

**UNIVERSITY OF KWAZULU-NATAL**

**A PHENOMENOLOGICAL INVESTIGATION INTO THE USE OF INCENTIVES TO  
SOLICIT COMMUNITY PARTICIPATION IN HERITAGE POLICY  
IMPLEMENTATION IN POST 1994 SOUTH AFRICA.**

**BY**

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## **COMPLIANCE WITH THE REQUIREMENT TO PUBLISH A PEER REVIEWED JOURNAL ARTICLE**

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In fulfilment of this requirement the author has published two peer reviewed articles in the following two accredited journals:-

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## **DEDICATION**

I dedicate this thesis to my late mother, father and daughter Christine Ntombi (MaSithole); Joseph Mzikayise and Sinenhlanhla Sindisiwe Mnculwane respectively.

## ABSTRACT

This study seeks to explore the extent to which incentives as policy instruments intended to assist implementation are used by public managers in the post 1994 South Africa. It begins by providing the theoretical background within which the study will be conducted. This is preceded by outlining the scope of the inquiry highlighting not only its relevance but the specific objectives that it seeks to achieve; thus setting the foundation of the investigation. Having unravelled the evolution of the different paradigms of public policy implementation which has taken place over time, the thesis interrogates the phenomenon of incentives and their respective usage in various policy fields including heritage. Premised on the underlying aim of highlighting the deployment of incentives contemporaneous with the various phases of heritage policy development in the country, the thesis further explores the evolution of heritage policy in South Africa since the advent of formalised heritage management in the colonial era. Informed by this theoretical background provided thus far, the study explores the question of how incentives are deployed by heritage managers in the public sector and result in findings, whose implications are summarised in specific conclusions and recommendations, aimed at guiding the use of inducements in the implementation of heritage policy in the post 1994 South African heritage management model.

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## **List of abbreviations**

ACTAG – Arts and Culture Task Group

ATC – African Traditional Cuisines

CSR – Civil Service Reforms

CPNHMU - Commission for the Preservation of Natural and Historical Monuments of the Union

DAC – Department of Arts and Culture

DPSA – Department of Public service and Administration

EDP – Executive Development programme

EP – Empirical Premise

EPHC – Environmental Protection and Heritage Council

GIA – Grants in Aid

HCOANZ - Handbook published by the Commonwealth of Australia for the Heritage Chairs of Australia and New Zealand

IRF - Incentive Research Foundation

NMC – National Monuments Council

NP – Normative Premise

ISPI - International Society for Performance Improvement

MEC – member of Executive Council

MMS – Middle management Service

MOU – Memorandum of Understanding

NCEE - National Centre for Environmental Economics

NHC – National Heritage Council

NGO – Non-Governmental Organisation

PFI – Processes Factors and Institutions Model

PFMA – Public Finance Management Act, No 1 of 1999.

PHRA – Provincial Heritage Resources Authority

## CHAPTER 1

### THE PURPOSE AND SCOPE OF THE STUDY

#### 1.1 INTRODUCTION

This chapter of the thesis introduces what is going to be done in this study and why. It will provide the framework within which the work will be articulated. The introduction begins with the background information introducing the topic investigated; then continues to the problem statement<sup>1</sup> and the purpose of the work.

Once the problem has been identified and articulated, the chapter will posit research objectives to be attained in the course of the inquiry by specifically naming them. The technique to be followed when naming the objectives will be to express them as 'To' statements to indicate action. Each objective will be explained; and after stating the objectives the chapter posits the thesis statement which will tell the reader about what is to be investigated. The investigation to be conducted will provide answers to the objectives of the inquiry (Hofstee, 2006:87). The proposition and explanation of the thesis will be followed by a short description of the approach the inquiry will take, subsequent to which delineation and delimitations will ensue, stating issues that are not going to be addressed by the conclusions reached by the study. From here the introductory chapter will pass on to define specific terms and abbreviations made in the dissertation. It is at this point where the introductory chapter will state some of the assumptions undergirding the thesis statement.

Subsequently, the introduction provides a rationale as to why the inquiry is worth one's while; and addresses the significance of the study both in terms of its theoretical and practical relevance. While probing the phenomenon of significance, the chapter attends to the issue of originality of the inquiry. Originality in the context of this study means that while the concept of incentives has been investigated before, this study however is going to examine its use in a slightly different industry altogether (Hofstee, 2006:90). The penultimate section of the introductory chapter presents the chapter outline (save the first chapter), and provides not only the logical sequence of the said chapters, but also furnishes the overview of the main points of what each chapter discusses. Finally, conclusions based on the foregoing will be made.

#### 1.2 BACKGROUND AND OUTLINE OF THE RESEARCH PROBLEM

The 88 year period in South Africa ranging from the enactment of the first heritage legislation in the post union era in 1911, that is The Bushmen's Relic Act, No. 22 of 1911, to the advent of the National Heritage Resources Act, No. 25 of 1999, has been plagued by a dearth of local community participation in issues pertaining to heritage management and heritage resource administration; leading not only to a noticeable lack of transformation in the industry, but also to the marginalisation from mainstream heritage management, of a sizeable amount of heritage

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<sup>1</sup> The approach taken in the structuring of the chapters of this thesis particularly in this instance, takes its cue from the observation made by Erik Hofstee in his work, "*Constructing a Good Dissertation*". Hofstee does not recommend the use of research questions, but rather suggests the framing of a research problem in the form of a question.

resources, belonging to previously suppressed groupings in the country (Kotze & Jansen van Rensburg, 2003:4).

While the post 1994 era in South Africa has witnessed a proliferation of public policies intended to usher in a transformation of the public sector in general, and service delivery in particular, not enough has been noticeable in the participation of local communities in the implementation of such prescripts and policies. In fact, there is some evidence pointing to the direction of policy failure, steadily and sometimes violently rearing its head in the form of community protests and police reprisals, replete in both the print and electronic media reports. In a paper delivered at the annual round table of the African Association for Public Administration and Management held in Zambia, titled, *Policy Implementation: Lessons for Service Delivery*, the policy implementation scholar of the School of Public Management and Administration of the University of Pretoria, Petrus Brynard, maps out the contours of the South African policy context obtaining to date. According to Brynard, after the advent of democracy in 1994, the South African policy arena has gone through at least three phases. The first stage consists of the major policy review initiative which began in 1995 and lasted until 1996. This is often dubbed, the 'White Paper Era' (Brynard, 2005:3). Part of this rigorous and extensive policy review process, it must be noted, gave rise to the White Paper on Arts, Culture and Heritage, adopted on the 4<sup>th</sup> of June 1996, which intended among others, to set out "government policy for establishing the optimum funding arrangements and institutional frameworks for the creation, promotion and protection of South Africa's arts, culture, heritage and the associated practitioners." (South Africa (Republic), 1996: Chapter 1). It is safe to conclude that this phase saw a preponderance of policies mushrooming as a result of new policy directions characteristic of the new dispensation in South Africa.

Subsequent to this period, according to Brynard, followed a phase where a particular emphasis was placed on service delivery with a renewed focus and interest in public policy implementation. This was spearheaded by Thabo Mbeki, and lasted from 1997 until 2003. It is no sheer accident that this phase coincided with the adoption of a policy intended to transform service delivery in accordance with the principles enshrined in Section 195 of the Constitution (i.e. *The Batho Pele* White Paper). Brynard further observes that after 2003, the South African policy context continued to pay attention to service delivery more particularly within the local sphere of government.

It can be conceded as Brynard demonstrates, that the initial phase of the post 1994 South African policy context primarily focused on the crafting and adoption of various White Papers, and to that extent witnessed the characteristic mushrooming of policies which included, among others, the emergence of new policy interventions intended to deal with challenges germane to the heritage industry. There is at the same time a sobering indication to the effect that the burgeoning of policy prescripts did not necessarily translate to effective implementation.

It can be argued that as early as 1998, an indication is provided by the Presidential Review Commission that all was, not as it were 'hunky dory', in the arena of public policy implementation in South Africa. In a report presented by a special commission to the then State President of the Republic of South Africa on the 27<sup>th</sup> of February 1998, titled, "*Developing a*

*Culture of Good Governance: Report of the Presidential Review Commission on the reform and transformation of the public service in South Africa*”, an important observation is made particularly with regard to the state of implementation obtaining at the time. The report states, “*In its presentation on right sizing to the Commission, the DPSA acknowledged many of the above limitations and argued that these essentially reflected problems not of policy but of execution. Measures were designed and processes set in motion at the central level which were not implemented as planned, primarily because there were little incentives for managers to do so.*” (South Africa (Republic), 1998: Section 3.2.4.4) The Observation of the commission that problems in the public sector were not necessarily arising from a lack of policy but from the implementation of the same have been well echoed by many a policy analyst in South Africa. However, could it well be that part of the failure to implement policies effectively in the country is not only the result of the lack of incentives for managers as the report alleges? Could it be that the lack of incentives for effective public participation complicates matters further for policy implementation, more particularly within the heritage industry which to a large extent continues to be plagued by indifference from a sizeable contingent of the South African populace?

This question becomes even more important if one takes into cognisance the aim of the National Heritage Resources Act, 1999, as stated in the preamble. The National Heritage Resources Act 25 of 1999, is part of the legislative corpus currently regulating the industry. It is one of the first pieces of legislation enacted after 1994 with the intention of engendering transformation in the industry. The act claims that it seeks to, “*promote good management of the national estate and to enable and encourage communities to nurture and conserve their legacy so that it may be bequeathed to future generations.*” (South Africa (Republic), 1999:2). It is therefore evident that the act acknowledges the role of local community participation for effective management of the national estate at all levels. Section 3(1) of the National Heritage Resources Act No 25 of 1999 defines the national estate as, “*those heritage resources of South Africa which are of cultural significance or other special value for the present community and for future generations.*” However, the question which begs the answer in this regard could easily be: Are there enough incentives for communities to effectively participate in the heritage value chain as envisaged by the legislation? Or does the said piece of legislation simply indulge on ‘prescribing’ what communities need to do by regulation without providing relative inducements to ensure that such a participation is strategically solicited? Could it well be that contemporary South African heritage policy making and implementation has not yet made a shift from seeking to ensure that the implementation of such prescripts is based exclusively on decisions and activities which only impose constraints, and are in that sense construed as coercive rather than incentive based? (Knoepfel, Laure, Varone & Hill, 2007:29)

Taking its cue from these issues the intended research project therefore seeks to answer the following question-cum-challenge: “*It is uncertain to what extent are incentives used to solicit community participation in heritage policy implementation in post 1994 South Africa?* Successful policy implementation would require among others, that there is a constellation of actors in the policy implementation arena who will be able to ‘make it happen’. While it is true that the existence of a comprehensive if viable theory of policy implementation, which while

providing a specific set of concepts and equally explains the interrelationships existing among such concepts, still eludes us; there is however a sense in which policy implementation scholars have made us aware that the critical role played by coalitions of individuals, which are in one way or the other affected by the policy and thereby have a greater potential to influence the way in which a given government intervention is implemented, is critical for any effective policy implementation. The South African policy scholar Petrus Brynard is yet another example of such scholars who put a great price on the value of clients and coalitions in the policy implementation arena. Brynard (2005(a):20) argues that it is important to begin the process of implementation by identifying influential clients and coalitions from the potentially large number of possible actors related to a given policy. In this instance, his observations resonate with other scholars. Knoepfel et al. (2007:192) for example make an illuminating remark in this regard. They observe that the economic, political and social weight of various clients and coalitions in the policy arena determines the extent to which their cooperation may be considered necessary for effective implementation of policy. To this extent therefore the economic, social and political standing of a given actor is a clear indication of the importance of the role a particular stakeholder is likely to play in the process of policy implementation.

By the same token, the importance of soliciting participation from a wider front of actors in the policy implementation arena is further demonstrated by the need for implementation strategies to take cognisance of pre-authoritative decision dynamics in the preparation of the policy. The opposing sides of a given policy having done battle at the legislative phase and its subsequent adoption, presages that when it comes to the implementation of the intervention, there is inevitably a shift of forum which has resulted in a change in the balance of power. The battle which took place at the development of the policy and the choice of a viable policy alternative shifts to the implementation arena in the sense that competing interests, resource availability and competing views on how implementation should unfold contend with each other at this stage. It is for this reason that policies emanating from the national sphere of government are stated in broad terms so that the wide range of possible implementers find a niche for themselves and commit to implementation. The participation of such a coalition of policy implementation actors and supporters would, among other things, require strategies to solicit and manage their respective participation in the process of policy execution. For this to be realised, incentives could well be another tool used by policy makers to aid implementation. However, in spite of the fact that the use of incentives is an established phenomenon in other disciplines and policy areas as will be demonstrated in the literature review of this study, their deployment is not a widespread practice in the heritage industry; and the use of such a strategy has not been investigated within the South African heritage policy implementation context in particular.

Having outlined the background which accounts for the ultimate provenance of this study, it is now time to pay attention to the research problem which informs the inquiry and the specific objectives that the project will seek to attain. That is the focus of the subsequent section of the chapter.

### **1.3 RESEARCH PROBLEM AND OBJECTIVES**

The research project is intended to examine the extent to which heritage policy execution in South Africa uses incentives to solicit community participation in its implementation. To this extent the topic of the research project is, “Examining the use of incentives for enlisting community participation in heritage policy implementation in South Africa.” In order to consider the topic of the inquiry, the research project will seek to provide an answer to the overriding question, “*It is uncertain to what extent are incentives used to solicit community participation in heritage policy implementation in post 1994 South Africa?*” To provide some answers to the said question, the study will seek to attain the following specific objectives in its inquiry.

#### **1.3.1 Preliminary objectives**

The inquiry is a study in public policy implementation in particular. However, the fact that it seeks to understand the use of incentives within the context of public policy implementation presupposes that additional theory chapters be added in order to provide the relevant context for the inquiry. After the consideration of the evolution of implementation theory which forms the essence of this study and to which contributions are to be made, secondary attempts are made to account for the evolution of heritage policy in South Africa from the advent of formalised heritage management to the present; and also to account for the use of incentives in various policy fields. It is precisely for this reason that the present inquiry seeks to meet the following preliminary objectives to provide the aforesaid relevant theoretical background:-

##### **(a) To identify documented heritage policies and conduct a content analysis thereof.**

Policy positions are often expressed in the form of specific instruments and tools of governance. In the South African context white papers, acts of parliament and regulations provide an excellent expression of government policy as instruments intended to assist effective implementation. The first preliminary objective that this study will seek to attain are to identify all documented heritage policies expressed particularly in the form of the aforesaid policy instruments at the national sphere of government from 1911-1999; and to conduct a rigorous content analysis of the same with the intention of beginning to identify specific trends in the deployment of tools to aid effective implementation of heritage policies. Within this wider scheme of things or context, the development of policy and its subsequent implementation has spanned over three epochs in South Africa and virtually informed by specific socio-political milieus germane to the different eras. The identification and analysis of policies will focus on the post union era of heritage policy development ushered in by the Bushmen Relics Act No. 22 of 1911 up until 1948; which is the beginning of the second phase of heritage policy development and implementation under the aegis of apartheid. The advent of democracy in 1994 introduces yet another critical phase in the development of heritage policy and its implementation which forms the primary focus of this study. What will be of great import in the pursuance of these study objectives will be to identify and highlight specific trends characteristic of the various periods in relation to the deployment of tools aimed at enabling effective community participation by the network of implementers or target groups

intended by the policy. It will also be critical at this stage of the inquiry to ascertain the type of implementation theory presupposed by enacted policy within a given epoch. This is important in the sense that such theories, however incipient, implicit or explicit in the policies concerned, will give some indication about the policy makers' approach to public policy implementation generally; their particular 'take' on the participation of local communities in the implementation of policy, and by implication the use of incentives and disincentives to solicit such active involvement.

There is a sense in which not only documented policies will be an exclusive focus of the study in this regard. On the contrary, attempts will also be made in the study to identify undocumented policies in relation to the deployment of incentives at the level of heritage policy implementation, more particularly in the post 1994 era. This focus is prompted by two important considerations. On the one hand, policy has to do with a statement of intent and as a matter of fact not all statements of intents are always documented. Some declarations are made in the executive wing of government by relevant actors without these being committed to pen and paper as documented policies; yet they inform the practice of service delivery within that particular sector. On the other hand, Michael Lipsky's development of the concept of street level bureaucrats in reference to policy actors in the implementation arena with a potential to 'reinvent' policy during the process of public policy implementation, presupposes that policy is sometimes made anew within a bottom up approach paradigm. That is, in the process of public policy implementation, actors in the implementation arena are likely to add new nuances to existing policy which were not necessarily a part of the original pronouncement. To a large degree such additions or reinventions are not documented but have the potential to determine the course of implementation drastically. It is for this reason that the current study will also seek to identify such reinventions of undocumented policy in the course of conducting interviews with actors in the field. The said inventions or nuances will also be subjected to the same rigorous analysis as part of the relevant policy pronouncements made by the bureaucracy.

**(b) To trace the development of the theory of incentives and the use thereof in various policy fields and disciplines.**

The second preliminary objective of the study will be to trace the development and use of incentives in various policy fields and disciplines over time. A rigorous attempt will also be made to trace and analyse the use of incentives in heritage policy in the international sphere of heritage management. This is the result of the fact that it is the theory of incentives in particular which is to be used as a methodological frame of reference in the study.

### **1.3.2 Primary objectives**

Having created the theoretical context within which the inquiry will be conducted the study seeks to provide answers to the broader question by providing answers to the following primary objectives:-



**(a) To ascertain the type of incentives used by managers in implementing heritage policy**

The first primary objective of the study is to determine how heritage managers - who are charged with the responsibility of implementing heritage policies in the two spheres of government use incentives to solicit active participation from various actors in the implementation arena. The inquiry will seek to find out the type of incentives normally used in relation to other tools deployed to assist the implementation of policies; how these incentives are deployed and the specific target groups they are intended for in the arena of public policy implementation. The determination of the type of incentives used and the specific actors they are intended for is important in so far as it will give an indication of the characteristic approach to implementation evinced by street level bureaucrats in the execution of policy, as well as the theories implicit in the said implementation.

**(b) To contribute to heritage policy analysis and to enhance service delivery in the heritage industry**

The last primary objective of this study is to contribute to heritage policy development and to enhance service delivery within the heritage sector in particular. The search for a viable theory of public policy implementation is still raging on; and in the South African context which, comparatively speaking, still lags behind in terms of public policy analysis skills, the need to develop policies that will ensure that communities participate in their respective implementation cannot be overemphasized. The inquiry will therefore seek to highlight the importance of the use of incentives in this context and by seeking to understand and preserve the perspective of actors in the field of heritage policy implementation; contributions are likely to be made to existing theory as well as to the enhancement of implementation endeavours by managers in the bureaucracy. This will inevitably improve the ability to implement and by implication enhance service delivery which is of major concern in the South African public service scenario.

Having made an attempt to map out the research problem and the type of objectives to be attained in the process of research, it is now time focus attention on issues pertaining to design of the project; and that is the subject of the next section of the proposal.

**1.4 THE THESIS STATEMENT OF THE INQUIRY**

In the light of the above, there is the need to ascertain the extent to which heritage managers employ the use of incentives in order to solicit active participation for heritage policy implementation, and the stated research objectives that must be attained by the study. The overall goal of this study, is to investigate the use of incentives as policy tools intended to enlist community participation in heritage policy implementation in post 1994 South Africa. While the current heritage legislation provides for community involvement in heritage management generally, it has been noted that no clear indication is given as to how that participation should take place and how it should be solicited. The current study therefore will seek to find out the type of incentives that are used to encourage the envisaged participation. This is partly

motivated by the fact that contemporary public policy implementation has to an extent made a shift from the exclusive use of sanctions to foster implementation to the active employment of specific inducements. However, there is a sense in which the use of incentives as policy tools remains to a large extent a black box in the South African heritage industry and needs to be investigated to inform policy development and enhance effective implementation.

### **1.5 THE USE OF THE PHENOMENOLOGICAL APPROACH FOR THE STUDY**

A comprehensive articulation of method and approaches adopted by this study are outlined in the fifth chapter of this thesis. At this stage however, it will suffice to briefly summarise the seven important steps of the approach adopted and how they have informed and shaped the structure of some of the chapters of this dissertation.

In order to conduct the intended inquiry, this study has adopted empirical phenomenology developed by the Swiss Scholar, Patrick Aspers. Phenomenology as an approach to scientific inquiry has undergone an evolution over the years of its existence and development. The approach unfolds through seven steps beginning with the definition and articulation of the research problem as outlined in chapter one of this thesis. The second step in the unfolding of the approach is the preliminary study conducted with the aim of ascertaining the feasibility of undertaking the project and the potential the inquiry has to solve the question it poses. Empirical phenomenology underscores the relevance of theory in scientific inquiry and to that extent the third step of the approach involves the choice of a theory which acts as a frame of reference for the study. While chapters two and four of the thesis constitute parts of the exploration of the theoretical framework within which the study is conducted, chapter three of in particular forms an important basis of the theory incentives adopted to guide this study.

The fourth step of the inquiry focuses on the analysis of the first order constructs provided by the actual words respondents use to describe their social reality when interviewed and this is the focus of sixth chapter of this thesis. This is followed by the construction of second order constructs developed from the first level constructs provided by research data. The sixth step of the approach focuses on unintended consequences of social action and part of chapter seven of the dissertation deals with this aspect of the inquiry. While safeguarding the perspective of the actors in the entire process, the last step of the approach relates the evidence generated by the study to both scientific literature and empirical field; and this constitutes the bulk of the last chapter of this dissertation.

### **1.6 LIMITATIONS OF THE STUDY.**

There are a few limitations which have been deliberately placed on the current study. The first limitation relates to the classification of heritage resources and the relevant sphere of government responsible for each category. Section 7 of the National Heritage Resources Agency Act, 1999, establishes a three-tier grading system for the management of the national estate. The grading system distinguishes between three categories. Grade I of the national estate consists of heritage resources with exceptional qualities which make them to be of special national significance. This category of resources is the responsibility of the national heritage agency that is the South African Heritage Resources Agency, a juristic person whose

sole responsibility is the coordination of the identification and management of the national estate. Grade II heritage resources comprises the type of resources which while forming part of the national estate, are nonetheless considered to have qualities making them significant in the context of a province. The coordination of the identification and management of this category of the national estate is the responsibility of a Provincial Heritage Resources Agency (PHRA), which is a statutory body corporate capable of suing and of being sued in its corporate name. The relevant legislation seeks to encourage all the nine provinces in South Africa to establish these entities to fulfil the said duties; although this is not obligatory. Grade III heritage resources comprises other resources considered worthy of conservation and which fall within the competence of local authorities. Consequently, the fact that the current study focuses on the use of incentives in the management of resources at both the national and provincial spheres of government, presages that the local domain of heritage management is not necessarily the central focus of this inquiry. This presupposes that the study will not be able to ascertain if incentives are used by local authorities to solicit active participation from communities in the implementation of heritage policy.

A criticism can be levelled against the approach evinced by the study in this regard. That is, how can a study whose stated objective is to enhance service delivery shy away from exploring the use of incentives for heritage policy implementation where it matters the most; that is at the coal face of service delivery in the local sphere of government? A cursory look at the legislative framework intended to provide protection to the national estate in South Africa suggests that there are strong vestiges of the traditional top-down approach to public policy implementation. Section 7(2) of the National Heritage Resources Agency Act No 25 of 1999 for example observes, “*A heritage resources authority may prescribe detailed heritage assessment criteria, consistent with the criteria set out in section 3(3), for the assessment of Grade II and Grade III heritage resources in a province.*” In typical top-down fashion, policy goals in relation to assessment and grading of both Grades I and II of the national estate are specified centrally by an authority situated at the national sphere of government. To this extent, the possible deployment of incentives in the implementation of heritage policy at the local sphere of heritage management is clearly a matter decided by policies crafted and enacted from above. For this reason there is a sense in which to seek to understand what happens at the upper echelons of the administrative hierarchy in terms of the deployment of incentives, is cascaded and replicated at the local sphere of government where policy actors are also expected to comply with national imperatives. It is therefore the argument advocated by this study that a rigorous analysis and study about the use of incentives in the heritage policy implementation arena at both the national and provincial spheres of coordination will be replicated with slight nuances in the strategies used by local authorities for the same purpose.

There is a sense in which repositories of public memory or memory institutions (Gaunt, 2009:79), that is libraries, museums and archives in particular act as reservoirs of historical collective consciousness of a given community. The social memory developed by such institutions consists of both artefact and text. Libraries for example play a critical role in the development, preservation and transmission of cultural memory of a community. Alberto Manguale once observed that,

*... the library is a sort of autobiography in which we can read ourselves and others can read us. The books that we accumulate throughout the years are like the words of a vocabulary that we use; the library represents a kind of syntax for this vocabulary and, in our memory, we construct an ideal and perfect library – perfect because this library contains only that which we wish to remember. That is to say, a book, where the book has had, in our minds, a certain force – not of tomes, not of volumes, but of a few sentences, a few passages or even just a few words sometimes, and this is enough.* (MacLennan, 2007:1).

Libraries, museums and archives are repositories of heritage material in the form of texts and artefacts; and are for that reason an important aspect of the corpus of heritage material for a given community. The current study, however, will not investigate the use of incentives to solicit community participation in the implementation of policies intended to preserve heritage resources preserved within memory institutions. While the study will focus on policies aimed at the preservation of both tangible and intangible or living heritage resources, the national estate whose management is regulated by such prescripts as applicable to memory institutions, will not form part of this study and as a matter of consequence, the findings and conclusions reached at the end of the study are not necessarily intended for that part of the national estate falling within the ambit of such institutions. Therefore, the corpus of legislation regulating this section of the national estate is also not going to form part of the legislative framework that is to be rigorously interrogated by the study. By the same token, the current study will not deal with natural heritage; and the reason for this limitation will be elaborated later in the chapter.

## **1.7 DEFINITION OF TERMS**

There is a need to define some of the terms used in the dissertation. Of particular significance in this regard are terms used in the topic and the research questions which require some explanation.

### **1.6.1 Understanding community**

The inquiry seeks to study how community participation in the implementation of heritage policy is solicited within a specific context. But what is meant by community in this instance? On the one hand it needs to be acknowledged that like the concept of culture, there is a sense in which the word community is fairly nebulous, and as a result renders itself enigmatic and slippery to a fixed definition; and for that reason has clearly acquired polyvocal dimensions. It can be argued that there is a possibility that the answer that could be given to the question, “What is community?”, is virtually shaped by both the premise from which it is posed and the intention of the question. It is to a large extent a context specific concept defined by contextual boundaries ranging from consensus among individuals comprising a given community to political boundaries which get expression in the demarcation of districts, wards and towns. To this extent Mancini et al. taking their cue from Teachman and Crowder (2002) subscribe to a lower case paradigm of community which places emphasis “... on locally anchored geographic conceptualisations of community, such as urban neighborhoods, suburban subdivisions, or single communities in rural areas ...” (Mancini et al. 2005:571)

It is the clinical psychologist David McMillan who is attributed with the first attempt to conceptualise the notion of community in 1976 which is built on the idea of group cohesiveness. (McMillan and Chavis 1986:1) Informed by the latter notion evident in McMillan's understanding of community, McMillan and Chavis later developed a definition of community which while seeking to avoid the limitations of earlier understandings of the sense of community evinced by such scholars as Doolittle and McDonald (McMillan and Chavis, 1986:6); Riger and Laurakas (McMillan and Chavis, 1986:7); Riger, Le Bailly and Gordon (McMillan and Chavis, 1986:7), the two scholars seek to define community taking their cue from Gusfield (1975), territorial and geographical as well as the relational uses of the notion of community. (McMillan and Chavis, 1986:3) To this extent the two scholars work out a definition of community based on specific criteria of membership to the group, influence, integration and fulfilment of needs, and shared emotional connection. (McMillan and Chavis, 1986:4) Thus community according to the two scholars “... is a feeling that members have of belonging, a feeling that members matter to one another and to the group, and a shared faith that members' needs will be met through their commitment together” (McMillan and Chavis, 1986:4)

However, in the context of this study, the concept of community primarily refers to members of civil society within a given socio-political setting. To this extent there are implicit geographical connotations (spatial dimensions), to the use of the concept. While community consists of individuals, it is also equally true that it is sustained by smaller groups of which it is also made up (Brynard, 2009:314). For this reason the use of the concept of community in this thesis will also refer to existing heritage communities and organisations within a community. Members of a given community often share a common cultural life and a common cultural heritage. In this sense, community in this study is construed as a phenomenon that has two major characteristics. On the one hand it is a structural phenomenon which comprises people and their respective environment; whereas, on the other hand, the concept presages the existence of social networks which arise in communities as a result of everyday community life. Civil society is an integral component in a democratic dispensation, and the participation of members of civil society in the policy process, that is in the development and implementation of public policies in particular ensures good governance.

By the same token, community in this study is not necessarily a homogenous entity where no differences exist. On the contrary, community is also understood as an organization where difference, hierarchy and conflict are present and often negotiated or somewhat tolerated if the goals of being community are to be attained.

### **1.6.2 Participation**

There is admittedly a sense in which the concept of participation is multidimensional and to that extent often renders itself to a multiplicity of definitions informed by a variety of motives. In a somewhat academically provocative article published by the AIP Journal in 1969, the American Scholar Sherry R. Arnstein provides what has at one stage been described as “*the seminal theoretical work on the subject of community participation*” (CAG Consultants 2012:1). She defines the phenomenon as

*... a categorical term for citizen power. It is the redistribution of power that enables the have not-citizens, presently excluded from the political and economic processes, to be deliberately included in the future. It is the strategy by which the have nots join in determining how information is shared, goals and policies are set, tax resources are allocated, programs are operated, and benefits like contracts and patronage are parceled out. In short, it is the means by which they can induce significant social reform which enables them to share in the benefits of the affluent society. (Arnstein, 1969:216).*

Arnstein's definition provides a broader framework for defining participation which underscores among others, the centrality of the distribution of power over against a participation which is fundamentally an empty ritual reinforcing the existing power dynamics in a given society. To this extent the scholar simplifies the concept into eight gradations of participation illustrated by a ladder with eight rungs arranged hierarchically. The rungs virtually represent manipulation, therapy, informing, consultation, placation, partnership, delegated power and citizen control. Each rung in the ladder represents a level of participation with the corresponding power wielded by citizens to determine the output or product (Arnstein, 1969: 217).

Some meanings of participation fall within the category of definitions which link the phenomenon to a homogenous cultural group. In an unpublished doctoral thesis, the Mauritian academic Sanjir Kumar Babooa, taking his cue from Bayat & Meyer (1994:156), defines community participation *"as the actual act of taking part on the involvement of community members in specific community activities."* He further observes that in community participation, those who are participants are members of the same community with strong communal interests which bind them together as a cultural group of one kind or the other. (Babooa, 2008:29). Others define participation in a way that links it to about three critical and interrelated variables, namely the enhancement of development imperatives and service delivery, improvement of governance and the deepening of democracy. To this extent participation is defined by the World Bank as *"a process in which stakeholders influence and share control over development initiatives and the decisions and the resources affecting them"* (Buccus et al. 2007:6)

Within the confines provided by the legislative framework in South Africa, more particularly in the sphere of local government which is at the coal face of service delivery, participation is described as something that takes place within the context of both policy development and implementation. To this extent, it is sometimes argued that the kind of participation framed by the South African legislative corpus primarily focuses on consultation (Buccus, 2007:9). While taking cognisance of the above cited dimensions of the concept, in the context of this study, the focus is on community members in a local area or region participating in the implementation of heritage policy as a result of the deployment of specific policy instruments to solicit such a response and providing motivation for such behaviour.

### 1.6.3 Heritage Policy

In order to do justice to the definition of this concept as it applies to the topic of the thesis, a piece meal approach has to be adopted in the sense that, first and foremost, an acceptable definition of the concept of heritage must be arrived at or assented to; and subsequent to this some effort must be expended to define what policy is. Only when the two primary tasks have been achieved will an attempt be made to define the composite concept, namely heritage policy.

What is heritage? The attempt to define heritage is yet another area characterised by creative fecundity which to some extent reveals some measure of consensus. The South African Pocket Oxford Dictionary describes heritage as “*property that is or may be inherited.*” However, in the context of this study, there are implicit specific managerial concerns with regard to how one manages the network of actors in the heritage policy implementation arena for effective policy execution. The deployment of incentives as tools to solicit community participation is a managerial issue in so far as it is likely to involve a great deal of planning, providing leadership, organising and control from the person or even for the public institution which manages the constellation of policy actors, that is the network of actors in the heritage policy implementation arena. It can be safely inferred therefore, that it is these very underlying managerial dynamics of the current study which virtually presage that the inquiry adopts a definition of heritage whose primary aim is not necessarily intended to satisfy lexicographic linguistic demands but, a definition which while remaining true to semantics, nonetheless satisfies the managerial concerns partly responsible for the *raison d’être* of the inquiry. For this reason, the study is favourably disposed towards the United Nations Education, Science Organisation’s (UNESCO) definition of heritage which is to a large extent informed by the same managerial concerns characteristic of the current study’s *sitz im leben*.

According to the world heritage body, The United Nations Education, Science Organization (UNESCO), heritage is classified into two broad categories of Cultural and Natural Heritage (UNESCO, 1972:3). Cultural Heritage is further categorised by the convention into three distinct types namely, monuments, group of buildings, and sites. The monuments category of cultural heritage includes such heritage resources as works of architecture, works of monumental sculpture and painting, structures of archaeological nature, inscriptions, cave dwellings and a combination of features which when viewed from the prism of history, art or science, are of outstanding universal value (UNESCO, 1972:3). The second category of cultural heritage consists of buildings and covers such heritage resources as groups of separated buildings which as a result of their respective architecture, homogeneity, and place in the landscape, are considered to be of outstanding value when viewed from the perspective of history, art or science. The third type of cultural heritage resources are heritage sites which countenance works of man or the combined works of nature and man, as well as areas which include archaeological sites of outstanding value from a historical, aesthetic, ethnological or anthropological perspectives.

The 1972 Convention’s definition of heritage places an exclusive focus on physical heritage resources and it is the 2003 Convention for the Safeguarding of Intangible Cultural Heritage which posits yet another critical categorisation-cum-definition of cultural heritage on the basis

of tangibility and non-tangibility thereof; and virtually classifies cultural heritage into tangible and intangible heritage resources (UNESCO, 2003:2). According to this Convention, Intangible Cultural Heritage refers to *"practices, representations, expressions, knowledge, skills - as well as instruments, objects, artefacts and cultural spaces associated therewith - that communities, groups and, in some cases, individuals recognize as part of their cultural heritage"* (UNESCO Convention, 2003:3) This category of heritage is, according to the said Convention manifested in such domains as oral traditions and expressions; performing arts; social practices, rituals and festive events; knowledge and practices relating to nature and the universe; and traditional craftsmanship (UNESCO Convention, 2003:3).

On the other hand, natural heritage resources are further classified broadly by the 1972 convention into three specific types. The first type of natural heritage consists of natural features both physical and biological in nature and which are of outstanding universal value when judged from the vantage point of aesthetics or science. The second type of natural heritage falls within the scope of geological and physiographical formations as well as delineated spaces or areas which comprise habitat of threatened animal or plant species which when considered from the prism of science or conservation is of outstanding scientific or conservation value. The third category of natural heritage consists of natural sites or delineated natural areas which are of outstanding universal value when approached from the prism of science, conservation or natural beauty.

The current study is pursued within a particular background. Its focus is the South African heritage policy management context; and for that reason the definition of heritage adopted should take cognisance of the extent to which the UNESCO definitions have been contextualised in the South African heritage policy setting. Section 2(xvi) of the National Heritage Resources Agency Act No 25 of 1999, which focuses on the definitions of specific key concepts found in the legislation, defines a heritage resource as *"any place or object of cultural significance"* (South Africa (Republic), 1999:5). Compared to the paradigm provided by the UNESCO Convention, the South African definition of heritage as reflected in this piece of legislation is limited in scope. It places more if not exclusive emphasis on cultural heritage as opposed to natural resources as envisaged by the convention's declaration. To be sure, there are some references to natural heritage in Section 3 of the act where places or objects are considered as part of the national estate if they have cultural significance or any other special value as a result of their *"possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage"* (Section 3(3)(b); or as a result of their *"potential in yielding information that will contribute to an understanding of South Africa's natural or cultural heritage"* (Section 3(3)(c); or *"their importance in demonstrating principal characteristic of a particular class of South Africa's natural or cultural places or objects"* (Section 3(3)(d). However, the primary focus of protection offered by the act is on cultural heritage which must be nurtured and preserved so that it may be eventually bequeathed to future generations.

The limited scope of the said act is to a large extent caused by the fact that the protection of natural heritage resources falls squarely within the scope of environmental protection primarily regulated by the National Environmental Management Act, 1998 and The World Heritage



Convention Act No 49 of 1999 respectively, which are pieces of legislation administered by the National Department of Environmental Affairs. Having assented to a specific composite definition of heritage, it is now time to focus attention to the concept of policy; and that is the subject of the subsequent section of this introductory chapter.

What is public policy? Numerous attempts have been made to define public policy and this has given rise to a multiplicity of definitions. To this extent Knoepfel et al. (2007:23) cite the example of the French policy scholar, Jean-Claude Thoenig who as early as 1980, listed in his analysis of public policy about forty of such definitions. After a careful consideration of various contributions made by various scholars over time, South African policy scholars De Conning and Wissink (2011:6) concur with Knoepfel et al. and other policy fundis that, “*Analysis and assessment of the nature of the definitions in the field reveal that no universally accepted definition, theory or model exists*”.

There is quite a range of definitions of public policy offered by various scholars over time and they range from vague attempts to definitions with a high degree of precision and incisiveness. For example, Daniel McCool vaguely defines public policy as “*some course of government action toward some goal, however broadly defined*” (1995:9). On the other hand, Dye’s definition demonstrates a measure of terseness and clarity which is obviously intended to discourage perplexingly detailed definitions of policy evident in such scholars as David Easton (Dye, 1972:1); Harold Lasswell and Abraham Kaplan (Dye, 1972:2) and others. For Dye (1972:1), “*... public policy is whatever governments choose to do or not to do*”. While a simple definition like the one provided by Dye (1972:2) regards inaction from the side of government as a phenomenon falling within the realm of policy, other definitions characterised by the same brevity exclude failure to act and indecision as feature of public policy. A classical example of such a definition is offered by Mark Considine who aptly describes public policy as “*... an action which employs governmental authority to commit resources in support of a preferred value*” (Considine, 1994:3.)

Perhaps a recent example of an elaborate definition of public policy has been offered by the policy scholars Peter Knoepfel, Corrine Larrue, Frederic Varone and Michael Hill. According to these scholars,

*... public policy is defined as a series of intentionally coherent decisions or activities taken or carried out by different public-and sometimes – private actors, whose resources, institutional links and interests vary, with a view to resolving in a targeted manner a problem that is politically defined as collective in nature. This group of decisions and activities gives rise to formalised actions of more or less restrictive nature that are often aimed at modifying the behaviour of social groups presumed to be at the root of, or able to solve, the collective problem to be resolved (target groups) in the interest of the social groups who suffer the negative effects of the problem in question (final beneficiaries).* (Knoepfel et al. 2007:24)

There is also some evidence suggesting that other definitions are likely to be informed and shaped by the perspective from which they are crafted and the interlocutors intended by the

definition concerned. A case in point in this regard is Catherine F Smith's definition of policy. Writing from the perspective of communication which takes place during the policy process Smith, a teacher of professional communication and public policy writing simply defines policy as a goal with a plan which specifies how a problem is going to be solved (Smith, 2005:1).

By the same token, there are different types of public policies (education policies, health policies, etc.); and the focus of this study is on heritage policy as part of the corpus of public policy in South Africa. Wayne Parsons has aptly demarcated the scope of this genre of policy and argued that public policy is a type of policy which concerns itself with spheres which are regarded as public as opposed to those which involve the notion of private (Parsons, 1995:3).

However in spite of the characteristic multiplicity of definitions and types of public policies, there is a measure of consensus regarding certain generic aspects of public policy evinced by various scholars. That is, different definitions seem to emphasize the notion of policy actors who have been given public power to act, the idea of a collective problem which needs a solution, as well as the intervention provided by the state as a solution to the identified social problem.

One such definition which encapsulates the said dimensions of the nature of policy and which is adopted in this study for reasons that will be outlined in the following section of the same, is that which is offered by the South African policy scholars De Coning and Wissink (2011:7) which defines policy as *"A public sector statement of intent, including sometimes a more detailed programme of action, to give effect to selected normative and empirical goals in order to improve or solve perceived problems and needs in society in a specific way, thereby achieving desired changes in that society."*

The current study is evidently biased towards this definition of policy for a number of reasons. First and foremost, it is a definition of policy which while taking particular cognisance of the developments made thus far in the discipline, is nonetheless crafted within the South African context and to that extent largely informed by the exigencies of policy processes germane to the said developmental country's context. There is an indication given by scholars that policy processes which unfold within a third world developmental context are not the same as those which can be expected in first world democracies. The South African policy scholar, Fanie Cloete perceptively observes that there exists a relationship between the level of development noticeable in a given society and public policy in that same society (Cloete, 2011: 66). By the same token, the Nepalese scholar Narendra Raj Paudel, operating from the same premise also argues that translating policy into practice in a country that is still developing, has its peculiar challenges (Paudel, 2009:48). However, while Cloete acknowledges this phenomenon of characteristic difference, he nonetheless offers a necessary caveat. Taking his cue from Horowitz (1989:197), he warns that while it is true that differences exist between public policy processes in developing countries and developed states. It is not clear whether such differences are categorical and not country specific; and to that extent can be safely regarded as differences of degree rather than of kind (Cloete, 2011: 69). Notwithstanding such caveats from scholars like Cloete and Horowitz, it can still be safely inferred that there exists a possibility that the definitions of policy generated by scholars of third world countries like South Africa, are to an

extent informed and shaped by the needs of what Cloete (2011:67) refers to as developmental levels germane to such a context.

Secondly, the acknowledged bias towards this South African definition of policy in the study is prompted by the fact that it is in keeping with common parlance in public policy analysis in the sense that its definition of the phenomenon is futuristic, problem-resolution oriented, transformational and dynamic (De Conning and Wissink, 2011:7); and to this extent presents policy as a viable theory of social change concerned with solutions to perceived public problems.

Thirdly, implicit in the definition is a relevant theory of the state. Policy is defined as “...*A public sector statement of intent...*”(De Conning and Wissink, 2011:7); and it can be argued that the definition operates from a prism of a service hatch notion of the state which implicitly depicts the state as responding indiscriminately and in an egalitarian fashion to the needs of society without prejudice (Knoepfel et al. 2007:21). There is a sense in which the notion of state as a service hatch is deeply embedded in the supreme law of the country. A careful reading of Chapter 10 (Section 195) of the Constitution of the Republic of South Africa envisages public administration governed by specific values and principles intended to act as a guide in government’s endeavours to provide services impartially, fairly and without bias. It must be noted, however, that other scholars reject the notion of a state as a service hatch on the basis of the fact that it is not all social problems that eventually give rise to the adoption of specific policy alternatives, simply because not all social problems render themselves amenable to identification and clear articulation to see their way into the relevant policy agenda; or there is no state intervention that can deal effectively with the challenge. It is also argued by the same school of thought that the existence of various filtering mechanisms and processes at all levels of the policy process makes it virtually impossible that all social problems will eventually give rise to policy interventions. It is for this reason that some scholars take a position in this regard which is midway between the extremes.

*As stated in the first section of this book, our position lies somewhere between these two extreme visions of a neutral ‘service hatch’ state that is attentive to all social demands, on the one hand, and a ‘captive’ state manipulated by an organised group on the other. (Knoepfel et al. 2007:22)*

The fourth characteristic feature of this definition is that the programming of a given policy is not part of the implementation process, but virtually belongs to the process of crafting a social intervention. Furthermore, the definition’s reference to ‘perceived problems’ as the focus of policy, adds an element of subjectivity to a policy alternative; and to that extent underscores the value laden nature of policy as a social theory of change.

Our focus in the study is on heritage policy as part of general public policy. It is in the context of the foregoing that in this inquiry, heritage policy derives its meaning. For the purposes of this study, heritage policy refers to all government policies, documented or unwritten as well as acts of parliament enacted in South Africa with the aim of identifying, protecting and preserving cultural heritage resources so that they are bequeathed to future generations.

#### **1.6.4 Incentives and disincentives**

The 2006 United Nations Development Programme's (UNDP) capacity development conference paper 8 defines incentives as "*external measures that are designed and established to influence motivation and behaviour of individuals, groups or organizations.*" Incentive systems or structures on the other hand "*... are combinations of several more or less coherent incentives*" (UNDP, 2006:5). Incentives therefore are devices often used in a principal agent relationship where the former seeks to motivate and encourage the latter to adopt a specific behaviour aligned to the goals of the former. Incentives work at different levels to motivate behaviour. There are incentives targeted to motivate individuals (UNDP, 2006:7), organizations or societies (UNDP, 2006:8).

On the contrary, disincentives are used in the same context to discourage and demotivate agents to desist from certain behaviour patterns considered not amenable to the realisation of the goals set by the agent. A disincentive acts as a deterrent to discourage actors in a given policy field to desist from a particular undesired behaviour which is not congruent to set policy goals. There are also incentives which can serve both purposes. The disbursement of financial policy implementation tools like grants, tax and loans are some of the classical examples of incentives which have the capacity to encourage desired behaviour while at the same time discouraging the behaviour that is contrary to the realisation of set goals and objectives.

#### **1.7 SIGNIFICANCE OF THE STUDY**

There are four interrelated reasons why it can be considered as worth one's while to seek possible answers to the question probed by this inquiry. The report of the special Presidential Review Commission alluded to earlier on alleges that most problems in the sector are not necessarily arising from a lack of policy but from the lack of effective implementation of the same (South Africa (Republic), 1998: Section 3.2.4.4). Could it be that the challenges relating to public participation in heritage matters is the result of lack of incentives soliciting such a response in heritage policy?

As noted earlier on in this chapter, this question becomes even more relevant if one takes into consideration the fact that one of the stated aims of the National Heritage Resources Act No 25 of 1999, is to encourage community participation in the management of heritage resources. It is evident that the act acknowledges the role of local community participation for effective management of the national estate at all levels. However, the question still remains as to whether there are adequate policy incentives to solicit effective community participation in the heritage value chain as espoused by the said legislation. The enquiry will seek to provide some answers to these critical issues relating to heritage policy in South Africa.

The third reason why this research project is important is related to the two already alluded to above and emanates from the nature of the network approach to public policy implementation. For any effective implementation of public policy, a constellation or network of actors is required. Managing networks in the policy implementation arena is such a complex task replete with all sorts of challenges. In the decade of the 1990s scholars of Erasmus University Rotterdam, W. J. M. Kickert, E. Klijn and J. F. M. Koppenjan pioneered research on the

development of the network approach to the policy process. Klijn and Koppenjan (2000:2) trace the ultimate origin of the network approach to two fairly distinctive developments in the evolution of public management science. The two scholars argue that the network approach to public policy arose out of a realization by policy analysts that government was no longer the cockpit from which societies are governed; and that public policy processes in general (not least the implementation phase), are the result of a characteristic interplay between a network of actors in the policy arena. The two scholars further argue that, on the other hand, the fundamental realization that government is not the only role player in public policy making and implementation, has conveniently fused itself with discussions on managerial reform epitomized by the New Public Management paradigm. According to these scholars, this fusion has led, among others, to network management that tends to focus on “*mediating and coordinating interorganizational policy making*” (Klijn & Koppenjan, 2000:2); thus giving rise to the network approach to the management of the policy process.

One of the most critical assumptions of the network approach to policy management is that the actors in the policy game are mutually dependant on each other; and as a result policy objectives can only be realized in the presence of sustained cooperation between various actors. For this reason the intended collaboration does not happen all by itself, but requires sustained skills in game management and network constitution. Consequently, it is the argument advanced by the intended thesis that one of the tools that can be used to enhance network management in the policy process are the type of incentives that will need to be incorporated to heritage polices so that the involvement of targeted stakeholders is ensured for effective implementation. The attempt by heritage policy makers therefore to incorporate deliberately specific incentives for implementation in heritage policies is of cardinal importance if recognizable participation is going to be elicited from relevant actors. Put differently, effective implementation would require effective mobilization of the network of target groups whose behaviour needs to change for results to happen. It is the argument advocated by this study therefore that incentives are an important tool to engender implementation particularly in instances where effective execution hinges on wider participation from local communities.

The fourth rationale for undertaking the study is a combination of both practical and theoretical benefits that accrue to the study of this nature. On the one hand, the methodology used to conduct the inquiry seeks to take seriously the experience of actors in the field. Consequently, that presages that the findings made by the inquiry are intended to enrich the practice of heritage policy implementation and enhance service delivery in the sector. This occurs when the theory or an addition thereto emanating from the study is served to practitioners in the field for their input. The fact that practitioners will be able to see themselves as it were, in the theory or addition to an existing implementation theory generated from their own structure of meaning during research will enable them to learn from the experience and incorporate the findings in their own implementation endeavours. On the other hand, there is a sense in which the study is going to benefit the theory of public policy implementation generally. The attempt to relate the findings to an existing implementation theory will contribute positively to the quest to eventually develop a viable theory of implementation.

There is also a sense of originality which characterises the current study. This can be accounted for in two related ways. On the one hand, there has never been a study which sought to interrogate the use of incentives for heritage policy implementation in South Africa. This is caused by the fact that the use of incentives as tools for policy making and subsequent implementation is a new phenomenon in most policy areas. On the other hand the originality character of the study lies in the method of inquiry used. There has never been a study that has been able to make use of empirical phenomenology as a research method to investigate the use of incentives in heritage policy implementation in South Africa. The method itself is not widely used in the social sciences and has been refined fairly recently as a scientific method of inquiry (Aspers, 2009) .

Having explored the various parts of the introductory chapter in the above sections of the dissertation, it is now time to turn one's attention to the sequence of chapters envisaged for the study.

## **1.8 CHAPTER OVERVIEW**

Chapter two of the dissertation presents the development of public policy implementation theories. It presents the different paradigms of public policy implementation and concludes with a recent contribution made by Mnculwane and Wissink, (2014) in the form of a model intended for use when interrogating implementation case studies. The following chapter (i.e. chapter 3), is a second theory chapter which is an analysis of the theory of incentives and its application to various types of disciplines and policy areas over time. This will be followed by a critical presentation and analysis of the development of heritage policy in South Africa beginning from 1911 to the post 1994 era. This is the third theory chapter of the dissertation scans through and summarises the different phases of heritage policy enacted in the country beginning with the advent of the Bushmen's Relics Act No 22 of 1911 to the present. The intention of the chapter is to present a comprehensive summary of heritage policy and to identify specific trends in its implementation vis-à-vis the theory of incentives.

The fifth chapter will interrogate the question of research methodology and method adopted for the inquiry. The study is a qualitative paradigm adopting empirical phenomenology as a method of inquiry; whereas the sixth chapter of the dissertation focuses attention on the presentation of research data generated from in-depth unstructured interviews which have been used as instruments for gathering relevant data for analysis. The last chapter of the thesis makes conclusions and recommendations based on the findings yielded by the study.

## **1.9 CONCLUSIONS**

This chapter has set the parameters of the dissertation by firstly providing the background which accounts for the ultimate origins of the study, and defining the research problems as well as the specific objectives the entire study will seek answers to. Subsequent to this, the chapter stated the thesis of the inquiry followed by a brief summary of the approach adopted by the inquiry while also specifying the limits of the study as well as the definitions of specific terms in the research theme. The chapter further explained the significance of the study and presented

an overview of the entire dissertation. The subsequent chapter of the dissertation presents the evolution of the theory of public policy implementation.

## CHAPTER 2

### THE DEVELOPMENT OF PUBLIC POLICY IMPLEMENTATION THEORIES

#### 2.1 INTRODUCTION

The previous section of this dissertation has provided the scope of the inquiry thus laying the foundation of the study. This chapter traces the development of the theories of public policy implementation. It begins with a survey of implementation studies over the years and subsequent to this, interrogates the paradigms of implementation theory. The penultimate section of the chapter introduces an implementation model developed by Mnculwane and Wissink (2014), known as the PFI Model, later used in the study as a tool of analysis to interrogate research data gathered by the inquiry. Lastly, conclusions are made based on the foregoing.

#### 2.2 DEFINING POLICY IMPLEMENTATION IN CONTEXT

There is evidence to the effect that while implementation as a concept is widely used in the field of public policy analysis, its definition nonetheless varies among different countries and clearly depends on the type of political and administrative school defining it (Knoepfel et al. 2007:187). To this extent definitions vary from simple lexicographic explanations such as that provided by Pressman and Wildavsky in 1973 who defined policy implementation as an activity aimed at carrying something out, fulfilling or completing (Brynard et al. 2011:137); to the most complex and elaborate definitions which seek to capture the myriad intricacies involved in the policy implementation process. A case in point is where implementation is regarded as:-

*...the set of processes after the programming phase that are aimed at the concrete realisation of the objectives of a public policy.* (Knoepfel et al. 2007:188)

This study is biased towards the definition of public policy implementation provided by South African scholars which regards implementation “... as the conversion of mainly physical and financial resources into concrete service delivery outputs in the form of facilities and services, or into other concrete outputs aimed at achieving policy objectives” (Brynard et al. 2011:137).

The strength of this definition lies in the fact that it is more aligned to the systems approach to management in the sense that implementation is linked to the attainment of policy goals and objectives. This accords well with the new approach to the management of the policy process implicit in the model which the South African Treasury currently advocates for strategic planning purposes. This emphasizes among others a change of paradigm from managing policy programmes for outputs and compliance; to a model where processes and outputs are still regarded as important, but not an end in themselves, as the following diagram illustrates.



## How do activities, outputs and outcomes link?

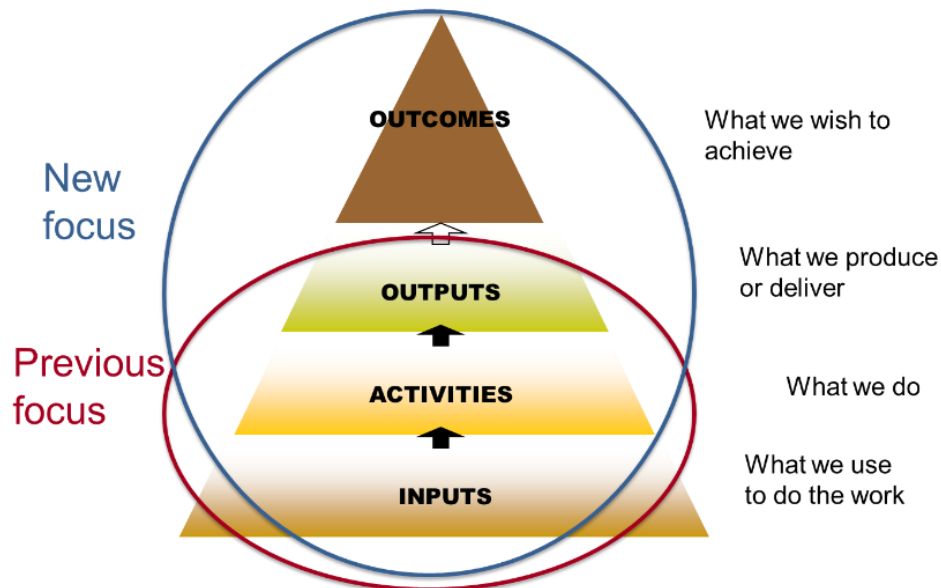


Fig. 2(a). Source. National Treasury South Africa 2014

### 2.3 TRACING THE EVOLUTION OF PUBLIC POLICY IMPLEMENTATION THEORIES.

A critical focus in this study has to do with the investigation of how the use of incentives or lack thereof assists in the process of implementing heritage policy in post 1994 South Africa. There is evidently a fair amount of consensus among different scholars that the evolution of policy implementation theory has gone through at least three recognisable phases beginning from the early 1970's to the present (Pulzl & Treib, 2007:89; Winter, 2006:151; deLeon, 1999:315-316; Conteh, 2011:123-124). The configuration of this evolution of implementation theory into three generations or paradigms is also evident even among scholars who, as a result of operating from a premise that any endeavour to seek to arrange implementation literature has an intrinsic propensity to arbitrariness (Brynard, Cloete & de Coning, 2011:138), present such an evolution in a slightly nuanced fashion. It is beyond the scope of this study to present an exhaustive entire range of the development of policy implementation theory because a multiplicity of outstanding reviews has already been conducted over the last thirty years. For this reason the present work will seek to highlight some of the important paradigmatic contributions in the synthesis of such literature in order to provide a context within which the relevant heritage policy corpus is to be examined at a later stage.

### 2.4 A SURVEY OF POLICY IMPLEMENTATION STUDIES

The majority of policy implementation scholars trace the ultimate origins of policy implementation studies and by implication the humble beginnings of the first generation of scholarship in the field with Jeffrey Pressman and Aaron Wildavsky's *causa celebre* in the early seventies. For this reason the analysis-cum reviews of implementation literature

undertaken by scholars on the subject overwhelmingly take this starting point as a given and operate from its suggested premise. It can be argued that this stereotype demonstrates the seminal influence of the same two scholars, who in the said publication claimed that implementation had not been comprehensively studied prior to their work in the seventies. However, a few dissenting voices have been heard over time.

As far as the author of this thesis is aware, the first salvo challenging this well-established status quo in public policy implementation studies was fired by Judith N. Shapiro (1978), in her doctoral thesis five years after the publication of Pressman and Wildavsky's book in 1973. Shapiro argues that the inaccuracy of the two scholars' claim regarding the state of implementation studies at the time, was caused by the fact that the survey of literature they conducted was based on a semantic reductionist perspective of the implementation concept.

*The search through literature that these scholars conducted was predicated upon finding the word "implementation" or any reasonable synonyms, such as "execution" or "administration" in the titles searched. The criterion was, perhaps, too arbitrary since a number of studies of public policies deal with the problems of implementation without specifically mentioning implementation or any of its synonyms in their titles. (Shapiro, 1978:29).*

The English scholar Michael Hill and the University of Rottendam don, Peter L. Hupe, in their work published twenty four years after Shapiro's indictment, also argue that policy implementation has always been central to policy studies; and thus concur with the fact that the word 'implementation' itself was seldom used in the existing studies of policy implementation of various kinds, and that this state of affairs accounts for the conclusions reached by the two eminent scholars at the time. In order to bolster their criticism of Pressman and Wildavsky in this regard, Hupe and Hill cite specific works which in their view, could have been studied by the two academics in the much celebrated survey, before arriving at any conclusion on the subject.

*Pressman and Wildavsky's bibliography, ostensibly demonstrating the absence of implementation literature, did not contain such classic American works as Blau's *The Dynamics of Bureaucracy* (1955), Kaufman's *The Forest Ranger* (1960) and, above all Selznick's *TVA and the Grass Roots* (1949) (Hupe & Hill, :2002:18-19)*

The Norwegian scholar Harald Saetren having indicted previous literature reviews on the subject for among others, failing to explain how they arrived at certain interpretations and factual statements about the status of policy implementation research, further challenges the view that it was Pressman and Wildavsky who first used the concept of implementation as an analytical research term (Saetren, 2005:569) According to this Bergen scholar, the two eminent scholars made their conclusions in good faith, based on the paucity of library resources that were available at the time. Although according to Saetren the earliest pioneers of implementation research were doctoral students dating as far back as the 1930s, their works cannot be clearly classified as typical first generation studies of policy implementation.

In order to “*set the record straight*” Saetren (2005:560), challenges the constant perpetuation of the dubious account about implementation research in general, and specifies his data sources and the methodology adopted for his inquiry. He observes in this regard that,

*... digitalized, scientific literature databases presently available at most universities as well as a related research instrument called bibliometrics, proved to be the most important by far. Three databases in particular, the Expanded Social Science Index, World Catalogue, and Digital Dissertations (Dissertation Abstracts), were utilized because they are interdisciplinary and together they cover all major types of publications. (Saetren, 2005:561)*

Saetren (2005:569) argues that by the time Pressman and Wildavsky published their book in 1973, already about thirty books, well over two hundred journal articles and doctoral theses which make use of implementation as a title word had already been published or defended.<sup>2</sup>

**Table 2(i). Publications on policy implementation by type and two time periods.**

Type of Publication	1933-84	1985-2003	Total
Articles	1 094	2 429	3 523
Books and chapters	323	682	1 005
PhD dissertations	1 091	1 682	2 773
<b>Total</b>	<b>2 948</b>	<b>4 803</b>	<b>7 301</b>

*Note: Absolute values are used for data presented in this table. (Saetren, 2005:563)*

Saetren’s study has shed even more light into this by providing evidence that the majority of articles on the subject of policy implementation are not published in what could be regarded as core journals on the subject. As the table below indicates 76% (838) of articles on implementation published between 1948 to 1984, appeared in what can be regarded as non-core journals; whereas 73% (2 593) of such articles published between 1985-2003, appeared in the same category of non-core journals.

**Table 2(ii). Articles by type of journal and time periods**

Type of Journal	1948-1984	1985-2003	Total
Core	15% (159)	12% (295)	13% (454)
Near Core	9% (97)	16% (379)	14% (476)
Non-core	76% (838)	72% (2 755)	73% (2 593)

<sup>2</sup> It is worth noting that while Saetren makes such a conclusion, but in the same vein he issues an important caveat stating that his study had not investigated closely the actual usage of implementation as a concept in the early publications yielded by his research (Saetren 2005:569)

Type of Journal	1948-1984	1985-2003	Total
<b>Non-Core Specified</b>			
Health	12% (126)	16% (384)	15% (510)
Education	17% (178)	14% (330)	15% (508)
Law	12% (131)	5% (131)	7% (262)
Environment	4% (41)	6% (144)	5% (185)
Economics	3% (31)	3% (74)	3% (105)
Other non-core	29% (331)	28% (692)	29% (1 023)

*Note: Absolute values are indicated in parenthesis (Saetren, 2005:564)*

Notwithstanding the criticisms offered by the above named scholars with regard to the evolution of the discipline, the Austrian scholars Helga Pulz and Oliver Treib admit that the notable achievement of first generation scholars like Pressman and Wildavysky, lies in their raising of awareness of the phenomenon within the wider scholarly community and the public in general (Pulz & Treib 2007:89). By the same token, both Michael Hill and Peter Hupe acknowledge that it was with the advent of Wildavysky-Pressman and Hargrove's publications where a "a distinct approach to the study of implementation did emerge at the time." (Hill & Hupe, 2002:41)

Taking their cue from the pioneer work by Malcolm Goggin (1986), who arguably led the way, Goggin and his colleagues (1990) identified three generations of scholarship already in existence at the time (Pulz & Treib, 2007:89). Subsequent scholars have followed suit and acknowledge the three phased evolution of policy implementation theory over the years (Winter, 2006:151; Brynard et al. 2011:138; Paudel, 2009:38; Lester, Bowman, Goggin and O-Toole, 1987:201; 210; deLeon, 1999:315-318).

## **2.5 THE MECHANISTIC CLASSICAL PARADIGM OF POLICY IMPLEMENTATION**

The first generation of implementation theorists based their conclusions on case studies. By simply studying a variety of cases, theorists were not only hoping to discover the uncertain relationship existing between policies and programmes aimed at implementing them; but they also sought to understand the factors which either facilitated or constrained effective policy implementation. It is this analysis which indicated that contextual factors like size, intra-organizational relationships, commitment, capacity and institutional complexities shaped an actor's response in the policy implementation arena

Initial inquiries conducted from 1970 onwards focused on how a single authoritative decision got executed in a single locus or in many loci (Lester et al. 1987:201). It is for this reason that in this approach, implementation is understood as something which happens automatically once the policy has been announced. In this classical theory of public policy implementation, public administration is a scientific, rational, machine-like bureaucracy which does not defy

the laws of order in its functioning. It is for this reason that its machine-like mode of operating makes it fairly predictable; and in this scheme of things, policy implementation is – out of necessity – regarded as a cog in the administrative machinery known as public administration (Brynard et al. 2011:138). Understood in this manner, the phenomenon of public policy implementation is nothing more than a simple automatic function, directly flowing from the pronouncements and directives of those high up in the echelons of power within a given administration. This school of thought argues that once a policy has been enacted, it is ‘thrown to’ the administrative machine, where it is neither subjected to scrutiny nor to question; but simply implemented as has been ordered. In an essay partly intended to trace the evolution of public policy studies, and more particularly public policy implementation, Barrett and Fudge capture the fundamentals of this development aptly when they observe that:

*Much of the organizational literature treats the implementation of policy as a separate process more or less in a vacuum. Policy is made somewhere else and handed in, so to speak, to the administrative system which then executes it. The implementation process is seen as inextricably bound up with organizational structures and processes, that is, policy comes in at the top and successively refined and translated into operating instructions as it moves down the hierarchy to the ‘operatives’ at the bottom. (1981: 9)*

The South African policy scholars Brynard, Cloete and de Coning (2011:135) argue that the classical approach to implementation theory evinced by the first crop of implementation theorists, demonstrates the seminal influence from specific forces which have shaped the progress of management as a science over time. These policy scholars identify at least three prominent influences which determined the nature of the first generation theorists’ approach to public administration, and by implication to the development of research on policy implementation theory.

According to these scholars, the first influence shaping the mechanistic first generation approach to policy implementation depicts an influence from the German sociologist Max Weber’s model, which conceived bureaucracy as a firmly ordered, rationalised, legalistic and authoritarian system. This view informed the understanding of the public service as a system, “where a small group of decision makers at the top create policy and subordinates at the bottom dutifully carry it out” (Brynard, 200:167). The Weberian legacy ultimately ensured a top-down understanding of implementation, while it simultaneously demonstrated a conviction that policy development is a preserve of the powerful elite within the administrative oligarchy. It is within this context that the pervasive influence of this legacy on policy implementation theory inevitably gave rise to sharp criticism from thinkers such as Barret and Fudge in their short analysis of the administrative approach to implementation.

*Weberian ideas about hierarchical organization and management are so firmly embedded in the conventional wisdom of public organizations that it is difficult to stand back and examine critically some of the assumptions made. Many of the attempts to improve performance of public agencies follow the logic of organizational studies, assuming that if management structures and processes, channels of communication and clarity of communication are ‘right’, effective action will be assured. (1981:9)*

The second influence is traced from the publication of Taylor's work on scientific management which is understood to have ushered in a new paradigm in the evolution of management theory generally. In a rather erudite and abridged history of the development of management theory, organization theorists Robins and Barnwell aptly observe,

*The publication in 1911 of Fredrick Winslow Taylor's Principles of Scientific Management marked the beginning of serious theory building in the field of management and organizations. (2002:39)*

This view presents bureaucracy as a closed system and it inevitably gave rise to a perception of government efficiency and policy implementation failure as challenges attributable to management; and as a result attempts to salvage the situation in this regard consisted of re-engineering of internal management processes such as improving the policy content of government decision making in all spheres, improving decision making within government, administrative operations and service delivery (Barret & Fudge, 1981:5).

The last critical influence in this development according to Brynard et al. (2011:138), can be identified with Professor Woodrow Wilson. In 1887, Wilson of Yale University delivered an influential paper which, to an extent, determined the course of public administration in Western democracies. This paper titled, "The Study of Administration", sought to separate public administration, that is "... *the practical operation and functioning of government...*" (Link 1968:1) from politics. The approach tended to enforce the notion that a given administration's responsibility was to implement what politicians had already decided in terms of policy. To this extent, no particular role is played by 'street level bureaucrats' in the shaping of policy, save its implementation without any deviation from what the legislator ordered.

First generation policy implementation scholarship also highlighted the fact that policy failure was not only the result of bad implementation. On the contrary bad policy instruments contributed to programme failure (Winter, 2006,:152). For Levitt (1980:160) the first two critical concepts she regards as important for policy implementation analysis are instruments of policy and enforcement. Policy instruments refer to laws, people, organizations as well as other devices used to express policy (Levitt, 1980:153). While policy instruments and enforcement may be two distinct concepts, they are nonetheless interrelated and interacting; and the distinction may not be as clear as the concepts suggest in the implementation of policy.

What makes policy instruments critical for policy implementation is manifold. In the first instance they are not necessarily nor automatically established by the policy being implemented and for that reason they may or may not be arbitrarily chosen. It is for this reason that the choice of a relevant policy instrument is a matter of great interest in policy studies because, "*It is reasonable to assume that the less this aspect of policy process is left to chance, the less likely there are to be unforeseen difficulties in implementation arising from this aspect.*" (Levitt, 1980:160). Secondly, the nature and form of the instrument chosen should take cognisance of the individuals and organisations (i.e. capacity) who will take part in operating it; and according to Levitt this is an aspect of the policy process that is not always well developed. Consequently, the fact that the choice and the design of the instrument to be used to express policy is not

always made by the organization which will eventually be responsible for operating the instrument presages that, whoever makes the choice and designs the tool should consult with those who will operate it on a day to day basis (Levitt, 1980:162). There is also a possibility that an existing instrument may be used for a completely new objective altogether; whereas in other instances it is required that both new and old instruments be used for new policies.

On the other hand enforcement “... covers the ways in which instruments for policy may be applied and their effects monitored.” (Levitt, 1980:177). Consequently, several aspects or types of enforcements are available to deal with different types of power. They include legal action and penalties, which are generally enforced by common and criminal law; sanctions; incentives and discretion, where instead of applying the rules of legislation, the person operating the instruments opts for other enforcement measures. A case in point in this regard would be in instances where legislative processes are regarded as cumbersome and expensive. Discretion may also be caused by the fact that legal instruments and other enforcement powers may be interpreted differently at certain levels of authority. It is also in the nature of policy instruments to have the potential to build different degrees of power and force in their operation. That is, the power that a policy has as a result of the decisions made by its makers is virtually controlled by the instruments chosen to operate it.

If the degree of control enshrined in the instrument is high, it will be difficult to design the relevant instrument in the early stages of its development. “*The more flexible or optional the instruments expressions of policy are, perhaps the easier the design can be.*” (Levitt, 1980: 163). However, the degree of power or force built into the instrument which expresses a given policy has an impact on interorganizational relationships; that is on the actors who are supposed to collaborate within the network in order to implement policy; and the extent to which other actors in the network are able to respond to the controls of the instrument may be predictable at times. Policy instruments express policy differently and it is not uncommon that such instruments are used in a combination (Levitt, 1980:167).

The case study method made it difficult for analysts to exercise a measure of control to the proliferation of extraneous and independent variables generated by the research, or to attempt to generalise from the findings made on the basis of single case studies. This phase, especially at its incipient stages was plagued by the multiplicity of variables understood to be impacting on implementation. Secondly, case studies made it difficult to generalise the findings in respect of other policy fields. For example, some may want to argue that Ruth Levitt’s observation in relation to the use of policy instruments may not be equally applicable in other policy areas apart from the area of pollution.

By the middle of the 1970s, policy implementation researchers were already beginning to focus on the next stage of theory development, which is model building; and that is the subject of the next section of this chapter (Lester et al. 1987:201)

## 2.6 THE SECOND GENERATION OF IMPLEMENTATION STUDIES-THE TOP-DOWN VERSUS THE BOTTOM-UP PARADIGMS

According to Winter, (2006:151), the second generation implementation studies began in the early 1980s; and sought to go beyond the explorative nature of previous research by constructing theoretical frameworks which could be used for empirical analysis. Unlike the majority of studies conducted in the previous phase, there were optimistic undertones undergirding some of the second generation studies (Winter, 2006:151).

The Nepalese scholar Narendra Raj Paudel argues that the second generation implementation theories focused attention on the relationship existing between policies and practice (2009:39). He observes that the researchers of this phase of theory development highlighted a number of lessons which had been learnt for policy analysis. For example, it was discovered that policy by itself could not mandate what happens during its implementation within the local level; and that for any measure of success to be recorded in such a context, it would virtually depend on individual motivation (incentives) and belief; the strategic balance of pressure and support (the balance of sticks and carrots); and that policy directed change is in essence the challenge facing the smallest unit. Second generation scholarship on public policy implementation theory development also revealed that there is a sense in which implementation varies over time across units of government, and this process led to the construction of analytical, if theoretical frameworks which eventually gave rise to the top-down and bottom-up paradigms of policy implementation approaches (Paudel, 2009: 39; Pulz and Treib, 2007:89; Winter, 2006:152; Lester et al. 1987:202; Knoepfel, Laurre, Varone & Hill, 2007:194; Brynard et al. 2011:138; Conteh, 2011:123; deLeon, 1999:316).

The Loyola University scholar, Professor Richard Matland captures the theoretical context which provided the basis for new developments in implementation research at this time. He perceptively observes,

*As implementation research evolved, two schools of thought developed as to the most effective method of studying and describing implementation: top-down and bottom-up. Top-down theorists see policy designers as the central actors and concentrate their attention on factors that can be manipulated at the central level. Bottom-up theorists emphasize target groups and service deliverers, arguing policy really is made at the local level. Most reviewers now agree that some convergence of these two perspectives, tying the macro level variables of the top down models to the microlevel variables “bottom-uppers” consider, is necessary for the field to develop. (Matland, 1995:146)*

In the top down approach, whose advocates included among others, scholars like Van Meter and Van Horn; Mazmanian and Sabatier; Nakamura and Smallwood, goals are specified by policymakers and implementation can be carried out by setting certain mechanisms in place. As Paudel (2009:39) perceptively notes, it is of utmost importance in this approach to policy implementation that the policymaker exercises control over the environment of implementation and implementers. To this extent a number of instruments are available to him to ensure such control. In the top-down approach, implementation has to do with the degree to which actions



of implementing officials or target groups coincide with the goals enshrined in the authoritative decision of the policymaker (Paudel, 2009:39; Matland, 1995:146). It is often argued by scholars that the most fully developed top-down model was created by Mazmanian and Sabatier (1989), which presents factors like the tractability of the problem, the ability of statute to structure implementation, non-statutory variables which affect implementation; and the two scholars argue that the probability of successful policy implementation hinges on these factors (Matland, 1995:146; Winter, 2006:152).

The criticism levelled against this approach included among others the fact that in the first instance, the framework predicates itself on the statutory language as its point of departure, to the neglect of all else which preceded the “command” (Paudel, 2009:40). It ignores the fact that there are barriers to implementation germane to the earlier stages of the policymaking process; that is, long before the authoritative decision is made. *“Analysis that takes policy as a given and does not consider its past history might miss vital connections.”* (Matland, 1995:4) The approach also ignores the political realities responsible for policies with multiple goals (Paudel, 2009). Palumbo and Harder (1981:x) observe that when legislators, for example, make pronouncements about policy choices, they do not always provide clear goals that can efficiently direct the process of implementation of the relevant prescript. They argue that this is often caused by the fact that policy should seek to solicit support from diverse constituencies; and this in itself necessitates that policies are stated broadly in order to enlist support from a much wider front.

These challenges facing the top-downers eventually led scholars to conclude that policy is not the preserve of legislators only. On the contrary, what normally happens in practice is that policy directives emanating from the top echelons of the hierarchy are often reinvented during the process of implementation<sup>3</sup> by lower level administrators.

*... organizations do not follow a top-down model in the sense that all the lower echelon members do precisely what those at the top “order”. There is inevitably a large degree of discretion at all levels of an organization, and this is not always used to implement the interpretation those at the top have for policy goals.* (Palumbo & Harder, 1981:x)

Bottom-uppers on the other hand which included among others, scholars like Lipsky (1971, 1980); Ingram; Elmore; Hjern and Hull emphasized the role played by local level street bureaucrats – to borrow from Michael Lipsky - in the implementation of policy (Pulz & Treib, 2007:89), who in their implementation endeavours have the ability to change policy. In his explanation of political implementation which he regards as an aspect of his Ambiguity-Conflict Model of policy implementation, Matland (1995:164) has noted that in the execution of a policy decision, there occurs a shift of forum for doing battle between opposing sides and this can lead to non-implementation. This is caused by the fact that at the decision making stage of the policy process, consensus can sometimes be reached by logrolling while the parties are

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<sup>3</sup> Hence Michael Lipsky’s coining of the concept of street level bureaucrats as policy actors who have the potential to ‘reinvent’ policy during the implementation process. That is, the process of implementation adds a new dimension to the enacted policy which may not have been part of the original pronouncement and intention.

responding to political pressure, even if a sizeable number of these actors have little interest in the implementation phase of the policy.

The bottom-up theory framework generated its own fair share of criticism as well. Matland (1995:149) has noted that there are normative and methodological criticisms levelled with a measure of consistency by critics of the approach. The normative criticism arises from the fact that in a democratic dispensation the right to control policy should derive from the actors' accountability to voters who elected them. Local level service deliverers' authority to 'manipulate' implementation in accordance with their own whims and interests does not derive from a legitimate base of power. For this reason, Matland argues that decentralisation, which is one of the central tenets of the bottom-up approach needs to occur within the context of a legitimately exercised central control. While street level bureaucrats should have discretion in their daily interactions with the citizens, it would be unacceptable to use this flexibility as a basis for designing policy since it "*equates description with prescription.*" (Matland, 1995:150) The second methodologically oriented criticism of the bottom-up approach cited is that it tends to overemphasize local autonomy.

Taking his cue from Richard Elmore (1978), Paudel (2009:42) argues that it is difficult in this approach to think of ways to change the behaviour of street level bureaucrats; and no thought is also expended to look at how discretion can be used to improve the effectiveness of policies at the street level. There also exists a possibility of creaming in this approach, not only as a result of street level bureaucrats, but because of the self-selection of the target groups caused by the fact that, more often than not, people who are poor and those who are not educated are less likely to benefit from services rendered when compared to the rich and wealthy. (Paudel, 2009:42; Winter, 2006:153) The challenges observed and experienced with both top-down and bottom up approaches led to some kind of a theoretical cul-de-sac.

From as early as 1985, articles providing a synthesis and critique of available implementation literature began to emerge. They included among others, scholarly articles on the subject produced by people like Richard Elmore (1985); Sabatier (1986); Van Horn (1987) and others. Criticising the top-down and bottom-up approaches, these scholars sought to combine the best features of both and virtually gave rise to three attempts (Lester et al. 1987:205). It is the policy scholar Richard F. Elmore (1985) who developed the first American synthesis of the two approaches (Lester et al. 1987:205). Without providing a graphic model of his synthesis, Elmore suggests that, there is a need for policymakers to take cognisance of policy instruments and resources at their disposal together with the structure of incentives characterising their ultimate target groups. To this extent Elmore synthesized the two approaches by making use of the concepts of backward mapping and forward mapping (Lester et al. 1987:205).

Concerned with theory building, Paul Sabatier's synthesis of the two approaches sought to combine the bottom uppers units of analysis on the one hand, with the concern of the top downers regarding the constraining of behaviour by socio-economic conditions and legal instruments. The synthesis is then used in the analysis of policy change which takes place over a period of ten years or more (Lester et al. 1987:205). According to these scholars, the third contribution came to the fore in 1987, with an article co-authored by Malcolm L. Goggin; Ann

O'M Bowman; James P. Lester and Laurence O'Toole. Taking particular cognisance of the American Federal context, these authors' model advocates the notion that policy implementation by the state hinges on inducements provided and constraints imposed by states from elsewhere in the federation (i.e. above or below); whereas on the other hand, this model of intergovernmental policy implementation equally depends on the state's favourable disposition towards acting, as well as its capacity to give effect to its preferences (Lester et al. 1987:206). According to these scholars, the state's choices may be the product of a process of bargaining between internal or even external parties which while not situated within government, nonetheless get involved in state politics. These scholars therefore maintain that for the state to implement federal programmes, it has to depend upon variables associated with both the bottom-up and top-down paradigms. The premise from which this synthesis operates is the prism that there is no single cause for evident differences in the implementation of a given policy (Lester et al. 1987:207). Having considered these attempts at synthesising the approaches either with the aim of theory building or of providing practical advice to implementers, the scholars note that a crossroads has been reached in the study of policy implementation; and to this extent different pathways are suggested for further work.

It can be argued that one of the best and probably most fascinating synthesizing endeavours is the Ambiguity-Conflict model developed by the Loyola University, Chicago scholar, Professor Richard E. Matland. The Nepalese scholar concurs that Matland's contribution "*provides a more theoretically grounded approach to implementation.*" (Paudel, 2009:43). However, while Paudel (2009:43) tends to present, in my view, an oversimplified review of Matland's position, it is the argument of this thesis that when Matland is compared with other scholars within the synthesizing tradition, his model is slightly nuanced than a simple "*combination of top-down and bottom-up perspectives*" (Paudel, 2009:43). While Matland (1995:150) operates from a premise that the limited number of attempts made to combine the two perspectives has admittedly led to two groups, that is, a group of researchers who combine the two formats in a single model on the one hand, and those who are searching for conditions under which each of the approaches is appropriate; he nonetheless is of the view that some of these attempts fell far too short from producing viable theoretical models (Matland, 1995:151) Having levelled such a criticism he goes on to cite Selitz Wrightsman and Cook's (1976) definition of a theory as a set of concepts which includes how such concepts are related to one another.

Realising that top-downers choose relatively clear policies to study, while bottom-uppers study policies with inherent uncertainty and that few examples of case study oriented implementation research consider variations of implementation resulting from a different type of policy being implemented, Matland develops the Ambiguity-Conflict Model which requires careful evaluation of that particular policy's characteristics (Matland, 1995:155). The degree of conflict and ambiguity inherent in the implemented policy virtually gives rise to four distinct policy implementation paradigms.

**Table 2(iii) The Ambiguity-Conflict Matrix: Policy Implementation Process (Taken from Matland, 1995:160)**

		CONFLICT	
		Low	High
AMBIGUITY	Low	<i>Administrative Implementation</i> Resources Example: Small Pox Eradication	<i>Political Implementation</i> Power Example: Busing
	High	<i>Experimental Implementation</i> Contextual Conditions Example: Headstart	<i>Symbolic Implementation</i> Coalition Strength Example: Community action agencies

Each box depicts the type of implementation (that is administrative; political; experimental and symbolic implementations); the resources needed for each of these approaches; as well as an example of a policy classified under each of the categories. Different dynamics operate in each of the implementation paradigms and for that reason they are suited to different types of policies.

The second generation of scholarship in implementation research is also criticised for lack of consensus regarding a common definition of the concept “implementation”. Secondly, there are differences in the role of implementers more particularly with regard to their respective degree of autonomy. Thirdly, the synthesis fails to explain why implementation occurs, while at the same time it is also unable to predict behaviour of implementers in the future. The approach is also plagued by too many case studies and not enough validations and replications (Paudel, 2009:44).

The challenge faced by second generation implementation scholars was that of parsimony with regard to the list of implementation variables generated by such inquiries (Winter, 2006:157). As Conteh (2011:123) argues, even the combinations of top-down and bottom-up perspectives left the reader with a long list of variables and complex diagrams of causal chains.

## **2.7 THE THIRD PARADIGM-CONVERGING THEORIES AND DESIGNS**

As early as the late 1980’s, there was already consensus emerging among scholars that the next phase of implementation research should focus on theory building (Lester et al. 1987:210). This dissertation advances an argument that in so far as developing ‘full blown’ implementation theories within the so called third generation paradigm of policy implementation, scholars have largely expended their efforts in the area of mapping contours for development of such studies. This suggests that not much has been forthcoming in terms of developing actual theories than

exploring how to configure the new agenda in this direction. Consequently, the current section of this chapter is not intended to be an exhaustive presentation of the evolution of third generation scholarship on public policy implementation. On the contrary, it will seek to highlight some exemplary attempts by a few scholars to conceptualise this agenda and identify some trends in the direction of third generation implementation scholarship; and that is the subject of the following section of this chapter.

### **2.7.1 THE CALL FOR QUANTITATIVE RESEARCH DESIGNS IN POLICY IMPLEMENTATION STUDIES: FROM GOGGIN TO WINTER.**

As early as the late 1980's, the University of Denver scholar, Professor Martin L. Goggin and his colleagues have expended some considerable effort in drawing the attention of other academics in the field to what should be the focus of third generation scholarship in public policy implementation. Writing in 1986, Goggin calls for a third generation implementation theory which will test theories by using comparative case studies and statistical research designs; a challenge which is later taken up by such scholars as Winter with characteristic nuances. Subsequent to that, Goggin together with James P. Lester, Ann O'M Bowman and Laurence J. O'Toole Jr. followed with a paper which can be regarded not only as a sequel to Goggin's 1986 work, but also an important prelude to their combined effort which culminated into a book in 1990. In the journal article published in 1987, these scholars argue that before any attempt can be made to develop a viable theory in this phase of implementation research, critical conceptual and methodological issues must be attended to. They include such phenomena as clearly identifying activities which can be regarded as belonging to implementation proper; the multiplicity of variables understood to be impacting on implementation; the combination of top-down and bottom up elements into a single model (Lester et al. 1987:211). In the area of measurements, policy implementation theorists must attend to issues relating to the measurement of variables; testing of hypothesis, as well as issues of data reliability (Lester et al. 1987:212). According to Winter (2006:157), Goggin et al.'s 1990 work must be understood as a follow up on Goggin's earlier solo endeavour of 1986; and in this publication, observes Winter, the said follow up consisted of a communications theory perspective on intergovernmental implementation; and further countenanced many of the variables generated by the previous bottom-up and top-down approaches to policy implementation. The special focus of this study was variations among states in their implementation in three different social and regulatory policies. The scholars further encouraged research which involves multiple measures and multiple methods which include quantitative research methods of inquiry.

The Danish scholar, Soren Winter proposes a six point agenda for further research on the subject. In complete contrast to the desire to develop "*the overall and one for all implementation theory*" (Winter 2006:158), third generation implementation research should countenance theoretical pluralism or diversity of methodologies, and further focus on generating partial theories of implementation (Winter, 2006:158). This approach, Winter argues, will bring about new insights. Generalising the model of implementation would in his view inhibit the precise specification of variables and thus hinder development in the understanding of implementation; "... *it seems more fruitful to use research resources on*

*developing partial theories and hypotheses about different and more limited implementation problems and on putting those to serious empirical tests.*” (Winter, 2006:158). Winter suggests this approach because he feels that some of the methodological and theoretical recommendations suggested by Goggin et al. (1990) are too demanding and unrealistic (Winter, 2006:157). There also exists a possibility that some of the different implementation perspectives generated by scholars would be integrated into broader analytical frameworks or models; and the main advantage to be derived from such frameworks is that they will emphasize the testing of theory driven hypotheses and provide framework for different studies to talk to each other, thus allowing comparison to take place.

The second pair of aspects for the proposed agenda for third generation implementation research according to Winter (2006:158) has to do with the need to clarify concepts and a focus on outputs as dependant variables for research. Concurring with his colleague Peter May (1999), Winter (2006:158) is of the opinion that most existing conceptual frameworks are not well developed in the sense that they are still characterised by concepts which are not sufficiently defined; and have no specification for causal links between them. However, the most pressing need for advancing implementation research according to Winter, is to reconsider the question as to what actually constitutes the object of study (i.e. the important independent variable) in implementation research. Winter observes that in most existing scholarship on the subject, the word ‘implementation’ is often used to refer to both the implementation process and the output (or even at times the outcome) of the implementation process. In contrast to Lester and Goggin et al. (1999), according to Winter, implementation research’s main objective or focus of study should be the output process in terms of delivery behaviour; and this focus is in keeping with common parlance in public policy research in terms of content of policy, the causes of policy and the consequences of its implementation (i.e. outputs).

Winter observes a characteristic challenge in existing scholarship on implementation research in the sense that in such studies, goal-achievement, which is defined either as an output or outcome, is used as a dependant variable. For the Danish scholar, this poses serious problems for developing a viable theory of implementation and this is perhaps another instance where his mapping of the new agenda for third generation research becomes intriguing and lends credence to its suggested quantitative design. For Winter (2006:159), the inaccuracy of using goal-achievement as a dependant variable for this type of research lies in the fact that the phenomenon is a fraction mathematically speaking, where both output, in terms of the performance of the implementing actors, or outcome in terms of impacts or effects on the target population, are regarded as numerators while the policy goal becomes the denominator of the said fraction. In other words, one can configure Winter’s implied equation in this instance as follows:

$$G A = \frac{OP \text{ or } OC}{PG}$$

Where G A = Goal-Achievement; OP = Output; OC = Outcome; and PG = Policy Goal

The difficult challenge this equation poses for using goal attainment as a dependant variable is that when goal-achievement is considered a fraction as the equation illustrates, there are different factors which account for variations in both the numerator and denominator of that particular fraction; thus rendering implementation theory generation problematic. As the scholar puts it,

*While the policy formation process is likely to account for variation in goals, the implementation process is likely to account for variation in performance, and additional factors are likely to account for variations in outcomes. This renders the construction and accumulation of implementation theory very complex. (Winter, 2006:159)*

The second challenge caused by the usage of goal-achievement as a dependant variable in implementation research is that policy goals themselves can be complex and thus difficult to operationalize. By the same token, goals are sometimes stated vaguely and ambiguously and a difference can also be identified between official and latent goals of a policy; thus exacerbating the complexity even further. It is for these reasons therefore that Winter proposes that outputs be used as a focus of study or dependant variable for implementation research to explain variations in the implementer's performance. This according to Winter will require much effort to be expended in conceptualising and categorising the performance of implementers, whether they are in the form of agencies or street level bureaucrats.

Winter further suggests that third generation implementation research should also focus on the study of outcomes; and that the latter should not be ignored in research. For Winter (2006:161), a complete understanding of the policy process is not possible when we are unaware of how the target population responds to the intervention. While Winter acknowledges that some may want to take issue with this observation as something which belongs to policy evaluation studies, he argues nonetheless that the latter is more concerned with methods than with the generation of theories; and has resulted in few theories being generated from this front. To this extent, few political scientists and public policy scholars have expended much effort in testing hypotheses in relation to outcome variations and the causal relationships between implementation behaviour and outcome. Winter therefore argues that his definition of a dependant variable, or the focus of study in implementation research (i.e. behavioural performance variable), will not only make it easier to explain variations in implementation output, but it will also be likely to make the study of the relationship between implementation outputs and outcomes much easier. Interestingly, as Winter notes, there is a change of dependent variable in this scheme of things in the sense that, in the study of relationships between implementation output and outcome, the former ceases to be a dependent variable and becomes the independent tested hypothesis.

The last pair of factors which the scholar identifies for the new agenda of third generation implementation research pertains to the usage of comparative and statistical research; and in that sense concurs with the sentiments advanced by Goggin earlier on.

### **2.7.2 ORGANISATIONAL MANAGEMENT VERSUS COOPERATION-KURT CLINE**

According to Cline (2000:551), few researchers have attempted to examine the impact of implementation problem definition on the analytic frameworks they use. This includes the way in which one defines the implementation problem, shapes the analysis of key issues in the process, as well as the recommendations that result from such an analysis. Cline argues that from most of the theoretical work produced in this era, it is possible to reduce the arguments to two basic analytical approaches, organisational management or co-operation. He continues to compare models of the implementation process that use different conceptions of the problems for his argument. The models are those of Goggin et al. (1990), the communications model (CM) of intergovernmental policy implementation, and the implementation regime framework (IRF) largely posited by Stoker (1989). The CM focuses on the problem of implementation seen through the perspective of monitoring and improving the aspects that impede good organisational management, such as bureaucratic incompetence, lack of resources, unclear or poor communication, and lack of compliance with directives, standards and guidelines developed to implement policy. IRF focuses on the problems in achieving cooperation in the midst of conflict and the politics of conflicting interests among implementation agents and participants. Goggin continues by arguing that the inadequacy of defining the problem of implementation as one primarily related to organisational management represents a restricted and centralist view of the process. Consequently, adaptations on the part of other actors subvert the implementation process, and added to this, the roles of communication and conflict are also viewed too narrowly. This approach reduced the handling of conflict among the relevant actors as part of the legitimised process, and the handling of conflict from an instrumental viewpoint, by isolating the process from its larger social and political context (Cline, 2000:567). Its primary focus is to achieve co-operation in a context of conflicting interests. Conflict is generally viewed as a legitimate phenomenon among conflicting social values, and a continuation of conflict during the policy formulation and developmental stage. IRF links the implementation phase to the formulation phase, and to all the other stages in the policy process. IRF analyses strategic and networked interactions of participants within the larger institutional context, as an extension of the larger social dilemma. The resultant perspective is that if future implementation studies are going to be more descriptive and predictive, an understanding of this broader framework of conflicting and opposing role players is required, as well as the role of institutionalised communication problems.

### **2.7.3 A NETWORK MANAGEMENT ORIENTED MULTI-ACTOR IMPLEMENTATION FRAMEWORK: CHARLES CONTEH**

Another most recent contribution to third generation implementation theory development comes from the pen of Charles Conteh (2011) of Canada. The theory combines insights from theories of policy implementation, organization and governance. Conteh begins by criticising attempts to synthesize the two dominant approaches in policy implementation in the form of the top-down and bottom-up paradigms as attempts which eventually left the reader with a long list of variables and complex causal diagrams. The advent of the New Public Management



paradigm with its characteristic features of decentralisation of power, devolution of responsibility, structuring and restructuring of relationship in service delivery initiated a transition towards complex and multi-actor policy processes (Conteh, 2011:124), changed the focus of research from seeking to build meta-theories towards explaining how multi-actors from different institutions make a concerted effort together at implementing policies. This clearly is the influence of network management in policy implementation.<sup>4</sup> For this reason, the approach broadens policy implementation “*into a multi-focus perspective that looks at a multiplicity of actors, loci and level.*” (Conteh, 2011:124)

The organization theory perspective in the framework operates from a premise that organizations are principal players in the policy process and to that extent, organization theory’s preoccupation with investigating how organizations interact with their external environment is brought to bear in the theory; thus adding an open systems dimension to the framework.

Governance on the other hand impacts on the shaping of the suggested framework in the sense that the implementation of policy is understood to take place in the context of institutionalized policy sub-systems located in various organizations; and this is how the perspective plays a part in the analysis of implementation. The interaction of these three theoretical fields therefore suggests for Conteh that the third generation policy implementation theory should regard policy implementation as a complex combination of hierarchy and collaboration in the sense that structured hierarchies have to adjust their internal processes to the imperatives of horizontal management for effective policy implementation (Conteh, 2011:128)

#### **2.7.4 CHALLENGING THE STATUS QUO: THE CONTRIBUTION OF HARALD SAETREN**

In an attempt “*to set the record straight.*” (Saetren, 2005:560), the Norwegian scholar, has also produced an agenda for policy implementation research which among others, seeks to challenge some of the alleged myths and evident gaps in the development of implementation theory. He begins by stating his data resources which unconventionally include even PhD studies on implementation undertaken as far back as the 1930s and further clarifies his methodology which explains how he reached the conclusions he is making; areas which he claims are largely neglected by scholarship on the subject. His approach to implementation research therefore highlights specific questions which must be addressed by contemporary third generation policy implementation studies. They include:-

1. Challenging the alleged demise of implementation research often reported without convincing evidence.

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<sup>4</sup> In my correspondence with the late South African scholar, Professor Petrus Brynard in 2008, inquiring about the ultimate origins of his 5 C Protocol variables approach to policy implementation analysis, he gave an indication that while the approach was his own invention, it nonetheless came about as a result of interacting with scholars at Erasmus Rottendam University in the Netherlands. It is safe to infer that the network approach to management advocated by this school of thought demonstrated by Kickert, Klijn and Koppenjan (1997), had an influence in shaping the contribution of Brynard (2000) which he later espoused in a paper delivered at the 27<sup>th</sup> conference of the African Association For Public Administration And Management in Zambia (2005)

2. Exploration of the disciplinary foundations of implementation theory development
3. The structure of scholarly communication on the subject
4. Paying a closer look at what is alleged to be the core of publications or literature dealing with implementation theory.
5. Identifying the ultimate origins of implementation research without perpetuating its alignment with Pressman and Wildavsky as is the general practice.
6. Locating the place where implementation studies actually began.
7. Identifying the policy issues often discussed by implementation studies; and
8. Attending to the ethnocentric (if imperialist) bias in implementation studies which aligns such endeavours with North America and Western democracies.

## **2.8 TOWARDS A FOURTH PARADIGM CASE STUDY ANALYSIS OF POLICY IMPLEMENTATION-MNCULWANE AND WISSINK**

Having highlighted the evolution that has taken place in the development of the understanding of the critical factors that determine public policy implementation, Mnculwane and Wissink (2014:100-104) have argued that there is a need to consider the fact that during the generations of scholarly input on the matter, complexity is clearly the most vexing aspect of successful policy implementation. To this extent the two scholars have developed a model that can be used to analyse policy implementation case studies by focusing on processes, factors and institutions (i.e. the PFI Model)

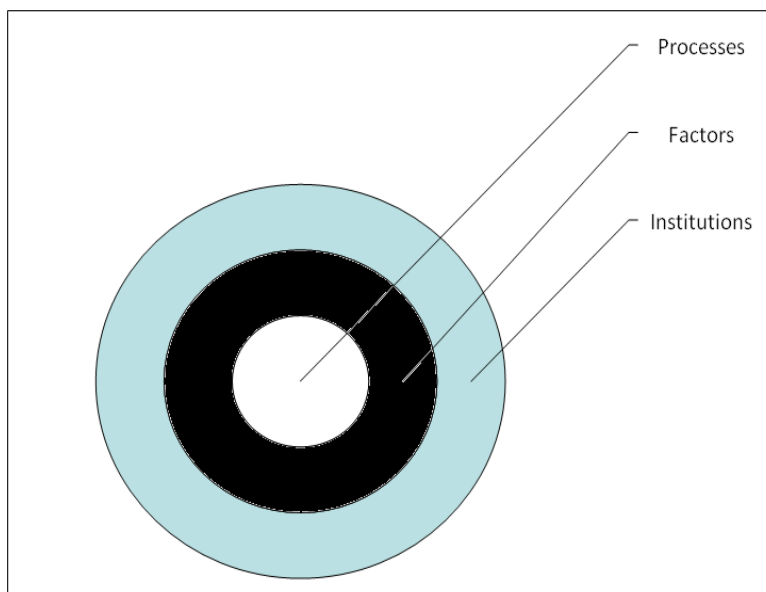
The model of analysis is primarily caused by the characteristic evolution which has taken place in implementation studies over the last century. As indicated earlier on, studies in policy implementation have brought about three paradigms of scholarship on the subject. In spite of the fact that as early as the 1980s consensus was already emerging among public policy scholars that the subsequent phase of research should out of necessity seek to focus on theory building, a sizeable number of scholars have expended their efforts in mapping out the contours for the development of what can be legitimately regarded as the third paradigm of implementation studies. As a result, we are still nowhere near the development of a generally accepted comprehensive theory of public policy implementation.

The model is further prompted by the questions raised in respect of the relevance and the feasibility of developing grand theories of public policy implementation which will be universally applicable to each implementation locus. This is caused by the fact that the different loci within which public policies are implemented are constantly impacted upon by various contextual realities which might challenge the assumptions and generalisations of such grand theories. It is the unique contextual orientation of each locus of policy implementation which indicates that when careful attention is not being paid to peculiar circumstantial phenomena and realities within which a policy is implemented, there exists a possibility that right solutions are likely to be provided for the wrong social problems. To this extent therefore, the model of analysis brings into focus the old tension between the relevance of the universal and the particular in studying social reality. In essence, the model takes over from where third generation implementation scholars have ended. Scholars of the third paradigm have essentially generated some theoretical ideas and formulas which are intended to determine how

implementation works and how it can be improved. The specific insights developed within this paradigm have never been synthesized and simplified into a coherent case study framework which reduces the evident complexity and enables one to understand the challenges germane to policy implementation. The suggested model therefore pulls all the incipient theoretical strings yielded by such scholarship together, and present what may be regarded as a multi-theoretical approach to the analysis of public policy implementation.

To what extent is the model multi-theoretical? In the first instance the model combines the divergent bottom up and top down approaches to the study of implementation and to that extent takes its cue from the already established synthesising tradition characteristic of the third paradigm. However, the second multi-theoretical dimension of the instrument lies in the influence it receives from theoretical underpinnings of diverse disciplines which converge into a single simplified tool of analysis in the model. The PFI Model is primarily informed by a conglomeration of theories which include Philosophy (that is Process Theory), Social Psychology (that is Theory of Situational Factors or Situationism); as well as Political Science and Management (that is Institutionalism and Network Theory).

**Figure 2(b): Proposed PFI Model for Policy Implementation Case Studies** <sup>5</sup>



The understanding represented in this proposed simplified PFI model, is that analysts and scholars could use it as a framework for describing the nature and mechanisms of a particular policy implementation plan and programme, through the linking of the processes that gave rise to the policy, and the factors that affect the implementation process, and the institutional structures and role players that are charged with its implementation. This framework may be able to provide a basis for a comprehensive policy case analyses and a basis for a more longitudinal study and description of the reasons why policies succeed or fail. It also provides

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<sup>5</sup> The PFI model (Processes, Factors and Institutions) proposed here should not be confused with the “**Policy Implementation Framework (PIF)**”, initially developed by Paul Sabatier and Daniel Mazmanian in the early 1980s. Mazmanian, D. A., & Sabatier, P. A. (1983). **Implementation and Public Policy**. Dallas: Scott, Foresman & Co

a more comprehensive insight into the nature of policy dynamics, as opposed to an erstwhile mechanical perspective of the nature of policy as espoused by the early scholars.

**Table 2(iv): Summary of Elements of the PFI Model as a basis for Policy Implementation Case Studies (Taken from Mnculwane and Wissink, 2014:103-107)**

<b>Processes affecting the success of policy implementation</b>	<b>Factors Affecting Policy Implementation</b>	<b>Institutions, Role-players and linkages</b>
Nature of policy formulation	Macro environmental factors, political, social, economic, cultural, legal etc.	Representative Political and democratic structures (parliamentary, provincial or local political structures)
Management and administration of policy plans, programmes and projects.	Developmental stage or status of a nation, community, or recipient grouping.	Policy-making institutions and mechanisms
Monitoring and evaluation of policy progress	Policy resources, e.g. human and economic resources, policy analysis capacity.	Bureaucracy and implementing agencies
Reality of policy shifts and adjustments	Types of policy instruments designed or available	Clients, actors, street bureaucrats.
Impact of policy outcomes	Commitment to modern management sciences, e.g. strategic management, project or programme management, monitoring and evaluation.	Networks and Coalitions

## **2.9 CONCLUSION.**

The development of policy implementation theory as a distinct approach has incrementally gone through three specific paradigms where the primary intention has been to build on previous generations' findings, while seeking to circumvent limitations evinced by preceding theoretical positions. The first generation of scholars adopted a mechanistic approach to the development of policy implementation devoid of any consideration of initiating an upward movement from the grassroots; and thus policy became elitist and relied predominately on centralised power expressed by such regulatory instruments as legislation. The second

paradigm is characterised by the emergence of the top-down and bottom-up approaches to the implementation of public policy and eventually brings about attempts at synergising the two distinct methods. The top-down paradigm was indicted on a number of fronts, thus leading scholars to conclude that the policy process is not the exclusive preserve of legislators, but the bottom-up movement is also critical for effective public policy implementation. The over-reliance on devices of command and control and the concomitant centralisation of power was found wanting, and attempts were made to supplement it with an alternative which, among others sought to move away from an exclusively hierarchically ordered model of implementation, to the one which also takes seriously the decentralisation of power and initiate some movement from below. The third paradigm has been largely a convergence of theories and designs while underscoring the need for developing a complete theory commanding the allegiance of most analysts and practitioners in the field, nonetheless ended up mapping the contours of the development of such theories. In most cases the net result of this undertaking was largely exploring how the new agenda should be configured; and did not culminate in the development of actual theories. Having noted that the quest for grand theories of implementation still rages on, and that the development of implementation theory has become too complex a phenomenon, Mnculwane and Wissink have made attempts to create a model which while underscoring the value of case studies in developing implementation theory, highlights the role of specific processes, factors and institutions in shaping implementation.

## CHAPTER 3

### THE INCENTIVES THEORY

#### 3.1 INTRODUCTION

The preceding chapter of this dissertation focused on unravelling the different paradigms of public policy implementation scholarship, highlighting various contributions made by scholars in the quest for a viable theory. This chapter presents the theory of incentives as used in various disciplines and policy areas. A comprehensive and chronological examination of the evolution of the theory of incentives over time eludes the scope of this study. At best the present section of the thesis highlights the contours of the theory as it is used in selected fields of study. The chapter will also highlight some of the major criticisms levelled against the practice of using incentives generally. Ultimately, conclusions will be made based on the foregoing.

#### 3.2 THE IDEA OF INCENTIVES IN ECONOMIC THOUGHT: LAFFONT AND MARTIMONT

Laffont and Martimort (2001), provide a useful contribution about the theory of incentives in economic thought. The usefulness of their contribution more particularly for the purpose of this inquiry is that they provide a snapshot and overview of the general themes under which the theory of incentives has been developed and applied in economics at the nascent stages of the development of the idea. Laffont and Matrimort's exposition of the theory is not necessarily a chronological analysis of the evolution in the development of the concept; on the contrary it provides a thematic presentation of the theory, highlighting specific contributions of different scholars in the development of incentives thinking and its pervasive nature in various fields of economic thought. It is evident that their contribution is to a large degree motivated by the relative dearth of analytical works in classical economics interrogating the subject of incentives noticeable more particularly at the earlier stages of economic thinking and analysis. To this extent, Laffont and Matrimort suggest that it could well be part of the reason why the incentives theory has not received much attention from the discipline, and the fact that economics has largely focused its energies on seeking to understand value in large economies. This has meant that there is no sizeable space and effort that classical economics has dedicated to the consideration and extensive interrogation of individual behaviour (largely associated with the deployment of incentives), in the market. This situation is considered anomalous by the two scholars because it virtually meant that the firm remained a black box of sorts in the sense that classical economic theory remained "... *silent on how the owners of the firms succeeded in aligning objectives of its various members like workers, supervisors, managers with profit maximization*" (Laffont & Martimort, 2001:11).

However, according to the two scholars, when economists eventually decided to look carefully at the firm, it became clear to them that despite the characteristic neglect of the concept in economic theory, incentives were central to the sustenance of such enterprises. Incidentally, economists began to realize that incentives pervaded a number of areas of economic thought such as agricultural contracts, managerial economics, taxation, voting, regulation of natural monopolies, insurance and others.

According to Laffont and Martimort (2001:17), the original context within which the notion of incentives owes its ultimate provenance is the “*division of labour exchange*.”<sup>6</sup> To this extent, the two scholars posit an argument suggesting the possibility of tracing the origins of incentive thought with the family setting, where each member of the family is assigned specific roles and objective functions. Unlike Joseph Schumpeter (1954), Laffont and Martimort identify the notion of incentives already operating in Adam Smith’s analysis of agricultural contracts, explaining the relationship which existed between landlords and their workmen. This is evident in Smith’s discussion of the intricacies involved in the determination of wages, where the bargaining power between master and servant is not evenly distributed. That is, the interests of the two parties entering into a contractual relationship of this nature are not the same. While the master on the one hand seeks to scoop the biggest benefit from the economic relationship, he wants to give out as little as possible to the workman whose interests are then put at risk.

Laffont and Martimort (2001:18) describe this master-servant relationship as the equivalent of the modern day principal-agent paradigm in economic thought. Incidentally, the two scholars also identify in Smith’s economics, the beginnings of a reflection on the basic constraints characteristic of the relationship. That is the fact that in such a relationship, the maxim would be, “*A man must always live by his work and his wages must at least be sufficient to maintain him*”; virtually suggests that there are limits to what the master can ask and expect from the workman.

By the same token, the French scholars identify yet another strand of moral philosophy in Smithonian incentive thinking. In the context of agricultural contracts discussed by the Scottish luminary, Adam Smith, Laffont and Martimort observe some uneasiness about the deployment of high-power incentives for economic agents who are short-run maximisers of utility. Smith’s concern about this phenomenon arises from the fact that while agents or workmen are paid liberally by the piece<sup>7</sup>, they could easily overwork themselves and in the process, ruin their health (Laffont & Martimort, 2001:19). On the other hand, according to the two scholars, Smith also worried about the appropriateness of incentives paid to slaves for their respective toil.

However, in the assessment of Laffont and Matimort (2001:19), Adam Smith’s most accurate and well known discussion of the notion of incentives in agriculture appears in his criticism of the practice of using incentives in the industry in ancient Europe, in Book III Chapter II. For Adam Smith, the two scholars argue, the fact that the land owner or proprietor provides metayers (farmers) with such inputs as seed, cattle, and implements for farming as a prerequisite for the ultimate equal division of the produce between the farmer and the landlord, motivates metayers to increase production so that their share too may be just as great. To this extent therefore, Smith according to Laffont and Martimort, is in contrast to the modern theory of incentives which claims that agents will avoid exerting themselves to the best of their ability in order to maximise social value. The trade-off between incentives and the allocation of gains

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<sup>6</sup> The origins of the concept are with Adam Smith’s *Wealth of the Nations*. The notion suggests that through social cooperation of differentiated labour, nations acquire their wealth. Smith’s anthropocentric approach is in contrast to the understanding that various forms of capital like land are the source of all wealth.

<sup>7</sup> To be paid by the piece refers to a piece rate system which is a type of performance pay system wherein a worker is paid for each item produced, irrespective of the time taken for that particular unit of output to be realised.

from the trade concerned ensures that agents in this type of economic relationship exert their best effort, thus circumventing the agent's moral hazard in the transaction. For Smith, according to the two French scholars, the biggest challenge with incentives in agricultural contracts was caused by the fact that farmers have no investments to make in the land itself, as well as in "*the unobservable misuse of instruments of husbandry provided by the proprietor.*" (Laffont & Martimort, 2001:20). This for the two scholars presents a classical moral hazard phenomenon in the economic relationship.

Laffont and Martimort observe that while Adam Smith had already begun to indicate and interrogate some of the challenges associated with the piece rate incentives in agricultural contracts, the interlude leading to what could be termed the first attempts at using incentives in managerial economics is provided by the famous English philosopher, mathematician, inventor and mechanical engineer by the name of Charles Babbage (1791-1871).<sup>8</sup> According to Laffont and Martimort (2001:21), Babbage brought about two critical contributions in the development of incentive theory which were intended to address specific exigencies in all trades. On the one hand, Babbage introduced the need to provide accurate measurements of performance which would enable the setting up of appropriate piece-rate contracts. Babbage suggested that it would benefit industrious workmen and master manufactures in all trades to design machines which would register or quantify the amount of work performed since, "*the introduction of such contrivances*" would inevitably provide a needed stimulus or incentive for honest industry. This, according to Babbage would circumvent a sizeable amount of disagreements which often ensued between the parties to a contract. On the other hand, Babbage also proposed specific principles which should be followed when remunerating labour.

### **3.3 INCENTIVES AND ORGANIZATION THEORY**

Hill and Jones (2001:13), prefix their discussion of the agency theory by briefly mapping out the contours which have marked the application of the principal-agent model for three decades. The two scholars observe that during the 1970s, literature dealing with the agency theory concerned itself with the relationship between managers as agents, and stockowners as principals. However, in the 1980s, the two academics distinguish yet another development in the application of the model to specific economic relationships. The work of such scholars as Stephen Ross, the Havard scholar Michael C. Jensen and the University of Rochester don William Meckling are cited by Hill and Jones (2001:131) as characteristic of the phase. During this era, scholars like Eisehard and Kossink began exploring possibilities of extending the application of the model to such disciplines as organizational behaviour, organizational theory as well as strategic management. Consequently, the two scholars' attempt seeks to usher in a new paradigm in the application of the model by introducing other stakeholders which "*include employees, customers, suppliers, creditors, communities and the general public.*"(Hill & Jones, 2001:131). In essence, stakeholders according to Hill and Jones (2001:133), of course taking their cue from Freeman and Pearce refer "*to groups and constituencies who have a legitimate claim on the firm.*"

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<sup>8</sup> Babbage originated the idea of a programmable mechanical computer which ultimately led to the advent of more complex computer designs at a later stage. Hence he is regarded as the father of the computer.



But how do the two scholars describe the application of the model in the aforesaid disciplines? Clearly taking their cue from Ross (1973:134) and Jensen and Meckling (1976:5), Hill and Jones (2001:132) describe an agency relationship “*as the one in which one or more persons (the principal(s)) engage another (the agent) to perform some service on their behalf which involves delegating some decision-making authority to the agent.*” However, what forms the cornerstone of the model is the assumption that there is a sense in which the interests of both the principal and the agent will always diverge. Therefore, in accordance with the nature of the agency theory, it is incumbent upon the principal to limit the divergence of the agent’s interests in the contractual relationship. The tools available to the principal for this purpose are incentives used to shape the agent’s behaviour and orientate it towards a specific direction which will maximize payoff for the principal. The second tool accessible to the principal to align the agent’s interests with his goals is to incur monitoring costs which are intended to restrict the agent from engaging in opportunistic action when implementing his/her part of the contract.

However, Hill and Jones introduce an important nuance in their explanation of the model. That is, it is sometimes expected in the economic relationship that apart from the monitoring costs incurred by the principal, the agent on her part expends some resources in what is known as bonding costs, which will ensure that she avoids taking actions with an intrinsic propensity to harm or impact negatively on the interests of the principal (Hill & Jones, 2001:132). Having put in place such checks and balances to mitigate the effects of the moral hazard in the principal-agent model, the two scholars still concede that the divergence is not eliminated completely in the relationship.

It is Laffont and Martimort who argue that the first attempt made at defining a fully developed theory of incentives in management economics should be given to Chester Irvin Barnard (1886-1961), arguably the executive *par excellence* of the early twentieth century. Barnard (1953:139), is an organizational theorist<sup>9</sup> and understands the organization as a cooperative system which relies on the willingness of individuals to contribute their individual effort for its effectiveness. The individual’s motives of self-preservation and self-satisfaction are focuses which dominate his/her actions and behaviour; and for this reason, it is the extent to which the organization is consistent with the satisfaction of the contributing individual’s motives that it will continue to exist as a going concern of sorts. For him, “*The contributions of personal efforts which constitute the energies of organizations are yielded by individuals because of incentives.*” (Barnard, 1953:139). It is the incentives which induce the individual to contribute meaningfully to a cooperative system. The inadequacy of incentives deployed would among other things, mean failure of cooperation in the system; and it is for this reason that, “... *in all*

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<sup>9</sup> Organization theory studies the way in which organizations are structured and designed. To this extent the discipline takes a macro-perspective on the nature of the organization. Organizational behaviour on the other hand focuses its attention on the micro-elements of organizational life and deals with the behaviour of those within the organization and its impacts on performance. However, according to Robbins and Barnwell (2002:9), there is a characteristic overlap occurring between these two micro and macro approaches to the study of organization which often leads students to seek to understand both perspectives, albeit with different emphases.

*sorts of organisations the affording of incentives becomes the most definitely emphasized task in their existence.*” (Barnard, 1953:139)

For Barnard (1953:140), it is the positive advantages weighed against disadvantages involved which induces an individual to contribute to the cooperative system. He argues that the status quo which often exists in organisations is that, while on the one hand, the advantages which accrue to individuals whose contribution needs to be solicited are few and meagre, the burdens involved are also negligible; and for this reason there exists a strong net advantage in such organisations. Consequently, where there are numerous or heavy burdens to be borne by contributing individuals, the offsetting positive benefits have to be either numerous or powerful to elicit the required behaviour. To this extent therefore, for organizations seeking to secure relevant and effective contributions from individuals, designing and deploying appropriate incentives may involve finding positive incentives or reducing, or even eliminating negative burdens or incentives.

According to Barnard (1953:141), in order for an organization (i.e. cooperative system) to be able to obtain the kind of effort from contributing individuals which will enable it to exist, it can either use what Barnard calls objective inducements (i.e. the method of incentives), or work on changing the minds of such individuals (i.e. the method of persuasion), so that the objective incentives provided are regarded as adequate. However, for him it is also considered, *“improbable that any organization can exist as a practical matter which does not employ both methods in combination.”* (Barnard, 1953:141). But it can also be expected that while other organisations tend to emphasize the method of incentives (i.e. industrial organisations), others are favourably disposed towards the use of the method of persuasion (e.g. patriotic organisations). But what exactly is meant by both the methods of incentives and persuasion within the context of Barnardian managerial economics?

For Barnard (1953:142), there are two types of incentives used to elicit cooperation in a given organisation. On the one hand, he identifies what he calls specific incentives which can be specifically offered. This class of incentives or inducements includes *inter alia* such material incentives as money, physical conditions which are provided to persons to solicit their acceptance of employment and other pertinent things. The second type of specific incentives consists of personal non-materialistic inducements which are often used to secure cooperative efforts from individuals beyond subsistence (Barnard, 1953:145). These include such incentives as opportunities for distinction, prestige and personal power.

*Even in strictly commercial organizations, where it is least supposed to be true, money without distinction, prestige, position, is so utterly ineffective that it is rare that greater income can be made to serve even temporarily as an inducement if accompanied by suppression of prestige. At least for short periods inferior material rewards are often accepted if assurance of distinction is present; and usually the presumption is that material rewards ought to follow or arise from or even are made necessary by the attainment of distinction and prestige.* (Barnard, 1953:145).

Thirdly, there are also incentives relating to the creation of physical working conditions which are used to induce cooperation. The fourth type of incentives are what Barnard (1953:146) calls ideal benefactors, which refers to the capacity of an organization to respond to and to satisfy personal ideals of contributing individuals. Such incentives include inducements like pride of workmanship, sense of adequacy, loyalty and others.

By the same token Barnard (1953:146-149) further identifies four indirect inducements which cannot be specifically provided and they include the following:-

- Associational attractiveness,
- Customary working conditions and conformity to habitual practices and attitudes,
- The opportunity provided for feeling enlarged participation in the course of events; and
- The condition of communion and comradeship.

However, for Barnard there are instances where an organisation is not able to afford incentives that are adequate enough to solicit personal contributions from respective individuals. Such an organisation “*will perish unless it can by persuasion so change the desires of enough men that the incentives it can offer will be adequate.*” (Barnard, 1953:149). For Barnard, persuasion is a three-pronged strategy which entails:-

- The rationalisation of incentives which either takes the form of a general rationalisation or a specific rationalisation,
- The inculcation of motives – which entails the education of the young and propaganda for adults.

Barnard completes his exposition of incentives by providing an outline of the theory of the phenomenon. In order to achieve this particular objective, Barnard (1953:154), outlines the theory with special reference to three distinct types of organisations namely, an industrial organisation, a political organisation, and a religious organisation. It would seem that the theory of incentives developed by Barnard in respect of the said types of organisations is primarily informed by the nature of the output expected as a result of cooperation in the system. The industrial organisation’s *raison d’etre* is the production of goods or the provision of services. According to Barnard, high incentives are possible in an industrial organisation under favourable environmental conditions coupled with relative ineffectiveness and relative inefficiency. By the same token, where the industry is operating under unfavourable conditions, effectiveness and efficiency, it will be necessary to pay low inducements. To this effect Barnard (1953:155) notes, “*In most cases the limitations of conditions, of effectiveness and of efficiency permit only limited material inducements.*”

But Barnard also argues that in an industrial setting no amount of or level of material incentives will be able to elicit individual energies from participants and ensure effectiveness and efficiency in the organisation. It is for this reason therefore that non-material inducements should be considered in this context. However, according to Barnard (1953:156), non-material inducements have the tendency to conflict with each other; and for that reason are not compatible. To illustrate this point, Barnard cites the example where the opportunity for personal prestige is used as an incentive to elicit cooperation from an individual. To this extent

he perceptively notes, *“Thus the opportunity for personal prestige as an incentive for one person necessarily involves a relative depression of others; so that if this incentive is emphasized as to one person, it must be in conjunction with other persons to whom personal prestige is relatively an important inducement.”* (Barnard, 1953:156) The challenge involved in striking the right balance in the use of incentives therefore will often create a need for recourse to persuasion; yet even such recourse entails an amount of material outgo. To further illustrate the point, Barnard cites the example where coercion is to be used as persuasion and argues that the cost of maintaining force in this regard may prove to far outweigh the benefit. The same escalation of overheads will occur even if the method used to persuade is rationalisation using propaganda or a specific argument.

On the other hand, the fact that political organisations do not produce material goods as an output presages that both ideal benefactions and community satisfactions become useful tools to induce participants to collaboration in such organisations. However, Barnard (1953:157) further observes that inferior incentives like opportunity for personal prestige and material rewards would still be required for the sustenance of extensive political organisations. The same is true in the case of religious organisations where ideal benefactions and communion of kindred spirits are dominant incentives to elicit cooperation among participants, while some inferior incentives undoubtedly have a role to play as well.

The principal-agent paradigm has also been used by scholars to interrogate the subject of cooperation among member states. Stephen Ross describes the Principal-Agent Model as one of the oldest and common codified modes of interaction in human societies. According to this scholar, we conclude that, *“... an agency relationship has arisen between two (or more) parties when one, designated as the agent, acts for, on behalf of, or as representative for the other, designated the principal, in a particular domain of decision problems.”* (Ross, 1973:134). It is important that Ross provides pertinent universal examples of such economic relationships in contracts made, not only between the employer and employee, but also between the state and the electorate (Ross, 1973:134). Ross further argues that while on the one hand, much of economic literature dealing with issues relating to moral hazards does not necessarily discuss principal-agency issues specifically, it nonetheless interrogates questions associated with problems arising from the phenomenon of agency; whereas on the other hand, in the context of a general equilibrium, the study of information asymmetries is in itself another example of an agency theory. As Ross (1973:134) notes, in the principal-agent model of conceptualising and codifying interaction in societies, both the agent and the principal have agreed on a specific fee which is used as payment to the agent’s services or goods. It is also important for this inquiry that Ross’s definition of the principal-agent model is not only construed as a relationship taking place between two parties only. On the contrary, the definition countenances the existence of more than two parties in the codified social interaction.

In a paper contributed to the Journal of European Public Policy, Hussein Kassim and Anand Menon (2003:121), for example describe the principal-agent model within the context of seeking to find solutions to, and studying the institutional complexities of the European Union; and by implication within the background of the economics of the organization. In the case of the latter, the scholars reckon that the model in question has provided a leading and useful

framework for investigating the difficulties which arise from contractual relationships. The paper describes agency relationships as something that is, “... *created when one party, the principal, enters into a contractual agreement with a second party, the agent, and delegates to the latter responsibility for carrying out a function or set of tasks on the principal’s behalf.*” (Hussein & Menon, 2003:122). The definition highlights the centrality of contracts in the principal-agent model of social, if economic relationships; whereas on the other hand it refers to the delegation of responsibility to the agent for carrying out duties of the principal. To this extent, one can conclude that according to the two scholars, their particular nuancing of the definition of the model does not only lend itself amenable to the cliché advocating the delegation of responsibility while retaining accountability on the part of the principal. This is clearly demonstrated by the extent to which they reiterate the reasons why the delegation of responsibility characteristic of the principal-agent model is considered beneficial for principals in the relationship in so far as it allows them not only to delegate duties or functions, but also for the authority that accompanies such a delegation more particularly in the political arena. According to Kassim and Menon (2003:123) therefore, delegation affords the principal with the opportunity to:

- Circumvent challenges germane to collective action by ensuring that the costs of the transaction offset the cost of monitoring compliance in the execution of the transaction; while simultaneously ensuring that other parties to the contract respect the terms of the relationship.
- Deal with challenges arising from incomplete contracts
- Enhance the quality of policy, specifically in areas which require special knowledge. The latter is therefore provided by an agent who possesses it.
- Deal with regulatory competition and market failure in instances where states put down the type of incentives favourably disposed to their respective firms.
- Displace taking decisions which may be considered unpopular.
- Circumvent the challenge of policy making instability by delegating the responsibility for policy agenda setting to the agent; and thus avoid the disruption that might be characteristic of majoritarian systems of decision making in the policy cycle.

A pertinent question is worth raising at this stage. If the observation made above to the effect that the principal-agent model lends credence to the sometimes overused phrase in management theory that delegation of responsibility does not necessarily mean the handing over of accountability to the agent, is anything to go by, how is it reflected in the aforesaid benefits? In the first instance, the principal is ultimately accountable for the cost incurred when monitoring the compliance of actors during the execution of a given policy. It is for this reason therefore that the principal in a contractual relationship seeks to mitigate such costs so that they do not escalate far beyond the benefits which accrue to the execution of the agreement; thus nullifying the necessity of such a contract in the first place. Secondly, the principal in the relationship is also ultimately accountable for any policy failure. For this reason, if policy agenda setting is delegated to the agent, the inefficiencies which may be caused by inevitable changes in the majority oriented decision making systems, which can negatively impact on the

relevant policy cycles, will mitigate the attribution of failure to the agent because chances for such are minimized.

While the two scholars concede to the classical use and prevalence of the model in relationships between shareholders and company executives, who on a day to day basis manage businesses for shareholders, they equally affirm that such relationships are not peculiar to the said environment only since, “... *the principal can be any individual or organization that delegates responsibility to another in order to economize on transaction costs, pursue goals that would otherwise be too costly, or secure expertise.*” (Kassim & Menon, 2003:122) In the context of public administration therefore, the citing of the objective of the model as that of economizing on transactions and the pursuance of specific goals which could otherwise be too costly for government to attain virtually links the benefits of the model with the primary *raison d’être* of the new public management paradigm; whose primary concern is, among others, a reduced size of government and a ‘guarantee’ for an effective and capable state; which is a concern undergirding the evolution of the civil service reforms (CSR) witnessed over time in both developed and developing countries. Taking his cue from the 1997 World Bank Report titled, “*The state and a changing world*”, Kigundu (2004:44) puts it rather succinctly when he observes that “... *while at the beginning CSR was focused on reducing the size and cost of the state, more recent thinking calls for a more capable state.*”

Kassim and Menon’s paper operates from the prism of public policy management. This presages that the two scholars see the use of the model within the context of public administration as an attempt to respond to the common pressures for change that governments have experienced. Minogue (2004:148) provides a succinct outline of three specific and common generic stimuli for describing change in governments. In the first instance, the realisation that government expenditure and poor performance have caused a fundamental questioning and dissatisfaction with the efficiency and effectiveness of large bureaucracies has led to awareness that sustaining such administrations would require a lot of money. The second stimulus for this reform and change is the fact that there is a tendency among clients or citizens to understand themselves as active consumers of the services which government offers, and this has meant that they would always insist on quality of services from the state. It is in this context therefore that the model comes in handy in the sense that, by adopting private sector strategies in the use of contracts for example, quality services are ensured for the citizenry (Minogue, 2004:151). The third stimulus according to Minogue is ideological in nature in the sense that the new public management paradigm provides an opportunity for the elite policy makers, not only to reduce the size of the state, but also “*to see the new reforms as a means of entrenching and reinforcing their power at the centres, while distancing themselves from the uneasy problems of implementation at decentralised levels; they may also perceive opportunities for political or personal gain.*”

By the same token, the two scholars reiterate and highlight the actual *sitz im leben* which accounts for the ultimate origins of the principal-agent model. The latter is a model motivated by the “*asymmetric distribution of information*’ between the parties to the contract by providing opportunities for advice selection and moral hazard which allows shirking (i.e. engaging in opportunistic behaviour), that is costly to the principal and difficult to infer or

detect (Kassim & Meno, 2003:122). According to these scholars therefore, it is precisely for this reason that economists have turned to the use of incentive structures in order to put a damper and discourage opportunistic behaviour evinced by the agent under such circumstances.

The use of incentives in the public sector setting is further corroborated by scholars such as Avinash Dixit (2000). Dixit defines incentives as economic relationships where one person or party regarded as the principal in the relationship seeks to affect the actions of the agent by using incentives. Dixit classifies such relationships into three categories. The first category of relationships in this regard are what he calls the Moral Hazard (MH); and it refers to an economic relationship where the action of the agent affects the good results of the principal; yet such actions are not observable directly. It is only some of the outcome; that is some of the result of the non-observable action that is noticeable. However, the challenge is that while some outcome of the action is observable, it does not allow observers to infer the action from the outcome, since the result itself is dependent on both the action in question and some other variable. The challenge which arises from this type of economic relationship is caused by the fact that the action is not verifiable and this creates challenges for designing the commensurate schedule of payment. As Dixit (2000:3-4) points out, the relationship and the concomitant moral hazard arising from it can be structured as follows. When the agent takes action (a), it is not verifiable yet it results in a fairly random outcome (x). The principal in the economic relationship faces a difficult challenge when wanting to devise a relevant if commensurate payment schedule for the verifiable action  $y(x)$ ; and to this extent s/he will find it difficult to maximise the expected utility from this relationship and the goods or services the agent provides. The challenge is caused by the fact that since the action of the agent cannot be verified, the agent is then faced with a moral dilemma in terms of choosing the first best non-verifiable action commensurate with the first best payment (y) offered as an incentive in the transaction.

Consequently, the nature of this type of economic relationship giving rise to certain moral hazards faced by the agent requires a specific kind of incentive scheme. One such example of a solution that can come in handy in order to provide incentives in such a scenario are what Dixit (2000:4) refers to as linear solutions to the problem. The incentive scheme is designed in such a way that it provides a basic salary (k) to the agent. Secondly, it adds a kind of marginal bonus (m) to each unit of verifiable random outcome produced (x). To this extent the incentive equation would be:-

**Incentive payment schedule = basic salary + marginal reward for each unit of outcome produced**

This can be alternatively configured as

$$y(x) = k + mx$$

The second category of economic relationships is where incentives for information (and not necessarily action), are to be provided by the principal to the agent. This is induced by the fact that a situation of information asymmetry exists in the sense that prior to the conclusion of the

economic relationship; the agent already possesses some information to which the principal is not privileged. The theory underpinning the design of incentives or payment mechanisms is the revelation principle which requires the agent to reveal the information she or he possesses, which then results in the design of the payment schedule that is understood to be congruent with the information revealed (Dixit 2000:6). However, the ‘revelation’ itself is contingent to the realisation by the agent that a truthful unveiling of information is optimal for him or her to maximise his/her expected utility in the contract. The assumption in this scheme of things is that all feasible deployments of a payment mechanism allocated in a situation where there is a lack of asymmetry in the information held by the parties to the relationship, are such that they are the same as those “*of a direct and incentive-compatible mechanism*’ used to make the agent adhere to the revelation principle to divulge the privileged information s/he possesses prior to the conclusion of the economic relationship (Dixit 2000:6). Dixit also observes that in such a situation, the design of payment schemes is among other things, approached by crafting a suitable range of menu of contracts which are designed in such a way that each choice of a contract made by the agent will inevitably reveal the type of information the said agent possesses.

The third category of economic relationships described by Dixit (2000:3;8) is what he labels the costly verification scheme of incentive payments. In this instance, the agent in an economic relationship observes an outcome better than the principal is able to. To this extent the principal is required to craft or derive a particular payment scheme (an incentive), as well as a costly verification scheme (Dixit, 2000:3). The latter is caused by the fact that in the process of the presentation of the outcome to the principal by the agent, the latter deliberately misrepresents the outcome in order to maximize his/her benefit or expected utility. On receipt of the ‘exaggerated’ report, the principal is faced with two options. On the one hand, s/he may simply accept it at face value, or s/he may choose to subject it to a costly verification exercise before paying. More often than not, if the agent provides a report which represents a worse scenario for him/her, s/he is not audited; however if his report suggests the contrary, a costly audit is conducted.<sup>10</sup> It is the outcome of the costly audit which will determine whether incentives are paid – in cases where the report is truthful – or the agent is fined if the facts have been misrepresented. Dixit (2000:8) notes that there are similarities between the payment for information and costly verification categories in the sense that both rely on an element of revelation principle. However, the difference is that in the case of the incentives for effort paradigm, the information is held long before the economic relationship ensues between the parties concerned; whereas in the case of the costly verification category, the agent acquires or becomes aware of the privileged information post-contract.

Having outlined the different categories of economic relationships owing their ultimate origins and nature to the different configurations of information asymmetries and flows between parties, it is also important to note that Dixit (2000:3) is of the opinion that they can arise simultaneously in a given situation. One can argue therefore that if such a scenario emerges, it has the propensity to further complicate the task of designing suitable incentive schemes that

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<sup>10</sup> It can be argued that this situation also presents a kind of moral hazard for the principal as well; so that the moral hazard phenomenon is not unique to agents only.



are in consonance with the labour provided. As to how the possible combination of the above can come in handy in instances where the economic relationships occur simultaneously, is perhaps the work that requires further research.

### **3.4 INCENTIVES IN PSYCHOLOGY**

It is not only in the spheres of economics and management where the theory of incentives makes sense. The psychologist E. Klinger, in a book published in 1977 approaches the notion of incentives from the perspective of scientific psychology and advances an argument that people are organised around incentives. Klinger (1977:4) observes that such an organization occurs at two levels. On the one hand, people tend to plan their actions in such a way that they situate themselves on a trajectory that will enable them to obtain incentives; whereas on the other hand, the pursuance and enjoyment of incentives by individuals has the possibility to determine the nature and quality of their inner experience. To this extent, Klinger concludes that the way in which people relate to their incentives is critical. The economist Dongryul Lee concurs with the psychologist:

*An incentive is any factor that motivates a particular course of action. All people respond to economic incentives. In other words, people make a decision in accordance with their incentives. Therefore, to understand the behaviour of people or the phenomenon shown in the real world, we first need to consider the incentives behind those. Once the incentives are found and understood well, we are able to obtain much insight to understand and predict the behaviour of people and further design those toward the direction we want to head to. (Lee, 2009: 1)*

It is this realization made by Lee that incentives will enable us to predict the behaviour within a particular social context, and further assist towards shaping such behaviour to the direction we want it to take, which lends credence to the concept as a useful tool in public policy making and implementation.

### **3.5 THE DEPLOYMENT OF INCENTIVES IN ENVIRONMENTAL MANAGEMENT**

There is evidence indicating the adoption of incentives in conservation policies of the natural environment. Literature suggests that environmentalists have for quite some time deliberately made use of specific incentives to solicit community participation and involvement in programmes dealing with conservation issues. The importance of incentives in environmental management is perhaps better echoed and summarised in the criticism levelled by the Globe Foundation of Canada in its pronouncement against the traditional practice characteristic of what the article calls ‘traditional environmentalism’:

*Traditional environmentalism has failed to appreciate the importance of incentives in guiding human action, whereas the New environmentalism focuses on individual decision making that provides incentives for people to become good environmental stewards. (Globe-net, 2008:1)*

Perhaps one of the best examples epitomising attempts to use incentives in environmental policy development is offered by two scholars Adam Jaffe and Robert Stavins in their paper published in 1995 in the *Journal of Environmental Economics and Management* Volume 29, titled, “*Dynamic Incentives of Environmental Regulation: The Effects of Alternative Policy Instruments on Technology Diffusion*”. The purpose of Jaffe and Stavins paper is to establish a framework that can be considered when comparing the effects of alternative policy tools on the deployment of new technologies. The paper seeks to provide documented empirical evidence to the effectiveness of market-based approaches to achieve objectives for environmental protection. It argues that in order to change the behaviour of target groups in the environmental policy arena, it will be worth the while of policy makers to adopt incentive oriented market-based approaches to policy development and implementation, instead of tenaciously clinging to the established command and control paradigm of traditional policy making.

While Jaffe and Stavins (1995:S-44), acknowledge the preponderance of such literature on the subject, they nonetheless lament the paucity of attempts made by scholars to empirically analyse and quantify the cost effectiveness of alternative tools and instruments; as well as the dearth of empirical investigations into the alleged relative dynamic efficiency of the attributes of such alternative policy instruments. It is for this reason therefore that the two scholars set themselves out in the paper to fill the existing ‘void’ in this regard.

As early as 1995, Jaffe and Stavins had already observed a debate raging between economists on the one hand, and policy scientists on the other regarding the most effective mechanisms or tools for ensuring that environmental protection is achieved. Economists tended to favour the deployment of market based approaches to environmental protection while policymakers on their part were favourably disposed towards the traditional command and control strategies (Jaffe & Stavins 1995:S-43). For the two scholars the lack of empirical studies demonstrating the effectiveness of market based approaches over command and control is caused by the fact that such strategies are not used extensively. Governments look for opportunities where they – by means of policy – can influence invention, innovation and diffusion of new technologies by firms and individuals, which will impact positively on environmental quality.

For Jaffe and Stavins, policy instruments that can be used to foster and induce technological invention, innovation and diffusion<sup>11</sup> positively are classified into three categories namely, market based approaches, performance standards and technology standards. Policy interventions based on these categories have the propensity to force or induce technological change. However, Jaffe and Stavins (1995:s-45) observe that the weakness inherent in policy interventions which are specifically designed to enforce technological change lie in the fact that, while the regulator assumes that such interventions will bring about improvement to the existing technologies, they are nonetheless unable to quantify the envisaged improvement. According to these scholars, market based policy approaches bring about the most effective

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<sup>11</sup> According to the two scholars invention refers to the development of a new technical idea; whereas innovation is referring to the incorporation of such an idea into a product or process as well as its first implementation in the marketplace. Diffusion therefore refers to the process by which an improved product or process becomes widely used.

long term incentives in so far as invention, innovation and diffusion are concerned. The reason being that market based policy approaches to environmental pollution control bring about continued benefits in the form of reduced tax, increase in subsidies or permits that can be sold. Performance standards do not offer benefits in the long run. Once a performance standard has been achieved, the incentives are not there to encourage further attempts. By the same token, once the technology standards are attained, there are no incentives to continue.

*Turning to the effects of direct regulation, our analysis does not suggest building codes made any significant difference to observed building practices in the decade 1979-1988. It is possible that stricter codes (that were often binding relative to typical experience might have an effect, but this itself ought to remind proponents of conventional regulatory approaches that while energy taxes will inevitably be effective on the margin, typical command-and-control approaches can actually have little or no effect if they are below existing standards of practice. (Jaffe & Stavins, 1995:S-61).*

According to the report published by the National Centre for Environmental Economics, international experience evinces a greater acceptance of incentive based mechanisms in the management of the environment (NCEE, 2004:1). The report discusses a broad range of economic instruments used in many countries to protect the environment; and explains how each instrument used is designed; how it performs particularly in the context of developing countries. While the report draws from other survey literature, it however avoids a simple regurgitation of other scholars' analysis on the subject. According to this report, an economic incentive is, "... any instrument that provides continuous inducements, financial or otherwise, to encourage responsible parties to reduce their release of pollutants or make products less polluting." (NCEE, 2004:2). Incentives designed to protect the environment provide monetary rewards or near monetary rewards for less pollution released and impose sanctions for polluting more.

Overall, the report observes some general advantages associated with the use of economic incentives in comparison with the traditional command and control approach. Such incentives generally provide motivation to reduce pollution below the required or permitted levels. Secondly, they encourage polluters to be smart about pollution control costs; and also stimulate technological innovation. Finally, some economic incentives are uniquely suited to world problems on pollution because they make it easier to effect behaviour change in situations where smaller polluters are widely dispersed; which makes it difficult for command and control measures to be effective. The report concludes that, behaviours that are difficult to deal with adequately by using command and control measures are effectively managed by economic incentives; and for this reason encouraging polluters do more or improve on existing regulatory requirements. The following table virtually summarises the array of economic incentives used internationally to protect the environment from polluters.

**Table 3(i). Incentives used internationally**

<b>ECONOMIC INCENTIVE</b>	<b>MODUS OPERANDI</b>	<b>ADVANTAGES</b>	<b>DISSADVANTAGES</b>
1. Fees, charges and taxes	The source or polluter pays a fee/charge/tax for each unit of pollution produced or emitted.	<p>The tool is attractive because the polluter is able to quantify savings to be made by producing less pollution.</p> <p>Fees generate revenues for agencies which impose them</p>	<p>Fees cannot guarantee the amount of reduction of pollution to be effected.</p> <p>In most cases, rates used for fees are so low in such a way that their impact on reducing pollution could be minimal</p> <p>Failure of some incentives to directly target pollution (e.g. nonexistence of taxes levied for automobile emissions where gasoline as well as car taxes are used indirectly to address the problem of car emissions)</p>
2. Deposit-Refund Systems	<p>It takes the form of a monetary deposit paid at the time when the product is sold; and the deposit is returned upon the product reaching the end of its useful life.</p> <p>They sometimes originate from the private sector and do not always need to be mandated by government.</p>	<p>Fees paid help to subsidise return of recyclable products</p> <p>Most appropriate for discrete solid commodities</p>	High transaction costs involved limit their usage.
3. Pollution Trading Systems	<p>Two types of systems used in rights to pollute, namely cap and trade systems and credit systems.</p> <p>Cap and trade systems limit the total amount of pollution releases allowed</p>	<p>Companies profit from reductions in emissions.</p> <p>Less innovative firms are able to purchase tradable emission allowances.</p> <p>Provides certainty about environmental improvement.</p>	<p>Possibility of high costs of operating them.</p> <p>May not be applicable to all environmental challenges</p>

<b>ECONOMIC INCENTIVE</b>	<b>MODUS OPERANDI</b>	<b>ADVANTAGES</b>	<b>DISSADVANTAGES</b>
	Credit systems have no established ceiling for emissions; but the polluter earns tradable credits for being able to control pollution beyond the limit specified in the permit.		
4. Subsidy Systems	Grants, low interest loans, favourable tax treatment as well as preferential procurement policies for products construed to be posing lower risks for the environment are important incentives used in this regard.	Generally used to curb pollution by the private sector and to support the initiatives by the same to reduce pollution.	Have the potential to give rise to harmful environmental impacts like subsidized water.  Government and by implication, the tax payer virtually pays the cost which is in essence, the liability of the polluter.
5. Information Disclosure	Information on environmental performance is collected and made publicly available.	Companies are able to learn about the magnitude of their respective emissions in the process of collecting relevant information.	
6. Voluntary Mechanism	Negotiated agreements between industry and government  Eco-industrial parks  Waste exchanges	Benefits akin to those associated with information disclosure make the tool popular.  Eligibility for a variety of technical assistance to organizations which voluntarily reduce emissions.	

### **3.6 INCENTIVES AND THE KNOWLEDGE ECONOMY**

The multiplicity of fields within which the notion of incentives is applied is further corroborated by their application in the knowledge economy. Incentives play an integral role, not only in the generation of knowledge *per se*; but also in the diffusion of the same to relevant industries where it is eventually used. Knowledge asymmetries existing between the industries on the one hand, and individual researchers and institutions on the other create the context for the relevance of incentives in the generation and deployment of such knowledge. According to Cohen, Nelson and Walsh (2002:14), the conduits for transferring useful knowledge to the

consumer-industry are manifold and include among others, patents, informal information exchange, publications and reports, public meetings and conferences, recently hired graduates, licences, joint or cooperative ventures, contract research, consulting and temporary personnel exchanges. In the Carnegie Mellon survey used by Cohen et al., the indication is given that out of a labyrinth of pathways that can be adopted by public researchers and institutions as specific modes of knowledge transfer to industry, publications and reports appear to be dominant channels used; yet the preference for specific channels for the communication of such knowledge varies as indicated by the ratings in the research.

Taking their cue from Salter and Martin (2001), Bekkers and Freitas (2009:3), observe that, “... *existing evidence suggests that academic research has a positive impact on the development of industrial innovation.*” In this regard, the two scholars cite evidence provided by other academics to the effect that about 10% of “*new products and processes introduced by firms would not have been developed (or only with great delay) without the contribution of academic research.*” In order to facilitate the flow of knowledge from individual researchers and research institutions like universities, policies are used to intensify the required interaction between industry and the researcher. In a paper providing a background to and an evaluation of the work commissioned by the European Union Commission as part of the Expert Group on knowledge transfer in 2008/2009 for example, the two scholars Bekkers and Freitas (2009:3) analyse the motivation and the actual incentives behind the adoption of six main channels for knowledge transfer which takes place between the university and industry.

The two scholars begin their analysis by consenting to the notion that exogenous incentives generally are used to encourage specific behaviour, a particular course of action or a relative choice. While the two scholars admit that there is possibly an extensive list of channels available to the university in particular which can be adopted to transfer knowledge to its users in the industry, they nonetheless propose that the said multiplicity of channels can be effectively reduced to manageable categories of six groups. The following table adapted from Bekkers and Freitas (2009:6) illustrates the type of incentives germane to each group of channels available to the researcher for transferring knowledge to the industry. Incentives in this regard are tailored to suite either an individual researcher or the institution concerned.

**Table 3(ii) Channels for knowledge transfer**

TYPE OF CHANNEL	MOTIVATING INCENTIVE
1. Academic and professional publication	<p>1.1 Possibility of being recognized by peers in the discipline</p> <p>1.2 Personal motivation provided for example by the personal curiosity of the researcher; desire to solve industry related problems; and the desire to apply the knowledge required..</p> <p>1.3 The requirement to fulfil job tasks related to the academic post</p> <p>1.4 Possibility for promotion</p> <p>1.5 The possibility or even need to participate in a conference</p>
2. Informal Contacts	<p>2.1 Informal contacts can be motivated by the need for social recognition on the part of the researcher.</p> <p>2.2 Academics also need to network with peers and colleagues in both the industry and the academia.</p> <p>2.3 Informal contacts with industry can also be motivated by the need to access resources for research; and</p> <p>2.4 The need to identify promising areas of research.</p> <p>2.5 The possibility that informal contacts can be used as a stepping stone to other channels of knowledge flows between industry and the individual researcher.</p>
3. Labour Mobility	<p>3.1 Personal characteristics of the researcher such as the need to:-</p> <p>3.1.1 Regularly change job activities</p> <p>3.1.2 Acquire a diverse work experience.</p> <p>3.1.3 The desire to achieve complementarity between the work of research and the application of generated knowledge, can lead to mobility from university to industry as a form or chance of knowledge transfer.</p> <p>3.1.4 Differences in wages and the desire to apply acquired knowledge.</p> <p>3.1.5 The firm's need for valuable economic information; and</p> <p>3.1.6 The need to identify new promising arrears of research.</p>
4. Collaborative and contract research	<p>4.1 Availability of funds for own research or group.</p> <p>4.2 Availability of facilities and resources in firms</p> <p>4.3 Potential for recognition by peers and industry</p> <p>4.4 Need to maintain contracts.</p> <p>4.5 The fulfilment of job functions</p>

<b>TYPE OF CHANNEL</b>	<b>MOTIVATING INCENTIVE</b>
	4.6 Possibility of job promotions
5. Spin-offs	5.1 Job opportunities. 5.2 Funds available for own or group research. 5.3 Desire for applicability. 5.4 Entrepreneurship.
6. Patents and Licencing	6.1 Motivated by pleasure of being an inventor. 6.2 Recognition by both peers and industry. 6.3 Desire for private income. 6.4 Potential for generating funds for own or group research. 6.5 Career opportunities presented by patenting.

According to Bekkers and Freitas (2009:12), some of the incentives motivating the choice of a given channel of knowledge transfer from university to the industry are tailored and targeted for institutions rather than individual researchers.

*Table 3(iii). Channels targeted for institutions*

<b>CHANNEL</b>	<b>MOTIVATING INCENTIVE</b>
1. Academic and professional publications	1.1 The incentive to provide high quality publication enables the university to attract good students and good new staff. 1.2 Possibility of leveraging the institution to access more research funds and staff in the face of competitive mechanisms used for allocation 1.3 Need to improve the institution's ranking in the relevant scoreboard. 1.4 Possibility of attracting contracts and collaborations
2. Informal contacts	2.1 Desire to improve staff's level of performance by engendering and encouraging creativity and widening their horizons as scientists. 2.2 Possibility of accessing funding.
3. Labour Mobility	3.1 Improves staff performance levels by widening horizons and engendering creativity. 3.2 Motivated by the applicability of research output in the industry. 3.3 Need to prevent brain drain as staff flows to industry.



CHANNEL	MOTIVATING INCENTIVE
	3.4 Need to attract contract or collaborative research.
4. Collaborative and Contract Research	<p>4.1 Desire to improve the institution's ranking and scoreboard in the face of competitive research funding models applied to research organisations.</p> <p>4.2 Need to attract research funds.</p> <p>4.3 Need to access resources and facilities for research kept by firms.</p> <p>4.4 Desire for networking.</p> <p>Need to identify new arrears of research.</p>
5. Spin-offs	<p>5.1 Need to improve rankings and scoreboard as a result of the importance placed by policy makers on spin-offs and the concomitant commercialisation of knowledge.</p> <p>5.2 Financial benefits which accrue to spin-offs.</p>
6. Patents and Licensing	<p>6.1 Need to improve organisational ranking and scoreboard ratings.</p> <p>6.2 Financial benefits which accrue to licence fees charged for knowledge.</p>

### **3.7 SOME OF THE ESTABLISHED INCENTIVES USED IN HERITAGE RESOURCE PRESERVATION.**

The current section of this chapter is not intended to be an exhaustive presentation of incentives which can come in handy in ensuring that there is adequate participation in the policy implementation conduit within communities. On the contrary, it seeks to highlight some of the most well established, effective and innovative ways of soliciting the required participation. Taking our cue from some of the state of the arts type of reports which have been produced by various bodies on the use of incentives for this particular purpose (e.g. the 2004 National Incentives Task Force for the EPHC and the Parliamentary Assembly Report of the European Council of 2003 etc.), at least twelve such incentives will be examined in this regard.

#### **3.7.1 TAX INCENTIVES**

Public policy is regarded as a panacea for identified social ills which are construed to warrant a solution. In the international heritage landscape, a variety of tax incentives are used to induce positive responses from communities particularly with the protection and preservation of the built environment. In the City of Kingston, Ontario in Canada for example, the City Council established a Tax Refund and Grants For Heritage programme for properties designated under the Ontario Heritage Act (Kingston, 20-09-2012). The initiative was a result of collaboration between two units within the Council namely, the Planning Division and Financial Services. The collaboration was caused by the varied nature of designated property owners in Kingston.

The Kingston Municipal Act, 2001 provides for a 40% tax refund per property with a heritage assessment agreement within a cycle of three years.

There is some evidence that in the United Kingdom at least two types of tax incentives are used with regard to heritage property. On the one hand, the government has introduced what is called the Acceptance in Lieu Scheme which allows individuals to submit items or heritage objects of cultural or historical significance for public ownership in lieu of Inheritance Tax; Capital Transfer tax and Estate Duty (Russell, 2010:1). The scheme is regulated under the auspices of the Inheritance Tax Act, 1984 and provides that 25% of the tax that would have been payable, is remitted back to the owner of the heritage object submitted.

By the same token, the United Kingdom also has a Conditional Exemption Incentive Scheme intended for the preservation of artefacts of cultural or historical importance in order to benefit the nation. The scheme involves the deferment of Inheritance Tax, Capital Gains Tax in instances where an item qualifies for exemption when passed to a new owner either on death of the same or as a gift. However, the exemption is conditional and for this reason the owner should continue to comply and satisfy a specific criteria.

The Parliamentary Assembly of the Council of Europe also provides another pertinent example of attempts made in the international arena to incentivise a constellation of actors in the heritage policy implementation arena. The report titled, "*Tax Incentives for cultural heritage conservation*", intended for discussion by the Committee on Culture, Science and Education begins by highlighting the nature of the context within which heritage incentives are of paramount significance for preservation of resources. The report argues that public funding alone has become increasingly inadequate to effectively support and encourage owners of heritage property, more particularly in countries with rich heritage or those who are making a transition from economies run by the state (Parliamentary Assembly, 2003:1). The report therefore identifies reduced tax on VAT, Income Tax, Wealth Tax, Inheritance Tax or Gift tax as appropriate avenues of incentivising owners of heritage property to protect and care for heritage resources under their care and ownership. A country by country review is then undertaken by the report which concludes that while some countries do offer tax rebates for heritage preservation some do not, while in others no data was available at the time of the preparation of the document. However, it needs to be pointed out that tax reductions are an effective way of providing encouragement to property owners to protect heritage resources, but it may not be as effective in places where the bulk of such property is not in private hands as is the case in Western Europe where according to the said report about 65% of historic buildings is owned either by individuals or non-state bodies (Parliamentary Assembly, 2003:2).

### **3.7.2 GRANTS**

The report of the Taskforce of the EPHC cites three different types of grants generally used for incentivising heritage protection in the global heritage industry. They are entitlement grants; discretionary grants and performance grants (EPHC, 2004:16). Entitlement Grants are types of grants provided to the owner of a heritage resource who meets a special eligibility criteria. The Netherlands Department of Conservation for an example provides entitlement loans to property

owners intending to embark on works of restoration or maintenance ranging from 20%-70% of the total cost. The City of Kingston in the State of Ontario in Canada, for example has a Heritage Property Grant Program where an owner of eligible property receives a grant not exceeding 50% of the cost of the restoration project. This type of funding is provided once in two years on a first come first serve basis; and does not exceed \$2000 (Kingston – 02-09-2012).

Discretionary Grants on the other hand are types of grants where applicants have to compete for funding adjudicated by an assessment committee or board which determines who eventually receives the coveted funding. While most states in the United States of America make use of grant schemes for heritage preservation, the state of Colorado has a reputation for offering the most generous grant offered by a state. From 1993-2001, this state provided grants amounting to \$63 million, averaging \$7 million per year. In the year 2000 alone, the scheme provided \$13 million to property owners for the said purposes.

In the case of Performance Grants, strict criteria are used to define projects which will be supported by this type of grant. Applications submitted to solicit funding are screened and performance closely monitored (EPHC, 2004:17). It is considered particularly appropriate and effective in instances where limited budgets are targeted for priority areas in the heritage conservation landscape. The EPHC Report provides two examples of such grants offered in both Australia and the United States of America. The City of Roanoke in the State of Virginia in Australia, provides grants for heritage property owners wanting to restore the façade of dilapidated heritage buildings and further provides employment for low to middle income earners in the state. On the other hand, the report also cites evidence provided by the City of Phoenix in the State of Arizona in the United States of America which runs a grants scheme providing 50% to the total cost of residential heritage property located within historic districts. According to this report, this scheme is funded to the tune of \$ 1 million US per year; and assists with funding in projects costing from \$ 2000 - \$ 5000 (EPHC Report, 2004:17).

### **3.7.3 LOANS**

Short or long term direct loans, secured against the property in question are made available to property owners by heritage organisations at lower interest rates. Once a direct loan has been repaid, there exists a possibility that it can be given to a new project thus ensuring sustainability of the initiative. However, the amount of administrative support required to run a successful loan scheme might render them fairly cumbersome. Revolving Fund Loans for example provide low interest loans to heritage property owners wanting to restore and rehabilitate important historical or architectural buildings throughout the state. The loan works on the basis of a twenty years amortization schedule and is payable in five years. Interest for this loan is fixed at half the prime rate applicable at the time when the funding was solicited. However, there is a balloon payment due at the end of the five year period ((EPHC Report, 2004:22).

Loan subsidies on the other hand are provided to the owner of the heritage resources (i.e. historical building) who want to do some conservation work by a commercial institution; and the interest is then subsidised by a heritage organisation. A pertinent example of this type of

incentives cited by the EPHC is the Victorian Heritage Council in the United Kingdom which provides a grant to an owner amounting to approximately 3% of interest of the loan taken.

### **3.7.4 PLANNING AND DEVELOPMENT INCENTIVES**

The Australian Model provides a pertinent example of how local government planning and development can create occasion for providing incentives to owners of heritage property and developers. The Incentives for Heritage Protection Handbook published by the Commonwealth of Australia for the Heritage Chairs of Australia and New Zealand (HCOANZ) lists a total of seven instruments that can be used for this purpose which include zoning controls; planning incentives; transfer of development rights; parking; building site ration and land use concessions; flexibility in planning and/or building requirements; rate reduction; and waiver of fees for development applications (HCOANZ – 9 June 2013). According to the EPHC (2004:20), both local government and planning authorities have a critical role to play in the conservation of historic heritage. Local planning can promote conservation or even act as an important disincentive in ensuring that such heritage is properly preserved and protected by means of zoning controls, planning incentives and transfer of development rights. The Environmental Plan of the City of Sydney provides that the maximum floor space ration for places contained in the Heritage List should be the existing floor space of the building which is on site; with the provision that land that is vacant can be improved with the installation of new buildings (EPHC, 2004:20). On the other hand, in order to encourage the use and conservation of heritage sites in South Australia, the Development Act, 1993, permits Councils to relax requirements for planning and building. According to this report, *“This could include relaxing parking requirements, allowing a use that would not ordinarily be permitted, or allowing variation to the usual safety and/or disability requirements.”*(EPHC, 2004:21).

### **3.7.5 HERITAGE AGREEMENTS**

Legally binding voluntary contracts between owners of heritage property and the heritage authority are also used as instruments to engender heritage resource preservation. The Incentives for Heritage Protection Handbook (Undated:18), for example, observes that such agreements are legally binding to both current and future owners and can include other incentives like remission on rates, tax deductions, grants, planning concessions and plot ratio transfers. On the international heritage industry arena, the United Nations Educational, Scientific and Cultural Organisation’s Convention Concerning the Protection of the World Cultural and Natural Heritage<sup>12</sup> provides a classical paradigm of a heritage agreement which binds member states to commit to the preservation of heritage within their territories. The terms of this convention are not only binding to the said states but in the case of South Africa, the convention has led to the adoption of the World Heritage Convention Act No 49 of 1999; which seeks among others to ensure that the terms of the convention are cascaded and incorporated to the South African Law.

Apart from agreements committing the global community to the protection of heritage resources, there are pertinent examples of such agreements entered into by state bodies or

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<sup>12</sup> The Convention was adopted in the 17<sup>th</sup> Session of UNESCO on the 16<sup>th</sup> of November 1972 in Paris.

agencies and owners of heritage property. The Environmental Protection and Heritage Council's National Incentives Taskforce Report defines such agreements as legally binding contracts aimed at ensuring long-term preservation and protection of a heritage place. According to this report, such agreements are signed in perpetuity and are for that reason binding to future owners of the property; while *"providing the owner with access to incentives such as rate remissions, land tax reductions, grants or planning concessions"* (EPHC 2004:21). The said report cites three examples of such agreements. In 2004, the Heritage Council of Western Australia has a heritage agreement scheme in operation which at the time consisted of forty six agreements already executed; and a similar number being negotiated. Another interesting case in this regard is provided by the Heritage Act of South Australia which having provided for such agreements, already had six agreements in place and the time of the publication of the said report. However, according to this report, most of these agreements have been successful save one; which as a result of non-compliance with terms of the agreement, the property in question fell into disrepair; and no legal action was taken because of the cost involved as well as negative publicity. This in a sense illustrates the difficulties encountered when sticks are to be applied to enforce compliance with heritage laws and regulations. By the same token, in the United States of America preservation easements authorised under the auspices of historic preservation laws are used as a form of conservation agreements for resource protection and preservation (EPHC, 2004:22).

### **3.7.6 REVOLVING FUNDS AND CONSERVATION TRUSTS**

According to the EPHC's Taskforce Report, revolving funds are used with remarkable success for conservation of historic heritage properties in both the United Kingdom and the United States of America (EPHC, 2004:22). Such funds provide a pool of capital which is used for preservation of historic properties. Money from this fund is used to acquire, safeguard and resell heritage property with a conservation agreement attached to it. It can also be used for lending individuals and organisations to buy restore and secure such properties. The money generated from sales and repayment of grants is brought back to the fund's coffers and reused for similar purposes.

### **3.7.7 ENCOURAGING USE OF HERITAGE PROPERTIES**

When old buildings in particular are not being used, they tend to deteriorate. A survey conducted in Australia indicated that out of all the historic buildings which were unused, 39% of them were in a poor condition (EPHC, 2004:24). One of the ways of protecting and preserving such heritage resources is to encourage adaptive reuse, where a historic building previously used for a particular purpose is refurbished and changed for another use. However, the refurbishment and alteration is done in such a way that its heritage qualities are not compromised in the process; and the new use can include residential, commercial and community uses. The EPHC Taskforce Report (2004:24) perceptively notes that adaptive reuse may not always be the kind of panacea heritage practitioners resort to all the time to deal with problems of dilapidation emanating from non-use. In the first instance, some historic buildings are not amenable to adaptation and it is also not uncommon that the personal objectives of the owner of the property are not conducive to the historic fabric of the building. On the other

hand, there are occasions where communities will object to major adaptations on historic buildings, more particularly those located within residential areas.

### **3.7.8 THE PROVISION OF TECHNICAL ASSISTANCE**

Positive responses and participation in the protection of heritage resources can be solicited from respective owners by providing them with relevant technical knowledge and expertise required for their preservation. Such services are either provided by government or a non-governmental institution free of charge or at a reduced rate. A pertinent example of this model is the developments which have taken place in the Netherlands, United Kingdom and Belgium. In the Netherlands, a non-governmental organisation called Monumentwatch established in 1973 provides important maintenance advice to owners of old buildings. Owners of such property are made to subscribe to the said service and receive an initial inspection report which prioritises what needs to be attended to in the case of that property. Subsequent to this initial endeavour, follow up annual inspections will ensue in order to inform further attempts at renovations and maintenance. According to the said report, about forty inspection teams inspect 13 000 listed buildings *per annum*; and this represents about a quarter of all listed buildings in the Netherlands. Taking their cue from this model, both the United Kingdom and the Flemish Region of Belgium had started their non-profit body known as Maintain our Heritage with the intention of trying the scheme.

### **3.7.9 THE USE OF LABOUR VOLUNTEERS**

In places like Australia and Canada, volunteers are used with great success in the preservation of historic buildings. Such community volunteers offer their services voluntarily for such things as provision of tour guides, fund raising and the actual restoration of historic heritage buildings. Generally the tasks that volunteers get involved in include such labour intensive activities as painting, landscaping, repair of signs etc. By the year 2004, in Victoria alone about 20 sites had already received such assistance (EPHC, 2004:28).

### **3.7.10 RECOGNITION AND PROMOTION AS A TOOL FOR PRESERVATION**

This particular tool operates from a premise that both information and awareness are useful catalysts that can be used to garner community interest and political support for heritage conservation. Information and promotion encourages understanding and appreciation of heritage, which has the potential to motivate communities and other actors in the policy implementation arena to want to participate. Recognition and promotion can take many forms. Heritage Festivals arranged annually are one such example aimed at the promotion of heritage and to engender awareness of the need to care for heritage resources. A classical example of such an initiative is the Canberra Heritage Festival in Australia which is a two week long programme comprising walks, talks, exhibitions, tours and workshops (EPHC, 2004:28).

### **3.7.11 CLIENTS AND COMMUNITY RELATIONSHIPS**

The attainment of sound and cooperative client relationships is not only regarded as critical for a viable conservation strategy (EPHC, 2004:29), but it is an important tool for public policy implementation in general. On the one hand it seeks to ensure that the constellations of actors

involved in the policy implementation conduit are managed properly and their participation effectively solicited. South African policy scholars, Brynard et al. (2011:150-151), for example highlight the role played by such coalitions for the execution of public policies in his 5C Protocol Model. On the other hand, the strategy represents a shift of paradigm in public policy implementation endeavours in the sense that it seeks to move away from the traditional enforcement model of heritage management and administration which focuses predominately on policing, which may turn out to be costly for heritage managers due to the high costs involved in litigation processes involved.

Ensuring sound client and community relationships in heritage management therefore seeks to achieve specific objectives which include attempting to assist heritage property owners to achieve their goals in respect of their heritage assets. Secondly it also seeks to the same proprietors to comply with the requirements stipulated for managing and protecting listed resources and also goes a long way towards clearing misconceptions about the same. According to the EPHC report (2004:30), in the usage of this strategy, there also exists an opportunity for the deployment of other incentives like grants and loans; thus lending credence to the complementary nature of the strategies.

### **3.7.12 GOVERNMENT TO GOVERNMENT ASSISTANCE AS A STRATEGY TO ENSURE PARTICIPATION**

Government to government assistance in heritage matters can also help to stimulate and foster active participation of implementation stakeholders at the lower levels of the heritage protection and management echelons. The EPHC report perceptively notes that part of the strength and effectiveness of this inducement strategy lies in the fact that incentives are virtually deployed at the lower levels close to the clients. According to this report, the tool is used quite extensively by a number of countries as an inducement for participation in the preservation of historic buildings as heritage property of a given country (EPHC, 2004:30)

### **3.8 THE CRITIQUE OF INCENTIVES**

The theory of incentives is not without its critics. According to the International Society for Performance Improvement (ISPI) and the Incentive Research Foundation (IRF) (2002:1), the fact that research on incentives has been conducted from perspectives of such diverse disciplines as accounting, education, economics, communications, human factors, psychology and sociology has given rise to conflicting claims and controversies regarding their usefulness. The criticism levelled against incentives ranges from moderate critics to radical detractors.

A pertinent example of a moderate criticism of incentives theory is provided by the above named Incentive Research Foundation itself. The methodology adopted by this research followed a combination of strategies. On the one hand the statistical method called meta-analysis was used to assess trends and information yielded by more than 45 studies conducted on the subject; whereas telephonic interviews and web based questionnaires were also used to solicit relevant information from a sample of 145 companies in the United States of America which use incentive schemes (IRF, 2002:i). In support of its central thesis, the report concludes that there exists *“solid evidence that paying people for exceeding work targets”* makes them

to value their respective tasks even more; builds self-confidence and esteem for their employers; make them to be more persistent in the tasks they perform; and set themselves for higher levels of accomplishment which in turn results in overall interest generated for the work they do (IRF, 2002:8). However, the report concedes that some incentive schemes do not produce the anticipated better results, but posit an argument which locates the causes of such failure on questions of poor assessment and study of problems for which tangible incentives are designed; and errors committed during the implementation of the tangible incentives programmes and interventions. In order to bolster its position, the report provides some statistics regarding the evidence yielded by the meta-analysis and surveys conducted during research. A 15% performance increase was indicated where people were asked to perform activities they had never carried out before. This, according to the report indicates that incentives are least helpful under such circumstances given that, where people were asked to and encouraged to persist in the performance of tasks more familiar to them, a substantial 27% increase in their performance was registered; and also in instances where people were encouraged to give their best mental effort to specified tasks, a 26% performance increase resulted. But other critics of the theory are not as moderate as this appraisal does; and that is the focus of the subsequent section of this chapter.

### **3.8.1 A NEO-MARXIST CRITIQUE OF THE THEORY OF INCENTIVES**

It can be argued that much of the criticism that is levelled against the theory of incentives emanating from this front is to an extent motivated by what political philosophers regard as the liberal justification of inequalities represented depicts a range among others in the work of such thinkers as the political philosopher and ethicist, John Rawls in particular. Seeger (2011:50) criticises the assumption underlying the incentives theory that the more money the better; and sets himself to uncover what he perceives as the intuitive claim of this dictum undergirding the incentives argument. He looks at the commitments to the argument and concludes that without any *“further empirical backing the incentives argument cannot be upheld.”* How does he arrive at such a conclusion? As already alluded to, Seeger (2011:41) seeks to criticise the incentives theory from the empirical perspective. In order to achieve this objective, he first discusses the incentive argument within the context of the framework already provided by Rawls’ theory of justice. For Seeger, Rawls argument is articulated within the purview of the theory of distributive justice; and further identifies two distinctive, yet interrelated premises comprising Rawl’s theory. For Seeger (2011:41), Rawl’s theory has a normative (NP) premise which affirms that, *“Inequalities that are to the greatest benefit of the worst off are justifiable”*; yet on the other hand, there exists for Seeger an empirical premise (EP) in Rawls argument which states that, *“In a well ordered society there can be substantial inequalities to the benefit of the worst off.”* Seeger points out that in Rawls’ difference principle; the benefit of the worst off is measured in terms of primary goods; namely income and wealth, positions of authority and responsibility as well as self-respect. A just distribution therefore would allocate the best bundle of goods to those who are worst off in society. But Seeger (2011:42) argues that the distribution of other goods impact on the distribution of self-respect as a social good. He then criticises the advocates of the incentives argument on the basis of the fact that they do not pay enough attention to the respective weights of primary goods; and that social goods are hardly



discussed in this scheme of things. This state of affairs according to Seeger gives rise to a situation where the difference principle is exclusively understood and articulated in terms of material goods only. To this extent, he concludes that material inequalities are detrimental to the social goods of the worst off, and this according to Seeger, is the dynamic that the difference principle as advocated by Rawls' philosophy, fails to capture.

It is for this reason therefore that he challenges the proponents of the incentives argument to defend the theory by demonstrating how the losses of social goods sustained by the worst off *"are outweighed by their presumed gains in material goods"* (Seeger, 2011:43); resulting from the assumed trickledown effect presumed to be given effect by the difference principle. For Seeger, the flaw inherent in the incentives argument is glaring in the sense that material gain does not necessarily improve an individual's chances of realising her/his conception of the good; nor can it outweigh the losses in social goods suffered by the worst off in society. Seeger (2011:44) therefore argues against the common observation undergirding the incentives argument and the difference principle in particular which states that, *"The more money I have, the better my chances will be that I can reach my aims."*

In his attempt to render this proposition inaccurate and less convincing as a support for the incentives theory and the difference principle of Rawlsian philosophy, he distinguishes between what he regards as absolute wealth and the relative position. By absolute wealth he refers to how much does a person own in absolute terms; that is, not taking cognisance of how much do other fellow members of society own; whereas by relative position, the scholar is referring to how much does one own in relation to other members of the community (Seeger, 2011:44). It is in this context that Seeger fires yet another salvo in his criticism of the theory. He argues that, sometimes owning less than your fellow members of society reduces one's chances of realising her/his conception of good in life because she/he is not on a par with everyone else who has an advantage as a result of their better relative positioning resulting from their well off status. Seeger uses Thomas Pogge's argument to advance his cause by claiming that some of the good things aspired to by the worst off in society, are by their very nature positional goods and competitive. To this effect Seeger observes, *"In any case, it should be uncontentious that, as far as competitive goods play a role in their conception of the good, the worse off will have a worse chance of realizing their conception of the good in the liberal distribution than in the egalitarian distribution."* (Seeger, 2011:45)

According to this scholar, the absolute position of an individual in society is significant above a certain threshold level (Seeger, 2011:46). That is, for his owning more in absolute terms does not increase much his chances or possibilities of realizing his goals. In a sense, while material gains can improve the lot of poor people who struggle to access basic needs, societies in industrialised communities have reached a certain level of material well-being; and as a result their basic needs are satisfied accordingly. For this reason, any significant gain in material goods has no direct and recognisable impact on the lives of these citizens.

By the same token, Seeger (2011:48) further indicts the rationality of the incentives theory, "the more the better", by stating that individuals in communities have the tendency to adjust their goals and social preferences according to their perceived possibilities. For example, he

argues that if material gain has the possibility to lead to an expensive conception of good, the desire to increase material wealth is virtually eliminated.

Another example of a critique of the incentives theory with a Neo-Marxist orientation is that provided by the two scholars from the University of Massachusetts-Amherst, Samuel Bowles and Sandra Polania Reyes (2009). The two scholars argue that explicit economic incentives have the potential to be counter-productive by inducing people to adopt a market mentality, thus compromising values to act in socially beneficial ways which already existed among them even prior to the introduction of such inducements (Bowles & Reyes, 2009:2). They argue that explicit economic incentives have the tendency to eclipse important social preferences like altruism, fairness, and civic duty, which are important influences for shaping individual human behaviour.

The two academics are optimistic that there is now both theoretical and empirical evidence suggesting that there is a need to reconsider the assumptions made earlier regarding the use of explicit incentives in economic thought. The first evidence is provided by the advance which has been made in the behavioural experiment laboratory and field work which demonstrates the importance of social preferences in shaping up human economic behaviour. Secondly, the recognition and empirical study of incomplete contracts has caused the appearance of new terms like trust, fairness etc. in standard economic applications such as the principal-agent relationships. These terms as used in this context are in essence, social norms underwriting mutually beneficial economic exchange. Thirdly, advances which have been made in neurology which include such things as brain imaging and other techniques, have led the two scholars to suggest that we may sooner be in a position to effectively isolate what they refer to as “counterproductive effects of explicit incentives” (Bowles & Reyes, 2009:3). Fourthly, the increasing focus evinced by economists in the study of cases where preferences are not an exogenous phenomena; but on the contrary are brought about by the individual’s exposure to different types of incentives and other experiences. Finally, advances which have been made in the theory of public policy have also indicated that incentives have the tendency to affect both beliefs and preferences in a way that can easily bring about unintended consequences.

There are two interlocking primary concepts which inform the two scholars’ critique of the theory of incentives. Apart from the Neo-Marxist orientation already alluded to above, the two scholars’ criticism of the theory is on the one hand an extension of the Lucas Critique<sup>13</sup> principle to social preferences; while on the other hand it is also firmly rooted in the Yerkes-Dodson Law of Arousal<sup>14</sup>. The intention of the two scholars is to challenge the plausibility of the assumption that the effects of explicit exogenous incentives must be separated from the phenomena of social preferences. They observe,

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<sup>13</sup> This is a concept which came with Robert Lucas in 1976 which suggests that a person cannot draw accurate conclusions in macroeconomics based on past data. A policy which worked under certain circumstances may not necessarily apply under a new set of conditions.

<sup>14</sup> The Yerkes-Dodson Law of Arousal owes its provenance from the Yale University psychologists Robert M. Yerkes, and John Dillingham Dodson in 1908. The law states that an individual or organism’s performance can be aroused; but if the arousal is increased too much, the performance solicited by the same drops or decreases.

*... we extend the logic of the Lucas Critique to questions of framing, motivations, and social norms, in short to preferences. To do this we modify the standard public economics and mechanism design assumption that taxes, subsidies, and other explicit incentives affect behaviour only indirectly, that is by altering the economic costs and benefits of the targeted activities. In this conventional approach explicit incentives thus do not appear directly in the citizen's utility function and as a result, the effects of each being independent of the levels of the other. We modify the citizen's utility function so that this separability property need not hold and as a result the two kinds of motivations may be either compliments – social preferences being heightened by incentives appealing to self-interest—or substitutes, when explicit incentives are said to crowd out social preferences. (Bowles & Reyes, 2009:3)*

The two scholars argue that individual human behaviour is context sensitive in the sense that it is shaped by the situation in which their actions are executed. For this reason it is untenable that the notion of inseparability espoused by economists with regard to exogenous incentives and social preferences can be extrapolated from behaviour experiments and natural science empirical studies conditioned by different contextual circumstances. Generalising in this context raises a few validity concerns (Bowles & Reyes, 2009:4). By the same token the Yerkes-Dodson law will inevitably give rise to a situation where strong monetary incentives may over-motivate an agent and thus give rise to counter-intuitive and counterproductive effects not necessarily intended by the person deploying inducements.

Furthermore, for Bowles and Reyes (2009:6) there are interaction effects operating between, and linking explicit exogenous incentives to values. They argue that incentives have the tendency to influence behaviour both positively and negatively. This occurs because citizens themselves have values which may prompt certain behaviour when incentivised towards a particular direction. For this reason, the two scholars conclude that the attempt to separate explicit incentives from social preferences like altruism, fairness and civic duty does not hold because, “... *incentives and social preferences are synergistic and are termed complements. Where the reverse is true the two arguments are substitutes (or are said to exhibit “negative synergy” or “crowding out.”* (Bowles & Reyes, 2009:6)

Having concluded that the notion of separability between exogenous economic incentives and social preferences does not hold, the two scholars outline specific mechanisms which in their view are responsible for the crowding out and undermining of social preferences. They argue that it is in the nature of incentives to act as signals to the agent, of the purpose (s) for which they have been deployed; the beliefs of the incentive designer about the target; and the nature of the task to be performed. (Bowles & Reyes (2009:10). By providing such information therefore, incentives affect the behaviour of the target (agent) additional to the cost and the benefit of the action to be implemented. The second mechanism responsible for the crowding out effect of incentives according to Bowles and Reyes (2009:12) is caused by the fact that incentives have the propensity to suggest appropriate behaviour. People often look out for cues of appropriate behaviour and incentives provide them; and this leads to crowding out of useful social preferences which motivate individuals to action in society. This observation leads the two academics to a third mechanism which in their view is responsible for the phenomenon of crowding out. That is, incentives may have the effect of compromising intrinsic motives and

self-determination (Bowles & Reyes 2009:14). Citing the evidence provided by an array of authors in psychology, Bowles and Reyes argue that there exists a rich experimental and theoretical literature, complemented by on-going debate in psychology, which has explored the crowding out of intrinsic motives. By the same token, the scholars also cite the evidence yielded by experiments conducted by economists as well as non-experimental studies in economics which suggest that self interest and other self-regarding preferences can act as substitutes and not additives or complements. Consequently, they conclude that incentives may have the tendency to compromise intrinsic motives and self-determination. Lastly, Bowles and Reyes (2009:15) argue that incentives tend to alter the environment in which new preferences can be learned by effecting long term change in motivations as a result of having altered the way in which people acquire motivation.

Cohen is yet another scholar who challenges the idea of incentives from the premise of political philosophy by among other things, challenging the Rawlsian dictum regarding the legitimacy of social inequalities. He begins his critique of incentives by carefully outlining some important arguments advanced over time about the legitimacy of social inequalities. Incidentally, it is within the context of these arguments for social inequalities where he locates the late Harvard scholar and liberal philosopher, John Rawls. He concedes that arguments for social inequalities in capitalist societies have accumulated over time (Cohen, 1991:264). The political right, according to Cohen justifies economic inequality by arguing that on the basis of entitlement, desert and utility, rich people are justified to their wealth. The utilitarian position is shared by both the right and centre of the political spectrum (Cohen, 1991:264)

Cohen then points out that left wing liberals represented in the philosophy of John Rawls reject the principles of entitlement, desert and utility as a justification for inequality; however according to Cohen, Rawls (left wing liberals), right wing conservatives and those at the centre of the spectrum, agree that inequalities are justified if they make badly off people well off as far as is possible. *“For Rawls, some people are, mainly as a matter of genetic and other luck, capable of producing more than others are, and it is right for them to be richer than others if the less fortunate are caused to be better off as a result.”* (Cohen, 1991:265). It is within this Rawlsian difference principle that Cohen articulates his criticism of the incentives argument. According to Cohen (1991:266), the more generous form of the difference principle is that which allows inequalities which neither help nor harm the worst off. To be sure, Cohen accepts the difference principle in its generous interpretation; yet questions the application of the principle to defend incentivising the talented.

*For my part, I accept the difference principle, in its generous interpretation.... but I question its application in defence of special money incentives to talented people. Rawlsians think that inequalities associated with such incentives satisfy the principle. But I believe that the idea that inequality is justified if, through the familiar incentive mechanism, it benefits the badly off is more problematic than Rawlsians suppose; that, at least when incentive consideration is isolated from all reference to desert or entitlement, it generates an argument for inequality that requires a model of society in breach of an elementary condition of community. (Cohen, 1991:268)*

By the same token, Cohen (1991:271) takes issue with the argument stating that when productive people are made to take home a modest pay, they will produce less than what they would otherwise do; and if they do, poor and badly off individuals in that society are worse than they would be if talented people were well incentivised.

Cohen does not set himself out to criticise and question all incentives. On the contrary, he directs his criticism “*on the character of certain utterances*” associated with the argument, and virtually focuses on those incentives which produce inequality; and are understood by their protagonists as justified because they make badly off people better off. For this reason, Cohen raises no objection against such incentives as those designed to get rid of the poverty trap, or those that are intended to encourage individuals to undertake jobs that are considered unpleasant. The rationale he provides for such an attitude is that it is not in the nature of such incentives to provide inequalities. To this extent he observes, “*My target is incentives conferring high rewards on people of talent who would otherwise not perform as those rewards induce them.*” (Cohen, 1991:272)

According to him, the incentive argument sounds reasonable when it is presented in an impersonal form; but he argues that the same argument undergoes a kind of devaluation when it occurs or is advanced in an interpersonal setting where, “... *a talented rich person pronounces it to a badly off person.*” (Cohen, 1991:272-273). For this reason, he argues that the use of incentives as a normative argument presupposes that its pervasive effect should be subjected to the speaker-audience-relative; that is, who is addressing who in the argument. In a sense, Cohen is encouraging his interlocutors to begin to think about the incentive argument within the context in which they are articulated. To this effect he observes, “*A normative argument will often wear a particular aspect because of who is offering it and/or to whom it is being addressed. When reasons are given for performing an action or endorsing a policy or adopting an attitude, the appropriate response by the person(s) asked so to act or approve or feel, and the reaction of variously placed observers of the interchange, may depend on who is speaking and who is listening.*” (Cohen, 1991:273) For Cohen (1991:276), what discredits the utterance of the incentive argument in a personal setting is that the presenter of the argument is the same person whose choice will make the argument’s premise true. That is, the fact that the recipient of the incentive will only be rewarded if s/he produces more, is a situation or condition created deliberately by the designer of the incentive; and for that reason Cohen (1991:277;287) believes that it is morally unacceptable.

By the same token, Cohen further indicts the incentives argument by appealing to a sense of community shared by societies. He observes that the incentives argument needs to be subjected to a comprehensive justification in order to establish a good reason for its existence. To illustrate what he means by a comprehensive justification, he cites a tax reduction policy enacted by the Margaret Thatcher administration which reduced income tax by 20%, from 60% to 40% in March 1988 (Cohen, 1991:263). In the cited example, there is on the one hand what he refers to as a Major Normative Premise of the argument; (i.e. economic inequalities are justified when they make the worst off people materially better off); as well as the minor factual premise, (i.e. when the top rate of tax is 40%, (a) the talented rich produce more than they do when it is 60%; and (b) the worst off are, as a result, materially better off (Cohen, 1991:271).

But what does this mean and how does it relate to his concept of comprehensive justification which legitimizes the theory? Cohen feels that the action of cutting income tax down by 20% as an incentive to induce the rich to produce more may be justifiable; but it does not automatically offer a comprehensive justification if the behaviour of the recipients of the tax reduction cannot be justified. Equally, the provider of the tax cut, that is the treasury exchequer, is not providing her incentive policy with comprehensive justification if he regards the question whether the behaviour of the rich as induced by the incentive, as irrelevant to the equation. *“Thus, in so far as we are expected to treat the incentive argument as though no question arises about the justification of the behaviour of the talented rich that its minor premise describes, what we are offered may be a justification, but it is not a comprehensive justification of incentive policy.”* (Cohen, 1991:279). A policy argument provides the required comprehensive justification if it passes what Cohen (1991:282) refers to as the interpersonal test, which subjects the robustness of the said policy to the litmus of the aforesaid speaker-audience-relative. Therefore, if it happens that either as a result of the person presenting the argument for incentives and/or as a result of the person to whom the argument is presented, the attempt fails to secure the justification of the policy, that means it is failing to provide the required comprehensive justification. According to him therefore, *“the incentive argument does not serve as a justification of inequality on the lips of the rich, because they cannot answer a demand for justification that naturally arises when they present the argument, namely, why would you work less hard if income tax were put up to 60%? The rich will find that question difficult no matter who puts it to them...”* (Cohen, 1991:280)

Having established the comprehensive justification critique of the incentives argument, Cohen then links it with the concept of community to advance his argument against inducements and inequalities. For him, the type of community that matters for his purposes is what he describes as a justificatory community. According to Cohen (1991:282) a justificatory community refers to a set of individuals or people in the midst of whom prevails a norm of comprehensive justification. That is, a community wherein the empirical norm of justifying the behaviour of the recipient of an incentive in a way that provides legitimacy or justification for the mooted policy is upheld even though it may not always be satisfied. It is from this premise that Cohen wants to infer that if the arguments provided as a rationale for the incentives policy fail the interpersonal test applied by the justificatory community, that policy cannot justify its *raison d’etre*. This line of reasoning therefore leads Cohen to conclude that if by presenting an argument for incentives, the rich by so doing represent relations obtaining between themselves and the poor that are admittedly at variance with community, then it logically follows that the incentive argument can only justify inequality in a society where interpersonal relations demonstrate a lack of communal character; and this according to Cohen is not commensurate with the values of democratic societies where all members of the community should not only participate in policy making, but should also be able to define their institutions. To this effect he notes, *“In my own (here undefended) view, it diminishes the democratic character of a society if it is not a community in the present sense since we do not make policy together if we make it in the light of what some of us do that cannot be justified.”* (Cohen, 1991:283).

### 3.8.2 CHALLENGING THE PSYCHOLOGICAL PREMISE FOR THE INCENTIVE ARGUMENT

*“When reward systems fail, don’t blame the program-look at the premise behind.”* (Kohn, 1993:54)<sup>15</sup>. This quotation forms the essence of the argument against incentives levelled by Alfie Kohn. Basing his arguments on what has been indicated by other studies, Kohn argues that the negative correlations between incentives pay and measures of organisational performance such as profitability seem to suggest that higher pay, especially at the level of the executive, does not produce better performance in the workplace. He further argues that although in some instances there could be a direct link between the quantity of goods produced and the turnaround time expended thereto, it is nonetheless difficult to link the quality of such performance to the incentives provided (Kohn, 1993:56). In support of his central thesis that it is the psychological theory behind incentives that is responsible for the failure of such pay for performance programmes, he cites a six point framework which in his view examines the real costs of a given incentive programme.

To begin with Kohn argues on the basis of causality by pointing out that even if it were to be granted that people are concerned about their salaries, such an assumption would not necessarily prove that money is a motivating factor for performance. Secondly, he observes that incentives have an intrinsic tendency to punish as a result their manipulative nature. That is, being controlled by rewards is desired by a manager, yet the fact that it is made contingent to specific behaviours, has the potential of making managers manipulate subordinates in the pursuit of incentives. According to Kohn (1993:57), not receiving a reward one was hoping for, is itself equivalent to being punished. To this extent he observes that *“The new school, which exhorts us to catch people doing something right and reward them for it, is not very different from the old school, which advised us to catch people doing something wrong and threaten to punish them if they ever do it again.”* (Kohn1993:58). The third criticism that he levels against the theory is that incentives rupture relationships (Kohn, 1993:58). That is, when incentives are viewed from the perspective of Total Quality Management (TQM), they reduce possibilities for cooperation and teamwork; and it is impossible to ensure quality without teamwork. This rupturing of relationship among members of a team is caused by the fact that when people begin to compete for rewards, they see each other as obstacles to success; and for this reason find it difficult to ensure that there is the required cooperation and teamwork in the workplace, which will enable the provision of quality goods or services. Kohn feels that in a context where incentives are provided for performance, they have the tendency to impact negatively on the relationship between supervisors and subordinates. On the one hand, a supervisor who punishes is like a police in the rear view mirror of a car driver; while on the other hand, rewards can also cultivate a culture of concealing one’s problems to the manager by simply not asking for assistance, which is one of the pre-requisites for optimal performance in an organisational setting.

Kohn (1993:58) further argues that incentives have the tendency to make managers ignore solving problems in the workplace. It is the duty of the manager to try and understand what

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<sup>15</sup> Alfie Kohn article is a non-journal article contributed to the Harvard Business Review of Sep/Oct 1993.

causes problems of performance in the workplace, so that appropriate solutions are found. Different situations giving rise to different challenges in the workplace require different responses from management. Under these circumstances, incentives have the tendency to offer reductionist solutions to organisational performance; and virtually substitute for good management practice. It is also for this reason that Kohn (1993:59), taking his cue from Rother's study, states that in organizations where incentives are used, less leadership is demonstrated by managers; thus impeding their ability to manage. The fifth critique that Kohn levels against incentives is that in the context where they are used, people simply do what they are told to do only if the reward is significant. In such an environment, he argues, people are discouraged from risk taking and being creative in exploring possibilities, because incentives encourage them to focus on the reward they will receive when doing the task given. Such a behaviour pattern is the result of a predominant focus on numbers (quantity) and turnaround times for delivery which will affect the nature of incentives given.

Kohn therefore concurs with John Condry that incentives militate against exploration. He also argues that in situations where incentives are used in the workplace, they further create a tendency among people to choose much easier tasks, the performance of which will increase their chances of obtaining relevant targets and rewards related to them. This compromises risk taking even more. To this extent he observes, "*Do rewards motivate people? Absolutely. They motivate people to get rewards.*" (Kohn, 1993:59). Lastly, Kohn also argues against the incentives theory on the grounds that rewards tend to undermine interest. His argument is that if one's goal is excellence, no single motivation will in that instance match intrinsic motivation. "*People who do exceptional work may be glad to be paid and even more glad to be well paid, but they do not work to collect a pay check. They work because they love what they do.*" (Kohn, 1993:59). He further notes that there are other more simpler reasons used by other scholars exploring the negative effects rewards have which include among others, the possibility that the recipient will understand the incentive as a bribe persuading him to do what he does not want to do naturally. Having outlined the type of criticism often levelled against the use of incentives generally, it is now time to focus specifically on the criticism that can be levelled at the incentives normally used for heritage purposes as highlighted above; and that is the focus of the subsequent section of this chapter.

### **3.8.3 CRITIQUE OF HERITAGE CONSERVATION INCENTIVES USED**

The criticisms levelled against the deployment of incentives as policy tools to assist implementation can still be applied in the context of heritage policy development and implementation. Incidentally their usage to induce specific actions and behaviours within the context of South Africa which is the focus of this study is important.

### **3.8.4 LACK OF REQUISITE POLICY ANALYSIS KNOWLEDGE AND SKILLS.**

It is the argument of this thesis that as a result of many factors which include among others lack of relevant policy knowledge and experience, there exists a possibility that a foolhardy approach is likely to be adopted in the development and deployment of appropriate incentives in various policy fields, more particularly within the context of a developing country like South



Africa, where there is a dearth of policy skills and knowledge among managers in the public sector. The skills required to ascertain the type of incentives better suited to the type of stakeholders contemplated in the implementation of heritage policy as well as to the type of action induced, has the potential to militate against good and noble intentions in this area of public administration.

### **3.9 CONCLUSION**

The incentives theory is used in a variety of disciplines where it receives a positive appraisal from its proponents. The chapter has explored a sample of contributions from various scholars approaching incentive practice from various perspectives. However, the theory is not without its fair share of critics ranging from the moderate to the most radical. The subsequent chapter will trace the evolution of heritage policy in South Africa from the earliest times to the present; highlighting specific trends in relation to the use or non-use of incentives in such policy interventions.

## CHAPTER 4

### THE DEVELOPMENT OF HERITAGE POLICY IN SOUTH AFRICA SINCE 1911

#### 4.1 INTRODUCTION

This chapter is an analysis of the heritage policy enacted in South Africa from 1910 to the present. There is apparently a particular bias from which this analysis-cum presentation is conducted. The primary purpose of this chapter is to understand the evolution of heritage policy particularly with regard to the deployment of incentives as policy instruments intended to aid implementation. However, the fact that the whole notion of incentives falls within the scope of policy instruments presupposes that a consideration of incentives in a non-reductionist fashion would seek to understand and describe them within the purview of the deployment of relevant policy tools for effective policy implementation. Policy instruments have the tendency to unmask the nature of the relationship existing between those who govern and the governed; and to this extent they present analysts with a condensed form of knowledge about the phenomenon of social control and how it is being exercised (Lascoumes & Le Gales, 2007:3). Consequently, there is admittedly an instrumentality bias in the analysis of heritage policy undertaken in this chapter. Legislation in particular is the focus of this analysis. The rationale for such an approach is induced by the fact that legislation together with regulations and instructions are regarded as “*purpose and- process-specific derivatives of public policy*” (van Niekerk, vander Walt and Jonker, 2001:80); and for that reason it is understood as a declaration of intent by government. To this extent the first section is a brief outline of the parameters of the policy process in South Africa from the colonial times to the present. Subsequent to this section the chapter focuses attention on the evolution of heritage policy from about 1910 to the present, highlighting specific trends in the process of such a development. This extended section of the chapter is followed by a short critique of post 1994 heritage policy and conclusions are made based on the foregoing.

#### 4.2 OUTLINING THE CONTOURS OF THE POLICY PROCESS IN SOUTH AFRICA

Taking into consideration the different regimes which have ruled the country since the establishment of the Union of South Africa in 1910, the South African policy process, broadly speaking, has gone through three phases. The general tendency is to subdivide the three phases into the Union Era 1910-1948; the apartheid phase (1948-1994); and the post-apartheid democratic dispensation (1994 to the present). Ndokuyakhe Ndlovu, a researcher in the Rock Art Research Institute of the University of the Witwatersrand in South Africa clearly follows the three phases approach in his analysis of the effectiveness of heritage legislation in the country's heritage industry. “*I have divided this section into three political periods, namely, the Union (1910–48), Apartheid (1948–90) and Democratic (1994–present). The significance of such divisions lies in understanding the political environment South Africa has witnessed in her past, and how this affected the different heritage policies passed.*” (Ndlovu, 2011:33).

#### **4.2.1 THE COLONIAL INFLUENCE IN THE POLICY PROCESS FROM 1910.**

While retaining the same principle of the political environment as a determining factor of a given policy process, the South African policy scholar, Fanie Cloete has introduced useful nuances which slightly modify the said broad outline. Cloete (2011:73) notes that with the formation of the Union of South Africa in 1910, the Westminster system of government was already firmly entrenched in the colony; which meant that the country was governed in accordance with the principles extrapolated from the British political system. Many senior civil servants in the bureaucracy were imported from England; and they established a public administration where Afrikaners occupied lower class positions; while the majority of disenfranchised Blacks were relegated to the periphery of the South African decision making machinery of the state; and by implication marginalized from the policy processes which determined the course of the country. For this reason, the policy process itself was favourably biased towards the interests of the white settlers who dominated the power for decision making as well as interest groups who represented white socio-economic interests. The fact that in the colonial era (1910-1948) the policy process existed under the aegis and monopoly of white colonial influence in South Africa resulted in the top down incremental change to the nature of the policies enacted within the period.

#### **4.2.2 POLICY MAKING UNDER THE AEGIS OF GRAND APARTHEID 1948-1982**

With the National Party coming into power in 1948, critical changes with a direct impact on the policy process in South Africa took place. English White male elites who dominated the administration were supplanted by Afrikaner political elites at the helm of government who were bent on entrenching apartheid policies in the country. Cloete summarises the policy context at this time aptly when he observes that, *“From the perspective of the policy process, the only significant change from the pre-1948 period was the change from the dominant English elites to Afrikaner elites. For the rest, the traditional policy processes proceeded largely unchanged, although Afrikaner interest groups became more influential in the late 1960’s in steering government policy”*. (Cloete, 2011:74) However, during this phase, policies were adopted on ideological basis and not on their practical feasibility.

#### **4.2.3 THE EROSION OF THE APARTHEID STATE FROM 1983-1989**

The period from 1983 to 1990 represents what Cloete (2011:74) calls an eroded apartheid state which was characterised by the establishment of the tri-cameral parliament and negotiations with moderate Black, Coloured and Asian who were co-opted into the policy machine of the state. The exclusion of the majority of black people meant that government lacked legitimacy and could not speak for the disenfranchised on policy matters. The policy changes made at this time were still top-down and incremental; and were not acceptable to the majority of oppressed South Africans. The opposition and resistance to apartheid policies which also included the development of Bantustans, virtually led to a situation where the apartheid government implemented its policies by brutal force. Security planners of the regime were now elevated to prominence. (Cloete, 2011:75). The failed state at the end of the Botha era led to dramatic policy changes in South Africa.

#### **4.2.4 POLICY PARADIGM SHIFTS FROM 1990-1994**

According to Cloete, important policy paradigm shifts which led to a post-apartheid South Africa occurred from 1990 onwards. *“F. W. de Clerk was an unlikely candidate to initiate a paradigm change in South African politics. On coming to power he had the reputation of being one of the most conservative members of the government. He quickly shed this image by dramatically reversing some of the National Party’s most revered policy tenets during 1990 and 1991.”* (Cloete, 2011:75)

It can be argued by some that Cloete’s analysis of the situation at this period has the propensity to underplay the role played by liberation movements and the international community in the opposition to apartheid as major contributory factors which led to the change of heart. Such a realisation has important consequences for the analysis of the policy process at this particular period. There is a sense in which the changes effected by de Klerk are not simply to be construed and described as arbitrary if voluntary condescending actions by the state. This has the potential to give credence to an exclusive institutional (statism) understanding of state policy without taking into consideration the mounting pressure exerted by the mass democratic movement both inside and outside the country which also contributed to the eventual change of heart within the ruling minority in South Africa. The abolition of apartheid eventually brought about a change in the top-down approach to policy which had characterised the South African policy process in previous dispensations. Cloete aptly summarises the pre-1990 policy process in South Africa when he observes that, *“Until 1990, successive governments followed a largely traditional, Western, industrial world colonial policy approach, consisting of incremental policy changes controlled by Western political and bureaucratic elites and aimed at preserving as much of the status quo as possible.”*(Cloete, 2011:75)

#### **4.2.5 THE POST APARTHEID STATE AND A DEMOCRATIC DISPENSATION**

At the advent of democracy in 1994, government policies began to focus more on the plight of the poor and underdeveloped communities thus reflecting a remarkable shift from the norms and standards of past dispensations. The Afrikaner white male elite at the helm of the bureaucracy was supplanted by a new black, indigenous elite (Cloete, 2011:76) As a result of this change, the public service experienced major structural transformation which increased the number of black senior managers in the administration. Having briefly presented an analysis of the South African policy scenario from the inception of the Union to the present democratic dispensation, it is now time to pay attention to the evolution of heritage policies over the said phases; and that is the focus of the subsequent section of this chapter.

#### **4.2.6 THE EVOLUTION OF HERITAGE POLICY IN SOUTH AFRICA PRIOR TO 1994**

By their very nature, public policies are declarations of intent by the state aimed at solving social problems identified in the agenda of government as requiring solutions. For this reason, a given policy is a response by government to a situation deemed politically unacceptable and thus requiring an intervention by the state (Knoepfel et al. 2007:21). It can be concluded therefore that implicit in any given policy is a theory of social change, a causality model which

virtually expresses how government seeks to deal with an unacceptable social reality in order to bring about the required change. The said causality model can be illustrated as follows:-

**Figure 4(a).** *Theory of social change implicit in a policy intervention*



This therefore presages that a policy consists of specific goals in the form of expectations in relation to the intervention, as well as the means to be used to attain to such policy aims. Both policy goals and policy techniques exist at various levels of abstraction. Policy techniques are instruments or tools used to express policy ( Levitt, 1980: 160 ), and to achieve its goals; and it is for this reason that the study of policy tools is in essence, the study of how a particular policy position is given expression and how it is intended to be implemented. To this extent therefore, policies consist of complex arrangements of goals and techniques (Howlett, 2011:20).

The choice of appropriate policy instruments virtually belongs to the policy design stage of the policy process; and while it is true that policy instruments straddle through all the different stages of the policy course, policy design activities are primarily concerned with the choice of policy tools relevant to the implementation phase of the process. Substantive policy instruments seek to alter the production, distribution and consumption of goods and services by the public; whereas procedural policy implementation tools focus on attempting to change the behaviour of targeted actors in the policy implementation conduit to align it with the attainment of the goals of government expressed by the policy concerned. (Howlett, 2011:23)

Contemporary scholarship on the subject of policy instruments has provided quite a labyrinth of pathways in terms of establishing accurate taxonomies of tools selected for public policy implementation. However, there seems to be some consensus that policy instruments can be categorised in four distinctive types. Organizational implementation instruments rely on government institutions and personnel to affect policy output delivery and policy process change (Howlett 2011: 63); whereas authoritative implementation tools on the other hand primarily rely on government's ability to steer actors in the implementation arena to courses that it prefers by using real or perceived threat of state enforced sanctions (Howlett, 2011:83). Financial implementation instruments involve specific techniques relating to the transference of treasure resources from or to actors in order to incentivise specific actions and proscribe others (Howlett, 2011:101). However, other policy implementation tools countenanced at the design phase are information based instruments used to communicate knowledge and information to specific targeted groups in the policy sub-system (Howlett, 2011:115).

Consequently, the analysis of heritage policy in South Africa evinces a characteristic bias towards the use of authoritative policy instruments more particularly in the form of direct government regulation. The latter is a typical command and control instrument better suited to top down approaches to public policy implementation. By their very nature, regulations are prescriptions by government aimed at proscribing specific activities diametrically opposed to

its goals. The fact that the basic aim of such instruments is to circumvent behaviour construed to be incongruent with policy goals presages that authoritative tools are often used in a negative sense with a strong game theory orientation. It is precisely as a result of their coercive nature that authoritative tools like regulation are more compatible with legal forms of governance. For this reason, the rules enshrined in regulation as a prominent example of authoritative policy tools, take various forms which include standards, permits, prohibitions and executive orders. Taking his cue from Michael Reagan's definition of regulation, Howlett, (2011:84) concludes that "*... regulation is a prescription by government which must be complied with by the intended targets; failure to do so usually involves a penalty, sometimes financial but also often involving incarceration and imprisonment.*"

Probably as a result of challenges faced by governments to easily command and control their targets, as well as the latter's propensity to resist regulatory endeavours (Howlett, 2011:83), the South African heritage policy arena has witnessed a preponderance of modified forms of regulation consisting of slightly more vague rules often characterised by remote threats of penalties. Since 1911, the South African heritage industry has been regulated by no fewer than four regimes of laws and the longest surviving of these statutes, namely the National Monuments Act, 1969 has undergone several amendments and revisions.

Consequently, this section of the chapter will adopt a double pronged approach in its rigorous interrogation and analysis of heritage policy in South Africa prior to the advent of democracy in 1994. The first section will be the identification and analysis of the content of relevant pieces of regulation as expressions of policy, and in keeping with common parlance in the discipline, will involve among others the identification of the origins of the policy and the description of its content. Subsequent to this expository if descriptive endeavour, the analysis will proceed to highlight and summarise specific trends evident in the evolution of the said policy as it unfolded in various pieces of heritage legislation over time.

#### **4.2.6.1 HERITAGE POLICY AND THE ADVENT OF THE BUSHMEN RELICS PROTECTION ACT, 1911.**

The Bushmen Relics Protection Act No 22 of 1911 is the first post-union legislation aimed at providing protection to Bushmen relics in the form of drawings or paintings made on stones or petroglyph by the South African Bushmen or any other autochthonous peoples. The protected resources included contents of graves, caves, rock shelters, middens or shell mounds believed to have been executed by the said indigenous people. Two interrelated social challenges accounted as impulses for the ultimate provenance of this piece of legislation as an expression of government policy. On the one hand, South Africa was at the time constantly plagued by expeditions from European countries sent to collect pre-historic paintings and engravings which led to the destruction of such resources (Deacon, 1992:2; Hall & Lillie, 1992:3). Scholars have attested to the milieu within which this characteristic obsession with collection owes its provenance. Tracing the history of the museum of science Macdonald (1998:6) locates the origins of this preoccupation with the Renaissance in the fifteenth century; where as a result of the widening horizons of knowledge due to extensive dissemination of the ancient texts, travel and voyages of discovery increased as well as more systematic forms of communication and

exchange, the habit of collecting artefacts virtually became a form of managing the explosion of knowledge. That is, if it was no longer possible to contain the knowledge of the world in texts (i.e. canonical texts like the Bible and other ancient writings), collecting artefacts and displaying them in a museum was then considered the best option available to both princes and scholars to manage the explosion. Ndlovu (2011:34), taking his cue from Macdonald and other scholars concludes that when Africa's colonial masters made their way to the continent, they did not only bring with them their political agenda, but coupled with the latter was the characteristic pre-occupation with the collection of objects for the museums.

On the other hand, another stimulus which accounts for the origins of the said legislation is the lack of appreciation of such heritage resources from South Africans which also led to their neglect and destruction. Some may want to argue against this proposition and observe that the assumption that heritage resources were neglected and there was a lack of their appreciation by South Africans is erroneous to an extent in the sense that colonial masters who set themselves as heritage practitioners and managers of the time did not bother to find out or even consult with indigenous peoples on how they were preserving and protecting their heritage sites which they often considered sacred. Ndlovu (2011:43) for example argues that one of the reasons why legislation has failed to proactively protect heritage resources in South Africa, is the failure of legislators to incorporate African principles and values in that corpus of legislation. He perceptively notes that there needs to be an appreciation of *“African values which emphasizes spiritual significance of heritage rather than only the physical significance”* (Ndlovu 2011:48), if heritage legislation is going to be effective in securing adequate protection of the national estate. From a policy perspective, Ndlovu's indictment is of utmost importance if one takes particular cognisance of the fact that policy is a value laden enterprise. It therefore makes a lot of sense to begin to question the type of values which inform a given policy alternative or position.

It is within the context of this characteristic plunder and 'neglect' of heritage resources that the formation of the South African National Society (SANS) took place in 1905, and eventually led to the enactment of the 1911 heritage legislation. The society consisted of individuals with interest in the preservation of places and objects of historical significance and natural beauty. Such resources included old houses, trees and avenues; as well as wild flowers which were at the time threatened with extinction. The first President of the society was Justice Sir Henry de Villiers, Privy Councillor and Parliamentarian; the Vice President was the Speaker of the Cape House, Sir William Bissett Berry; Fransis Masey was the society's Honorary Secretary; while Charles Struben became Treasurer. Other members of the committee included the botanist, Dr Harry Bolus; Mr Sclater, Monsignor Kolbe, Colonel Stanford and the Rev Leibbrandt. The primary aim of this society was to engender a sense of nationhood among South Africans by means of preserving their culture and enjoyment of the national heritage prior to the formation of the union. (Artefacts Lexicon) It was the agitations of this pressure group which had branches in Grahamstown (Eastern Cape), Pietermaritzburg and Durban (KwaZulu-Natal), which led to the enactment of the said first heritage legislation in South Africa (Hall & Lillie 1992:3). Records in the archives provide some evidence that the branches of the society were active in advocating the preservation of resources in their respective localities long after the

enactment of relevant heritage legislations in the Union. The Pietermaritzburg branch for example lodged a few applications both with the Minister of the Interior<sup>16</sup> and the local City Council, advocating for the preservation of such things as, the renaming of World's View to Voortrekkers' View (SANS-PMB, 1937:1)<sup>17</sup>; suggestion to erect a wall tablet commemorating the erection of the first Dutch Reformed Church parsonage in Pietermaritzburg (SANS-PMB, 1925:1); the application for a donation towards the erection of an oak screen at St George's Anglican Church in Napierville, in commemoration of the soldiers who garrisoned Natal from 1838-1914 (SANS-PMB, 1931:1)

The act as an authoritative instrument prohibits any removal of Bushmen relics from the Union of South Africa without the consent of the Minister of the Interior (Section 2(1)). Section 3 of the act prescribes a disincentive in the form of a fine not in excess of fifty pounds to discourage the unwanted action from being executed. In the event that the offender fails to pay the expected fine, s/he will be liable to a prison term with or without hard labour for a period not exceeding three months.

#### **4.2.6.2 HERITAGE POLICY AND THE NATURAL AND HISTORICAL MONUMENTS ACT NO 6 OF 1923**

It was the lobbying conducted by the same South African National Society which twelve years later saw the Senate and House of Assembly of the Union of South Africa promulgating the Natural and Historical Monuments Act No 6 of 1923 assented to by the Governor-General on the 26<sup>th</sup> of March. In essence, this piece of legislation was an extension of the protection regime offered by the 1911 Act, in that it included within its scope, both natural and historical monuments as well as other objects considered to be of aesthetic, historical or even scientific value or interest. Section 8 of the legislation defines monument as referring to areas of land with distinctive scenery, areas with distinctive, beautiful or interesting flora and fauna content; objects both natural and those resulting from human agency considered to be of aesthetic, historical or scientific importance; waterfalls, caves, bushmen paintings, avenues of trees, old trees as well as old buildings.

Taking its cue from the Historical Monuments Board of England (Hall & Lillie, 1992:3), Section 1 of the Act, through the agency of the Governor-General, established the Commission for the Preservation of Natural and Historical Monuments of the Union (CPNHMU) which consisted of not less than seven members. From a policy implementation analysis perspective, the introduction of this institution marks an important incremental nuance and development in the design of regulation as an overriding heritage policy instrument in South Africa. The enactment of this law and its concomitant institution of the CPNHMU as part of its strategy represent the first attempt to move away from the exclusive authoritative use of law as an instrument for heritage policy implementation. The Bushmen Relics Act was an all-out top

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<sup>16</sup> Source CSO, Volume No. 1985, Ref 1910/5219 of the Pietermaritzburg Archives, provides evidence of correspondence regarding the solicitation for a grant to fund the preservation of Bushmen paintings in Natal.

<sup>17</sup> Pietermaritzburg Archives Repository (hereafter PAR), Chief Native Commissioners' Papers (hereafter CNC), Volume 133, File No. 1329/13 – A491/13/16, Native Commissioner (hereafter NC), Umzinto to CNC, 8 December 1930;



down authoritative expression of heritage policy which did not allow the inclusion of other sub-instruments in its architecture. On the contrary, the Natural and Historical Monuments Act, 1923 establishes a new government agency which will focus its attention on specific areas of heritage policy implementation. Compared to their substantive organizational counterparts aimed at directly affecting the production, distribution and consumption of public goods and services, procedural organizational policy instruments on the other hand are primarily intended to alter the behaviour of target communities and the relevant processes involved in the implementation of policy in order to better achieve government goals. Given this legislative context, the incorporation of procedural organizational instruments such as the Commission into the fabric of heritage law represents the first attempt by the South African policy makers to introduce other policy instruments within the authoritative regulatory framework established thus far in the design of heritage policy. To this extent the duties of the commission included the following policy implementation focus areas:-

- To use its discretion in causing a register of monuments of the Union to be made.
- To take the necessary step to ascertain legal ownership of a monument.
- To preserve and prevent the impairment of monuments by mutual agreement with the legal owner.
- To act as a trustee of any given monument if such a request is made by the legal owner.

With the advent of the commission as a procedural organizational policy instrument incorporated into the architecture of an authoritative tool (i.e. law), the heritage management landscape witnessed a few innovations. In the first instance, financial or treasure based policy instruments in the form of both incentives and disincentives were introduced and formed part of the authoritative instrument. According to Section 7 of the Act, the Commission did not only make specific bye-laws, but also prescribed fixed fees to be paid to gain access to, and safeguard against disfigurement, damage or destruction of the monument. By their very nature, user fees increase the cost of doing something; and thus act as a disincentive to dissuade targets from embarking on certain actions which might have the potential to hamper the attainment of policy goals. As a substantive financial policy instrument, the imposition of user fees for access to monuments has the tendency to determine how such a service is produced, distributed and consumed by the public. By the same token, Section 3 of the Act prescribes other financial policy instruments interwoven into the fabric of the authoritative regulation. That is, the Commission is entitled to receive donations, fees and annual subscriptions in order to do its work. In instances where a vital monument is in the hands of a private owner, or public bodies, Section 49(c) permits the commission to explore the possibilities of monetary incentives to secure an agreement with the owner. The Commission puts in place bye-laws aimed at those who contravene the Act; and the penalty will not exceed a hundred pounds; and a six months prison sentence for default in payment thereof (Section 7(2)). The decision as to which resources were to be protected and entered into the register lies with the commission.

#### **4.2.6.3 HERITAGE POLICY AND THE COMBINATION OF EXISTING PROTECTION REGIMES IN 1934**

While the Bushmen Relics Protection Act No 22 of 1911 and the Natural and Historical Monuments Act, 1923 functioned side by side to circumvent the limitations of the protection regimes offered by each piece of legislation, there is evidently an incremental aspect in the nature of the Natural and Historical Monuments, Relics and Antiques Act No 4 of 1934. It repeals the previous two pieces of legislation; and collapses their respective protection measures into a single composite act. To this extent Section 8 of the Act offers protection to a fairly wide range of heritage resources than each of the previous pieces of legislation. Heritage resources protected by this regulation include natural and historical monuments (e.g. land with distinctive scenery and caves with aesthetic, historical or archaeological significance etc.); relics (e.g. fossils; bushmen drawings etc.); and antiques which included any movable object (not regarded as a monument or relic) of aesthetic, historical, archaeological or scientific value or interest, the whole of which or more valuable portion thereof has for over a hundred years been in any part of South Africa included in the Union; or which was made therein more than a hundred years before the publication of the notice. The second incremental dimension in the act is evident in its retention of the procedural organizational instrument in the form of the Commission established by the 1923 legislation (i.e. the CPNHMU). Section 1 of the new regulation gave it a new name, that is The Commission for the Preservation of Natural and Historical Monuments, Relics and Antiques (CPNHMRA); congruent with the scope of the new Act.

The continuation of the tradition of incorporating other governance tools within the regulatory framework of the overriding authoritative instrument such as is evident in the retention and restructuring of the Commission is clearly well established as a norm by this time. Functioning within a regulatory framework, the Commission as a procedural policy instrument has virtually become the central actor in the heritage policy implementation arena. The restructuring of the entity and reconfiguring of its expanded mandate under the new legislation, creates space for other policy instruments to be incorporated within the legalistic, if regulatory framework. As alluded to above, procedural policy instruments are primarily intended to alter the nature of policy implementation processes by impacting on the behaviour of actors involved. In order to fulfil its critical role as an important actor in the heritage policy implementation conduit, specific financial instruments acting as incentives to solicit and maximise participation are deployed by the regulation. Unlike in the case of the 1923 legislation where funds made available to the Commission for executing its functions were limited to donations, fees and annual subscriptions (Section 3 of the Act), the 1934 regulation prescribes the allocation of grants by government to the entity to perform its duties. Furthermore, while the 1923 Act prescribes no substantive or procedural treasure based incentives for participation in the Commission, belonging to the latter in the case of the Preservation of Natural and Historical Monuments, Relics and Antiques Act is subtly incentivised in the sense that, part of the incentives regime prescribed by the Act entails the solicitation of individuals to participate in the Commission. This is attained by allowing each member to draw from the funds of the

commission in order to defray financial costs which might have been incurred by the member concerned while on the Commission's business.

In instances where certain artefacts in need of protection are in private hands or owned by other public institutions, the Commission is entitled to use available funds to purchase such objects. On the other hand, the creation or restructuring of the entity as a procedural organizational policy instrument did not only create space for the incorporation of treasure-based policy tools. As a policy technique whose scope has been widened by the regulatory instrument under whose auspices it is expected to function, the Commission became a kind of institutionalised investigative tool which at the requirement by the Minister, would embark on investigating matters relating to the proclamation of objects as prescribed by Section 8 of the law. To this extent therefore, there existed a possibility in the scope of usage of this specific tool that it virtually took the form of a Commission of Enquiry of sorts, more especially in instances where the envisaged proclamation was dogged by controversy. In such instances, the use of a Commission as an instrument will among other things be a method employed by government to delay and postpone decisions on specific matters deemed as embarrassing to the state (Howlett, 2011:77).

Apart from the incorporation of investigative capabilities in relation to the usage of the Commission as an organizational tool intended to alter the parameters of given policy subsystems, there is a sense in which the advent of the 1934 heritage regulation also created space for incorporating the use of information based policy tools in its scope. By their very nature information based implementation tools are adopted at the design phase of the policy process with the intention to communicate knowledge or information which will alter somewhat, the behaviour of targeted actors so that it is aligned with the implementation goals of government. Howlett (2011:115) aptly describes such tools as “... *‘sermons’ in the ‘carrots, sticks and sermons, formulation of policy instruments.*” To be sure, information based tools can be used either to dispense or to collect information to targeted actors in the implementation arena. In an effort to persuade actors to change behaviour and align it with the preservation goals of government, the Commission will, “*take steps for the erection of tablets in suitable places giving information in both the official languages of the Union about the historical events which occurred at places.*”(Section 6(1)(e).

The established tradition of meting out strong punitive measures which is characteristic of most authoritative policy instruments still continues with the new legislation. Section 11 of the Act for example imposed a fine not exceeding one hundred pounds to those who violate the law, the default of payment of which is punishable by imprisonment not exceeding a period of six months; whereas Section 13(2) prescribes a fine not exceeding twenty five pounds for those who contravene the measures taken to regulate access to protected heritage resources. It was the limited protection offered by this legislation in the sense that only proclaimed monuments, objects and relics were protected which led to its amendment in 1937.

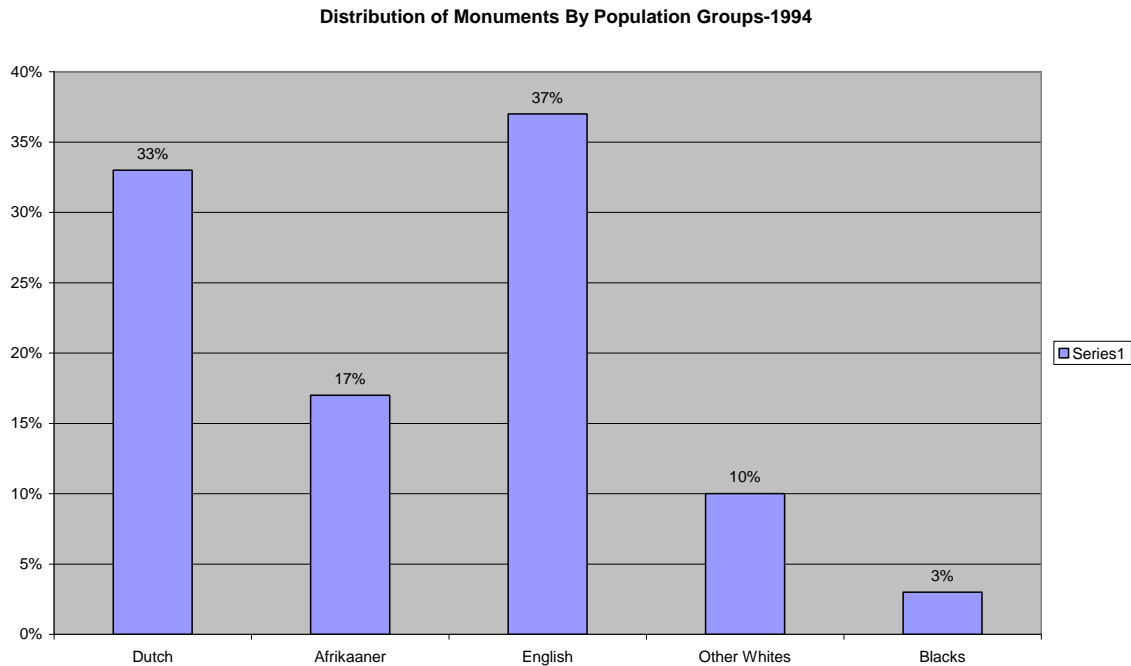
#### **4.2.6.4 HERITAGE POLICY UNDER THE AEGIS OF APARTHEID**

Thirty five years later the fourth heritage legislation was enacted by the Nationalist Government in the form of the National Monuments Act No 28 of 1969. This was a piece of heritage legislation decreed under the aegis of apartheid; and while undergoing some amendments over time (i.e. nine amendments in a space of 22 years<sup>18</sup>), it virtually continued to operate until the enactment of the National Heritage Resources Act, 1999 thirty years later in the democratic dispensation. While the previous three pieces of heritage legislation were administered by the Department of the Interior, the new act was the responsibility of the Department of Education. The latter was one of the state departments which after 1948, were used by the state machinery to entrench the policy of apartheid.<sup>19</sup> To this extent, the passing of this legislation could be seen as one such tool in the hand of the state unswervingly committed towards institutionalising segregation and marginalising black people in South Africa. To be sure, the Act itself purports to seek to protect heritage resources of the republic indiscriminately. However there is evidence that, in keeping with spirit of the times, its application was characterised by glaring biases-cum-discriminations. At the beginning of the decade of the nineties (that is 56 years after the Natural and Historical Antiques Act, 1934 and 21 years of operation of the National Monuments Act, 1969), a survey conducted revealed that at least 97% of all declared monuments reflected the values of white immigrants in South Africa; whilst only 3% of such monuments represented the art, architecture and artefacts of the republic's 84% black population (Frescura 1990:5)

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<sup>18</sup> National Monuments Amendment Act No 22 of 1970; National Monuments Amendment Act No 30 of 1971; Expropriation Act No 63 1975; National Monument Amendment Act No 35 of 1979; National Monuments Amendment Act No 13 of 1981; War Graves and National Monuments Amendment No 11 of 1986; Legal Succession to the South African Transport Services Act 80 of 1989.; and the National Monuments Amendment Act No 25 of 1991.

<sup>19</sup> The Bantu Education Act No 47 of 1953 was one such piece of legislation within an array of policy instruments enacted in the 1950's to entrench segregation, suppression and marginalization.



*Figure 4(b): Distribution of monuments*

There are evidently inherent biases and incompetency in the said legislation.

*“Though heritage legislation prior to 1969 introduced the concept of ‘monuments’, the National Monuments Acts subtly altered the concept in that it provided for the declaration of ‘national monuments’. This change has considerable implications; it raises the question of what exactly is meant by ‘national’, particularly in a country as divided and culturally diverse as South Africa. The term emphasised the political nature of monument proclamation.” (Whitelaw, 2000:58)*

By the same token, Kotze and Jansen van Rensburg (2003:4) perceptively note in this regard that the provisions of this piece of legislation did not only ensure limited protection to the heritage resources of the Republic, but further paid little attention to the interests of previously suppressed ethnic groupings in South Africa.

The deployment of procedural organizational tools as instruments for implementing heritage policy is maintained and entrenched by the National Monuments Act, 1969. In order to achieve the policy goals articulated by the introduction of the act, Section Two of the same establishes the juristic person known as the National Monuments Council whose objects according to Section 2A of the Act were:-

- To preserve and protect historical and cultural heritage,
- To encourage and to promote preservation and protection of heritage; and
- To coordinate activities concerned with monuments and cultural treasures

With the advent of the National Monuments Council, Section 3A establishes two important committees known as the *Burgergraftekomitee* and the British War Graves Committee who were going to place a special, focus on both Dutch and English graves by identifying burial

grounds of individuals who died in wars other than the First and Second World Wars as well as the rebellions which took place in between; burial grounds and graves of garrison troops<sup>20</sup> who died up to August 3, 1914; Voortrekker graves and burial grounds as well as burial grounds and graves of exiles<sup>21</sup>.

While the Act itself is an authoritative instrument and as such biased towards the use of the coercive power of the state to circumscribe and alter the behaviour of actors towards the attainment of policy goals; it still features specific treasure based and information policy implementation tools in its scope. A fairly conspicuous and sizeable direct incentive for the work of the council is the appropriation of funds by parliament intended to enable its functioning as Section 9(1) prescribes; whereas on the other hand exemptions of the Council from duties, taxes and fees, constitute yet another set of financial tools deployed by the legislation to incentivise the organisation's work (Section 15 of the Act). In order to ensure that there is provision for the repair, maintenance and general care of targeted burial grounds and graves, Section 9A of the Act maintains the War Graves Trust Fund established by the repealed War Graves Act, 1967. By the same token, burial grounds and graves of individuals who died in the Anglo-Boer War in the Orange Free State or in camps established in the Cape province for receiving inhabitants of the Republic De Oranje-Vrijstaat, receive preferential treatment in the sense that a special annual allocation of R 1000 is provided for their repair, maintenance and care (Section 9A(6)). Financial assistance aimed at incentivising such policy actors as registered persons, authorities or organisations is to be allocated by the Council from its coffers to defray expenses involved in maintaining heritage resources under the care of the said policy actors (Section 5A(1)). Section 5(1)(iii) mentions the possibility of state subsidies provided for purposes of purchasing, restoring or maintaining monuments. While this is clearly intended for the Council, it is fairly reasonable to infer that in instances where the heritage resources were in private hands, such subsidies could not be ruled out. Section 5(2) as well empowers the council not only to borrow money but also to incentivise the protection of monuments by lending money to owners of such resources. By the same token, Section 6 of the Act provides for allowances for members of the council and its committees to defray expenses incurred while on council's business. The Act also contains some information based instruments for effective implementation of heritage policy. Section 5(g)(i) for example enjoins the Council to erect tablets which give information about historical events linked to specific heritage places; whereas Section 5A(j) permits the publication and distribution through the news media or in any other manner, any knowledge and information directly or indirectly linked to a monument.

Having briefly interrogated the pre-1994 heritage legislation in South Africa, it is now time to highlight specific trends evident in that corpus of policy before proceeding to the democratic dispensation's endeavours in this regard; and that is the subject of the subsequent section of this chapter.

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<sup>20</sup> Garrison troops refer to permanent forces of former republics and colonies in South Africa and those of the United Kingdom which were stationed in South Africa before 1910 (Section 1 of NHRA, 1999)

<sup>21</sup> Exiles referred to here are persons who during the Anglo-Boer War of 1899-1902) were removed and taken away from a place now forming part of the Republic of South Africa as a prisoner of war, and died there (Section 1 of NHRA, 1999).

### 4.3 SPECIFIC TRENDS IN THE POST UNION ERA OF HERITAGE POLICY IN SOUTH AFRICA (1911-1948)

There is clear evidence in the foregoing that, apart from being dominated by the interests of the white colonialists, heritage policy during this era was also more biased towards the use of authoritative regulatory instruments in the implementation of heritage policy. The corpus of legislation emanating from this period is replete with strong disincentives, in the form of penalties meted out to offenders. There is evidently a strong incremental character even with the form of penalties prescribed by the successive regimes of heritage legislation. Section 3 of the Bushman-Relics Act No 22 of 1911 prescribes a fine not exceeding fifty pounds to offenders on conviction, the default of which renders the individual liable for a prison term not exceeding three months. Section 7(2) of the Natural and Historical Monuments Act No 6 of 1923 increases the penalty for non-compliance to one hundred pounds and a prison sentence of six months for defaulting on such payment. The incremental character of the penalties prescribed by this Act is among others, clearly demonstrated by their respective integrated and multi-pronged nature. It is the elaborate nature of the prohibitions enshrined in Sections 9 and 10 of the Act regarding such things as alienations, pledging or letting of resources (Section 9(1); damaging of the protected resources (Section 9(2) and 9(4); the relocation and exportation of resources (Section 9(3) and 9(5), which caused the said multi-pronged and incremental approach of the legislation. To this extent Section 11(c) of the act increases the penalty for specific types of offenders, “... *in the case of the unauthorised export of an antique the said fine may be increased to a sum not exceeding seventy five percent of the market value of such antique.*” On the other hand, the multi-pronged, if incremental nature of the penalties enshrined in this legislation are further corroborated by Section 13(1) of the Act which enjoins the Commission to make bye-laws which will among others, “... *prescribe fines not exceeding twenty pounds*” for the contravention and non-compliance with the stringent rules regulating access to public monuments, relics or antiques (Section 13(1)(a)); as well as flouting bye-laws aimed at “*regulating the excavation and removal of relics.*” (Section 13(1)(d). The apartheid era laws adopt the paradigm provided by colonial era legislation in this regard and levies a fine of one thousand rand or a prison term not exceeding six months for convicted offenders and further prescribes the possibility of a lawbreaker being liable to both a fine and a prison sentence simultaneously upon conviction (Section 16(d).

**Table 4(b):** Incremental progression in the deployment punitive measures in heritage legislation.

ACT	FINES PRESCRIBED ON CONVICTION	ALTERNATIVE PRISON TERM
Bushman-Relics Protection Act, 1911	Fine not exceeding fifty pounds	Prison terms not exceeding three months
Natural and Historical Monuments Act, 1923	Fine not exceeding one hundred pounds	Prison term not exceeding six months
Natural and Historical Monuments, Relics and Antiques Act, 1934	Fine not exceeding one hundred pounds	Prison term not exceeding six months

ACT	FINES PRESCRIBED ON CONVICTION	ALTERNATIVE PRISON TERM
	Fine not exceeding 75% of the market value of exported antique.	
National Monuments Act, 1969	Fine not exceeding one thousand rand  Possibility of incurring both fine and prison sentence.	Prison sentence not exceeding six months

On the other hand, much can be said about approaches undergirding heritage policy development during this epoch in South Africa as depicted by the legislation under scrutiny. The top down approach characteristic of strong institutional and game theory biases in the development of heritage policy provides a rich context for a particular predisposition in the respective approach to policy implementation intrinsic in the relevant corpus of heritage policy during this epoch. The critical role played by government in the determination and implementation of heritage policy, presages that it is favourably disposed towards the use of ‘sticks’ (i.e. the command and control paradigm) in the execution of policy. It is government alone which can effectively command monopoly over coercion and by implication, better situated to enforce policy on its citizens because it occupies the central seat of power. It is for this reason that the instruments of policy enacted during this period, simply reflect a mechanistic if classical approach to policy implementation where execution will happen automatically once the policy has been enacted; and in instances where implementation runs into some difficulties with non-compliance, the state uses its machinery to enforce its carrying out by recourse to legal action and penalties as espoused by the said legislative corpus.

To be sure, the over reliance on authoritative instruments and the characteristic preponderance of ‘sticks’ in the implementation of heritage policy in this era, is punctuated by the inclusion of other policy instruments which are nonetheless subjected under the regulatory tool. There is evidently a dearth of any treasure or information based policy tools in the content of the Busman-Relic Protection Act, 1911. By the same token, there are no direct incentives deployed to solicit participation in the implementation of the Natural and Historical Monuments Act, 1923 save the mention of donations, fees and annual subscriptions which shall on occasion be made to the Commission. *“The funds of the commission may include such donations, fees and annual subscriptions as may from time to time be made to it or be payable to it.”* (Section 3 of the Act). The Natural and Historical Monuments, Relics and Antiques Act, 1934 is the first heritage prescript to mention grants which will be payable to the Commission and would constitute its finances together with other sources of finance introduced by the previous legislation. *“The funds of the commission shall consist of such grants, donations, fees and annual subscriptions as may from time to time be made to it or be payable to it.”* (Section 5 of the Act). On the other hand, Section 6(d) of the same, points to the possibility of using funds to purchase or acquire heritage resources from their respective owners with the intention of preserving such artefacts. Section 5(b)(iii) of The National Monuments Act, 1969 speaks of



the possibility of a state subsidy given in respect of the purchase, restoration or maintenance of a heritage resource worthy of preservation and protection; while Section 5(2) speaks of a possibility of lending money to owners of protected resources so as to ensure their protection. The act also prescribes the paying of allowances to members of the Council or committees (Section 5(6) while on official duty. By the same token Council was among others, to be financed by “*moneys appropriated by parliament to enable the council to perform its functions.*” (Section 9 of the Act.) However, the large part of such incentives are intended for the operations of the Monuments Council and not necessarily to solicit effective participation from the general public in the implementation of the policy. By the same token an impression is also given that outside the ambit of enacted heritage legislation, grants and donations were solicited by the South African National Society in respect of specific heritage resources preservation projects. The aforementioned exchange of correspondence between the Pietermaritzburg branch of this organization and different stakeholders whose generosity is solicited for donations and grants to erect a plate with names of soldiers who garrisoned Natal from 1838-1914 is a case in point.

One can therefore conclude without the fear of being precarious in such a conclusion that where the overriding principle in fostering the implementation of policy is ‘sticks’ and not ‘carrot’, there exists a propensity that even when objective incentives are allowed in this scheme of things, they are not accompanied by an effort at persuasion which will among other things appeal to the agent’s<sup>22</sup> sense of patriotism and civil duty. The combination of objective incentives and persuasion are crucial for maximum participation. On the other hand, this state of affairs presages that the lopsided emphasis and over reliance on the command and control principle characteristic of this era’s corpus of heritage policy, minimizes the scope for the deployment of meaningful inducements for communities to participate in the implementation of the intervention.

Given this context, it is fair to conclude that the use of other tools in this regard is intended to act as an indirect form of regulation. That is, the use of treasure based policy tools within the ambit of an authoritative policy tool like the law can be regarded as regulatory in nature. According to Howlett (2011:90), treasure based policy instruments like incentive regulation are sometimes offered within the context of top down authoritative approaches to policy implementation. For that reason their deployment as incentives occurs with the possibility of some form of hierarchical oversight which acts as a security should voluntary means be considered insufficient to orientate target behaviour accordingly.

#### **4.4 THE LIBERATION ERA AND ATTEMPTS TO SHAPE THE HERITAGE POLICY PROCESS**

A comprehensive synthesising of literature devoted to heritage policy analysis during the Liberation Movement in South Africa, eludes the scope of this present study and would require a research of its own. A limited treatment of this subject in this dissertation which briefly

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<sup>22</sup> The agent in an economic relationship is that party whose behaviour is being influenced by the principal’s deployment and use of specific incentives.

highlights some of the themes interrogated by academics and intellectuals regarding heritage policy in South Africa during the days of apartheid will suffice.

#### **4.4.1 FRANCO FRESCURA AND THE LIMITATIONS OF THE NATIONAL MONUMENTS COUNCIL**

Frescura represents heritage academics and intellectuals, who in the peak of apartheid interrogated the question of monuments and culture. His work is primarily a critique of the work of the National Monuments Council from 1936-1989. Frescura's analysis makes some important contributions regarding the legacy that the new dispensation of heritage management inherited from both British and Apartheid Colonial rule in South Africa. According to Frescura (1990) the National Monuments Council's impact in the preservation of monuments in particular was minimal given the fact that the legislation which existed as early as 1923, could do little to safeguard the national estate. It was not until 1934 that those powers were extended to a wider range of heritage artefacts; to the extent that by 1988 only 3581 buildings, sites and objects were protected by the National Monuments Council (Frescura,1990: 1)

With the hope of shaping heritage policy development in the new dispensation, Frescura intends using his analysis of the apartheid heritage management status quo, to inform the development of better policies in the new South Africa, which will provide meaningful conservation and protection to heritage resources in a post-apartheid era. In bolstering his argument for the need for transformation in heritage management, Frescura cites, among others, the following factors:-

- **The lopsided nature of the declarations of monuments in the colonial and apartheid years**

Having studied the impact made by the introduction of the first organisational policy implementation instrument by government in the form of the Historical Monuments Commission in 1923, and the National Monuments Council in 1934, Frescura reaches a conclusion that 75% of all the monuments declared until the eve of democracy were "*almost overwhelmingly oriented towards the Cape*" (Frescura, 1990:4)

- **The entrenchment of white values in the process of monumentalising**

His other argument for policy change in the new dispensation is premised on the overwhelming and exclusive representation of white people's values in the monumental landscape of the country. This is demonstrated by the fact that of all the monuments existing at the eve of democracy, 97% of them reflected and represented exclusively white values (Frescura, 1990:5) This, he argues suggests that "*the policy of monumentalising our built environment has been used consciously or unconsciously to reinforce white political strategies and to support claims of white legitimacy in the region.*" (Frescura, 1990:6)

- **The links between the National Monuments Council and the the ruling party ideology**

Frescura (1990:7) observes that ever since 1969 when the National Monuments Council was established by the National Monuments Act No 28 of 1969, 71 persons have been nominated to the Council. The representation of the country's demographics in the said Council are evidently a course for concern for heritage policy. The demographics are as follows:-

Fifty four (54) of the individuals appointed to the Council during the said period were Afrikaans speaking, three (3) were women; and only two (2) were individuals originating from outside the white community. With reference to the Councils ideological leanings, Frescura observes that 12 members of this Council within the period in question were known members of the Broederbond, a secret society among the Afrikaner community which ever since 1919, sought to influence and regulate the country's political, economic and cultural life.

Frescura therefore represents contributors to the heritage policy process who did not only occupy themselves with the critique of the existing status quo in heritage management under apartheid, but who equally intended to provide pointers to the new paradigm of heritage administration in the new dispensation.

#### **4.4.2 COMMEMORATIONS, MEMORY AND MONUMENTS - ALI KHANGELA HLONGWANE**

Although Hlongwane writes in the new dispensation, his contribution is useful in the sense that it provides reflection on the pre-1994 era and how the commemoration of critical events like June 16, 1976 were used, and how such commemorations paved the way for heritage policy in the new dispensation. Hlongwane's contribution weighs in on the debate about commemorations, memory and monuments. He looks at the various ways by which the June 16, 1976 student uprisings have been commemorated in order to preserve the living heritage associated with the event. He argues that over the three decades the commemorations have been largely expressions of grief, loss as well as the desire to continue to pursue the liberation of South Africa. According to him, while these commemorations have been characterised by tradition, change and continuity as an aspect of memory, they have also been "*a site of struggle for liberation and ideological contestation amongst those engaging in the struggle for liberation.*" (Hlongwane, 2008:135). Within the context of the pre-1994 political situation, where the ruling elite was determined to erase and demonise the legacy of the uprisings, this struggle was double pronged. On the one hand it consisted of the mobilisation of people against apartheid colonialism, while on the other hand it was characterised by liberation movements contesting for ideological hegemony. To this extent the commemoration became "*a unifying rallying point among the oppressed*" (Hlongwane, 2008: 165), where both grief and pain rallied people together and committed them to the project of liberation. The commemoration therefore since the pre-1994 era has according to Hlongwane (2008:136) been a site of struggle over memory.

## **4.5 THE EVOLUTION OF POST 1994 HERITAGE POLICY IN SOUTH AFRICA**

At the advent of democracy in South Africa, part of the legacy bequeathed by the pre-1994 heritage policy regime was the adoption of authoritative instruments carefully calibrated to include a mixture of organizational, treasure and information based policy instruments, of both a substantive and a procedural nature. Over a period of time scholarship has been trying to account for the factors responsible for affecting the choice of policy instruments. Since the decade of the sixties for example, an interesting development has taken place regarding this subject matter; and a careful consideration of the analysis of this evolution indicates that different models have been used to explain how appropriate policy instruments were chosen over time. According to Michael Howlett (2011), earlier studies on the subject tended to suggest that the choice of tools in economic policies in particular was determined by the goals pursued by the policy in question and the contextual realities within which such choices were made. Later, other scholars suggested that it was the degree of government coercion required to implement an initiative which determined the choice of relevant tools. Howlett (2011:50-55) however has argued that according to contemporary scholarship, it is the specific mode of governance which is construed to impact on the choice made for relevant policy tools.

Summarising the contributions made by scholarship on the subject, Michael Hill acknowledges the complexities involved in choosing appropriate policy instruments to effect policy. *“What the literature on instruments has made very clear is that the factors that influence instrument choice are complex. Policy type comes into play here as well as issues about resistance to policy, but we may also see ideology influencing choice. In each specific case much depends on what is available, what has been done before, or what is already in use in a closely related policy area.”* (Hill, 2009:178)

### **4.5.1 THE ADVENT OF DEMOCRACY AND THE WHITE PAPER ON ARTS, CULTURE AND HERITAGE, 1996**

Within the ambit of the Constitution which in its Bill of Rights, firmly establishes the rights of cultural communities to enjoy and maintain their respective cultures (Section 31), the 1996 White Paper on Arts, Culture and Heritage sets the tone and introduces remarkable paradigm shifts in the development of heritage policy and the management of the national estate in the post 1994 era. The advent of a new dispensation in South Africa had already ushered in a process of fundamental transformation in all aspects of society. This transformation, in complete contradistinction to the previous epoch, had to be guided by such fundamental principles as democracy, justice, non-racialism and non-sexism (Republic of South Africa (b), 1996:1). In setting out its primary purpose therefore, the White Paper, at the outset, unequivocally declares that it seeks to inaugurate government policy for establishing optimum funding arrangements and appropriate institutional frameworks for the creation, promotion and protection of South African arts, culture and heritage. It is within this context that the policy's stated goal is cited as that of ensuring adequate public subsidies for arts, culture and heritage; which will among other things guarantee the promotion of the diverse heritage of the country (Republic of South Africa (b),1996:2). This presupposes that the White Paper adopts a strong

organisational and treasure based bias to the choice of implementation instruments; and that is the subject of the subsequent section of this chapter.

#### **4.5.1.1 THE INSTITUTIONAL FRAMEWORK AND THE USE OF TREASURE BASED POLICY INSTRUMENTS IN THE WHITE PAPER ON ARTS, CULTURE AND HERITAGE, 1996.**

The establishment of appropriate institutions or agencies as a means to achieve policy goals in the protection and preservation of both tangible and intangible heritage resources is the fundamental aspect of the White Paper; and the need for such initiatives is caused by the desire for redress and democratisation of the industry (Republic of South Africa (b), 1996:12). In the colonial era as mentioned above, the Bushmen Relics Protection Act, 1911 came into being as a result of the influence of the South African National Society (SANS), established earlier in the beginning of the twentieth century. Interestingly, the White Paper openly acknowledges that its ultimate provenance is largely due to the work of the Arts and Culture Task Group (ACTAG), established by the Minister of Arts, Culture, Science and Technology at the dawn of democracy in 1994, to advise on new policy directions for the industry. The establishment of ACTAG is yet another demonstration of how government uses its authority to selectively activate and mobilise certain actors and give them special recognition in the policy process so that their views influence the relevant policy and its implementation. This is clearly demonstrated in the pervasive role played by the ACTAG recommendations in the formulation of the White Paper.

Apart from its recognition of ACTAG and giving it preferential access to decision makers and government officials, the White Paper further recommends the reform of specific authoritative and procedural organisational instruments bequeathed by the previous dispensations of heritage management. While on the one hand the White Paper (Republic of South Africa (b), 1996:13), recognises the existing Declared Cultural Institutions handed down by the past, it nonetheless advocates a systematic restructuring and rationalisation in order to ensure redress of past inequities. By the same token, while the White Paper acknowledges the National Monuments Council (NMC) established by the 1969 legislation, as well as the presence of homeland heritage legislation, it further advocates the reconstitution of the NMC as a division within a new broader institution called the National Heritage Council; as well as the consolidation of the Bantustan heritage legislation into a single law. This inevitably created scope for a new institution and a new legislative framework which will seek to optimise the coordination of heritage resource management across all fields of the national estate.

The White Paper also advocates the establishment of the National Place Names Division which replaces the National Place Names Committee whose primary responsibility was to advise the Minister on the naming of places in South Africa (Republic of South Africa (b) 1996:13). By the same token, in its endeavour to transform the support for heritage informed by specific values and principles, the White Paper proposes that government again uses its organizational resources and establish a procedural policy tool in the form of the National Heritage Council. According to the White Paper, the establishment of this institution creates space for the deployment of treasure-based instruments to help government attain its policy goals: “*The*

*National Heritage Council will receive a parliamentary grant through the Department and will provide funding by transfer payments to institutions and projects under its remit.*” (Republic of South Africa (b)1996:14). Apart from the disbursement of such incentives for heritage policy implementation, the agency will also play an advisory role to government.

On the other hand, one of the interesting shifts evident in the White Paper which brings about change in the manner in which participation is solicited from anticipated actors in the implementation conduit, is the use of persuasion of a special kind. A closer look at the introductory comments provided by the two political heads of the relevant Department responsible for the administration of the White Paper is quite revealing. As previously observed in the earlier sections of this dissertation, the type of persuasion characteristic of political organisations like government departments is such that by using propaganda, it appeals to the targeted actors’ sense of patriotism for the implementation of the policy. An impression is created for example that the implementation of the policy advances the course for transformation which is the characteristic feature of the changing South Africa in the decade of the nineties. For this reason it can therefore be concluded that the White Paper seeks to employ the use of both treasure based objective incentives and persuasion to align the behaviour of would be actors in the implementation arena with the attainment of policy goals.

Apart from prescribing the deployment of direct, if objective incentives in the form of grants and subsidies, the White Paper further proposes the application and use of ideal benefactions in soliciting participation in the implementation processes of heritage policy. When the Minister in question seeks to persuade would be actors to participate by means of relevant persuasive propaganda in the introductory message to the chapter, he makes an interesting observation that the new heritage policy ushered in by the White Paper, creates hope for members of the various arts, culture and heritage communities that their previously suppressed and marginalised views and aspirations, are now going to be a meaningful, if decisive part of the mainstream (Republic of South Africa (b) 1996:1) To this extent, the type of persuasion employed in this instance is not meant to rationalise the inadequacy of the incentives provided. On the contrary it seeks to appeal to the potential ‘implementation actors’ ideals by promising recognition of their views and interests.

The Minister, in his introductory message to the document indirectly alludes to the moral hazard phenomenon in the provision of incentives for implementation advocated by the White Paper. While admittedly adopting what he regards as an ‘arm’s length’ relationship in the implementation of the policy, he is simultaneously cognisant of the fact that funding from public coffers carries specific obligations of accountability to both the principal and agent in the relationship. Implicit in the statement by the said public manager is the admission that the deployment of financial policy instruments like grants and subsidies suggested by the policy will certainly require that measures be taken to monitor value for money in the disbursement and usage of such resources. This by implication places a heavy responsibility on the principal in the relationship to seek to circumvent the negative moral hazard impact by among other things incurring the cost of monitoring the usage of the deployed monetary incentives. To this extent therefore, it can be concluded that there seems to be a multi-pronged incentives regime

advocated by the White Paper which is intended to inform subsequent heritage policy development in the new dispensation.

What sort of determination can one make regarding the deployment of incentives in the White Paper? Taking one's cue from the foregoing analysis of the policy document, one can safely conclude that, while a conscious and commendable attempt is made to countenance the use of specific inducements to solicit maximum community participation in the implementation of heritage policy such as is evident in the content of the White Paper and its concomitant undergirding propaganda providing its *sitz im leben*, the policy is still lean on its deployment of such tools when compared to the wide array of incentives already in use in the industry internationally.

#### **4.5.2 THE NATIONAL HERITAGE COUNCIL ACT NO 10 OF 1999**

When tracing the historical background within which this piece of legislation owes its ultimate provenance, the Heritage, Archives and Libraries Legislation Review Report of the Department of Arts and Culture chronologically lists at least three specific impulses which culminated in the crafting of the Draft Heritage Bill in 1998. One such impetus according to this publication was provided by the report presented by the ANC's Monuments, Museums, Archives and National Symbols Commission to the Culture and Development Conference which was held in Johannesburg in 1993. The said report recognised among other things, the racist and narrow scope of existing heritage legislation as well as its inability to uphold values and principles germane to a democratic dispensation. It was in the light of this situation therefore that the report proposed the establishment of a new system for the administration of heritage institutions which included a Heritage Council, regional councils and the establishment of a National Heritage Trust Fund (Republic of South Africa 2008:123-124). The second propulsion was the report of the Arts and Culture Task Group (ACTAG) in 1995 which among other things, envisaged the establishment of a National Heritage Council to be comprised of the National Archives Commission, the National Amasiko Commission, the National Museums Commission and the National Heritage Sites Commission (South Africa (Republic 2008:124)). The third impulse was provided by The White Paper on Arts, Culture and Heritage in 1996 (Republic of South Africa 2008:124). The latter, in its endeavours to transform the industry also contemplated the establishment of an institution which would seek to expedite the process. "*Given the range of tasks required to transform support for heritage, and in accordance with the principles of access, redress and participation, it is proposed to establish the new National Heritage Council (NHC) as a statutory body.*" (Republic of South Africa 1996:14). Three years later government enacted the National Heritage Council Act, 1999 which was intended, "*To establish the juristic person known as the National Heritage Council*" whose main objectives centred around the development and protection of the national estate; coordination of heritage management; protection, preservation and promotion of heritage content residing in orature<sup>23</sup>; integration of living heritage<sup>24</sup> with functions of the council and other relevant authorities and

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<sup>23</sup> Section 2(vi) of the Act defines orature as oral tradition.

<sup>24</sup> Section 2(iii) defines living heritage as, "*the intangible aspects of inherited culture*" which may include such resources as cultural tradition, oral history, performance, ritual, popular memory, skills and techniques, indigenous knowledge systems; and a holistic approach to nature, society and social relationships.

institutions; promotion of indigenous knowledge systems; and intensification of support for the promotion of history and culture of all citizens (Sections 3 & 4 of the Act).

In keeping with the recommendations of the White Paper, 1996, there is a conscious effort to solicit participation from members of the society in the implementation of heritage policy demonstrated by the Act. Cash based financial policy tools in the form of grants tailored for both individuals and institutions in the implementation conduit are deployed by the regulatory tool. In order to fulfil its mandate, one of the primary functions of the Council is to disburse grants to any person, organisation or institution so that it promotes and develops national heritage activities and resources (Section 10(1)(d)). The wide range and all inclusive nature of actors targeted by the grants are not racially biased and arbitrary. This is caused by the fact that there are specific values and principles governing public administration in the new dispensation prescribed by the supreme law of the country. Section 195(d) of the Constitution of the Republic of South Africa, 1996 enjoins the new public administration to provide services impartially, fairly, equitably and without bias. The said emphasis on democratic values and principles espoused by the Constitution are to a large extent responsible for the service hatch type of public administration which indiscriminately responds to the needs of the people, advocated by Section 195(e).

Associated with its role in the deployment of direct financial policy instruments, the organizational tool (i.e. the NHC) functions as a procedural authoritative policy implementation instrument and is used to provide the Minister of Arts and Culture with on-going advice on how funding is allocated to declared cultural institutions (Section 10(1)(b) of the Act); while on the other hand it will also engage in some lobbying activity in order to secure funding for heritage management (Section 10(1)(j)). Light incentives are also provided to members of the Council whose expenses incurred while on its business are duly reimbursed. To that extent members of committees co-opted by Council who are not necessarily in the employ of the state are also reimbursed accordingly (Section 9 of the Act). While the act is characterised by the deployment of direct treasure-based incentives in the form of grants in particular, it can also be safely inferred that there are indirect inducements implicitly provided for in it which are not specifically offered. In a culturally diverse country like South Africa whose past is characterised by a fair amount of marginalisation and suppression of other cultures, the offer to belong to an organisation which decides on matters related to heritage funding is lucrative.

On the other hand, a closer look at the implicit or explicit implementation theories evident in the Act as a form of direct regulation seems to indicate vestiges of a bias towards a lopsided top down approach to the execution of policy. For example, the choice of incentives therefore is likely to be largely influenced by the elitist thinking of the council without taking particular cognisance of the nature of the actors to whom grants are disbursed. If this is anything to go by therefore, one can safely infer that there exists a possibility that the choice of incentives used to solicit responses in the policy implementation arena is likely to be influenced by the nature of the dispensing authority without carefully studying the circumstances of the recipient and other socio economic dynamics within the beneficiary's context.



By the same token, givers of incentives have the tendency to focus on those incentives they are likely to control (Stone, 1997:277); and this may have the effect of limiting the scope when choosing relevant inducements; and this could easily lead to a situation where incentives characterised by a low level of control from the giver are virtually marginalized and not considered by the dispensing institution. This is often demonstrated by the kind of criteria that funding bodies like the NHC and the National Lottery for example, often require from applicants in order to qualify for funding for heritage projects.

#### **4.5.3 THE NATIONAL HERITAGE RESOURCES ACT NO 25 OF 1999**

The National Heritage Resources Act, 1999, is arguably the cornerstone of the post 1994 corpus of heritage legislation. Tracing the steps of the bill through the legislative processes of the National Assembly reveals that both the National Heritage Council Act, 1999 and the National Heritage Resources Act, 1999 were submitted under Section 76 of the Constitution of the Republic of South Africa, 1996 as a single National Heritage Bill on the 1<sup>st</sup> of September, 1998. On the 8<sup>th</sup> of February 1999, the Chief Whip of the ruling party moved a draft resolution as follows to this effect in parliament:-

*That notwithstanding the provisions of Rules 147 to 150, the Portfolio Committee on Arts, Culture, Language, Science and Technology to which the subject of the National Heritage Bill [B 139 – 98) was referred for enquiry and report in terms of Rule 147(3)(b) on 15 October 1998, not be limited to presenting one amended Bill to the House but be given leave to split the Bill and together with its report present two separate Bills to the House without thereby expanding the subject of the Bill as originally referred to it. (Republic of South Africa Hansard 8-17 February 1999:23)*

While the National Heritage Council Bill, 1999 was assented to by the President after due legislative processes on the 14<sup>th</sup> of April 1999, the National Heritage Resources Bill, 1999 on the other hand was agreed to by Parliament on the 25<sup>th</sup> of March 1999; and signed into law by the President on the 28<sup>th</sup> of April 1999 (South Africa Hansard 23-26 March 1999:3450).

The legislation is a direct regulatory policy instrument; and comparatively speaking has a wide scope of application as evinced by its objects in the introduction. This authoritative policy tool is structured into three chapters. The first chapter seeks to establish a system for the management of the national estate and as a result sets out general principles which should inform the management of heritage resources in the Republic (Part 1); and Part two of the same establishes the South African Heritage Resources Agency as well as Provincial Heritage Authorities (Sections 11 and 23). The second chapter deals with matters concerning the protection and management of heritage resources and prescribes formal protections<sup>25</sup> (Part 1);

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<sup>25</sup> Resources categorised under formal protections include both national and provincial heritage sites; protected areas; provisional protections (Section 29); heritage registers; heritage areas; and heritage objects (Sections 27-32).

general protections<sup>26</sup> (Part 2) and the management structure of the national estate<sup>27</sup> (Part 3) The last chapter of the act prescribes enforcement measures, appeals, offences and penalties to be levied on offenders (Part 1); while part two consists of miscellaneous phenomena ranging from the publication of notices in the Government Gazette (Section 52), to the enunciation of the short title of the Act (Section 61).

In keeping with the characteristic tradition already established in the colonial era, the act as a direct regulatory instrument comprises of a combination of policy tools aimed at enabling effective implementation. In the first instance, there is a very strong reliance on government's organizational capacity evident in the regulatory tool. Intent on establishing an integrated and interactive system of heritage resource identification and management and circumventing a possible tower-silo approach in the administration of the national estate, the act places heritage management firmly within the context of cooperative governance espoused by chapter three of the Constitution. To this extent, resources are to be managed in accordance with specific grading assessment criteria. Inevitably, this particular grading system gives rise to other organizational instruments designed for effective implementation of heritage policy. According to Section 7(1)(a) of the Act, Grade I heritage resources comprises "*Heritage resources with qualities so exceptional that they are of special national significance.*"; are the responsibility of the South African Heritage Resources Agency (SAHRA). Grade II, which comprises of resources significant within a province and Grade III resources which consists of that section of the national estate considered worthy of conservation are the responsibilities of Provincial Heritage Authorities (PHRA's) and local authorities respectively. SAHRA, a juristic person whose affairs are managed by a Council established in terms of Section 14 of the Act, has the overall responsibility of coordinating the actual identification of heritage resources comprising the national estate and the management thereof (Sections 12-13). Both Provincial Heritage Authorities to be established by Members of Executive Councils responsible for heritage matters in the nine provinces (Section 23) and Local Authorities are also accorded functions, powers and duties (Sections 24 – 26).

The leveraging of government's organizational resources in the deployment of implementation instruments is further demonstrated in the act by the allocation of specific rights, duties and exemptions to all branches of the state and supported bodies other than those dealing directly with heritage matters. State departments, The Deeds Office and The Surveyor General, for example, are required by section 9 of the Act to provide a variety of heritage related services and assistance to SAHRA as the coordinating entity in the management of the national estate. This constellation of actors therefore provides an array of both direct substantive and procedural organisational implementation tools in the attainment of heritage policy goals.

There is also a sense in which the act provides for the use of partnerships and contracts as yet another form of organizational instruments used to implement policy. According to Howlett (2011:71), such instruments are used by government to offload the legal and financial burdens

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<sup>26</sup> General protections include heritage artefacts such as imported objects protected by laws of foreign countries; structures; archaeological, paleontological resources and meteorites (Section 35); burial grounds and graves; public monuments and memorials (Sections 33-38).

associated with service delivery. In this instance, goods or services which should be provided by government are contracted to such entities as QUANGOS and other private individuals and organisations. Section 42 of the act therefore provides for the negotiation of agreements between heritage authorities, conservation bodies, individuals and even communities in order to ensure conservation and protection of heritage resources. Section 42(2) creates the possibility of such agreements and partnerships to include specific terms such as “... *the provision of financial or other assistance from the heritage authority concerned.*”

On the other hand, the implementation of public policy also relies on the deployment of specific treasure based instruments aimed at soliciting behaviour that is congruent with set policy goals. As an authoritative regulatory instrument, the National Heritage Resources Act, 1999 incorporates the use of such tools as part of its multi-pronged approach to the attainment of policy objectives. Section 21 of the Act authorises parliament to make an appropriation to the South African Heritage Resources Agency which is intended to enable the same to perform its functions and exercise its powers in accordance with the dictates of the law. Apart from the said appropriations, the Act further prescribes that both the Minister and Member of Executive Council concerned may provide direct financial incentives intended for the conservation of heritage resources in order to promote the purposes of the legislation. Furthermore, Section 40 of the Act authorises SAHRA to provide grants or loans to certain bodies and individuals in respect of any project construed to be contributing to its purpose. Such funding is provided out of the National Heritage Resources Fund established by Section 40(4) of the act specifically for such purposes. There exists a possibility that such loans can also be provided without interest according to Section 40(3)(b)(ii). The fact that these finance based instruments are provided under the tutelage of a regulatory instrument, and by implication meant to advance its course as an authoritative instrument for policy implementation, implies that such incentives can be construed as regulatory in nature. The provision of such incentives takes place within the context where threats for punishment for failure to alter one’s behaviour according to the dictates of the regulatory instrument, exist as a real option should such voluntary behaviour not be adequately solicited.

The act also authorises heritage authorities to levy specific user fees in respect of services provided. Both the South African Heritage Resources Authority and Provincial Heritage Authorities are authorised by Sections 21(c) and 25(l) to charge certain fees for rendering such services as the processing of applications, conducting investigations, production, acquisition and marketing of specific products as well as the provision of relevant information.

Information based policy tools are attempts by governments to influence and alter behaviour of people by means of transferring relevant information from policy actors particularly in the policy implementation arena (Craft 2011:2). To a limited degree, the Act also incorporates within its architecture as an authoritative if regulatory tool, the usage of specific information based policy instruments for the attainment of set policy goals. Section 25(2)(l) authorises heritage authorities not only to create and register a badge or emblem, but also to affix or display it on areas protected by the Act. By the same token, Section 27(17) states that wherever appropriate, designated heritage sites must be marked with a relevant badge, thus conveying important information about its status, and soliciting a particular behaviour from potential

actors in the policy implementation arena. Equally, heritage authorities are also authorised to *“publish, or by any other means make available or distribute in any form, or cause to be published or distributed, any knowledge and information relating to the national estate and any of its functions or activities.”* Apart from information dispensing policy tools, the regulatory tool also countenances the use of information gathering instruments often used to inform critical decisions aimed at the preservation of resources. Section 25(2)(a) for example provides for the use of research in the identification, assessment and management of heritage resources.

#### **4.5.4 MOST RECENT DEVELOPMENTS IN THE SOUTH AFRICAN HERITAGE POLICY SECTOR**

Policy by its own nature is not static. New challenges emerge which sometimes require some revision of previous alternatives and interventions. Consequently, there is enough evidence to the effect that while adopting a characteristic incremental approach to policy making and implementation, South Africa is poised to embrace new policy directions in the management of the national estate. After ten years of democracy, the South African government embarked on an exercise aimed at reviewing the policies adopted since 1994 in order to monitor and evaluate their effectiveness. As part of this broad review, the Department of Arts and Culture started its own review of policies (Republic of South Africa DAC 2008:1). Consequently, the White Paper on Arts, Culture and Heritage as well as eleven pieces of heritage legislation administered by the Department of Arts and Culture are currently poised for a rigorous revision.

The process of heritage policy revision has begun to produce some interesting documentation which seeks to solicit inputs from the heritage fraternity in a number of ways. In the first instance, the Heritage, Archives and Libraries Legislation Review published by the Department in 2008, outlines specific key heritage policy challenges which require attention from policy makers. Specific policy gaps have been identified in the White Paper itself and includes its silence on specific issues related to the management of heritage resources generally. To this extent the proposed revision recommends the development of a revised cultural policy. Part IV of the report focuses attention on the issues of governance and heritage institutions and virtually makes some recommendations which include the review of seemingly overlapping institutional mandates of such government agencies as the Department of Arts and Culture, the National Heritage Council and the South African Heritage Resources Authority; the composition of governing bodies of heritage agencies etc. (Republic of South Africa 2008:80-82). Part V of the report shifts focus from the review of organizational policy instruments in the form of heritage agencies and institutions to the actual review of authoritative policy tools in the form of heritage laws. Specific recommendations are made for the review of specific sections of heritage legislation. Six specific sections of the National Heritage Council Act, 1999 (namely sections 4, 5, 6, 10, 12 and 13 are recommended for review in order to effect the required revision of the composition of the Council and its mandate (Republic of South Africa 2008:134-136). By the same token, twenty seven sections of the National Heritage Resources Act, 1999 are highlighted for attention in order to effect the required changes which among other things are necessitated by the context within which the legislation is administered.

There is evidently a new focus on and interest in living heritage which has since brought about a policy framework to guide the management of such heritage in South Africa. As a result of this renewed interest, the Department of Arts and Culture has come up with a draft of the National Policy on South African Living Heritage in 2009. In keeping with the already established tradition in the South African heritage policy process, namely the incremental approach to policy development and implementation, the draft policy envisages a strong deployment of a multiplicity of instruments for the effective implementation of heritage policy. While there is a strong presence of organizational, treasure based and to a lesser extent information instruments in the draft policy, it also places a high premium on the participation of local communities in the management of living heritage. The rationale for such an approach is caused by the fact that the policy itself is intended to enable what is already driven by communities (Republic of South Africa National Policy 2008:15).

Government's commitment to the New Growth Path which in essence envisages the creation of 5 million jobs over a period of ten years in South Africa, and a renewed emphasis on the role on the contribution of creative industries to the realisation of this policy goal are now evident. On the 14<sup>th</sup> and the 15<sup>th</sup> of April 2011, a consultative conference was held by the Department of Arts and Culture with the sole aim of aligning creative industries with South Africa's New Growth Path announced by the President. The Minister's foreword to the report of this conference aptly describes its primary intention. *"The consultative conference "Mzansi's Golden Economy" on the contribution of the arts, culture and heritage sector to the implementation of the New Growth Path took place at the Newtown Cultural Precinct on the 14<sup>th</sup> and 15<sup>th</sup> of April 2011. The conference was the first step in a process of government engaging with artists, and practitioner, business, labour and civil society to ensure that, through our collective work, the sector drives social cohesion and economic growth.* (Republic of South Africa (2011: iii).

Out of the seven areas of concern raised by the conference, at least two are of particular relevance to this study. These are matters concerned with stakeholder relations and funding of the sector. With reference to the former the consultative conference observed that government among others is construed as prescriptive, regulatory and controlling in its dealings; and this has the tendency to alienate actors in the arts, culture and heritage policy implementation arena (Republic of South Africa 2011:69). With respect to funding, conference did not only highlight the general outcry regarding funding in the sector, but further highlighted concerns around the bureaucratic and cumbersome nature of the application processes involved as well as lack of transparency with criteria and guidelines used to allocate such funding. The observations and proposals made in respect of the challenges observed in the sector are indications of new policy directions to be taken by government in relation to the industry; and in this context it is reasonable to expect explorations of avenues in the design, deployment and streamlining of new and existing incentives in the sector.

#### **4.5.5 CRITIQUE OF THE POST 1994 CORPUS OF HERITAGE LEGISLATION**

While it is true that the progressive post 1994 corpus of heritage legislation has incrementally brought about positive changes in the management of the national estate compared to previous

policies, the fact that the possibility of reviewing such legislation is already mooted in heritage circles is indicative of some of the inadequacies evident in it. It is beyond the scope of this study to interrogate comprehensively some of the gaps already implicit in this policy. The present section will highlight some positive and negative critiques highlighted over time from different perspectives with regard to the deployment of regulation as a policy instrument in heritage management.

In as far as the implementation of heritage policy is concerned, the post 1994 heritage legislative regime has virtually continued the tradition of a strong reliance on the deployment of authoritative instruments in the form of law. South African scholars have different takes on this characteristic dependence on the milder form of regulation as a heritage policy instrument. The KwaZulu-Natal archaeologist, Gavin Whitelaw for example recognises what he regards as interesting developments in the content of the National Heritage Resources Act, 1999. On the one hand, for Whitelaw (2000:59) the act promotes research into living heritage; and also makes provision for impact assessments. For Whitelaw the net result of this new development in the nature of law as a regulatory, if authoritative policy instrument is that it has since afforded the South African Heritage Resources Authority a greater compliance role when compared to previous legislative protection regimes.

Basing his argument on Section 5.7 of the Act in particular, Whitelaw (2000:60) concludes that the regulatory tool in question virtually recognises the existence of different value systems by among other things establishing that in the identification, assessment and management of the national estate, particular cognisance should be taken of relevant cultural values and indigenous knowledge systems. However, Whitelaw indicts the instrument that while it demonstrates recognition for the multiplicity of value systems, it nonetheless propagates a fundamentally empiricist significance grading system which considers the phenomenon of significance to be intrinsic within the heritage resource concerned; rather than being accorded to the same by the people or interest groups. He argues, *“Indeed, the whole idea of grading heritage resources against defined assessment criteria seems at odds with the principle of devolving responsibility to the lowest level and I suspect that it will not be possible to do so unproblematically.”* (Whitelaw, 2000:61)

According to the scholars of the then Potchefstroom University for CHE in South Africa, Kotze and Jansen Van Rensburg (2003:15), the National Heritage Resources Act, 1999 is the central legislation regulating heritage management in South Africa; and to that extent ushers in a paradigm shift to cultural heritage protection and the conservation thereof. The two scholars argue that compared to previous protection regimes, the said legislation is transformational, comprehensive, well-structured and effective in enforcing desired action. However Kotze and Jansen Van Rensburg (2003:20) indict this piece of legislation on two counts. They argue that the objectives it envisages to attain are ambitious and idealistic and may prove difficult to achieve in the South African context where poverty and a less stable economy and corruption are common. Secondly, they also observe that while it is commendable that the regulatory tool provides space for community participation in the implementation of the same, the scope for such participation and obligations thereof are not made clear.

The University of Pretoria rock art scientist, Ndukuyakhe Ndlovu is critical of the effectiveness of legislation as an instrument for the protection of South African cultural heritage resources. Ndlovu argues that the inclusion of living heritage in the National Heritage Resources Act, 1999 is not an improvement from previous legislation. He perceptively points out that the Act itself is not necessarily about the preservation of living heritage. On the contrary, *“it is about protecting and conserving sites that have a connection with living heritage, in order to provide access to those who may wish to perform various ritual activities.”* (Ndlovu, 2011:32).

For Ndlovu (2011:33) two important challenges have impacted negatively on the implementation of cultural heritage legislation; and they are the lack of community involvement and the challenges encountered when the legislation has to be enforced. When considering the nature of governance that heritage legislation seeks to engender, Ndlovu further indicts current heritage legislation that it is still entrenched in colonial times. *“What is difficult to comprehend is the post-colonial legislation that is still embedded in colonial times. This ‘fortress’, top-down approach, has not provided a reasonable success for cultural heritage managers.”* (Ndlovu, 2011:33). Ndlovu is critical of the marginalization of African values and principles in the development of heritage legislation in South Africa and its reactive implementation. He interestingly notes that the Eurocentric physical bias or approach evident in contemporary heritage legislation in South Africa militates against the effective participation of communities in its implementation.

The critiques levelled against the predominance and over reliance of the use of law as a regulatory policy instrument are not only legitimate, but also enlightening. For example, any policy implementation endeavour which relegates critical values of the targeted actors will not be effectively implemented. Policy is by its very nature, a value laden enterprise and ignoring such values spells disaster for public policy implementation in particular. However, not all the criticism levelled against reliance on legislation can be accepted without caution. For example, it is not always true that public policy implementation failure can always be blamed on the choice of instrument and by implication its ineffectiveness for successful implementation. Policy implementation is often influenced by a number of factors other than the choice of instrument alone.

Secondly, probably as a result of our own past, in a country like South Africa, there is always the possibility to regard top-down approaches to such processes as policy formation and implementation as altogether wrong and undesirable. Both these stages of the policy process have to do with the exercise of delegated power in a democracy. For public policy to be authentic and legitimate, an important position should be accorded to the policy actor who has been mandated by the electorate to exercise that power, even in instances where such responsibility has to do with the management of the relevant constellation or network of actors in the implementation arena. The quest for bottom up approaches in the policy process should not seek to violate standard democratic practice by altogether rejecting the authority of the policy maker.

Thirdly, a careful examination of heritage policy in South Africa since the post Union era in 1911 to the present does display a strong reliance on the use of authoritative policy instruments

such as the law. However, as the above analysis of different heritage protection regimes has demonstrated, the design of such tools countenances the inclusion of other policy implementation instruments such as treasure-based, organizational and to a lesser extent, information instruments of public policy. Some of these tools by their nature are intended to solicit a bottom up movement in the implementation of policy. To that extent, a combination of top-down and bottom up approaches cannot be ruled out in the architecture of heritage legislation used in South Africa, and its relevance for implementation.

#### **4.6 CONCLUSION**

The present chapter has sought to analyse the development of heritage policy in South Africa particularly from the prism of the deployment of policy instruments intended to effect and structure policy. As early as 1911, there is clearly a reliance on the authoritative, if regulatory instruments in the implementation of heritage policy. With the advent of the 1923 heritage law, there is evidence of nuancing authoritative regulatory policy instruments with the inclusion of other critical governing tools aimed at enhancing effective implementation. The 1923 heritage legislation introduces for the first time, an agency which under the auspices of a line function state department is responsible for specific heritage management functions. The tradition is carried on by successive pieces of legislation well into the democratic dispensation. The incremental approach adopted by South African heritage policy gave rise to the inclusion of other policy instruments within the framework of legislation over time. The subsequent chapter of this thesis interrogates the question of methodology and approaches adopted by the inquiry.



## CHAPTER 5

### RESEARCH METHODOLOGY AND APPROACHES

#### 5.1 INTRODUCTION

The philosopher, Alfred Habdank Skarbek Korzybski once observed, “*If the map shows a different structure from the territory represented.... then the map is worse than useless, as it misinforms and leads astray*” (Hofstee, 2006:107). In scientific inquiry, results can only be accepted if the scientist concerned demonstrates how conclusions were derived. Science is science simply because the results are verifiable. The present chapter presents a map that will be used to arrive at reliable conclusions about this study. The first section of the chapter presents the research design the study will adopt. Attempts will be made to rationalise the philosophical biases of the approach and the steps through which the design unfolds during its application. The chapter will describe how the adopted methodology is to be applied during the inquiry. Effort will be expended to describe the techniques to be used when collecting data and how it is going to be analysed. A sizeable amount of space will be accorded to the explanation of the model of analysis to be used and its suitability for the research design adopted. The penultimate section of the chapter will deal with ethical considerations followed by the conclusions based on the foregoing.

#### 5.2 ADOPTING A RELEVANT RESEARCH DESIGN FOR THE STUDY

In order to investigate the extent to which incentives are used as policy instruments to solicit adequate community participation for heritage policy implementation in the post 1994 South Africa, the current study has adopted a qualitative research paradigm known as empirical phenomenology; and will take the form of case studies. Empirical phenomenology is an approach to scientific inquiry informed by specific assumptions which shape the study of this nature.

##### 5.2.1 BASIC ASSUMPTIONS AND STEPS OF EMPIRICAL PHENOMENOLOGY

The main thrust of the approach is to seek to ground scientific explanation on the structure of meaning (i.e. the first level constructs) of those who are being studied. The overriding philosophical rationale undergirding the approach therefore is that the actors’ perspective, that is the subjective perceptions or views of those who are being studied, remain central and are to be safeguarded as the basis on which theories or second level constructs will be developed at a later stage of the inquiry. The approach is built on the assumption that the world investigated by social scientists is socially constructed and for this reason it is of utmost importance that the constructions of actors being studied are inevitably taken as a starting point for any scientific analysis. The approach also acknowledges both the role of theory and unintended consequences in the inquiry.

Evidently, empirical phenomenology has a strong philosophical foundation and owes its ultimate provenance from the philosophical phenomenology of Edmund Husserl (1859-1938); and Martin Heideger (1889-1976). It’s most immediate origin lies with Alfred Schutz who brought phenomenology to the social sciences. The Swiss academic Patrik Aspers has

developed a seven step Empirical Phenomenology (Qualitative Research Methodology) based on Schutz's philosophical sociology. The approach provides a sound scientific foothold for conducting empirical and phenomenologically oriented social inquiry.

Basically, the design of an empirical phenomenology oriented study unfolds in seven critical steps. In keeping with common parlance in the application of the approach, the first step in this study consists of defining the research question. Given the background of heritage policy implementation obtaining in the country as outlined earlier on, the important challenge that must be raised in this regard. That is, *"It is uncertain to what extent are incentives used to solicit community participation in heritage policy implementation in the post 1994 South Africa?"* Heritage resources are protected and preserved so that they will be bequeathed to future generations. This fundamental principle suggests that ultimately heritage resources belong to the various communities within which they are found, cherished and considered valuable. For this reason it can be concluded that even privately owned heritage resources are in some sense, communally owned because they are of value to the community within which they are found and have to be protected by. Private owners of protected heritage resources are themselves, members of a given community. Individuals and organizations targeted by the policy as actors in the implementation arena belong to respective communities where such resources are embedded and owned. The aforesaid research question therefore operates from the premise that communities are important components in the constellation of actors within the policy implementation arena; and to that extent ways and means to solicit their meaningful participation in the policy process cannot be over emphasized. The research question at this stage of the inquiry is the actual query to which the study seeks to provide scientifically verifiable answers and for that reason forms the essence of the current investigation. That is, the study seeks to determine the extent to which policy instruments called incentives are used in the implementation of heritage policy to solicit adequate participation from the constellation of relevant policy actors in the post 1994 era in South Africa.

Subsequent to the definition of the research question, the inquiry conducted a preliminary study in order to ascertain the feasibility of undertaking the project and solve the question it poses. The preliminary study also enabled the process of gaining a comprehensive overview of the field of inquiry and being in a position to make informed and relevant strategic decisions regarding the project. Consequently, as a result of the complexity of the inquiry, the preliminary study has been inevitably multi-pronged. In the first instance, conferences, conference papers and discussions on heritage matters within South Africa have been consulted, and that has enabled keeping abreast with the prominent issues of concern in the industry as reflected in the discussions of such gatherings. Secondly, interactions with the various heritage activists and practitioners in the field were arranged to allow for the familiarisation with the relevant issues of concern in respect of the subject of inquiry. The third aspect of the preliminary study straddle over at least three areas of review already implicit in the topic chosen. The first section of the review focuses on the survey of policy implementation literature and its development over three generations of scholarship beginning roughly from the notable achievements of scholars in the seventies to the present. The second leg of the review consists of the appraisal of the theory of incentives concept as used in a number of disciplines including economics,

organisation theory, psychology, environmental management, the knowledge economy and heritage management. The third aspect of the review focuses on the evolution of heritage policy in South Africa and focuses essentially on the analysis of various pieces of legislation and policy documents inclusive of reports.

The third step of the design entailed the choice of a relevant theory which acts as a frame of reference for the entire theory-centric study. Where empirical phenomenology is used as a design for a research inquiry, it is imperative that the central role played by theory is acknowledged in the early phases of the study. In the context of this inquiry the central theory acting as a constant frame of reference centres on incentives as is indicated by the aforementioned thesis statement. The study adopted as its overriding theoretical rationale the fact that incentives are important tools that can be used to solicit adequate public participation in the implementation of heritage policy. It is the theory of incentives which acted as a guide for the researcher to identify specific aspects of the topic relevant to the study. That is, the chosen theory assisted to focus the attention of the researcher on the first order constructs relevant to his study; and it is for this reason that the said theory acted as a scheme of reference for the inquiry. The theory of incentives chosen as a scheme of reference for this study was intended to fit, not only the research question to which answers are sought, but also the empirical evidence to be generated regarding the deployment of policy instruments in the implementation of heritage policy.

Subsequently, the study interrogated the first order constructs as provided by the structure of meaning exhibited by research units or actors in the field of heritage policy implementation. Empirical Phenomenology as an approach to social research is bent on reaching, studying and describing first order constructs (that is, the structure of meaning) of the actors in the field of inquiry (Aspers, 2009:6). The first order constructs that were of interest to the researcher at this stage of the inquiry were those that are relevant or covered by the scheme of reference (theory) adopted for this study. In essence, the researcher has gathered information about what people in the field mean when they use certain words; and how those words relate to one another within a given structure of meaning in the context of heritage policy implementation. The researcher further sought to describe the meaning actors in the field attach to specific words they use to describe the application of incentives for policy implementation. At this step of the inquiry, an effort has been made to identify and describe specific theories actors themselves use in their implementation of heritage policies; and also identify the type of practices such actors engage in while implementing specific heritage policies.

The empirical evidence generated at this stage of the inquiry was intended for use either in the formulation of a new theory of implementation or to alter or add an important dimension to an already existing theory. For this reason, access to the structure of meaning of the actors was not intended to prove or disprove an existing theory. This is primarily caused by the fact that there needs to be consideration to not enter into the field of study with preconceived theoretical frameworks which require to simply be filled with empirical data.

The fifth step of the approach entailed the construction of second order constructs from those of the first level provided by actors. At this stage of the inquiry, the first order constructs, which

is the structure of meaning gleaned from actors in the field enabled the researcher to evaluate the chosen overriding scheme of reference; that is the relevance of incentives as instruments in the implementation of heritage policy. At this stage, the researcher sought to relate the first order constructs (the structure of meaning) of the actors in the field to the second order constructs that is the theory of policy implementation. This had the potential to result in the construction of a new theory, an alteration or an addition to an existing one. On the one hand, the theory of policy implementation created or the addition thereto must be understandable and be able to relate to the demands of the actors in the field of inquiry; so that in keeping with the empirical phenomenological bias of the study, such a construct is able to meet the requirement that it be grounded in the understanding of the actors in order to be legitimate. On the other hand the said theory or addition thereto must also be able to connect to existing implementation theory and be understandable to the relevant scientific community. This is the extent to which the theory created from the actors' structure of meaning seeks to communicate at two levels. That is, it communicates to both the social scientists and actors in the field.

The sixth step of the design focused on checking for unintended consequences. In the social sciences peoples' actions sometimes have unintended consequences. In public policy implementation in particular, the deployment of policy instruments like incentives might give rise to developments which were not necessarily the intention of the policy maker or the legislator. The researcher at this stage of the inquiry has to identify specific unintended consequences relevant to the deployment of incentives and attach meaning to such consequences.

Subsequent to checking unintended consequences, the inquiry sought to relate the evidence generated by research to the scientific literature and empirical field. Intent on safeguarding the perspective of actors in the field, which is the overriding philosophical rationale of empirical phenomenology, the researcher served the research report to actors in the field and the scientific community concerned. The aim of this exercise was not to seek consensus with regard to the conclusions made by the study. On the contrary, the internal validation of the report sought to enable the said actors to see themselves in the report and to enable them to identify with its content without necessarily agreeing to the conclusions made by the same. Having outlined the seven step blue print of the study, it is now time to attend to the actual methods and tools that were used to implement the design; and that is the focus of the next section of the chapter.

### **5.3 THE IMPLEMENTATION OF THE RESEARCH DESIGN**

The implementation of the blue print adopted in this study is discussed under three headings. These include research instruments, the data to be collected and the tool of analysis used to interrogate data.

#### **5.3.1 THE RESEARCH INSTRUMENTS**

Qualitative empirical phenomenology accords a central role to the researcher as an observer and interpreter. To this extent the researcher is according to this paradigm, an important instrument in the entire research process. For this reason the actions and behaviour of the researcher in the current project sought to be as unbiased as possible in the descriptions and

interpretations of phenomena; and the fact that the design puts a high premium on the researchers ability to get as close as possible to the research subjects in order to generate acceptable and legitimate insider perspectives of reality also signals that high levels of objectivity had to be ensured. Objectivity in qualitative empirical phenomenology takes a different and unique form. In order to gain an insider perspective of the phenomenon being studied, the trust of research subjects needed to be gained, and a functional rapport established with them. To an extent, this was been achieved through attendance of relevant heritage conferences during the preliminary stage of the research process; and this approach continued as requests for interviews were made to the targeted subjects. The primary focus of the study was heritage managers in the public sector, the identification of which was informed by certain principles such as levels of enculturation and current involvement in the industry; as well as the extent to which such respondents were able to spend enough time in the interview envisaged. It is for this reason that accounting officers of relevant departments in the public sector did not form part of the contingent of interviewees for this study, since most of them can hardly find time to assist in the process of gathering data for such purposes. Based on the above mentioned criteria, ten (10) research subjects were identified and consented to the idea of being interviewed for the project. This approach was also complemented by snowballing sampling strategy; and the latter had the effect of winning the trust of interviewees immediately when they were made aware that the researcher has been referred to them by someone they know and trust.

The second important instrument that this study used to operationalize the adopted design were unstructured in-depth individual interviews. This particular instrument is better suited to the nature of the research design which primarily aims to provide the insider perspective on the subject of inquiry. Basic individual interviewing therefore allowed each respondent to speak for him or herself without the constraints of a battery of questions determined by a predetermined hypothesis. The interviews were unstructured in the sense that while the researcher had a general plan about the inquiry, he did not use a specific set of questions which must be asked using specific words and posed in a particular logical sequence. The aim of the study is to generate rich narratives of the phenomena as provided by insiders; and to this extent a great deal of the talking had to be done by the respondent, while the interviewer's role would be to first set the direction of the conversation and to make follow up questions on specific topics raised by the respondent.

An advanced digital recorder was used to record the interviews with research subjects. But it is in the nature of recordings that they do not necessarily capture all the aspects of social processes. Therefore, as part of seeking to enhance validity and reliability of the study at this stage of the process, a reasonable amount of triangulation was done by means of creating extensive field notes to complement the audio recordings. The current study capitalises on interpretation and to that extent two sets of notes were made during the process of interviewing; and in instances where this is not feasible, such notes were made immediately thereafter. The researcher wrote notes which explained the environment within which the study was taking place. Included in this type of interview transcripts were extensive observation notes. The rationale for this type of notes is determined primarily by the nature of the study and the design

adopted. Empirical phenomenology as an approach to scientific social inquiry focuses on the study of first level constructs provided by subjects in the field, who are deeply embedded in a particular context.

The strong contextual orientation in the nature of case studies as a research design therefore assumes that there are certain variables in that environment which have the propensity to influence the study's units of analysis and by implication, the insider perspective such subjects provide. The fact that the design emphasizes the role and significance of rich narratives of phenomena, presupposes that such an environment must be adequately described so as to provide enough information about subjects and their respective settings. The second type of notes that were created to complement audio recordings consisted of theoretical memoranda. These are notes describing the specific theories which actors tend to use when explaining their implementation of heritage policies and the deployment of relevant policy tools.

Consequently, the fact that extensive notes on the environment of the subject were created, also presupposes that the study entails a fair amount of observation as a third research instrument. Such empirical observation is not going limited to the environmental variables only. On the contrary, certain expressive movements during the interview were observed: exterior physical signs of the subject such as clothing; the physical location within which the subject operates (e.g. office ergonomics); the language behaviour of the subject (e.g. stuttering); the length of time the subject takes engaged in what she/he is doing.

### **5.3.1.1 THE LIMITATIONS OF THE INSTRUMENTS**

The instruments chosen for this study have their own limitations. In the first instance, there existed a possibility that biased questions would be asked while interviewing subjects. In order to circumvent such bias, the probing questions which were asked during the interview, were follow up questions taking their cue from the themes already highlighted by the responses of the subject. This enabled the possibility to elicit more information in a way that limits prejudice or bias. Secondly, good interviews depend largely on good listening skills. This was achieved by making conscious attempts not to look interesting and worthwhile to the subject such as is common in ordinary conversations. On the contrary, there was a conscious endeavour made to be more interested in what the respondent was saying and by allowing him or her to feel the silence which conveys the message that she/he is being listened to carefully.

Apart from the possibility of personal bias by the interviewer, which can easily impact on the data elicited, in depth interviews tend to be expensive and time consuming. To circumvent this, an attempt was made to combine business trips with interviews of various subjects. This helped in mitigating the cost of the undertaking.

### **5.3.2 DATA**

One of the responsibilities of managers in the public sector is the development of relevant policies and the implementation thereof. This study focused on both the middle and senior management cadre of the public service within the departments responsible for heritage policy in South Africa. The same category of heritage managers in the public entities linked to the

National Department of Arts and Culture and its provincial counterparts also formed an important contingent of research units countenanced by the study. Such entities include the National Heritage Council (NHC), The South African Heritage Resources Agency (SAHRA) and the Provincial Heritage Resources Authorities located in the targeted provincial administration. This presupposes that in the identification of a relevant sample for the study, a combination of techniques was applied. Sampling was primarily purposive in the sense that the identification of research subjects was based on a specific criteria and also informed by the researcher's knowledge of the population concerned and purpose of the study. The amount of time and other resources available for this project inevitably imposed some limitations on the study in the sense that it was impossible to interview the entire population of the group targeted. Not all the managers in the departments responsible for heritage matters and the relevant public entities were interviewed. For this reason, the study focused on managers in the National Department of Arts and Culture and the provincial department responsible for heritage matters in the Free State. The province selected represent the mix of both rural and urbanised contexts within which heritage policy is implemented in South Africa. Purposive sampling was augmented by snowballing where research units suggested other subjects worth interviewing within the specified organisations.

The data collected consisted of audio recordings which were transcribed as well as field notes generated from unstructured interviews conducted with research subjects. While there are obvious strengths in respect of the data collected in the sense that it was provided by individuals responsible for public policy development as well as overseeing its subsequent implementation within the public sector, it was of course biased in the sense that the actual 'street level bureaucrats' consisting of lower rank heritage officials and practitioners at the coal face of public policy implementation were not being interviewed. By the same token, individuals who are involved with heritage matters who cannot be described as public managers since they belong to various interest groups and NGOs dealing with heritage matters were also not interviewed and this too may have resulted in some bias because the data collected represent the official perspective on the subject of study.

### **5.3.3 THE ANALYSIS AND INTERPRETATION OF DATA COLLECTED**

In order to turn data to evidence and information, this study used the Processes, Factors and Institutions Model (PFI Model) for analysing case studies (Mnculwane and Wissink, 2014:100-102). The said model is a new tool suggested for case study analysis and has never been used before. In keeping with common parlance applicable where an unfamiliar tool is used for research purposes, there is a need to briefly explain how it is going to be used to analyse data generated by the study; and that is the focus of the subsequent section of this chapter.

### **5.3.4 ANALYSING PROCESSES AFFECTING POLICY IMPLEMENTATION: AN INFLUENCE FROM PROCESS THEORY**

According to the philosopher Seibt (2003:vii) processes constitute human experience and characterise such phenomena as nature, social reality and cognition. Despite the fact that

processes are central to human experience, they are not usually reflected on theoretical descriptions of domains dealing with phenomena germane to the aforesaid fields. But process thinking or process theory provides a dynamic procedure geared perspective on reality as opposed to a static depiction of human experience. In process thinking events and occurrences are construed and described as consequences of specific input states which give rise to certain outcomes or output states following a certain process. Both the processes and the resultant outcomes can be duplicated and for this reason there are specific necessary conditions which must be present for such outcomes to be attained.

- **The nature of policy formulation processes**

Policy process research is a study dealing with complex interactions which involve public policy (Schlager & Weible, 2013:389). Operating from the premise of a process oriented ontology the PFI Model identifies and highlights specific policy processes affecting the success of implementation. Taking particular cognisance of the paradigms yielded by scholarship over time, the model as a tool of analysis will be used to determine the extent to which the top-down mechanistic approach, or the bottom up slant, or the combination of paradigms were employed in the development of the policy. Using the PFI model as a tool of analysis in this particular manner is primarily informed by the understanding that the type of paradigm adopted by the policy maker at the policy formulation stages of the process, inevitably determines the extent to which that particular initiative will be implemented. A classical mechanistic approach to the development of public policy, for example, will give rise to an understanding of implementation as an automatic function inevitably flowing from the dictates of policy actors located high up the echelons of power in a given administration. Equally, there may be specific approaches to policy implementation arising from either an exclusive bottom up approach to policy making or from a combination of paradigms. Guided by the overarching frame of reference (that is theory) chosen by the relevant research design, the PFI tool will be used to analyse the first order constructs depicting the processes engaged in during the policy formulation phase of the process. That is, what sorts of words are used in the research subjects' structure of meaning to refer to such processes? What theories of policy formulation are depicted or implied in the structure of meaning of the research subjects interviewed and what policy formulation processes do they depict? What are the types of policy instruments countenanced by the processes involved in the formulation of heritage policies?

- **Management and administration of policy plans, programmes and projects**

The second category of phenomena analysed using the model are processes engaged in while managing policy plans, programmes and projects. Of great importance in the analysis of such policy processes is the application of relevant management functions in the implementation of the initiative. Using the model the researcher will seek to analyse how specific interventions intended to implement the initiative are planned. Planning as a function of management has more to do with how implementation strategies are designed. Every strategy entails the setting of clear and achievable goals to be attained, designing the relevant steps to be embarked upon in order to achieve set goals, as well as the allocation of relevant resources for the implementation of the strategy. The second critical aspect of the management processes



analysed entailed how leadership and motivation are provided to enable effective implementation of the initiative. The type of leadership provided in this regard will be to a large extent informed by the nature of policy formation processes engaged in during the development of the initiative. Thirdly, the management aspect as a critical component of the model will seek to speak to the processes involved while organizing for the implementation of the policy through programmes and projects. Three aspects of the organizational dimension of management will be the focus in this type of analysis. In the first instance, there is a sense in which organizing has to do with public institutions established by legislation to execute the programmes of government. This is the political dimension of organising. This aspect of the analysis therefore sought to scrutinise and describe the organisational arrangements instituted by government to implement its heritage policies in particular. The model was also used to focus analysis on the technical aspects of the organizing processes of management. Of interest in this regard is the way in which managers bring about efficient organisational structures for the implementation of policy. But organising is also a human relations functions and for this reason the analysis also focused on how policy actors are organised to cooperate in order to achieve common objectives, what lines of conduct and group relations are created to facilitate effective implementation of policy programmes and projects. The analysis of management processes focused on measures of control. This among other things entailed analysing the actual monitoring of activities in order to ascertain the extent to which planned activities are progressing as planned. The control function is actually a process on its own and involves such activities as communication and interaction, measuring and personal observation. Lastly analysing management processes engaged in the execution of policy interventions will also involve how certain aspects of the policy are implemented as projects with a limited life span. This is critical since management by means of project requires its own set of peculiar and specialised skills in order to be successful.

- **Monitoring and evaluation of policy progress**

For effective implementation of policy initiatives effective monitoring and evaluation processes of policy progress must be in place and this forms another critical dimension of analysis. Effective monitoring is made possible by good strategizing during the planning stages of the process. Analysis in this regard focuses attention on how progress is being monitored and policy impacts evaluated. There is a general tendency in government to focus exclusively on the practice of monitoring outputs in relation to inputs provided; that is simply monitoring for compliance. In the analysis of data for the purposes of this study, a conscious attempt has been made to seek to identify processes engaged in by the bureaucracy to implement various paradigms of evaluation such as clarificatory evaluation<sup>28</sup> and process evaluation<sup>29</sup>. The unstructured in-depth interviews conducted solicited specific data relating to the types of

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<sup>28</sup> Clarificatory Evaluation is a term coined by the University of Stellenbosch school of evaluation to refer to a type or phase in the evaluation process where the focus is on clarifying and making explicit the often implicit logic or structure of programmes. Part of the distinguishing features of this type of evaluation is its reliance on the use of logic frames to assist in the conceptualising of relevant programme theories.

<sup>29</sup> Process evaluation refers to a type or phase in evaluation where the focus is on the processes engaged in during the implementation of the programme or policy. Impact evaluation has more to do with the evaluation of impacts the implementation of policy has on its environment.

evaluation processes engaged in by the relevant units of government in order to ascertain the amount and type of progress made in the implementation of relevant policies.

- **Policy shifts and adjustments**

Another critical set of processes which the model identifies for analysis pertains to the reality of policy shifts and adjustments. During the implementation of public policies, there are changes and shifts which occur as a result of different implementation loci and other contextual realities. The analysis of data also sought to identify and richly describe such dynamic shifts and relevant adjustments made in the process.

- **Impact of policy outcomes**

The last set of data analysed were the specific processes relating to policy outcomes. This aspect of policy implementation process analysis assessed the impact of policies by determining important changes which might have taken place as a result of the implementation of the initiative. Research data which tends to yield some insight to the changes in target areas, beneficiary groups and targeted sectors came under scrutiny. Part of this data might be giving an indication not only of the changes which might have occurred in the status quo as a result of the initiative, but it may also give a clue about the gap between the intended outcomes and real impacts as perceived by the actors in the field. Furthermore, when policies are implemented they bring about both intended and unintended consequences. The study has taken cognisance of the existence of data bearing credence to both types of phenomena.

### **5.3.5 THE ANALYSIS OF FACTORS AFFECTING IMPLEMENTATION: AN INFLUENCE FROM ATTRIBUTION THEORY (SITUATIONISM)**

Taking its cue from social psychology's theory of situational factors (attribution theory) often referred to as Situationism, the model focuses the attention of the researcher on the analysis of data yielding some information on the external situational factors influencing the implementation of a given policy alternative. A policy intervention is in essence a theory of social change intended to impact on the behaviour of targeted actors in the policy implementation arena so that such behaviour is congruent with the set goals of the intervention. To that extent policy implementation has a lot to do with individual or group behaviour. Research in the area of Social Psychology has established that there is a sense in which human behaviour is not necessarily attributable to internal dispositional causes. On the contrary there are external situational factors which impact on how individuals or even groups of individuals behave, think and interact with others thus bringing about specific behaviour patterns and actions from such actors.

- **Influence of macro environmental factors**

According to the systems approach to management, managing is a complex phenomenon consisting of complex interrelated variables which collaborate in the attainment of set objectives. Inevitably, the environment within which the task of managing organizations and processes being managed form an integral part of such factors. By the same token, management

processes characteristic of the policy formulation and implementation phases of the policy process are inevitably impacted upon and shaped by a variety of macro environmental influences which include such phenomena as political, social, economic, cultural, legal factors and others. The use of the adopted tool of data analysis focuses the attention of the researcher on the specific data yielding such information about the macro environmental factors influencing the implementation of policy. The researcher has been looking for any clues in the data yielded which give an indication of specific political, social, economic, legal, cultural factors which are construed by actors in the field as influencing their implementation endeavours one way or the other.

- **Impact of the developmental stage of the nation**

Another critical set of factors affecting policy implementation are those features characteristic of the stage of development of a given nation, relevant communities or groups targeted by the intervention. Development is a complex multi-layered phenomenon and carries connotations of the desire and need to catch up with countries that are already advanced and industrialised. Finding appropriate remedies for dealing with weaknesses and maladies of progress where development complements progress economic growth and capacitation forms part of the process

Therefore, there is a sense in which the implementation of policy is negatively impacted upon by low levels of development within the target population; which renders targets unable to maximise the benefit intended by the intervention because they lack the necessary expertise and infrastructure required for effective implementation. For example, in order to manage policy plans, programmes and projects, specific managerial skills are required; and in situations where actors in the implementation arena lack such skills, effective policy implementation will not be realised. To this extent therefore, the adopted model of analysis focused the attention of the researcher on the type of data which indicates levels of development within the recipient groupings targeted by the policy.

- **The influence of policy resources**

Policy processes involving monitoring and evaluation of policy implementation progress are by their nature complex and demanding. The PFI model highlights the fact that for any measure of success in this front, actors in the implementation conduit would require specific policy resources such as capacity and economic resources as well as skills in public policy analysis. Most countries, particularly developing countries like South Africa have limited resources in this regard; and these factors will impact negatively on the implementation of policy. The researcher has identified data indicative of these phenomena and subjected it to relevant analysis and description.

- **Policy instruments**

The instrumental approach is used in the social sciences to discuss the manner in which individuals and organisations deliberately influence the processes of society (de Bruijn and Hufen, 1998:11). In public administration in particular, the instrumental approach is primarily

concerned with the translation of policy pronouncements or intentions into viable administrative action. To this extent, policy instruments are the means to an end. That is, they are the means through which an objective (policy goal) is achieved. On the one hand, an instrument is an object (e.g. laws and administrative directives); whereas on the other hand, some policy instruments have the character of activities which are intended to influence specific societal processes.

Different approaches exist in the critical study of policy instruments. The classical approach maintains that it is the instruments which structure the course of the entire policy process; more particularly the implementation of the intervention. The instrument-context approach modifies this stance and proposes that both the characteristics of the instrument used and the contextual variables where instruments are applied impact on the policy implementation process. The contextual approach introduces a further modification in the assumed importance of tools by underscoring the fact that the policy instrument used in the implementation of the intervention is one among a multiplicity of variables determining the course of the policy process (De Bruijin and Hufen, 1998:15-16).

Using the PFI Model as a tool of analysis the focus has been on the type of data yielding information on the specific types of governance tools used to implement heritage policy. Attention was paid particularly to the data providing evidence on the deployment and use of organizational, information-based, financial and authority based policy instruments as mechanism employed to give effect to policy. Policy shifts and adjustments can also occasion the choice of new policy tools to avoid errors of the third kind when policies are implemented in different loci. For this reason, policy instruments chosen as a result of such changes and modifications were identified and subjected to analysis and rich narrative based description. The analysis further interrogated the manner in which the said types of policy instruments are nuanced to take substantive and procedural forms in their usage.

- **Commitment to modern management sciences**

The evolution of management science over time has virtually given rise to new management techniques and approaches which come in handy in public policy management. Data indicating the commitment of actors in the implementation arena to such things as strategic management, project management, monitoring and evaluation paradigms and techniques will be identified and analysed in order to give an indication to the management practices employed by relevant implementing actors in the execution of policy.

### **5.3.6 ANALYSING THE INSTITUTIONS AND ROLE PLAYERS CHARGED WITH POLICY IMPLEMENTATION: AN INFLUENCE FROM INSTITUTIONAL AND MANAGEMENT THEORIES**

Institutionalism as a theory approaches the study of politics from the perspective of the influence that institutions have in shaping policy and governance; while on the other hand as a social theory, institutionalism will develop a sociological view of institutions and seek to study how such structures interact with one another as well as how they affect society in general. Evidently, in the study of policy implementation, institutions and various individuals whose

thinking may have been shaped by their membership or relationships with various organisations and structures of society, engage in the various stages of the policy process. The implementation phase is by no means an exception to this rule.

On the one hand, the PFI model takes its cue from this theoretical approach. On the other hand, there is also a sense in which this aspect of the model takes its inspiration from the advances which have been made in management theory. Network management theory in particular emphasizes the fact that a concerted effort is required from various actors in the policy game in order for policy implementation to be a success. A proper management of actors in the policy implementation arena is therefore considered to be important for effective policy implementation and the attainment of set policy goals. Cooperation and collaboration among various policy actors in the policy implementation arena does not happen automatically. On the contrary, it requires the application of specific network management strategies by the network manager concerned.

The model of analysis lastly focuses the attention of the researcher on the data indicating the institutions and the constellation of other role players charged with the responsibility of implementing policy; as well as how these institutions and individuals collaborate in the implementation of the policy alternative. Such data is subjected under rigorous analysis in order to yield the required information.

- **Representative political and democratic structures**

The model focuses the attention of the researcher on the type of data yielding information about the representative democratic institutions of government responsible for the development of heritage policy. For this reason, data dealing with the role played by the law making bodies in the national and provincial local spheres of government were considered of utmost importance for this study. Although the current inquiry does not have a special focus on local political structures, it nonetheless took cognisance of the data indicating the role played by institutions of that level in the policy process.

- **Policy making institutions and mechanisms**

Apart from representative political structures, a number of other institutions take part in the crafting of public policy and how the entire policy process is managed. In a policy environment where organisational policy instruments play a vital role, data indicating the role played by such structures in the policy process were highlighted and subjected to analysis and description.

- **Bureaucracy and implementing agencies**

There is evidently a huge role played by the bureaucracy and other implementing agencies in the monitoring and evaluation of public policy in general. Both cabinets, nationally and provincially as the executive wings of government as well as various implementing agencies play a decisive role in this phase of the policy processes. Data indicating the role played by such actors received attention from the researcher and was also subjected to scrutiny and explanation.

- **Clients, actors, street level bureaucrats**

In the constellation of actors responsible particularly for the implementation of public policy, clients, actors and street level bureaucrats in particular have a particular role to play; and thus determine the extent to which a given policy will be effectively executed. Coalitions of individuals as well as organisations affected in some way by the policy have the potential to influence the way in which a given government intervention is implemented. To this extent the identification of influential clients and coalitions from the potentially large number of possible actors related to the policy is important for effective implementation (Brynard, 2005:20). In fact, the political and social weight of various clients and coalitions in the policy arena has the tendency to determine the extent to which their cooperation may be considered necessary for the effective implementation of policy (Knoepfel *et al.* 2007:192) Therefore, the economic, social and political standing of a given actor is an indication of the importance of the role a particular stakeholder is likely to play in the process of policy implementation.

Street level bureaucrats have the potential to re-invent policy as it gets implemented, more particularly in various loci with different contextual dynamics. This reinterpretation and reinvention of policy by actors on the ground gives rise to policy shifts and adjustments which are often dictated by the strong contextual orientation characterising the different implementation loci within which the intervention is implemented. The model of analysis used for the study focused the attention of the researcher on the type of data yielding useful information about the impact of such actors, clients and street level bureaucrats in the implementation of heritage policy.

- **Networks and coalitions**

In the policy field, government has to deal with a number of public, semi-public and private actors whose activities must be steered towards the attainment of policy goals. As a matter of fact, government depends on this policy network for successful implementation of its policies. Previously, the notion of policy networks was mooted when analysts discussed policy failure in the sense that it was the resistance of interests of members of such networks which was construed to be standing on the way for effective policy implementation. However, the network perspective on governance matters turns this understanding upside down by underscoring the fact that government is fundamentally dependant on individuals, groups and organisations for the effective implementation of its policy interventions; hence the necessity of developing appropriate skills and strategies for managing such constellations of policy implementation actors.

The model of analysis used then enables the researcher to focus attention on the data indicating the existence of such networks in the heritage policy implementation arena; and how are such actors induced to cooperation. Data indicative of specific blockages to collective action and the extent to which actors are aware of policy goals is also important at this stage of analysis. Of critical importance as well in this scheme of things is the data which provides evidence regarding the commitment of actors to implementation, the absence of important actors in the relevant implementation arena, the existence of actors whose presence prevents the

participation of other critical actors, as well as data indicating the level of discretionary power exercised by members of the coalition. Research data indicating the nature of skills and strategies used to manage networks and coalitions was also the focus of analysis in this study.

#### **5.4 CONTENT ANALYSIS AND CODING OF DATA**

The data generated by the interviews was transcribed in the original language in which it was provided by the research subject. In a multi-cultural society like that of South Africa, the preservation of the language of the interviewee is critical because it enables the analysts to understand the perspective of the subject within the informant's culture. The level of analysis embarked upon in this study focused on words, key phrases and strings of words used by research subjects when describing their reality. Guided by the frame of reference provided by the theory and the different aspects of the model of analysis used, the researcher formulated specific codes under which data was codified and analysed. Codes which seem to belong together during the process of analysis was grouped under relevant families and properly analysed as such. However, there may be categories of data which do not necessarily fit under the codes established, yet have the potential to enable the researcher to discover new and surprising aspects of implementation. Space was created for noting such phenomena with the intention that it could easily be suggested for further research.

The qualitative paradigm adopted for this study required the researcher to code more for existence than for frequency. In order to code data efficiently, the researcher diligently read and reread the texts generated by the interviews<sup>30</sup>. This was done in order to enable the researcher to make sense of all the relevant patterns and themes which were emerging from the data collected.

#### **5.5 THE SUITABILITY OF THE PFI MODEL AS A TOOL OF ANALYSIS FOR THE QUALITATIVE RESEARCH PARADIGM**

The current study is not intended to prove or disprove a particular hypothesis. On the contrary it seeks to gain the 'emic' perspective on the subject of inquiry and thus add to existing theory or create a new theory altogether which should inform the implementation of heritage policy in South Africa. The rationale for using this model is premised on the following advantages and strengths:-

- The model is better suited to the qualitative paradigm and will enable the researcher to gain the emic perspective on the reality of policy implementation which is the goal of the study
- Public policy implementation is a complex undertaking and the attempts to understand such complexity have brought about a variety of fairly complex theoretical approaches. To this extent therefore, the model presents a simplified attempt at understanding implementation which seeks to combine the important aspects of the theoretical developments made thus far.

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<sup>30</sup> The researcher personally transcribed the data collected and this exercise was intended to further enhance familiarity with the material as it is also another way of reading the same.

- The model does not subscribe to the notion that implementation is a simple administrative process where implementers only execute what the policy maker has enacted and to that extent is in keeping with contemporary thinking on the complexity of implementation.
- There is a strong contextual orientation in the model which makes the interrogation of case studies and the comparison thereof manageable.

## **5.6 INHERENT LIMITATIONS OF THE METHOD**

The first limitation evinced by the design adopted relates to the characteristic nature of case studies as methods of collecting research data for analysis. Case studies are often confined to a limited sample and this might cause problems with the general application of the findings made by the study. To circumvent this shortcoming, an attempt was made in the study to select a representative sample of research subjects for interviewing. Research subjects were identified in various organisations operating in diverse socio-cultural backgrounds and organisational settings.

The second limitation of the chosen design lies in its use of unstructured interviews for soliciting data to be analysed for the study. Empirical Phenomenology seeks to gain an insider's perspective on reality and this presupposes that the interviewer must be directly involved in the situation with the respondent. This situation can result in the researcher exercising a fair amount of control on the respondent; thus raising issues with bias on the part of the interviewer. Unstructured interviews can be time consuming and labour intensive. This inevitably raises questions with the cost that will be incurred during the process of undertaking the study.

## **5.7 ETHICAL CONSIDERATIONS**

The ethical principles espoused by the university in so far as conducting research is concerned were strictly adhered to during the course of the study. First, access to the respective interview subjects was secured fairly. That is interviewees' consent was sought before interviews were conducted with relevant research units. The said consent was solicited among others, by truthfully informing the research subjects about the purpose of the study. While consent was sought, effort was expended to assure subjects that their identity will remain anonymous, thus ensuring their right to privacy. The researcher avoided manipulating research subjects during the process of interviewing, and all research units were treated with the dignity they deserve as human beings. Second, information acquired during the process of research has been used only for purposes of this study as agreed upon; while the results of the study has been shared with actors in the field as well as with the scientific community as per the dictates of the methodology adopted for the study. Third, reasonable steps have been taken during the process that potential physical and emotional harm is prevented while conducting research.

## **5.8 CONCLUSIONS**

In an attempt to explain how the findings of the study were arrived at, the present inquiry adopted a qualitative phenomenological approach research paradigm and takes the form of a case study. When describing the strategy that the study has adopted, space has been accorded



to the exposition of the design and its suitability for probing answers to the identified research question. The inherent limitations of the methodology were highlighted and ways to circumvent the characteristic shortcomings of the blueprint cited. The subsequent chapter is a presentation and analysis of the data collected during field work.

## CHAPTER 6

### DATA PRESENTATION AND ANALYSIS

#### 6.1 INTRODUCTION

The primary aim of this chapter is to present and analyse the data generated by case studies during field work which seeks to answer the primary objective of this inquiry; namely ascertaining the type of incentives used by managers in implementing heritage policy in post 1994 South Africa. Data presented and analysed was generated from ten case studies represented by ten managers from different levels of public management in the South African public service. In depth unstructured interviews were held with the ten respondents whose responses were digitally recorded and later transcribed for analysis. The PFI model generated by Mnculwane and Wissink (102-103), was used to analyse case studies. The chapter begins with shortened profiles of managers interviewed. This section of the chapter is intended to provide a general overview of the type of managers data was derived from, and the indication of the scope of their daily activities. Subsequently findings derived from the analysis of data are presented under specific themes. The penultimate section of the chapter is a discussion and interpretation of the findings under three specific sub-themes of the aforesaid composite research objective. Lastly, conclusions based on the foregoing are made.

#### 6.2 ABRIDGED PROFILES OF MANAGERS INTERVIEWED

The heritage managers interviewed are in charge of a number of programmed policy implementation interventions in the relevant government departments and their entities. From the sample identified, 20% of the managers interviewed represented Senior General Managers while another 20% consisted of General Managers. To this extent, the bulk of managers interviewed (40%), represented the Senior Management of the public service, while the middle management service consisted the remaining 20%. Of the managers interviewed, 40% of these research units were departmental bureaucrats while the majority (60%) came from the public entities linked to the National Department of Arts and Culture. From this sample, 60% of the interviewees were male while the remaining 40% consisted of women.

Respondent #1 is a middle aged female deputy director responsible for implementing projects linked to the management of living heritage in the national Department of Arts and Culture as the following extract from the interview held demonstrates. The interview took place in the departmental boardroom which provided a serene if conducive environment for this type of inquiry.

**Introduction by Researcher:-** *I'm just wondering if we cannot begin by Sis<sup>31</sup> Hlengiwe just explaining herself. Who is she? What sort of work are you doing here? What you are responsible for? Maybe let that be our starting point, if you don't mind.*

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<sup>31</sup> The term belongs to that category of sibling terms of endearment often used among Africans in South Africa when addressing a female as though she were your sister to show respect. Hlengiwe is not her real name. It is also regarded as a gesture of respect to address someone as though you were not directly speaking to him or her.

**Respondent #1:-** *(Gently) OK. (Clears her voice a bit) I am responsible for e... implementing living heritage<sup>32</sup> projects. E.... e... as well as and commemorations like for instance Freedom Day<sup>33</sup>, Heritage Day<sup>34</sup>, Women's Day. Ya. The Day of Reconciliation<sup>35</sup>.*

**Researcher:-** *So all that falls under your, your, your responsibility as it were?*

**Respondent #1:-** *Yes.*

Respondent #2 is a specialist working in the area of liberation heritage and associated with the National Heritage Council (NHC), a creature of statute linked to the National Department of Arts and Culture. He has been involved in this type of work since the advent of democracy in South Africa and to that extent involved in numerous projects aimed at preserving that specific aspect of the national estate. He was interviewed in the boardroom of the entity in Pretoria.

**Researcher:-** *Ya. Now that's about it. That's about it. And maybe firstly, can you just begin by telling me what sort of work you are doing because we are going to describe whatever we are discussing within that context.*

**Respondent #2:-** *O K. I now..... in my current assignment, I look for places that prove that freedom was not free. And I work with many very talented and knowledgeable and powerful people to create or package that as a network of places that bear testimony to South Africa's struggle. We call them the liberation route or matrix or whatever. And we work towards a selection of them, for maximum domestic protection in terms of the National Heritage Resources Act, and recognition in public as places of importance, not only to those who played a role but to all South Africans. And then we also work towards a selection of them for world heritage listing; and in that context we then interact with people in South Africa and in other African countries because South Africa's freedom was obviously, the closing of a chapter in human history of the colonial period; and probably what Dubois had talked about the problem of race to characterise the twentieth century. So anyway it concludes the colonisation process that was happening throughout Africa. We locate it in that context. Previous to that, we had the opportunity to help create institutions like Robben Island, like Mandela Museum. So you will be able to safely say that, for just about two decades my work has been about identifying, preserving using heritage of the liberation struggle, in the mainstream or mainstreaming it basically in public policy, in practical implementation and other kinds of ways, to varying*

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<sup>32</sup> In the context of post 1994 heritage management in South Africa, living heritage is understood as comprising the intangible aspects of inherited culture and includes such phenomena as cultural tradition, oral history; performance, ritual; popular memory; skills and techniques; indigenous knowledge systems; a holistic approach to nature, society and social relationships.

<sup>33</sup> Freedom Day is a post 1994 public holiday in South Africa commemorating the advent of democracy as a result of the elections held on April 27, 1994, a watershed moment which ushered in the new dispensation.

<sup>34</sup> Heritage Day is celebrated on the 24<sup>th</sup> of September of each year in South Africa and seeks to create an occasion for celebrating the various cultures characterising the country's landscape. During apartheid South Africa, in particular the practice and promotion of heritages of various social groups was not balanced and hierarchically arranged, with heritage belonging to previously marginalised groupings relegated to the periphery and often discouraged.

<sup>35</sup> Reconciliation Day is celebrated on the 16<sup>th</sup> of December of each year. It has its ultimate origins in the old South Africa when the Afrikaners celebrated their victory over the Zulu Army at the Battle of Blood River (Ncome) in 1838. In the new dispensation the day is used to entrench reconciliation among various race groupings in South Africa.

*degrees. Ya. So either at executive or at technical level. So that's how I come in. So obviously, from time to time CEOs and other people in the roles that I was holding before get required to make input to the national policy. And now I work purely as a technical specialist in this field. Previous to that executive roles are cross cutting. Ya. That is the context.*

Respondent #3 is a middle aged male Senior General Manager who has been working with the various policy initiatives and interventions since the inception of the National Department of Arts and Culture twenty years ago. He has wide knowledge in all the critical aspects of heritage management both within the country and in the global arena. He has over the last twenty years personally experienced and directly contributed in various ways in the evolution of heritage policy in the relevant department. He was interviewed in his office in Pretoria, which provided a quiet environment without any disturbances and appeared prepared for the interview.

Respondent #4 is a middle aged married female working as Divisional Manager of the South African Heritage Resources Authority (SAHRA), a statutory body the primary objective of which is to coordinate the identification and management of heritage resources comprising the national estate in South Africa. Prior to her current assignment she served as a Provincial Manager of SAHRA for the Mpumalanga Province. She was interviewed in the boardroom of Ditsong National Museum of Natural History in Pretoria where her offices are located.

Respondent #5 is a middle aged Senior Manager in the National Department of Arts and Culture who has been Head of Policy in the Heritage Branch of the said department for a number of years. He was interviewed in the departmental boardroom in Pretoria; in an environment conducive to the task. He has, over the years coordinated and directly contributed in the development of various policies within the department.

Respondent #6 is a General Manager responsible for heritage matters in the National Heritage Council. He has a law background and is the second most senior public manager in the entity, very knowledgeable about heritage management and has been involved in a number of country wide heritage initiatives and interventions. He was interviewed in the entity's boardroom in Pretoria which provided a conducive environment for this type of inquiry.

Respondent #7 is another middle aged female at the time working as Deputy Chief Executive Officer of Freedom Park, an entity which is a cultural precinct aimed at celebrating South Africa's heritage linked to the National Department of Arts and Culture located in Pretoria. She has been involved in numerous community engagement initiatives linked to the park. She was interviewed at her office at Salvokop in Pretoria where the park is located.

Respondent #8 is a heritage policy analyst with a PhD in the field and currently specialises in the area of heritage crime. She currently works for the National Heritage Council and was interviewed in her office which provided us with a quiet, if conducive environment for the inquiry. Like other respondents, she was prepared for the interview. She is also doing some work to assist non-governmental organisations working in the area of heritage in the country.

Respondent #9 is a Senior Manager responsible for heritage matters in the South African Heritage Resources Agency and is located in Cape Town where the interview was held in his

office. He has vast experience in the industry and the entity which he has served for many years.

Respondent #10 is a relatively young energetic and innovative senior manager in the Provincial Department of Sports, Arts, Culture and Recreation in the Free State Provincial Government. He is responsible for heritage, museums, and language services in the province as his introduction of himself during the interview explains.

***Introduction by Researcher:-** .... So, one is therefore seeking to find out from managers, if there are other ways other than the command and control paradigm as it were that they use to solicit participation. I therefore thought it might be helpful to try ask managers to help me in the project; hence my request earlier on..... I haven't prepared any questions, because I just wanted to have a very relaxed kind of interaction. I may have to make follow up questions if need be. But maybe, if you will, I can just request you to start by introducing yourself, I'm so and so and I'm involved in this and that; then continue as you feel led.*

***Respondent #10:-** I see. Well, my, my name is Nhlanhla Kheswa<sup>36</sup>. I'm working for the, the Free State Department of Sports, Arts, Culture and Recreation. And my position is the Director responsible for heritage, museums and language services in the province.*

Prior to his current assignment, he has had extensive experience working for SAHRA in the province.

### **6.3 WHAT TYPE OF INCENTIVES DO MANAGERS USE WHEN IMPLEMENTING HERITAGE POLICY IN THE POST 1994 SOUTH AFRICA?**

The primary objective of this inquiry was to ascertain the extent to which heritage managers in the South African public sector use incentives in order to solicit adequate community participation in the implementation of heritage policy.

#### **6.3.1 DEPLOYMENT OF INCENTIVES IN THE DEVELOPMENT OF POLICY**

Public managers do not only manage projects aimed at implementing policy; but they are also policy analysts; thus architects of policy development. For this reason, one of the primary duties of management in the public sector is to engage in the development of relevant policies; and by implication the choice of relevant instruments to express adopted policy positions and assist in the ultimate implementation thereof. Incentives are policy instruments and as such are normally decided upon at the policy development phase of the process. Data indicates that the link between incentives as policy instruments that need to be decided upon during the policy formulation stage on the process on the one hand, and the implementation of the initiative on the other, is a phenomenon not readily appreciated and understood by heritage managers in the South African public sector. This has the tendency to create a situation where some managers do not necessarily see the relevance of any inducements to solicit effective participation from actors in the execution of heritage policy because implementation is taken as a given.

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<sup>36</sup> Not his real name

*Eh... maybe kufanele ukuthi ngiyi understende kahle i-question; ukuthi ngoba for me to be able to help, kufanele ngi understende iquestion, because you talking about i-policy. Now, where I don't understand, is where you begin to talk about incentives. Eh... because anyway i-policy that government, eh... formulates i-aim yakhona ukuba kusuke mhlambe kufanele ukuthi kube khona i-implementation ethile.*<sup>37</sup> (Respondent #3)

Evident in this response by a Senior General Manager in the administration is that as long as one speaks of policy, the said manager understands what is being talked about and referred to. But immediately policy is linked to incentives as an instrument to assist its implementation, the manager concerned fails to see the assumed link. Implicit in this observation is the assumption that the authoritative declaration of policy from above, should spur actors to action without any recourse to incentives. This mechanistic approach to the policy process is buttressed by a predominate reliance on the use of legislation as a tool that is enough to encourage targets to action. This is clearly demonstrated by the assumption that the policy environment provided by the White Paper on Arts, Culture and Heritage, 1996 and its transformative agenda are enough incentives to induce participation from targeted actors, and for aligning their behaviour with relevant policy goals. The need for transformation in the socio-political landscape is understood by this manager as providing fertile ground for implementing heritage policy which seeks to bring about change in the status quo bequeathed by centuries of marginalisation and oppression.

*Eh... for instance I mean within the Department of Arts and Culture, we are working within a policy environment eh... ey-White Paper for instance; which was eh... promulgated in 1996; which made specific policy recommendations; eh.m... I am sure you would understand that you know in 1996 we were still a transition from pre-1994, and the overriding theme was transformation, the overriding theme was the redress of past imbalances. And of course how do we begin to ensure that we reclaim i-culture yethu which had been kind of downtrodden or marginalised for a very long time. And of course new constitutional imperatives like the freedom of artistic expression and all those kinds of things. So am just saying that, at the broad level, you know, there was that White Paper. Now I want to understand you ukuthi, if you talk about incentives,.. so that I will then maybe begin to address myself to that.*<sup>38</sup> (Respondent #3)

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<sup>37</sup> *Eh... maybe I need to understand the question clearly because for me to be able to help, I need to understand the question. You are talking about policy. Now where I don't understand is where you begin to talk about incentives. Eh... because anyway policy that government, eh... formulates, its aim is that it must be implemented somehow*

<sup>38</sup> *Eh... for instance I mean within the Department of Arts and Culture, we are working within a policy environment eh... provided by the White Paper for instance; which was eh... promulgated in 1996; which made specific policy recommendations; eh.m... I am sure you would understand that you know in 1996 we were still a transition from pre-1994, and the overriding theme was transformation, the overriding theme was the redress of past imbalances. And of course how do we begin to ensure that we reclaim our culture which had been kind of downtrodden or marginalised for a very long time. And of course new constitutional imperatives like the freedom of artistic expression and all those kinds of things. So am just*

In a sense, the policy environment of the new dispensation is regarded as providing the citizenry with an opportunity to reclaim what they know once belonged to them; thus nullifying any relevance for inducements to encourage participation. The words like new constitutional imperatives highlight the understanding that authoritative pronouncements are to a large extent providing not only the mandate for managers, but also enough reason for targeted actors to participate without being induced.

The reasons provided by respondents for the inability to comprehend and appreciate the relationship between incentives and policy were manifold. As demonstrated above, some managers do not see the link because they assume that implementation follows automatically from promulgation. Others give the impression that their failure to see the connection is caused by the tricky, if complex nature of the relationship between incentives and policy. The association is not only considered problematic, but it renders the deployment of incentives an afterthought, thus rendering the capacitation of actors targeted by the policy negligible.

*No, I initially wanted to establish, exactly what you mean by incentives. Perhaps that example that you gave from the SAHRA Act it's a good example. Ehm... it's a tricky one; but I can say with confidence from where I am sitting that at this point in time incentives have been an afterthought of policy making. Eh.. You make policy because you want to create a framework in which certain things ought to be done. Eh..m... empowering the people that are affected by those policies has often not been a consideration. (Respondent #5)*

The phrase “... from where I am sitting at this point in time...” must be understood within context in the sense that the manager in question is responsible for managing heritage policy development processes in the relevant department. This would suggest that he could not cite an instance in his daily engagement with matters of policy in the department where the deployment of incentives was considered a priority to assist implementation.

There are other instances where the polysemy nature of incentives as a term is considered as one other cause for failure to link the concept to policy and by implication to its implementation.

*And you defining incentives in what way? And I mean, I'm not being pedantic. It's just that people of your world use words to mean different things. (Respondent #2).*

Therefore, when incentives are mentioned as it were in the same equation with policy, heritage managers in the South African public sector do not immediately see any immediate connections between the two phenomena. This presages that where such managers are involved in heritage policy development initiatives, they are not readily disposed to contemplate and consider the deployment of any inducements in the architecture of such policies. Incentives are in essence policy instruments used not only to express policy positions but also to implement them. The scarcity of attempts made by managers to deploy incentives during policy formulation reveals

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*saying that, at the broad level, you know, there was that White Paper. Now I want to understand you if you talk about incentives,.. so that I will then maybe begin to address myself to that.*

the nature of the relationship existing between policy makers and the governed and depict the kind of social control implicit in this phase of the policy process.

### **6.3.2 INCENTIVES USED BY MANAGERS WHEN INTRODUCING PROJECTS TO COMMUNITIES**

Evidence generated by the study indicates that when managers begin to programme policy initiatives for implementation, they immediately realise the need for recourse to some form of inducement to elicit the required response from actors. The complexities germane to public policy implementation force managers to contemplate and deploy specific types of incentives to gain entry to targeted communities. Apart from the establishment of Steering Committees to assist in soliciting buy-in and participation from local communities, managers depict a strong reliance on the usage of the language of beneficitation as an incentive *par excellence* to elicit the coveted acceptance from targeted communities. Managers are of the view that people need to see the value of what is being introduced to their community in order to be prompted to participate. This becomes important where government erects the relevant heritage infrastructure with the intention of monumentalising the contribution made by prominent leaders of communities particularly in the struggle for liberation and also to preserve living heritage attached to critical sites. Incentives used at this phase of the policy process are commensurate with the fact that South Africa is still a developing country and faces a myriad of socio-economic challenges.

*But of course what is an incentive for people to participate? And I just think that one thing that eh.... one language or the vocabulary that should dominate your, the discourse, in terms of the discussion with the community, they must first and foremost, see the value of what you bringing there. More particularly from the developmental point of view. (Respondent #3)*

The respondent in question highlights the benefits that accrue to the project as *the language* and the *vocabulary that should dominate discourse* in this phase of the policy process. It is regarded as “... *the one thing...*” which means that it is elevated above everything else that can be used to encourage targeted actors to participate. Surprisingly, it seems that once heritage managers are faced with the intricacies of actual programming of policy options for implementation, they are faced with exigencies which require a change of paradigm. The same manager who did not immediately link incentives to policy earlier on because implementation was regarded as automatic after promulgation, suddenly realises the relevance of inducing participation. To this extent benefits clearly targeted to beneficiaries in a developing country or context, such as job creation where both skilled and unskilled labour will be required as the project unfolds, are regarded as an important inducements to solicit community participation.

*So first and foremost, people must then say to themselves, “What is this initiative bringing to us as people here? And, and once they are very clear in their minds that o k the setting up of a museum in this particular locality, has got various positive ramifications, in the form of, you know, it could be job creation. Some people would say, “Oh of course this is gonna bring about job opportunities. Those job opportunities*



*some of them could be temporary, in the form of the construction of the... .... Some of them are gonna be long term job opportunities because once your institution has been set up, it needs to be operational. So you would have to have a curator, you know, people who are gonna maintain, cleaning. You would have to have a wide range of job opportunities that are more permanent than temporary. (Respondent #3)*

The same category of development oriented incentives is also evident where managers seek to encourage communities to preserve certain types of living heritage. The desire to create factories in the rural areas where indigenous foods will be cultivated and processed, and where the material used to create indigenous clothes will be produced is understood by heritage managers in the South African public sector as having a potential for job creation. Such a potential is implicitly leveraged by managers to encourage rural actors to participate in the projects aimed at encouraging the consumption of indigenous food staffs.

*And it will also create jobs because e...most people come to Gauteng or town to look for work. So if there are factories where this... and land where they are planted, processed in a factory, it will create jobs for .. for the rural people. And also for clothes because they, for instance, the traditional clothes are not manufactured. If you are a Mopedi the clothes are note manu... the material is not manufactured there. Somebody owns that factory. So they will like to have the ability to manufacture the material for their own indigenous foods. They need funds, they need products, they need a factory and they are eager to produce what they... they know. Ya. (Respondent #1)*

For this reason, right from the onset, heritage managers will ensure that prior to the actual roll out of the project, local communities are sensitised about the potential that a structure like a museum has for encouraging cultural tourism in the area.

*And the whole issue of tourism, eh.... The cultural tourism that the area, you know, is not gonna be the same in that there will be people coming from different parts of South Africa, different parts of the world, to come and see this. So these are the things that, you know, right from the beginning, right from the onset, they need to be well packaged for the community so that right from the start they know what is in it for them. It's not about you as a national department, coming to do something in here, eh.... From the policy position of from a bigger or wider government imperative. But the wider government imperative should dovetail with interest of the local community. (Respondent #3)*

The educational value of establishing memory institutions in particular is also highlighted as another important incentive encouraging participation of targeted actors. While the establishment of such heritage institutions is understood by managers as useful in aligning the behaviour of targeted communities and actors with relevant policy goals, the thinking among managers is that memory institutions enhance the knowledge economy of such communities. This too is regarded as an incentive encouraging meaningful participation from young and old alike in heritage policy implementation.

*But apart from that the educational value of the particular institution that you are setting up, eh... local communities are not gonna be the same, because they would be having a resource, even school children in that particular area, will then have an opportunity of knowing what a museum is. But also they will become conversant with the theme and the.. you know, of that particular museum; and the story line that informs the museum. (Respondent #3)*

Data generated from case studies gives an indication that even managers who are of the view that there is a lopsided emphasis placed on consultation than on inducing communities and actors to participation, acknowledge the fact that the language of beneficitation is more often than not used as the primary incentive to solicit action. This was a characteristic phenomenon particularly among heritage managers with either a legal background or those who approach heritage management from the prism of liberation heritage in South Africa.

*Similarly when we are talking about honouring say, unsung heroes and heroines of the liberation struggle, through infrastructure development that is biased towards affirming a legacy of a particular person. It could be the O R Tambo Garden of Remembrance in Nkantolo; it could be the Nelson Mandela Museum; it could be the Steve Biko Centre of Memory; consultation will take place widely in communities. This is the initiative that we want to come up with as government. But immediately they're saying, as communities you stand to benefit. We will create many jobs for you. We will deal with unemployment through employing locals. So that becomes a trade off with the local communities ....they will support this government initiative. We are honouring one of your own; there.....but besides that, besides .....multi-purpose centre to which you will have access. The trade-off becomes one that says you will have jobs, you will be employed; others will be permanently employed, while others will be involved in the construction of the centre itself. There are certain levels where maybe locals will be involved in the management of the structure, they get roped in and all that. (Respondent # 6)*

Managers working in the area of liberation heritage in South Africa, and whose particular brief is to look for places in the country which prove that liberation was not free; and as a matter of consequence, seek to package such nodes to a liberation route for maximum protection and world listing, also concur that leveraging benefits and managing peoples interests is a critical incentive for inducing participation among diverse actors and communities. Managers involved in the creation of the Robben Island Museum for example are a case in point in this regard. They were conscious of the fact that adequate participation from targeted actors and communities would be effected by conducting a rigorous stakeholder analysis which will reveal their respective interests so that they are managed properly in the roll out of the project to maximise participation and buy-in. These communities include holders of such special religious heritage as Maziah Communities of the Western Cape, ex-prisoners associations, business people and others of note. A specific set of incentives commensurate with such groups' interests were deployed to draw them to participation.

*... and remember at that time I don't think even BEE was defined in the way that it is. So we had to define our mechanism that how it is going to work. And I think, it ended up for example, being that the.... when a ferry company had to be partnered with, if I remember correctly, or when the memorabilia that you sell at the shop, had to be sourced, you then had to take into account business that have, that demonstrate a link with to that particular community. (Respondent #4)*

Even in instances where monuments in particular are faced with the threat of demolition and the prospect of being vandalised, which is a common feature in South African heritage resource management, the rhetoric of local beneficiation plays a prominent role in the solicitation of communities and targeted actors to participate in the implementation of projects aimed at restoring and protecting the national estate, managers take recourse to potential beneficiation as an instrument to draw the required participation from locals. A case in point is a memorial-cum-museum located at a place called Piet Retief in the Mpumalanga Province which had been vandalised and required repairs. The stakeholders implicated in the site itself included the Dutch Reformed Church, the local *amakhosi*, The Department of Land Affairs and the local municipality. After the monument in question had been restored the Provincial Manager responsible for the project resorted to beneficiation to ensure that members of the community protect the structure. As soon as the work of repairing had been completed, the manager in question had some advice to give to the local authority to ensure protection of the structure.

*And then I said this is the area, we are done with it, it's been repaired. Now everything, the ball is in your court guys. You will have to create some sort of a, heritage awareness of trying to restore areas like this in your area, as a municipality I am giving you advice. You will lock this place, you'll get the keys. People who are coming here for viewing the place, they will have to pay an x amount. But it's just a suggestion that they must take care of it themselves. Then, from that amount, or the amount from the municipality, you will give schools around the area, maybe for three months, to come and clean this area, and give them maybe five hundred rands; that they can do for their own school. And then you alternate, rotate per year. Maybe three months or two months, depending on the schools that are around here. Also the school kids will be able to come and appreciate what is happening. (Respondent #4)*

What is evident is that during the policy development phase of the process managers do not readily appreciate the connection between incentives and policies; while at the stage where projects aimed at implementing enacted policy positions are introduced among targeted communities, heritage managers in the South African public sector exhibit a characteristic bias towards the usage of developmentally oriented incentives effected by the socio-economic challenges the country faces as a developmental state. The packaging and subsequent leveraging of all these benefits understood to accrue to the project, are clearly an afterthought; and have not been contemplated and designed during the policy formulation stage of the process. On the contrary, they form part of the strategies invented by heritage managers faced with the complexities and exigencies of policy implementation in a dynamic environment characteristic of a developing country like South Africa. In a sense, these are incentives which

can only make sense and elicit the required behaviour from targeted actors faced with the challenges of underdevelopment and the concomitant ills associated with joblessness.

#### **6.4 INCENTIVES DEPLOYED BY MANAGERS BEYOND PROJECT INITIATION**

Apart from inducements aimed at soliciting buy-in from communities during the project initiation stage, data generated by the inquiry indicates that managers use a variety of other incentives to ensure continued participation in the policy process. Even at this stage of the process there is no evidence suggesting that such policy instruments were carefully contemplated and planned for during the policy formulation stage. Managers adopt them by default as a result of challenges encountered during implementation. They are prompted by exigencies of heritage policy implementation and are simply used in the programming of the relevant initiative to draw actors to meaningful participation.

##### **6.4.1 INTANGIBLE INCENTIVES USED BY MANAGERS TO ENCOURAGE PARTICIPATION**

Evidence provided by data indicates that heritage managers often leverage values intrinsic in some heritage resources to induce targeted actors to participation. In a context where values of marginalised communities were relegated in the policy process, their leveraging as incentives to draw communities to participate is often emphasised by managers.

###### **6.4.1.1 RECOGNITION AND PROMOTION USED AS INCENTIVES**

Both recognition and promotion are some of the incentives used in the global heritage management sphere to engender the required participation from communities. Given the South African context where the management of living heritage (i.e. performing arts, various social practices and rituals, indigenous knowledge belonging particularly to previously marginalised groupings in the country) was not well balanced and often discouraged, heritage managers in the post 1994 dispensation make use of recognition and promotion as incentives to leverage the support of communities and aligning their behaviour with set policy goals. The provision of relevant information about the nutritional and medicinal values of indigenous foods and its promotion are regarded as important catalyst to encourage their consumption among targeted communities and changing particular stereotypes communities may have against the cultivation and subsequent eating of such dishes.

*For instance e.... indigenous foods. We have just completed an indigenous food project. The purpose of that project was to promote the cultivation and consumption of indigenous food, because these days people consume e... a lot of western food, e... because it's readily available and it's associated with being rich. If somebody visit me and I prepare e... **bogobe**<sup>39</sup> and **morogo**<sup>40</sup>, they think I am not sophisticated or I am poor. So people have tended to eat western food which are ... don't have nutrients and*

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<sup>39</sup> This is an African cuisine (soft porridge) used among certain indigenous communities in South Africa. Sorghum, maize or millet flour is poured into boiling water and then the mixture is stirred creating a soft paste which is cooked very slowly thereafter until ready for serving.

<sup>40</sup> Morogo is a wild African spinach often harvested by traditional communities for purposes of consumption.

*are high in fat. Whereas our food have nutritional benefits and medicinal.”*  
(Respondent #1).

In order to encourage even the urbanised sophisticated black elite to consume traditional foods, living heritage managers have outsourced the creation of the recipe book for traditional foods such as *morogo* and *mopane worms*<sup>41</sup> to consultants, which will provide the necessary information regarding not only its nutritional content, but also how to go about preparing such dishes.

*And the project, the indigenous food project, they are also going to publish a... a recipe book, because some people claim to say they don't know how to cook, for instance morogo. And the indigenous food recipe book will also have nutritional analysis, for instance, it will say mopane worms have got vitamin B and C, just to promote e.. this food to our communities... (Respondent #1)*

The intention of managers in the National Department of Arts and Culture is to make indigenous food available in ordinary supermarkets like Shoprite. However, the fact that such products have not been standardised accordingly to certify their quality hampers their accessibility through such outlets. As another attempt made at providing the required technical assistance to ensure the desired quality of such products and their availability from such supermarkets, managers in the department have made arrangements with South African Bureau of Standards (SABS) to certify that *mopane worms* meet the quality standards prescribed for such products.

*...its important this food should also be sold at Shoprite. And use e... rural women e... who... there is ample land to the rural area to plant this and sell it E... the company also is talking SABS to regulate e... to standardize mopane worms because they had tried previously to sell this food in e.... for instance Shoprite, but they will be told that the soil was not examined, there are rules and regulations. So there is a need for these private companies to assist the rural e... you know, e... products so that they can continue to preserve our culture. (Respondent #1)*

There is also evidence provided by data to the effect that there is a sense in which heritage managers create space for skilled individuals to provide their services free of charge in the implementation of heritage policy in the post 1994 South Africa. The fact that these experts are not drawn from poor communities often means that they do not want to be remunerated for the services. They do not come from social groupings who were previously marginalised and do not necessarily hope to make a living out of the expert assistance and advice given. Their participation is elicited by their sense of civic duty.

*Most heritage practitioners are not interested in material benefits. To them as long as they do what they have to do. (Respondent #9)*

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<sup>41</sup>This is a caterpillar found in Southern Africa originating from the *Gonimbrasa Belina* species of the moth. Mopane worms when cooked are an African cuisine known for its high protein content among some traditional communities in South Africa.

#### 6.4.1.2 INTRINSIC VALUES LEVERAGED AS INCENTIVES TO INDUCE PARTICIPATION

There are case studies which provide data indicating that heritage managers understand and use certain values as incentives to spur targeted actors to participation and aligning their respective behaviour with heritage policy goals. There is a clear attachment of spiritual values to the preservation of one's heritage which is then carefully used by managers as an important incentive for people to preserve their heritage. While some managers concede that legislation does provide for the deployment of tangible if direct incentives in the form of treasure based financial instruments, they equally affirm that generally speaking, the use of what they regard as intangible incentives is more common in soliciting participation from communities. Operating from the premise espoused by the relevant preamble of the heritage legislation, managers point out that the heritage being preserved belongs to communities and government only acts as a custodian on their behalf. For this reason, communities are encouraged to take pride in their heritage and the preservation thereof. This will contribute to their own spiritual upliftment and nation building as primary benefits which will accrue to their participation in the protection of heritage.

*But in general we rely on peoples pride in their heritage. I think that's an inside incentive that we use is to say, we are custodian it's not my heritage ... ; but it's your heritage. Therefore take pride; and the legislation is quite clear in the preamble that we are trying to encourage communities to look after their heritage and be very proud of their heritage. So it's more of a spiritual if we speak in religious terms, spiritual, emotional, kind of incentive to say, this is your heritage, you are a community living close to it. By promoting your heritage, these are the benefits. Firstly, it's an issue of nation building, spiritual upliftment... (Respondent #9)*

The observation by this respondent that they “... *rely on peoples pride in their heritage*”, is an indication that latent intrinsic values that targeted actors have are used as an incentive to induce participation. This is regarded as an “*inside incentive*” the leveraging of which is understood to be mandated by legislation.

The interrogation of case studies also gave an indication that there are heritage managers in the South African public service who are persuaded that the primary incentive for a people, a country, a community or a society to identify and value its respective heritage is not necessarily the money it will generate. These managers are sceptical about the use of economic spin offs as the primary reason for communities to engage in preservation and protection.

*So, but our government with its focus on job creation and economic development, which is important, I am not saying it's not important, sometimes diminish the heritage to a tourism activity that can be sold; and that create a job; instead of, as something that is just part of being a person. And as you know that a lot of ICH<sup>42</sup> is actually restricted to specific people, especially sacred and ritual sacred spaces. You can't sell that, there is no way you can turn that into a product without actually destroying it. So, I suppose*

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<sup>42</sup> ICH refers to Intangible Cultural Heritage

*what sometimes I also think it's the sensitivity towards heritage for heritage's sake.*  
(Respondent #8)

The intrinsic values of heritage are in this instance again used as the primary incentive why communities should participate in the preservation of their heritage. While national imperatives germane to a developing country are regarded as important, the feeling however is that they tend to turn heritage into commodities, thus destroying it. Heritage must be preserved “*for heritage sake.*”

Managers observe that the important incentive for people to preserve their heritage is the protection of their identity which according to these managers establishes firm ground, the kind of *terra firma*, on the basis of which communities are enabled to engage with other influences and challenges.

*And we... ....a lot of us say that, heritage, the incentive for a people a country, a society, a community to identifying and value its heritage, is not the money it will make them. You can make more money selling fat cakes or whatever else; is in the protection and promotion of their identity, is on the establishment of firm ground, terra firma, out of which to engage with other things; they choose to, with a confirmed identity, and a sense of wherefrom and whereto and whereat.* (Respondent #2)

In this instance the identification and protection of one's heritage is synonymous with the preservation of one's identity, a value that people, countries, societies and communities should learn to treasure and use as a tool for any type of social engagement. To this extent communities which stand firm on their heritage are construed to have the ability to survive any technology by adapting and internalising it easier; they have a keener sense of direction and their historic mission as a people; and are able to resist leaders who change national direction as a result of being enticed by incentives elsewhere, eventually succumbing to detrimental external influences.

*But the first thing is to understand that communities that stand firm on their heritage, in the long term, can survive with any technology and can adapt and internalise it easier than communities that don't stand firm on their heritage. Secondly, that people who are firm on their heritage are.....have a keener sense of the direction they are moving to, their historic mission; and so it's less easy for leaders to unilaterally change directions in response to any incentives they have elsewhere or harms they want to avoid, because there is a populace that's got a sense of what they want; and what the historic mission is...* (Respondent # 2)

There is also a sense in which the desire to gain the required political mileage among communities is identified as one other intrinsic reason why such policy actors as Mayors and District Mayors participate in the implementation of heritage projects. Managers observe that if mayors and district mayors realise that the project in question is going to provide them with political mileage, they tend to participate readily; and heritage managers in the provinces tend to exploit that as an incentive to solicit the participation of such actors. A case in point in this regard is the Free State province.

*And also we have made it a point that the person that we have appointed here to head this PRHA<sup>43</sup>, it's a Secretariat, he was a mayor. He was a mayor, remember heritage, I still maintain that heritage and politics are inseparable; that's exactly what is happening. They are inseparable. I remember once we came to the ministry of heritage, also politicians they want to know what is in there for us. They also want to shine, to say, we have declared this you know, while I was still a mayor. Yeh.. you know. And also you know that the people political, the political leader, this grave will be declared..... will be declared, but it's a mileage to a political leader. It profiles him. (Respondent #10)*

#### **6.4.2 INCENTIVES DIRECTLY DEPLOYED TO INDUCE TARGETED ACTORS**

There is also evidence to the effect that managers often deploy certain incentives directly to actors whose behaviour they want to align with set policy goals. Data generated exhibit the following trends in this regard:-

##### **6.4.2.1 PROVISION OF TECHNICAL ASSISTANCE**

The provision of specific technical expertise to targeted actors in the heritage policy implementation conduit is another important incentive used more particularly in attempts aimed at preserving living heritage in the form of performing arts among indigenous communities. This phenomenon is clearly demonstrated in the appointment by the department of a heritage trust *Zindala Zombili*, to organise local, regional and national dance competitions aimed at preserving traditional dance skills and traditional music through performance and documentation. The initiative also provided technical expertise to such groups in areas of managing copyright and contracts.

*For now we... e.... on an annual basis we support the Zindala Zombili<sup>44</sup> Competitions. They have e... local, regional and national completions. They go to different areas and, and, and document. The winner will participate in the provincial. After provincial they participate in a national competition. So they also teach them about marketing e... copyright, contracts and ya. So they also give them those skills because they realise that most of indigenous music e.... practitioners don't have that aspect. They will just... they are just preparing for next time they sign contracts they know they have to read, they must understand you don't just sign your music. (Respondent #1)*

The provision of such technical skills is also evident where organic intellectuals are drawn to assist students in the music faculties of local universities on how to manufacture traditional music instruments and to play them; and are induced with stipends in return. On the other hand, young students reciprocate the gesture by exploring possibilities of circumventing challenges

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<sup>43</sup> PHRA refers to a Provincial Heritage Resources Authority, a creature of statute tasked with the overall identification and administration of heritage resources in the province.

<sup>44</sup> This is a Zulu proverb literally meaning they are both of the same age. It is used when two competitors are neck and neck in their respective competition against each other. It has its ultimate origins (*sitz im leben*) in the sport where two bulls lock horns in a tense fight.



posed by acoustics when traditional music instruments are played in larger spaces for bigger audiences.

*... we also did a project with the University of Venda; Fort Hare; and Zululand. The initial project was to do, to document indigenous music and oral.. and, and oral history. But the initial funding necessitated that the project expand because with indigenous music you need to also find out about the plant for a certa... let's say uhadi<sup>45</sup>i, e.... where do you get it? How do you manufacture it? And also there is clothes, they ... the types of clothes that they wear e... facial make up, and also there were also asked to try to modernise the instrument because some of them for instance you can play in a small room you can't play in a big room. So the universities were encouraged to e.... let the youth be involved in the manufacturing of... at the University of Venda they would also invite practitioners who had not gone to school to come and teach music students about a, a specific instrument, a traditional, e... indigenous instrument. And then they will give them a stipend. (Respondent #1)*

#### **6.4.2.2 DEPLOYMENT OF FINANCIAL INCENTIVES**

Data generated by the study indicates that there is an extent to which treasure based policy instruments are also used to ensure adequate participation of actors in the implementation of heritage policy in the post 1994 South Africa. When asked about how academics in the music departments of universities respond to the initiative where the department enlists their participation in the promotion and recording of indigenous music, where organic intellectuals are roped in to come and teach, one heritage manager responded as follows.

*Mh..... They are grateful for e... financial assistance. Because for instance, music department, e... like maybe they get the lowest e.. funding at a university. So this assist because of this project they were able to pay a stipend for somebody, who has never e... studied music or am instrument in a university to come and teach. So if a department didn't participate in this that would not have been done on their own.. ... ya. So the participation of the department e... really assisted. (Respondent #3)*

Such instances where direct financial incentives are deployed by government to draw the participation of these centres of higher learning, demonstrate how incentives are used by managers to enable private institutions to join forces in the implementation of government policy.

Evidence gathered during the interrogation of case studies reveal that in both line function departments responsible for heritage matters in government as well as in the relevant Quasi-Autonomous Non-Governmental Organisations (QUANGOS), established for the similar purpose, the use of financial incentives to induce communities to participate is a common feature. Community outreaches conducted by the Freedom Park in particular are a case in point in this regard. There are instances where the standard government's supply chain management systems cannot be effectively applied with traditional protocols where heritage policies are to

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<sup>45</sup> Uhadi is a bow like musical instrument used among the Xhosa people in the Eastern Cape.

be implemented among slightly rural communities where deals to secure specific goods and services are often arranged without the relevance of three quotes prescribed by the stringent supply chain management procedures of the public service.

*But the other things that you find is that when you go to communities, say for our outreach, we do mobile exhibitions and outreach, we go to communities. In terms of government, if you want, say it's an accommodation you need three quotations. If you were to do a marquee or a tent, you know you need an invoice. In communities they don't work like that. I come to you family, you've got a tent. "Can I use your tent?" Five hundred is fine. Those systems do not work. So we have tried within our policies to accommodate those procurement, without necessarily diverting from our PFMA. (Respondent #7)*

Faced with the challenge that no standard rates were available even from the Department of Public Service and Administration (DPSA), on how to remunerate organic intellectuals in instances where they get consulted for their knowledge of Indigenous Knowledge Systems on which Freedom Park is grounded, specific rates were designed by managers of the entity to induce participation of such intellectuals in the organisation's implementation endeavours. In order to formulate the special rates for such policy actors, managers consulted with senior individuals within the relevant Communities of Practice who provided the grading criteria they normally used to rate different levels of traditional healers. The intention was to professionalise and remunerate organic intellectuals accordingly and for that reason the consultation resulted in the formulation of guidelines which meant that such policy actors were paid on the basis of their seniority using the set criteria.

*... but we try to create incentives for example, we had what we called an IKS Committee, Indigenous Knowledge System, where it was strictly elders within communities because we needed their wisdom. Now for Freedom Park if I talk about our designers, you have standard rates, you know how to pay a researcher, a senior researcher or whatever, how much to pay them. You know how to pay an exhibition developer; there are set rates. You go to your Public Service you see those rates are there. But how do you pay a traditional healer or a leader. How do you pay my grandmother who is so knowledgeable? You don't have those rates. It becomes..., because we used to do these things to say how much.... because I can't, for example, we paid millions to the so called professionals, to the so called conventional intellectuals; but if you look at how much we paid our organic intellectuals, who are basically the core of what we are if we talk heritage at Freedom Park; very little; which is an abuse, because we say Freedom Park is foregrounded by Indigenous Knowledge Systems. (Respondent #7)*

The deployment of treasure based financial instruments commensurate with the experience of organic intellectuals consulted for specific purposes is therefore regarded by public managers in the South African heritage resource management fraternity as helpful in drawing in actors to share their wisdom and knowledge in the implementation of government policy. The consultation with senior practitioners of respective communities of practice regarding appropriate remuneration for service rendered is not only a measure taken to avoid abuse, but

it is also aimed at affirming specific community values in the implementation of government policy. There are instances where heritage managers in the public entities in particular collaborate with the Department of Science and Technology to expedite the certification and accreditation of communities of practice so that they can be remunerated accordingly for the services they provide when implementing heritage policy. The payment itself is also understood as an acknowledgement of values previously marginalised in the mainstream of heritage management in previous dispensations.

*The knowledge holders are not acknowledged, how do you acknowledge them? So we had to devise a means where we say, we are going to set specific rates for organic intellectuals. At one level we, for example, we were also working now with the Department of Science and Technology on the Certification and Accreditation of what we call Communities of Practice. For example with the traditional healers we had to say to their leaders, to say, how do we determine the level? You have senior junior, like in any profession. How do I pay these healers? And they gave us guidance to say how you differentiate? So they will tell us that if a healer has got so many years' experience and does one, two, three, you rate them... they have got their own terminologies. So through that we had to formulate our internal, well it was not necessarily a policy. But a guideline document to pay organic intellectuals because we wanted to professionalise and remunerate. So that if we sit with them we pay them per hour like anybody will charge us. And we had to determine the rates for example, we consulted bo Credo Mutwa, bo Mama Masuku; and Credo will be at a higher level. He's a senior healer than any other healer. So we had to differentiate but working with them to determine those rates; but also equating those to the academic, to say, if they say this healer or this traditional leader is at this because; because you will have your indunas, I don't want to use the western..... Yes, they have their own hierarchies sometimes of seniorities; and we had to say how do we then equate this to the professional, conventional professional so that, if I'm taking this Kgosi's<sup>46</sup> time; and is giving these valuable inputs, how do we remunerate? (Respondent #7)*

Direct financial incentives are not only deployed where specific traditional wisdom is solicited for preservation. There are also occasions where experts with scarce heritage skills are required for effective heritage policy implementation. The said specialists are drawn from communities who were not previously marginalised and had enough access to training in such fields as underwater heritage, and as gun specialists. A case in point in this regard are instances where the South African Heritage Resources Agency (SAHRA) seeks to secure the services of gun experts to advise on the disposal of guns collected from communities before they are destroyed by the South African Police Service (SAPS).

*In some instances we will have, for example there is this mass destruction of guns because of the laws. Now some of these guns are of heritage value and we say to*

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<sup>46</sup> Kgosi means Chief.

*government and the police, before you destroy these guns, have somebody to come and assess and those that are of cultural significance, you keep them. And what we do then with the specialists, because few people are specialists when it comes to guns; we just give them honorarium and then in some instances we have to fly them, or buy them food for their lunch; it's a sort of SNT, which is to encourage them... (Respondent #9)*

The Free State Provincial Government's Department of Sports, Arts Culture and Recreation., responsible for heritage matters in the province has come up with innovative ways to induce communities to report heritage crime concerning the destruction of heritage buildings. Incentives are provided for whistle blowers in this regard.

*But we raise awareness in schools, we raise awareness also when we have public participation; when we are about to declare a site; to say to the people, some, if you suspect that a building is older than sixty years<sup>47</sup>, and you suspect that it is being demolished without a permit, these are our contact details; contact us immediately; and we can give you something in terms of that. And we have made a budget allocation so that when you come and report that particular building, then we can give you up to five hundred rand. Those are some of the incentives that we are giving to the members of the public. And it has been working because now, before people can start even to demolish a building, when they see the bulldozers and they see, you know the whole preparation around the demolishing of a building, we know. We receive a telephone call that are you aware about this building, I suspect it's older than sixty years. Did they apply for a permit? You say no. We rush immediately to see what is happening. (Respondent #10)*

While there are some of these experts who would not require to be paid for their service, data also gives an indication that some of them may not be employed and would require some form of tangible financial inducement to enable them to participate.

*But I guess some of them are not working. So then by giving them the honorarium is to say to them, thank you for your intellectual property and you are assisting us. (Respondent #9)*

Another form of direct inducement by using financial incentives is the provision of grant in aid by government through public entities linked to the line function departments responsible for heritage matters in the country. Government has strategically placed the National Heritage Council (NHC), so that it deals with funding issues. Requests for funding are received from members of the public through applications. Advertisements are publicised in the newspapers to solicit such applications. Specific initiatives aligned to government's goals are cited for funding in the advertisements. The NHC is an example of an implementing institution which

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<sup>47</sup> Buildings older than sixty years are regarded as heritage property in South Africa and are protected by law. Section 34(1) of the National Heritage resources Act, 1999 states that, "No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority."

countenances in its scope of operations, the use of financial incentives as governance tools to induce targeted actors to action and participation.

*And there are other people who also write to request funding, there is one of the institutions, National Heritage Council. They also once a year roll out in the newspapers e... that if you need funding on one, two, three, you can, you can e... apply.* (Respondent #1).

While the South African Heritage Resources Agency does not exclusively and primarily rely on the use of financial incentives to encourage participation, managers in the entity are aware that the National Heritage Resources Act, 1999 mandates them to provide funding to community based heritage projects. Managers in the entity are adamant that it is not individuals who must be funded but bearer communities executing specific community projects.

*Eh, when it comes to heritage resources management, there, the legislation has a clause where we expected to provide financial incentives; not to individuals but to projects. Focusing on community projects. Ya, you sort of identify a site. Let's talk about Emakhosini<sup>48</sup> which might be familiar to you; and then saying communities around there want to develop Emakhosini; but they do not necessarily have the financial muscle. So legislation does allow us to provide these financial incentives toward the management of heritage resources. But in general we rely on peoples pride in their heritage. I think that's an inside incentive that we use is to say, we are custodian it's not my heritage ...* (Respondent #9)

Evidence generated by case studies gives an indication that there is an intention within government to establish a fund aimed at preventing heritage assets of national significance from either leaving the shores of South Africa, or remaining in private hands which do not necessarily have the resources to maintain them as an integral part of the national estate. Managers exhibit a certain measure of frustration and disappointment when realising that such policy proposals have not been accompanied by attempts to raise the necessary funding for such purposes.

*You know that in terms of the SAHRA Act, eh....m.. there was supposed to be a fund created by the National Ministry.; and this fund was aimed at ensuring that if there is a heritage asset of national significance that currently resides in private hands, and the private individual for a number of reasons whether they do not have resources to keep or maintain it or for profit motivations they want to dispose of that asset, that eh, the framework was that, I mean, the heritage asset has to remain within the country.* (Respondent #5)

Despite the fact that the establishment of such a fund has not been realised, there is evidence that attempts to either buy off potential buyers of heritage assets have been made albeit in a

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<sup>48</sup> *Emakhosini* is sometimes known as the Valley of the Kings because most Zulu Kings before King Shaka were buried in that area and to that extent it is regarded as sacrosanct by the Zulus.

fairly erratic, reactive and ad hoc manner in the sense that affluent citizens and individuals have been approached to provide the necessary funding to secure the asset in question.

*But, let's say for example it's a work of art and eh... auctions in London eh, where it's likely to generate more income... in fact it has happened on quite a number of occasions where private individuals have sold a heritage asset to someone overseas. And the Department has been approached on an ad hoc basis to say that, there is this significant eh, eh, eh, heritage asset, it's about to leave the country, can you do something about it? And what has happened I think the Department has thought and approached this in an ad hoc manner, maybe approach certain individuals eh, that they deem to have resources that they must assist to buy off eh, these other buyers. And I know that three years ago there was a concerted effort to create such a fund that would be there to make sure that if there is something of significance that has been sold or has the potential of leaving the country, the state can buy off that potential buyer. (Respondent #5)*

While on the one hand, attempts have been made to prevent heritage assets to fall in private hands and eventually leave this country for museums elsewhere, similar endeavours are also made to secure heritage property located within the country, yet owned by foreign nationals. The frustration experienced by heritage managers in this regard is twofold. On the one hand there is evidently a clash of interests between government and these nationals.

*The other area that we looked at is the issue of heritage in private hands. There is no national policy that speaks to that. The building in which the late Steve Biko was assaulted, the Sanlam Building, it's a very important national site for the country but is yet to be declared as such. Why? Because the owner, some rich, what is his name, he is Port Elizabeth, I forgot his name. He is an Irish. He...this building is dilapidated, it's still there, it's still firm, but dilapidated. Yes, maybe he owns half of the empty buildings that are in Port Elizabeth. He has so much money. All he is saying is that he wants to refurbish and make them look good and make them office space. Or others he would want to create housing and accommodation for people and all that, flats. (Respondent #6)*

On the other hand proprietors of such assets inflate their prices exorbitantly when government is the potential buyer; and this provides evidence that the willing buyer, willing seller policy has also confronted some challenges in the area of heritage resource management in the post 1994 South Africa. Attempts made by government for example to secure the building where the Black Consciousness leader Steve Biko was assaulted in Port Elizabeth is also a case in point cited by one manager in particular.

*And he is saying, look, if you want the building I can sell that for you. He says, you give me say twenty million for that building that is worth maybe four million as government, and then I will give it to you. (Respondent #6)*

### **6.4.2.3 THE USE OF GOVERNMENT TO GOVERNMENT ASSISTANCE**

The success of pilot projects aimed at the preservation of living heritage in particular has motivated managers in the South African Public Service to begin mooting possibilities of government to government assistance as another form of possible incentives to stimulate and foster participation of implementation actors at the lower levels of the heritage protection and management echelons. This strategy is considered to have potential to strengthen participation at the local level of heritage policy implementation because it will ensure that incentives are deployed closer to the clients being serviced by the department.

*For me I think more funding should be done because as national we are far away. Maybe also because, so give municipalities -or encourage municipalities because they are there – to also e... you know, use local products to develop communities, because they are there they are eager. Because people come here from far, whereas they could have just gone to their local municipalities to say, maybe if there is synergy between national and e... and share ideas that ok, these are the projects that we have done as national. In your, your municipality, or in other municipalities e... you know how... then we discuss how to take it forward. Ya. (Respondent #1)*

The cascading of resources to the local level as has been alluded to earlier on is also occasioned by virtue of the fact that managers from the national department of arts and culture are conscious of the fact that intergovernmental relations at the loci of implementation are important for the success of service delivery and participation of actors and targeted communities.

### **6.5 INCENTIVES DEPLOYED AS PART OF A MULTI-PRONGED STRATEGY**

The study seeks to determine the extent to which incentives are used by heritage managers in the post 1994 South African public service; and part of that composite objective entails determining how specific incentives are deployed in the process. Data gives an indication that while heritage managers in the democratic South Africa evince a certain measure of awareness about the relevance and use of incentives as instruments aimed at assisting effective heritage policy implementation, there is an indication that incentives are not supposed to be deployed in isolation from other tools of governance. This is clearly corroborated by instances where heritage managers interviewed tended to show a bias towards the use of authority based governing tools together with the deployment of specific incentives. Responding to a probe seeking to explain the focus of the interview to a senior manager attached to a public entity linked to the National Department of Arts and Culture, the response acknowledging the relevance of the inquiry gives an impression that there is a sense in which managers might find it easier to resort to incentives when they are mandated by legislation which seeks to express a particular policy position on the matter.

*Thank you for that I think it's an interesting kind of area you want to research on. Also because of the well-known dictum that when you want to come up with legislation, that should be informed by policy. (Respondent #9)*

For this reason, sections of the heritage legislation understood by managers to mandate the use of incentives in policy implementation are referred to as something that provides the rationale for their deployment.

*O k. Eh, when it comes to heritage resources management, there, the legislation has a clause where we expected to provide financial incentives; not to individuals but to projects. Focusing on community projects. Ya, you sort of identify a site. Let's talk about Emakhosini which might be familiar to you; and then saying communities around there want to develop Emakhosini; but they do not necessarily have the financial muscle. So legislation does allow us to provide these financial incentives toward the management of heritage resources. (Respondent #9)*

There is also a sense in which other managers tend to give the impression that the fact that the South African Heritage Resources Act, 199 has never been coasted makes the provision of relevant incentives difficult. An observation made by a heritage manger from the Free State Department of Sports, Arts, Culture and Recreation refers to this phenomenon.

*Basically what in fact I can answer your questions about incentives with regard to policy implementation, heritage. I will start by saying the current act, the National Heritage Resources Act, is not coasted; so it's difficult to implement the National Heritage Resources Act. I think that is the first step, that the developers of that particular act, they did not consult thoroughly. (Respondent #10)*

Even managers who think that incentives do not form the bedrock of heritage policy implementation point out that the current legislative regime regulating the heritage industry in South Africa indirectly insinuate and infer the deployment of incentives as relevant instruments to effect implementation. To this extent, policies are understood to be mechanisms or instruments which enable certain things like the use of incentives to happen as an attempt to empower those impacted upon by policy.

*You make policy because you want to create a framework in which certain things ought to be done. Eh...m... empowering the people that are affected by those policies has often not been a consideration; eh...m but eh....m, I can say with confidence that the implementation for example of the National Heritage Resources Act, The National Heritage Council Act, and some aspects of the White Paper on Arts, Culture and Heritage, have indirectly eh....m, insinuated, inferred the importance of having inbuilt mechanisms, structures, majors to empower those affected and impacted by policy. I will start by giving you the example of SAHRA. You know that in terms of the SAHRA Act, eh....m.. there was supposed to be a fund created by the National Ministry. (Respondent #5)*

While in the main, heritage managers associated with the South African Heritage Resources Agency (SAHRA) which is a statutory body whose particular brief is the coordination of the identification and management of heritage resources in South Africa, regard people taking pride in their heritage as an overriding encouragement for them to participate, they nonetheless



concede that the relevant heritage legislation prescribes the deployment of direct incentives for community projects.

*O k. Eh, when it comes to heritage resources management, there, the legislation has a clause where we expected to provide financial incentives; not to individuals but to projects. Focusing on community projects. Ya, you sort of identify a site. Let's talk about Emakhosini which might be familiar to you; and then saying communities around there want to develop Emakhosini; but they do not necessarily have the financial muscle. So legislation does allow us to provide these financial incentives toward the management of heritage resources. But in general we rely on peoples pride in their heritage. I think that's an inside incentive that we use is to say, we are custodian it's not my heritage as Dumisani Sibayi; but it's your heritage. Therefore take pride; and the legislation is quite clear in the preamble that we are trying to encourage communities to look after their heritage and be very proud of their heritage. So it's more of a spiritual if we speak in religious terms, spiritual, emotional, kind of incentive to say, this is your heritage, you are a community living close to it. By promoting your heritage, these are the benefits. (Respondent #9)*

It is clear that heritage managers in South Africa seek to avoid a reductionist deployment of incentives in the policy process; and for that reason they are used as part of a composite multi-pronged strategy involving the usage of other equally important policy instruments like regulatory and organisational tools of governance.

## **6.6 INCENTIVES AND UNINTENDED CONSEQUENCES**

There were instances where managers pointed out that the use of incentives in heritage policy implementation has the potential to give rise to certain unintended consequences. The fact that some incentives are more likely to turn heritage resources into commodities to be commercialised is noted as one critical consequence arising from the deployment of inducements to encourage participation. Government is sometimes indicted for focusing on job creation and economic development in a way that sometimes diminishes the value of heritage and reducing it to a mere commercial commodity

*O k. So, out of Intangible Cultural Heritage. And actually the concept of heritage itself, is the protection and preservation of heritage; and I see a specific link with the safeguarding of heritage. Safeguarding of heritage is not about documentation, it's about the continuance of the ritual, the performance, the language. It is to ensure that a fair environment where it can be transferred from generation to generation. So, but our government with its focus on job creation and economic development, which is important, I am not saying it's not important, sometimes diminish the heritage to a tourism activity that can be sold... (Respondent #8)*

Other managers felt that incentives, particularly those leveraged as benefits that will accrue to actors if they participate in the implementation of policy, can create an unwanted dependency leading to a dereliction of civil duties by members of targeted communities. To this extent

managers are keen on circumventing such dependencies and by emphasising the role of intangible incentives over against direct inducements.

*But one hopes that that it is not going to create a dependency syndrome. And that dependency syndrome can only be changed when you say to people we are giving you this but there is a bigger price and that bigger price is your heritage being conserved. That is the incentive that we have so far.* (Respondents # 9)

Providing technical skills to heritage communities is also considered as an important incentive to ensure effective participation among targeted actors. There were instances where managers felt that the deployment of heritage experts among communities in order to provide the required technical skills has the propensity to cause an unwanted dichotomy between ordinary actors in the implementation conduit and professionals. If this relationship between lay practitioners and heritage experts is not properly managed, managers fear that it can among other things lead to high 'technisization' of the policy process thus engendering polarisation in the implementation arena.

*The way I see policy, one of the problems with policy is that there is that distinction being made, as if a person who is an expert in the field can..., is seen as negative towards the community; while today actually one of the requirements is to be able to work with communities. So is that necessarily? I think government tends to think in two streams instead of how can they use the professionals as one of the channels to implement policy.* (Respondent #8)

## **6.7 DISCUSSION AND INTERPRETATION**

The above analysis has provided some answers to the primary objective of this inquiry.

### **6.7.1 WHAT TYPE OF INCENTIVES ARE USED IF ANY?**

Data generated provides answers to three critical areas of the composite objective; namely what type of incentives are used by heritage managers in the post 1994 South Africa to solicit adequate participation in the implementation of heritage policies from targeted actors. Evidently, heritage management in the South African public service depicts a range of incentives shaped and determined by contextual realities of a developing country. In the first instance the classification is based on two salient features. That is, the location of the incentive vis-à-vis the recipient; whereas on the other hand they are based on the physicality of the incentive or lack thereof.

#### **6.7.1.1 INTANGIBLE, INTRINSIC AND VALUE ORIENTED INCENTIVES USED BY MANAGERS**

There is evidently a salient, if latent value orientation in these types of incentives leveraged by heritage managers in South Africa to ensure the bottom-up movement in the implementation of heritage policy. While it is true that values are generally an important aspect of every conceivable policy process, it needs to be pointed out that their instrumentality in the context of the South African policy process, clearly assumes incentive dimensions as a result of the

fact that previous dispensations have largely side-lined such values and relegated them to the periphery. The fact that previous models of heritage management have bequeathed a legacy where the administration and management of living heritage resources in particular was clearly imbalanced as a result of the history of apartheid and the hierarchical grading of social groups, has virtually meant that leveraging the dormant values enshrined in such treasures, is to an extent construed by both managers and targeted actors as a kind of incentive with a potential to elicit the required participation. This is evidently part of the reason why one Senior General Manager in the administration actually cited the fact that redress of imbalances of the past should provide a necessary incentive for South African communities to participate in heritage policy implementation projects, because there is now an opportunity afforded by the new constitutional democracy to value that which has been previously “*downtrodden and marginalised for a very long time*” (Respondent #3). This is an appeal to the prospective actor’s sense of civic duty which is a kind of incentive often used in patriotic organisations to garner support for a particular course and align people’s behaviour.

In this instance, while the values are intrinsic in the culture of bearer communities, it has taken extraneous recognition by the authorities to activate those suppressed values and use them to align behaviour and induce the necessary action. To this extent the following value oriented incentives were therefore cited by managers and used in their policy implementation endeavours:-

- **Recognition and promotion of health values as an incentive inherent in African Traditional Cuisines (ATC)** ranked high in the agenda of managers implementing living heritage policies of government. Traditional foodstuffs like *bogobe, morogo* and *mopane worms* for instance were cited as not only nutritional but also medicinal comparatively speaking. To this extent health benefits associated with the consumption of such foods is leveraged to elicit participation from targeted actors in the implementation conduit.
- Linked to recognition and promotion as a form of inducement in the heritage policy process is the endeavour to **create space for organic intellectuals** to contribute to the implementation of policy which emerged as yet another critical inducement particularly among communities of practice. When asked what motivate rural women in particular to participate in the promotion of traditional foods, one manager noted that it was not only the recognition of the knowledge they possess, but also the provision of space or forum to pass knowledge “... *because they are proud of it and know the value.*” (Respondent #1). Similarly, the creation of the Robben Island Museum and declaration of the same as a heritage site created space for political ex-prisoners, ex-warders who may not have had a chance to participate directly in the Truth and Reconciliation Commission, “... *to be able to talk about things they were never able to talk about.*” (Respondent #2)
- **Instilling a sense of pride about people’s heritage** which emphasises the psychological benefit linked to the participation of communities in the implementation

of heritage policies, is also mentioned by managers as a kind of intrinsic, intangible and value oriented inducement to initiate the much desired bottom-up movement in the policy process. The reference by one General Manager to people taking pride in their heritage as a “... *spiritual, emotional kind of incentive..*” (Respondent #9), is one such example of the psychological orientation of pride as an inducement to rally actors around a particular policy objective and be willing to implement. Incidentally, the South African socio-political context bequeathed by the past also provides fertile ground for leveraging this value-incentive with a measure of success. The instilling of a sense of pride is also linked to advocating the preservation of heritage for heritage’s sake as yet another incentive for people to participate in the preservation of Intangible Cultural Resources (ICH), without necessarily diminishing “... *heritage to a tourism activity that can be sold..*” (Respondent #8).

- **Heritage as a *terra firma* for engagement** with one’s social reality has also featured somewhat as a kind of value oriented intangible inducement that can be leveraged by managers to elicit the needed participation from actors. Such a firm ground used a basis of engagement provides communities and individuals “... *with a confirmed identity, and a sense of wherefrom and whereto and whereat.*” (Respondent #2)
- **Potential for political mileage** is also used by managers to engage such critical stakeholders as mayors and members of executive councils in active participation in the implementation of heritage policy. Their involvement in the formal declaration of heritage resources is sometimes understood by these actors and heritage managers as an occasion for politicians “... *to shine...*” (Respondent #10); and find occasion to boast and improve their respective profiles which increases chances for re-election in the subsequent electoral period.

### 6.7.1.2 EXTRANEOUS INCENTIVES

The United Nations Development Programme’s (UNDP), capacity development conference paper 8 cited earlier on (i.e. Section 1. 6.4) defined inducements as external interventions which are designed and established with the sole aim of motivating individuals, groups or even organisations to adopt a particular behaviour, aligned to the goals of the incentive giver. To this extent it has also been established in the course of developing this dissertation that incentives are used in a variety of policy fields precisely for the same reason as cited by the UNDP paper. The incentives yielded by data in this category are located outside the locus of implementation and are external interventions aimed at influencing and aligning behaviour accordingly. To this extent they are directly given.

- **Substantive direct financial incentives** which include such inducements as the **honoraria** paid to specialists who will be able to assess arms caches and identify those that are of heritage significance before they are destroyed by the police “... *because few people are specialists when it comes to guns...*” (Respondent #9). There are also incentives in the form of **standardized rates** paid to holders of indigenous knowledge systems aimed at professionalising the payment of organic intellectuals and bring them

on a par with conventional intellectuals. They also include incentives paid to whistle blowers who assist in preventing heritage crime before it is even committed. **Grants in Aid (GIA)** are also an important type of incentives used in the public sector to induce the required participation from stakeholders. Both line function departments and Quasi-Autonomous Non-Governmental Organisations (QUANGOS) linked to them occasionally provide grants to “... *other people who also write and request funding...*” (Respondent #1); whereas the thought of cascading financial incentives to the local sphere of government to prevent the citizenry from travelling long distances “... *because as national we are far away.*” (Respondent #1), is also being mooted. There are also grants provided to universities’ departments of music to appoint organic intellectuals who have “... *never e... studied music or am... instrument in a university to come and teach.*” (Respondent #3); Apart from grants in aid intended for community projects, there are direct financial **incentives designed to buy off potential buyers** of heritage property out of the country; or to acquire critical heritage property residing in private hands. **Provision of technical assistance** in the form of expertise required by communities for preservation of heritage resources also featured in the mix of incentives used. Private entities are deployed by the National Department of Arts and Culture not only to document aspects of living heritage but also to help bearer communities with skills in marketing and dealing with issues of copyright to prevent exploitation.

- **Indirect incentives:-** these include economic spin offs that are understood to accrue to the introduction of specific heritage projects within communities and include potential for **job creation, educational benefits, boosting of cultural tourism**. Included in this category of indirect inducements with an economic orientation are **incentives paid in kind** to individuals whose expertise are solicited for effective policy implementation. They include flying specialists with scarce skills from various destinations in the country to assist in specific tasks related to matters of compliance in the administration of resources; and buying them lunch, which are incentives aimed to act as “... *a sort of SNT, which is to encourage them.*” (Respondent #9)

Having given some indication regarding the type of incentives heritage managers in post 1994 South Africa use in their policy implementation endeavours to solicit adequate participation from relevant actors, data generated also sought to answer the related question regarding the modus operandi used when such incentives are deployed.

## 6.7.2 HOW ARE INCENTIVES DEPLOYED?

Data provides some evidence regarding the attitude managers have towards incentives at the various stages of the policy process.

### 6.7.2.1 Incentives deployed at the policy development phase

Data provides no evidence for any attempts by public managers engaged in the development of policies to deploy any incentives at this stage of the process to assist implementation.

Managers interviewed did not give any indication that in their participation in the formulation of policies, incentives are also considered as critical instruments to assist implementation. There is clearly a mechanistic understanding of policy implementation without any clear recourse to incentives as governance tools aimed at assisting the execution of heritage policies. This in some sense points to a characteristic lack of policy analysis skills among public managers in the post 1994 South African public service.

#### **6.7.2.2 Incentives deployed at project initiation phase**

Faced with the challenges in the loci of heritage policy implementation, public managers take recourse to the use of certain incentives as part of the attempt to programme policies for implementation. The incentives adopted at this phase are largely adopted by default. They are mainly intended to affect and align aspects of deliberations engaged in by government and communities in order to introduce projects. The incentives used at this phase are further shaped and informed by the developmental needs of recipient communities like job creation and others.

#### **6.7.2.3 Incentives used post project initiation**

A sizeable amount of both direct and indirect, substantive and procedural incentives are resorted to at this stage of the policy process. They too are largely adopted by default and were not clearly designed and thought through at the formulation phase; and to that extent are an afterthought of policy formation. They are part of managerial strategies adopted during the programming of policy to deal with challenges experienced in the various implementation loci.

#### **6.7.2.4 Incentives mandated by the legislative framework**

Not all the incentives deployed by managers during the implementation phase of the process are resorted to by default. Heritage managers of the South African public sector evince a characteristic penchant for using specific legal mandates for actions they adopt. This is also evident in their attitude towards incentives. The fact that the South African Heritage Resources Act, 1999, has not been costed is advanced by some managers as reason for their inability and reticence to readily deploy incentives in the implementation conduit; as noted by one respondent, “.... so it's difficult to implement the National Heritage Resources Act.” (Respondent #10). Implicit in this observation is the assumption that even if incentives were used, it would be difficult to quantify them in view of the fact that no costing exercise of the same has been done.

Direct incentives such as Grants in Aid are contemplated and used by some managers in the public entities attached to the line function department responsible for heritage matters because a mandate for such action can be located by implementing managers in the relevant legislative framework. “O k. Eh, when it comes to heritage resources management, there, the legislation has a clause where we expected to provide financial incentives; not to individuals but to projects. Focusing on community projects.”(Respondent #9) There is a sense therefore in which managers tend to show a particular bias to legislation even in instances where incentives are contemplated. This presages that a regulatory instrument like legislation is construed to be the right context within which incentives are to be deployed. To this extent incentives in

heritage management in South Africa are used together with other policy instruments like legislation.

Interestingly, this observation raises an important question in the light of what has been highlighted above as findings regarding the use of incentives in heritage management in South Africa. That is, if there is no evidence to the effect that managers readily link incentives with policy development as mentioned above, how is it then that there are some instances where legislation is construed by some managers to mandate the use of inducements in certain circumstances? Evidence provided by data generated provides some tentative answers to this question. Data indicates that in the formulation of heritage policy at least during the transition in South Africa, those who were involved relied heavily on international best practice as a benchmark.

*Yet international trend is that ya, ..... so when we draft policies. It's o k in 1994 we relied on Canada and Australia on most of the policies; but now we are beginning to say, e, e, let us look at these policies. (Respondent #9)*

The observation of this Senior Manager linked to SAHRA gives an impression that the legislative framework crafted in the early days in the immediate post 1994 period in South Africa, took much of its cue from the global arena. This therefore presages that whatever incentives appeared in the content of the legislation taken as a benchmark in the process, were also transplanted to the South African context. Far from being the innovation of South African heritage managers, the inclusion of incentives in the legislative framework could well be as a result of international best practice emulated from countries with fairly advanced heritage management models cited by the manager in question.

Coupled with that it can also be indicated that another possible answer to this vexing question could well be the tendency to outsource to consultants the drafting of policies as the same manager cited above observed. Having realised a gap caused by the fact that SAHRA did not have a policy or guidelines which inform the entity on how to go about consulting with communities when policy positions are mooted, the said manager observed as follows.

*But we don't necessarily have a policy, it's just a legal framework; but the policy, no there is no policy. Ya, we struggling, and that policy let me just say, we have a biggest challenge on policy guidelines when it comes to public participation. How do you..., when do you say that now we have consulted. And as a result, internally we are struggling and we want to get somebody from outside to draft a policy for us as to how. And also the whole confusion of ... should this be a policy, must it be regulations, must it be guidelines? Ya. Into ezino-Professor Cloete<sup>49</sup> lezi. I-Policy.<sup>50</sup>(Respondent #9)*

The task of developing policies and deciding whether it is in fact the guidelines or regulations that are required to deal with the identified policy gap is understood by this manager as beyond

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<sup>49</sup> Professor Fannie Cloete is a South African policy scholar who has had very wide experience in the field both as a consultant and as a university lecturer.

<sup>50</sup> The observation "Ya. Into ezino-Professor Cloete lezi. I-Policy." Loosely translated would read, "Yes these are the things which can only be done by people like Professor Cloete."

the competence of ordinary public managers like him within the organisation, and the relevant managers in the line function department to which the entity is linked. To this extent he regards this as a highly technical task requiring the competence of individuals like Professor Cloete.

#### **6.7.2.5 Incentives are used by managers as part of a multi-pronged strategy**

Evidence indicates that when managers make use of incentives as policy instruments, they are used together with other tools of governance for effective implementation. Of particular significance in this regard is the combination of incentives with authoritative regulatory instruments like enacted legislation in the form of acts of parliament and white papers. The latter in particular is considered as providing the framework *par excellence* for heritage policy implementation because within the national Department of Arts and Culture in particular, senior managers conceive of their responsibility as that of “... *working within a policy environment eh... ey-White paper for instance, which was promulgated in 1996 which made specific recommendations...*” (Respondent #3) The deployment of incentives within a regulatory legislative framework is also attested to by the manager from SAHRA when contemplating the mandate to use inducements as prescribed by law. (Respondent #9) The deployment of incentives is contemplated within the environment of heritage legislation as though inducements were to be used within such a context. In a sense legislation prescribes that only communities and not individuals should be induced and supported by incentives.

#### **6.7.3 WHICH ACTORS ARE TARGETED BY INCENTIVES IN THE POLICY PROCESS?**

Data generated by the study indicates that a variety of actors are targeted by incentives used by public managers in South African public service to encourage participation in the implementation of heritage policies. They are as follows:-

##### **Public Actors**

- MEC's and District Mayors
- Provincial Departments responsible for Arts and Culture
- Schools and universities

##### **Private Actors**

- Organic intellectuals
- Conventional academics
- Students
- Rural women
- Experts with scarce skills required
- Private companies
- Artists
- Informers on the ground
- Private owners of heritage property
- Urbanised black middle class



## Communities

- Local bearer communities where resources are embedded
- Religious communities regarded as holders of heritage of a special kind
- Communities of practice
- Community Based Organisations



**Figure 6(i): Deployment of incentives**

In essence, out of the seventeen types of actors generally targeted by incentives in the post 1994 South African public sector 3 (i.e. 17.65%) are coming directly from the sector itself; 10 (i.e. 58.82%) are private actors; whereas 4 (i.e. 23.53%) are communities. One of the indications this state of affairs gives is that where incentives are used to induce participation in heritage management, heritage managers in the post 1994 South African public service evince a characteristic bias towards using private actors; thus demonstrating a salient feature of the New Public Management (NPM) paradigm. Most of the incentives deployed in this category of targeted actors are direct financial inducements of one kind or the other.

## 6.8 CONCLUSION

The chapter began with an abridged profile of each of the respondents interviewed for purposes of generating enough data to be analysed in this study. Subsequently data received from the interrogation of these case studies was duly analysed and brought about certain critical findings. Heritage managers in the sector do not readily link incentives to heritage policy and for that reason there is no evidence to the effect that efforts are made by these managers to choose relevant incentives during the development of relevant policies as instruments intended to assist the implementation of adopted policy positions. Immediate recourse to the use of

incentives emerges during the actual programming of such policies into specific initiatives; thus indicating the adoption of such instruments by default prompted by the challenges faced at project initiation and beyond. While at project initiation incentives adopted are largely induced by the fact that South Africa is a developing country and dominates the discourse other incentives come in handy post project initiation. They included intangible incentives as well as inducements directly deployed to encourage participation. It was also discovered that incentives of whatever kind used by public managers in the sector were deployed as part of a multi-pronged strategy aimed at facilitating participation from a variety of stakeholders in the policy implementation conduit. There were also specific unintended consequences understood by managers as resulting directly from the use of incentives. Ultimately the analysis concluded with a discussion of the findings and the interpretation thereof which provided three answers to the composite aspects of the primary objective of this inquiry regarding the types of incentives used, the modus operandi applicable in their deployment and usage, as well as the type of actors targeted by such incentives.

## CHAPTER 7

### CONCLUSIONS AND RECOMMENDATIONS

#### 7.1 INTRODUCTION

The previous section of this dissertation presented the findings based on the analysis of data gathered from ten case studies, consisting of managers in the heritage sector of the South African public service. The current chapter presents critical conclusions and recommendations based on the analysis of the said data, and the answers such information provided to the primary research objective in particular; namely, “*What type of incentives do public sector managers in the post 1994 South Africa use when implementing heritage policy interventions?*” The chapter begins with the overall conclusion that in the case of South Africa as a developing country, incentives are critical for maximum participation in the entire heritage policy process. Subsequently, subsidiary conclusions aimed at elaborating on, as well as buttressing and nuancing the principal conclusion are made followed by pertinent recommendations. Lastly conclusions are made based on the foregoing.

#### 7.2 PUNCTUATING THE ENTIRE POLICY PROCESS WITH INCENTIVES

The analysis of data in the previous chapter has led to a conclusion that the deployment of incentives, although currently adopted by default compelled by exigencies of public policy implementation, is a phenomenon that should characterise the entire process from policy design to evaluation. In a sense, incentives as policy instruments, should be a preoccupation of policy makers right at the design phase of the policy process where decisions regarding the appropriate choices are made; and this inevitably leads to such inducements deployed throughout the heritage policy process in the post 1994 South African public sector in order to ensure a sustained participation from relevant actors in the policy implementation conduit. This becomes even more relevant if one takes particular cognisance of the fact that the majority of people from whom maximum participation is solicited in the post 1994 South Africa, were previously systematically marginalised from relevant policy process as a result of both colonialism and apartheid.

To this extent a wide spectrum of inducements are available to the heritage manager as indicated by the said data. Intangible and value oriented incentives such as recognition and promotion of health values inherent in African Traditional Cuisines, as well as potential for political mileage, are some of the incentives indicating that the scope of incentives in this category of inducements is wide for a creative manager who understands the values of the targeted community. Apart from such intrinsic latent values existing as it were in some form in the loci of heritage policy implementation, other extraneous inducements in the form of such phenomena as substantive direct financial incentives and indirect incentives often relevant to a developing country like South Africa are of interest as heritage policy is implemented.

The South African heritage sector has quite an array of actors whose participation in various policy initiatives needs to be solicited. Consequently, the choice and design of specific incentives currently used to elicit positive responses from such actors includes inducements

clearly designed to entice public and private actors as well as communities in general. Private actors constitute a larger portion of the constellation of actors whose participation is sought in the heritage policy implementation arena, and this in itself should inform decisions that are made about the right incentives to be deployed on this particular front.

While data generated and analysed provides adequate indication regarding the deployment of relevant incentives at project initiation and shortly thereafter; there is no evidence generated from the same lending some credence to the use of incentives at the evaluation phase of the policy process. This is a critical gap signifying on the one hand, that once policy outputs have been delivered, not much practical thought and effort is expended by managers to evaluate the relevant processes and the worth of such policy programmes (i.e. programme evaluation) in so far as their impact on recipient communities is concerned. The gap also indicates that there aren't enough comprehensive systematic attempts made in the heritage sector to evaluate the actual content of policies and their impacts (i.e. policy evaluation). The overall conclusion that inducements need to be deployed in the entire heritage policy process in South Africa presupposes that policy physicians concerned have the necessary skills to meet the rigours of policy analysis in order to make this a reality; and this realisation-cum-deduction inevitably leads to the following conclusion.

### **7.3 A LACK OF ADEQUATE POLICY ANALYSIS SKILLS**

South Africa is a developing country; and for this reason it is still characterised by a chronic shortage of public policy analysis skills among its junior and senior management cadre. Consequently, the data generated and analysed in this study bears witness to this shortage of requisite skills among heritage managers in the South African public sector. While it is true that the current inquiry focused its attention exclusively on public managers within the heritage fraternity of the public service, there is enough scope for extrapolating the findings to all the different sections of the sector. It would seem that heritage managers are not unique in this regard; on the contrary, they are a microcosm, a sample indicating the state of affairs in the entire public service of the young democracy.

Incentives belong to this category of phenomena classified in policy studies as policy instruments or governing tools. Policy instruments are by definition the techniques through which a state seeks to attain its goals; and are in that sense a subject of great deliberation throughout the entire policy process, but more so at the policy design stage of the development (Howlett, 2011:22). The inability to immediately see the link between incentives and policy, as well as the relevance of such inducements for the ultimate implementation of the chosen policy alternative, indicates that while public policy making is to a large extent the responsibility of managers in the bureaucracy, the latter are ill equipped to deal with intricacies involved in the design of policies where different policy instruments will have to be chosen to assist and shape implementation. This lack of policy skills at the critical stage of the policy process indicates that those who are entrusted with the implementation of government policy are not armed with the necessary tools to govern. Given this scenario therefore it would seem that the lack of relevant policy skills inevitably has the propensity to impact negatively on

service delivery, simply because those who are entrusted with responsibility to govern, lack the relevant technical skills of state craft.

The mechanistic approach to policy that is sometimes shown by managers as data indicates, coupled with a somewhat lopsided emphasis placed on regulatory policy instruments in the design of policy is indicative of a number of critical phenomena in relation to governance. In the first instance, the choice of appropriate policy instruments has the tendency to reveal the relationship that those who govern have with the governed. The top-down mechanistic approach therefore gives an impression that not much effort is expended by policy designers to critically think about empowering those targeted by policy, so that there is a bottom up movement initiated, a phenomenon which augers well for ultimate implementation. A conscious attempt to deploy appropriate incentives at the policy design stage of the process would be a clear indication that incentives are not an afterthought, and that a bottom up movement is entrenched right from the initial stages of the process to the end.

Secondly, the bias towards the use of authoritative regulatory instruments (sticks) at the expense of 'carrots' which is somewhat implicit at the earlier stages of the policy processes as revealed by the analysed data, is also a clear indication of an interesting phenomenon in public policy analysis. One of the reasons why such instruments may be preferred by managers may be the ease with which such governing tools are created and used; and not necessarily their effectiveness. The fact that South Africa is a developing country with scarce resources presupposes that there is a great possibility that authoritative regulatory policy instruments will be used much more frequently in the expression of policy and implementation thereof because they are comparatively speaking, cheap to deploy and use. The report of the Australian National Incentives Taskforce of the Environmental Protection and Heritage Council puts it rather aptly when it observes that,

*In an environment with limited resources, regulation may appear attractive because it appears relatively 'cost free'. Government can simply 'require someone to do something'. That may be the reason that regulation has traditionally been the predominant conservation tool in some countries, including Australia. (EPHC, 2004:3)*

There is also a sense in which the choice of instruments at the policy design phase of the process is dependent on the managers' skills in the art of agenda setting. One of the primary responsibilities of heritage managers as policy physicians is to carefully structure the social problem for which a policy is desired, so that the appropriate governing tools are selected during the policy development stage of the process. There is a sense in which this structuring of the challenge identified during agenda setting, informs the content of policy, and how it has to be implemented. For example, if a social problem identified is structured by relevant managers as a need, it will be of dire necessity that heritage managers begin to determine the type of instrument that will be required to effect and implement the mooted policy position. There will definitely be instances where such a structuring is likely to indicate to managers that in order to solicit maximum participation in the implementation of relevant policy programmes, a specific type of incentives will inevitably come in handy; and thus necessitate the inclusion of such instruments in the set of governing tools contemplated for that purpose right at the

initial stages of the policy process. The lack of policy analysis skills therefore among heritage managers in the South African public service indicates that the choice of tools during policy design is often limited to authoritative regulatory policy instruments usually devoid of any consideration of meaningful incentives to induce targeted actors to desired action.

#### **7.4 ABILITY OF USE ONE'S IMAGINATION AND CREATIVITY IN THE CHOICE AND DESIGN OF INCENTIVES**

Data analysis has provided evidence that while it is true that the choice of incentives and the deployment thereof as policy instruments, is to a large extent a technical undertaking that requires skills in policy agenda setting and policy design in particular, it is also equally evident that there is a wide scope of incentives that can be considered as policy instruments to assist heritage policy implementation; and that a number of options and choices are available in this regard, depending among others, on the unlimited imagination and creativity of the policy physician in question. It is precisely this ability among managers to conjure up mental images and create them which has informed the emergence of many an incentives used by managers identified by this study.

An inventory of incentives adopted by managers in the South African heritage sector although the majority of which have not been contemplated and rationalised at the policy design stage, lends credence to this conclusion that the choices available largely depend on the analyst's imagination and creativity. The following categorisation of incentives used bolsters this conclusion:-

##### **Economic incentives**

- Permanent and temporary jobs
- Local plants processing indigenous food stuffs
- Local plants manufacturing indigenous clothes
- Emergence of local cultural tourism
- Opportunities created for local private sector business entities
- Market creation for traditional food stuffs in major supermarkets
- Provision of the requisite technical assistance to actors
- Relaxation of stringent supply chain procedures in the acquisition of goods and services among traditional communities
- Appropriate rates for remunerating organic intellectuals for their services
- Standardisation of indigenous foods by the South African Bureau of Standards (SABS)

##### **Direct Financial Incentives**

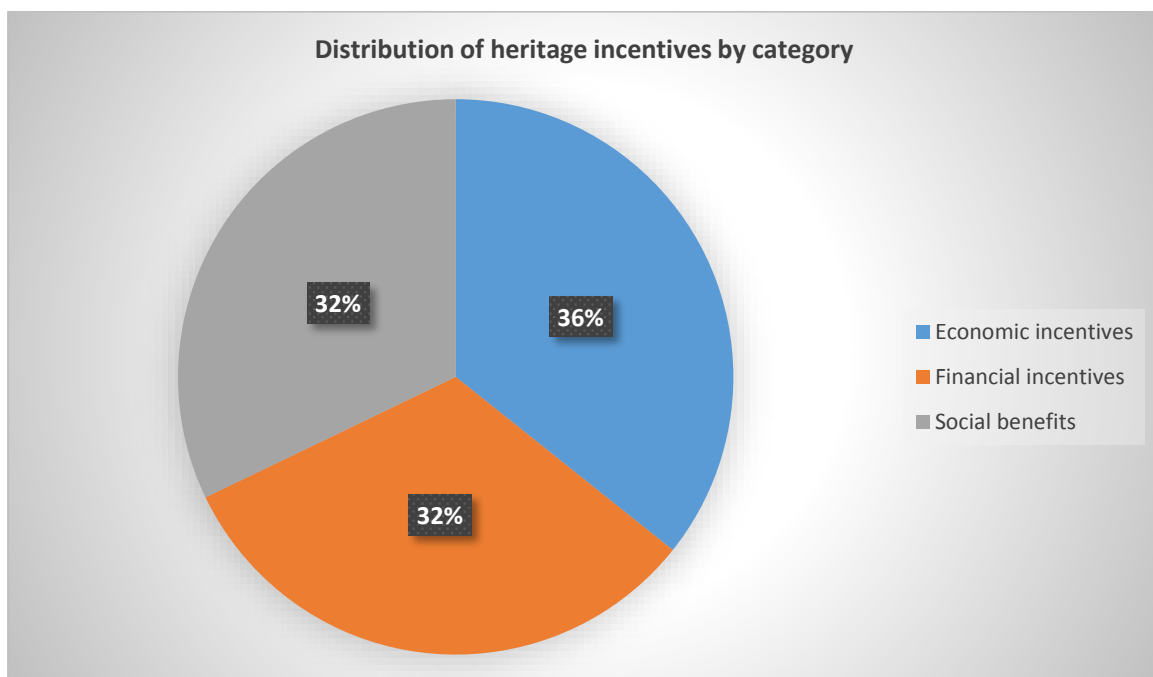
- Stipends provided to learners
- Financial incentives provided to private companies
- Provision of financial incentives to universities
- Providing financial incentives to community projects
- Provision of honoraria to holders of scarce heritage skills

- Rewarding informers of potential heritage crime
- Grants in Aid
- Buying off private potential buyers of heritage artefacts about to leave the shores of the country to foreign lands
- Cascading of financial resources to the local sphere of government

### Social benefits

- Enhancement of the local knowledge economy through memory institutions (e.g. museums)
- Dissemination of information through booklets to promote traditional foods and clothes
- Platform for religious expression
- Provision of platform to organic intellectuals
- Leveraging a sense of pride among communities
- Heritage as a *terra firma* for engaging with the socio-political reality
- Provision of political mileage
- Formal accreditation (certification) of holders of indigenous knowledge
- Recognition and promotion

**Figure 7(i): Distribution of heritage incentives**



The fact that some of these incentives are currently being mooted by managers (e.g. local industrial plants to be engaged in the processing of traditional food stuffs), is yet another demonstration indicating that with creative managers, there are unlimited options for choosing relevant incentives. Evidently, the largest number of inducements used by managers to solicit

relevant participation from communities (36%) consists of economic incentives. Of particular note is the fact that evidence provided by data analysis does not indicate that these incentives have in some way been contemplated and adopted as a result of rigorous agenda setting prior to design; and as a matter of consequence none of them were adopted at the policy formulation stage of the policy process. If anything, they were all adopted by default when heritage managers were faced with the complexities and exigencies of project initiation and programming for implementation during the subsequent phases of the policy cycle as indicated by data analysis. In a sense, they all owe their ultimate origins in the imagination and creative capacity of implementing managers.

This conclusion is further reinforced by the remaining two categories of incentives used. Out of the 9 types of incentives (i.e. 32%) deployed as direct financial incentives, only two (i.e. provision of financial incentives to community projects and Grants in Aid) are in some way mandated by some form of legislation, thus giving an indication that they were to some extent chosen and adopted at the policy design phase of the policy process as data indicates. However, if the observation that most of the policies and instruments of the transition period in the new democracy were to a large extent the result of benchmarking on international best practice and to an extent the product of consultants, it will be difficult to credit South African post 1994 managers with the kind of resourcefulness and creativity advocated here even in the existence of these pre-meditated governing tools. The majority of these types of incentives (i.e. 77.8%) originate from the genius and the imagination of implementing managers in the public service. Out of the nine types of incentives in whose deployment by managers accrue specific social benefits, only one (i.e. the enhancement of the local knowledge economy through memory institutions), might account for incentives intentionally planned at the policy design phase of the process. Consequently, it would seem that out of the twenty eight types of incentives adopted and used by heritage managers in the post 1994 heritage management in South Africa, only three (10.7%), which is approximately a third, bear some semblance of having been contemplated at policy design phase, and can claim some amount of legitimacy from legislation.

## **7.5 DEPLOYMENT OF INCENTIVES AND MANAGEMENT PARADIGMS**

Specific conclusions can be made with regard to the deployment of incentives in the policy process and the characteristic paradigms of public management currently in vogue. Careful consideration will have to be made with regard to such management approaches as managing for outcomes (i.e. Result Based Management), Total Quality Management (TQM), as well as Network Management.

### **7.5.1 INCENTIVES AND MANAGING FOR OUTCOMES**

There is evidence that heritage managers in the post 1994 South African public service by default adopt certain types of incentives when introducing policy programmes in targeted communities. The deployment of such inducements is motivated by the complexities involved when wanting to gain entry into communities and solicit timeous buy in for new initiatives. To this extent, the type of incentives used at this phase of the policy process are shaped by the



contextual realities of South Africa as a developing country. Job opportunities which will accrue to the introduction of the project to a targeted community are understood by managers to be one of the incentives *par excellence* which dominate the discourse at this stage.

Such a sudden change of paradigm exhibited by this new interest in incentives as policy instruments used at the project initiation phase of the policy process, present policy analysis with useful information. On the one hand, it is a clear indication that the deployment of incentives in the South African heritage sector should straddle through the entire policy process; and that the type of incentives used in the said process should be decided upon at the design phase, bearing in mind the exigencies and complexities that will be encountered during project initiation, implementation and evaluation. Evidently, incentives used by managers at the project initiation stage of the policy process are primarily intended to initiate relevant policy programmes in societies. On the other hand, the observation by heritage managers that consultation to lobby support from communities when projects are introduced is lopsided and often done at the expense of participation throughout the policy implementation process is characteristic of a focus on managing for compliance and outputs. The fact that the language of beneficiation is often used when such projects are introduced and, according to managers in the field, and that soon after the support for the introduction of projects has been attained, the entire process becomes totally bureaucratic, demonstrates that managers are much more concerned with issues of compliance and meeting targets specified in the strategic documents of implementing departments. In this sense, management processes engaged in to solicit buy in from communities and other actors in the implementation conduit, are concerned with compliance with specific performance indicators the attainment of which inevitably leads to the realisation of planned outputs.

The characteristic exclusive emphasis on the delivery of outputs and the concomitant managing for compliance encourages the lopsided focus on lobbying communities for clearance at the expense of continuous meaningful participation in heritage policy implementation endeavours. This gives rise to a need to seek to design and deploy incentives within a new management paradigm, which is the managing for outcomes approach to public management; often dubbed the Result Based Management approach (RBM). Changing the paradigm from managing strictly for compliance to managing for results will equally focus attention on the realisable impacts which specific outputs bring about as heritage interventions are implemented. It is in this context where incentives decided upon at the design phase of the policy journey will be monitored and evaluated for effectiveness. In a sense, the conclusion made in this regard is that where incentives are deployed in the entire policy process, their choice and relative effectiveness will be understood and gauged in the context of a result based approach to the management of policy programmes.

While outputs are not the ultimate goal of policy interventions, they are nonetheless important in the realisation of immediate, intermediate and ultimate policy outcomes. This therefore presupposes that the realisation of quality outputs is a prerequisite for the attainment of quality outcomes. Evidently, there are characteristic causal linkages existing between delivered outputs on the one hand, and outcomes on the other. Such a deduction therefore inevitably leads to yet another sub-conclusion that can be made based on the basis of data presented and

analysed in the previous chapter. That is, if the quality of outputs delivered has the potential to influence the quality of resultant impacts realised, then there is enough reason to deduce that managing the policy process for total quality (i.e. Total Quality Management (TQM) becomes an important function of the manager concerned. The primary concern of Total Quality Management is among others, the characteristic focus “*on the quality of all the processes that lead to final product or service.*” (Grobler, Warnich, Carrell, Elbert and Hatfield, 2002:114). Incentives are policy instruments used to generate adequate participation in the policy process, thus improving not only the realisation of quality outputs in the form of both goods and services; but the deployment of incentives throughout the policy process will inevitably improve participation and by implication the production of quality outputs and ultimate policy outcomes. In a sense the entire causal chain from policy design to evaluation will be managed for total quality to ensure the ultimate quality impact.

## **7.6 KNOWLEDGE ACQUISITION AND INTANGIBLE INCENTIVES**

There is a clear indication in the analysis of data that managers, although mainly by default, still employ the use of various types of incentives to enhance participation in the implementation of policy projects, long after they have been initiated in communities. This presupposes that at the design stage of the process, policymakers should expend a great deal of effort deliberating, interrogating and finally choosing relevant incentives that will be deployed in the various stages of policy with the aim of eventually realising the intended policy outcomes.

In the first instance, data analysis has revealed that managers in the post 1994 South African public service often leverage specific values of previously marginalised communities and use them as incentives to engender effective participation from actors. The policy process itself is a value laden undertaking. This therefore indicates that it is of utmost importance that heritage managers should be conversant with basic values which inform targeted communities and actors in a given policy environment so that they stand a better chance at making use of such phenomena and leveraging them as incentives to elicit the required participation even from previously marginalised groups. This will be yet another set of governing tools whose leveraging will ensure that the required bottom-up movement in the policy process is engendered. The assumed conversancy with such values will enable the manager in question to give them the required recognition and promote them as incentives. This is of utmost importance in a context where the management of living heritage like performing arts, social practices, rituals and indigenous knowledge systems of previously suppressed groups was marginalised and often discouraged under previous regimes. Recognition and promotion of values will also ensure that heritage managers create space for organic intellectuals to play a measure role in providing the necessary knowledge as a policy subsystem, in the development of policy positions and the subsequent phases of the process.

Therefore, insisting on the inclusion of values as incentives to induce participation particularly among previously marginalised indigenous communities also means that managers involved in the policy process may need to undertake a shift of paradigm in the way they approach the phenomenon of knowledge reception. The dominance of positivism as a mode of acquiring

knowledge will have to be supplanted by a view which seeks to include other knowledge systems where scientific objectivity is not the only way of knowing legitimised. To this extent values classified as intangible will also play a role in endeavours aimed at incentivising participation from traditional communities where intangible heritage is deeply embedded.

### **7.7 INCENTIVES USED AS PART OF A MULTI-PRONGED STRATEGY**

Data analysis has given a strong indication that when incentives as policy instruments intended to express policy are used, they are deployed as part of a multi-pronged strategy which includes the use of other governing tools in the mix. This has been attested to by managers who affirmed that the fact that South Africa is a developing country makes it imperative that managers do not use a single approach in their policy implementation endeavours. While regulatory instruments are relied upon for effective implementation, the use of incentives is also regarded as part of the multi-pronged strategy employed in the management of policy plans and programmes. This therefore indicates that a reductionist approach to the use of incentives in heritage policy implementation is not suitable for post 1994 South Africa. On the contrary, incentives will function optimally when they are used in conjunction with other instruments to effect the desired changes in the unacceptable social challenge identified as requiring a solution of sorts.

The bias towards authority based regulatory policy instruments like legislation, characteristic of the top down approach to the policy process demonstrated earlier in the policy development phase by respondents, is important for this study. The change of paradigm experienced by heritage managers from project initiation onwards, and the concomitant recourse to the use of incentives to elicit participation from actors is an indication that South African heritage managers in the post 1994 era are persuaded that incentives as policy instruments can be effectively deployed when they are part of a composite multi-pronged strategy to engender effective policy implementation. As Levitt (1980:167) observes, that different policy instruments express policy differently; and this is one of the reasons why they are used in a combination. To this extent, the complexities associated with public policy programming create space for supplementing authority based governance tools with the language of beneficitation as an incentive to elicit proper responses and align the behaviour of targeted actors with the goals of the policy. This suggests that incentives should be used in such a way that they are in concert with authority based instruments to effect the desired change of behaviour. In a sense, the exigencies of policy programming and implementation accentuate the limits of authority in engendering effective implementation and thus create space and opportunity to explore other relevant policy tools and management strategies like incentives. This phenomenon is clearly demonstrated where managers are confronted with the complexities of implementation and as a result begin to consider the deployment of incentives as a supplementary strategy in policy implementation.

The study is premised on the assumption that there is a need to change from an exclusive usage of 'sticks' in soliciting compliance and alignment with policy goals during implementation to a model which also considers the deployment of 'carrots' to ensure maximum participation. The important contribution made by this study in this regard is that approaches to policy

implementation should not adopt a reductionist view with regard to the deployment of inducements in the policy process. To this extent, there is space for both ‘sticks’ in the form of authoritative regulatory policy instruments such as legislation; as well as ‘carrots’ in the form of specific inducements. While an overreliance on authoritative policy instruments has its limitations in soliciting maximum participation from the constellation of actors in the implementation conduit, they should still be part of the mixture of tools of governing used to align the behaviour of targeted actors.

The combination of top-down and bottom up approaches creates space for the deployment of incentives as governance tools aimed at maximising policy implementation. That is, while the authoritative top-down dimension provides legitimacy to the policy process by according power to manipulate the policy process to actors accountable to voters in the exercise of such power, its combination with specific inducements as policy tools in particular, ensures that there is also an upward movement entrenched by the deployment of incentives spurring communities and the grassroots actors to relevant action. This presages that such critical phenomena as the decentralisation of power in the unfolding of the policy process, occurs in the context of a legitimately exercised central control as critics of the bottom up approach often argue. That is, the combination of authoritative regulatory instruments and incentives will ensure that a reductionist use of inducements does not necessarily equate to an overemphasis of local autonomy. If one recommends that the top-down authoritative approach to the policy process be maintained together with attempts to induce an upward movement by way of deploying incentives, is one simultaneously recommending that the mechanistic view of policy implementation needs to remain intact. The answer to this question is to the contrary. The mechanistic view of public policy implementation virtually understands the policy process as a close system not necessarily impacted by extraneous factors to determine its efficacy and effectiveness. The deployment of incentives challenges the view that policy implementation is a bureaucratic process devoid of external stimuli of sort. To this extent the failures of policy implementation are not attributable exclusively to management as critics of the top-down approach would legitimately observe. The retaining of the authoritative top-down dimension in the policy process is maintained first to ensure that a multi-pronged approach to the deployment of governing tools is made possible, thus avoiding reductionist tendencies in this regard; while at the same time it seeks to ensure that the policy action in question is still construed as government action, which is of utmost importance in a democratic setting. In a sense, while the authoritative top-down dimension movement is preserved, there are no intentions of regarding the process as wholly mechanistic as the position was in the first generation paradigm of public policy implementation.

Although the synthesising tradition advocated by scholars in response to the bottom-up and top-down approaches to policy implementation cannot be regarded as a complete theory, there are some deductions that can be made from the foregoing as implications for this approach to the synthesis of the two paradigms. Elmore can be classified as belonging to that category of synthesisers who, in their attempts to combine the bottom-up and top down approaches to implementation, seek to create a single model of policy implementation. The conclusion of this thesis that the use of incentives is not advocated from a reductionist perspective has important

implications for the synthesising tradition as espoused by Elmore. The deduction creates space for the deployment of the command and control deployment of policy tools as well as incentives to initiate the bottom up movement in the policy process. This presages that while policy makers explore the type of incentives in particular that can come in handy in the implementation of policy at each stage of the implementation conduit, they should also seek to consider an aspect of backward mapping suggested by Elmore which will in essence seek to inform them about the most appropriate incentive structure that is likely to impact positively in changing the behaviour of targets and aligning it with policy goals. In a sense, the design and deployment of incentives together with other relevant policy tools should be informed and shaped by the considerations of both forward and backward mapping as Elmore suggested in his synthesising tradition, where the design and deployment of incentives inform both the authoritative forward movement characterising forward mapping, as well as backward mapping which takes seriously the targets of policy “... *thus maximizing discretion at the point where the problem is most immediate.*” (Elmore, 1979-1980:605)

In the face of such evidence therefore, it can be concluded that legislation is an important part of the mixture of policy instruments which must be considered when incentives are contemplated for use as governing tools in the policy process. This conclusion has far reaching implications. That is, the inclusion of legislation in the mix will ensure that incentives chosen and deployed are clearly regulated in keeping with pertinent legislation. In an environment where corruption has the propensity to threaten effective service delivery, it becomes imperative that incentives deployed are mandated by legislation and the deployment guided by relevant regulations.

## **7.8 POTENTIAL TO CAUSE UNINTENDED CONSEQUENCES**

There is a long established tradition in the social sciences that purposive action has the potential for generating unintended consequences (Merton 1936:894). Policy interventions are by no means an exception to this rule; and the analysis of data in the previous section of the dissertation has borne some witness to this characteristic phenomenon. The turning of heritage resources into commercial commodities in the process of deploying inducements is regarded by some as responsible for diminishing the value of heritage; and preserving it for heritage's sake. The possibility of creating a dependency syndrome among communities and the potential for eradicating civil action, as well as the division that exists as a result of deploying experts to provide the scarce skills required for the effective protection and preservation of resources, express a concern among managers that there could well be unwanted consequences arising as a result of deploying and using incentives.

Therefore, while the use of incentives to solicit buy-in and thus bring about effective implementation of policy interventions is required in the South African policy environment; it is also equally true that as purposive action, the use of incentives can give rise to a further challenge of creating unwanted consequences. This is a potential risk that must be managed in the policy process to prevent implementation failure as will be demonstrated in the relevant recommendations below.

## **7.9 ALIGNING INCENTIVES WITH INTERESTS OF ACTORS IN THE POLICY NETWORK**

According to Klijn and Koppenjan (2002:2), government is no longer the cockpit from which societies are governed; and for that reason policy processes are generally the product of an interplay between various actors in the public policy arena. According to these scholars this has been one primary impulse which led to the advent of Network Management in the evolution of management theory over time. The emergence of network management as a strategy for managing policy programmes and interventions implies that while there are many actors involved in the effective implementation of policy, government largely plays the role of managing the network of stakeholders involved. To this extent, the choice of incentives to be used when soliciting participation becomes even more complex because the identification and the attempt to respond to the interests and values of the constellation of actors in the policy process is no mean task. This becomes even more critical if one takes particular cognisance of the fact that the choice of policy instruments is itself a difficult undertaking fraught with many challenges. In this instance, it becomes imperative that in the context of heritage management in South Africa, the choice of incentives used is rationalised in accordance with the type of actors involved.

Evidently, the analysis has clearly indicated that the constellation of actors in the heritage implementation conduit can be largely classified into three categories. Well over 50% (i.e. 10) of such actors are classified as private; and they comprise quite an array of actors consisting of individuals and groups from civil society. It would seem therefore that the majority of incentives deployed should seek to target these actors and the vexing question as to what type of inducements can be considered for this constellation; as well as how are they to be deployed and used are inevitably questions that need to be interrogated and proper decisions taken by managers at the policy design stage. The second largest category of actors (i.e.23.53%) comprises ordinary communities which include among others, bearer communities, religious communities, communities of practice as well as community based organisations (CBOs). The smallest number of actors (17.65%), who need to be induced somewhat in order to spur them to action and align their respective behaviour with policy goals belongs to the public sector. Decisions as to what incentives can be deployed in all these categories as well will have to be rationalised by managers involved. It is necessary that this category of incentives is discussed by policy physicians within the context of a sound intergovernmental relations for maximum impact.

Consequently, what makes the task of choosing relevant, if appropriate incentives (i.e. policy instruments) even more complex, is the fact that other considerations apart from the type and nature of actors involved, also play a critical role. Such things as the definition and structuring of the problem requiring a policy intervention; the goals of the policy being mooted, and how these are going to be deployed, the values characteristic of targeted actors, are all vexing questions that must be interrogated right at the design stage of the policy process. Adding to the complexity of the task of making the right choice of instruments, Hill (2009:178) observes that the determination of relevant policy instruments is not only dependant on such things as policy type and resistance to policy, but the choice is also impacted upon by ideology.

## **7.10 RECOMMENDATIONS**

The findings arrived at as a result of data analysis in the previous chapter and the resultant conclusions deduced therefrom have indicated a number of recommendations that can be suggested to turn the current situation around, and enhance service delivery in the heritage sector in the post 1994 South African public service.

### **7.10.1 RETHINKING HERITAGE POLICY DEVELOPMENT IN SOUTH AFRICA**

Managers in the South African heritage policy sector will need to take particular cognisance of the fact that the much desired bottom-up movement needed to complement the traditional mechanistic top-down approach to the policy process, is to a large extent, a salient feature and innovation of the democratic dispensation; and as a matter of consequence, various inducements will be needed to motivate particularly those sections of the South African society whose participation was systematically marginalised and discouraged by previous regimes. The top-down approach to policy demonstrated a particular approach to governance characteristic of previous dispensations in the South African context. The exclusive use of authoritative and mechanistic top down approaches to the policy process was a characteristic feature of South African models of governance for centuries. This has been clearly demonstrated earlier in this dissertation where an attempt was made to account for the nature of policy making processes during the colonial era as well as during apartheid. In order to turn the current situation around and ensure that there is an effective and efficient delivery of services in the sector, Government in South Africa has to rethink its approach to heritage policy development processes. A radical shift in the policy process is needed in the sense that, among other things, managers in the industry should insist and even invest their imaginative and creative abilities to choosing relevant incentives right at the initial stages of the process. This will ensure that incentives are not adopted by default during the subsequent phase of the policy process. In point of fact, the current approach in the deployment of incentives which begins at project initiation is devoid of any attempts made by the relevant managers to align such choices with the goals of policy and other pertinent considerations which should be the subject of the policy design phase of the process. Where the choice of incentives as appropriate governing tools is done at the policy design stage, such a choice will have benefited enormously from the rigours of policy agenda setting and related activities which seek to enrich the policy process as it unfolds.

The recommendation to rethink heritage policy development in the South African public sector will mean among others, that incentives are deployed in the entire policy process; and the fact that such deliberations are engaged in at the design phase will also mean that appropriate inducements are deployed at every stage of the process to enhance effective community participation. This among other things will ensure that the current practice of using specific incentives at project initiation as well as in subsequent phases is a pre-implementation consideration. In this way government will then deal decisively with the criticism levelled that public managers in the post 1994 South Africa only think about inducing participation at project initiation as a result of complexities germane to implementation, and that subsequent to that the process thereafter becomes completely bureaucratic, and devoid of any meaningful

bottom-up movement. It has emerged in the analysis of data, that there is a sense in which the deployment of incentives in the policy process is understood by some managers as an act of empowerment to enable meaningful active participation in the policy process. The choice of relevant incentives engaged in at the design phase therefore will ensure that throughout the process, actors are empowered to participate, thus adding the required quality to each phase of the policy journey; and by implication enhancing the quality of policy outputs and their respective impacts.

While different types of incentives are to be considered by heritage managers, it is also of dire necessity that every precaution is taken not to adopt a reductionist approach in the deployment of instruments at the design phase of the process. Deliberate attempts should be made to deploy incentives only as an important element of a multi-pronged strategy where other governing tools like regulatory policy instruments are also considered a critical part of the mix. Adopting a non-reductionist stance in the choice and deployment of policy instruments will also assist in minimising the risk associated with corruption in the deployment of direct financial incentives. The list of inducements that can be considered at this stage of the policy process is endless and will inevitably include quite a variety of both tangible and intangible inducements leveraged to align the behaviour of actors with specific policy goals. The targets of such incentives should include public actors, private actors as well as communities.

Rethinking the heritage policy process would also mean that concrete steps are taken by managers to deploy and use incentives beyond implementation. This presages that inducements aimed at enhancing the quality of evaluations are also an important consideration and a brief of policy physicians in the heritage sector of the South African public service. It can be argued that the recommendation to deploy and use certain types of incentives at the evaluation stage of the policy process is among other things caused by the fact that South Africa is a relatively new democracy comprising of a majority of people who were previously systematically marginalised from critical decision making. It will therefore be important that every effort is expended to induce them to effective participation even at this stage, and thus enrich the policy process. This is even made more important by the fact that in some instances communities are often plagued by a characteristic apathy when it comes to involvement in relevant government policy processes.

Evaluations of policy programmes in particular are often conducted for a variety of purposes. Even a cursory look at some of the paradigms of evaluation would give an indication that the bottom up movement is still of relevance at this phase of the policy process for effective programme evaluation; and to this extent appropriate incentives would need to be deployed to generate the said movement. In order to illustrate this, two examples are going to be cited which underlie the relevance of ensuring participation of actors in the evaluation of policies and policy interventions; and by implication the relevance of incentives in the process. The first example deals with the reason why policy and programme assessments are conducted in the first place; while the second example has much to do with paradigms of evaluation.



### **7.10.1.1 INCENTIVES AND SUMMATIVE EVALUATION**

Part of the reason why summative evaluation is conducted is to ascertain whether policies and policy programmes have indeed reached the intended beneficiaries and have produced the desired results (Rabie and Cloete, 2011:200). For this reason, it is difficult to think of any effective summative evaluation without meaningful participation of targeted beneficiaries who will to a large extent provide the relevant primary data for judging the worth of a given initiative. To this extent space for appropriate incentives to engender the much desired bottom-up movement in the process must be created to elicit the right responses from such actors. This therefore places a heavy responsibility on policy physicians during the policy design phase of the process to be both creative and imaginative in choosing inducements that will come in handy when programmes and policies are eventually evaluated for their effectiveness and impact.

### **7.10.1.2 EMPOWERMENT EVALUATION AND THE ROLE OF INCENTIVES**

The second example of an evaluation whose nature presupposes maximum participation from targeted actors and beneficiaries in the policy process is **empowerment evaluation**. The latter as a type of assessment that has a strong developmental orientation. *“It is designed to help people help themselves and to improve their programs using a form of self-evaluation and reflection.”* (Fetterman, 2004:1065) This type of evaluation therefore seeks to empower participants including consumers, clients and staff members to conduct their own evaluations with the help of an outside evaluator whose particular brief is to be coach and facilitator of the entire process.

Three steps are involved in empowerment evaluation and include participants in the process defining their mission as their first task while facilitated by an outside evaluator. The second step involves taking stock of what has happened by identifying and listing what they regard as the most important features and activities associated with the initiative. Participants then rate themselves as to how well they think they have performed each activity identified, which opens space for discussion among them (Fetterman, 2004:1067). Subsequent to the rating of programme participants they chart the way forward and plan for the future based on the results of the evaluation process.

This paradigm of evaluation will inevitably require maximum participation from both beneficiaries and actors responsible for the implementation of a given policy programme and to this extent creates a fecund context for the deployment of relevant incentives to elicit that participation from other critical actors.

### **7.10.2 ENCOURAGING INNOVATION AMONG MANAGERS**

It has been concluded that an unbridled imagination and creativity is one of the important skills that managers should have in order to consider the wide scope of incentives that can be used to encourage participation in the entire policy process. That is, informed by among others, the knowledge of the values of the targeted community, managers will be expected to use their

imagination and creative capacity to choose relevant inducements for each phase, right at the design phase of the policy process.

Specific steps can be taken by government to ensure that the said imaginative and creative capacity is encouraged among managers. The observation made by the first Presidential Review Commission established by President Mandela in 1998, made an important observation regarding the evident policy implementation failures in South Africa. The finding made by this commission as alluded to earlier on signals the fact that problems in the new South Africa were not necessarily caused by the absence of policy. On the contrary, according to this commission the challenges experienced reflected problems of execution of chosen policy alternatives; and this is a concern often raised by many policy analysts in the South African context. The said report further makes an observation which is of great relevance for the purposes of making recommendations in this study. That is, implementation failure was caused by the lack of incentives designed for managers to do so. (South Africa (Republic), 1998: Section 3.2.4.4). The White Paper on Transforming Public Service Delivery produced by the Department of Public Service and Administration in 1997, highlights the need to encourage innovation and rewarding excellence in service delivery within the South African Public sector. While this is recommended primarily for those public servants who “... *perform well in providing customer service.*” (South Africa (Republic), 1997: 16); it is recommended here that such rewards be also targeted to managers who in their daily engagements as policy physicians, display an amount of innovation and creativity that brings about effective incentives for deployment in the heritage policy process to enhance service delivery. In a sense, this will discourage the outsourcing of such fundamental functions to consultants who are not directly involved in and impacted upon by the exigencies of policy processes in the public sector. Rewarding innovation and creativity among managers will circumvent the over reliance on consultants often displayed by certain sectors of the public sector.

### **7.10.3 EMPOWERING THE MANAGEMENT CADRE OF THE PUBLIC SERVICE**

As a developing country and a relatively new democracy, South Africa is characterised by a lack of policy analysis skills among its management cadre in all its levels. The study has revealed that even among senior heritage managers the lack of advanced skills in policy is recognisable. This is an anomalous, if untenable situation if one takes into particular cognisance the fact that senior managers in the public services are by default, regarded as policy analysts who contribute enormously to the development of specific policy positions in the areas of service delivery they are in charge of. It has been noted above that one of the reasons why incentives are not contemplated as relevant policy instruments at the policy design stage of the process is caused by the fact that managers do not possess the necessary skills to engage effectively with matters pertaining to agenda setting in particular and by implication relevant policy design skills.

Faced with such a situation therefore it is of dire necessity that the senior management cadre of the public service be provided with opportunities to acquire relevant policy skills which will enable them to participate meaningfully in the entire policy process and address the salient gaps identified in the management of policy. A number of options are available to government to

address this challenge decisively. One such alternative is about entering into a contract regulated by a Memorandum of Understanding (MOU) between institutions of higher learning and government, wherein specific courses are going to be designed for the existing senior management cadre in the public service. Such institutions will then design specific modules which address specific policy skills identified as scarce in the service.

It could well be that in some instances outsourcing the capacitation and further training of the public service management cadre may be considered ineffective for instilling the right ethos that government requires in order to excel in its performance. The second option available therefore is for government to provide in house training in this regard which will be tailored in accordance with its own specifications and values in mind; while simultaneously allowing it to inform and shape the curriculum strictly in accordance with its needs. For this reason the newly formed National School of Government provides a useful model of further skilling to its management cadre.

In the array of streams available in the Leadership Programme of this institution is the Executive Development Programme (EDP), designed specifically for the Middle Management Service (MMS) cadre of the public sector. A closer look at the curriculum demonstrates that there is a clear focus on addressing the skills deficit in various areas of management including strategic management and public policy analysis. (South Africa (Republic), 2015:1) This option presents the best opportunity for government to professionalise its management cadre in a way that will impact positively to performance and service delivery in general.

In order to solicit the right responses from managers so that they align their behaviour with this particular policy goal, it will be necessary for government to use both ‘sticks’ and ‘carrots’. One way of doing this would be the provision of appropriate incentives for managers to register for such courses by subsidising their training. It would also be necessary to consider policy skills as one of the important prerequisites for possible upward mobility among members of both the middle and senior management cadre in the South African public service.

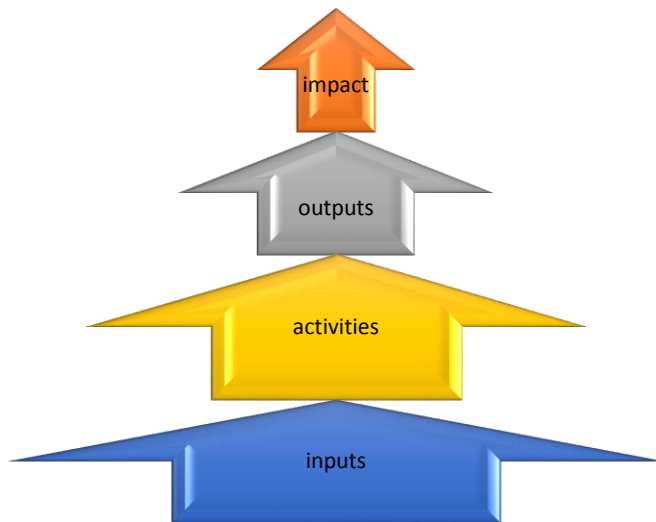
Coupled with the acquisition of policy skills by managers, attempts should also be made to expose public sector managers to continuous training in Strategic Management, more particularly, Results Base Management (RBM) as opposed to managing strictly for compliance and outputs. According to the South African National Treasury, Results Based Management is a new phenomenon in public sector management approaches and paradigms.

*Up till recently, the focus has been on measuring and reporting on what we do and what we produce. The new focus extends this interest into the area of outcomes. It asks what we achieve with what we do. This does not mean that we shift the focus away from activities and outputs so that we are only interested in outcomes. RBM extends the focus so that all the elements are important.* (South Africa Republic, 2014: 9).

In a sense, managers will be trained to begin to appreciate the new management paradigm so that it begins to inform their respective management of policy interventions. They will have to be made aware that the new focus in RBM is ultimately on what we wish to achieve beyond

compliance and outputs as the following diagram adapted from the South African National Treasury demonstrates.

*Figure 7(ii). Managing policy interventions for quality impact*



*Adapted from National Treasury South Africa 2014*

It is suggested that the original diagram as presented by the said Treasury (i.e. Fig 2(a), Section 2.2 of this thesis), be adapted and modified as shown above (Fig 7(11)). One of the vexing issues in public policy management and analysis is the slippery nature of the terminology often used when referring to outputs and their respective results. To this extent the word output is sometimes used interchangeably with outcomes thus creating some confusion. Referring to what needs to be achieved as outcomes may also be inadequate for the purposes of this thesis and also taking into consideration the South African context of public policy management. Given the foregoing therefore, instead of identifying what managers seek to achieve in the implementation of policy interventions as **outcomes**, it is suggested in this thesis that the word **impact** be used. There is a sense in which impact is often understood to be linked to quality other than quantity. For this reason, when a policy intervention is evaluated for impact, it will suggest that the outputs delivered by the programme are of such class and excellence that high quality impacts (i.e. results) are going to be achieved. Referring to outcomes as impacts and the link that the term has with quality will therefore presuppose that every stage of the model is managed for quality in order to achieve quality impacts.

#### **7.10.4 EVALUATION OF POLICY PROGRAMMES AND THE ROLE OF INCENTIVES**

The fact that managers are forced to adopt incentives by default, should also alert managers to the fact that when future policy positions are contemplated and current interventions evaluated, space should be accorded for the evaluation of the relevance of incentives in the entire policy process, thus informing subsequent policy design endeavours. This is important given that public policy processes are often regarded as cyclic in nature.

Evaluation of policy programmes is done primarily to ascertain their merit, improve programmes and generate knowledge. For this reason it would be helpful if evaluations conducted at specific intervals of the policy process, would also seek among others to evaluate the worth not only of policy interventions, but also such instruments as incentives which have been used to express policy and implement it. Considering the aforesaid cyclic nature of the policy process, adequate space is therefore afforded for managers to conduct different types and paradigms of programme evaluation, with the aim of assessing programme processes and impacts, and the role played by incentives in that context. Different paradigms and approaches are available to managers to conduct programme evaluation of this nature and include such phenomena as clarificatory evaluation, process evaluation and impact evaluation.<sup>51</sup> During these critical phases of evaluating policy initiatives, attempts should also be made to ascertain the role played by incentives in the entire process, so that when new policy positions are adopted they are informed by the findings generated by the said evaluation.

#### **7.10.5 DEALING WITH UNDESIRABLE CONSEQUENCES OF INCENTIVES**

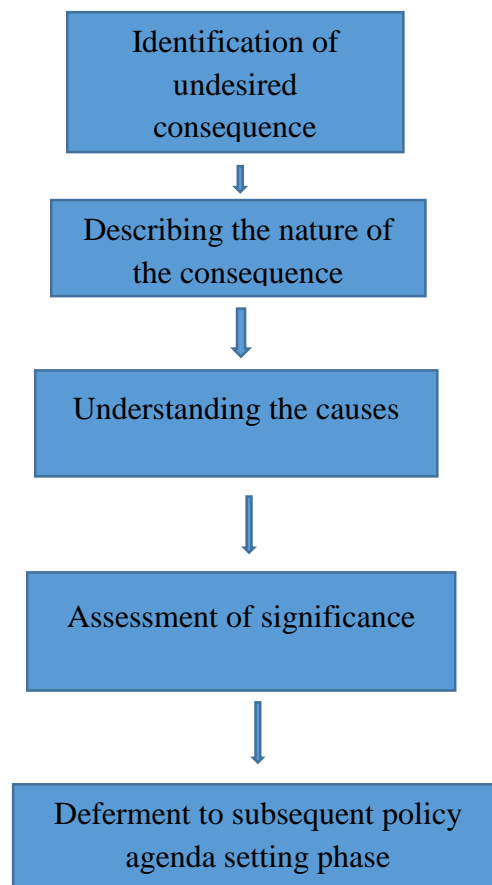
Not all unintended policy consequences are bad. What presents a challenge for public policy analysis therefore are the undesired policy consequences; and for that reason managers should learn how to deal with them decisively in order to enhance the quality of the policy process. It is imperative that undesirable consequences of deploying incentives are dealt with because, depending on the analysis engaged in by managers in the public service, there is a great potential that they will have to inform policy agenda setting exercises of subsequent policy cycles. The author of this dissertation is suggesting the following model for the purpose of analysing the undesirable consequences of using specific incentives to elicit adequate participation of actors in the heritage policy process. The process consists of stages which are linear in nature. There could well be instances where some of the stages of the model are iterative and do not always follow a distinct linear pattern as reflected.

A suggested model for dealing with undesirable consequences arising from the use of incentives in the policy process is known as the **INCSD Model** and the analyst begins by identifying (**I**) the undesired consequence and seek to describe its nature (**N**) as clearly as possible. Subsequently, the analyst attempts to understand what can be regarded as the causes (**C**) of the undesired consequence. This stage is followed by the assessment of whether the analyst considers the undesirable consequence to be of any significance (**S**) in the policy process; and then based on the decision made at this stage, the matter is deferred (**D**) to the agenda setting phase of the subsequent policy cycles.

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<sup>51</sup> Clarificatory Evaluation is a term coined by the University of Stellenbosch's Centre for Research on Science and technology (CREST) to refer to a type or phase in the evaluation process where the focus is on clarifying and making explicit the often implicit logic or structure of programmes. Part of the distinguishing features of this type of evaluation is its reliance on the use of logic frames to assist in the conceptualising of relevant programme theories. Process evaluation refers to a type or phase in evaluation where the focus is on the processes engaged in during the implementation of the programme or policy. Impact evaluation has more to do with the evaluation of impacts or outcomes the implementation of policy has on its environment.

### THE INCSD MODEL



*Figure 7(iii): Model for dealing with unintended consequences*

### 7.11 CONCLUSION

This study highlighted the fact that conventional positivistic research often fails to understand the personal and phenomenological experiences of people, and in particular the fact that incentives as instruments in policy implementation requires a lot more attention by policy scientists and analysts, and that they could play an important role in resolving some of our existing problems with effective policy implementation. Although this study focused on Heritage Policy in South Africa, it revealed the phenomenological reality that incentives may have been neglected in the understanding of what makes policy management effective in the post 1994 context. While there are no conspicuous attempts by public heritage managers to decide on appropriate inducements at the policy design phase of the policy process, it can be concluded that the use of incentives should straddle through all the phases of the heritage policy process for effective implementation. To this extent an unbridled creative imagination becomes a pre-requisite for the said deployment of incentives, keeping in mind the need for upholding common values and the rule of law; while such a placement is considered within specific management paradigms for effectiveness. The acquisition of knowledge in the policy processes also underscores the limits of the conventional top-down approach towards the attainment of relevant policy knowledge, such as this phenomenological study, flies in the face of a dominant positivist approach to knowledge generation, thus emphasising the relevance of intangible cultural values, direct community involvement and employment of indigenous knowledge

systems. A non-reductionist deployment of incentives as policy instruments also enhances their effectiveness. The study also points out as with all new paradigms, theories and mechanisms to improve policy implementation, the initial potential for unintended consequences is a characteristic feature of all policy implementation processes, including the heritage policy process. Therefore the alignment of incentives with the interests of actors in the policy network is of utmost importance. Specific recommendations arising from the conclusions reached were also highlighted and ranged from rethinking the entire heritage policy process characteristic of the heritage sector in South Africa to the development of a model aimed at assisting managers deal effectively with potential undesired policy consequences that may result from this proposed change in the manner in which incentives are employed. All of this requires us to rethink how we transfer the requisite and sorely needed policy analysis and management skills to incumbent and new managers within the South African Public Service.

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## ETHICAL CLEARANCE



23 October 2014

Mr Vikinduku Victor Mnculwane (200272111)  
School of Management, IT & Governance  
Westville Campus

Protocol reference number: HSS/1161/014D

Project title: To what extent are incentives used to solicit community participation in heritage policy implementation in post 1994 South Africa?

Dear Mr Mnculwane,

### Full Approval – Expedited Application

In response to your application received on 12 September 2014, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol have been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number.

**PLEASE NOTE:** Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

.....

Dr Shenuka Singh (Chair)

/ms

Cc Supervisor: Professor Henry Wissink  
Cc Academic Leader Research: Professor Brian McArthur  
Cc School Administrator: Ms Angela Pearce

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### Humanities & Social Sciences Research Ethics Committee

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