



Flat rate billing and the Emfuleni Local Municipality: A philosophical analysis of the relationship between social justice and electricity costs

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ABSTRACT

This mini dissertation addresses the general research question: How, if at all, can a monthly flat rate for electricity in the Emfuleni Local Municipality contribute to social justice? A literature study is the research method of choice due to the descriptive nature of endeavouring to answer the noted research question. The roadmap starts with liberalism subsequently delving into social justice to then anchoring the research within jurisprudence to policy development and ultimately the municipalities Integrated Development Plan (IDP).

The concept of “justice as fairness” – which emphasises the importance of a fair allocation of social goods within a society – ought to similarly reflect on the municipality. Institutions (like a municipality) need to be just to enact social justice and need to transform if they are found wanting. Exploring jurisprudence shows that the law is not static. Municipal by-laws should be amended to reflect the common understanding of its interpretation. The Presidency introduced the *National Policy Development Framework 2020* to entrench good public policy-making practices by setting out clear principles for effective policy development and implementation protect the socio-economic rights of the majority of South Africans. The IDP is one of the key tools for municipalities to cope with their developmental role. As the IDP has a legal status to aid with institutional transformation in a consultative, systemic, and strategic manner.

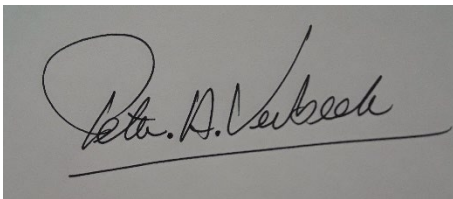
This master’s mini dissertation draws the conclusion that a monthly flat rate for electricity in Emfuleni Local Municipality will contribute to social justice.

Keywords:

Liberalism; social justice; Integrated Development Plan; Flat Rate.

DECLARATION OF ORIGINAL WORK

I, Peter André Verbeek declare that this research is my own, unaided work. It is submitted in partial fulfilment of the requirements of the Master of Philosophy degree at North-West University, Potchefstroom, South Africa. It has not been submitted before for any degree or examination at any other university or educational institution.

A black and white image of a handwritten signature, "Peter A. Verbeek", written in cursive script. The signature is underlined with a single horizontal line.

(Electronic signature)

PETER ANDRÉ VERBEEK

26 NOVEMBER 2024

DEDICATION

The Bible details that we are all endowed with talents and that we must put these talents to good use. I thank the Lord our God for having allotted me the scarce opportunity of enrolling and completing this master's mini dissertation.

My gratitude to Dr. Yolandi Coetser for assisting me as a supervisor in circumventing the countless pitfalls associated with the completion of this master's mini dissertation.

The moral support of my wife Helene and my sons Maximiliaan and Mauritz are invaluable in terms of coping with the stress associated with finishing a master's mini dissertation. Lots of thanks for your patience, love, encouragement and support. It is the small things in life that motivate you to go on when things are tough. Love you all dearly and could not have done it without you.

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LIST OF ABBREVIATIONS

CCMA	: Commission for Conciliation, Mediation and Arbitration
CW	: Central West
ELM	: Emfuleni Local Municipality
IDP	: Integrated Development Plan
IEP	: Integrated Energy Plan
NDP	: National Development Plan
NERSA	: National Energy Regulator of South Africa
MFMA	: Municipal Finance Management Act
MSA	: Local Government: Municipal Systems Act
SALGA	: South African Local Government Association
SANCO	: South African National Civic Organisation
SDBIP	: Service Delivery and Budget Implementation Plan
Soweto	: South-Western Township

CHAPTER 1: INTRODUCTION

1.1 BACKGROUND TO THE STUDY

Keeping in mind the general research question - How, if at all, can a monthly flat rate for electricity in the Emfuleni Local Municipality contribute to social justice? – this introductory section will provide an overview of the contextual aspects that filter from a lack of service delivery that aggravates social inequalities. The legal and financial environment will be looked at followed by a brief description of social justice. Subsequently, a basic premise will be given as to electricity before concluding with the concept of a flat rate entails.

1.1.1 Municipalities

Constitutional democracy, the dispensation that South Africa has been in since April 1994, ensures that citizens elect public representatives that can advance their aspirations and represent them on matters of governance and service delivery (SALGA, 2021: 28). South Africa's legislative framework enables three levels, or spheres, of government: national, a provincial, and local (SALGA, 2021: 103). The local government sphere consists of distinct categories of municipalities, namely A, B, and C. These three legislated spheres of government are equal with not one sphere being in authority over another. Nonetheless, these spheres are interrelated with one another by means of intergovernmental relations and cooperative governance (SALGA, 2021: 103).

The sphere of government closest to the community are municipalities which has the mandate of providing basic services such as electricity, water, sanitation, and waste removal (SALGA, 2021: 32). Municipalities are equipped through legal frameworks such as the Local Government: *Municipal Finance Management Act No 56 of 2003 (MFMA)* to provide for services like grass cutting, the patching of potholes, ensuring the functioning of streetlights and consistent collection of refuse removal (SALGA, 2021: 32).

Annually, municipal councils have taken resolutions to increase their service delivery tariffs on the 1st of July (LN, 2016b: 89-91). These increases - such as property rates

and taxes, electricity, water, sewerage and refuse – are becoming increasingly expensive (LN, 2014a: 16).

One specific municipality, Emfuleni Local Municipality (ELM), saw service delivery grind to a standstill, following a February 2017 judgment against it in a case at the Commission for Conciliation, Mediation and Arbitration (CCMA), resulting in an amount owed to Emfuleni staff¹ of R306 million (ELM, 2017a: 247). Emfuleni Local Municipality Council then approved a budget cut of 13% or R627 million (ELM, 2017a: 253) across all departments to pay the fees incurred as a result of the judgment. The consequence of the budget cut directly impacted service delivery: refuse collection dwindled to once per month/two months, streetlights were not repaired, potholes were not patched, and water and sewer leaks became the norm not the exception. Despite the slashing of budgets in 2017, residents have nevertheless been experiencing annual increases in their municipal tariffs.

1.1.2 Emfuleni Local Municipality's finances

It is no secret that municipalities throughout South Africa have been battling to deliver the basic services that they are tasked with (AGSA, 2024: 7; Adonis and van der Walt, 2017: 47). The Auditor General of South Africa has highlighted that only 34 of the 247 municipalities (13%) received in the 2022-23 fiscal year a clean audit (AGSA, 2024: 5). The Emfuleni Local Municipality is one of these struggling municipalities and is the focus of this research. The Emfuleni Local Municipality is situated south of Johannesburg, comprising the 'Vaal Triangle' – one of three local municipalities that constitute the Sedibeng district of Gauteng.

According to the "Quarterly Financial Report for the Third Quarter Ended 31 March 2017" (ELM, 2017b: 592-603), Emfuleni Local Municipality (shortly known as Emfuleni) had an overall debt of R5 653 780 145 (R5.6 billion) as of 31 March 2017 (Verbeek, 2018: 3). By the end of December 2020, this overall debt had increased to R10 607 745 585 (R10.6 billion) (ELM, 2021: 312), an increase of R4 953 965 440 (R4.9 billion) in a matter of about three years (Verbeek, 2018: 3). A similar trend is seen concerning the debt that residents owe Emfuleni. According to the "Quarterly Financial Report" (Third Quarter Ended 31 March 2017), residents owed Emfuleni an amount of R4 798

¹ 500 staff members bundled their individual cases together to form one case against the municipality concerning remuneration scale increases that were promised to them but never materialised.

724 209 (R4.7 billion) (ELM, 2017b: 599). By the end of the “Second Quarter Ended 31 December 2020” (ELM, 2021a: 312), this amount had increased to R8 721 558 370 (R8.7 billion). This marks an increase of R3 922 833 928 (R3.9 billion) in a matter of three years. The overall debt increased by 87.6% and the residential debt by 81.7% from 31 March 2017 to 31 December 2020. Both the overall debt as well as the residential debt surpass the current budget of Emfuleni of just over R6 billion per annum leaving Emfuleni in severe financial distress.

By 2023, the financial position of Emfuleni has worsened even further. Total revenue and expenditure for the 2023/24 Financial Year was approved by Emfuleni Council at R8 176 395 000 (R8.1 billion) (ELM, 2024b: 89) The total of the Debtor's Book escalated to R8 720 644 274.88 with debtor's owing “0 – 30 Days” at R535 004 440.59 (R0.5 billion) – equating to only 6% of Total Debt - and “Over 1 Year” at R5 325 114 798.64 (R5.3 billion) - which equates to 61% of Total Debt – (ELM, 2024b: 98). By end of the 31st of December 2024, Emfuleni Local Municipality (2024b: 99) owed creditors an amount of R9 338 255 397 (R9.3 billion). The two main creditors, Eskom and Rand Water, were owed R7 777 780 360 (R7.7 billion) – 83% of Total Creditors - and R1 386 503 814 (R1.3 billion) – which is 15% of Total Creditors, respectively (ELM, 2024b: 99). It is also noteworthy to note that creditors “Over 210+ Days” amount to R7 654 166 348, which equates to 82% of Total Creditors (ELM, 2024b: 99). Since 2017, Emfuleni Local Municipality has increased its Annual Budget despite the signs of financial stress being clearly visible. Creditors such as Eskom and Rand Water have seen their accounts escalate from a few million to several billion rands. As per the 31st of December 2024, both the Debtor's Book and the Creditor's Book respectively of R8.7 billion and R9.3 billion exceed the Emfuleni Annual Budget of R8.1 billion. In essence, Emfuleni Local Municipality is not a healthy financial institution which in effect, hampers their ability to deliver the basic services they are tasked with.

This financial distress implies that residents are increasingly being provided fewer services than they received in the past, and what they are entitled to as rate-paying citizens of the municipality, and the municipality is increasingly finding itself unable to provide service delivery at a level previously expected by the residents. Since February 2017, service delivery has all but ceased in Emfuleni². Refuse is collected at best every

² An article titled “CW – residents want president to intervene” *Vaalweekblad* details that “enraged residents of the CW – areas in Vanderbijlpark are fed-up with the Emfuleni's inability to restore power

two weeks to once per month, sewerage leaks are reported for more than 62 days before it is attended to (Vaalweekblad of 5 May 2020).

The delivery of all these municipal services is extremely important. However, this mini dissertation will focus one of these – that is, electricity. More specifically, this mini dissertation will consider the impact that the lack of provision of electricity has on social justice. While there might be many theorists discussing the lack of service delivery in the context of municipal management, there is a more fundamental philosophical issue at play here. A lack of basic service delivery is, essentially, an issue of social justice. A growing number of Emfuleni residents are apparently unable to afford the services provided by the municipality, with the municipality not providing those services in any event – in essence, residents are spending more of their hard-earned money for less, or even, no services. A decrease in service delivery directly impacts residents, and the provision of electricity is no exception.

In Emfuleni, insufficient maintenance and upgrading of the electricity infrastructure has led to the Vanderbijlpark Town Sub-station not providing electricity for roughly 120 days between November 2018 (the first time that the Vanderbijlpark Town Sub-station exploded to the latest explosion of March 2022). If one includes the smaller per area sub-stations and electricity boxes per street, residents of the Central West (CW) areas have been without electricity for 300 days between November 2018 and March 2022 (1 200 days). The power outages exclude the national load shedding initiated by ESKOM due to the lack of capacity to supply electricity to the national grid. Finally, the Emfuleni Council agreed to refurbish the Vanderbijlpark Town Sub-station at R20 million per annum for the next three years³ commencing in March 2022 (ELM, 2021d, 106). Despite the initiation of the project, the current financial situation might not be

outages at the electrical main station in Curie Boulevard". The article highlights that "over the last 18 months, the CW – areas has spent 73 days without electricity. The longest stretch was in March 2019 when residents had no electricity for 28 consecutive days" (Vaalweekblad, 5 May 2020). In another article titled "lug in die pype" laat inwoners erg op dok" (air in the pipes, let residents cough up) Arisa Janse van Rensburg delved into the fact that residents could receive astronomical bills months end because the meter reading instrument is registering air flowing through their water pipes instead of water (Die Beeld, 10 March 2021).

³ The Vanderbijlpark Town Sub Refurbishing Project was launched in March 2022 (2021/2022 financial year) with the total refurbishment of one bay. Subsequently, the 2nd bay will be refurbished in the 2nd financial year (2022/2023) with the 3rd bay envisioned for the third consecutive financial year (2023/2024) (ELM, 2021d: 106).

conductive⁴ to this refurbishment taking place, entailing that residents will be, proverbially and literally, left 'in the dark'.

1.1.3 Social justice

As mentioned above, the lack of the provision of electricity is an issue of social justice. While social justice has numerous definitions and interpretations, for this mini-dissertation, social justice is defined as “the idea that civil society is predicated based on a social contract that spells out the benefits, rights, and obligations of societal membership” (Almgren, 2017: 2).

Social justice is no light matter, given South Africa's past injustices under Apartheid. The lack of service delivery has many implications for the everyday reality of citizens. For example, since household waste is not being collected, there is an increase in illegal dumping taking place in public open spaces, which has indirect health implications for the communities. This is because rodents flourish in such an environment and could increase the transfer of diseases to residents (Duh, Hasic, Buzan, 2017: 1), thereby increasing the risk of zoonotic disease outbreaks. Non-functioning streetlights raise safety concerns within communities, such as more crime taking place with an increase in housebreaking (Chalfin, Kaplan, LaForest, 2021: 2-4). The lack of electricity entails that citizens are negatively impacted by being unable to cook, clean, study and so forth. Furthermore, when residents are in arrears, the municipality disconnects them from the municipal electricity supply grid, which, in time, heightens the probability of illegal electricity connections (ELM, 2021c: 27-28, 32), which has its own set of problems regarding pressure on the grid and safety issues. When this happens, some residents illegally tap into the Emfuleni electricity grid without municipal authority. This means that no electricity will be purchased by these residents (ELM, 2021b: 16), but that the grid is placed under further pressure to provide the electricity for these illegal connections.

1.1.4 Emfuleni electricity losses

Before we continue, it is essential to understand the present state of electricity supply within the Emfuleni Local Municipality. Emfuleni has a distribution license from the

⁴ The Vanderbijlpark Town Sub Refurbishing Project is being financed by the municipalities own capital funding and this is dependent on the collection rate of revenue (ELM, 2021d: 106).

National Energy Regulator of South Africa (NERSA) to supply the electricity in Vereeniging and Vanderbijlpark and their surrounding areas (ELM, 2021c: 21). Electricity is generated at power stations and through transmission distributed over an electricity network to the consumer. In this transmission process, there is always a difference between the input into the distribution grid and the consumption as paid for by the user, also known as “energy losses” (ELM, 2021c: 22). Energy losses are defined as the difference between the total electricity as is procured by the municipality to supply to its users, and ultimately, what the municipality bills to the user (ELM, 2021c: 22). Most municipalities are battling with this problem of energy losses⁵, and it costs billions of rands per annum (ELM, 2021c: 22).

1.1.5 A flat rate for electricity

From what has been described above, it is clear that the Emfuleni Local Municipality is struggling to meet its basic mandate. Due to the lack of its capacity to deliver basic services, it can be argued that the municipality is contributing to an unjust society for its residents. Focusing on one specific instance of its lack of service, namely the electricity crisis, one can begin to consider what practical measures can be taken to address the situation. One suggestion is a flat monthly rate for electricity. For this mini dissertation, a flat rate will be understood as a monetary value that remains constant over an extended time regardless of consumption. This monetary amount will therefore neither decrease nor increase during this time, despite what the user might consume. For this mini dissertation, a flat rate for electricity means that a set amount payable for electricity regardless of consumer consumption.

The law makes provision for the adoption of a flat rate in the form of a tariff. Section 229(1) of the Constitution (LN, 2016a: 156) together with Sections 74(1) and 75 (LN,

⁵ Emfuleni has identified the following causes of non-technical losses (ELM, 2021b: 14-18; ELM, 2021c: 23, 27-28):

- 1) Illegal electricity connections. This refers to those connections that connect (taps) into the electricity network without authorisation and metering.
- 2) Professional theft of electricity. When the customer tampers professionally with the electricity metering infrastructure.
- 3) Unmetered connections. Occurs when new housing developments are built, and the completed units are not formally registered and therefore no revenue can be collected from these units.
- 4) Practices of administrative errors and maladministration that contribute towards electricity losses (such as but not limited to): unread meters, underestimated meters or estimated meters; stagnant meters that do not record consumption or under record; meters that cannot be located and inaccessible meters within premises to name but a few.

2016b: 89) of the MSA, highlights that a municipality “must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements”. Section 60 of the MFMA (LN, 2014a: 80) details that municipal managers are viewed by the law as accounting officers. As accounting officers, it is their responsibility to ensure the revenue (LN, 204a: 83-85) and expenditure (LN, 2014a: 85-86) of the municipality. It is within this realm of revenue collection that the Municipal Manager, as Accounting Officer of the municipality, must take all reasonable steps to ensure as stated in Section 64(2) (b) “that revenue due to the municipality is calculated monthly”, as is subsequently stated in the sub-section (c) “that accounts for municipal tax and charges for municipal services are prepared monthly” (LN, 2014a: 84). It is within this compliance that the accounting officer needs to ensure as is stated in Section 64(2) (e) “that the municipality has and maintains a management, accounting, and information system which – (i) recognises revenue when it is earned; (ii) accounts for debtors; and (iii) accounts for receipts of revenue” (LN, 2014a: 84).

If a tariff is a fixed set of financial percentages over a municipal financial year, it is possible to view a flat rate in the same light as that of a tariff.

1.2 PROBLEM STATEMENT

Service delivery represents a significant problem in South Africa. The lack of service delivery often exacerbates existing social inequalities – meaning that the poor and marginalised are often further impacted by the lack of basic service delivery. In addition, the electricity supply is already precarious in South Africa, resulting in national blackouts, or ‘load shedding’. If the local municipality fails to supply electricity even when the national grid is stable, this entails that residents of such a municipality suffer even more than they would have had they been living in another municipality. In addition, the lack of electricity negatively impacts their economic situation – people need electricity to run small businesses, study from home, or refrigerate foodstuffs and medicines.

The above is the reality of the residents of Emfuleni. This reality presents a precarious and socially unjust situation. While philosophers often deal with social justice in the abstract, this represents a real-world case study that can be philosophically analysed. Examining this one case study (i.e. unstable electricity supply in Emfuleni), and a

proposed solution (i.e. flat rate charges), would then present a lens through which to consider social justice.

1.3 GENERAL RESEARCH QUESTION

This mini dissertation will address the following research question: How, if at all, can a monthly flat rate for electricity in the Emfuleni Local Municipality contribute to social justice?

1.4 SPECIFIC RESEARCH QUESTIONS

Filtering from the general research question are the ensuing specific research questions:

- 1) How will liberalism provide a contextual framework for the introduction of a monthly flat rate for electricity?
- 2) How is social justice generally understood in the literature?
- 3) What do elements such as the jurisprudence, policy development, and the Integrated Development Plan entail?
- 4) In what manner can the monthly implementation of a flat rate for electricity be incorporated into the municipal structures?
- 5) In what manner will the monthly implementation of a flat rate for electricity in Emfuleni Local Municipality contribute to social justice?

1.5 RESEARCH OBJECTIVES

The objectives of the research are:

- 1) To determine whether a flat rate in electricity presents a just avenue to improve the daily lives of those affected by the lack of service delivery in the Emfuleni Local Municipality.
- 2) To determine how social justice is understood in the literature.
- 3) To determine how jurisprudence, policy development and the Integrated Development Plan are understood in the literature.
- 4) To determine the contribution of the introduction of a monthly flat rate for electricity on social justice.

1.6 RESEARCH APPROACH AND DESIGN

Sumari O'Neil (2010: 1) writes that a literature review focusses on earlier work published by scholars within the field of research that underlays the present research (Gaw, 5). Jaffer Khan, Alamelu Raman, Nithya Sambamoorthy and Kanniga Prashanth (2023: 20) write that the research method is a structured way in which the study will scientifically unfold. In other words, the research method documents the various steps that will be undertaken to address the research question (Khan, Raman, Sambamoorthy and Prashanth, 2023: 20); O'Neil, 2010: 1; Gaw: 4). In other words, literature review helps with the contextualisation of the present research envisaged (O'Neil, 2010: 2, Gaw: 5). Of fundamental importance is that the envisioned research must add to the exiting body of knowledge by providing something original (O'Neil, 2010: 2, Gaw: 6).

This study will make use of a content approach. This entails that the study will examine textual data and analyse the content of documents to draw meaningful conclusions (Khan, Raman, Sambamoorthy and Prashanth, 2023: 20). Two political philosophers, Robert Nozick and John Rawls will form the point of departure to gain an essential understanding of social justice through the possible implementation of a monthly flat rate for electricity. No empirical research will be conducted.

1.7 ETHICAL CONSIDERATIONS

Ethical principles serve as guidelines to conduct research with integrity, respect for the rights of the participants and adherence to legal and professional standards (Khan, Raman, Sambamoorthy and Prashanth, 2023: 9,10,15). However, since this is a text-based study, it involves no actual persons and thereby circumvents many ethical issues associated with empirical research methodologies. As a text-based study, an ethical consideration will be to avoid plagiarism and the unethical use of AI like ChatGPT. As Jay Shah, Jenifei Shah, Gehanath Baral and Reetu Baral (2022: 4) show, plagiarism is when six or more words are matched to published literature (Shah, Shah, Baral and Baral, 2022: 4). It is a global problem that will need more conscientious support from institutions to strengthen ethical considerations of conducting research (Shah, Shah, Baral and Baral, 2022: 8). Nonetheless, as a researcher, I feel the need to briefly disclose that I am a public representative, more specifically, a Ward Councillor for Emfuleni. According to Section 36 of the Local Government: Municipal Structures

Amendment Act 3 of 2021 Councillors are elected to represent local communities. Councillors need to abide by a Code of Conduct (LN, 2021: 28). The Municipal Structures Amendment Act highlights that a councillor “must perform the functions of the office in good faith, honestly, and in a transparent manner” (LN, 2021: 30). A councillor must always “act in the best interest of the municipality” and in such a way “that the credibility and integrity of the municipality are not compromised” (LN, 2021: 30). Even though I will be conducting this study as a private individual, I will do so bearing in mind the broader context of the Councillor’s Code of Conduct as prescribed by the Municipal Amendment Structures Act.

1.8 LIMITATIONS OF THE STUDY

According to Khan, Raman, Sambamoorthy and Prashanth (2023: 10) the study needs to communicate inhibiting factors that could hamper the study from addressing the research questions. This study is focussing on a specific municipality within South Africa, namely, the Emfuleni Local Municipality, and excludes other South African municipalities. In addition, this study focuses on one area of service delivery, namely electricity. It therefore excludes other areas of service delivery, like water and sanitation.

1.9 SIGNIFICANCE OF THE STUDY

As Maree et al. (2013: 24) highlight, the contextual environment must reflect an actual situation deserving of conducting a scientific inquiry. Based on the problem statement and the research questions, this research contributes in the following two ways (Maree et al, 2013: 28).

As Khan, Raman, Sambamoorthy and Prashanth (2023: 159) rightfully show, once the research is completed, it is not the end of the proverbial road (Khan, Raman, Sambamoorthy and Prashanth, 2023: 159) The findings of the research need to be decimated to a broader audience (Khan, Raman, Sambamoorthy and Prashanth, 2023: 159). In other words, the research needs to be anchored within the existing body of knowledge.

- **Field of Philosophy**

The analysis of social justice will lead to a better understanding of this aspect as a part of philosophy. This better understanding will also add to the current general body of knowledge within the field of philosophy. Social justice, within the context of a monthly flat rate for electricity, will deepen our understanding of relating current developments within our communities to a specific philosophical theory. This reciprocal relationship will enhance our understanding of each aspect within its right but also concern with each other.

- **Municipal management**

For both public representatives and public servants of the municipality as well as its communities, this mini dissertation offers a unique opportunity to gain an essential understanding of the contribution that the implementation of a monthly flat rate of electricity could have towards enhancing social justice within our communities.

1.10 CHAPTER LAYOUT

After this introduction, the following chapters will be presented.

- **Chapter 2: Philosophical contextualisation of social justice**

To understand the contextual background of this mini dissertation, the study will delve into liberalism as the philosophical framework of social justice. In addition, the most important principles of social justice will be critically discussed with special emphasis on the sociology and psychology of justice, as well as distributive and procedural forms of justice.

- **Chapter 3: Through jurisprudence to policy development**

With this chapter, the study will highlight jurisprudence (a legal aspect) as a base to gain access to policy development (an aspect of public management).

- **Chapter 4: Flat rate: inclusion and contribution**

Finally, in this chapter the study will show in which manner the implementation of a monthly flat rate for electricity can be included in the existing municipal structures and its contribution to social justice.

- **Chapter 5: Summary, conclusion, and recommendations**

Ultimately, this mini dissertation will be concluded with a summary, a conclusion, and recommendations.

1.11 CHAPTER SUMMARY

This chapter began by contextualising the legal and financial environment in which municipalities work. Briefly social justice, electricity and flat rate are spelled out to form a rudimentary basis to address in later sections. Conducting a literature study is the designated mechanism as to the research approach and design culminating in both the general- and specific research questions that will keep the study transparent and accountable in terms of its stated direction. This to ensure a scientific method to provide a sound conclusion and filtering recommendations. The researcher must adhere to ethical considerations to guide the study within its envisioned limitations showing its significance and academic added value. The chapter concludes with an overview of the different chapters that will form the framework of this study.

CHAPTER 2: PHILOSOPHICAL CONTEXTUALISATION OF SOCIAL JUSTICE

2.1 INTRODUCTION

This chapter starts with the first specific research question (*cf.* 1.4) which focuses on the philosophical approach in which this mini dissertation contextualise the general research question as indicated in Section 1.3: How, if at all, could a monthly flat rate for electricity in Emfuleni Local Municipality contribute to social justice? I will do so through the utilisation of the first and second specific research questions (*cf.* 1.4). The study will address the first specific research question: How will liberalism provide a contextual framework for the introduction of a monthly flat rate for electricity? in the first section of this chapter. The study will then delve into liberalism, and as promoted by the influential American philosopher John Rawls. whose theory of “justice as fairness” emphasises the importance of considering the principles for a fair allocation of social goods within a society, as well as the consequences of those principles.

Why not Marx and Marxism as a possible philosophical context in answering the general research question as detailed in Section 1.3 Haroon Rashid (2017: 21) shows in his article that Marx’s materialism highlights that as human beings we are not predestined to be controlled by others or that our fate is determined by any force other than the one that we ourselves determine based on our own free will. As human beings we are free⁶, God does not create our fate, we create our own fate (Rashid, 2017: 21). This provided direction to the concept of historical materialism where Marx focuses his thoughts around political economy and the history of capitalism (Rashid, 2017: 17). John Gueguen (1986: 281), points out that according to Marx, it is the capitalist class that is the creator of justice and law within society. As such, institutions created by the capitalist class will conform to both internal and external purposes as a mutual guarantee of their property and interests (Gueguen, 1986: 282). Change cannot be gradual, but must be abrupt, and revolutionary. Marx did not work out any kind of legal

⁶ Marx is inspired by Epicurus in that man is not determined by causality but has the power to transcend this causality. Marx considered “philosophy”, and “not God or religion” as the route to make sense in the world we live. The function of “philosophy is to make you aware of your consciousness and specifically your ideas as to freedom” (Rashid, 2017: 21).

or justice institutions, because the capitalist class⁷ would be replaced once overthrown (Gueguen, 1986: 283). Marx (in *The Critique of Hegel's Philosophy of the State*) criticises Hegel's "speculative philosophy" of law which enabled the law to come before humans, or, put differently, allowed "the constitution to create the people" (Gueguen, 1986: 284). In other words, Marx does not consider 'justice' in the liberal tradition, and thereby he cuts the heart out of social and political theories and policies that rely on juridical conceptions (Gueguen, 1986: 285). It is this argument – that change cannot be gradual but abrupt, that post-revolution structures of society will be redrawn - that forms the basis of excluding Marxism from further inclusion in this mini dissertation.

The latter half of this chapter the study will concentrate on addressing the second specific research question (*cf.* 1.4) on how social justice is generally understood in the literature. The study will explore sociological and psychological components of justice as a disciplinary approach to social justice with distributive and procedural aspects as particular forms of social justice.

This chapter will be concluded with a brief summary.

2.2 LIBERALISM AS PHILOSOPHY OF SOCIAL JUSTICE

2.2.1 Introduction

According to Jonathan Wolff (2003: 11), between the 1970s and the 1990s, a debate was raging within analytical political philosophy between two contrasting works: John Rawls' "A Theory of Justice" (1971), and Robert Nozick's "Anarchy, State, and Utopia" (1974). Rawls presented his theory in line with what would later be defined as welfare state concepts that became known as liberal egalitarianism while Nozick argued for liberalism as defined by the concepts of the "free market", "absolute property rights" and what he defines as the "minimal state" (Wolff, 2003: 11).

A municipality - as an institution - needs to be just to enact social justice. If a municipality is not fulfilling its mandate, then a case can be made that it is contributing to an unjust society, or as an institution, it is increasing the social injustice within its

⁷ Marx highlights that "capitalism is unjust" because he views the "extraction of surplus value as theft" (Rashid, 2017: 27).

municipal boundaries. Although Rawls and Nozick considered justice more broadly than the municipal level, their ideas can nevertheless be applicable.

2.2.2 Liberalism as an element of a form of government

Liberalism has a clear understanding of the use of public resources within the attainment of the common good. The modern liberal⁸ tradition is based on 1) an optimistic view of human nature, 2) an optimistic view of an individual's capacity, and 3) people's choices as to the preservation of individual freedoms (Haybron, 2011: 19). Nonetheless, people regularly err⁹ in the pursuits of their interests¹⁰. This provides room to manoeuvre for governments to enter this space of the common good and to direct discourse by creating policies that force people to amend their choices to comply with these policies (Haybron, 2011: 19). However, it is a fundamental aspect of liberalism that government policies should be neutral. A policy should be neutral among conceptions of the public good to be attained (Haybron, 2011: 21). In other words, the government should concentrate on creating a conducive environment in which individual choices determine the outcome.

In contrast, when people's lives are guided by their social/physical context, holds socialistic and communistic governments, people tend to do well. These governments reduce these choices through the introduction of social policies. Policies where for example unemployment is prioritised over economic growth (Haybron, 2011: 20). Daniel Haybron (2011: 21) concludes that, within the theory of social justice, each resident must have 1) sufficient opportunities as well as 2) each resident should get a equitable share of the common good as attained through the use of public resources.

⁸ Life satisfaction (Haybron, 2011: 6) commences by detailing that choices are made on individual choices as per the western liberal ideals. This entails that the objections of life satisfaction tend to be satisfied while living a highly stressed existence, and people have "well-being grounded attitudes of life satisfaction". These attitudes are consistent with what they care about. In the same breath, Haybron (2011: 7) concludes that life satisfaction attitudes may well be "a poor indicator for well-being" as these are based on subjective success.

⁹ Michael Foley (2010: 3) states that demanding everything is absurd. Foley feels more for an alternative to discontented craziness which is contented sanity. It is not always possible to be consciously happy (Foley, 2010: 4). The illusion of our current age is the ability to promote, that fulfilment is not only possible but easy, even inevitable. If there is unlimited personal freedom and infinite choice, then anybody can be anything and have anything. Whatever you want, you shall become and possess (Foley, 2010: 5).

¹⁰ Jonathan Haidt (2006: 113) declares that as humans we are on a hedonistic treadmill; namely, that we continuously want more and more. A never-ending cycle of ever increasing wants and desires. As humans we mistake these gains as thinking that it will provide us with quality of life.

2.2.3 Liberalism as an element of political philosophy

Liberalism, as a philosophical doctrine, originated in the 16th and 17th Centuries (Rawls, 1993:303). Later, in the 19th Century, the liberal doctrine provided context to the democratic state (Rawls, 1993:303). Liberalism is based on the notion that individuals often have different, and sometimes irreconcilable, conceptions of the good. This means that there are diverse ways of live in a modern democratic society, and, unless there is an autocratic force, individuals should be free to pursue their own conception of the good, as long as their pursuits align with certain principles of justice (Rawls, 1993: 304, Gulišanka, 2019; 13).

2.2.4 Political philosophers: introducing Robert Nozick and John Rawls

Political philosophy, especially in the Anglo-American analytic tradition during the 1970s and 80s were dominated by the contrasting work of John Rawls (1921-2002) and Robert Nozick (1938-2002) (Wolff, 2003: 11). Rawls published *A Theory of Justice* in 1971 and Nozick *Anarchy, State and Utopia* in 1974. The former argued for liberal egalitarianism, or 'justice as fairness', while the latter argued for a minimal state, which entailed a free market and absolute property rights (Wolff, 2003: 11).

2.2.4.1 John Rawls

The subject of a political conception (Rawls, 1993; 11-12), Rawls views justice as applying in a modern constitutional democracy and sees this as its 'basic structure'. Justice, therefore, applies to individual subjects, but also to political, social and economic institutions. The basic structure of society, that is how all these institutions fit together, must fit together into a system of social cooperation in order to be considered just. The mode of presentation (Rawls, 1993; 12): Rawls's conception of justice is not derived from a comprehensive doctrine, but, rather, is presented as a freestanding view. The content of justice Rawls understands that citizens are familiar with certain fundamental ideas congruent with a tradition of democratic thought. There are, thus, certain ides implicit to the culture of a democratic society (Rawls, 1993:13-14).

The fundamental notion of justice as fairness, is that society must be, and remain, a fair system of cooperation There are two principles that underpin Rawls' notion of justice, the first is that citizens are free and equal persons, and the second is that

society is regulated by a political conception of justice (1993: 14) In such a society the officially recognised conception of justice establishes a shared point of view from which citizens claims on society can be adjudicate¹¹ (Rawls, 1993; 35). The reason for this is that the political culture of a democratic society is characterised by three general facts (Rawls, 1993; 36). The first is that divergent religious, philosophical and moral doctrines are fundamental and permanent features of a democracy (Rawls, 1993: 36). The second fact is that, in order to have a common and comprehensive doctrine, one would need an oppressive use of state power (1993:37), which is undesirable. Finally, a democratic regime but be willingly and freely supported by a majority of its citizens in order to endure and be secure (1993: 38).

In a nutshell, says Andrius Gulišanka (2019; 19) Rawls' theory of justice is based on the Kantian principle of respect for persons. This is based on Kant's vision of humanity where respect for a person is an end, never as means only (Gulišanka; 2019; 18). In other words, respect now requires treating people as moral beings, independent of the facts about themselves and the societies that they live in (Dionigi and Keidosty, 2017; 10). Extrapolating Kant to Rawls, Gulišanka (2019; 21) details that moral reasons are extensions of natural feelings that all human beings are expected to develop in normal circumstances of human life. According to Gulišanka (2019; 23), Rawlsian liberalism¹² is in fact committed to a "philosophical anthropology": a "philosophical account of the human self".

2.2.4.2 Robert Nozick

Wolff (2003; 14) characterises Nozick as a "single value" theorist, which means that all decisions are made on the basis of a single value. For Nozick, this value is ownership – both over oneself and worldly things. ¹³ (Wolff, 2003; 14). Nozick defines the idea of

¹¹ Nozick (1974; 192) questions whether this is a fair agreement on the basis of which those worse endowed could expect the willing co-operation of others? Instead, Nozick (1974; 193) suggests that it might be better for the endowed to only co-operate among themselves and the worse endowed co-operate only amongst themselves with no cross-cooperation. Nozick (1974; 193) details that members gain from internal co-operation within their respective groups, and this will depend on what is gained within each group.

¹² To replace utilitarianism, Rawls revives the tradition of the social contract: society is based on an implicit contract between the state and each citizen of the state (Dionigi and Keidosty, 2017; 9)..

¹³ Nozick holds the view that one has the right to person and possessions, entailing that no one should be able to interfere therewith. One must either consent, or forfeit your person and possessions. Liberty is therefore the right of self-ownership (Wolff, 2003:14).

a minimal state that exists to protect rights – personal and property rights particularly¹⁴ (Wolff, 2003; 15).

Nozick (1974; 4) starts by asking if there should be a state at all, a more fundamental question than Rawls and other political philosophers who asks how a state should be organised. The purpose of the question “Where we would now be if” is to start a discourse that will lead to the state as being a preferred alternative (Nozick, 1974; 4). Nozick (1974; 5) provides two alternatives: a “minimax”¹⁵ and a “maximax”¹⁶ thereby providing a rationale for the existence of a state¹⁷. Subsequently Nozick addresses the issue of enforcement, which he holds can only be enforced against a party’s will (Nozick, 1974; 14). In other words, the state would be re-distributive in nature¹⁸ where some are remunerated to protect others (Nozick, 1974; 25). This “minimal state”¹⁹ became known as the classical liberalist theory of the night-watchman state²⁰ (Nozick, 1974; 25). Protection is therefore the only legitimate function of the state (Wolff, 2003; 16 & Wolff, 2003; 20). Other functions are illegitimate since they, by definition, violate right (Nozick, 1974; 27). This moral constraint²¹ prohibits aggression against another (Nozick, 1974; 33) but it also shows that the state is itself intrinsically immoral (Nozick, 1974; 51). Wolff (2003; 20) highlights a consequence of Nozick’s minimal state; if the

¹⁴ The minimal state as detailed by Nozick (Wolff, 2003; 15) provides an argument against:

- The anarchist: a minimal state is at least justified;
- An extensive state: a minimal state is at least a legitimate state, and
- Against regret: a minimal state is at least inspiring as well as right

¹⁵ According to Nozick (1974; 5) his “minimax” criterion is a pessimistic estimate of a non-state situation based on the Hobbesian state of nature. Those that support this view see the state as an abomination.

¹⁶ Supporters of this view are people generally satisfied with the moral constraints and generally act as they ought (Nozick, 1974: 5).

¹⁷ Individuals in Locke’s state of nature are in a “state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit, within the bounds of the law of nature, without asking leave or dependency upon the will of any other man” (Nozick, 1974; 10).

¹⁸ According to Nozick (1974; 25) “re-distributive” applies to types of reasons for an arrangement. Whether we say an institution that takes money from some and gives to others is redistributive will depend upon why we think that it does (Nozick, 1974; 27). Nozick highlights that compensating for violation of rights are not re-distributive reasons (Nozick, 1974; 27).

¹⁹ The minimal state is the most extensive state that can be justified (Wolff, 2003; 19). Any state more extensive violates people’s rights (Nozick, 1974; 149).

²⁰ The night-watchman state is limited to the function of protecting all its citizens against violence, theft, and fraud, and to the enforcement of contracts (Nozick, 1974; 26, Jonathan Wolff, 2003; 16). The ultra minimal state maintains a monopoly over all use of force except that necessary in immediate self-defence and so excludes private retaliation for wrong and exaction of compensation; but it provides protection and enforcement services only to those who purchase its protection and enforcement policies (Nozick, 1974; 26, Wolff, 2003; 19).

²¹ Nozick (1974; 33) elaborates on this libertarian constraint by detailing that no moral balancing act can take place among us; there is no moral outweighing of one of our lives by others so as to lead to a greater social good (Wolff, 2003: 17). There is no justified sacrifice of some of us for others (Nozick, 1974; 33). The root idea is that there are different individuals with separate lives and so no one may sacrifice for others.

state's only legitimate function is protection, then it does not have the function of providing welfare to impoverished citizens

In delving into the aspect of getting a good in a minimal state, Nozick (1974; 153) says that there is a difference between its historical principle (how one gets such a good) and what he terms as an end-result principle (how these goods are distributed). The acquiring of a good, is based on a sense of distributive justice as per the theory of entitlement and its legitimacy is based on three fundamental notions (Nozick, 1974; 151). First, a person who acquires a good according to a just principle of acquisition, is entitled to keep that good. Second, a person is entitled to transfer a good to another, who is then entitled to that good. Finally, no one else is entitled to that good²². Wolff (2003; 17) details that the work of Robert Nozick centres on self-ownership: that is, an individual belongs to him/herself. One is entitled to freedom, as long as one respects the rights of others. Consent is therefore fundamental – others may only interact with one as far as one has given permission (Wolff, 2003: 17), also known as the right to non-interference. Self-ownership and the separateness of person is therefore fundamental to this conception of justice (Wolff, 2003: 17).

2.3 AN ANALYSIS OF SOCIAL JUSTICE

2.3.1 Introduction

Social justice is “the idea that civil society is predicated based on a social contract that spells out the benefits, rights, and obligations of societal membership” (Almgren, 2017: 2). In this section I will delve into the second specific research question (*cf.* 1.4): How is social justice generally understood in the literature? I will explore two aspects of social justice, sociological and psychological approaches, and distributive and procedural forms of social justice.

Social justice is construed on social principles from which one can derive that the distribution of rights and privileges of social benefits are fairly distributed to members. Members must find some form of reflection of their shared social values that they hold dear in the functioning of institutions within their domain. Do these institutions contribute to human flourishing, to fairness and equality amongst its members? If

²² According to Wolff (2003; 20) compulsory redistribution is ruled out by Nozick's entitlement theory of justice, which says that the transfers are morally justified only if they are entirely voluntary.

institutions are found wanting, society must engage with these institutions to ensure that through social transformation, these institutions reflect their shared social values. Social justice is not a particular idea about how institutions should be organised, but that they reflect societies sense of shared social values (Campbell, 2021: 356).

2.3.2 Disciplinary approaches to social justice

2.3.2.1 Sociology of justice

Sociology is a discipline of social sciences that is slowly but surely moving away from its traditional roots to that of being more inclusive. Mary Romero (2020: 20) criticises the traditional approach that researchers in sociology have adhered to. Sociology, as a fundamental discipline of the social sciences had little to no appetite to advocate for those members of society that were dispossessed. The historical approach was one which showed a lack of interest for the real social problems and actual issues embedded within the communities (Romero, 2020: 21). Sociology needs a paradigm shift and needs to become inclusive by challenging traditional narratives and questioning present social engagements. A paradigm shift is needed because in this manner new opportunities emerge (Romero, 2020: 24). One needs to place sociology on a new trajectory. One where sociology engages with social justice with the aim of assisting to create a better world. A sociology that tends to be more critical, engaged and politically orientated. Sociologists within this new paradigm shift must understand the world from the margins and from multiple perspectives (Romero, 2020: 24).

In understanding sociology of justice, one must start with a basic idea as to what constitutes a “state of justice”. According to Jonathan Wolff (2016: 1), a collective understanding of a “state of justice” places special significance on that of equal treatment. This means that what goes for the one must also go for the other. From an individual's point of view, individuals commonly accept that as individuals we are the same and should be treated “equally under the same relevant circumstances” (Liebig and Sauer, 2016: 37). Romero (2020: 23), in her reflection on sociology, clearly highlights that a better understanding is required as to the distribution of various rights and privileges based on structures of inequality. A second criterion focuses on impartiality. When laws, rules and regulations are implemented, the implementation as such should not vary because of the social status of individuals in society. As the English proverb says: “what goes for the goose must also goes for the gander”. A third

criterion emphasises that when members of a community bring forward a claim, the legitimacy of such a claim necessitates something tangible in the sense of supporting documentation (Liebig and Sauer, 2016: 37).

The paradigm shift that Romero (2020: 24) refers to stresses the need to excavate arguments that were previously suppressed and re-engage with such knowledge with the purpose of promoting social justice. In delving into sociological justice, three assumptions materialise. Bradley Campbell (2021: 359) sees that from a phenomenological point of view, “social behaviour” can be clarified through the detailing of this behaviour from the subjective individual experiences of everyone. “Justice” is defined as a social phenomenon that can be conceptualised as a social value. “Social justice” is then quantified as a shared aggregate by members of a community detailing how resources and burdens, their pains, and gains, should be ideally distributed within a social group (Liebig and Sauer, 2016: 38). A second assumption is that “justice is socially determined”. Meaning, that one’s conception of justice is construed on one’s experiences of social structures and social processes in a social aggregate (Liebig and Sauer, 2016: 38). However, a note of caution. “In the name of social justice”, should not evolve into a justice system that takes away from an individual without any form of compensation for that loss (Wolff, 2016: 6). A third assumption is that “justice is a social force”. This is observed by Romero (2020: 24) when she says that sociology of social justice should be more politically orientated. Justice impacts of economic, political and social structures. This is punctuated throughout history when issues of justice have not been addressed sufficiently nor consistently nor in the same way by all societies. (Liebig and Sauer, 2016: 38; Wolff, 2016:1).

It is evident that sociology of justice has three specific focuses areas: structure of positions, social structure, and justice attitudes. It is important to sociologically understand that society is based on a structure of social positions. The position that members occupy in structures in society define their interests and provide a sense of justification as to the allocation of rights and privileges. Social structures in themselves provide members with specific experiences that reciprocal, moulds their views on justice as per these experiences. The forming of attitudes towards justice are not take place in a vacuum. These attitudes can also be conceived through individual engagements at work, at home or from inter-relating with social networks. In other

words, sociological justice is the analysis of social justice as it evolves from a “lower” (micro personal level) to a “mezzo” (middle social group level) the “higher” (macro societal level). Sociological justice is the translation of social justice into social structures and collective phenomenon (Liebig and Sauer, 2016: 42).

Characteristic to sociology of social justice is idea of the “institutional design”. Emanating from the idea of social conditionality, meaning the conception that individuals hold as to what constitutes just and justice for them, gives direction concerning their feelings of social consequences of justice and injustice. These social consequences as to (in)justice are moulded on experiences of (in)justice. These experiences mould social attitudes and behaviour which culminate in perceived feelings as to the functioning of organisations and institutions in society. All these social feelings culminate in deciding that institutions in the public domain should reflect beliefs of social justice as held dear by members of society on an individual and collective level (Liebig and Sauer, 2016: 38). Phenomenologists are of the opinion that they contribute to sociology of social justice in the sense of “advancing social justice” in that “it gives dignity to the subjects” (Campbell, 2021: 360).

2.3.2.2 Psychology of justice

Neoliberalism emphasises that political issues are individual problems that need an individual solution owned and driven by the individual. In other words, neoliberalism is based on the freedom of individuals to make personal choices. These choices find their reflection in desires that need to be realised. Neoliberal ideology paints a picture of an individual portrayed as an autonomous actor, choosing rationally to achieve their self-chosen goals. Central is the concept that a neoliberal person is solely responsible for their own successes and failures. A similar tendency is ascertained with psychology. Psychology focuses on what motivates an individual. The focus is on individual problems that need an individual solution. This similarity brings with it that “psychologists’ endorsement of social justice bolsters the neoliberal ideal of the individual being solely responsible for their circumstances and whose freedom is manifested by their capacity for choice” (Thrift and Sugarman, 2019: 10-11).

Central to psychology of justice is the subjective aspects that “moves” an individual. What do individuals perceive as being just, or unjust? Psychology of justice has as

purpose to understand “how people think and feel about justice” (Gollwitzer and van Prooijen, 2016: 61-62).

On an individual level, psychology of justice zeros in on justice related motives, personal traits, and the moral self. Justice related motives delve into the feelings that the individual harbours as to being treated unfairly. These feelings of being treated unfairly are usually accompanied by strong emotions such as “anger, resentment and moral outrage”. The individual becomes motivated to “restore” justice to an earlier balance. The personal trait emphasises social behaviour through the idea of the “self-versus the others”. The moral self punctuates that people are self-centred and can behave unfairly because it suits their self-interests to do so. This entails that individuals are not interested in morality and justice but rather show a social behaviour that clearly supports the notion of presenting themselves in a socially favourable light. These individuals accept that this will show moral hypocrisy, moral disengagement, and moral self-regulation (Gollwitzer and van Prooijen, 2016: 62-67).

On an interpersonal level, the individuals look in their social environment for cues to inform them in what manner they are treated “fairly”. Individuals that harbour a feeling unfairly treated or being unjustly treated, believe that they are withheld a commodity that they are entitled to. Individuals are confronted within their respective social groups by members that show little to no respect for the basic rights of others or acquire social resources through illegitimate means. This necessitates efforts to restore justice (Gollwitzer and van Prooijen, 2016: 67-73).

On an intergroup level, throughout history, people have committed major injustices, particularly to members of other groups. Individuals only favour those that are part of their “in-group”. The distribution of resources to those considered “outside your group” are frowned upon (Gollwitzer and van Prooijen, 2016: 73-76).

2.3.3 Forms of social justice

2.3.3.1 Exclusion

Retributive social justice focuses on punishing those that have transgressed or overstepped a law. A balance needs to be constructed where some form of weighing takes place as to what has been transgressed - in the sense of a law, rules, norms etc

- and what is inferred as a suitable punishment for this transgression (Wenzel and Okimoto, 2016: 238). It is crucial that in retributive justice the transgression is responded to as this act of transgression is something that cannot be undone (Herman, 2017: 88). However, this transgression must follow a due process so that the finding, conclusion or judgement of the person accused is based on a transparent and an accountable process which ultimately concludes with a guilty verdict. Based on this verdict, a suitable punishment is required (Rani, 2019: 127). The aim of retributive justice is that it prevents similar occurrences in the future (Herman, 2017: 85). In other words, a retributive form of social justice does not fit within the emerging theme of this mini dissertation. As such, this aspect as a form of social justice will be excluded from this mini dissertation.

Restorative justice delves into dispensing justice by settling disputes between individual, families, or communities. Central in restorative justice is the restoration of a relation between the victim, the perpetrator, and the community (Rani, 2019: 129). An ideal mechanism in addressing restorative justice is using a truth and/or reconciliation commission (Cohen, 2016: 257). A mechanism such as a truth and/or reconciliation commission, provides the victims with the possibility of venting their experiences before the perpetrator in “face-to-face” interactions (Herman, 2017: 73). Within the scope of this mini dissertation restorative justice as a form of social justice will not be elaborated upon and will ensuing be excluded from this mini dissertation.

2.3.3.2 Distributive social justice

Distributive social justice is clarified through the idea that individuals have a moral personality. As Emil Anderson (2022: 1181) notes, a moral personality is something that one either has or does not have. In his “*A Theory of Justice*” Rawls (1971: 504-505) shows that the basis of equality anchors morality to principles of justice. Individuals with moral properties engage one another as to how the benefits and burdens of social cooperation are distributed amongst each other (Anderson, 2022: 1194). Philosophy has shown that, all people are equal, either through the concept of equal value, equal worth or equal dignity. This being the case, then all people should be treated as equals (Anderson, 2022: 1180).

Guillermina Jasso, Kjell Törnblom and Clara Sabbagh (2016: 201) define distributive justice as the beliefs that individuals hold concerning fairness and the manner in which

assess the fairness of the distribution as received by themselves vis-à-vis that received by others. Distributive justice is based on three principles: “equality” (as individuals are equal, they should individually receive the same), “need” (as individuals, we need to survive and individually we should receive sufficient to cover our basic needs) and “benefits and burdens” (these should be allocated proportionally to each individual merit) (Jasso, Törnblom and Sabbagh, 2016: 203-204; Olsaretti, 2018: 5; Deranty, 2016: 3-4). Liebig and Sauer (2016: 50) elaborate on these three principles by adding the principle of entitlement (characteristics, such as gender, education, occupation, or origin). Lipovetsky e Silva (2012: 6-7) detail two more distribution criteria, namely conviction (attitudes and values) and rank (social status).

Distributive social justice punctuates that it is a “balancing act of competing claims” that people make on the benefits that are up for distribution (Olsaretti, 2018: 2). The of the main characteristic of distributive justice is that there are preconditions that need to be met. When situations arise in society that lead to a scarcity of a good, it inherently increases the social pressure on individuals to receive their equal share of its distribution and can lead to heated moments amongst individuals and potentially even to conflict amongst individuals if they perceive not to be fairly treated in this distribution of a scarce good (Olsaretti, 2018: 3). This means that some of contextualisation of social cooperation is necessary for effective distributive of goods to take place. Social cooperation therefore is in all the individual's long-term interests. Justice and long-term self-interest converge (Wolff, 2016: 6).

A second characteristic of distributive justice lies in its nature. Justice must be impartial and requires empathy (Wolff, 2016: 7-9). Distributive justice can be individual acts of members in our society or institutions. As previously said, Rawls defines institutions based on the aspect that they can regulate the basic structure of society. It is of fundamental importance that these institutions have legitimacy in the eyes of individuals and communities. This legitimacy is enhanced when these institutions reflect the shared social values of individuals and communities within society. In other words, institutions can help with the distribution of social goods (Olsaretti, 2018: 3-5). However, Wolff (2016: 7) cautions that both individuals and institutions need to be kept that justice also has a specific duty to help the unfortunate and the vulnerable in our society.

A third characteristic of distributive justice is the object of distributive justice. Distributive justice must focus on the mechanisms and procedures that distribute social goods. This becomes important when contemplating the distribution of scarce economic goods over individuals and social groups. It is here that individuals weigh what they perceive as economic advantages against what others receive. It could even well be possible that the advantage of the distribution of social goods over individuals cannot take place, but that individuals nonetheless enjoy access to these goods (Olsaretti, 2018: 4).

A last characteristic of distributive justice is the normative significance of distributive justice claims: distributive justice can become a rallying point for individuals and social groups to ventilate their grievances. These grievances culminate into a plan of action to correct the perceived feeling that these goods were unfairly distributed amongst individuals and/or social groups. Social pressure mounts on institutions to amend the arrangements of the distribution of these goods (Olsaretti, 2018: 5).

In concluding, distributive social justice is defined as a “fair exchange between recipients” (Wolff, 2016: 7).

2.3.3.3 Procedural social justice

Procedural justice, from a broader perspective, regards the nature of the decision, the interactions between the distinctive characteristics of procedural justice, the social environments in which these institutions work, and the relationship between the procedures and its outcome. Procedural justice, from a stakeholder’s perspective, focuses on the perceived fairness of decision processes, how procedural fairness affect these decision outcomes, and how it enhances the acceptance and legitimacy of these decisions (Joss and Brownlea, 1999: 323). Stakeholders are more willing to accept and abide by the outcomes of the procedural process when it is realised that these decisions have been made “fairly” (Burke and Leben (2007: 6). How the decisions are made influences the way stakeholders react to these decisions (Vermunt and Steensma, 2016: 219).

Characteristics of procedural justice that increase the potential of these outcomes and decisions being positively accepted by stakeholders (Vermunt and Steensma, 2016: 219; Burke and Leben, 2007: 6):

- 1) Stakeholders are allowed to participate;
- 2) Stakeholders perceive that the process and its outcome are of a sufficient ethical standard;
- 3) Stakeholders agree as to a proper communication process as the institution and professional bodies are better placed to eloquently conceptualise their perspectives than voluntary organisations and ordinary residents;
- 4) Decision-makers give account of the reasons and logic behind their decisions;
- 5) Stakeholders accept that there is no bias from public managers during this procedural process nor its outcome;
- 6) Stakeholders must ascertain that the decisions are made on accurate information;
- 7) Stakeholders are given the opportunity to present their perspectives;
- 8) Stakeholders are afforded the opportunity to challenge and refute the perspectives under consideration;
- 9) Stakeholders need to believe that the decision was actually informed and influenced by their points of view. “Fair” is more than just being listened to.
- 10) Stakeholders are treated with impartiality, and consistency is ensured based on the application of principles; and
- 11) Stakeholders are given the opportunity to appeal if they so wish;

In other words, procedural social justice highlights that procedures as well as their outcomes have implications for the self-worth of those participating. This means, that stakeholders that experience a positive feeling as to the procedural process as well as its outcome will harbour a positive feeling towards the institution and the outcome (Hough, Jackson, Bradford, Myhill and Quintin, 2012: 3; Vermunt and Steensma, 2016: 222). Reciprocal, procedures and outcomes that are perceived to be “unfair” will enhance an already present negative feeling towards the institution in general and the outcome in particular (Hough et al, 2012: 3).

In endeavouring to answer the general research question (*cf.* 1.3) – How, if at all, can a monthly flat rate for electricity in the Emfuleni Local Municipality contribute to social justice? – this mini dissertation posed a specific research question – How is social

justice generally understood in the literature? – to further its knowledge of social justice. Social justice zero's in on the distribution of resources in groups based on perceived feelings about this distribution in terms of fairness of both its outcome and the transparency of the process as implemented.

2.4 CHAPTER SUMMARY

In the 19th century, the liberal doctrine was “formulated for the context of the democratic state”. Liberalism is the belief “that citizens are free when they are governed by laws” to which they all can agree as reasonable persons. In the event that a country has a constitution, a just political procedure should be followed. Ideally this political procedure should include restrictions which protect the basic liberties as well as secure their priority. This conception of the constitution is not founded on the principles of justice or basic rights, but rather on the conceptions of the person and of the social cooperation most likely to be congenial to the public culture of a modern democratic society. Thus, liberalism accepts the plurality of conceptions of the good as a fact of modern life. In other words, Rawls leaves it to the actual citizens to decide how society should look through legislation and judicial review. This concept of liberalism as presented by Rawls becomes important because in Chapter 3 (Through Jurisprudence to Policy Development) this study will show that, jurisprudence (*cf.* 3.2.2) provides guidance, assistance, and stability in anchoring legal thought to policy development and the “Integrated Development Plan” as presented in Chapter 4. The “purpose of jurisprudence is to explain the actualisation of the law”. In other words, at its heart, jurisprudence provides room and scope to manoeuvre within the law and our legal system.

Sociology of justice as a disciplinary approach to social justice, looks closer at an ideally just distribution of rights and privileges, burdens, and pains, which can be deployed to assess a society's institutions as a whole and to argue for a transformation of those institutions if they are found wanting. Within this approach, social justice evaluates institutional arrangements in terms of whether they contribute to human flourishing, fairness, and equality. Psychology of justice highlights that residents are able to conceive that they are being treated unfairly. This means that residents can construe concepts of the self-versus the others, in restoring to a pre-determined state within the context of possible social change. Distributive social justice concentrates on

ideas of fairness, and they assess the fairness or unfairness of the rewards that they and others receive. Distributive justice considerations offer a reason for action. Reciprocal, perceived injustice can provide a decisive reason for altering arrangements. Procedural social justice delves into the aspect of people conferring “legitimacy on institutions of authority not simply because these institutions adhere to standards of good behaviour”. Institutional legitimacy flows not simply from factors such as procedural fairness but is also based on “public perceptions that institutions share similar moral positions”.

CHAPTER 3: THROUGH JURISPRUDENCE TO IDP

3.1 INTRODUCTION

The preceding chapter had as focus the elaboration of the “why” emanating from the stated general research question (*cf.* 1.3): How, if at all, can a monthly flat rate for electricity in the Emfuleni Local Municipality contribute to social justice? In this chapter, it would be concentrated on the “in what manner” of the general research question. This “in what manner” is addressed by answering the third and fourth specific research questions (*cf.* 1.4), respectively “what do elements such as jurisprudence, policy development and the Integrated Development Plan entail”, and “in what manner can the monthly implementation of a flat rate for electricity be incorporated into the municipal structures?”

Jurisprudence is the actualisation of law done by legal practitioners. They study their interactions to improve the quality of their understanding of the law. They are creating a repository of knowledge information by documenting their observations which are based on their extensive work experience. Legal practitioners aim to improve their understanding of law by explaining the law in its essence, as a source of authority as well as the role that it plays within the broader society.

A policy is a framework that entrenches good public policy-making practices. Findings, conclusions, rulings and judgements by legal institutions have forced government departments to amend their laws and review policies to protect the socio-economic rights of residents.

The IDP is a managerial tool that should hold a longitudinal development vision of the municipality over a council period broken down on an annual basis. The IDP must find its reflection in key performance indicators that emphasise specified targets that various departments need to realise on a quarterly basis.

This chapter will endeavour to show that a mechanism is present to aid in the conversion of “why” (Chapter 2) to the “how” of this chapter to its anchoring within Emfuleni Local Municipality (Chapter 4).

3.2 JURISPRUDENCE

3.2.1 Introduction

In embarking upon jurisprudence, the study will I briefly revisit Section 1.1.1 titled *Municipalities*. This section said that as the “sphere of government closest to the residents, municipalities have the compulsion to provide services such as electricity, water, sanitation, and waste removal to its residents”. When one reads this sentence carefully, it becomes clear that this “compulsion” is mandatory. There is a legal compliance that municipalities must adhere to. This municipal compliance is guided by specific legislation such as the Local Government Municipal Finance Management Act No 56 of 2003, the Local Government Municipal Structures Act No 117 of 1998 and the Local Government Municipal Systems Act No 32 of 2000.

Section 1.1.1 creates the impression that law - and our legal system - is a static body of knowledge that details the do's and the do not that require an academically schooled person to read dust-filled bookshelves to fathom what is legally right. If this were the case, then this mini dissertation would now, technically, be dead in the water, since South Africa's legal system and municipal laws are often interpreted not to provide for a flat rate for electricity.

The focus of this chapter will be on addressing the general research question (*cf.* 1.3): How, if at all, can a monthly flat rate for electricity in the Emfuleni Local Municipality contribute to social justice? through answering the third and fourth specific research questions respectively What do elements such as jurisprudence, policy development, and the Integrated Development Plan entail? and, In what manner can the monthly implementation of a flat rate for electricity be incorporated into the municipal structures?

This chapter aims to create a framework that can function as a mechanism that will anchor the philosophical contextualisation to the implementation of a monthly flat rate in the Emfuleni Local Municipality.

3.2.2 Defining jurisprudence

This feeling that I harboured - prior to the writing of this mini dissertation - that law was static in the sense of not changing and forever having the status of being cast in concrete for the duration of your life needed to be put to rest. The attendance of the first few municipal council sessions brought with it the realisation that laws are open to interpretation and often have ambiguities around them that can be re-interpreted in a different context (Ndima, 2017: 84). The embryo to explore alternative interpretations of current acts of parliament and existing laws such as municipal by-laws became nurtured (Ndima, 2017: 84).

In sourcing the Latin origins of jurisprudence, Olusegun Durotolu (2021: 429), highlights that jurisprudence finds its roots in combining two distinct concepts with one another; that of “jus” (law) and “prudential” (foreseeing, knowledge, skill or prudent).

According to Zhen Li (2014: 59), jurisprudence, as philosophy of law, forms an integral part of law sciences. It is legal professionals²³ - judges, lawyers, teachers, and legal practitioners – that find discrepancies in rulings and court judgements that are handed down. These legal practitioners focus on the law and its actualisation. They study their interactions to improve the quality of their understanding of the law. In other words, jurisprudence is creating a body of knowledge. A repository of information where the legal practitioners document observations which are based on their extensive work experience. Jurisprudence as a repository of information and knowledge receives scientific recognition because these legal practitioners aim to improve their understanding of law by explaining the law in its essence, as a source of authority as well as the role that it plays within the broader society (Li, 2014: 59-64; Murphy, 1965: 69-71). Filtering from this contextualisation, jurisprudence is defined as “the study of the fundamental structure of a particular legal system or the knowledge of what transpires in court” (Durotolu, 2021: 429).

²³ “Legal philosophy”, as a branch of philosophy, is bound to adhere to the philosophical way of thinking (Li, 2014: 59-64). This means that legal phenomena “should be observed reflectively and critically”. Legal philosophy is aimed at “inquiring about the positive effect brought by law”. The philosophy of law goes deeper into its underlying value. The value of law is that it should consist of justice and liberty (Murphy, 1965: 69-71).

It is this improving of our understanding and implementation of current law, this possibility that through jurisprudence law can be amended, that provides me with the mechanism of contextualising the general research question (cf. 1.3) through the answering of the fourth specific research question: In what manner can the monthly implementation of a flat rate for electricity be incorporated into the municipal structures.

3.2.3 How does jurisprudence work?

In this section, it is highlighted how jurisprudence works based on its two unique characteristics: it does not operate in a vacuum (Durotolu, 2021: 415-420; Murphy, 1965: 69-74), and, it has its own notable source classification (Durotolu, 2021: 421-425).

The first unique characteristic of jurisprudence is that it does not take place in a void, but that it operates within a contextual framework (Durotolu, 2021: 415-420; Murphy, 1965: 69-74):

1) Certainty of argument

This certainty of argument filters from a basic premise that findings, conclusions, rulings, and court judgements must be justified in a legal base (Durotolu, 2021: 415). Documented judicial decisions highlight the transparent nature of such decisions (Murphy, 1965: 69). This is of critical importance because it strengthens the impartial way that these decisions are taken. This removes any feeling that a finding, conclusion, ruling and court judgement can be interpreted as unjust (Durotolu, 2021: 415).

2) Recognition of established legal rules

As detailed, the purpose of jurisprudence is to carefully scrutinise legal decisions as well as the effects of decisions (Murphy, 1965: 69). Nonetheless, it is still possible for legal institutions to give an unjust decision (Durotolu, 2021: 415). However, this being the case, these unjust decisions need to be explained by the judge, their rationale for arriving at such a decision or conclusion (Durotolu, 2021: 415). This, as one of the reasons for the existence of jurisprudence is to improve on our understanding of law (Murphy, 1965: 70).

3) Anti-positive submission

Different spheres of courts entail that there is a structured hierarchy between these courts. In other words, a judgement of a “higher” court will influence the thought process of proceedings at a “lower” court (Murphy, 1965: 71). In such instances the deciding judge must make an informed decision based on what is fair in that case. The

judge must make a “just” decision (Durotolu, 2021: 416). This relates to the fact that jurisprudence is based on the experience of legal practitioners. Judges should conscientiously believe that they have done justice in the case (Durotolu, 2021: 416).

4) As a position

Judges never entertain an unfettered discretion (Durotolu, 2021: 416). It is the purpose of jurisprudence to actualise law. Judges give their decisions according to well-defined principles that emanate from the constitution into different acts, laws and regulations and are based on aspects such as justice and fairness (Murphy, 1965: 74).

5) As a pluralist model

The pluralist model is a descriptive model of legal reasoning that highlights that law is developmental and, as such has a requirement to reform (Murphy, 1965: 72). Due to this developmental nature of law, it acknowledges that there are diverse ways to figure out the different choices available to legal practitioners to aid them in compiling their arguments (Durotolu, 2021: 419). The value choices within these arguments reflect the times at which these arguments are compiled. The multitude of methods help with the creation of this repository of knowledge (Durotolu, 2021: 420).

The second unique characteristic of jurisprudence is the importance of different types of legal arguments (Durotolu, 2021: 421-425). These arguments can be text-based. In other words, these arguments are documented in written or printed format to record obligations and formal contracts (Durotolu, 2021: 421). Legal arguments also take cognizance of the intent of the people who originally compiled the argument. With what intention or purpose was this argument construed? This provides the current legal practitioners with the possibility of relating and re-evaluating this argument to society of the present (Durotolu, 2021: 423). Precedent is another legal argument. This relates to the uniqueness of arguments that are presented during proceedings by specialised courts and institutions such as the “Supreme Court” in America or the “Constitutional Court” here in South Africa (Durotolu, 2021: 424). A final unique characteristic of a legal argument is the tradition upon which it is based. This refers to what is detailed as “common law and the customs of the people” (Durotolu, 2012: 425). So common law “reflects the people and that does not impose the judgement of any sovereign body” (Durotolu, 2021: 425).

The importance of these two aspects of jurisprudence – that it does not operate in a vacuum but a contextual framework as well as the different legal types of arguments – is fundamental because it provides this dissertation with the means of breaking a seemingly intransigent legal system into an empowering opportunity that through policy development can assist in providing arguments for the implementation of a monthly flat rate for electricity as per the general research question (*cf.* 1.3).

3.2.4 An African perspective

In this section, the study zeros in on jurisprudence from an African point of view.

In his article, Leye Komolafe (2020: 53) poses an interesting idea that the concept of an African jurisprudence entails the existence of an African philosophy anchored within a cultural basis. Komolafe (2020: 54-55) continues with a follow-up question: does Africa have a unique African flavour (African jurisprudence), or is it based on a legacy of colonialism (jurisprudence in Africa). In other words, is it a dichotomy between natural law and legal positivism (Komolafe, 2020: 56). Komolafe (2020: 57) emphasises that natural law is inseparable of law of morality because in African cosmology, there is no distinction between the sacred and the secular. From a natural law premise, Nyarko Acheampong (2017: 18) postulates that traditional African jurisprudence centres on the value of religion and the sacred, the value of truth and justice, the value of responsibility, and the value of high moral standards and good character (Komolafe, 2020: 58). Komolafe (2020: 64) concludes that African jurisprudence calls for an ongoing dialogue among Africans on being human between humans. As Acheampong (2017: 21) portrays, a unique African flavour defined through a shared communal life, a sense of common belonging and of group solidarity.

Dial Ndimma (2017: 84) reflects on African jurisprudence by focusing on the prevalent culture of “maleness and manhood” in the appointment of public managers. This male-dominated system ensured that prevailing ideas as to the centralised values of “authority, communal living, common belonging, and collective ownership” transverse the spectrum of African jurisprudence (Ndimma, 2017: 87). However, with the advent of a more western orientated constitutions and dispensations, courts on the African continent grasped the opportunity to amend their traditional approach to include developments that included women. Filtering from this inclusion into the legal thought process, daughters now have an equal chance to succeed their predecessors in “family

and traditional leadership positions in the customary law of succession” (Ndima, 2017: 84). The Traditional Leadership and Governance Framework Act considers the imperatives of the Constitution and transforms the traditional leadership institution to accommodate democratic changes (such as the participation of women) as well as the dictates of human rights (Ndima, 2017: 105).

3.2.5 A South African perspective

In this section, the study perceives a South African outlook.

Highlighting a South African point of view, Francois Venter (2007: 1) shows that the fourth principle of constitutional law details that the judiciary has the power to safeguard and enforce the Constitution and all fundamental rights. Venter (2007: 1) rightfully states, that according to Article 165 of the Constitution, the Courts are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour, or prejudice. Venter (2007: 1) elaborates that as a judicial function, interpreting the law is not a purely mechanical process, especially as there is a great deal of discussion about legal hermeneutics. In addition, the constitution calls the Republic of South Africa a democratic state, declaring that a multi-party system of democratic government is a value on which the state relies. Emanating from this, democracy is one of the most important standards by which the constitution, the law, and government actions can be judged. Why? Because the constitution embodies what society has accepted as basic principles by which they wish to be governed. Therefore, in their interpretation of these laws, the courts are bound to promote the values that underlie an open and democratic society based on human dignity, equality, and freedom (Venter, 2007: 1). According to Venter (2007: 3) the Constitutional Court is also endeavouring to figure out the limits of jurisprudence in the field of socio-economic rights. The verdicts of the Constitutional Court set standards that policy development will need to adhere to.

In delving into the third specific research question (*cf.* 1.4), jurisprudence provides the study with an excellent mechanism in which the study can create breathing space for the introduction of a monthly flat rate for electricity as per the general research question (*cf.* 1.3) that is narrated in the next chapter.

3.3 POLICY DEVELOPMENT

Nonetheless, to access municipal structures, the study will need to make a brief detour through public management to set policy development firmly within a contextual framework of the Integrated Development Plan (IDP). The IDP is a management tool to align resources to define policy objectives/priorities in the broader framework of developmental local government (Dlamini and Reddy, 2018: 2).

3.3.1 Defining policy

Michael Howlett and Ben Cashore (2014: 4) define public policy as a “set of interrelated decisions taken by a political actor or group concerning the selection of goals and the means of achieving them within a specified situation where those decisions should, in principle, be within the power of those actors to achieve”. As Vreke (2007: 9) emphasises, public policy regulates the achieving of stated goals within a parameter of available and specified resources. Mokhaba (2005: 76) zero’s in on public policy as a formal articulation based on a declaration of intent. Howlett and Cashore (2014: 1) elaborate that public policies are started by a government. This as government has the authority to back these policies with sanctions against transgressors in case of non-compliance (Howlett and Cashore, 2014: 2). Bülent Furat and Abdullah Uzun (2022: 104) define public policy as a series of actions or inactions that governments develop in response to problems. Concisely, public policy is a conscious choice by government (Howlett and Cashore, 2014: 3).

Public policy can be characterised through primary features such as (Howlett and Cashore, 2014: 10; Vreke, 2007: 10-11; Mokhaba, 2005: 76-81):

- 1) Public policy is a response to real-world problems. Public policy aims to respond to concrete problems in society (Howlett and Cashore, 2014: 10; Vreke, 2007: 10; Mokhaba, 2005: 78, 79).
- 2) Public policy is goal oriented. Meaning that public policy highlights actions to address or solve a problem (Howlett and Cashore, 2014: 10; Vreke, 2007: 10).
- 3) Public policy gives guidance to a specific course of action (Howlett and Cashore, 2014: 10; Vreke, 2007: 10). Public policy is a detailed approach showing alternative solutions to the stated problem (Mokhaba, 2005: 81).

- 4) A public policy tabulates a decision “to do or not to do” something. A public policy is an intent to start a course of action to resolve an encountered problem within society (Howlett and Cashore, 2014: 10; Vreke, 2007: 10; Mokhaba, 2005: 76).
- 5) A public policy document is a decision by government which can include consequences in case of non-compliance (Howlett and Cashore, 2014: 10; Vreke, 2007: 11).
- 6) A public policy must define the resources that will be utilised for the policy to reach its goals. The distribution of resources must be done in a manner that is fair to aid government with its realisation of a social just society (Howlett and Cashore, 2014: 10; Vreke, 2007: 11).

As public policy is a formal process, it is structured in consecutive stages (Furat and Uzun, 2022: 111-116; Howlett and Cashore, 2014: 10-11; Vreke, 2007: 20,26; Mokhaba, 2005: 78-89):

1) Agenda-setting

This commencing stage starts with an examination of how important or prioritised a particular public policy issue is for a particular public policy actor (Furat and Uzun, 2022: 111). The delineating of a problem will inherently also provide direction in which its solution can be sourced (Furat and Uzun, 2022: 112). According to Mokhaba (2005: 78) policy elements such as the problem research, definition, identification, characteristics, and perceptions are aspects of agenda-setting that need to be explored and conceptualised.

2) Policy formulation

In this stage, the draft policy proposal concentrates on the development of policy alternatives (Furat and Uzun, 2022: 113; Mokhaba, 2005: 79). According to Furat and Uzun (2022: 113), a draft policy should be written using uncomplicated language, be supportive of other policies, ought to focus on a real problem, and regularly be revised (Furat and Uzun, 2022: 113). However, Mokhaba (2005: 88) elaborates that there are different types of policies that each have its own dynamics: domestic policies concentrate on the regulation or control of individual behaviour, distributive policies that note the need to spread resources, while redistributive policies emphasise the re-allocation of resources from one group in society to another.

3) Decision making

Furat and Uzun (2022: 114) write that the draft policy is now re-directed from conceptualisation to the realm of legislation. Howlett and Cashore (2014: 11) delve into three distinct types of decision-making models, a rational model showing how maximum benefits can be achieved, an incremental model documenting the way small adjustments will be realised, and a hybrid model that reconciles the rational with the incremental model of decision making.

4) Policy implementation

Furat and Uzun (2022: 114-115) and Mokhaba (2005: 114) signify that government clarifies its rationale for this policy and clearly spells out the intention of what this policy aims to achieve based on either a “top-down” (hierarchical) approach or alternatively a “bottom-up” (community driven) approach. In addition, Mokhaba (2005: 115), delves into important aspects that can impede on the present process of policy development: current legislation, interests of specialised groups, status of the institution as a functioning entity, and the accuracy and transparency of its planning processes.

5) Policy evaluation

As Furat and Uzun (2022: 115) state, an evaluation of the policy is relevant as this policy was introduced to reach a specific outcome, and the question is: is the policy doing what it was envisioned to do? Furat and Uzun (2022: 115) continue that, from a systemic point of view, an evaluation of a policy must address two separate aspects; was the process followed transparent and accessible for those it envisaged to accommodate? And was the outcome or result of the policy in line with the conceptualisation of the policy (Furat and Uzun, 2022: 116). Vreke (2007: 20) meanwhile tabulates different models such as: result model, stakeholder model, economic model, system model, process model, and policy theory model while Mokhaba (2005: 142) focuses on the goal-effectiveness of programmes, different cost-benefit ratios, efficiency and cost-effectiveness of performance as well as public participation in the sense of equality and equity of social justice.

From the above, one can see that a policy gives direction to government actions emanating from the implementation of such a policy. A policy is a statement highlighting a specific purpose and how a particular process is going to unfold in the public domain. In the implementation of a policy, government institutions need to make

provision for sufficient resources through their budgets to ensure that the stated policy goals or objectives are attained.

By defining policy as per its two typical characteristics (its uniqueness and the various stages), this study is gaining a sound foundation to access municipal structures. This accessing is important because it will guide the study to align a mechanism that then will aid in answering the general research question (*cf.* 1.3) How, if at all, can a monthly flat rate for electricity in the Emfuleni Local Municipality contribute to social justice?

Nonetheless, to access municipal structures, the study will need to make a brief detour through public management to set policy development firmly within a contextual framework of the Integrated Development Plan (IDP). The IDP is a management tool to align resources to define policy objectives/priorities in the broader framework of developmental local government (Dlamini and Reddy, 2018: 2).

3.3.2 New Public Management

Mahboubeh Fatemi and Mohammad Behmanesh (2012: 42) show that a new paradigm for public management – called New Public Management – appeared during the 1980s based on a fusion of economic theories and private sector management techniques. This New Public Management focussed on firstly reducing the size of those employed by the state. Secondly, on bringing government closer to the people through the decentralisation of its authority. Finally, by emphasising economic elements such as efficiency, effectiveness, and economy of resources within a broader scope of value for money for government activities (Fatemi and Behmanesh, 2012: 42). Central in this New Public Management became the shift of moving away from the present system of accountability to politicians to that of accountability to the people (Fatemi and Behmanesh, 2012: 42). Emanating from this unfamiliar approach towards accountability and the managing of public resources, it became clear that government officials must be neutral in terms of their general interests in government. In addition, politicians are rendered to an oversight role and must not intertwine political- with administrative administration (Fatemi and Behmanesh, 2012: 42). In other words, the

emphasis in the New Public Management²⁴ approach is on actively working towards the realisation of set objectives that quantified in pre-determined targets²⁵.

Victor Lapuente and Steven Van der Walle (2020: 461) highlight that this style of organising public services on a basis of efficiency, efficacy and the attainment of pre-set targets and deliverables has been controversial²⁶ in the sense that this approach has eroded a core public value of impartiality and has undermined the fundamental principle of equity. Lapuente and Van der Walle (2020: 461) state that the success of implementing the New Public Management approach depends on the administrative, political and policy context in which those reforms took place. The central assumption²⁷ of this unfamiliar approach is that the incorporation of business-like practices would enhance both the efficiency and effectiveness of public organisations. Especially if the focus is on reducing public spending, budget deficits or government debt (Lapuente and Van der Walle, 2020: 462).

²⁴ Fatemi and Behmanesh (2012: 45) highlight the following criticism is levelled at this New Public Management idea:

- 1) From an economic perspective, there is a challenge as to the validity of using economic principles – that function excellently within the private sector - within the public sector;
- 2) This unfamiliar approach can lead to an increase in unintended corruption because bureaucrats can get involved in the outsourcing of public resources;
- 3) Could undermine the current values and collective focus within the public sector; and
- 4) There is a limit of what values such as “fairness, equality, honesty and being impartial” can achieve.

²⁵ According to Fatemi and Behmanesh (2012: 44) this New Public Management approach will be based on the following principles:

- 1) Emphasis on management skills;
- 2) Defining standards for measuring performance;
- 3) Focus on output instead of input;
- 4) Moving towards the decentralisation of the public sector;
- 5) Enhancing competition within the public sector that will lead to lower costs;
- 6) The use of private sector management styles; and
- 7) Applying economic principles such as efficiency, effectiveness, and economic efficiency as to the utilisation of resources within the public sector.

²⁶ As Lapuente and Van der Walle (2020: 465-470) rightfully detail, this New Public Management approach can lead to unintended behaviour of public managers:

- 1) Remuneration packages based on performance indicators can bring with it that public managers will focus on measurable indicators at the expense of fulfilling some of their core duties;
- 2) Increased focus on competition aspects – which normal within the private sector – can lead to public managers crowd out some service providers to the benefit of other service providers with increased possibility of systemic fraud or corruption in decision making structures;
- 3) Increased unpredictability of the effects of incentives on the behaviour of public managers; and
- 4) The focus on the incentive structure as part of the reward package of public managers will erode existing public sector values such as “impartiality and equity”.

²⁷ Lapuente and Van der Walle (2020: 462) state that this assumption did not consider certain contextual factors such as:

- 1) That the introduction of such reforms might be more conducive and suitable to Anglo-Saxon administrative cultures; and
- 2) Success of these reforms depend on institutional aspects such as the the ability and the transparency of accountability of public managers.

Arwin van Buuren, Jenny Lewis, Guy Peters and William Voorberg (2020: 5) specify that many governments give the impression of experimenting with processes of policymaking which can undermine the process of decision-making which then can be disastrous for service delivery. Nonetheless, this new thinking centres on the inclusion of a wider variety of actors into the policy process which can lead to a broader spectrum of potential solutions that in the past will not have been contemplated. The underlying assumption is to strive more towards policy legitimacy of public services (van Buuren et al, 2020: 5-6).

This novel approach as encapsulated within the New Public Management approach has gained more prominence because it provides an added context in which aspects relating to policy development can be incorporated to enhance the idea value for money within the public sector. The basic premise is still that the functioning of government will become more professionalised and thereby government will be more professional in its operations and therefore be more effective in the distribution of public goods to members of the public.

3.3.2.1 Africa

In concluding this section, I would be in omission not to touch on New Public Management taking place on the African continent or specifically within the Republic of South Africa.

Gelas Rubakula (2014: 85, 94) delves into the New Public Management from an African point of view concluding that even though this approach has had some success in Africa, there are parts of the continent that still experience various challenges. According to Abdelfatah Ibrahim (2012: 1), decolonisation on the African continent saw newly formed governments building their countries from the bottom up by developing their infrastructure in traditional economic sectors such as agriculture and industry and entering new economic sectors such as trade and banking. Rubakula (2014: 85, 94) utters the wish that most African countries should stop planning with other people's money and start to create their own wealth that can be put to effective use to develop the manufacturing sector.

Rubakula (2014: 91-93) and Ibrahim (2012: 1-5) specifies that New Public Management has the ensuing impact on African countries:

- 1) The decolonisation started a process of improving local economies and living conditions (Ibrahim, 2012: 1). Adoption of this approach went together with grand expectations of enormous riches that did not materialise (Rubakula, 2014: 91). Implementation of the privatisation aspect brought flexible labour relations. Nonetheless, reforms in the civil service led to retrenchments and, outsourcing of government services led to unstable reward packages that increased insecurity of those affected (Rubakula, 2014: 91). Concisely, serving the people led to public managers focusing on profits and less on work ethos. Governments became characterised by the mushrooming corruption and increased nepotism which culminated in a collapse of bureaucracy (Ibrahim, 2012: 1).
- 2) Target setting of work performance showed signs of public managers abusing this novel approach to build personal empires that shielded public managers in self-preservation (Rubakula, 2014: 91; Ibrahim, 2012: 3).
- 3) Weak public management ability led to an effective undermining of the implementation of these reforms. This weak execution culminated in the inability of public managers to set up proper lines of reporting with little to no monitoring over budget spending and accountability of staff. Ultimately feeding into a vicious cycle of abusing public resources (Ibrahim, 2012: 3; Rubakula, 2014: 92).
- 4) Lack of an optimally functioning judicial system to support this new approach brought with it a disastrous transition from the previous way of doing service delivery (Ibrahim, 2012: 5).
- 5) Lack of political will in critical areas of authority because the reforms themselves do not reflect local context or local culture. In addition, some politicians are utilising the reform to entrench their control over government departments as well as their reluctance to decentralise financial and human resources as required by the New Public Management approach. Furthermore, politicians interpret the reforms from their perspective leaving the public managers disappointed in their implementation (Rubakula, 2014: 92; Ibrahim, 2012: 5).
- 6) Some countries conformed to the New Public Management approach due to pressure from donor institutions to amend their public administration sector accordingly to ensure the release of donor funding. These amendments are in the form of exchange control liberalisation, reducing public expenditure removing barriers that impede investment and opening state-owned enterprises

and public services to transnational capital (Rubakula, 2014: 92-93; Ibrahim, 2012: 5).

3.3.2.2 South Africa

Meanwhile, in South Africa, a contradictory trend is found. The Presidency introduced the *National Policy Development Framework 2020* as approved by the Cabinet on 2 December 2020. This policy framework begins by showing that its purpose is to entrench good public policy-making practices by setting out clear principles for effective policy development and implementation (The Presidency, 2020: 4). This policy responds to the challenge that government did not have a standardised or systemic approach on how to develop evidence-based policies in South Africa. The Presidency delves into factors influencing policy development and emphasises that the findings of courts of law have a bearing on policy changes. Court cases clarify the role of government in the progressive realisation of socio-economic rights. Court judgements have compelled many government departments to amend their laws and review policies to protect the socio-economic rights of the majority of South Africans (The Presidency, 2020: 18).

In other words, new developments such as the New Public Management provides scope to embed a less authoritative decision-making process of the utilisation of public funds for the beneficiaries of these funds. The Presidency shows that a framework has been advanced to incorporate the development of jurisprudence to review policies to protect the socio-economic rights of the majority of South Africans.

In other words, jurisprudence utilises policy development as a managerial implementing tool.

3.4 INTEGRATED DEVELOPMENT PLAN

3.4.1 Introduction

The aim of this section is to answer the third and fourth research questions (*cf.* 1.4). The third specific research question focuses on explaining what the Integrated Development Plan (IDP) entails, while the fourth specific research question (*cf.* 1.4) particularly has as purpose to connect the general research question (*cf.* 1.3) to municipal structures.

3.4.2 The legal framework

Section 151(1) of the Constitution points out that local government is developmental in nature and must be held accountable to local communities. In other words, this notes and element of complying. It is not a voluntary request that local government can debate and decide to comply with or not. This notes compliance. Furthermore, the Constitution specifically mandates the local authorities to conduct service delivery. Not the national or provincial sphere of government, but local government is mandated to engage with service delivery to its residents. Also, emanating from the Constitution, service delivery must be sustainable and must ensure socio-economic development of the poor on an equitable basis (Dlamini and Reddy, 2018: 5). Section 23(1)(a) of the Municipal Systems Act (LN, 2016b: 44) notes that a municipality must “undertake developmentally orientated planning to ensure that it strives to achieve the objects of local government set out in section 152 of the Constitution”. The Municipal Systems Act was continuous by detailing in Section 25(1) that each municipal council must, “within a prescribed period after the start of its elected term, adopt a single, inclusive, and strategic plan for the development of the municipality which (a) links, integrates and co-ordinates plans and considers proposals for the development of this municipality” (LN, 2016b: 44-45). Section 26 (LN, 2016b: 47) of the Municipal Systems Act elaborates that an integrated development plan (IDP) must “reflect (c) the council’s development priorities and objectives for its elected term, including its local economic development aims and its internal transformation needs, (d) the council’s development strategies which must be aligned with any national or provincial sectoral plans and planning requirements binding on the municipality in terms of legislation, and (f) the council’s operational strategies”.

Subsequently, Section 35(1) of the Municipal Systems Act highlights that an IDP “must be adopted by the council of a municipality” (LN, 2016b: 54):

- (a) “is the principal strategic planning instrument which guides and informs all planning and development, and all decisions concerning planning, management and development, in the municipality”;
- (b) “binds the municipality in the exercise of its executive authority, except to the extent of any inconsistency between a municipality’s IDP national or provincial legislation, in which case such legislation prevails”; and

- (c) “binds all other persons to the extent that those parts of the IDP that impose duties or affect the rights of those persons have been passed as a by-law”.

Finally, Section 36 of the Municipal Systems Act states that a municipality must “give effect to its IDP and conduct its affairs in a manner which is consistent with its IDP” (LN, 2016b: 55).

In other words, the municipality must not only provide services to local communities but also be fundamental in their orientation of service delivery (Malefane and Mashakoe, 2008: 475; UP, 102). Malefane and Mashakoe (2008: 475) state that the IDP is one of the key tools for municipalities to cope with their developmental role (UP, 102). This as the IDP has a legal status and is meant to arrive at decisions on issues such as municipal budgets, land management, economic development, and institutional transformation in a consultative, systemic, and strategic manner (Malefane and Mashakoe, 2008: 475; UP, 104). In other words, the IDP is a framework guiding the activities of stakeholders from other spheres of government, corporate service providers, non-government organisations and the private sector within a municipal area (Malefane and Mashakoe, 2008: 475; UP, 104).

3.4.3 Defining the IDP

According to Malefane and Mashakoe (2008: 473), the IDP was conceptualised to respond to the distortions and the characteristic features of the previous political dispensation which have left most of South African cities, towns, and villages with profound developmental challenges (UP, 102). The IDP was construed to respond to the changing expectations of communities (Malefane and Mashakoe, 2008: 473; UP, 102). Bathabile Dlamini and Purshottama Reddy (2018: 2) state that the IDP emerged in 1996 as a coordinating instrument to be utilised by the national government for helping reconstruction and development through the provincial, district and local government departments. According to Dlamini and Reddy (2018: 2; UP, 104) the IDP is a management tool to align resources to define policy objectives/priorities in the broader framework of developmental local government. Dlamini and Reddy (2018: 3) specify that the IDP entails consultative municipal planning involving the community, municipal functionaries, civil society, business stakeholders, and community faith-based and non-governmental organisations (Mulaudzi, 2023: 3-5). According to Adonis

and van der Walt (2017: 46-47) the IDP is a tool that should hold a longitudinal development vision; an assessment of current municipal service levels; development strategies; a spatial development framework; organisational strategies; sectoral and financial plans and key performance indicators of targets (Dlamini and Reddy, 2018: 3). As Adonis and van der Walt (2017: 47) show every municipality should have an IDP that provides for more effective utilisation of limited local, cost-effective, and sustainable resources by focusing on recognised and prioritised needs (Dlamini and Reddy, 2018: 3).

3.4.4 Characteristics of the IDP

Malefane and Mashakoe (2008: 479-481), Nkululeko Hlongwane (2011: 10-16) and Adonis and van der Walt (2017: 46-49) define the following characteristics of the IDP:

- ***Strategic municipal intervention***

This characteristic emphasises the strategic nature of the envisioned intervention and provides due justice as to the specific environment in which the municipality finds itself and the multitude of challenges that it faces daily (Malefane and Mashakoe, 2008: 479; Hlongwane, 2011: 10; Adonis and van der Walt, 2017: 47).

- ***Transformation/restructuring***

The IDP is a managerial tool that should hold a longitudinal development vision of the municipality over a council period broken down on an annual basis. The IDP must find its reflection in key performance indicators that emphasise specified targets that various departments need to realise on a quarterly basis (Malefane and Mashakoe, 2008: 480; Hlongwane, 2011: 11; Adonis and van der Walt, 2017: 47).

- ***Focus on development***

As the IDP is a “pro-poor” orientated development tool, it needs to bear in mind the environment they live in and the enormous impact that the attainment of basic commodities has on their lives (Malefane and Mashakoe, 2008: 480; Hlongwane, 2011: 10; Adonis and van der Walt, 2017: 47).

- ***Consultative and multi-sectoral in orientation***

One of the essential characteristics of the IDP is, that it is structured in such a manner that a consultative process of engagement between the municipality and local stakeholders must take place through a detailed public participation process (Malefane and Mashakoe, 2008: 480; Hlongwane, 2011: 11).

- ***Cross-cutting operations***

Even though various municipal departments have their own core business and need to attain their own key performance indicators as laid down in the Service Delivery and Budget Implementation Plan (SDBIP), the IDP ensures that the various departments assist each other to enable the overall successful attainment of municipal strategies (Malefane and Mashakoe, 2008: 481; Hlongwane, 2011: 10; Adonis and van der Walt, 2017: 48).

The IDP does have its challenges. The IDP has not only been denounced for its managerial and technocratic tendencies and but also condemned for demobilising South African civil society (Dlamini and Reddy, 2018: 15). The IDP has been criticised as an instrument promoting bureaucratic and political control. These days the focus is on marketisation than on promoting democracy, which is a strategic priority area (Dlamini and Reddy, 2018: 15; Adonis and van der Walt, 2017: 46). As Mulaudzi (2023: 3) reports, government has acknowledged that the consultative and participatory process that need to be conducted through a public participation process have not been as effective as was originally envisioned (Dlamini and Reddy, 2018: 15). Fundamental to the IDP is its promotion of wealth redistribution, poverty alleviation and economic growth that ensures that residents in the informal economic sector gain access to the formal economy (Dlamini and Reddy, 2018: 15; Adonis and van der Walt, 2017: 47).

3.4.5 The implementation process of the IDP

The implementation of the IDP takes place along a structures approach. As Dlamini and Reddy (2018: 9), the University of Pretoria (UP, 104-106), Hlongwane (2011: 22-23), and Mulaudzi (2023: 3-5) show, the IDP implementation process consists of distinct but inter-related phases:

- **Phase 1**

In this first phase, Dovhani Johannes Mulaudzi (2023: 3) writes that municipalities are expected to conduct a situational analysis of the current context in which the municipality finds itself (Dlamini and Reddy, 2018: 8; UP, 104; Hlongwane, 2011: 23). It is important to document the various levels of development taking place within the municipality with a critical reflection concerning and service delivery backlogs, municipal strategic priority areas, available resources, and institutional capacity (Dlamini and Reddy, 2018: 8; UP, 104). According to Mulaudzi (2023: 3), this phase

should inform the goals and strategies envisioned by the municipality (Dlamini and Reddy, 2018: 8; UP, 104). This phase should be consultative and include the municipal council, community members, non-governmental organisations, civil society organisations, private sector representatives and technical experts to ensure that there is a blend of local knowledge and vision that require technical ability (Dlamini and Reddy, 2018: 8). In other words, as the financial year of a municipality is from July to the following June, it is logical to conduct the first round of public participation around October which should have as aim to “listen” and “document” the needs as indicated by the communities themselves (Dlamini and Reddy, 2018: 8).

- **Phase 2**

The focus during this phase is on the development of various municipal strategic strategies with later envisioned aims (Dlamini and Reddy, 2018: 8; UP, 105; Hlongwane, 2011: 23). Meaning that the compilation of strategies should be based on the outcomes of the first round of the public participation process where debates and considerations of the significance should be guide by municipal policies in deciding on proper strategies (Dlamini and Reddy, 2018: 8; UP, 105; Mulaudzi, 2023: 4).

- **Phase 3**

This is the operational phase that concentrates on the formulation of project proposals by setting up goals, targets, and indicators (Dlamini and Reddy, 2018: 8; UP, 105; Hlongwane, 2011: 23; Mulaudzi, 2023: 4). Budgeting of resources becomes a critical aspect of this phase (Dlamini and Reddy, 2018: 8).

- **Phase 4**

Centres around a logical consistency of integrating all sector strategic activities through an alignment of project proposals to the SDBIP which specifies quantities and targets per quarter (Dlamini and Reddy, 2018: 9; UP, 105; Hlongwane, 2011: 23; Mulaudzi, 2023: 4).

- **Phase 5**

The IDP is tabled in the municipal council as an Item to Council with a resolution for adoption (Dlamini and Reddy, 2018: 10; UP, 106; Hlongwane, 2011: 23; Mulaudzi, 2023: 5).

- **Phase 6**

This phase evaluates whether the IDP is compliant with government regulations (Dlamini and Reddy, 2018: 10; UP, 106; Hlongwane, 2011: 23).

The study is placing a note as to the separate phases as set out in the above. In reality, Phases 3 and 4 are consolidated as one due to the nature of the SDBIP. For the municipal council to take a resolution of accepting the IDP, it is one voluminous document that includes the suggested budget which automatically has a SDBIP which is correlated to that particular budget. This being the case, Phase 4 is technically the second round of public participation in which the Executive Mayor and Cabinet engage with the communities during April to correlate what decisions they have made within the context of the first round complimented with all the other material. In addition, in practice, the indicated Phases 5 and 6 above are swapped. Meaning that an evaluation of compliance takes place before the municipal council formally accepts the IDP as council is the highest decision-making body.

3.5 CHAPTER SUMMARY

The information presented through the answering of the third and fourth specific research questions (*cf.* 1.4) have guided me in creating a contextual framework with as purpose of anchoring the general research question (*cf.* 1.3): How, if at all, could a monthly flat rate for electricity for Emfuleni Local Municipality contribute to social justice? to structures within the municipality. In the next chapter, the study endeavours to relate the knowledge gained during this chapter to the municipality at hand, Emfuleni Local Municipality. In this ultimate chapter, the study will explore the flat rate and describe its contribution to social justice.

CHAPTER 4: STUDY DISCUSSION: THE FLAT RATE, ITS INCLUSION INTO THE MUNICIPALITY, AND ITS CONTRIBUTION TO SOCIAL JUSTICE

4.1 FLAT RATE

Ideally, people are billed for electricity according to their usage – the more electricity a household uses, the more they are supposed to pay (ELM, 2024: 74). However, this is not always possible as municipalities generally do not have the staff to collect consumption information regularly. The municipalities resort to the calculation of an estimate (ELM, 2022: 13). Emfuleni Local Municipality calculates an average over a three-month period as is formulated in the Credit Control, Debt Collection and Customer Care Policy (ELM, 2022: 13).

In Section 1.1.5 I have indicated that a flat rate is a set amount payable for electricity regardless of consumer consumption. In an article published by *Energypedia* (31 August 2017) a flat rate tariff is defined as a flat, unchanging charge that allows the user to consume up to a maximum amount (2017: 1). Because this rate is fixed regardless of the cost of power generation or amount of consumption, consumers are offered price stability for a while in terms of energy cost despite the variance in production costs or energy consumption. This means the monetary risk is with the supplier or utility provider (Energypedia, 2017: 1). Nonetheless, due to flat rates' independence from actual usage, it fails to reflect the true costs of energy used. As some consumers experience under-consumption or over-consumption when charged with a flat rate tariff, the use of a flat rate in itself discourages efficient and conscientious use of electricity (Energypedia, 2017: 1-2). In addition, flat rate tariffs contribute to inequity between different types of consumption, where one household may use more, and another much less despite the same rate charged. Unintended subsidising by those consumers who under-consume of those consumers who over-consume (Energypedia, 2017: 2-3). Furthermore, consumers effectively pass on risk to the utility, the supplier must raise their charge of service to account for this uncertainty. The contra argument details that real real-time pricing (RTP) requires an additional infrastructural smart grid investment in terms of specialised equipment and software programmes (Energypedia, 2017: 1,5).

Notwithstanding these drawbacks, the introduction of a flat rate for electricity in Emfuleni Local Municipality is a promising avenue and has been raised in Emfuleni Council. This suggestion gained critical momentum in an Emfuleni Council Meeting in July 2020. Item A 4251 (ELM, 2020c: 646) highlighted that according to the present vending system, only 22 300 prepaid meters of the 68 800 prepaid meters in Emfuleni are purchasing electricity monthly. This equates to 30% of prepaid meters in Emfuleni (ELM, 2021b: 13) purchasing electricity, or 70% of Emfuleni prepaid meters not purchasing electricity monthly. In total, 46,500 pre-paid electricity users are not contributing monthly to the possible revenue of the municipality. If a monthly flat rate were to be introduced, 46 500 prepaid electricity meters at R500 per month over four years, one realises that an amount of R1.116 billion could have been collected as municipal revenue for electricity alone. If this revenue was ring-fenced within the budget, the municipality could have been able to sufficiently maintain its electricity infrastructure and gain financial stability to cope with other aspects of its municipal service delivery.

The idea of a flat rate is not particularly new as it has been raised in Soweto over the past few years. Television and printed media have documented resistance of residents living in Soweto as to electricity charges billed to residents. *News24* documented one of the first requests for a flat rate in an article titled “Soweto residents want flat rate but use energy-hungry appliances” (10 May 2015). The article explores why many disgruntled residents in Orlando West, Soweto, want to pay a flat rate for electricity but are using appliances that consume a lot of electricity. *News24* (10 May 2015) indicates that according to Stats SA, 2 254 households in Orlando West are using electric stoves, washing machines, and vacuum cleaners, which are all known for their high consumption of electricity. Residents took to the streets demanding an R400 per month flat rate and objected to the installation of pre-paid meters by Eskom, which the utility company forced on residents in a bid to clamp down on illegal connections. *News24* quotes a community leader, Mirriam Mthethewa, as saying that the community will not stop taking to the streets until Eskom shows interest in resolving the issue. Mirriam Mthethewa indicates that residents are willing to pay for their electricity “but we are not going to allow Eskom to charge us exorbitant rates with these prepaid meters”. Mthethewa concludes by stating that “we want a reasonable flat rate of about R200 to R300”.

Mr Atwell Kama, the Secretary of the Greater Johannesburg area for the South African National Civic Organisation (SANCO), is interviewed by *News24* (26 February 2020). During this interview with *News24*, Atwell Kama provides reasons why residents want the introduction of a monthly flat rate; many electricity sub-stations are not functioning during the winter season as they are old and some show signs of overloading, mini sub-stations are unable to provide sufficient electricity supply due to seasonal high demand, and, seemingly unemployed and pensioners have been switched to pre-paid meters. As a result, these residents have illegally re-connected themselves to the Eskom electricity supply grid. According to *News24* (26 February 2020), Atwell Kama concludes “that Eskom is not a profit-making business but an institution to provides services to the masses”.

Nonetheless, *Soweto Live* (29 September 2021) published the counterargument of a resident (Zakes Nakedi from Ennerdale) under “Proposed R200 flat rate tariff for electricity in Soweto is pure madness”. Zakes Nakedi states that “nothing is for *mahala*”. Zakes Nakedi delves into the fact that many shacks and backrooms are mushrooming in most yards and that these shacks and backrooms form a source of income for these residents, yet they do not want to pay for services. Subsequently, Zakes Nakedi argues that illegal and unlawful connectivity are major causes of mini sub-stations breaking down due to the overload of the infrastructure. Zakes Nakedi concludes by detailing that “Eskom must install pre-paid electricity meters and residents can ration themselves as to how much electricity they wish to consume”. In other words, the issue of imposing a simple flat rate is not as straightforward as it seems. There is tension between the municipality and its residents highlighting complex issues such as that of the resident’s historic debt.

The information derived from Soweto illuminates the idea of implementing a monthly flat rate for electricity within Emfuleni Local Municipality that should enable the upgrading of the municipal electrical infrastructure and its maintenance, which will, in turn, positively affect the residents. Continuous electricity supply means that residents do not have to throw away food stock and medicines because the turn-around time of restoration of electricity generally is longer than 8 to 12 hours. Electricity outages as experienced by the CW areas of Vanderbijlpark ultimately entail that residents need to replenish food stock and medicine daily. Residents are unable to make use of discount specials that food chain stores provide to their customers. This places increased

financial pressure on poorer households who already suffer due to high rates of unemployment. The sense of increasing social ill-justice reinforces the theme of this mini dissertation which questions the current practice of ever-increasing electricity tariffs, with an ever-imploding electricity infrastructure with a possible solution in the implementation of a monthly flat rate to assist local government to improve on social justice.

4.2 INCORPORATING THE FLAT RATE INTO THE MUNICIPALITY

In answering the specific research question, the monthly flat rate for electricity will need to be included in the IDP and Budget process of Emfuleni Local Municipality as per the different phases as detailed by Dlamini and Reddy, with a slight amendment in that Phases 5 and 6 will be changed²⁸ to ensure proper sequential ordering of the phases (Dlamini and Reddy, 2018: 8-10).

4.2.1 Phase 1

This phase should be consultative and include the municipal council, community members, non-governmental organisations, civil society organisations, private sector representatives and technical experts to ensure that there is a blend of local knowledge and vision that require technical expertise.

The preamble of the Code of Conduct for Councillors (Schedule 1) clearly defines the legal role envisioned as to the functioning of the councillor (LN, 2016(b): 148). The preamble highlights that councillors are elected to represent local communities on municipal councils²⁹. In fulfilling this role councillors must “be accountable to local communities” and report back at least quarterly to constituencies on council matters

²⁸ I am deviating from the Dlamini and Reddy’s IDP implementation process due to a perceived illogical sequential ordering of the different phases as is detailed in Section 3.4.4. Phases 5 and 6 should be changed. Once adopted by the municipal council, it becomes binding on all stakeholders within the municipality. Therefore, legal compliance needs to be verified before the adoption by the municipal council.

²⁹ Section 152(1) of the Constitution provides an overview of the “objects of local government” as being (LN, 2016(a): 103-104):

- 1) “to provide democratic and accountable government for local communities”;
- 2) “to ensure the provision of services to communities in a sustainable manner”;
- 3) “to promote social and economic development”;
- 4) “to promote a safe and healthy environment”;
- 5) to encourage the involvement of communities and community organisations in the matters of local government.

(LN, 2016b: 148). In other words, there is a compulsion emanating from the law for councillors to hold public meetings.

Section 19(1) of the Municipal Structures Act (LN, 2021: 24) stipulates that a municipal council must strive within its capacity to achieve objectives set out in Section 152 of the Constitution. Section 19(3) of the Municipal Structures Act (LN, 2021: 24) states that a municipal council must develop mechanisms to consult the community and community organisations in performing its functions and exercising its powers. Such a mechanism is the establishment of ward committees as per Section 72 of the Municipal Structures Act (LN, 2021: 51). The object of a ward committee is to enhance participatory democracy in local government (LN, 2016b: 51). A ward committee consists of the councillor representing that ward and not more than 10 other persons (LN, 2016b: 52). Section 74(a) of the Municipal Structures Act highlights that a ward committee may make recommendations on any matter affecting its ward to the ward councillor, and through the ward councillor, to the local council (LN, 2016b: 53).

Filtering from the above, it is evident that there is a formal process that needs to be commenced upon. It starts with the community approaching the ward councillor with a request for a public meeting. This public meeting will have an attendance register and minutes to formally indicate that a specific request was made to the ward councillor. In terms of this mini dissertation, it will be that the community requests the ward councillor to start with a petition that states that the community wishes to petition the municipal council for the introduction of a monthly flat rate for electricity.

Section 17 of the Constitution (LN, 2016a: 21) highlights that everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions. Section 79(1)(a) of the Municipal Structures Act (LN, 2021: 54) details that a municipal council may establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers. This means - that the petition concerning a monthly flat rate for electricity – once it has run its course within the public domain, the ward councillor will then write a covering letter (a Question to Council) to the municipal council requesting the Speaker of Council to forward this Question to Council and signed off petitions to the Section 79 Petitions Committee to commence within their internal processes to hear the community within a formal setting.

Liberalism (*cf.* 2.2.2) has a clear understanding of the utilisation of public resources within the attainment of the common good. The modern liberal tradition is based on 1) an optimistic view of human nature, 2) an optimistic view of an individual's capacity, and 3) people's choices as to the preservation of individual freedoms (Haybron, 2011: 19). Nonetheless, people systematically and predictably err (Foley, 2010: 3-5) in the pursuits of their interests (Haidt, 2006: 113). This provides room to manoeuvre for governments to enter this space of the common good and to direct discourse by creating policies that force people to amend their choices to comply with these policies (Haybron, 2011: 19). However, it is a fundamental aspect of liberalism that government policies should be neutral (Dionigi and Keidosty, 2017: 10). A policy should be neutral among conceptions of the public good to be attained (Haybron, 2011: 21). In other words, the government should concentrate on creating a conducive environment in which individual choices determine the outcome.

In Section 2.3.2.1 (Sociology of justice) I showed that sociological is moving to being more inclusive (Romero, 2020: 20). Sociologists must understand the world from the margins and from multiple perspectives (Romero, 2020: 24). Romero (2020: 23), highlights that a better understanding is required as to the distribution of various rights and privileges based on structures of inequality. "Justice" is defined as a social phenomenon that can be conceptualised as a social value. "Social justice" is then quantified as a shared aggregate by members of a community detailing how resources and burdens, their pains, and gains, should be ideally distributed within a social group (Liebig and Sauer, 2016: 38). Romero (2020: 24) says that justice must be seen as a social force because it impacts on economic, political and social structures. Characteristic to sociology of social justice is idea of the "institutional design". Individuals have concepts as to what constitutes just and justice as per experiences. These experiences mould social attitudes and behaviour which culminate in perceived feelings as to the the functioning of organisations and institutions in society. Institutions should reflect beliefs of social justice as held dear by members of society on an individual and collective level (Liebig and Sauer, 2016: 38).

In addition, in Section 2.3.2.2 (Psychology of justice) I highlighted that social justice also has a psychological aspect. Neoliberal ideology portrays the individual as an autonomous actor, choosing rationally to achieve their self-chosen goals. Central is the concept that a neoliberal person is solely responsible for their own successes and

failures (Thrift and Sugarman, 2019: 10-11). A similar tendency is ascertained with psychology. Psychology focuses on what motivates an individual. The focus is on individual problems that need an individual solution (Thrift and Sugarman, 2019: 10-11). Central to psychology of justice is the subjective aspects of what “moves” an individual. What do individuals perceive as being just, or unjust? Psychology of justice has as purpose to understand “how people think and feel about justice” (Gollwitzer and van Prooijen, 2016: 61-62). On an individual level, psychology of justice relates to the feelings that the individual harbours as to being treated fairly and/or unfairly. Feelings of being treated unfairly are usually accompanied by strong emotions such as “anger, resentment and moral outrage”. Social behaviour is a “self-versus the others”. This can lead to individuals presenting themselves in a socially favourable light irrespective of moral hypocrisy, moral disengagement, and moral self-regulation (Gollwitzer and van Prooijen, 2016: 62-67). On an interpersonal level, the individuals look in their social environment for cues to inform them in what manner they are treated “fairly”. Individuals that harbour a feeling unfairly treated or being unjustly treated, believe that they are withheld a commodity that they are entitled to. This necessitates efforts to restore justice (Gollwitzer and van Prooijen, 2016: 67-73).

But, in Section 3.3.2 (New Public Management) I documented that a new paradigm for public management – called New Public Management – emerged during the 1980s in different parts of the world based on a fusion of economic theories and private sector management techniques (Fatemi and Behmanesh, 2012: 42). This New Public Management approach will be based on principles such as: the emphasis on management skills, standards for measuring performance will be clearly defined, the focus will be on output instead of input, moving towards the decentralisation of the public sector, enhancing competition within the public sector that will lead to lower costs, the use of private sector management styles, and embedding efficiency, effectiveness, and economic efficiency as to the utilisation of public resources (Fatemi and Behmanesh, 2012: 44). The central assumption of this new approach is that the incorporation of business-like practices would enhance both the efficiency and effectiveness of public organisations. Especially if the focus is on reducing public spending, budget deficits or government debt (Lapiente and Van der Walle, 2020: 462).

The introduction of a monthly flat rate for electricity has a legal point of departure with public participation being guided by a sociological and psychological sense of social justice within a new approach towards public management.

4.2.2 Phase 2

The focus during this phase is on the development of strategies involving debates and considerations of the significance and implementation of policy guidelines to decide on the appropriate strategies. This phase constitutes a deepening of public participation through forms of social justice, the commencing understanding of jurisprudence and its role in the change process brought together through the New Public Management approach.

From a philosophical point of view, in Section 2.2.4.1, Rawls (1993; 39) highlights that a well-ordered society needs to be based on the concepts of realism and stability. This means that citizens who affirm reasonable but opposing doctrines belong to an overlapping consensus: that is, they generally endorse that conception of justice as giving the content of their political judgements on basic institutions (Rawls, 1993; 38). Nozick (1974; 90) delves into this principle of fairness by indicating that when a number of people engage in a just, mutually advantageous and cooperative venture according to rules and thus restrain their liberty in ways necessary to yield advantageous for all (Nozick, 1974; 90). The idea of social cooperation requires an idea of each participant's rational advantage, or good (Rawls, 1993; 16). Nozick (1974; 192) questions whether this is a fair agreement on the basis of which those worse endowed could expect the willing co-operation of others? Ultimately, Nozick (1974; 194) indicates that co-operation leads to a deep suspicion of imposing, in the name of fairness, constraints upon voluntary social co-operation so that those already benefitting the most will benefit even more (Nozick, 1974; 195).

I have shown in Section 2.3.3.2 (Distributive social justice) that humans form ideas of fairness, and they assess the fairness or unfairness of the rewards that they and others receive (Wolff, 2016: 1). As I indicated, one of the principles of Distributive Justice is that of equality, that everyone should receive the same (Jasso, Törnblom and Sabbagh, 2016: 203). The existence of social cooperation is necessary for the demands of distributive justice to arise (Olsaretti, 2018: 3). Justice must be impartial (Wolff, 2016: 7) and requires empathy (Wolf, 2016: 9). This is where institutions can

be of assistance (Wolff, 2006: 8). Institutions as defined by Rawls that these institutions regulate the basic structure of society (Olsaretti, 2018: 3).

Section 2.3.3.3 (Procedural social justice) delves into the fact that how decisions are made (Vermunt and Steensma, 2016: 219) influences the reaction of people to these decisions such as: consistency in applying procedures consistently across people and over time, decisions should be made on accurate information and when authorities act ethically and demonstrate concern for the needs of the people (Vermunt and Steensma, 2016: 220). People (Hough et al, 2012: 4) receiving an outcome that violates their sense of unfairness will subsequently search for flaws in the procedure to then be able to downscale the unfavourable outcome (Vermunt and Steensma, 2016: 224). As a result, when people perceive that they are treated unfairly, this will elicit feelings of anger, irritation, and insult (Vermunt and Steensma, 2016: 224). People who become angry about a negative interpersonal treatment will seek out information that is consistent with the conclusion that events were unfair (Vermunt and Steensma, 2016: 225).

Section 2.3.3.3 (Procedural social justice) looks at the perceived fairness of decision processes, how procedural fairness affect these decision outcomes, and how it enhances the acceptance and legitimacy of these decisions (Joss and Brownlea, 1999: 323). Stakeholders are more willing to accept and abide by the outcomes of the procedural process when it is realised that these decisions have been made “fairly” (Burke and Leben (2007: 6). How the decisions are made influences the way stakeholders react to these decisions (Vermunt and Steensma, 2016: 219). Stakeholders that experience a positive feeling as to the procedural process as well as its outcome will harbour a positive feeling towards the institution and the outcome (Hough, Jackson, Bradford, Myhill and Quintin, 2012: 3; Vermunt and Steensma, 2016: 222). Reciprocal, procedures and outcomes that are perceived to be “unfair” will enhance an already present negative feeling towards the institution in general and the outcome in particular (Hough et al, 2012: 3). Reciprocal, As a result, when one perceives that one was treated unfairly, this will elicit “feelings of anger, irritation, and insult”. Consequently, information will be sourced that is consistent with the fact that the decision or outcome was unfair (Vermunt and Steensma, 2016: 224-225).

In Section 3.2.2 (Defining jurisprudence) philosophy of law has been conceptualised as the formulation of concepts and theories to aid in understanding the nature of law,

the sources of its authority, and its role in society (Durotolu, 2021: 429). This means that jurisprudence is defined as the study of the fundamental structure of a particular legal system or the knowledge of what transpires in court (Durotolu, 2021: 429). The purpose of jurisprudence to actualise law. Judges give their decisions according to well-defined principles that emanate from the constitution into different acts, laws and regulations and are based on aspects such as justice and fairness (Murphy, 1965: 74).

In Section 3.2.3 (How does jurisprudence work?) Jurisprudence shows that it entails two unique characteristics: it does not operate in a vacuum (Durotolu, 2021: 415-420; Murphy, 1965: 69-74), and, it has its own notable source classification (Durotolu, 2021: 421-425). Findings, conclusions, rulings, and court judgements must be justified in a legal base (Durotolu, 2021: 415). Jurisprudence carefully scrutinises legal decisions as well as the effects of decisions (Murphy, 1965: 69). Nonetheless, it is still possible for legal institutions to give an unjust decision (Durotolu, 2021: 415)

Section 3.3.2 (New Public Management) highlights that many governments seem to be experimenting with their “primary processes of policymaking, service delivery and decision-making” (van Buuren et al, 2020: 5). This new thinking centres around the inclusion of a wider variety of actors into the policy process as well as focusing on a wider range of possible solutions. Seemingly the underlying assumption is to strive more towards policy legitimacy of public services (van Buuren et al, 2020: 5-6). Nonetheless, this New Public Management approach has some unintended behaviour pertaining to our public managers, to name but two: remuneration packages based on performance indicators highlighted that public managers would focus on measurable indicators at the expense of fulfilling some of their core duties, and the focus on the incentive structure as part of the remuneration package of public managers will ultimately “erode existing public sector values such as impartiality and equity” (Lapiente and Van der Walle, 2020: 465-470).

In other words, the introduction of a monthly flat rate for electricity finds support from both a distributive and procedural approach towards social justice. From a distributive point of view as humans, we form ideas of fairness and assess this fairness or unfairness mirrored against others. This entails that people place their perceptions of social justice as a demand on Emfuleni Local Municipality because the municipality has the potential to regulate the basic structure of local society. From a procedural point of view, how decisions are made by Emfuleni Local Municipality, influences the

reaction of people to decisions taken by the municipality. In terms of the introduction of a monthly flat rate for electricity, social perceptions of people as to their perceived fairness or unfairness place the proverbial fuel on the fire if the same people perceive that how Emfuleni Local Municipality adheres to consistency could lead to an increased aggravation of people with a potential to radicalise this issue. This is as people realise that jurisprudence can be utilised to provide guidance, assistance, and stability. The quest to introduce a monthly flat rate for electricity is further enhanced when considering that the New Public Management thinking centres around the inclusion of a wider variety of actors into the policy process as well as focusing on a wider range of possible solutions. Through the request for the introduction of a monthly flat rate for electricity, people can strive towards policy legitimacy of public services.

4.2.3 Phase 3

This is the operational phase that concentrates on “the formulation of project proposals by setting up objectives, targets, and indicators”. Budgeting of resources becomes a critical aspect of this phase.

The anchoring - of a monthly flat rate for electricity – will on the one hand take place through the commencement of a formal process by the Ward Councillor within the municipal council as well as starting preparations for inclusion into the IDP and Budget process. A process under the auspices of the Executive Mayor. The Ward Councillor commences with this process in the municipal council through the “Rules and Orders of Council and its Committees”³⁰ (ELM, 2021: 871-925). The first possible approach to contemplate is through the formal correspondence of the issue as raised as a petition. Section 9.3 of the Rules and Order focuses on the aspect of petitions (ELM, 2021: 905-906). Section 9.3.1 of the Rules and Orders begins by detailing that any Councillor, Chairperson of a Committee, Executive Mayor, Member of Mayoral Committee, and the Municipal Manager must inform the Speaker of Council of and submit any petitions received (ELM, 2021: 905). Section 9.3.2 elaborates that the Speaker of the Council must refer the petition to the relevant Department or may dispose of the matter raised in the petition in terms of the Petitions Policy (ELM, 2021: 905).

³⁰ Rules and Orders of Council and its Committees (Approved by Council on 30 July 2020, Item A4258). A Special (Inaugural) Council Meeting to be held on Monday, 22 November 2021.

A second possible approach could entail a formal Question to the Council (ELM, 2021: 906-907). Section 10.1.1 (ELM, 2021: 906) states that a Councillor may “at any time submit a written question”. Section 10.1.2 (ELM, 2021: 906) continues by directing the Municipal Manager to provide a copy thereof to the relevant Departmental Head/Manager and instruct her/him to prepare a reply question. Section 10.1.3 (ELM, 2021: 907) states that “provided the question has been received at least ten working days before the scheduled date of the meeting where the question would be asked, the Municipal Manager must ensure that the question and the answer thereto is included in the agenda for the first ordinary meeting of the Council or Committee next ensuring where the question will be asked”. A third possible approach to be considered is the tabling of the issue as a Motion (ELM, 2021: 907). Section 11.1.1 (ELM, 2021: 907) shows that a Councillor may put a matter on the agenda of the Council by submitting a written motion to the Municipal Manager and requesting that it be included in the Agenda of the first subsequent Ordinary Council Meeting.

One does not have to wait for the completion of the public participation process under the auspices of the ward councillor – as highlighted in Phase 2 - to be completed but simultaneously a parallel process can be commenced through the IDP and Budget process. Section 3.4.3 (Defining the IDP) shows that the IDP (Malefane and Mashakoe, 2008: 473) was construed to respond to the changing expectations of communities and emerged as a coordinating instrument to be utilised by the national government for helping reconstruction and development through the provincial, district and local government departments (Dlamini and Reddy, 2018: 2). The IDP is a tool that should hold “a longitudinal development vision; an assessment of current municipal service levels; development strategies; a spatial development framework; organisational strategies; sectoral and financial plans and key performance indicators of targets” (Dlamini and Reddy, 2018: 3). Section 3.4.2 (The legal framework) anchors the compliance of the IDP to the Constitution and Municipal Systems Act. Section 3.4.4 (Characteristics of the IDP) shows that the IDP is a strategic municipal intervention tool designed to recognise the environment within which the municipalities operate; that the IDP needs to be a transformation/restructuring drive as a framework for development; consultative and crosscutting in its operations (Malefane and Mashakoe, 2008: 479-481).

In other words, through the IDP and Budget process, the people can engage with the Executive Mayor in a simultaneous process to get the request for a monthly flat rate for electricity officially accepted into this IDP and Budget process. Through active people's engagement in both these processes – the public participation through the Ward Councillor and the inclusion into the Executive Mayor's IDP and Budget process – people can strive to ensure that the request for a monthly flat rate for electricity is formally accepted into Emfuleni Strategic Priority Areas (as attached as Appendix A at the end of this mini dissertation). Emfuleni Strategic Priority Areas consists of (ELM, 2022: 190-193):

- 1) Corporate Governance & Public Participation
- 2) Economic Development & Spatial Planning
- 3) Public Safety & Social Transformation
- 4) Basic Services & Infrastructure
- 5) Financial Viability & Management

4.2.4 Phase 4

Phase 4 centres around a logical consistency of integrating all sector strategic activities through an alignment of project proposals to the Service Delivery and Budget Implementation Plan which specifies quantities and targets per quarter.

It is within this phase that I will be anchoring the introduction of a monthly flat rate for electricity to the different Emfuleni IDP Strategic Priority Areas. Emanating from a liberal point of view, the introduction of a monthly flat rate for electricity can be anchored under Emfuleni IDP strategic priority area 1 “Corporate Governance and Public Participation” as well as area 5 “Financial Viability and Management”. “Corporate Governance and Public Participation” because this strategic priority area focuses on active community participation through the conducting of ward-based community meetings. As well as Education and awareness campaigns which have the aim to educate the community on the importance of paying for the services rendered by the municipality. “Financial Viability and Management” because this strategic priority area centres on public participation meetings; stakeholders' engagement; IDP and Budget processes and, ward-based integrated service delivery planning.

From a sociological approach towards social justice (*cf.* 2.3.2.1), the introduction of a monthly flat rate for electricity can be conceived under the 5th strategic priority area detailing good and financially sustainable governance based on Emfuleni Council improving on its monitoring and reporting on the implementation of Council Resolutions as well as the review of organisational structure and service delivery model. Viewed from a psychological approach towards social justice (*cf.* 2.3.2.2) a monthly introduction of a flat rate for electricity can be highlighted under the 2nd Emfuleni IDP strategic priority area Economic Development and Spatial Planning specifically focusing on electricity by developing an Integrated Energy Plan (IEP) and ensuring that this plan is aligned with national priorities and guidelines as documented in the National Development Plan (NDP). This Emfuleni IEP must include programmes delving into Alternative Energy Sources (AES) as well as Independent Power Producers (IPP).

Emanating from Section 2.3.3.2 on the distributive form of social justice the introduction of a monthly flat rate for electricity can be aligned to the 2nd Emfuleni IDP strategic priority area 2, Economic Development and Spatial Planning because a developmental Emfuleni Local Municipality must create capacity to address the “critical issues of poverty, unemployment, and inequality”. In the Medium Term, Emfuleni aims to implement a series of interventions that promote economic transformation. From a procedural perspective of social justice (*cf.* 2.3.3.3), the introduction of a monthly flat rate for electricity can be construed under the 1st and 5th Emfuleni IDP strategic priority areas. Area 1 (Corporate Governance and Public Participation) through active community participation (ward-based community meetings) as well as education and awareness campaigns (educating the community on the importance of paying for the services rendered by the municipality). The 5th strategic priority area details Financial Viability and Management by strengthening democracy in the communities through public participation meetings; stakeholders' engagement; IDP processes and ward-based integrated service delivery planning.

The introduction of a monthly flat rate for electricity pertaining based on a jurisprudence (*cf.* 3.2.2) perspective can be conceived under Emfuleni IDP strategic priority area 2 Economic Development and Spatial Planning focusing on electricity through the conceptualisation of an Integrated Energy Plan (IEP) which must be aligned to the national priorities as stated in the “National Development Plan” (NDP). From a policy development approach (*cf.* 3.3.1), the introduction of a monthly flat rate for electricity

can be connected to both aspects of the 2nd (“Economic Development and Spatial Planning”) through the development of an Integrated Energy Plan (IEP) and the 5th (“Financial Viability and Management”) by reviewing the municipal organisational structure and service delivery model.

As detailed in Section 3.3.2 (New Public Management) a new paradigm for public management emerged focussed on “decreasing government size, and the decentralisation of management authority, with emphasis on efficiency, effectiveness, and economy of resources”. This New Public Management relates to the 5th Emfuleni strategic priority area (Financial Viability and Management) focusing on good and financially sustainable governance through the conceptualisation and implementation of ethics and anti-fraud/corruption systems, processes, and programmes; the monitoring and reporting on the implementation of Council Resolutions; and the review of Emfuleni Local Municipality organisational structure and service delivery model.

As viewed from the IDP (*cf.* 3.4.3), the introduction of a monthly flat rate for electricity is an intervention that is aimed at “realising the vision, goals, and objectives” within a framework for development as detailed in the 1st Emfuleni strategic priority area. Through a consultative process of engagement between the municipality and local stakeholders, an active process commenced from the bottom-up to shape the destiny of the municipality which relates to the 5th strategic priority area (Financial Viability and Management) the introduction of a monthly flat rate for electricity will strengthen democracy in the communities through public participation meetings; stakeholders' engagement; IDP processes and ward-based integrated service delivery planning.

Once the introduction of a monthly flat rate for electricity has been conceptualised and formally included in the IDP a process of re-calibration takes place in which the IDP is quantified into the Service Delivery and Budget Implementation Plan (SDBIP) through stated targets that need to be attained per quarter.

4.2.5 Phase 5

This phase highlights an assessment of whether the IDP is compliant with government regulations.

During this phase, the IDP, the associated budget together with its different policies as well as the “Service Delivery Budget and Implementation Plan” (SDBIP) will be forwarded to departments within Emfuleni Local Municipality such as the Legal

Department for final verification to legal compliance processes and the Communication Department for editing and layout of documents.

4.2.6 Phase 6

The IDP is brought to the municipal council for adoption. The flat rate is now accepted and moves from conceptualisation to implementation.

The introduction of a monthly flat rate for electricity anchored within the IDP, Budget and SDBIP process is formally presented as an item to the Emfuleni Council for adoption, rejection, or acceptance with amendments.

4.3 THE CONTRIBUTION OF THE FLAT RATE TO SOCIAL JUSTICE

In successfully answering the first specific research question – is it possible to incorporate the request for a monthly flat rate within the governance structures of Emfuleni Local Municipality – the study will direct its attention to addressing the second specific research question which focuses on the contribution to social justice. I will answer this specific research question by engaging with the components within focus areas such as liberalism, approaches and forms of social justice and the anchoring within the Integrated Development Plan.

4.3.1 Liberalism

The acceptance of a monthly flat rate for electricity means that the IDP process seems to be an ideal mechanism for the mobilisation of the community through the holding of public meetings (under the auspice of the Ward Councillor and Ward Committee Members) in a ward, specified stakeholder meetings (Ward Committee Meetings and designated flat rate meetings) and IDP meetings (public participation is compulsory by law). Attendance of community members reinforces the relevance of Rawls's liberalism, leaving it to the actual citizens to decide how society should look through legislation and judicial review (Rawls, 1993: 303). Actualisation of direction by the community strengthens the basic principles of democracy as is seen with the residents of Soweto and the mobilisation of CW residents to make sure that government structures accommodate (*cf.* 4.1) are held accountable to the public. In other words, it highlights that are social institutions can grow with the developments taking place

within our communities. Like utilitarianism, the inclusion of 46,500 non-purchasing residents (*cf.* 4.1) to pay a flat rate of R500 per month will increase a guaranteed revenue of over R1 billion over four years. Resources available to be garnished without increasing pressure on communities.

4.3.2 Sociological approach to justice

Social justice (*cf.* 2.3.2) is portrayed as a set of principles from which we may work out an ideally just distribution of rights and privileges, burdens, and pains (Liebig and Sauer, 2016: 38), which can be deployed to assess a society's institutions as a whole and to argue for a transformation of those institutions if they are found wanting (Liebig and Sauer, 2016: 38). The Emfuleni IDP strategic priority area concerning financial viability and management highlights that Emfuleni envisions good and financially sustainable governance. This means that Emfuleni Local Municipality will now need to demonstrate that critical elements such as an anti-fraud policy, anti-corruption policy, sexual harassment policy, municipal risk assessment and mitigation policy and Council resolutions specifically as to material findings of the Auditor General will need to be followed up and public debate will need to take place so that community members are abreast as to critical developments within their communities. Transformation of social institutions is not static and timeless; they are the barometer of changes emanating from communities to public managers (*cf.* 3.4.4). Only through the actual implementation of updated policies will the Presidential directive as to the new National Policy Development Framework 2022 (*cf.* 3.4.4) show the communities that their participation is fundamental in justly distributing benefits for the community over the communities (*cf.* 2.3.3.1).

4.3.3 Psychological approach to justice

The Emfuleni IDP process provides community members the opportunity to engage with local government. The IDP process is headed by the Executive Mayor and is taken to the various regions that constitute Emfuleni Local Municipality for public participation (ELM, 2022: 39-48). Emanating from the second Emfuleni IDP strategic priority area – Economic Development & Spatial Planning – means that the municipality can engage with community members as to rectifying existing electricity infrastructural backlogs and commencing with discussing alternatives such as the Integrated Energy Plan that will automatically be aligned to the newly introduced National Policy Development

Framework 2022 (*cf.* 3.4.4). Through conducting such a public participation process perceptions of community members as to being treated unfairly can be minimised to such an extent that community members will not strive to social change (*cf.* 2.3.2.2). Members of the community can ventilate their individual feelings and in doing so will assist this psychological disciplinary approach to justice.

4.3.4 Distributive form of social justice

Distributive justice focuses on the distribution of material or economic advantages of given goods (Olsaretti, 2018: 4-5). It is within this context that distributive justice is viewed as a balancing act of competing claims that people make on the benefits that are up for distribution (*cf.* 2.3.3.2). The second Emfuleni IDP strategic priority area – Economic Development & Spatial Planning – details, that as a municipality, Emfuleni will address the critical issues on poverty, unemployment, and inequality through careful planning of available resources such as land, people, infrastructure, and finances (*cf.* 4.2.3).

As has been previously indicated (*cf.* 4.1), 46,500 pre-paid electricity meters are not purchasing electricity monthly. If these pre-paid meters consume an average of R500 electricity per month, an estimated R1 billion revenues will be added to revenue collection over four years. If this revenue was ring-fenced within the budget, the municipality could have been able to sufficiently maintain its electricity infrastructure and gain financial stability to cope with other aspects of its municipal service delivery (*cf.* 4.1). Continuous electricity supply means that residents do not have to throw away food stock and medicines because the turn-around time of restoration of electricity generally is longer than 8 to 12 hours. Electricity outages as experienced by the CW areas of Vanderbijlpark ultimately entail that residents need to replenish food stock and medicine daily. This places increased financial pressure on poorer households who already suffer due to high rates of unemployment (*cf.* 4.1). Humans form ideas of fairness, and they assess the fairness or unfairness of the rewards that they and others receive (Jasso, Törnblom and Sabbagh, 2016: 201). Distributive justice (*cf.* 2.3.3.2) is based on principles such as equality (everyone should receive the same) and need (everyone should get enough to cover basic needs) (Jasso, Törnblom and Sabbagh, 2016: 203-204). In other words, through a fair distribution of a public good such as electricity, the introduction of a monthly flat rate will increase the perception of

community members a sense of social justice through a more equitable distribution of such a public good.

4.3.5 Procedural form of social justice

Introducing a monthly flat rate for electricity in Emfuleni Local Municipality will contribute to the procedural form of social justice. In utilising the first (*cf.* 4.2.3) Emfuleni IDP strategic priority area – Corporate Governance & Public Participation – focused on active community participation in the sense of conducting regular community-orientated public meetings in the wards that constitute Emfuleni Local Municipality because communities in Soweto (*cf.* 4.1), as well as Vanderbijlpark (*cf.* 4.1), can make use of these structures to ventilate that accountability of public managers should take place to their communities and less to politicians (*cf.* 2.3.3.3). Communities are indicating that way decisions are made influences the reaction of people to these decisions (*cf.* 2.3.3.3). The use of Emfuleni IDP strategic priority area 1 will therefore contribute to community members accepting decisions made by public managers. A similar line of thought can be detailed as to Emfuleni IDP strategic priority area 5 – Financial Viability & Management – concerning the proposed use of IDP public meetings. Utilisation of the IDP process structures will contribute to an enhanced feeling of social justice through the effective implementation of such structures.

4.3.6 Jurisprudence

The development of an integrated Energy Plan – emanating from the second (*cf.* 4.2.3) Emfuleni IDP strategic priority area – Economic Development & Spatial Planning – will contribute to social justice because it shows that decisions by legal practitioners do not take place in a vacuum (*cf.* 3.2.3). The introduction of a monthly flat rate for electricity will highlight the necessity of an Integrated Energy Plan. Legal practitioners must apply certain principles within a broad framework of philosophical ideas rooted in reasoning and logic within their sense of experience which culminates into a prevalence of justice and equity (*cf.* 3.2.3). Court cases clarify the role of government in their progressive realisation of socio-economic rights (The Presidency, 2020: 18). Court judgements have compelled many government departments to amend their laws and review policies to protect socio-economic rights of the majority of South Africans (The Presidency, 2020: 18).

4.3.7 Policy development

In accepting the monthly flat rate for electricity by Emfuleni Council in a formal meeting and supported through a resolution to that effect, the development of an Integrated Energy Plan – second Emfuleni IDP strategic priority are – will contribute to social justice because it supported by the newly introduced National Policy Development Framework 2020. This framework proposes that public policies should be thoroughly analysed for likely impacts, costs, benefits, and risks (Dlamini and Reddy, 2018: 3). Government departments need to amend their laws and review policies to protect socio-economic rights of the majority of South Africans (The Presidency, 2020: 18). This contributes to an increased sense of perceived social justice within communities.

4.4 STUDY FINDINGS

This research stipulates the following findings:

- 1) John Rawls's theory of "justice as fairness" emphasises the importance of considering the rules for a fair allocation of social goods within a society, as well as the consequences of those rules. Institutions - like a municipality - need to be just to enact social justice. If a municipality is not fulfilling its mandate, then a case can be made that it is contributing to an unjust society, or as an institution, it is increasing the social injustice within its municipal boundaries.
- 2) Social justice is portrayed as a set of principles from which we may work out an ideally just distribution of rights and privileges, burdens and pains, which can be deployed to assess a society's institutions as a whole and to argue for a transformation of those institutions if they are found wanting.
- 3) Jurisprudence highlights to me that the law is not static. Jurisprudence focuses on the interpretation of the law. The more that these interpretations are recognised by communities as having substance, the greater is the possibility that municipal by-laws will be amended to reflect these common understanding of its interpretation.
- 4) The Presidency introduced the *National Policy Development Framework 2020*. Its purpose is to entrench good public policy-making practices by setting out clear principles for effective policy development and implementation. Court judgements have compelled many government departments to amend their

laws and review policies to protect the socio-economic rights of the majority of South Africans.

- 5) The municipality must not only provide services to local communities but also be fundamental in their orientation of service delivery. The IDP is one of the key tools for municipalities to cope with their developmental role. As the IDP has a legal status it assists with institutional transformation in a consultative, systemic, and strategic manner.
- 6) Emfuleni Local Municipality, in its IDP, details in its Strategic Priority Areas its commitment “to provide a longitudinal development vision; an assessment of current municipal service levels; development strategies; a spatial development framework; organisational strategies; sectoral and financial plans and key performance indicators of targets”.

This chapter is the culmination of the information presented in both Chapters 2 and 3. This mini dissertation will now be concluded with a summary and a conclusion in the last and ensuing chapter.

4.5 CHAPTER SUMMARY

Keeping in mind the general research question (*cf.* 1.3) - How, if at all, can a monthly flat rate for electricity in the Emfuleni Local Municipality contribute to social justice? – in this chapter the study endeavoured to pull together the information as detailed in Chapter 2 (Philosophical Contextualisation of Social Justice) and Chapter 3 (Through Jurisprudence to IDP).

Filtering from the philosophical basis of liberalism, this study clearly understands that the utilisation of public resources within the attainment of the common good became an excellent angle to delve into the relevant facets of social justice. In realising that social justice is the perception that members of the community harbour as to whether or not the distribution of resources over the community was done fairly and as much as possible equitable to the individual members of the community. Transparency and accountability concerning the procedural process followed enhances the validity that members of the community harbour as to the fairness of the system in general and the functioning of the municipal institution in particular. It is shown that as such a possible flat rate for electricity can be processed within the municipality through means of a legal/jurisprudence trajectory that is embedded within a new public management/policy

development approach that ultimately makes use of the Integrated Development Plan (IDP) angle to anchor itself within the different Strategic Areas of Emfuleni Local Municipality.

A fundamental aim of the IDP is to concentrate on aspects such as poverty alleviation, reducing unemployment and deepening the functioning of democratic institutions within communities. Through the introduction of a monthly flat rate for electricity, the community will perceive social justice as something positive. This ought to reflect similarly positive on their shared sentiments as to the functioning of Emfuleni Local Municipality as an institution.

CHAPTER 5: STUDY SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 STUDY SUMMARY

In Section 1.4, I detailed the specific research questions that emanated from the general research question (*cf.* 1.3): How, if at all, could a monthly flat rate for electricity in the Emfuleni Local Municipality contribute to social justice?

The following specific research questions were posed (*cf.* 1.4):

- 1) Which philosophical approach will provide a contextual framework for the introduction of a monthly flat rate for electricity in Emfuleni Local Municipality?

Liberalism has a clear understanding of the utilisation of public resources within the attainment of the common good. The modern liberal tradition is based on 1) an optimistic view of human nature, 2) an optimistic view of an individual's capacity, and 3) people's choices as to the preservation of individual freedoms (Haybron, 2011: 19). Nonetheless, people regularly err in the pursuits of their interests. This provides room to manoeuvre for governments to enter this space of the common good and to direct discourse by creating policies that force people to amend their choices to comply with these policies (the Presidency, 2020: 18). However, it is a fundamental aspect of liberalism that government policies should be neutral. A policy should be neutral among conceptions of the public good to be attained (Haybron, 2011: 21). In other words, the government should concentrate on creating a conducive environment in which individual choices determine the outcome.

- 2) How is social justice generally understood in the literature?

In reviewing the literature concerning social justice, the study reveals that there were various approaches to social justice as well as different forms of social justice.

I explore two specific approaches to social justice, the sociological and psychological. Sociology of justice defines social justice as being the institutional design of a society highlighting that the rules and practices within institutions should reflect conceptions of justice at the collective or social level (Campbell, 2021: 356). Authors see their

contribution in the sense of advancing social justice in that it gives dignity to the subjects (Campbell, 2021: 360). Social consequences on (in)justice highlight those experiences of (in)justice which affect the attitudes and behaviour of people and thereby lead to social consequences that can affect the functioning of organisations, institutions and society as a whole (Liebig and Sauer, 2016: 38). Justice is detailed as a social phenomenon that can be conceptualised as a social value in the sense of shared concepts of the desirable describing how resources and burdens should be allocated or distributed within a social aggregate (Romero, 2020: 24). Sociological explores how individual behaviour translates into social structure or collective phenomenon (Liebig and Sauer, 2016: 42). Psychology of justice focuses more on subjective aspects (Gollwitzer and Prooijen, 2016: 61); that what people perceive as just or unjust. In other words, how does the individual perceive justice. Perceptions of being treated unfairly are usually accompanied by strong emotions (such as anger, resentment, and moral outrage) and by a strong motivation to act against injustice, restore justice, and put the world back into balance (Gollwitzer and Prooijen, 2016: 62-64). People look in their social environment for cues that inform them how fairly they are treated by other people (Gollwitzer and Prooijen, 2016: 68).

In delving into the different forms of social justice, literature highlighted two distinct forms, distributive and procedural justice. Distributive social justice concentrates on that human's form ideas of fairness, and they assess the fairness or unfairness of the rewards that they and others receive. An important principle is that of equality, that everyone should receive the same. The existence of social cooperation is necessary for the demands of distributive justice to arise. Justice must be impartial and requires empathy. This is where institutions can be of assistance. Institutions as defined by Rawls that these institutions regulate the basic structure of society. Procedural social justice) focuses on how decisions are made influences the reaction of people to these decisions such as: consistency in applying procedures consistently across people and over time, decisions should be made on accurate information and when authorities act ethically and demonstrate concern for the needs of the people. People receiving an outcome that violates their sense of unfairness will subsequently search for flaws in the procedure to then be able to downscale the unfavourable outcome. As a result, when people perceive that they are treated unfairly, this will elicit feelings of anger, irritation, and insult. People who become angry about a negative interpersonal

treatment will seek out information that is consistent with the conclusion that events were unfair.

3) What do elements such as the jurisprudence, policy development, and the Integrated Development Plan entail?

Specific research questions 1 and 2 – as briefly summarised above – form part of the theoretical contextualisation of this mini dissertation. The elaboration of elements such as jurisprudence, policy development and Integrated Development Plan is to assist this mini dissertation to make the transition from the theoretical contextualisation to a practical framework. A practical framework that guides this mini dissertation to Emfuleni Local Municipality.

Jurisprudence – or seen as philosophy of law – “is the formulation of concepts and theories to aid in understanding the nature of law, the sources of its authority, and its role in society”. This means that jurisprudence is defined as “the study of the fundamental structure of a particular legal system or the knowledge of what transpires in court”. A judge cannot rule as he/she pleases. The ruling must be anchored to a legal basis. Jurisprudence carefully examines and considers the effects of decisions. In other words, the law is developmental. Jurisprudence provides this mini dissertation with the room to manoeuvre, law is not static. Law is not cast in concrete.

A policy is a statement highlighting a specific purpose and how a particular process is going to unfold in the public domain. In the implementation of a policy, government institutions need to make provision for sufficient resources through budgets to ensure that the stated policy goals or objectives can be attained. By-laws are regulations enacted on a municipal level and are binding once approved by their Council. As The Presidency shows, in South Africa, a framework has been developed to incorporate the development of jurisprudence to review policies to protect the socio-economic rights of the majority of South Africans. Through jurisprudence to utilise policy development as an implementing tool.

Section 36 of the Municipal Systems Act states that a municipality “must give effect to its IDP and conduct its affairs in a manner which is consistent with its IDP”. In other words, the municipality must not only provide services to local communities but also be fundamental in their orientation of service delivery. The IDP is one of the key tools

for municipalities to cope with their developmental role. In addition, the IDP has a legal status and is meant to arrive at decisions on issues such as municipal budgets, land management, economic development, and institutional transformation in a consultative, systemic, and strategic manner. In other words, the IDP is a framework guiding the activities of stakeholders from other spheres of government, corporate service providers, non-government organisations and the private sector within a municipal area.

- 4) How could the monthly implementation of a flat rate for electricity be incorporated into the municipal structures?

The IDP is “a coordinating instrument to be used by the national government to facilitate reconstruction and development through the provincial, district and local government departments”. The IDP is a consultative process involving the community, municipal functionaries, civil society, business stakeholders, and community faith-based and non-governmental organisations. The IDP is posed as a tool that should contain “a longitudinal development vision; an assessment of current municipal service levels; development strategies; a spatial development framework; organisational strategies; sectoral and financial plans and key performance indicators of targets”. The legal framework anchors the compliance of the IDP to the Constitution and Municipal Systems Act. The IDP is a strategic municipal intervention tool designed to recognise the environment within which the municipalities operate; that the IDP needs to be a transformation/restructuring drive as a framework for development; consultative and crosscutting in its operations.

In other words, through the IDP and Budget process, the people can engage with the Executive Mayor in a simultaneous process to get the request for a monthly flat rate for electricity officially accepted into this IDP and Budget process. Through their active engagement, people can strive to ensure that the request for a monthly flat rate for electricity is formally accepted into Emfuleni Strategic Priority Areas. Emfuleni Strategic Priority Areas consists of the following categories: “Corporate Governance & Public Participation”, “Economic Development & Spatial Planning”, “Public Safety & Social Transformation”, “Basic Services & Infrastructure”, and “Financial Viability & Management”.

5) How would the monthly implementation of a flat rate for electricity contribute to social justice?

From a liberal point of view, Emfuleni IDP strategic priority area 1 “Corporate Governance and Public Participation” as well as area 5 “Financial Viability and Management”. “Corporate Governance and Public Participation”. Sociological approach to social justice, Emfuleni IDP strategic priority area 5 detailing good and financially sustainable governance. Psychological approach to social justice as per the 2nd Emfuleni IDP strategic priority area Economic Development and Spatial Planning. Distributive form of social justice is based on the 2nd Emfuleni IDP strategic priority area, Economic Development and Spatial Planning. Procedural perspective of social justice under the 1st and 5th Emfuleni IDP strategic priority areas. Area 1, Corporate Governance and Public Participation. Area 5 detailing Financial Viability and Management.

The introduction of a monthly flat rate for electricity pertaining based on a jurisprudence perspective can be conceived under Emfuleni IDP strategic priority area 2 “Economic Development and Spatial Planning”. From a policy development approach as highlighted in the 2nd area – “Economic Development and Spatial Planning” - and the 5th area which focuses on “Financial Viability and Management”. The New Public Management relates to the 5th Emfuleni strategic priority area, “Financial Viability and Management”. As viewed from the IDP itself, the introduction of a monthly flat rate for electricity is an intervention that is aimed at realising the vision, goals, and objectives within a framework for development as detailed in the 1st Emfuleni strategic priority area. Through a consultative process of engagement between the municipality and local stakeholders, an active process commenced from the bottom-up to shape the destiny of the municipality which relates to the 5th strategic priority area (“Financial Viability and Management”) which will strengthen democracy in the communities through public participation meetings; stakeholders' engagement; IDP processes and ward-based integrated service delivery planning.

Once the introduction of a monthly flat rate for electricity has been conceptualised and formally included in the IDP a process of re-calibration takes place in which the IDP is quantified into the “Service Delivery and Budget Implementation Plan” (SDBIP) through stated targets that need to be attained per quarter.

5.2 STUDY CONCLUSION

In this section, the study will conclude with a conclusion that filters from the general research question (*cf.* 1.3): How, if at all, could a monthly flat rate for electricity in the Emfuleni Local Municipality contribute to social justice?

This master's mini dissertation draws the following conclusion: Yes, a monthly flat rate for electricity in Emfuleni Local Municipality will contribute to social justice.

How? Emanating from liberalism, aligning aspects of social justice with that of jurisprudence, policy development and the Integrated Development Plan. The Strategic Areas of Emfuleni Local Municipality highlights its vision of commitment to social and institutional transformation.

5.3 STUDY RECOMMENDATIONS

This study tabulates the following recommendations:

- 1) Subsequent research to elaborate upon the relationship between liberalism and social justice in general, and liberalism and distributive and procedural social justice in particular in Emfuleni Local Municipality.
- 2) New research to explore the overall relationship between social justice and public management and specifically the accountability of public managers to the public of Emfuleni Local Municipality.
- 3) Future research to analyse the perceived relationship between social justice and policy development, and particularly the shift of accountability of public managers to the community of Emfuleni Local Municipality.
- 4) Other research to focus on the perceived perception of social justice related to the IDP and its public participation process in Emfuleni Local Municipality.

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APPENDIX A: EMFULENI LOCAL MUNICIPALITY: INTEGRATED DEVELOPMENT PLAN: STRATEGIC PRIORITY AREAS

Nr	Priority Area	Individual components
1	Corporate Governance & Public Participation	Active community participation: * Ward based community meetings
		Business trust: * Consultation and clear communication * Good and realistic turnaround time
		Education and awareness campaigns: * Educate community in terms of vandalism that causes damage to service delivery, i.e. Electricity, Water, Sanitation, Roads etc. * Educate community on importance of paying for the services rendered
2	Economic Development & Spatial Planning	A Developmental Local Municipality must create capacity to address the critical issues of poverty, unemployment and inequality
		To grow our economy, through Local Economic Development we must plan carefully with our available resources such as Land, People, Infrastructure and Finances
		In the Medium Term the ELM aims to implement a series of interventions that promote economic transformation
		The municipality intends to develop capacity to implement programmes on the following: * Waste to energy projects * Alternative sources of energy to minimise dependency on Eskom * Reclamation and recycling of waste water projects * Water conservation * Ground water exploitation * Smart technologies-, Revenue Enhancement Technologies, Smart grids, etc
		On Land Use Management
		Our Focus on Agriculture will be: * To reserve areas for agricultural purposes and making way for niche market agricultural produce, while helping emerging local farmers and job creation * To create agricultural hubs to protect natural resources and high potential agricultural soils * Helping emerging local farmers and job creation
		On Transportation
		The road network enhances the economic development and provides for the safety of all road users within Emfuleni Local Municipality

	The following strategies will be implemented to ensure adequate maintenance of road networks to enhance economic activity: * Rehabilitation of Tarred Roads - resealing of tarred roads to prolong the lifespan of the tar roads * Graveling of roads and upgrading of Tar/Surfaced - Annual Maintenance Plan for the maintenance and prepare Business Plans for the upgrading of existing gravel network to tar via the MIG grant * Pothole Patching - Allocate less than 40% of the budget towards patching of potholes programme in all townships/suburbs where the Rehabilitation of Tarred Roads Programme has not being reached * Upgrading of Storm water Systems - The programme will focus on protection of the properties from flooding during rain seasons and the overall protection of the ecosystem * Road Classification and Weigh Bridge System - To ensure that the movement of Heavy Vehicles is aligned to road class and structural capacity
	On Water and Sanitation The sector struggles from an infrastructure backlog and the municipality must investigate appropriate institutional options for service delivery such as corporatisation of Metsi-a-Lekoa The economic development interventions include developing bulk infrastructure capacity for the following mega projects: * The Development of the Vaal River City * The Development of a Special Economic Zone (SEZ) linked to Logistical Centre * Development of Large Scale/Mega Housing Projects
	On Electricity This sector also struggles from an infrastructure backlog and the municipality must investigate appropriate institutional options for service delivery such as establishment of an Electricity Utility Develop Integrated Energy Plan. Update the Energy plan regularly to align with National priorities (NDP) and guidelines Programmes to include: * Alternative Energy Sources * Independent Power Producers (IPP's)
	On ICT and Telecommunications Develop guidelines that accelerate the installation of telecommunications infrastructure to enable smart city capability Local Economic Development interventions, i.e. * Re-development of Manufacturing & Industrial Sector (retain steel industry, beneficiation & value add, export promotion, innovation, green industries, agro-processing, hydroponics, cluster development)

		* Small Business Development, Entrepreneurship & Job Creation (job centres, training, mentors, access to finance, youth development, skills development, interns, EPWP, Youth programmes, cooperatives) * Township Revitalisation (improved linkages, entrepreneurship development, incubation, start-up funding, industrial development, tourism, infrastructure, informal trade, market links, and concentrated agriculture) * Quality of Life (pro-poor, safety nets, youth programmes, food security, basic needs, transport, community facilities)
3	Public Safety & Social Transformation	To develop our people, we plan in respect of Arts, Culture, Heritage, Sports and Recreation through: * Sports Activities * Back to School Program * Film Screenings * Human Rights Commemoration * Puisano Jazz Festival * Puisano Auditions * Vaal River Carnival Programs * Kasi Live Bands, Indigenous gospel and Brass Bands, Dance * Fest, Theatre & Poetry Fest, Street Parade, Jazz by the river * Sedibeng Spring Fest, All white Sessions, RAG, Sedibeng We further plan in respect of Social development, Health and Community safety to implement interventions and activities relating to: * Gang related Activities (Gangsterism) * Road Safety & Crime Prevention Through Environmental Design * Substance Abuse * Gender based violence * Property Related Crimes
4	Basic Services & Infrastructure	To Reintegrate the region, especially through improved Transport, Infrastructure and connectivity we plan to: * Regularly maintain the regional corridors Road Networks to encourage and improve economic activity * Implement the Regional Sanitation Scheme and related infrastructure projects * Develop Regional Solid Waste Landfill sites * Explore the utilisation for underground water * Establish joint approaches to combat infrastructure, vandalism and theft within in the Region Release Human potential * Releasing Human Potential is about creating a Municipality with improved literacy, numeracy and skills levels * Emfuleni will be a place where life-long learning is promoted and learning is done in partnership and collaboration with communities, educational institutions and the private sector. Revive and sustain partnerships with VUT and NWU for research and development on key strategic

		issues such as resuscitation of laboratories (Leeuwkuil), impact on WCWDM, approach and methodology into concept of meter and unmetered areas and community strategy. And the work towards formation of Social Network Partnerships with business sector, organs of civil society to create job opportunities and poverty reduction be continued * The need to be an improved stakeholder engagement on projects * The work on timeous payment of service providers be prioritised and continue with indigent burials. That the SMMEs in the 2020/2021 MTREF period be prioritised and the acceleration and sustained partnerships with the private sector for economic development and investments be maintained * Employee wellness and Development * In Releasing Human Potential, we plan to ensure that our employees are cared for, well trained and managed through implementation of SCRALIS programmes and activities
		To improve the quality of life of all our people we plan to work in partnership with National, province and other local municipalities to ensure: * Roads Maintenance awareness campaigns To make sure we have clean water, air and land, we plan to: * Remove waste through joint cleanup campaigns. * To ensure that municipality waste management facilities are properly licensed * Initiate and support waste minimisation projects like recycling, separation at source and waste to energy projects * To initiate and support EPWP Water and Sanitation To make sure we have clean water, air and land, we plan to: * Regularly Repair and maintain Water and sanitation infrastructure To curb pollution of water sources through discharge of non-compliant effluent To provide portable drinking water that complies to SANS 241 requirements To Refurbish portable and Upgrade infrastructure to accommodate additional capacity Requirements due to growth, developments and industries. * Capacitation of Metsi-a-Lekoa through Sect. 63 intervention to ensure sustainability and compliance to relevant environmental legislations: National Water Services Act: National Water Act; National Forests Act; National Environmental Management: Protected Areas Act; National Environmental Management: Biodiversity Act; Marine living Resources Act

		*To Reintegrate the region, especially through improved Transport, infrastructure and connectivity we plan to: Regularly maintain the regional corridors Road Networks to encourage and improve economic activity Implement the Regional Sanitation Scheme and related infrastructure projects Develop Regional Solid Waste Landfill sites Explore the utilisation for underground water Establish joint approaches to combat infrastructure vandalism and theft within the Region
5	Financial Viability & Management	Good and Financially Sustainable Governance We plan to continue to improve the Governance of our Council through: * Implementation of ethics and anti fraud/corruption systems, processes and programmes * Implementation of an enterprise-wide risk management system * Implementation of an integrated organisational and individual performance management system * Improved AG Audit opinion from Unqualified to clean Audit Opinion * Monitoring and reporting on implementation of Council Resolutions * Implementation of measures to improved financial controls (business processes re-engineering) and fiscal discipline across the institution * Implementation of enterprise-wide business continuity programme * Review of organisational structure and service delivery model We plan to deepen democracy in our Council through: * Public participation (Ward committee meetings and public meetings) * Stakeholders engagement meetings * IDP, Budget and public participation meetings * Ward-based integrated service delivery planning * Education and awareness * Free and fair ward committees elections

(Source: Amended from ELM, 2022: 190-193)