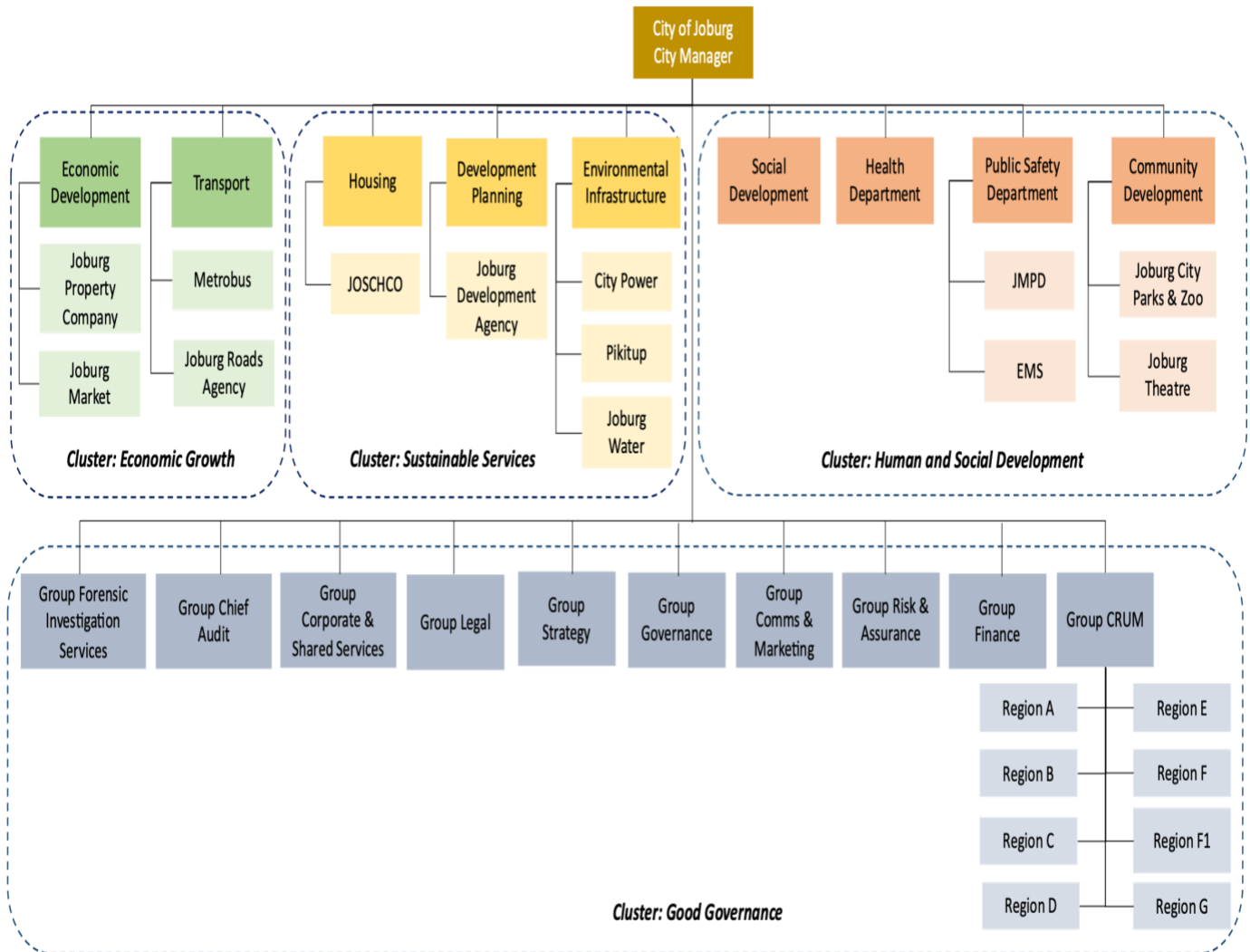
PLEASE QUOTE THE PROTOCOL NUMBER ON ALL ENQUIRIES

Appendix 8: Regional Map



Map 2: City of Johannesburg Region Map (Source: CoJ, Public Safety Department, DIAS system)

Appendix 9: City of Johannesburg Organisational Structure of Departments & Entities Grouped into the Four Clusters (adapted from COJ 2014: 26-35)



Appendix 10: South Africa's Transition to a Constitutional Democracy

Two-phase negotiation process: 1990-1996		
Year	Date/Month	Process
Phase 1 of Transition – 1990-1994		
1990	February	- President F.W. de Klerk announced the unbanning of the liberation movements and the release of Nelson Mandela from prison. - Formal talks begin to bargain the details of the new political order to be negotiated.
1991	14 September	The National Peace Accord was signed by all political parties, civil society and the SAP to deal with the high levels of political violence during the early stages of the transition.
1991	20 th December	Formal Negotiations begin with the first multi-party talks at the Convention for Democratic South Africa (CODESA I) in Kempton Park, east of Johannesburg. A <i>Declaration of Intent</i> was signed by all political parties to have a peaceful constitutional change.
1992	January	Five working groups begin work to gather inputs for consideration for inclusion in the Constitution.
1992	May	- CODESA II reconvenes. - The recommendations from the Working Groups presented to CODESA II plenary. Talks ended in a deadlock and adjourned without ratifying any agreements.
1992	28-31 May	ANC held its national policy conference and presented its <i>Ready to Govern</i> discussion document on the ANC's vision for a future South Africa.
1992	23 June	ANC withdraws from negotiations after Boipatong killings took place, making demands on the Government, including ending the violence.
1992	26 September	Government and ANC agree on a way forward and sign a Record of Understanding.
1993	1-2 April	- Talks Resumed at the Multi-Party Negotiating Forum. - The Negotiating Council set up in order to finalise and ratify all agreements negotiated.
1993	30 April	Six technical committees established to assist with collating submissions to the Forum.
1993	18 November	The final text of the Interim Constitution was agreed to and marked the beginning of the democratic era. A transitional Executive Council (TEC) was formed to run the country until democratic elections could be held.
1994	27 April	Interim Constitution came into effect with South Africa's first democratic elections.
Phase 2 Transition – 1994-1996		

1994	May	• First non-racial democratically elected Government of National Unity in place. The Constitutional Assembly (CA) commenced with further negotiations to finalise the Constitution. • Six Theme Committees set up to receive and collate the views of all parties on the substance of the Constitution for adoption in the CA.
1996	8 May	• Final Constitution adopted.
1996	6 September	• Certification of the Constitution by the Constitutional Court requires amendments to certain texts to ensure compliance with the 34 Constitutional Principles. Court certifies the 2nd draft in December 1996.
1996	10 December	• The President – Nelson Mandela signed the Constitution into law, which contains a Bill of Rights and becomes the supreme law of the land.

Appendix 11: Outcomes and Key Focus of the JCSS (CoJ, 2016)



Appendix 12: Candidate declaration form

Faculty of Engineering and the Built Environment

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PLAGIARISM DECLARATION TO BE SIGNED BY ALL HIGHER DEGREE STUDENTS

SENATE PLAGIARISM POLICY: APPENDIX ONE

I Nazira Vahed Cachalia (Student number: 8037743) am a student
registered for the degree of Doctor of Philosophy - FD000 in the academic year 2022.

I hereby declare the following:

- I am aware that plagiarism (the use of someone else's work without their permission and/or without acknowledging the original source) is wrong.
- I confirm that the work submitted for assessment for the above degree is my own unaided work except where I have explicitly indicated otherwise.
- I have followed the required conventions in referencing the thoughts and ideas of others.
- I understand that the University of the Witwatersrand may take disciplinary action against me if there is a belief that this is not my own unaided work or that I have failed to acknowledge the source of the ideas or words in my writing.

Signature:  Date: 08 April 2022