

**AN ANALYSIS OF AGENDA SETTING: THE MANAGEMENT OF THE NEW
ENGLAND ROAD LANDFILL SITE IN THE MSUNDUZI MUNICIPALITY**

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DECLARATION

I, Thabani Wiseman Mkhize, declare that

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- (ii) This dissertation/thesis has not been submitted for any degree or examination at any other university.
- (iii) This dissertation/thesis does not contain other persons' data, pictures, graphs or other information, unless specifically acknowledged as being sourced from other persons.
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ABSTRACT

The constitutional democracy in South Africa, ushered in by the first democratic elections of 1994, has opened up opportunities for the rise of various issues that were previously marginalised. The current political dispensation, supported by new progressive legislation, has rendered reckless management of waste management unacceptable. As a result, the management of waste, particularly the dominant landfill site waste management facilities, has come under increasing scrutiny from civil society organisations, the public and affected communities. Whilst the new constitutional order has demarcated responsibility for the management of solid waste, reality indicates that in spite of various legislative attempts to ensure the institutionalisation of sound and integrated waste management, solid waste is still poorly managed by responsible authorities.

It has also been evident that many municipalities in South Africa still rely on the problematic landfill sites as the dominant waste disposal facility, this despite the obvious environmental problems that land filling engenders. It has been noted that waste problems are still marginalised from the mainstream development initiatives of responsible municipalities. The poor management of solid waste and the negation of responsibility, as in the case in the Msunduzi Municipality, are indicative of the politics involved in the identification of policy issues that government attends to from the available pool of existing social concerns. The failure to find policy solutions to identified waste problems in the Msunduzi Municipality has provoked questions around how policy issues negotiate their way onto the government agenda.

The biggest issue from a public policy perspective is how does government decide on which issues they will address amongst the numerous and equally pressing social problems that warrant government attention. Using Kingdon's agenda-setting theory, this dissertation found that problem definition, policy dynamics and political interests all play influential roles in the agenda status of social problems and whether they are addressed or not. As a result, the study argues that there must be positive interaction between the three, problem, policy and political streams, in order to produce a solution to the policy issues of waste management in the Msunduzi Municipality.

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DEDICATION

I dedicate this thesis to my late grandfather, Mr. Lizana Mthembu, my cousin, Sipehelele Zaca, and Thami Nxumalo, who all passed away during the course of this degree. Together with my family and friends, they taught me the value of life.

TABLE OF CONTENTS

ABSTRACT	ii
ACKNOWLEDGEMENT	iii
DEDICATION	iv
LIST OF ABBREVIATIONS	vii
LIST OF TABLES	x
LIST OF FIGURES	xi
CHAPTER ONE: INTRODUCTION	1
1.1. Introduction and Background.....	1
1.2. Research Problem.....	4
1.3. Literature Review.....	5
1.4. Research Objectives	11
1.5. Benefits of Study.....	11
1.6. Research Methodology	13
1.7. Limitations of the Study	16
CHAPTER TWO: THEORETICAL FRAMEWORK	18
2.1. Kingdon’s Agenda-Setting	18
2.2. Kingdon’s Policy Stream.....	20
2.3. Problem Stream.....	21
2.3.1. Indicators.....	23
2.4. Policy Stream	25
2.5. Political Stream	26
2.6. Coupling and Policy Window	29
2.7. Conclusion	30
CHAPTER THREE: LEGISLATIVE BACKGROUND	31
3.1. History of Waste Management in South Africa	31
3.2. Roles and Responsibilities in Waste Management	39
3.2.1. National Government	39
3.2.2. Provincial Government	40

3.2.3. Local Government	41
CHAPTER FOUR: SITUATIONAL ANALYSIS	42
4.1. Introduction.....	42
4.2. Demographic Profile of Msunduzi Municipality	42
4.3. Governance	44
4.4. Waste Management in Msunduzi Municipality	45
4.4.1. New England Road Landfill Site.....	48
4.4.2. Extending the lifespan of New England Road	50
4.4.3. Msunduzi Recycling Initiatives.....	50
4.4.4. Identifying a New Landfill Site.....	54
4.4.5. Landfill Site Identification Process	55
4.5. Conclusion	58
CHAPTER FIVE: FINDINGS AND DISCUSSION.....	59
5.1. Introduction.....	59
5.2. Discussion of results.....	59
5.3. Policy Stream	59
5.4. Defining the Landfill Site Policy Problem	66
5.5. Policy Stream	71
5.6. Clashes of Conceptions of Development.....	74
5.7. Civil Society’s Limited Influence	76
5.8. Role of the Media	78
5.9. Political Stream	80
5.10. Governance Problems	82
5.10.1. Institutional Arrangements.....	82
5.10.2. Human Capacity Problem	85
5.10.3. Limited Knowledge	86
5.10.4. Financial Constraints	90
5.11. Conclusion	94

CHAPTER SIX: CONCLUSION	96
6.1. Window Opportunity and Coupling	96
REFERENCES.....	101

LIST OF ABBREVIATIONS

ANC	African National Congress
CBD	Central Business District
CONNAPP	Consultative National Environmental Policy Process
COSATU	Congress of South African Trade Union
DA	Democratic Alliance
DAEA	Department of Agriculture & Environment Affairs
DBN	Durban
DBSA	Development Bank of Southern Africa
DORA	Division of Revenue Act
DPLG	Department of Provincial and Local Government
DWAF	Department of Water Affairs and Forestry
DWEA	Department of Water and Environmental Affairs
EXCO	Executive Committee
GEAR	Growth Employment and Redistribution Strategy
IDP	Integrated Development Plan
IFP	Inkatha Freedom Party
IWMP	Integrated Waste Management and Pollution
J&G	Jeffares & Green Consulting Company
KZN	Province of KwaZulu-Natal
LED	Local Economic Development
LGTA	Local Government Transition Act
MEC	Member of the Executive Council
MFMA	Municipal Finance Management Act
MLC	Metropolitan Local Councils
MP	Member of Parliament
MSA	Municipal Systems Act
MTEF	Medium Term Expenditure Framework
NA	National Assembly
NCOP	National Council of Provinces
NEMA	National Environmental Management Act (107 of 1998)
NGO	Non Government Organization
NWMS	National Waste Management Strategy
PCB	Pietermaritzburg Chamber of Business
PMB	Pietermaritzburg (Msunduzi)
SA	South Africa
SACN	South African Cities Network
SACP	South African Communist Party

SALGA	South African Local Government Association
SANCO	South African National Civic Organisation
SRK	Consulting Engineers
TLC	Transitional Local Council

LIST OF TABLES

TABLE 1: Key Moments in History of Waste Management in South Africa.....	33
TABLE 2: Waste Hierarchy Approach.....	38
TABLE 3: A Reflection of uMgungundlovu District Waste Services	45
TABLE 4: Ranking Process of Possibility of Landfill Site	57
TABLE 5: Landfill Site Problem Trajectory	60
TABLE 6: Key policy events that affected the Landfill Site Agenda Status.....	72
TABLE 7: Political development in the landfill issue in Msunduzi Municipality	81

LIST OF FIGURES

FIGURE 1: Map of Msunduzi Municipality 43
FIGURE 2: Map of Msunduzi Owned and Managed Garden Refuse and Landfill Site 47

CHAPTER ONE

INTRODUCTION

1.1. Introduction and Background

South Africa is faced with serious environmental problems, particularly solid waste management problems, which are largely marginalised from the main government priorities in all three spheres of government. As a result, the management of the growing heaps of solid waste has become one of the pressing challenges facing government in post-apartheid South Africa.¹ Not only do waste problems pollute the environment and endanger public health, they also discourage investment opportunities, which in turn impede the efficient delivery of government development responsibilities.

To complicate matters even further, municipalities, which are charged with waste management responsibility, are already burdened with other socio-economic development imperatives. Most of these municipalities are struggling to balance the twin goals of providing basic services to local citizens and ensuring successful realisation of their statutory responsibilities with regards to environmental matters such as waste management. The general tendency to rank waste management lower amongst government programmes has isolated this challenge from the necessary exposure that would otherwise lead to better waste management.

As matters stand, South Africa is ranked among the major producers of waste in the world and, purportedly, the biggest in Africa.² A State of the Environment report stated that “the condition of the South African environment is deteriorating. Increasing pollution and declining air quality are harming people’s health. Natural resources are being exploited in an

¹ Hallowes, D and Munnik, V. 2008. *Wasting the Nation Making Trash of People and Places*. The Groundwork Report. Groundwork: Pietermaritzburg.p.1. Department of Environmental Affairs and Tourism. 2006. *South Africa Environment Outlook. A Report on the State of the Environment. Executive Summary and Key Findings*. Department of Environmental Affairs and Tourism: Pretoria.p.2.

² Hallowes, D and Munnik, V. 2008. *Wasting the Nation Making Trash of People and Places*. The Groundwork Report. Groundwork: Pietermaritzburg. p.1.

unsustainable way, threatening the functioning of ecosystems”.³ Evidently, South Africa’s environment needs to be managed better so that its ability to become sustainable in future is not compromised. With regards to waste management, the main challenge is that the sphere of government mainly responsible, the local one, is struggling with its responsibility to collect, treat and dispose of waste efficiently.⁴ Not only is waste collection erratic and irregular, in many cities solid waste disposal has emerged as the bigger problem in many of the country’s municipalities.

Relevant decision makers appear to be disinterested in matters of waste, or at the very least they do not readily see waste as a matter that warrants urgent high level priority treatment. One commentator even asked, “What is this nation, beset by serious unemployment and health crises, really doing to address the problem of properly managing its waste in an integrated and holistic manner?”⁵ Very little some may argue. The problem therefore would lie with both the system, and responsible institutions, including the people in charge of those institutions in all spheres of governance.

Waste management problems have also introduced other related problems, the main one being the dwindling locations for landfills that are used for waste disposal. Despite legislative direction that promotes integrated waste management, the reality is that waste disposal through a landfill site, with all its inherent problems, is still the default waste facility for most of the country’s municipalities where this function is carried out. In the eyes of many environmental justice activists, landfills are not only a costly waste disposal option but they are also undesirable and outdated both in terms of environmental aspects and the prevailing socio-political considerations.⁶

The management of waste has grown in stature due, some argue, to the failure of key decision makers to comprehend that “waste is not an isolated technical problem but is a

³ Department of Environmental Affairs and Tourism. 2006. *South Africa Environment Outlook. A Report on The State of The Environment. Executive Summary and Key Findings*. Department of Environmental Affairs and Tourism: Pretoria.p.2.

⁴ Samson, M. 2008. *Reclaiming Livelihoods: The Role of Reclaimers in Municipal Waste Management Systems*. GroundWork: Pietermaritzburg.p.44.

⁵ Ashton, G. *South African Waste Management in Crisis*. Available online: <http://sacsis.org.za/site/News/detail.asp?iChannel=1&nChannel=News&iCat=1434&iData=104>. Date Accessed: May 19, 2008.

⁶ Read, A, Philips, P Robinson, G. 1998. Landfill as the Future of Waste Management Option in England: the View of Landfill Operators. *The Geographical Journal*, 164 (1) p.66.

symptom, a physical manifestation, of much deeper problems within the current economic, political and social systems”.⁷ It is apparent that the neglect of waste in this country is the result of various technical, financial, institutional, economic, and socio-political factors. Also the attitudes and ideological stance of key role players has influenced the marginalization of waste management. Ashton has argued that the manner in which South Africa “deals with our waste seems to be something that politicians, both national and local, appear disinterested in solving. Instead of managing the problem, larger problems are created through inaction, lack of management as well as an abysmal grasp of the fundamental principles of integrated waste management”.⁸ This statement highlights the lack of interest in waste management functions from the political principals in particular, as well as by the state institution whose function it is to manage waste.

South Africa has been cautioned that inaction will lead to further environmental deterioration that would render sustainable development a pipedream.⁹ The authorities have responded with what seems like conventional rhetoric, which is thin in commitment from a government which signed the Polokwane Declaration agreeing to produce zero waste by 2022.¹⁰ The current situation where waste management, particularly disposal, is neglected supposedly because the state has developmental imperatives to attend to first is questionable. South Africa must “realise the real value of the resource stream by diversion from waste or we can continue to chuck everything away and damn the consequences”.¹¹ The urgency of the waste problem precludes the luxury of indecisive action. Urgent attention must be paid to waste management to avert what seems like an impending waste crisis, not only for the Msunduzi Municipality, but for the rest of the country as well.

⁷ Hallowes, D and Munnik, V. 2008. *Wasting the Nation: Making Trash of People and Places*. The Groundwork Report. Groundwork: Pietermaritzburg. November 2008. p.1.

⁸ Ashton, G. *South African Waste Management in Crisis*. Available online: <http://sacsis.org.za/site/News/detail.asp?iChannel=1&nChannel=News&iCat=1434&iData=104>. Date Accessed: May 19, 2008.

⁹ Department of Environmental Affairs and Tourism. 2006. *South Africa Environment Outlook. A Report on The State of The Environment. Executive Summary and Key Findings*. Department of Environmental Affairs and Tourism: Pretoria.p.2.

¹⁰ Ashton, G. *South African Waste Management in Crisis*. Available online: <http://sacsis.org.za/site/News/detail.asp?iChannel=1&nChannel=News&iCat=1434&iData=104>. Date Accessed: May 19, 2008.

¹¹ Ashton, G. *South African Waste Management in Crisis*. Available online: <http://sacsis.org.za/site/News/detail.asp?iChannel=1&nChannel=News&iCat=1434&iData=104>. Date Accessed: May 19, 2008.

1.2. Research Problem

In 1996, after conducting an independent assessment of the New England Road landfill site, Walmsey Environmental Consultants revealed in the commissioned report that the Msunduzi Municipal landfill site had 15 years left before its lifespan or capacity is exhausted. In 1997, the Msunduzi Transition Local Council appointed SRK Consulting Company to investigate potential areas suitable to be developed as landfill sites. By October 2010, the Msunduzi Municipality still did not have a new landfill site and according to different sources the New England Road landfill site has less than nine years before its capacity is exhausted.¹² In the intervening years, solid waste problems in the Municipality have grown into a serious challenge and the management of the New England Road Landfill Site, which also services the uMgungundlovu District Municipality, has been deteriorating to unpleasant levels. In 2006, an external audit of the Landfill Site declared it hazardous to both the environment and neighbouring communities; an undesirable predicament for a facility that was once voted the best managed site in the province in 2003 and 2004 respectively.

Despite some punctuated efforts by the Msunduzi Municipality to introduce recycling, re-use and recovery as modern waste management strategies, the default option for waste management in this Municipality remains the landfill site disposal method. The Msunduzi Municipality continues to rely on the outdated ‘cradle-to-grave’ waste management techniques, whereby waste is collected and transported to the landfill site for disposal, despite contemporary legislation and international norms recommending differently. Limited attempts at recycling with weak institutional support for the shift to integrated waste management techniques, which promote the reuse and recycling of waste, have also proved to be a catalyst or at least contributors to the solid waste problems in the Msunduzi Municipality.

The slow process of identifying a new landfill site, together with the growing waste problems in the Municipality, have heightened concerns about where the waste produce in the city will

¹² Manager: New England Road Landfill Site. Landfill Site Boardroom, Pietermaritzburg. September 2008. Jeffares & Green. *UMgungundlovu Regional Landfill Site Identification Strategic Planning Session 2 Minutes*. November 2009.p.4.

be dumped if the current facility is closed before another one is identified. The Msunduzi Municipality has recognized that the management of solid waste and the current landfill site facility are major problems in the city warranting proper policy attention. The question however, is why do the landfill problems in the Msunduzi Municipality remain unresolved? This question is particularly pertinent given that the Constitution of the Republic of South Africa charges local government with the responsibility to safeguard the environment, which includes sound waste management and the country, has passed several laws that promote a move away from landfill waste disposal practise to an integrated waste management approach. Why is the provincial capital of KwaZulu-Natal Province struggling to resolve a waste disposal problem that was noticed about fourteen years ago? These questions form the basis of the research problem that this study seeks to investigate.

1.3. Literature Review

Landfill waste sites and solid waste management are subjects that have not received wide attention, not only from governing institutions but also from academia. Very few academic studies have been done on solid municipal waste in South Africa, and even those that have been done tend to demonstrate consistent bias towards the field of science, overlooking the social, economic and political implications apparent in such issues. Dlamini, for instance, studied the concept of environmental liability and risk management approaches to the management of groundwater in quality monitoring of landfill sites in South Africa with little focus on the socio economic aspects.¹³ Although there is a large and diverse pool of literature that covers environmental problems, very few focus on waste management as a public policy issue.

In one of the few pertinent public policy studies on waste management in local government that has been undertaken, Makhaye (2002) investigated the implementation and regulation of waste management policies in the Msunduzi Municipality. This study found that the Municipality was struggling to balance the twin goals of integrated environmental management envisaged by in the National Environmental Management Act and the

¹³ Dlamini, T. 2007. *Environmental Liability and Risk Management Approach to Landfill Groundwater Quality Monitoring In South Africa*. Master of Science in Engineering Thesis. Faculty of Engineering and the Built Environment. Johannesburg: University of the Witwatersrand.

successful pursuance of economic development without compromising either of the goals.¹⁴ In a study of similar nature at eThekweni Metro Municipality (Durban), Maseko attributed poor waste management to clashing priorities and conceptions of development, which prompted her question: “*does economic development have to be achieved at the expense of the general public and the environment*”?¹⁵

As the Makhaye study also demonstrated, this question is at the heart of development planning in local spheres of government in South Africa. Just as Makhaye had found that insufficient capacity in policy enforcement was the reason for poor implementation of waste management policy in Msunduzi Municipality, Maseko also reached the conclusion that capacity constraints and resource shortages were the main obstacles to proper and effective regulation of waste management in the polluted South Durban Basin area.¹⁶

Another 2002 study comparing solid waste management practice in Cape Town, Cairo, Accra and Nairobi acknowledged that despite the existence of adequate legislation governing the waste management in the majority of the studied cities, municipalities could not effectively discharge their enforcement responsibility due to challenges of compliance and insufficient enforcement capacity.¹⁷ This study revealed that lack of financial muscle, coupled with administrative weaknesses, were the main reasons for implementation failures and adherence to official policies.¹⁸ As a result waste management remains marginalised and outside the development planning of these cities.

The inability of certain decision makers and government agencies to consider waste is one of the main impediments to integrated waste management in local municipalities. The undesirable result of this, as the Public Policy Forum argues, is that environmental and waste management facilities such as landfill sites, still do not “occupy spontaneous ranking on

¹⁴ Makhaye, T. 2002. *A Policy Analysis of the Implementation and Regulation of Waste Management in the Msunduzi Municipality*. Master of Social science Dissertation. University of Natal: Pietermaritzburg.p.4.

¹⁵ Maseko, Z. 2006. *Analysis of Hazardous Waste Management Policy and Its Implementation in South Africa: A case study of Pollution in the South Durban Basin*. Masters Thesis. University of KwaZulu Natal: Pietermaritzburg.p.ii.

¹⁶ Maseko, Z. 2006. *Analysis of Hazardous Waste Management Policy and Its Implementation in South Africa: A case study of Pollution in the South Durban Basin*. Masters Thesis. University of KwaZulu Natal: Pietermaritzburg.p.ii.

¹⁷ Palczynski, R.2002. *Study on Solid Waste Management Options for Africa: Project Report-Final Draft Version*. African Development Bank: Abidjan, Côte D’Ivoire.p.17.

¹⁸ Palczynski, R.2002. *Study on Solid Waste Management Options for Africa: Project Report-Final Draft Version*. African Development Bank: Abidjan, Côte D’Ivoire.p.17.

issues that must be dealt with today by political leaders”¹⁹. This notion was also apparent in a study about the role of waste reclaimers (or waste pickers) in municipal waste management systems wherein Samson argued that since waste is “stinky and messy and most of us prefer not to think about it”. It is such ignorance, she argued, which explains why “very few people who live in South Africa ever visit their local garbage dump to see what happens to the commodities that they have decided are no longer of any value to them”.²⁰

This highlights the view that many people in this country, not just the authorities, lose interest in waste the moment it is whisked away from their front gates. Once waste is out of their sight and off their property, the issue becomes removed from their mind as well, effectively becoming the problem of public institutions such as municipalities and those that reclaim waste. Perhaps it is unsurprising, then, that authorities themselves do not prioritise waste management as an urgent function to be fulfilled. Indeed, a study entitled, *Observations of Solid Waste Landfills in Developing Countries: Africa, Asia and Latin America*, found that in Africa, “while decision makers in the region were aware that their countries had to upgrade open dumps to sanitary landfills, this was not regarded as {a} priority in most countries”.²¹

The above section demonstrates that waste management issues have to compete with various other socio-economic issues that form part of the political leaders’ agenda. Clearly, though, the general trend seems to be that in the ladder of priorities waste issues tend to be ranked lower. As such waste policy problems generally remain unresolved due to rapidly shifting government priorities and the political benefits that accrue from addressing more popular issues other than ‘silent’ issues like waste.²²

In a study conducted in Umtata in the Eastern Cape focusing on determining the possible role that households can play in the planning and operation of a domestic solid waste

¹⁹ Public Policy Forum. 2007. *Integrated Waste Management Public Policy Challenges and Potential Solution*. Online: www.ppforum.ca.

²⁰ Samson, M. 2008. *Reclaiming Livelihoods: The Role of Reclaimers in Municipal Waste Management Systems*. GroundWork: Pietermaritzburg.p.1.

²¹ Johannessen, L. and Boyer, G. 1999. *Observations of Solid Waste Landfills. Developing Countries: Africa, Asia and Latin America*. The World Bank: Washington.p.9.

²² Waldman, L. 2005. *Environment, Politics and Poverty: Lessons from a Review of PRSP stakeholder Perspectives*. *Synthesis Review*.p.viii.

management system, Poswa found that municipalities failed to fulfil their waste management responsibility. She argued that this failure of many local authorities to provide adequate waste management services, including disposal, was “complicated by the lack of or no resources coupled with poor planning”.²³ Significantly, this study also reached an important finding which was that since the waste management systems of the municipalities were developed years ago, they only took the existing number of municipal populations and waste needs into consideration, and have not sufficiently evolved to consider informal settlements, expanded municipal boundaries, and increased populations, which thus overwhelmed the capacity of such systems to render efficient and effective waste management services to all. Broadly, Poswa’s study articulated a growing concern among environmental justice activists that “solid waste management practice in South Africa has been largely focused on the technical issues of waste disposal with little or no attention paid to the social and economic aspects of households”.²⁴

Godfrey, who has done extensive research on waste management, producing various documents for the Department of Environmental Affairs, has noted that waste is an under researched subject in South Africa. This is, he opines, worrying given that waste management is currently circumscribed by an assortment of social, institutional and technical limitations that threaten both the environment and human health.²⁵ There seems to be a consensus among researchers who have studied waste that the government structures responsible, that is, municipalities, do not have sufficient capacity to fulfil this function, which is vividly manifested by a minimal budget and other material resources deployed to waste management. Secondly, and perhaps more enlightening, is the argument that in pursuit of economic growth and development waste is “afforded a low priority within all three spheres of government”.²⁶

²³ Poswa, T. *The Importance of Gender in Waste Management Planning: A Challenge for Solid Waste Managers*. Proceedings: 8th World Congress on Environmental Health, SB Conferences. Durban University of Technology, Durban. 22 – 27 February 2004.p.1.

²⁴ Poswa, T. *The Importance of Gender in Waste Management Planning: A Challenge for Solid Waste Managers*. Proceedings: 8th World Congress on Environmental Health, SB Conferences. Durban University of Technology, Durban. 22 – 27 February 2004.p.1.

²⁵ Godfrey, L. Facilitating the Improved Management of Waste in South Africa through a National Waste Information System. *Waste Management*. 28 (2008).p.1666.

²⁶ C Oelofse, S and Godfrey, L. *Towards Improved Waste Management Services by Local Government – A Waste Governance Perspective*. CSIRp.1.

According to McDonald, South Africa's failure to prioritise waste management as a social problem emanates from the attitudes, priorities and value system of those in power at local government level.²⁷ His study of the Cape Metro in 1997 identified municipal bureaucrats as the stumbling block with regards to the implementation of sound environmental policies because they failed to understand the correspondence between socio-economic development goals and environmental degradation. It appears that many people responsible for waste function fail to recognise that waste is not a 'technical issue' for scientists and engineers but rather it is a "profoundly social issue" whose management should also be subject to social policy.²⁸

Manifestly, the challenge to finding appropriate policy solutions for waste management problems emanates from various sources. The studies of Maseko and Makhaye showed that there was limited capacity for municipalities to address waste management problems due to implementation failures of the approved legislation and policies. Subsequent studies, such as those by Poswa, Oelofse and Godfrey, further pointed out problems with the implementation of the integrated planning regime that advocates the incorporation of waste issues into the mainstream development efforts of local government.

A study conducted in England warned countries that "landfill would no longer be the cheapest or simplest waste disposal option" in a years time, therefore urging planners and decision makers to examine various sustainable and environmentally friendly waste disposal alternatives.²⁹ South Africa, however, continues to rely on the conventional, yet harmful, trend of dumping waste on landfill sites for burial. This waste management practice is now denounced by environmentalists everywhere in the world. However, civil society's efforts to commit government to a more integrated waste management has had limited success, raising questions about their ability to influence government agendas.

²⁷ McDonald, D. 1997. Neither from Above nor from Below: Municipal Bureaucrats and Environmental Policy in Cape Town, South Africa. *Canadian Journal of African Studies*. 31 (2) pp. 315-340.

²⁸ Samson, M. 2008. *Reclaiming Livelihoods: The Role of Reclaimers in Municipal Waste Management Systems*. GroundWork: Pietermaritzburg.p.44.

²⁹ Read, A, Philips, P Robinson, G. 1998. Landfill as the Future of Waste Management Option in England: the View of Landfill Operators. *The Geographical Journal*, 164 (1) p.66.

Civil society plays an important role in bringing issues to public awareness and getting those issues on the government agenda. However, it has been discovered that whilst civil society can elevate an issue onto the public agenda through sustained pressure, their ability to bring about a desired policy solution is still limited.³⁰ A study looking at the correlation between poverty reduction strategies and pro-poor environmental policies in Uganda, Honduras, Vietnam and Ghana also found that civil society's ability to influence change is inherently limited since their influence is dependent, in most respects, on the receptiveness of a particular government.³¹

What has become apparent is that the ability of civil society actors to inform policy direction is bounded especially when dealing with unresponsive governments. They are therefore required to find creative means within the confines of the law to pressurise and influence the course of the policy agenda, which may not always be sufficient to resolve complex problems. Government has the legitimate authority to define a policy problem in a particular self-serving manner as the reason for restrained civil society influence³². It is perhaps against that background that Kingdon argues that policy solutions are likely to be a result from a favourable interaction between the three streams of problem definition, policy solutions and political endorsement. Where this interaction does not happen, it is unlikely that complex policy problems will be sufficiently resolved and the government agenda altered towards sought policy decisions.³³

In summary, it is important to highlight that the studies reviewed indicate the need for more research into waste management in South Africa, particularly into the capacity of municipalities as the responsible sphere of governance to fulfil waste management functions. The insights, findings, themes and questions that these studies prompted have given rise to the rationale for this study and provide a rich background which will assist in explaining the state of affairs at the New England Road landfill site.

³⁰ Dery, D. Agenda setting and Problem Definition. *Policy Studies*. 21 (1). 2000. p.46.

³¹ Waldman, L. 2005. Environment, Politics and Poverty: Lessons from a Review of PRSP stakeholder Perspectives. *Synthesis Review*.p.viii.

³² Dery, D. Agenda setting and Problem Definition. *Policy Studies*. 21 (1). 2000. p.46.

³³ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers.

1.4. Research Objectives

Using the case of the New England Road Landfill site in the Msunduzi Municipality, the aim of this study is to understand why certain policy issues fail to get onto a government agenda. This will be achieved by investigating why the landfill site problem in the Msunduzi Municipality, which has been on its agenda for the past thirteen years, remains unresolved. This will shed light on policy-making and what makes issues rise and fall on the government agenda. As a result this study is interested in the following objectives:

- (i) To establish when the New England Road landfill site became a policy problem;
- (ii) How this issue was framed as a policy problem by key decision makers;
- (iii) To find reasons why the responsible authorities have struggled to solve this problem;
- (iv) To determine the extent and implications of an unresolved landfill site problem; and
- (v) To analyse how policy issues attract (or fail to attract) the attention of government decision makers.

1.5. Benefits of the Study

This study seeks to focus on the trajectory of the problematic New England Road landfill site, which has thus far eluded a firm policy solution despite being on the municipal agenda for several years. The aim is to ascertain why waste management problems still persist in the city despite being on the agenda for more than a decade. Some clarity can be gained on why certain policy issues attract the interest of decision makers, whilst other similarly problematic conditions are not able to get that recognition from government decision makers and the institutions they lead, which is the genesis of the agenda setting theory that has been made famous by John Kingdon in his book *Agendas, Alternative and Public Policies*.³⁴

This study is not a scientific investigation into the technical details of how solid waste and landfill facility should be managed; its focus is on understanding how the management of waste in the Msunduzi Municipality mirrors the agenda setting trajectory as reflected in Kingdon's theory. Indirectly, this study will give an assessment of the capacity of local

³⁴ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers.

government to fulfil their constitutional developmental mandate in a challenging environment with myriads of service delivery issues on the agenda. The configuration of the South Africa's governance system charges the 'developmental' local government with the responsibility of providing basic services to the local citizens. But the challenges facing municipalities often supersede their capacity, hence forcing them to prioritise and rank issues. The study therefore should provide a general idea of decision making and the prioritisation of public policy issues at local government level.

This study will also provide an assessment of the efficacy of South Africa's environmental legislation that has been formulated to deal with waste management. This study, whilst focusing on just one aspect of environmental management, solid waste, seeks to interrogate how the intentions of the legislation have been implemented. It will therefore look at the importance and relevance of sound waste management in a context where such issues have, traditionally, not been prioritised. Given the historical marginalisation of environmental issues in mainstream government planning in preference to social problems that appear to be most pressing and resonate with the electorate, this study will give crucial insight into the policy-making environment in post-apartheid South Africa.

This policy analysis will further add to the current body of knowledge on the under-researched waste management and landfill sites, which will assist government practitioners, civil society advocates, media, business and those in academia who have an interest in such policy issues. For policy studies, this is an area where the different theoretical frameworks could be applied with greater fruition which would add credibility to policy studies.

1.6. Research Methodology

The rationale of policy research is to examine the existence of a "researchable problem, which after thorough data collection and systemization of knowledge, could lead to point where alternatives could be identified and recommendations be made".³⁵ If this is the case, then the success of any social research is based on the appropriateness of the methods or

³⁵ Roux, N.L. Public Policy-Making and Policy Analyses in South Africa amidst Transformation, Change and Globalization: Views on Participants and Role Players in the Policy Analysis Procedure. *Journal of Public Administration*. 37 (4) December 2002.p.432.

instrumentation employed to render the sought answers or solutions at the end of the exercise. In choosing the methodology for study, the researcher must ensure to cut the cloth according to the correct size; that is, failure to choose the correct methodology and research technique has the potential to lead to inaccurate results that can reduce the credibility and reliability of the study's findings.

In view of the above, this study has also heeded Roux's advice that "it is clear that analysis of a policy, either prospective or retrospective, by a policy analyst aligns well with the procedure and methods that the conduct of any kind of scientific research follows". As a qualitative investigation, this study used purposive sampling techniques to obtain primary data from predetermined respondents. This sampling technique gives discretion to the researcher to select participants based on their ability to serve the purpose of the study as opposed to any other scientific research requirement.³⁶

In terms of this technique, the researcher selects only those individuals or groups that have particular attributes which are of interest to the researcher and the study in question. The main reason that informed the selection of this technique, since this is an analysis of an agenda setting study, was the manner in which the selected respondents had shown themselves, either through media messages, or the position that they hold, to be influential policy actors on the issue at hand, with an ability or a platform to influence the municipal agenda. In this regard, primary data for this study was sought from the Msunduzi Municipality, local civil society policy actors and organisations, and the representatives of the business sector and the media. A list of these interviews is noted in the references at the end of the dissertation.

At the Msunduzi Municipality, the Manager of the Waste Management Division and the New England Road Landfill Site Manager were identified as the key respondents for this study. Although there are various environmental local civil society organisations in the Msunduzi Municipality, Ground-work was identified as a key non-governmental organisation to engage. They have been by far the most vocal and active group on the issue of the landfill

³⁶Babbie E. & Mouton J. 2001. *The Practice of Social Research*. South African Edition. Cape Town: Oxford University Press.p. 166.

site. They have conducted research, sit on the official landfill monitoring committee and have engaged waste picker collectors in a bid to formalise their activities on the landfill

From the business sector, the Pietermaritzburg Chamber of Business was identified as a key informant. The Chamber, through its Chief Executive, has been one of the most vocal actors on this policy issue with regular commentary in the local newspapers. *The Witness* newspaper, which has published numerous stories about the landfill site, was also identified as a useful source. The role of the media in agenda setting is immense, hence the need to assess how the media, represented by the biggest newspaper in the Midlands region, had to be factored in when analysing waste and landfill issues.

Given the complexity of the matter and the involvement of various actors, the use of the snowballing technique as a complementary measure to purposive sampling was also adopted. In studies of this nature, respondents often point the researcher to other stakeholders who might have the required answers or are better located within an organisation to give the relevant information required for research.³⁷ Kingdon used similar techniques in his study and he endorses it as appropriate for studies dealing with complex matters like these rather “than some statistical sampling procedure”.³⁸

The methodology adopted in this study reflects an appreciation for the fluidity of social issues. Social problems need to be explained and understood in a manner that maximises social meaning.³⁹ Such social meaning is often brought about by qualitative studies, which often try to understand human behaviour from the subject’s or participant’s point of view. Fischer criticizes the utilisation of what he terms as ‘overly empirical’ methods to explain social problems.⁴⁰ Babbie and Mouton concur that the priority of qualitative study is to describe and explain human actions without any sense of intrusion.⁴¹ Such considerations gave rise to the use of in-depth interviews with individuals and organisations deemed relevant and desirable for this study.

³⁷ Babbie E. & Mouton J. 2001. *The Practice of Social Research*. Cape Town: Oxford University Press.p.270.

³⁸ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers.p.233.

³⁹ Fischer, F.2003. *Reframing Public Policy*. Oxford: Oxford University Press.pvii.

⁴⁰ Fischer, F.2003. *Reframing Public Policy*. Oxford: Oxford University Press.pvii.

⁴¹ Babbie E. & Mouton J. 2001. *The Practice of Social Research*. Cape Town: Oxford University Press.p.270.

This study sought to depart from the norm of using a pre-determined interview questionnaire and instead chose to facilitate open-ended conversations with identified stakeholders. This was an important strategy given the research aim of soliciting different views on the reason why the landfill issue has not been resolved in the city. As part of this strategy, the researcher sought to avoid imposing questions on respondents but gave them the opportunity to narrate their independent position on the issue. Consequently, the researcher used semi-structured interview schedules as a guide for conversations based on the themes identified in the preliminary literature which was discussed above. This schedule was used to remind the researcher of some of the key areas where he wanted the respondents to provide more information and further elaboration.

In a case of this nature, it is considered prudent to study human actions in a natural setting where respondents are comfortable enough to narrate the issue under question from their own perspective. Ospina and Dodge also share this sentiment when they argue that “stories contain within them knowledge that is different from what we might tap into when we do surveys, collect and analyse statistics”.⁴² Fischer also cautions policy researchers not to force their preconceived ideas and stories upon respondents. Instead, they should “first attempt to understand the meaning of the social phenomenon from the actor’s perspective” in order “to accurately explain social phenomena”.⁴³ The researcher chose to guide the discussion to remain within relevant areas of the research topic without coercing the respondent to a particular point of view.

Since the intention of the study is to understand why the problem of the landfill site has not been adequately resolved by the Msunduzi Municipality, the focus of the data collection method was to afford respondents the chance to narrate their story in a manner which they were comfortable with. It was therefore an important for the researcher to maintain a neutral stance throughout, thus giving opportunity for the different perspectives from respondents to

⁴² Ospina, S. and Dodge, J. 2005. It’s About Time: Catching Method Up to Meaning-The Usefulness of Narrative Inquiry in Public Policy Administration research. *Public Administration Review*. 65 (2).p.143.

⁴³ Fischer, F.2003. *Reframing Public Policy*. Oxford: Oxford University Press.p.51.

emerge. In this process, Ospina and Dodge's assertion that "what are public policies but stories narrating our relations in politically selective ways" was kept in mind.⁴⁴

The study also used written material such as academic books and journals as well as municipal reports and publications (such as budgets, annual reports, and the municipal Integrated Development Plans), print media reports and university theses and dissertations as sources of data and information. Content analysis was conducted on the collected data in line with the principal theoretical framework with the guidance of the predetermined and emergent key themes. The collected information was coded in order to establish emergent themes from the interviews with key respondents. According to Kingdon, the coding process serves to reveal the status and agenda position or political priority afforded to the issue.⁴⁵ In the coding process, if an issue is frequently mentioned by most actors, it might indicate that it is important to them. If it is rarely mentioned then this could be interpreted as insignificant. The significance or insignificance of an issue can thus be determined and subsequently contextualised during the analysis stage to ensure there are no misrepresentations of the findings. In the end, the methods and techniques of Kingdon's agenda setting theory were chosen as the most appropriate framework for the objectives of this study.

1.7. Limitations of the Study

Limitations that were experienced during the study were mostly around the unavailability of respondents and lack of sufficient time during the interviews. Most of the identified respondents are in managerial positions and had a lot of commitments. Some of the respondents who could have been approached were removed from the list of informants due to time constraints. Other information sources that captured the views of these individuals such as media reports, official municipal reports and other sources of information were used to compensate for this situation. On the whole, busy schedules notwithstanding, all the respondents sacrificed their time for the researcher and afforded the interview and issues raised therein a fair amount of respect.

⁴⁴ Ospina, S. and Dodge, J. 2005. It's About Time: Catching Method Up to Meaning-The Usefulness of Narrative Inquiry in Public Policy Administration research. *Public Administration Review*. 65 (2).p.147.

⁴⁵ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers.p.231.

Some of the respondents expected the researcher to lead the interview with questions, as they are used to researchers using questionnaires as the basis of their data collection strategy. Once the conversational approach to these interviews was explained, respondents reacted positively and they demonstrated intimate knowledge of the subject matter and even assisted the researcher, pointing him towards relevant officials and useful literature to peruse. This enhanced the nature of data collected and ensured that the researcher had access to the most relevant documents. It also confirmed the usefulness of the snowball research technique, in which the researcher seeks guidance from the respondents in order to get access to other respondents who may have relevant information on the subject under investigation.

Having discussed all the relevant research background matters, including literature review, research problem and methodology, the next chapter will focus on the theoretical framework: Kingdon's agenda setting theory. The theory will be discussed in detail, focusing on the three streams that make up this theory and how it is relevant as the main guide of analysis in this study.

CHAPTER TWO

THEORETICAL FRAMEWORK

2.1 Kingdon's Agenda-Setting

The basis of Kingdon's agenda setting theory is the question "what makes people in and around government attend, at any given time, to some subjects and not to others?"⁴⁶ The answer to this question can be found from the interrogation of the process by which the issue was driven to prominence and the attention of decision makers. Kingdon refers to this process as agenda setting, which serves as the key mechanism that determines why certain policy issues are able to receive the attention of decision makers, when other similarly concerning issues receive none. Agenda setting then could be understood as a process that indicates how an issue evolves from a non-issue to a point where it is considered as a "priority issue that has gained the serious attention of policymakers and [is] being positioned for decisive action by government".⁴⁷

It is therefore clear from the onset that governments and decision makers in general do not attend to all policy issues. Instead, policy issues have to compete for government attention and it is those that make the selection criteria that eventually get the necessary policy solution. This assertion by Kingdon points to the existence of a filtering mechanism that decision makers use to screen potential policy issues worthy of their attention, which makes it evident that public policy issues have to satisfy the said selection process before they are considered agenda items by relevant government authorities.

It is evident from the above that Kingdon's agenda setting theory is chiefly concerned with how issues get the attention of decision makers and why others fail to receive such attention. This theory is centred upon the concept of an agenda. An agenda has been used to refer to a list of discussion items in a meeting or any other formal gathering; a plan of action; and

⁴⁶ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers.p.1.

⁴⁷ McClendon, M. 2003. Setting the Governmental Agenda for State Decentralization of Higher Education. *The Journal of Higher Education*. 74 (5).p.482.

lastly, a uniformed set of scheme.⁴⁸ According to Kingdon's theory, an agenda refers to a "list of subjects or problems to which government officials and people around government are paying serious attention at any given time".⁴⁹ In this case, it is manifest that an agenda is a deterrent of the priority accorded to issues up for active consideration by government authorities.

Kingdon's definition means that an agenda embodies all the issues that are considered by government and therefore are worthy of policy action. Evidently, there is a relationship between how issues come to the attention of public figures and how they are subsequently addressed or not addressed. In this study, the concept of an agenda was used to refer to a central mechanism that determines the rise and fall of policy problems and proposals, thereby directing the nature and substance of subsequent policy action or inaction. The key aspect of this definition is that it recognises that an agenda could refer, primarily, to an existing list of items for discussion. However, an agenda is not only a basic tool for organising items for discussion, but also is a mechanism where more than the existence of the problem is recognised. This is why this study focuses on the agenda as a mechanism that enables policy actors to advocate the recognition of particular policy issues.

Since agenda setting indicates the scale of the policy problem, it assumes the role of being a precursor to policy decision-making. It would appear that agenda setting, as the process that facilitates the rise and fall of policy issues on the decision makers' lists of priorities, holds great prospect to render sound explanation of policy decision-making and policy outcomes. Agenda setting theory is therefore an appropriate theoretical framework to employ when examining policy-making at local government level. According to Wohlers, "Kingdon's descriptive agenda setting model provides the organisational foundation to understand the life cycle of issues in local government".⁵⁰

⁴⁸ Birkland, T. 2005. *An Introduction to Policy Process: Theories, Concepts, and Models of Public Policy Making*. 2nd ed. London: M.E Sharpe.p.5.

⁴⁹ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers.p.3.

⁵⁰ Wohlers, T. 2004. *Two Cities: A Study of Agenda Setting*. Presentation to Midwest Political Science Association Annual General Meeting. Chicago Illinois.p.4.

This model enables analysts to assess the influence that different policy actors bring to bear on decision-making regarding a particular issue. This helps to uncover how issues got to be in the position they occupy on the government agenda. If public policy is a response to recognized social issues, then similarly a model that focuses not just on how those issues became prominent, but also explain how they fade away, is equally pertinent. Kingdon's agenda setting theory has proven to be just such a model for this study. Furthermore, policy studies deals with dynamics, events and crises that are hard to anticipate, let alone mitigate; as a result most of these social problems often defy neat categorization into pre-existing models that analysts use to make sense of the world. On that basis, the agenda setting enabled the researcher in this study to make sense of what Mazey and Richardson argue is an "amorphous ill-defined situation".⁵¹

In light of the above, it is therefore deemed pertinent that this agenda setting theory is applied to the recurrent policy issue of the landfill site in the Msunduzi Municipality. If indeed worthy policy issues are determined by a particular selection process, as Kingdon seems to argue, this study must find an explanation as to how this agenda setting process works. This will inevitably include discussion around the key attributes that make particular issues attractive to policy makers. Furthermore, it is important to get a good understanding of exactly what is this agenda that seems to be the all powerful gatekeeping mechanism that decides the rise and fall of policy issues, and how it work in reality. In order to find answers to these questions, this chapter will discuss Kingdon's agenda setting theory, which is the main theoretical framework that will guide the policy analysis of the management of the New England Road landfill site in the Msunduzi Municipality.

2.2 Kingdon's Policy Streams

What make decision makers notice that there is a policy problem that needs to be resolved? There is consensus amongst policy scholars that decision makers react to conditions that they conceive as problematic and a potential threat to their interests or of those they represent. Kingdon believes that there are greater chances of policy action when policy makers "come

⁵¹ Mazey, S and Richardson J. 1997. Policy Framing: Interest Groups and the Lead Up To 1996 Inter-Governmental Conference. *West European Politics*. 20 (3).p.111-133.

to believe that [they] should do something” to change the prevailing undesirable condition.⁵² That conviction to act on a particular issue can be seen as a significant element that heralds agenda setting and policy-making in society. An agenda setting process in turn determines which issues get to be attended. Kingdon believes that the decision whether a particular issue gets resolved depends on the factors and activities in what he calls policy streams, namely, the problem stream, the policy stream and the political stream. The following section will thus discuss each of the three policy streams to obtain more understanding of the agenda setting theory and its usefulness in policy analysis.

2.3 Problem Stream

Policy makers are confronted with various policy problems on a daily basis. As a result they can only attend a fraction of these issues. Given that background, policy makers often require valid reasons why they must spend their time and resources addressing a particular problem as opposed to the various others that exist. Their central concern always seems to be why they should care about a particular issue and what the implications are if they ignored the said issue. Nevertheless policymaking is the statutory responsibility of government leaders; therefore they are obliged to address identified social problems regardless of their personal opinion. The issue, then, is how are policy problems identified and amongst those identified, which gets prioritised for decisive policy action? Manifestly, it is crucial that governments and other decision makers have a mechanism to determine if certain conditions are worthy of being recognised as policy problems.

According to Kingdon, policy problems are recognised in what he calls the problem stream where problematic social conditions are defined by government and other policy actors as policy problems that warrant further government action.⁵³ The main way that decision makers use to identify problems is to make comparisons: “people define conditions as problems by comparing current conditions with their values concerning more ideal state of affairs, by comparing their own performance with that of other countries, or by putting the subject into one category rather than another”, he argues.⁵⁴ Since policy makers assess

⁵² Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.198

⁵³ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.198.

⁵⁴ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.19.

prevailing conditions and compare them with a desired state before deciding on policy, it is thus important that they have sufficient information to enable them to make informed decisions.

Cobb and Rochefort also provide a useful characterisation of problem definition that supplements Kingdon's assertions. They argue that problem definition is a process "by which an issue, having been recognised as such and placed on the public policy agenda, is perceived by various interested parties, given an authoritative or at least provisionally acceptable definition in terms of its likely causes, components, and consequences".⁵⁵ This definition is important in many respects. First of all, this definition makes it evident that an issue must be recognised by policy makers as important in order to form part of a policy agenda. Secondly, the manner of this recognition must be 'authoritative', that is, emanating from a respectable and legitimate institution or individuals with stately powers vested in them to give such classification. This form of authoritative recognition precludes the option of any lay individual persons with no authorised powers to give a binding definition of some social issues as public policy problems. Thirdly, the definition process must be specific enough to speculate on what has caused the said policy issue, implications and probable results of this issue.

On the above account, it is evident that the manner in which issues are defined and interpreted by decision makers has a significant bearing on the destination of that issue. Simply stated, those with authorised powers to act on the public's behalf have a decisive impact in determining which issues are worthy policy agenda items. This notion therefore introduces the argument that if those in power have absolute power over policy problem definition then the process cannot be said to be completely objective.

According to social constructionist theory proponents, the representation of social problems cannot be completely objective because issues are engineered by biased policy makers, whose depiction of social conditions is compatible with their preferred policy direction.⁵⁶ On this account, the problem definition process may, therefore, not always be impartial.

⁵⁵ Cobb, R and Rochefort D. 1993. Problem Definition, Agenda Access, and Policy Choice. *Policy Studies Journal*. 21(1) p. 57.

⁵⁶ Fischer, F. 2003. *Reframing Public Policy*. New York: Oxford University Press. p. 53.

However, the process serves as a significant determinant of policy makers' initial reaction and response to troubling conditions in society.

Kingdon attempts to address the accusation of policy makers' biasness in the depiction of policy issues with the assertion that problem definition is often guided by 'systematic indicators' that alert decision makers to potential policy problems, without having to resort to a guessing and thumb sucking game.⁵⁷ These indicators assist policymakers to determine troubling conditions and the extent of their danger should they remain unaddressed. One is therefore made to believe that the existence of these systematic indicators enhances the comparison process of the status quo with the ideal scenario, which Kingdon earlier argued was instrumental to problem definition and the policy stream as a whole. The following section will further unpack the significance of indicators relating to the policy stream.

2.3.1 Indicators

According to Kingdon, there are at least four indicators that help decision makers to recognise the existence of a problem. These are: crises; change in an authoritative and trusted indicator; gradual accumulation of knowledge and perspectives among policy specialists; and the rise of new policy proposals accompanied by political changes.⁵⁸ Rossi and Freeman also talk of 'social indicators', which they argue are a "continuous measure[s] of the extent of a social phenomenon".⁵⁹ They further argue that despite the varied nature of indicators, they serve a useful function in policy-making. Firstly, they provide a general idea about a particular condition and how serious or severe it is. Secondly, indicators paint a picture about the extent and implications of the troublesome condition, estimates of how many people or assets will be affected and by how much. Lastly, they also provide information about the effects of the prevailing regulatory framework or lack thereof that sought to address the problem at hand.⁶⁰

⁵⁷ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.19.

⁵⁸ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.17.

⁵⁹ Rossi, P. and Freeman H. 1989. *Diagnostic Procedures. Evaluation A Systematic Approach*. 4th ed. Newbury Park, California: SAGE publications. p.79.

⁶⁰ Rossi, P. and Freeman H. 1989. *Diagnostic Procedures. Evaluation A Systematic Approach*. 4th ed. Newbury Park, California: SAGE publications. p.80.

Crises and disasters are more pressing because of their inherent threat to cause harm to human wellbeing and the surrounding environment. As a result, issues that just explode to crisis proportions leave policy makers with little choice but to act swiftly to rectify them to arrest their escalation.⁶¹ It does not matter whether an issue was not considered a priority, but the moment it emerges as a crisis its status improves and it therefore gets onto the government agenda. In this case, the emergence of a crisis, such as disease outbreak and natural disasters, serve as indicators of policy problems and force the issue onto the government agenda.

Kingdon hastens to caution that not all issues will become manifest through crises. A change in the 'respected indicator' of a certain condition is another useful deterrent of an existing or impending problem.⁶² This notion receives further support from Cobb and Rochefort who also argue that concepts such as severity, incidence, novelty and frequency are all reliable attributes of changing social conditions. The negative change in these indicators signals the existence of a policy problem, mainly through new statistics and research findings.⁶³

The availability of new expert knowledge regarding a certain policy issue may also indicate the existence, and extent of a problem, and therefore can be an important factor in defining policy problems.⁶⁴ It becomes clear amongst various influences that affect the definition of the problem that the availability of feasible and acceptable policy solutions enhances the chances of an issue to get recognition. Issues that are palatable with the political considerations of key decision makers tend to receive priority treatment. The impact of political factors on policy issues will be discussed in more detail in the following policy and political streams.

The problem stream is thus significant for agenda analysis because it is where an issue is recognised if it is worthy of getting onto the government agenda. This stream helps analysts determine how issues were initially understood that affected the subsequent actions of key

⁶¹ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.19.

⁶² Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.17.

⁶³ Cobb, R and Rochefort D. 1993. Problem Definition, Agenda Access, and Policy Choice. *Policy Studies Journal*. 21(1) p.56.

⁶⁴ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.17.

decision makers. The important element about the problem stream, though, is that noting the existence of a problem alone is not sufficient. There should be a policy solution to address the problem because, as Wildvasky argues, no matter how problematic a condition is; “unless there is a proposed course of action attached to it” it may not be defined as a problem.⁶⁵ In this regard, the problem stream can be regarded as an important phase in policy development since the definition of a condition determines the trajectory of a policy issue. Although defining social conditions as policy issues is a significant start, the process does not end in the problem stream. If these problems are to be addressed, they must receive firm backing from policy specialists who will come up with possible solutions.

2.4 Policy Stream

According to John, the public policy-making process is not fixed and static; rather it is “an endless search for solutions” with no definitive prescriptions and predictable ends.⁶⁶ Kingdon, however, believes that, in the midst of all the chaos that surrounds the nature of policy-making, in the policy stream, which he likens to a ‘primeval soup’, there are subject matter specialists who can shape and dominate deliberations leading to policy decisions. These specialists, from such varied backgrounds as academia, labour unions, business, civil society organisation and government, have the necessary expertise and experience to match policy problems with appropriate policy responses in order to address identified troubling social conditions.⁶⁷

The significance of the policy stream, argues Kingdon, lies in the fact that the existence of a social problem is something that first becomes apparent amongst the small number of subject matter specialists, who use their operational experience as an opportunity to dominate further deliberations on the resultant policy issue. Most of the policy specialists in the policy stream work as a buffer between citizens and politicians, whose administrative powers and access to information put them in an ideal position to influence policy discussions. On that account, policy issues must therefore get recognition from the policy specialists beforehand if they are to be included the government agenda. Without the support of the subject matter specialists it

⁶⁵Rossi, P.H. and Freeman, H.E. 1989. *Evaluation: A systematic approach*. 4th ed. Newbury Park, California: SAGE Publications. p.80.

⁶⁶ John, P. 1998. *Analysing Public Policy*. London: Pinter.p. 35.

⁶⁷ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.19.

becomes a daunting, if not impossible, task to get an issue onto the government agenda and later approved as policy.

Although the influence of policy specialists is undoubted, they also work within particular confines, one being the political dynamics. Policy specialists have to keep in mind that the capacity of the government agenda to accommodate all issues is limited and most of the time they often take guidance from Elder and Cobb's assertion that "a problem is a problem only if something can be done about it".⁶⁸ Kingdon thus propounds the view that these limitations or confines amount to an inherent selection system that "narrows the set of conceivable proposals" from all the possibilities to only those that are deemed palatable to the key decision makers.⁶⁹ As a result, it is often those issues that are considered a priority and consistent with values of dominant political actors that receive fair attention as opposed to every problematic policy problem that exists in society. It is on this basis that Kingdon argues that the identification of policy issues in the problem stream and the generation of policy responses in the policy stream must be seen to be as important enough by politicians as to warrant their approval. Without the consent of the political actors, who are the legitimate representatives of the public, policies may not pass through onto the government agenda, let alone be resolved.

2.5 Political Stream

Policy-making is characterised by intensive discussions and horse trading amongst the many actors who are interested in ensuring that "their depiction of the issue remains in the forefront and that their preferred approaches to the problem are those that are the most actively considered".⁷⁰ In this contest of ideas, those which are most convincing under the prevailing political, and perhaps economic, conditions, are likely to become the preferred policy solutions.⁷¹ As a result policy-making lends itself to manipulation or domination by those who have sufficient political power, resources, who can define what should or should not be

⁶⁸ Cobb, R and Rochefort D.A. 1993. Problem Definition, Agenda Access, and Policy Choice. *Policy Studies Journal*. 21(1).p. 58

⁶⁹ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers.p.20.

⁷⁰ Birkland, T. *An Introduction to the Policy Process: Theories, Concepts, and Models of Public Policy Making*.2nd ed. London: M.E. Sharpe. p.109.

⁷¹ Birkland, T. *An Introduction to the Policy Process: Theories, Concepts, and Models of Public Policy Making*.2nd ed. London: M.E. Sharpe. p.109.

worthy of policy attention. Clearly, issues that receive prominence on both the government agenda and the decision agenda are those whose depiction is aligned with the values of dominant political actors.⁷²

There is a considerable amount of literature in policy studies that singles out political power and political factors as key influences on the policy agenda. Kingdon has written that “political processes affect agenda. Swings of national mood, vagaries of public opinion, election results, and changes of administration all have powerful effects”.⁷³ Rossi and Freeman also confirmed the view that the determination of agenda items is a politically motivated process in a sense that they need endorsement from the political leadership, without which they are unlikely to receive favourable attention.⁷⁴ Garmines and Stimson also argue that political interests are paramount in policy-making and mention the four key political considerations that have the capacity to propel policy issues forward; namely, strategic politicians; external disruptions; local variations; and internal contradiction.⁷⁵

Although there are instances where policy issues are forced by outside influences and immediate action is required as is often evident in instances of crises, wars, depressions, and terrorism, the prevailing political climate, nevertheless, remains one of the main factors that determine the fate of a policy issue.⁷⁶ This is also reflected in Kingdon’s argument that “potential agenda items that...fit the orientations of the prevailing legislative coalitions or current administration are more likely to rise to agenda prominence than items that do not meet such conditions”.⁷⁷ The clear influence of political considerations in policy deliberations speaks directly to the notion that the policy-making process is informed by competing ideas of what constitute policy problems, their causes and how they should be tackled.⁷⁸

⁷² Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.117.

⁷³ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.17.

⁷⁴ Cobb, R and Rochefort D. 2003. Problem Definition, Agenda Access, and Policy Choice. *Policy Studies Journal*. 21(1) p.74.

⁷⁵ Garmines, E and Stimson, J. *On the Evolution of Political Issues*. Pp.151-168. Riker, W (eds). 1993. *Agenda Formation*. Michigan: University of Michigan.p.154.

⁷⁶ Garmines, E and Stimson, J. 1993. *On the Evolution of Political Issues*. In: Riker, W (eds). *Agenda Formation*. Michigan: University of Michigan.p.155.

⁷⁷ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.20.

⁷⁸ Hajer, M & Wagenaar, H (eds.). 2003. *Deliberative Policy Analysis: Understanding Governance in the Network Society*, Cambridge: Cambridge University Press.p.16.

It is, thus, in the policy proponent's interests to identify policy proposals that are harmonious with the existing political climate. This means that proposed policies that accommodate the political interests of key decision makers are better positioned to get the required political adoption or endorsement. Indecision and implementation failures can also be explained by a lack of political support and sufficient persuasive skills to sell the policy to influential actors that will ensure safe passage of the policy.⁷⁹ The important point that emerges from the political stream is that public policy is not completely objective and unbiased; it is as much political as it is technical.

In this stream the most significant constraints to policy approval are financial costs; lack of acceptance by the public; opposition of powerful interests and the existence of more 'pressing items than the particular issue in question'.⁸⁰ Accordingly, solutions need to be able to resolve the problem at hand and embody the values under the prevailing political order. Regardless of how technical a matter the issue is, the proposed solutions must be amenable to the prevailing political order because they cannot be implemented without the consent of the political principals. Since policy solutions need to resonate with the existing legislation of the country, they are, therefore, inherently political. It is therefore an important stream to consider when investigating why certain issues are unable to get the attention of decision makers.

The discussion of the three streams above has revealed that issues do not automatically get onto the government agenda, but perceptions, values and beliefs are fundamental factors that influence how issues get defined and acted upon by those in power.⁸¹ Perceptions, Kingdon argues, "make people in and around government attend at any given time, to some subjects and not others".⁸² Evidently, problems are framed within a particular world view and it is such an outlook that drives the process to attend or not attend to them. It is important to acknowledge that politicians, who have to approve policies, also have a host of factors to consider regarding the suitability of policies, which are mostly identified by policy specialists

⁷⁹ Pfeffer, J. 1992. *Managing with Power: politics and influence in organizations*. Harvard: Harvard Business School.p.8.

⁸⁰ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers.p.18.

⁸¹ Lundqvist, A. 2003. *Contemporary Russian Environmental Policy: Problems, Players and Priorities*. Masters Thesis: Linköping University.p.23.

⁸² Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers.p.1.

in the policy stream. In each stream there are activities that serve as an impetus or constraints to policy change.

Understanding the streams and identifying the issues in each of them is crucial for agenda setting. Policy advocates may have the best technical policy proposal; if, however, they are unable to take advantage of the opportunities that arise from the system, then their solutions may lose out to others. It is therefore crucial that policy actors time the pitch of their proposal accordingly. In the discussion of the three streams of problem, policy and politics it was evident that there are varied reasons why some problems are attended to and others not. Kingdon's overall position is that in order to get the best value for policy proposal, policy entrepreneurs must couch their proposal in relation to other pressing social problems and present it as a package that, whilst it responds to one specific problem it also attends other problems, hence giving the proposal a better chance of approval by policy makers.⁸³ This process is referred to as coupling and will be discussed in more detail in the next section.

2.6 Coupling and Policy Windows

The interaction of the policy, problem and political streams may not automatically produce policy change; therefore, the streams may need to be brought together at a specific point in time in order to generate policy solutions by those interested in finding the solution. Kingdon terms the convergence of streams to bring about policy change as coupling. In essence, coupling has been defined as a process whereby "solutions become joined to problems, and both of them are joined to favourable political forces... at certain critical times when policy windows are open".⁸⁴ The success of the coupling is dependent on whether there are any opportunities that arise from the changes in the political stream. These opportunities make up what Kingdon refers to as policy windows.

⁸³Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.88

⁸⁴ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.20.

Policy windows can be briefly defined as “opportunities for pushing pet proposals or conceptions of problems” that periodically arise in the system of governance.⁸⁵ The concept of a policy window serves as a symbolic metaphor that alerts policy entrepreneurs to potential gaps which they can exploit in order to get their proposals approved. This means they need to propose their interventions in a manner that takes into consideration how they will satisfy the various requirements imposed by each of the three streams. In this way the proposals can be strategically moulded so that they could be successfully pushed through the metaphoric policy window as soon as it opens. The fate of a policy proposal is determined by how the policy entrepreneurs take advantage of the openings in the policy window.

2.7 Conclusion

Agenda setting is, therefore, a very useful analytical approach that details how an issue could move from a position of obscurity to a position where it is seriously considered by relevant authorities or adopted as an official policy. Kingdon’s three streams affirm the notion that policy decisions are not completely objective. Instead, the policy streams awaken an analyst to the fact that political considerations are amongst the principal factors that are considered before a policy is finalized. Policy decisions are underpinned by political ideologies that tend to inflate conflicting political views during policy design. Because of the ideological influences, some scholars have raised concerns that policy is a social construction of societal problems that narrate human experiences in “politically selective ways”.⁸⁶

Whilst getting policy issues to be recognised as agenda items, policy proponents are also faced with the added challenge of ensuring that their issues move beyond mere recognition. Agenda setting, as Breder argues, is only the beginning: “setting the agenda involves not only getting issues into the agenda but also being able to determine the way those issues are defined and the solutions that are considered to be suitable”.⁸⁷ This means that it is not automatic that once issues get onto the agenda they will then be addressed positively. In fact, for policy proponents, their interest is to ensure that even when the issue receives the

⁸⁵ Kingdon, J. 1995. *Agendas, Alternative and Public Policies* 2nd ed. New York: Harper Collins College Publishers.p.20.

⁸⁶ Fischer, F. 2003. *Reframing Public Policy*. New York: Oxford University Press. p.168.

⁸⁷ Beder, S. 2002. Agenda Setting for Environmental Protection Policies, in Kerr, S; Buhrs, Dann, C, *Green Governance: From Periphery to Power*. Christchurch: Lincoln University. pp.22-25.

attention sought, the policy direction should follow their preferred course of action until a decision endorsing their policy is taken and implemented.

These issues about policy agendas and how policy issues navigate a government agenda will become prominent in the next chapter which discusses the legislative of waste management in South Africa. This chapter will consider how the issue of waste management has evolved in government and how much attention government has really given to it.

CHAPTER THREE

LEGISLATIVE BACKGROUND

3.1 History of Waste Management in South Africa

As with many countries in the world, South Africa has to deal with a myriad of environmental issues that pose severe threats to both the sustainability of the environment and public health. Despite the existing wide variety of environmental legislation in South Africa, environmental problems, such as poor solid waste management, continue to proliferate. To gain a broader understanding of the rise of waste management problems, this chapter will give a historical account of waste management in South Africa with a particular focus on the legislative measures that have been developed to deal with these issues over the years.

The prediction of Fuggle as far back as 1992 that South Africa was, “to become more crowded, more polluted, less ecologically stable and more vulnerable to natural hazards in years to come” is now a living reality.⁸⁸ In South Africa, environmental problems are no longer perceived as “white, middle-class issues, often synonymous with national parks, big game, and nature conservation”, but part of the broader challenges that must be addressed to realise sustainable development.⁸⁹ Waste problems have been prevalent throughout South Africa’s history, but the advent of democracy has been an ideal policy window for various issues that were not considered to be priorities by the previous regime to get onto the democratic government agenda. The history of waste management in South Africa has been one of neglect and marginalisation.⁹⁰

⁸⁸ Fuggle, R.1992. *Environmental Management: An Introduction. In: Environmental Management in South Africa*. Juta & Co: Cape Town.p.1.

⁸⁹ Whyte, A.V. 1995. *Building A New South Africa: Volume 4: Environment, Reconstruction, and Development*.

International Mission on Environmental Policy. International Development Research Centre: Ottawa, Canada.p.6.

⁹⁰ Hallowes, D and Munnik, V. *Wasting the Nation: Making Trash of People and Places*. Groundwork Research Report. November, 2008.p.51.

The table below details all the key policy and legislative moments in the history of management of waste in South Africa.

Table 1: Key Moments in the History of Waste Management in South Africa

Activity	Year
Comprehensive Discussion of National Waste Laws	1972
Hoon Commission	1980
Environmental Conservation Act	1982
First Draft Waste Control Regulations	1985
Second Draft Waste Control Regulations	1988
General Notice gazetted for Landfill Control	1990
Environmental Conservation Amendment Act	1992
Sustainable Development Conference Rio De Janeiro and Agenda 21	1992
Minimum Requirements of Landfill Disposal Sites	1994
Reconstruction and Development Programme	1994
Constitution of the Republic of South Africa	1996
Establishment of the Consultative National Environmental Policy Process	1996
White Paper on National Environmental Management	1997
National Environmental Management Act	1998
National Environmental Management Act and Regulation No. R. 385, No. R. 386, and No. R. 387.	1998
Minimum Requirements of Landfill Disposal Sites (2 nd ed)	1998
National Waste Management Strategy	1999
White Paper on Integrated Pollution and Waste Management	2000
Municipal Systems Act	2000
Polokwane Declaration	2001
The World Summit on Sustainable Development, Johannesburg	2002
Waste Management Act	2009
Draft Framework for National Waste Management Strategy Review.	2009
Government Notice. List of Waste Management Activities that have or are likely to have a detrimental effect on the environment.	2009
National Waste Management Strategy	2010

The above table indicates that environmental management problems are not recent phenomenon but rather problems that even the apartheid government recognised and attempted to address. According to Lumby, “it was not until the 1970s that the government began to recognise the importance of environmental issues”.⁹¹The 1972 Stockholm United Nations Conference on Human Environment also identified the poor environment management as a “development concern”.⁹² This brought environmental considerations to the fore on a global level. In the same year, the Nationalist government convened the first

⁹¹ Lumby, A. Government and Sustainable Development in South Africa: The Environmental Legislative Framework in Historical Context. *South African Journal of Economic History*. 20 (1). March 2005.p.76.

⁹² Department of Environmental Affairs and Tourism. 2008. *Strategic Plan for the Environmental Sector 2008-2013*.Department of Environmental Affairs and Tourism.p.7.

“comprehensive discussion” on national waste laws for South Africa.⁹³ Subsequent to this deliberation, the government appointed the Hoon Commission to probe the status of waste and waste issues in the country.

The Hoon Commission report informed the development of the Environment Conservation Act of 1982. A General Notice was introduced to regulate landfill sites in August 1990. In accordance with this Notice, all landfill sites were henceforth required to obtain an operational permit from the Department of Water Affairs and Forestry (DWAF).⁹⁴ This provision was incorporated into the Environment Conservation Act Amendment Act 79 of 1992. The Act stated that “no person may establish, provide or operate a disposal site without a permit issued by the Minister”.⁹⁵ The Act further imposed liability on the permit holder for “*the landfill and any effect it may have on the receiving environment*”.⁹⁶ This means that those who operate landfill sites are legally liable for any activities that are initiated on the site.

Also in 1992, the United Nations held the landmark Earth Summit Conference when Agenda 21 was adopted as the ‘blueprint’ to direct sustainable development.⁹⁷ The prominence of sustainable development as the dominant development strategy helped bring environmental considerations into the mainstream of government planning around the globe. With regards to waste, Agenda 21 promoted four main programmes, namely: minimising waste; maximising waste re-use and recycling; safe waste disposal and treatment; and broadening waste service coverage.⁹⁸ Noting the global developments in the waste management field, South Africa introduced the First Edition of the Minimum Requirements of Landfill Disposal sites in 1994 whose specific intent was to introduce the proper engineering and lining of

⁹³ Hallowes, D and Munnik, V. *Wasting the Nation: Making Trash of People and Places*. Groundwork Research Report. November, 2008.p.34.

⁹⁴ Hallowes, D and Munnik, V. *Wasting the Nation: Making Trash of People and Places*. Groundwork Research Report. November, 2008.p.34.

⁹⁵ Department of Environmental Affairs and Tourism. *Environment Conservation Act*, as amended, Act 79 of 1992.

⁹⁶ Department of Water Affairs & Forestry, Second Edition, 1998. Waste Management Series. *Minimum Requirements for Waste Disposal by Landfill*.

⁹⁷ Department of Environmental Affairs and Tourism. 2008. *Strategic Plan for the Environmental Sector 2008-2013*. p.7.

⁹⁸ Hallowes, D and Munnik, V. *Wasting the Nation: Making Trash of People and Places*. Groundwork Research Report. November, 2008.p.34.

landfill sites so that they could not discharge polluted effluents into groundwater, thereby causing water pollution.⁹⁹

Furthermore, despite the fact that South Africa was not represented in the Sustainable Development Conference, it also adopted the ideals of sustainable development as a development strategy when the 1994 elections shifted power from the Nationalist Government to the African National Congress (ANC). The 1994 elections can be considered the most significant opening of the policy window in the history of the post-apartheid era. A wide variety of issues that were previously marginalised by the apartheid government suddenly had the opportunity to be considered by the new democratic administration.

The first order of business of this administration was the promulgation of the Reconstruction and Development Programme (RDP) as the chief development policy of the new ANC-led National Government of Unity in 1994. The influence of the sustainable development ideals were evident in the RDP which asserted that because “no political democracy can survive and flourish if the mass of our people remain in poverty, without land, without tangible prospects for a better life”, the programme introduced a new “integrated and sustainable development” regime for South Africa.¹⁰⁰ The RDP White Paper isolated poverty as the main challenge facing the democratic government and accordingly argued that “attacking poverty and deprivation must therefore be the first priority of a democratic government”.¹⁰¹

Understandably, waste management was not a top priority of government, and for the first few years of the democratic era, it remained a highly unregulated area. However, environmental considerations in general did not completely fall off the radar. In 1994, for instance, the African National Congress, Congress of South African Trade Union (COSATU), South African Communist Party (SACP), South African National Civic Organisation (SANCO), with the support of Canada’s International Development Research Centre (IDRC), appointed the International Mission on Environmental Policy to examine

⁹⁹ Hallowes, D and Munnik, V. *Wasting the Nation: Making Trash of People and Places*. Groundwork Research Report. November, 2008.p.34.

¹⁰⁰ African National Congress. *The White Paper on Reconstruction and Development Programme: A Policy Framework*. 1994.

¹⁰¹ African National Congress. *The White Paper on Reconstruction and Development Programme: A Policy Framework*. 1994.

how environmental concerns could be integrated into the government agenda in order to realise sustainable development goals.¹⁰²

In relation to waste, the Mission investigation found that “decades of economic development and industrial growth have proceeded without due regard for the environment’s capacity to absorb waste, leading to polluted air, water, and soil”.¹⁰³ The study team handed over their findings to the State President, Nelson Mandela, in 1996 with the recommendation that South Africa needed to implement an integrated waste management strategy that would ensure that the production of waste is minimized and that techniques for waste treatment would be mindful of the vulnerability of the environment. Moreover, the Mission team also expressed concerns that government leaders appeared unperturbed about the pressing environmental issues facing the country. They argued that the country’s policy makers and business people paid little regard to environmental considerations in devising government development programmes; as a result the environment of the country was highly degraded and would in future fail to replenish the same resources it currently provided.¹⁰⁴

In government the response to growing environmental concerns was evident at two levels. First, Section 24 of the Constitution of the Republic of South Africa that was adopted in 1996 recognised citizens’ rights to live in a healthy environment: “Everyone has the right to an environment that is not harmful to their health or well-being, and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures”.¹⁰⁵ Secondly, in 1996, the government established the Consultative National Environmental Policy Process (CONNAPP) to deliberate on the possibility of the development of an articulate environmental policy framework for the Republic. Lauded for its inclusiveness, CONNAPP championed the adoption of the main principles of sustainable development, such as integrated waste management, environmental justice, waste hierarchy, and the polluter pays principle that became the pillars of the White Paper on National

¹⁰² Whyte, A.V. 1995. *Building A New South Africa: Volume 4: Environment, Reconstruction, and Development*. International Mission on Environmental Policy. International Development Research Centre: Ottawa, Canada.p.2.

¹⁰³ Whyte, A.V. 1995. *Building A New South Africa: Volume 4: Environment, Reconstruction, and Development*. International Mission on Environmental Policy. International Development Research Centre: Ottawa, Canada.p.14.

¹⁰⁴ Whyte, A.V. 1995. *Building A New South Africa: Volume 4: Environment, Reconstruction, and Development*. International Mission on Environmental Policy. International Development Research Centre: Ottawa, Canada.p.2.

¹⁰⁵ Constitution of the Republic of South Africa. Act 108 of 1996 Bill of Rights. Section 24 (a) and (b).

Environmental Management, which culminated in the National Environmental Management Act-NEMA (No. 107 of 1998).¹⁰⁶

NEMA was developed as overarching environmental legislation that sought to address general environmental problems facing the country according to the notions of sustainable development. Even the definition that the Act adopted was manifestly similar to the globally adopted Brundtland Commission definition. In terms of this Act, sustainable development in the context of South Africa meant “the integration of social, economic and environmental factors in the planning, implementation and evaluation of decisions to ensure that development serves present and future generations”.¹⁰⁷ With regards to waste management, the White Paper on National Environmental Management that informed the NEMA Act, established the ‘waste hierarchy’ as the main government policy strategy. NEMA reaffirmed this waste hierarchy policy strategy and the polluter pay principle as key attributes of the waste policy. The National Waste Management Strategy (NWMS) that was developed in October 1999 in line with the provisions of NEMA was also premised on these principles.

It must be noted that prior to NEMA South Africa’s environmental legislation was so fragmented that enforcing it was a nightmare task for government departments. The extent of this scattering could be seen from the fact that “pollution control was governed by no less than 30 Acts administered by nine government departments and all of the provincial administrations”.¹⁰⁸ In view of this, the NWMS recommended the development of an integrated approach to pollution and waste management.

This recommendation informed the conceptualisation of the White Paper on Integrated Pollution and Waste Management for South Africa (IWMP) in the year 2000. The statement that “unlike previous policies that focussed predominantly on so called “end of pipe” treatment, this White Paper underscores the importance of preventing pollution and waste and avoiding environment degradation” signalled the shift in government waste management

¹⁰⁶Hallowes, D and Munnik, V. *Wasting the Nation: Making Trash of People and Places*. Groundwork Research Report. November, 2008.

¹⁰⁷*National Environmental Management Act*. 1998. Government Gazette. Act no. 107, November 1998.

¹⁰⁸Lumby, A. Government and Sustainable Development in South Africa: The Environmental Legislative Framework in Historical Context. *South African Journal of Economic History*. 20 (1). March 2005.p.76.

policy to integrated waste management.¹⁰⁹ In this context the White Paper was conceived as a response to two priorities: to close the policy gap caused by the absence of sound regulatory policy, particularly for waste management and to introduce integrated waste management as the overriding waste management policy that would inform the legislation on waste.¹¹⁰

South Africa’s waste policy and legislation is now underpinned by the desire to entrench the waste hierarchy approach, as part of the broader movement of integrated waste management strategy. Waste hierarchy seeks to reverse the damaging disposal oriented ‘end of pipe’ approach. This is outlined in Table 2 below.

Table 2: Waste hierarchy approach

WASTE HIERARCHY	
Cleaner Production	<ul style="list-style-type: none"> ▪ Prevention ▪ Minimisation
Recycling	<ul style="list-style-type: none"> ▪ Re-Use ▪ Recovery ▪ Composting
Treatment	<ul style="list-style-type: none"> ▪ Physical ▪ Chemical ▪ Destruction
Disposal	<ul style="list-style-type: none"> ▪ Landfill

Source: Department of Environmental Affairs and Tourism. *Assessment of the Status of Waste Service Delivery and Capacity at the Local Government Level*. 3rd Draft. Directorate: General Waste Management. August 2007.p.44.

This shift in waste management policy was also aligned with other government policies and planning processes. This was evident in the Municipal Systems Act that integrated environment management plans, with waste management strategies and needs, to be incorporated in a Municipality’s Integrated Development Plans (IDPs) to ensure that it also prioritised amongst municipal functions. The IDP was introduced in the Local Government Municipal Systems Act of 2000 which stated that all municipalities must adopt annual plans that covered the interval between elections as the “principal strategic planning instruments

¹⁰⁹ Department of Environmental Affairs and Tourism. *Integrated Pollution Waste Management For South Africa: A Policy on Pollution Prevention, Waste Minimisation, Impact Management And Remediation*. Government Notice. No. 20978 3. March 17, 2000.p.5.

¹¹⁰ Department of Environmental Affairs and Tourism. *Integrated Pollution Waste Management For South Africa: A Policy On Pollution Prevention, Waste Minimisation, Impact Management And Remediation*. Government Notice. No. 20978 3. March 17, 2000.p.5.

which guide and inform all planning and development, and all decisions with regards to planning, management and development in the Municipality”.¹¹¹

Now each of the municipal IDPs are required to include an Integrated Waste Management Plan (IWMP) as a sector plan in which the Municipality concerned provides details of how it intends to align waste management with other plans and priorities. This strategy appears to be geared towards the integration of environmental considerations into municipal planning to redress the historical relegation of environmental matters to the margins of development planning and general municipal activities. In fact, it was on the basis of this envisaged integrated waste management hierarchy that the government, together with business and civil society committed themselves to “reduce waste generation and disposal by 50% and 25% respectively by 2012 and develop a plan for ZERO WASTE by 2022” in a national waste summit that was to be known as the Polokwane Declaration in 2001.¹¹²

3.2 Roles and Responsibilities in Waste Management

3.2.1 National Government

In terms of the Constitution of the Republic, waste management is a concurrent function, where each sphere of government has a role to play in the execution of this task. The onus of waste management falls on the national Department of Environmental Affairs and Tourism (DEAT) as the lead agent on waste matters, in conjunction with the Department of Water Affairs and Forestry (DWAF), which is the lead agent on water matters. The DEAT is primarily responsible for enacting laws and policies that regulate how waste management is to be performed in the country, whilst the Department of Water Affairs and Forestry is accountable for water pollution and waste management in terms of the National Water Act No. 36 of 1998. The DEAT is also responsible for the enforcement of Section 20 of the

¹¹¹ *Local Government Municipal Systems Act* (No. 32 Of 2000). Government Gazette No. 21776. The Presidency, Republic of South Africa: Cape Town. November 20, 2000.p.44.

¹¹² Hallowes, D and Munnik, V. *Wasting the Nation: Making Trash of People and Places*. Groundwork Research Report. November, 2008.p.52.

Environment Conservation Act (Act 73 of 1989) relating to the permission of landfill sites and matters related thereto.¹¹³

The roles and responsibilities of these two national departments have been slightly blurred by the recent move to move DEAT and DWAF to form the Ministry of Water and Environmental Affairs following the April 2009 general elections. In reality, however, this move cannot be exaggerated because this change is only cosmetic since the two departments continue to function as separate entities except for the fact that they report to the same minister. The Forestry component was moved to Agriculture to form what is now known as the Department of Agriculture, Fisheries and Forestry. It could be said that the new Department of Water and Environmental Affairs is now wholly responsible for the implementation of waste management legislation. Although both the national and provincial governments provide guidance on the management of the environment, the actual responsibility of waste management is executed by local government.

3.2.2 Provincial Government

Central to the policy mandate of provincial government is the need to monitor and enforce waste management principles within their province. In terms of the Integrated Waste and Pollution Management White Paper and the Waste Act, provincial governments are responsible for developing provincial guidelines and standards; enforcing provincial regulations and supporting local government in the implementation of waste collection services.¹¹⁴ Beyond monitoring and ensuring that municipalities comply with implementation plans, the province has the power to intervene in cases of non-compliance.¹¹⁵

¹¹³ Department of Environmental Affairs and Tourism. *White Paper on Integrated Pollution Waste Management for South Africa. A Policy on Pollution Prevention, Waste Minimisation, Impact Management and Remediation*. 88 No. 20978 Government Gazette, 17 March 2000.p.46.

¹¹⁴ Department of Environmental Affairs and Tourism. *Integrated pollution Waste management for South Africa: A Policy on Pollution Prevention, Waste Minimisation, Impact Management and Remediation*. White Paper. No. 227 17 March 2000.p.22.

¹¹⁵ Department of Environmental Affairs and Tourism. *Integrated pollution Waste Management for South Africa: A Policy on Pollution Prevention, Waste Minimisation, Impact Management and Remediation*. White Paper. No. 227 17 March 2000.p. 4.

3.2.3 Local Government

According to the Constitution of the Republic of South Africa and the relevant waste legislation, waste management is primarily the function of developmental local government. In line with Section 53 of the Constitution, local government, as the closest government sphere to citizens, is responsible for the actual collection, transportation, treatment, and management of waste, including managing waste disposal sites.¹¹⁶ Municipalities need to formulate their own by-laws to regulate waste activities in their area of responsibility and promote consciousness about waste minimisation and recycling.

This chapter, focusing on the history of waste management in South Africa, from the legislative point of view, has provided information about key development in waste management. It has also provided information about the evolution of South Africa's waste policy, slow as it has been. Furthermore, the role and responsibilities of government with regards to waste management are clear in terms of the policy, which raises questions about the implementation of these policies and legislation in reality. The next chapter will focus on a situational analysis of the Msunduzi Municipality, which is the location of the case study. The following chapter will give clarity on the state of waste management in the Msunduzi Municipality, including the management of the New England Road landfill site.

¹¹⁶ Department of Environmental Affairs and Tourism. *Integrated pollution Waste management for South Africa: A policy on Pollution prevention, waste minimisation, impact management and Remediation*. White Paper. No. 227 17 March 2000 p.45.

CHAPTER FOUR

SITUATIONAL ANALYSIS

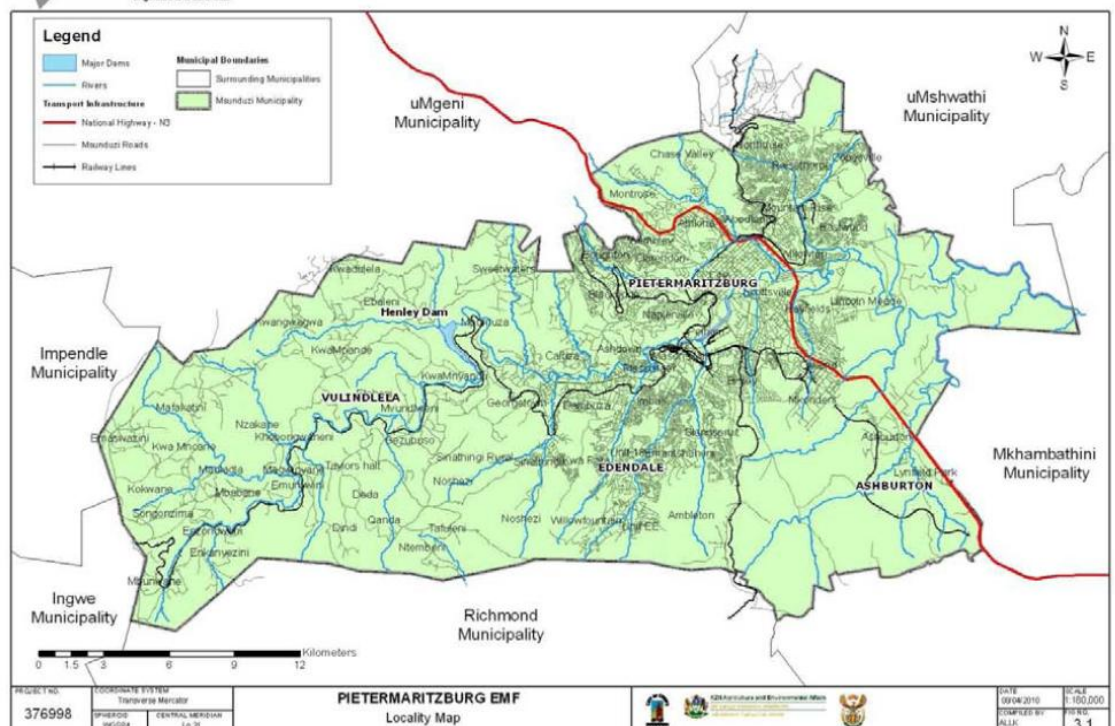
4.1 Introduction

Since this dissertation is concerned about the management of waste in the Msunduzi Municipality, it is prudent that a clear picture of this municipality and the context in which it operates is laid out clearly. The previous chapter has captured the legislative environment regarding the management of waste in South Africa. This chapter takes this a step further by discussing the situational analysis of the Msunduzi Municipality, which includes the status quo of waste management and the management of the New England Road landfill site.

4.2 Demographic Profile of Msunduzi Municipality

The Msunduzi Municipality is the home of Pietermaritzburg, KwaZulu-Natal capital and second biggest city in KwaZulu-Natal after Durban.¹¹⁷ Figure 1 below reflects the map of the Msunduzi Municipal area.

Figure 1: Map of Msunduzi Municipal Area.



Source: SRK Consulting. *Final Draft Strategic Environmental Assessment*. Msunduzi Municipality. Report No: 376998/FDSEA. May 2010.p.5.

¹¹⁷ Msunduzi Municipality. 2006. *Integrated Development Plan 2006-2011*.

The Msunduzi Municipality was formed after the 2000 local government elections with the merger of the Pietermaritzburg - Msunduzi Transitional Local Council; Ashburton Transitional Local Council; Vulindlela; Claridge and Bishopstowe.¹¹⁸ Currently, the Msunduzi Municipality is the strongest and most urbanised local municipality amongst the other six municipalities that comprise the mostly rural UMgungundlovu District Municipality, namely, Impendle; Mkhambathini; Mpofana; Richmond; UMngeni; and UMshwathi municipalities. In 2007 the city had an estimated population of 616 730 people and a recent report by SRK indicates that there has been an 18% population growth since 1996.¹¹⁹ The Msunduzi Municipality is characterized by a vibrant multicultural environment with a strong Zulu, Afrikaans and Indian history. It is estimated that the Municipality is populated by around 77% Black Africans, who are largely spread across Greater Edendale and Vulindlela, with a racial mix in the former white suburbs. However, like most South African cities, Pietermaritzburg also conforms to an apartheid type settlement pattern where economic means and race are the main determinants of where people live.¹²⁰

4.3 Governance

Since 2008, the Msunduzi Municipality suffered from serious bouts of political infighting within Council, amid allegations financial mismanagement and general maladministration which culminated in the axing of the Mayor Ms. Zanele Hlatshwayo; Municipal Manager, Rob Haswell, and the dissolution of the Executive Committee. After the implosion of governance in the city, the Provincial Department of Co-Operative Governance and Traditional Affairs placed the city under administration. Johann Metter, Executive Director of the South African Local Government Association was appointed as the Administrator of Msunduzi Municipality to turn the Municipality around. Mike Tarr, an ANC MP, was appointed as the Msunduzi Mayor and Thokozani Maseko is the current Acting Municipal Manager. The mismanagement of the Municipality has adversely derailed service delivery, which cast doubts on the city's ability to fulfil its vision.

¹¹⁸ Msunduzi Municipality. 2002. Integrated Development Plan 2002-2006. No Page Numbers.

¹¹⁹ Samson, M. 2008. *Reclaiming Livelihoods: The Role of Reclaimers in Municipal Waste Management Systems*. Groundwork: Pietermaritzburg.p.5. SRK. 2009. Status Quo Report: Msunduzi Environmental Framework. Msunduzi Municipality. Report No: 367998/FSQR.p.iv.

¹²⁰ SRK Consulting. *Final Draft Strategic Environmental Assessment*. Msunduzi Municipality. Report No: 376998/FDSEA. May 2010.p.17.

In its Integrated Development Plan for the 2008/2009, the Msunduzi Municipality expressed its ambition of becoming a “globally competitive metropolitan City of Choice which capitalizes on its strategic location, environment, cultural heritage and educational facilities creating a choice quality of life for all” by 2017.¹²¹ The city did have the opportunity to become a metro in 2011, but hopes were dashed when the provincial government objected their change of status. The provincial government argued that a change of Msunduzi’s status would have an adverse effect on the uMgungundlovu District development ambitions, given the District’s reliance on Pietermaritzburg as the main hub of business for the whole Midlands region. A decision was thus taken that the Msunduzi Municipality would remain a local municipality within the uMgungundlovu district.¹²² Msunduzi Municipality had hitherto been considered an ‘aspirant metro’ with the understanding that this would be formalised after the 2011 local government elections.¹²³

4.4 Waste Management in the Msunduzi Municipality

Waste management is a recurrent challenge not only for the Msunduzi Municipality but for KwaZulu-Natal in general, including the uMgungundlovu District Municipality. It was reported in 2007 that on average 27 per cent of the 2 422 169 households in KwaZulu-Natal had access to refuse removal, 30 per cent of that being in urban areas and the rest being rural areas.¹²⁴ In a 2008 review of the Integrated Waste management plan of the uMgungundlovu District, it emerged that about 40 percent of households in Msunduzi do not have their refuse collected.¹²⁵ Table 3 (below) also shows that in 2007 only 38 per cent of households in the uMgungundlovu District receive waste removal services, including the Msunduzi Municipality.

¹²¹ Msunduzi Municipality. 2008. *Revised IDP for 2008/2009*. Pietermaritzburg.p.4.

¹²² Municipal Demarcation Board. Press Statement by Landiwe Mahlangu: Chairperson of the Municipal Demarcation Board: Msunduzi Municipality, KwaZulu Natal. *Sunday Times Newspaper*. December 13, 2009.p.10.

¹²³ Mgaga, T. Battle Over Mayor Delays Metro. *The Witness*. September 30, 2009. Online: [http://www.witness.co.za/index.php?showcontent&global\[_id\]=28708](http://www.witness.co.za/index.php?showcontent&global[_id]=28708). Accessed: September 30, 2009.

¹²⁴ Department of Environmental Affairs and Tourism. *Assessment of the Status of Waste Service Delivery and Capacity at the Local Government Level*. 3rd Draft. Directorate: General Waste Management. August 2007.p.18.

¹²⁵ Phelamanga Projects. *Review of the Integrated Waste Management Plan of the uMgungundlovu District Municipality*. Project Steering Committee Meeting. African Enterprise Conference Centre. September 3, 2008.p.3. Online: http://www.phelamanga.co.za/proj_waste.htm.

Table 3. A Reflection of uMgungundlovu’s District Waste Services Removal

District Municipality	Population	Number of households	Number of Households receiving waste removal service	Percentage of households receiving waste removal service
uMgungundlovu	1 000 000	240 000	90 217 38	38

Source: Department of Environmental Affairs and Tourism. *Assessment of the Status of Waste Service Delivery and Capacity at the Local Government Level*. 3rd Draft. Directorate: General Waste Management. August 2007.p.18.

The above notwithstanding, over the years waste management has been a consistent challenge in the Msunduzi Municipality, and the Municipality admitted as such in their first IDP in 2002. In this IDP, the Msunduzi Municipality announced several waste related challenges that the city was battling to cope with, and these included:

- *The waste management function is an expensive function which is presently inadequately resourced;*
- *The refuse removal and handling mobile plant is aging and requires urgent replacement;*
- *Littering and illegal dumping is widespread, a most difficult issue to deal with and the most visible problem facing Waste Management Division;The landfill site is costly to the city and has a limited life span as a result of a near complete absence of alternative measures of waste management;*
- *The removal and handling of refuse has traditionally been focused on disposal.*¹²⁶

Instead of promoting integrated waste management, the Municipality has relied on the ‘end of pipe’ system. The city has depended on waste disposal as the main approach used to deal with waste instead of promoting wasting prevention, minimisation and recycling. All the waste that is collected by the Municipality is taken to the New England Road Landfill site, where it is disposed. In 2010, the landfill did not have a proper recycling facility. “*our mandate*”, argued Msunduzi Municipal Waste Manager “*is to collect refuse [and] take it to the landfill site. We have to clean the street on [a] daily basis. Some areas get cleaned daily, weekly, monthly and so forth. We collect illegal dumped waste where it is a problem. We*

¹²⁶ Msunduzi Municipality. 2002. *Integrated Development Plan 2002-2006*. No Page Numbers.

*have a schedule of all areas that needs to be serviced. All get serviced with regards to refuse collection”.*¹²⁷

As the above quotation confirms, the waste management strategy of the city is still focused on waste disposal. The Msunduzi waste management division has about 350 staff, ranging from refuse collectors, street sweepers, supervisors, management and top management. The waste division currently has just over 30 special vehicles to collect refuse, grab trucks, roll out trucks that handle 240 auto bins and bakkies, which are used by supervisors.¹²⁸ The landfill site has two compactors which are used to compress waste collected from all the designated areas. The city does not have a waste transfer station; therefore all the collected waste is disposed of on the landfill. Most of the waste is disposed of without any formal sorting and recycling.

In the face of increasing waste generation, the capacity of the Msunduzi Municipality to collect waste has at times appeared inadequate. In 2008, the Municipality collected solid waste from about 63 000 households whilst the New England Road landfill site received well over 62 750 tons of waste in 2006.¹²⁹ This was corroborated by the Municipality itself when it reported in its IDP that “39 000 households in the Vulindlela and Claridge areas receive no services to speak of”.¹³⁰ Figure 3 (below) succinctly reflects the skewed refuse collection service levels in the Msunduzi Municipality. The map shows that the blue shaded area, which includes the CBD and surrounding suburbs, receive good refuse collection service, while the areas without shade hardly receive any service at all.

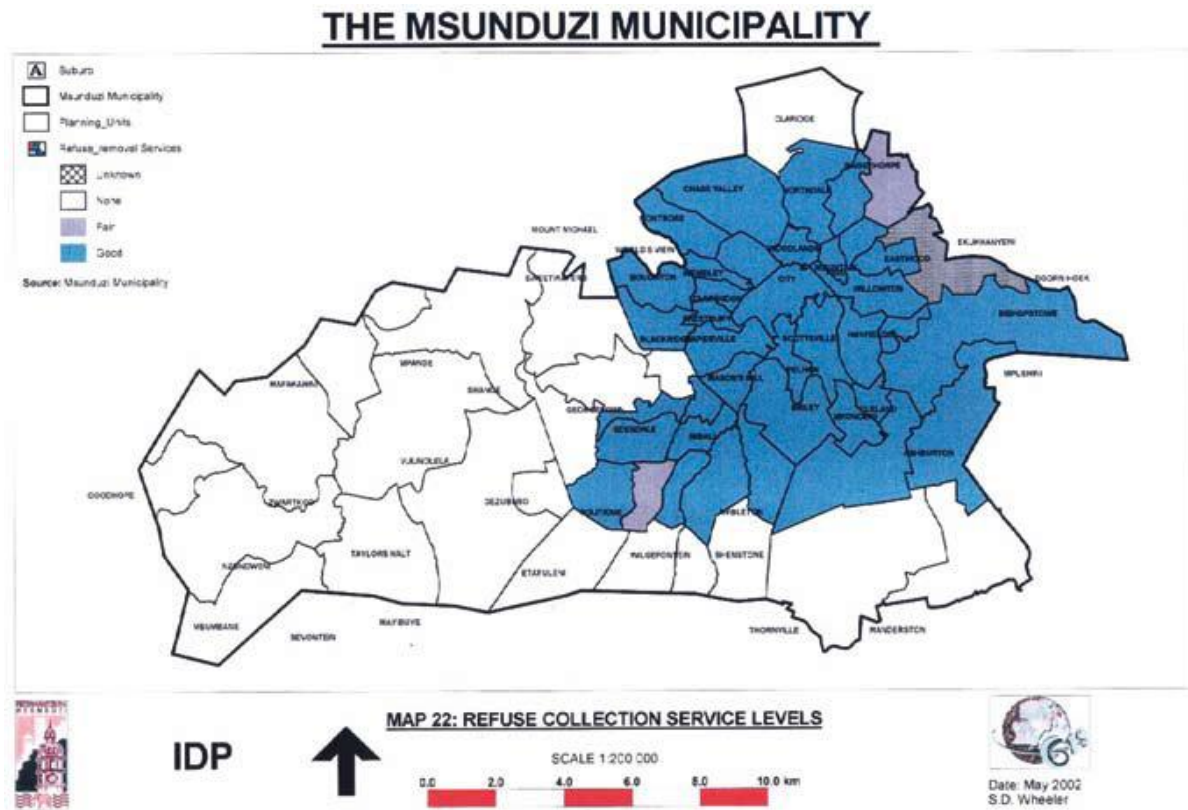
¹²⁷ Manager: Waste Management Division, Msunduzi Municipality. *Interview*. Waste Division Offices, Mayors Walk, Pietermaritzburg September 2008.

¹²⁸ Manager: Waste Management Division, Msunduzi Municipality. *Interview*. Waste Division Offices, Mayors Walk, Pietermaritzburg September 2008.

¹²⁹ Msunduzi Municipality. 2008. *Revised Integrated Development Plan 2008-2009*. p.11.

¹³⁰ Msunduzi Municipality. 2008. *Revised IDP for 2008/2009*. Pietermaritzburg, p.5.

Figure 2: Msunduzi Refuse Collection Service Levels



Source: Msunduzi Municipality Integrated Development Plan 2006/2007 To 2010/2011 and beyond. July 2010.p.51

4.4.1 The New England Road Landfill Site

South Africa still relies on burying waste in an open landfill as the most dominant waste disposal strategy. The Department of Environmental Affairs reports that there are over 1 200 known landfill sites in South Africa, most of which are owned and operated by municipalities.¹³¹ In terms of the law, each operated landfill site must have a permit issued by DWAF and the provincial environmental affairs Department. As part of the license agreement, landfill sites must conform to the 1998 Minimum Requirements of Waste Disposal by Landfill as detailed by DWAF. Failure to comply with the requirements can lead to the cancellation of operating permits, depending on the severity of the transgression. In

¹³¹ The Dept. of Environmental Affairs and Tourism. <http://www.environment.gov.za/enviro-info/env/wmanag.htm>. Accessed: July 11, 2008.

terms of the regulations, “the permit holder is primarily and ultimately accountable for the landfill and any effect it may have on the receiving environment”.¹³²

Like most municipalities, Msunduzi Municipality also has its own landfill site, the New England Road landfill. This landfill facility was established in 1956 as a dump, but has been engineered to the required standards of all large sanitary waste landfill sites.¹³³ The site was registered by the Pietermaritzburg Transitional Local Council which submitted an application to operate the New England Road landfill site. On 22 April 1998, DWAF issued permit no. 16/2/7U203 D3/21/P64 for the continued operation and development of the New England Road Landfill Site. It replaced permit No. B33/2/1920/40/P64 issued on the 4th May 1993 in terms of Section 20 of the Environmental Conservation Act 1989 (No. 73 of 1989).¹³⁴

Over the years since then, this landfill has encountered various problems, threatening the environment and those located in close proximity to it. Poor location, questionable management, leachate, poor town planning, amongst other factors, have made the landfill site susceptible to pollution and environmentally destructive activities.¹³⁵ After an external audit in 2005, the landfill was declared a hazard to local citizens and the environment by the Department of Water Affairs and Forestry (DWAF).¹³⁶ The audit revealed that the landfill had a litany of problems, some of which had been unresolved for many years, which constituted a transgression of permit conditions. Amongst the major problems identified was a poor leachate management system, pollution of the environment by leachate; non-functional equipment, lack of gas, air and quality monitoring, poor storm water management, strong odours and constant fires. Moreover, the report further criticised poor security

¹³² Department of Water Affairs & Forestry, Second Edition, 1998. Waste Management Series. *Minimum Requirements for Waste Disposal by Landfill*.

¹³³ Samson, M. 2008. *Reclaiming Livelihoods: The Role of Reclaimers in Municipal Waste Management Systems*. Groundwork: Pietermaritzburg. p.5.

¹³⁴ SRK Consulting. *External Audit of the New England Road Landfill Site*. UMgungundlovu District Municipality. November 2005.p.1.

¹³⁵ SRK Consulting. *External Audit of the New England Road Landfill Site*. UMgungundlovu District Municipality. November 2005.p.1.

¹³⁶ SRK Consulting. *External Audit of the New England Road Landfill Site*. UMgungundlovu District Municipality. November 2005.p.1.

measures around the landfill site, which were described as insufficient and a major contributor to the prevalence of scavenging.¹³⁷

In the audit report the management of the landfill, in particular, the Landfill Site Monitoring Committee, was criticised. The Committee was blamed for failing to fulfil their oversight function. It was identified that they were not meeting as frequently as they were supposed to; minutes of their meetings were inaccessible; meetings were cancelled without sound reasons and the Municipality also failed to carry out its own internal audit of this landfill site.¹³⁸

The major problem now is that whilst the city remains reliant on a landfill disposal as the main waste management strategy, the lifespan of the current landfill site is close to exhaustion, in 2008, the landfill site had less than eight years of available airspace and this has further declined. According to latest reports, the “New England Road landfill site has an estimated lifespan of less than six years of air space available”, which fuels a potential landfill crisis for the Municipality.¹³⁹ The landfill problem is something which the Municipality has been aware of for several years. In 2002, the Municipality stated that “*the [landfill] site has strategic importance as there is nowhere else in the city to dispose of refuse. The main problem is that of a limited lifespan. It is required that a new site be identified within the next five years and such site be operational within the next ten years. Site identification costs could easily be R5 000 000 and the site establishment costs R20 000 000*”.¹⁴⁰

4.4.2 Extending the Lifespan of the New England Road Landfill Site

Having identified that the existing New England Road landfill site was running out of airspace, the Municipality decided, as evidenced from their 2002 IDP, to pursue recycling initiatives that would reduce the pressure exerted on the landfill to prolong its lifespan. However, the Municipality was less than successful in implementing a sound and

¹³⁷ SRK Consulting. *External Audit of the New England Road Landfill Site*. UMgungundlovu District Municipality. November 2005.

¹³⁸ Chamane, M. *The New England Road Landfill Site: Worrying problems are ongoing at this landfill site*. Groundwork Newsletter. 3 (9) 2007.

¹³⁹ Jeffares & Green (Pty) Ltd. *UMgungundlovu District G: L: B Landfill Site Investigation: Background Information Document*. UMgungundlovu District. February 2010, p.3

¹⁴⁰ Msunduzi Municipality. *Integrated Development Plan*. 2002. Pietermaritzburg.

comprehensive recycling initiative of any note. In the meantime, the 2009 Status Quo Report on an Environmental Framework Plan of Msunduzi Municipality compiled by SRK, a firm of consulting engineers, has once again expressed the need for the Municipality to address the issue of the landfill site swiftly before the matter reaches crisis proportions.¹⁴¹ The recycling initiatives of the city will be discussed in full in the subsequent section.

4.4.3 Msunduzi Municipality Recycling Initiatives

The Municipality has not been able to fully institutionalise waste recycling, which could have lessened the volume of waste that goes to the landfill. Successive attempts to extend the lifespan of the New England Road landfill site have had minimal impact. Various stakeholders and interested parties have made proposals to the Msunduzi Municipality in an effort to run a recycling facility on the landfill site, starting with a proposal by a Gauteng company that wanted to turn organic waste into fertiliser in 2001.¹⁴² This proposal, along with the 2004 waste park idea spearheaded by Chris Whyte, which sought to convert biodegradable waste into organic fertiliser and the recycling of tyres, glass, plastic, building rubble and wood waste, did not get the required approval from the Municipal Council.¹⁴³

Early in 2002 prospects for a recycling facility appeared promising when the Technical and Engineering Services committee of the Msunduzi Municipality approved Organic Gold's idea of a fertiliser processing plant adjacent to the New England Road landfill site. The plant was to employ scavengers and local residents to sort organic waste from solid waste in order to reduce the amount of waste going to the landfill and to create creating fertiliser in the process. However, that optimism for approval appeared misplaced as the proposal hung in the balance waiting for final approval by the City Council, which was never forthcoming.¹⁴⁴ It was reported that the project failed to materialise because the Municipal Council was hesitant in fully committing to the project, despite supporting it in principle. Newspaper reports suggested that the Council proposed a 60-day cancellation clause should the project

¹⁴¹ SRK. *Status Quo Report: Msunduzi Environmental Framework*. Msunduzi Municipality. Report No: 367998/FSQR. June 2009.p.23.

¹⁴² Dell, S. It's Times to Wake up to the Waste Problem. *The Witness*. June 30, 2008.p.11.

¹⁴³ Dell, S. It's Times to Wake up to the Waste Problem. *The Witness*. June 30, 2008.p.11.

¹⁴⁴ Zondi, D. Fertiliser Plant 'Will Create Jobs'. *Natal Witness*. February 5, 2002.

not bear visible results by then. This, it is said, scared off Organic Gold, and it was to result in the collapse of another similar project in 2006.¹⁴⁵

Despite the acknowledgement that the landfill site was reaching its capacity, the Municipality seemed to have been arrested in a state of inaction that could be partially explained by high costs associated with the landfill identification and operational processes. Amongst other factors, the costs of running a landfill site seemed to have contributed to this state of affairs. The Municipality reported that the identification of a new site is estimated to be around R5 million whilst establishing an operational site can easily escalate over R20 million.¹⁴⁶ A local waste specialist, who had previously proposed to establish a waste recycling park in order to reduce pressure on the landfill, Chris Whyte, cautioned that drastic measures were required to avert the capacity problems at the New England Road landfill, which he described as a ticking ‘time-bomb’.¹⁴⁷ Whyte further framed the landfill sites problem as a nationwide concern, given his prediction that in three years time most of the country’s landfill sites would exceed their capacity by 70% due to increasing volumes of waste.¹⁴⁸

In the period 2003 and 2004 the New England Road landfill site was in a relatively good state and received two awards for being the best managed site in the province.¹⁴⁹ It seemed that the Municipality assumed that since the site was doing well there was less need to focus on measures to improve it. The recycling initiatives by Organic Gold’s proposal fell off the Municipal agenda, just as government had committed itself to reduced waste generation with the aim of producing Zero Waste by 2022 in Polokwane.¹⁵⁰ “*The Municipality would never quite accept that the landfill site could not be managed on a shoestring budget*” argued Layman. “*It seemed to resent allocating sufficient resources. When the city was given an award for possessing the best-managed landfill site, complacency was added to this resentment*”.¹⁵¹

¹⁴⁵ Naidoo, N. Pietermaritzburg is Still Awaiting the Establishment of Waste Park Proposed in 2001. *The Witness*. May 16, 2006.

¹⁴⁶ Msunduzi Municipality. 2002. *Integrated Development Plan 2002-2006*. No Page Numbers.

¹⁴⁷ Dell, S. It’s Times to Wake up to the Waste Problem. *The Witness*. June 30, 2008.p.11.

¹⁴⁸ Dell, S. It’s Times to Wake up to the Waste Problem. *The Witness*. June 30, 2008.p.11.

¹⁴⁹ Mbanjwa, B. New Machine to help restore dump site to former glory. *The Witness*. March 15, 2007.

¹⁵⁰ Hallowes, D and Munnik, V. *Wasting the Nation: Making Trash of People and Places*. Groundwork Research Report. November, 2008.p.52

¹⁵¹ Layman, A. The Most Striking of All regrets. *Natal Witness*. May 19, 2006.

In 2005 the site was in the news for sporadic fires which went on for days emitting noxious smoke, drawing scores of complaints from environmental groups, residents and hospitality businesses bordering the landfill.¹⁵² The rising number of fires on site coincided with the mechanical breakdown of the German made Bomag compactor. For a prolonged period between 2005 and 2006 the landfill had to operate without a compactor on site. The absence of the compactor compounded the problems leading to the pronouncement by authorities that the site was a hazard to the environment and the residents after an external audit of the site by SRK in November 2005.¹⁵³

On the other hand, the proposed waste park which had caused much fanfare when it was introduced to the public by local businessman and environmental specialist, Chris Whyte with his American funders, Environmental Trade Consortium, was going nowhere slowly. In January 2006, the Technical and Engineering Services Committee in the Msunduzi Municipality advised the Council to request further reports of clarity before committing to the project, whose intention, much like Organic Gold's idea, was to create a recycling park where assortment of recycling and sorting activities would be carried out before unrecoverable waste proceeds to the landfill site¹⁵⁴. The collapse of this waste park project, which aimed to extend the lifespan of the landfill by diverting waste to the waste park, merits some background discussion.

The waste park initiative collapsed in controversial fashion. Each party would offer its own version of why the project failed to materialise. The Municipal Council argued that, in principle, they supported the waste park initiative; however, there were concerns about the costs this project would inflict on the Municipality. When the project was introduced, argued the Municipality, it was a fully funded initiative; nevertheless in the course of the proposal Chris Whyte and his consortium indicated the Municipality would have to contribute certain resources to the project, which the Municipality viewed as an "unfair burden on the Council".¹⁵⁵

¹⁵² Saville, M. City Landfill Site Catches Fire Again. *Natal Witness*. December 5, 2005.

¹⁵³ SRK Consulting. *External Audit Report for the New England Road Waste Disposal Landfill Site*. UMgungundlovu District Municipality. Report No. 323161/5. April 2006.

¹⁵⁴ Harrilall, K. Waste Pak Delayed. *Natal Witness*. January 25, 2006.

¹⁵⁵ Naidoo, N. Pietermaritzburg is Still Awaiting the Establishment of Waste Park Proposed in 2001. *The Witness*. May 16, 2006.

As a protective mechanism, the Municipality insisted on a 60 day cancellation clause in case the project was not fulfilling its mandate. Considering the fact that the landfill was already delivering 600 tons of waste a day in 2002 as confirmed in the 2002 IDP and that areas such as Vulindlela were not serviced, this would mean that the Municipality could have used this opportunity as a motivation to extend their waste collection services to areas where waste was not collected. The Landfill site manager confirmed in an interview that the site was receiving 700 tons of waste a day. It later emerged that this figure was based on an estimate. In 2009, when the weighbridge was eventually working, it emerged that the site was in actual fact receiving about 1 400 tons of waste a day.¹⁵⁶

Furthermore, in the middle of the planning of this project, the Municipal Financial Management Act (MFMA) was implemented which dictated that a project of this magnitude be sent to tender, giving different companies the opportunity to present how best this recycling centre could be established.¹⁵⁷ Whyte sought recourse from the Municipality's legal advisor, giving a comprehensive briefing in which he explained why his proposal should be exempted from this legislation. This discussion did not bear any fruit. Thus the American Consortium partners withdrew from the deal saying the tender requirements made the project unviable.¹⁵⁸ The tender was eventually given in 2006 to another company, Shoretech, under Penta Technologies, which in turn is a subsidiary of a German company, Eisenmann.¹⁵⁹

Shoretech commissioned Durban environmental consultants to carry out an environmental assessment on the proposed recycling facility, but the company got entangled in bureaucratic processes concerning the operational licence from the Provincial Department of Environmental Affairs, which halted the establishment of the much anticipated recycling facility.¹⁶⁰ In terms of the contract, the Municipality would have delegated their function of managing the entrance gate to the private company together with the weighbridge. They

¹⁵⁶ Jeffares & Green. *UMgungundlovu Regional Landfill Site Identification Strategic Planning Session 2 Minutes*. November 2009.p.4.

¹⁵⁷ Naidoo, N. Pietermaritzburg is Still Awaiting the Establishment of Waste Park Proposed in 2001. *The Witness*. May 16, 2006.

¹⁵⁸ Naidoo, N. Pietermaritzburg is Still Awaiting the Establishment of Waste Park Proposed in 2001. *The Witness*. May 16, 2006.

¹⁵⁹ Dell, S. It's Times to Wake up to the Waste Problem. *The Witness*. June 30, 2008.

¹⁶⁰ Samson, M. 2008. *Reclaiming Livelihoods: The Role of Reclaimers in Municipal Waste Management Systems*. Groundwork: Pietermaritzburg.p.4.

would keep 10% of the received revenue for their trouble as compensation for their fulfilment of the management compensation function.¹⁶¹

In 2008, the Municipality introduced a pilot recycling project in the Northern Suburbs. After its initial success, this recycling project has been extended to include other suburbs and is now supported by the Msunduzi Municipality, Mondi Recycling, Hulamin and the Department of Agriculture, Environmental Affairs and Rural Development under the name, Msunduzi Kerbside Programme. The project aims to introduce sorting of household waste before it is collected from homes and the plan is to have the programme extended to cover the entire municipal area by the end of 2010.¹⁶² The concern is that many projects of this nature have been proposed to the Municipality but almost all of them have failed to materialise.

4.4.4 Identifying a New Landfill Site

The declaration of Pietermaritzburg as the sole capital of KwaZulu-Natal has added growth to the city.¹⁶³ As a result the city has to provide more services to an increased population. This will increase the pressure on the nearly exhausted capacity of the New England Road Landfill site, which in turn will mean a paralysing waste management problem for the city. Thus there is a pressing need for the Municipality to have a functional and well managed waste disposal facility in the city to deal with increased waste volumes without causing any harm to the environment and the locality. Nevertheless, the process of establishing a new landfill site, is protracted and expensive. This involves a lot of long technical processes such as the geotechnical assessment of all potential landfill before they are declared suitable. The Msunduzi Municipality might be relieved of this pressure by the ongoing attempts by uMgungundlovu District Municipality to establish a new regional landfill site.

¹⁶¹ Samson, M. 2008. *Reclaiming Livelihoods: The Role of Reclaimers in Municipal Waste Management Systems*. Groundwork: Pietermaritzburg.p.14.

¹⁶² Recycle Chat, 1st ed. 2010. *Msunduzi Municipality and Mondi Recycling*.p.1 Samson, M. 2008. *Reclaiming Livelihoods: The Role of Reclaimers in Municipal Waste Management Systems*. Groundwork: Pietermaritzburg.p.4.

¹⁶³ Msunduzi Municipality. 2008. *Revised Integrated Development Plan for 2008/2009*.Pietermaritzburg.p.5.

4.4.5 Landfill Site identification Process

UMgungundlovu District has embarked on a process of identifying a new landfill site that will service the entire district area. The new landfill site will replace the existing New England Road Landfill which is currently used by Msunduzi and other local municipalities falling within the District Municipality. The District Municipality enlisted the services of Jeffares & Green Pty to identify a new landfill site with a specific brief that this site should be in close proximity to the main producers of waste within the District namely, Pietermaritzburg and Howick.¹⁶⁴

Little was known of the city's plans about the landfill site issue until the issue was put back on the agenda when the UMgungundlovu District raised it again when they commissioned Jeffares & Green "to undertake an investigation to find a new landfill site located close to the major waste production areas, specifically Pietermaritzburg (PMB) and Howick" in 2008.¹⁶⁵ According to the New England Road Landfill Site Manager, the landfill identification process did not completely fall off the municipal agenda. "*The process was started way back in 2001-2002. The challenge there was to find land that was large and suitable enough [for a landfill].*"¹⁶⁶

Jeffares & Green commenced their assessment with 19 zones of potential landfill sites which were whittled down to 9 through negative mapping. From this another assessment led to the reduction of sites to 5 candidates sites. These sites included, Manderston Joint; Crafcor; Mphushini S; Trust Feed and Mphushini E. It was agreed in November 2009 that these sites should then be reduced to 3 sites and these will be assessed by specialists who will focus on geotech, geohydro, and biodiversity assessments.¹⁶⁷ However as it stood, without specialist studies, Crafcor and Manderston Joint were currently named as the top two most suitable

¹⁶⁴ Jeffares & Green. *Preliminary Public Comments and Perception Report*. UMgungundlovu District Municipality. April 2010.p.2.

¹⁶⁵ Jeffares & Green (Pty) Ltd. *UMgungundlovu District G: L: B+ Landfill Site Investigation: Background Information Document*. UMgungundlovu District Municipality. February 2010.p.3.

¹⁶⁷ Jeffares & Green. *Preliminary Public Comments and Perception Report*. UMgungundlovu District Municipality. April 2010.p.3.

identified potential sites.¹⁶⁸ New England Road was also suggested as a possible transfer station for the new landfill site as well.

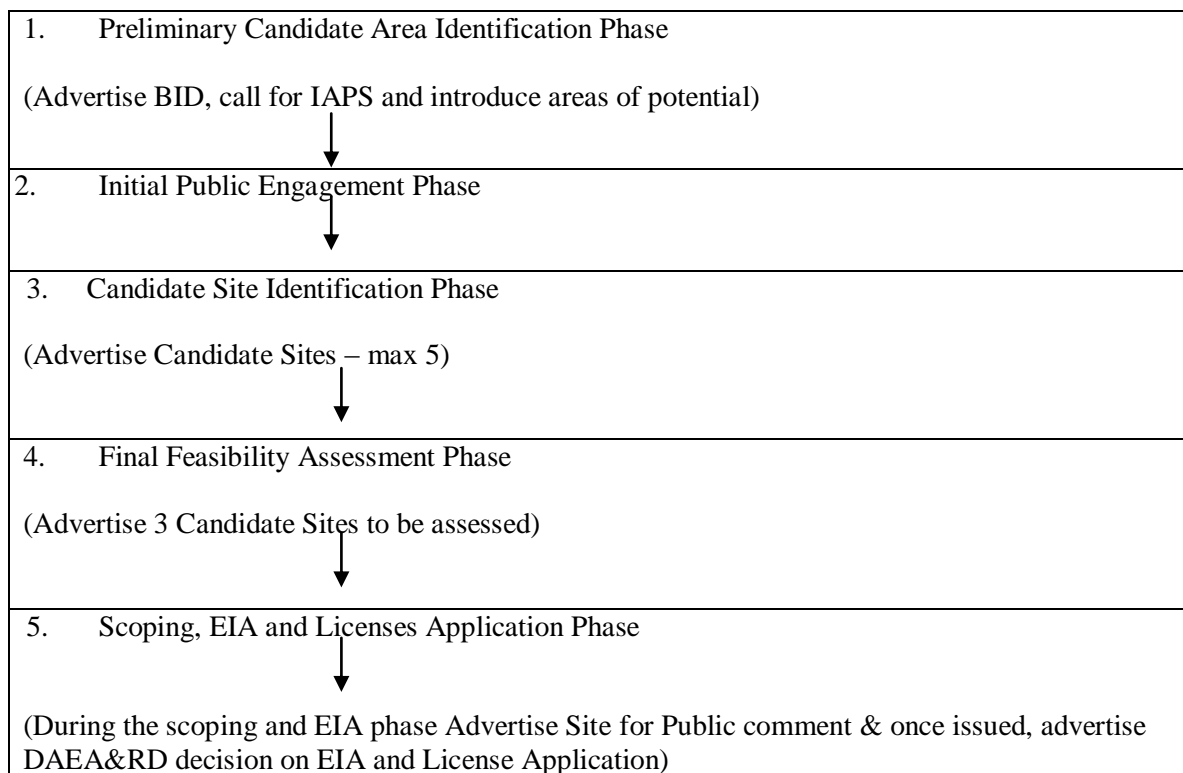
The Municipality first insisted that the location of the new site be within a 15km radius of Pietermaritzburg and Howick; however, due to a lack of suitable sites in these two areas, this restriction was expanded to a 20 km radius.¹⁶⁹ In an interview with the landfill site manager, he expressed the significance and necessity for the Municipality to find a viable landfill that was closer to town and economical for use by businesses. “The major challenge”, he argued, “is where do you find it, you look around the city, there are major developments going on. It’s going to be further away from the city centre which creates a problem because your transport costs in waste management are the highest”.¹⁷⁰

In February 2010, Jeffares and Green, the company tasked with investigation of the new landfill site for UMgungundlovu District, reported that the eight sites which had been identified in the Msunduzi Municipality were all unsuitable to be developed into landfill sites, “leaving no suitable areas within the Msunduzi Municipality’s Boundaries”.¹⁷¹ UMgungundlovu District has thus been forced to follow a strict process plan which will ensure that the new landfill site meets all key criteria. This is a slow process punctuated by mandatory consultative processes. Table 4 below reflects the process plan adopted by Jeffares & Green to identify possible landfill sites within the uMgungundlovu District Municipality:

¹⁶⁸ Jeffares & Green. *Preliminary Public Comments and Perception Report*. UMgungundlovu District Municipality. April 2010.p.4.

¹⁷¹ Jeffares & Green. *Background Information Document*. UMgungundlovu District G:L:B+ Landfill Site Investigation. February 2010.p.8.

Table 4: Ranking Process of Possible landfill Sites



Source: Jeffares & Green. *Preliminary Public Comments and Perception Report*. UMgungundlovu District Municipality. April 2010.p.3.

Whilst the uMgungundlovu District apparently looks set to find a new landfill site by the end of 2011, it is now clear that it would be outside the Msunduzi Municipality’s borders. If indeed this becomes a reality, it might pose a challenge for the Msunduzi Municipality in particular. Pietermaritzburg is the main business hub in the uMgungundlovu District, thus the main producer of waste. The Msunduzi Municipality is already struggling to collect and transport waste to the current landfill which is less than 15 kilometres away from the city centre. High transport costs might discourage responsible waste disposal. The consequences of this could be an increase in illegal waste.

4.5 Conclusion

From this chapter it is apparent that management of waste is likely to be a recurrent problem for the Msunduzi Municipality even if a new landfill site is established. The reality is that the modern approach to waste management elevates waste minimisation and recycling as the main strategies. Therefore, the landfill site is only a temporary solution, which is increasingly

becoming outdated around the world. The long term solution is to institute a system where waste generation is prevented and minimised, whilst ensuring that the little that is produced is recycled and re-used.

The Municipality has repeatedly failed to manage the New England Road landfill site effectively and to also implement an integrated waste management system, with recycling as a key component. Furthermore, the Msunduzi Municipality has suffered a complete collapse of governance, which is likely to affect the city's policy agenda, giving priority to internal control measures and basic service delivery. Regardless of how the Msunduzi Municipality responds to waste management now, the issue is likely to remain a challenge for the municipality. It is however worth asking why the Msunduzi Municipality has not finalised the landfill site issue since they were informed in 1996 that the capacity of New England Road Landfill site was quickly diminishing. The next chapter will seek to address this question and present further information which sheds light on this issue.

CHAPTER FIVE

FINDINGS AND DISCUSSION

5.1 Introduction

The basis of this research enquiry is to establish when the New England Road landfill site became a policy problem and was framed as a policy problem by key decision makers. This would assist in finding the reason why the authorities have struggled to resolve this problem and in determining the extent and implications of an unresolved landfill site problem. Eventually this would broaden the understanding of agenda analysis theory as propounded by Kingdon through the analysis of how policy issues such as the New England Road Landfill Site attract (or fail) to attract the attention of municipal decision makers.

5.2 Discussion of Results

To solicit understanding regarding why the landfill site remains a policy problem in the Msunduzi Municipality, the results of this research will be analysed using Kingdon's Agenda Setting Theory's three streams, namely, the problem, policy and politics streams as analytical categories. The discussion of each stream will be preceded by a table presenting a chronological trajectory of the landfill site problem in the Msunduzi Municipality. The tables make it easier to assess why the problem was never conclusively resolved whilst also demonstrating various window opportunities for positive policy development regarding waste management in this Municipality. Besides focusing on the waste situation in the Msunduzi Municipality, this research also has the potential to render insightful knowledge as to how government deals with policy issues once they are on their agenda and acknowledged as problems. This is where the Kingdon agenda setting theory becomes invaluable in policy analysis studies.

5.3 Problem Stream

The analysis of the trajectory of the landfill site problem in the Msunduzi Municipality commences with the chronology of events in the problem stream as detailed in Table 5 below.

Table 5: Landfill site problem trajectory

YEAR	PROBLEM STREAM
1996	<ul style="list-style-type: none"> Walmsey Environmental Consultants conduct an independent assessment of the New England Road landfill site and find the landfill has 15 years before its lifespan expires.
1997	<ul style="list-style-type: none"> SRK investigates potential areas suitable to be developed as landfill sites.
1998	<ul style="list-style-type: none"> Landfill Site Monitoring Committee is constituted to oversee the management of the New England Road landfill site.
2000	<ul style="list-style-type: none"> SRK first ever external audit of the New England Road landfill site reveals areas of non compliance with permit regulations on site such as a lack of a proper storm water system, inadequacy of cover material, odours and wind scatter which all need urgent attention.
2001	<ul style="list-style-type: none"> A Gauteng company makes a proposal to turn organic waste from the landfill to fertiliser to the Municipality.
2002	<ul style="list-style-type: none"> In its 2002 IDP the Msunduzi Municipality admits that “the landfill site is costly to the city and has a limited life span as a result of near complete absence of alternative measures of waste management and that the removal and handling of refuse has traditionally been focused on disposal”.
2003	<ul style="list-style-type: none"> Landfill wins the best managed site award.
2004	<ul style="list-style-type: none"> Landfill wins the best managed site award for the second consecutive time and District Municipality provides R1 million for the procurement of the fence of this site.
2005	<ul style="list-style-type: none"> New England Road Landfill site is in the news for sporadic fires which go on for days emitting noxious smoke, drawing scores of complaints from environmental groups, residents and hospitality businesses bordering the landfill site.
2006	<ul style="list-style-type: none"> Landfill site is pronounced hazardous by DWAF after an external audit by SRK. This follows the breakdown of the landfill compactor leaving the site without a working compactor. The absence of the compactor exacerbates various problems that leads to the transgression of permit regulations.
2007	<ul style="list-style-type: none"> March 2007- new landfill compactor is reported to have started working at the New England Road Landfill site after a year long absence of a landfill compactor due to the breakdown of the old compactor.
2008	<ul style="list-style-type: none"> During April 2008, J&G is appointed to undertake a Scoping Process, Feasibility Study, Environmental Authorization and Permit Application for the G: L: B+ (General waste: Large: Leachate producing) landfill site in the uMgungundlovu District Municipality.

2009	<ul style="list-style-type: none"> • uMgungundlovu District continues with their search for the location of the proposed new District landfill site. • From the 9 sites selected in the negative mapping process, 5 sites are identified as potential landfill sites, namely; Manderston Joint; Crafcor; Mphushini S; Trust Feed; Mphushini E.
2010	<ul style="list-style-type: none"> • After several assessments of potential landfill sites, Crafcor and Manderston Joint, emerge as the two most promising sites, according to the Minutes of the Investigation team.

Table 5 above chronicles the development of the landfill site problem in the Msunduzi Municipality by focusing on key events that have shaped this issue. It is evident from this Table that the Pietermaritzburg Transitional Local Authority recognised that the landfill site was a policy problem when they appointed Walmsley Environmental Consultants to assess the state of the New England landfill site in 1996. Their assessment revealed that the New England Road landfill site had fifteen years of lifespan left before its capacity was exhausted.¹⁷² The Walmsley assessment report recommended that the Municipality must investigate potential areas that could be developed as a landfill site for the city as soon as possible.

This recognition that the landfill site is a policy problem is a key development in terms of Kingdon’s agenda setting theory and in policy development in general. Policy recognition is important for the Kingdon agenda setting theory because it is related to the main question that underpins his theory, which is “what makes people in and around government attend, at any given time, to some subjects and not others”.¹⁷³ This question introduces students and practitioners of policy studies to an important idea in policy development. It asks, how government, as the legitimate representative of the people does not notice that there is a problem that must be addressed within its area of responsibility. The same question can be asked as to how the Pietermaritzburg Transitional Local Council knew that landfill was a problem that needed to be attended to. As Table 5 indicates, the Municipality learnt about the substance and extent of the landfill site problem in the Msunduzi area from the report they had commissioned. This becomes an important event in Kingdon’s problem stream

¹⁷² Walmsley Environmental Consultants. 1996. *Independent Assessment of the New England Road Landfill*. Pietermaritzburg-Msunduzi Transitional Local Council.

¹⁷³ Kingdon, J. 1995. *Agendas, Alternative and Public Policies* (2nd Ed). New York: Harper Collins College Publishers.p.1.

particularly since it serves as rationale for interrogating if there is a pattern in which governments follow to recognise policy problems.

The recognition of a policy problem is also influenced by various dynamics. Governance matters are quite important in this regard. In this case study, 1996 was an important year for Pietermaritzburg and South Africa. The Constitution of the Republic of South Africa was adopted in 1996 containing Section 24, which recognises the importance of protecting the environment and gives responsibility to government to ensure that this is implemented.¹⁷⁴ Furthermore, the Pietermaritzburg-Msunduzi Transitional Local Council (PMB TLC) was introduced in 1996 following the promulgation of the Local Government Transition Amendment Act (Act 97 of 1996), effectively replacing the former local structure, INdlovu Local Authority.¹⁷⁵

To establish how and why the Msunduzi Municipality failed to resolve the landfill question in the city when this issue was on the municipal agenda, or at very least was known to be a problem by the Municipality, over the past 13 years or so, Kingdon counsels that such a question can be addressed by understanding how the problem ended up on the government agenda and how was it defined to begin with.¹⁷⁶ It is apparent from Table 5 that the landfill site issue was not merely recognised as a government agenda item, but in actual fact, it moved to the decision agenda when the Municipality appointed SRK to investigate locations suitable for landfill development in 1997.¹⁷⁷

The Municipality learnt that the landfill site was a policy problem through the findings of Walmsley Consultant's assessment of the New England Road facility in 1996. In this regard, the landfill lifespan could be regarded as the main 'systematic indicator' that was used in gauging the extent of the policy problem. A 'systematic indicator' gives guidance to decision makers regarding the threat and severity of the issue in question.¹⁷⁸ Furthermore, the statutory prescribed audit process can also be seen as an important indicator that raised the

¹⁷⁴ *Constitution of the Republic of South Africa*, 1996.

¹⁷⁵ Msunduzi Municipality. 2002. *Integrated Development Plan 2002-2006*. No Page Numbers.

¹⁷⁶ Kingdon, J. 1995. *Agendas, Alternative and Public Policies* (2nd Ed). New York: Harper Collins College Publishers.

¹⁷⁷ Bromley, N.J. 1997. *Investigation Report to Determine Areas Suited for Development as a Sanitary Landfill Site*.

Pietermaritzburg- Msunduzi Transitional Local Council. Report by SRK. No. 237215/01.p.2.

¹⁷⁸ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.17.

profile of the landfill issue. According to clause 9.2.1 of the permit conditions, “the permit holder must appoint an independent external auditor to audit the site bi-annually and this auditor must compile an audit report documenting the findings of his audit, which must be submitted by the permit holder”.¹⁷⁹ The reliance on a scientific attribute such as the lifespan of the landfill conforms to the argument that any form of change in the universally accepted and official indicator often heralds problem definition and issue recognition.¹⁸⁰

It is hard for decision makers to ignore audit findings as they are prescribed by the site permit and are used by oversight structures when assessing the site and the manner in which the Municipality has discharged its function. The analysis of the landfill trajectory therefore reveals that the issue was driven to the official municipal agenda by formal assessment reports that the Municipality commissioned. The role of any specific form of advocacy by both residents and environmental groups at this stage seemed to have had minimal significance on the initial phases of the problem detection.

The analyses of the landfill policy trajectory, as reflected in the table above, also indicate that the Municipality’s response to the landfill issue was mostly reactive. In many instances, the Municipality would simply react to the audit findings and attempt to implement incremental changes to the problem areas, after which things would return to the normal state, without any substantive policy shifts. To give further clarity on this matter and to understand the agenda process of this landfill issue, municipal reaction to audit findings will be discussed in more detail in the next section.

The first assessment of the landfill site in 1996, as argued earlier, can be credited for bringing the issue of the landfill lifespan onto the Municipality’s agenda. This assessment led to the commissioning of SRK to carry out the landfill location investigation in 1997. The SRK location investigation revealed that 13 areas and two sites within 15km from the CBD were suitable for landfill development, especially Ashburton Race Track; Uitvlugt, Bushy Park

¹⁷⁹ SRK Consulting. 2006. *External Audit Report for the New England Road Waste Disposal Landfill Site. UMgungundlovu District Municipality*. Report No. 233161/5.p.3.

¹⁸⁰ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.17.

and Thornville.¹⁸¹ The 2000 SRK external audit report identified a lack of a proper storm water system, inadequacy of cover material, odours and wind scatter as the main problems that needed to be addressed immediately as they were the source of non compliance with the permit regulations.¹⁸² This audit further stressed the urgent formulation of the site rehabilitation plan.

In 2001, the government together with civil society and business signed the Polokwane Declaration.¹⁸³ By this time solid waste and the shrinking lifespan of the current facility were generally recognised as a problem in the city. This was further proven in the 2002 Msunduzi Municipality IDP, where it was recorded that the extension of the current landfill lifespan through waste minimisation and an intensified campaign to recycle was to be the key approach to waste management in the city.¹⁸⁴ Despite the numerous landfill reports and audits, the 2006 External Audit report by SRK appears to have had the most impact on the agenda status of this landfill policy issue. This audit resuscitated awareness about the city landfill site problems. Organisations such as Groundwork and the Pietermaritzburg Chamber of Business reacted with public statements, highlighting their long held position about policy solution to the landfill issue.

The external audit, commissioned by UMgungundlovu District, revealed that there were major areas of non-compliance in terms of the operation and management of the New England Road landfill site. The mechanical breakdown of the old compactor that exposed the site to all sorts of problem was on top of the list. Other problems included non-functioning of the leachate management system; pollution of the environment by leachate; non-functional equipment; and a lack of gas monitoring as well as air and water quality monitoring.¹⁸⁵ Without a compactor, the landfill became a dump with waste lying uncovered prompting complaints from neighbourhood residents and businesses.

¹⁸¹ Bromley, N.J. 1997. *Investigation Report to Determine Areas Suited for Development as a Sanitary Landfill Site*. Pietermaritzburg- Msunduzi Transitional Local Council. Report by SRK. No. 237215/01.p.2.

¹⁸²SRK Consulting. 2000. *External Audit Report for the New England Road Waste Disposal Landfill Site. UMgungundlovu District Municipality*.p.47.

¹⁸³ Hallows, D and Munnik, V. *Wasting the Nation: Making Trash of People and Places*. Groundwork Research Report. November, 2008.p.52

¹⁸⁴ Msunduzi Municipality. *Integrated Development Plan*. 2002. No Page Numbers.

¹⁸⁵ *Natal Witness*. The UMgungundlovu District Municipality is to step in to resolve the crisis at The New England Road Landfill Site following a Scathing Report by DWAF on the poor Management of the Site by The Msunduzi Municipality. April 2006.

The general management of the landfill site was criticised for not being up to standard. The main problems mentioned were: the Landfill Site Committee meetings were irregular; minutes of their previous meetings were inaccessible; the Municipality failed to execute its own internal landfill site audit; and landfill lacked a uniform billing system, as a result of which some customers “were not being invoiced timeously for services rendered; documentation was incomplete and some could not be produced for the audit purposes”.¹⁸⁶ DWAF subsequently threatened the Msunduzi Municipality with legal action if they did not address the problems raised in the audit. DWAF’s Pat Reddy reported after meeting the Msunduzi Municipal Manager that “We then gave Municipality 30 days to address the problem we raised. If they fail to do so, we will proceed with legal action against the Municipality”.¹⁸⁷

In an EXCO meeting, UMgungundlovu District heard that Msunduzi was negligent in their responsibilities of running the site. The Municipality had requested funding for a new compactor from the District. According to the report, the Municipality was informed in January and again in March that the funds were available and they should tender out the procurement process. But, “no correspondence on the matter has since been received nor has a tender advert appeared in the local newspaper”, the meeting was told.¹⁸⁸ The fact that the Municipality was dragging its feet on this matter was noticeable, given that most of the problems that occurred on site between 2005 and 2006 were caused by the breakdown of the landfill compactor.

Even the subsequent audit report noted how the lack of necessary equipment and resources were affecting the landfill site: “it is pertinent, therefore, that the resources, impetus and support are provided to ensure that the site is operated and managed sustainably taking due cognisance of the potential impact on health and environment”.¹⁸⁹ Through joint funding

¹⁸⁶ Naidoo, N. Landfill’s Financial Woes. *Natal Witness*. May 26, 2006.

¹⁸⁷ Mbanjwa, B. Residents’ Dump Dilemma. *The Witness*. April 27, 2006.

¹⁸⁸ *Natal Witness*. The uMgungundlovu District Municipality is to step in to resolve the crisis at the New England Road Landfill Site Following a scathing report by DWAF on the poor management of the site by the Msunduzi Municipality. April 2006.

¹⁸⁹ SRK Consulting. *External Audit Report for the New England Road Waste Disposal Site*. UMgungundlovu District Municipality. Report No. 323161/5. April 2006.p.38.

between both Local and District municipalities a new compactor was purchased and started operating on site during April 2007.¹⁹⁰

It is clear from the above that the landfill site problem was recognised as a technical problem that relied on scientific information and techniques to be understood better. The technical nature of the problem contributed not only to how the Municipality sought to address it but also in terms of how it was defined, and understood. The next section will discuss how the landfill site problem was defined and understood by the Msunduzi Municipality and relevant policy actors.

5.4 Defining the Landfill Site Policy Problem

Authorities must have a clear idea of what they are dealing with so that they can tailor their solutions according to the problem at hand. Following this line of thinking, problem definition is considered to be one of the most important aspects of policy development. The authorities' perception of a policy problem often sets the tone for their subsequent actions. In this case, the landfill audit, which is a scientific process, contributed to the definition of the landfill problem. This was noted during the interviews, where the majority of the respondents repeatedly expressed the notion that the landfill site was a 'specialist area'. They would often prelude their comments by saying: "*look I am not an expert into this at all...*"; "*Well I'm not an expert*"; "*Waste management is a very complex issue*" and "*I think it's a highly specialist area*".¹⁹¹ The Chairman of the PCB expressed these sentiments even better when he argued: "*And it's a technical issue isn't it? I mean the proper management of the site is a technical issue. If you ask an average person in Pietermaritzburg what is involved, he wouldn't have a clue. He will just say 'day after day you dump things into the site and leave it there'*".¹⁹²

It has been argued above that the landfill site problem in the city was seen as a technical problem. However, technical problems rely on specialists' knowledge, and as a result they do not resonate with popular issues that the citizens or electorate worry themselves with. As a

¹⁹⁰ Mbanjwa, B. New Machine to Help Restore Dump Site to Former Glory. *The Witness*. March 15, 2007.

¹⁹¹ Chairman: Pietermaritzburg Chamber of Business. *Interview*. PCB Offices, Royal Show Grounds, Pietermaritzburg. September 2008.

¹⁹² Chairman: Pietermaritzburg Chamber of Business. *Interview*. PCB Offices, Royal Show Grounds, Pietermaritzburg. September 2008.

result the agenda status of what seems to be a specialist problem may be quite low. Not many people can understand the engineering and scientific language and processes involved in the running of a landfill site, especially councillors, who may not be as highly educated as managers, but are nevertheless responsible for financial allocations of the landfill facility.

It is apparent that the landfill issue has, to a considerable degree, been victimized by the fact that it has never been fully comprehended by those who are supposed to take decisions regarding its management. Also within the Municipality, it is difficult to deal with this issue in terms of which unit should manage it because its implications transcend the existing municipal organisational structure. Concerns were raised during the interviews that the Council, which is the highest political decision-making body and is thus responsible for approving municipal budget, as well as senior management, has limited understanding of the technicalities involved in the management of such a complex facility. As a result, some argued that the reason the landfill issue has not been resolved has to do with the lack of appreciation of the scale of the problem by key decision makers.¹⁹³

During the data collection process, most of the respondents absolved the Landfill Site Manager from any claims of incompetence but instead blamed the poor support he was receiving from his seniors, who were not providing the required resources for the site to function properly. In many instances, the name of Zwe Hulane, Deputy Municipal Manager: Community Services and Social Equity Unit, where Waste Management Division is located, was frequently mentioned. In the first quarter review of the 2008 financial year, Hulane reported R1.1 million under spending in his Unit whilst the residents continued to complain in the news media about the unsightly status of the city centre, overgrown verges in residential areas and a cremator that was ill-functioning in Mountain Rise cemetery, something the opposition Democratic Alliance party called “gross inefficiency”.¹⁹⁴ However, by the end of the 2008/09, it was established that the Msunduzi Municipality overspent their

¹⁹³ Chairman: Pietermaritzburg Chamber of Business. *Interview*.PCB Offices, Royal Show Grounds, Pietermaritzburg. September 2008.

¹⁹⁴ Mgaga, T. Msunduzi: Manager Scolded for Under Spending. *The Witness*. November 6, 2008.

overtime budget of R43,4 million by a R22,5 million and Hulane's Unit accounted for R29 million of that over expenditure.¹⁹⁵

The opposition party in the Municipal Council, the Democratic Alliance, complained that "How is one able to establish if this money was in fact paid when, generally, all correspondence to the Deputy Municipal Manager for community services, Zwe Hulane, under whose control the security, traffic, waste, parks and health units fall, is without fail never responded to, and is simply ignored by him, and those who fall under his control."¹⁹⁶

Therefore the unanimous position of many of the respondents interviewed was that the lack of financial support for the management of the landfill site was not due to unavailability of funds, but rather because of financial mismanagement and the fact that waste was not considered to be a priority. Hulane was eventually suspended together with the rest of the other Deputy Managers who served under Rob Haswell as municipal manager for their supposed role in the alleged mismanagement that led to the collapse of service delivery in the Msunduzi Municipality in 2009.

The extent of this poor financial management was revealed in August 2009. The Witness newspaper reported that a financial report was withdrawn at the last minute at the direction of the Council Speaker during an EXCO meeting because it exposed serious financial mismanagement allegations. The secret report, which the Witness journalist had access to, is said to have reported that "*the cash flow position of this Municipality is not as healthy as it should be. As at 30 June 2009, the cash position decreased from R256 million to R125 million. As at 25 August 2009, the cash balance position stood at R100 million*".¹⁹⁷

Whilst the Msunduzi Municipality was spending its money in the manner detailed above, during the interviews, almost all the respondents were of the view that the problems of the landfill site has worsened by Municipality's inaction because waste was not considered a priority by the municipal decision makers. One respondent stated that this problem was a

¹⁹⁵ Shamase, S. Overtime Madness in Msunduzi Municipality. *The Witness*. Online: http://www.witness.co.za/index.php?showcontent&global%5B_id%5D=30853. November 12, 2009.

¹⁹⁶ Shamase, S. Overtime Madness in Msunduzi Municipality. *The Witness*. Online: http://www.witness.co.za/index.php?showcontent&global%5B_id%5D=30853. November 12, 2009.

¹⁹⁷ Shamase, S. City's Cash Flow Crisis. *The Witness*. Online: http://www.witness.co.za/index.php?showcontent&global%5B_id%5D=26824. August 31, 2009.

result of an inflexible value system and the attitudes of decision makers in the Municipality: *“I believe that the Municipality hasn’t in fact managed the facility as an asset. They assume because its waste, because it’s expensive, then let’s cut money there. So, the provision of equipment for example, in order to manage waste properly, has not always been up to scratch”*.¹⁹⁸ Musa Chamane, waste campaigner for a local NGO, also argued that *“the Municipality is more concerned about service delivery, RDP houses, so waste is something that is far behind their schedule which we, as environmental NGO, think is unfair”*.¹⁹⁹ An official from the municipal waste division concurred with this view: *“waste management is often seen as the bottom of the rank-kind of a job. You find that the other aspects are getting priority, such as housing, roads, electricity, water and sanitation and things like that, and rightfully so. But also, the reality is that if waste is not well managed, the implications are huge; so one has to look at it from that perspective”*.²⁰⁰

A journalist from The Witness newspaper, who has written several stories about waste and landfill site problems, mentioned that: *“I think it boils down to the fact that they are not prioritising waste. It’s [a] very short-sighted view given the state of our landfill at the moment. Landfill became an out of sight out of mind. It’s just somebody else’s problem”*.²⁰¹ Another respondent noted that that this attitude also manifested itself during the budgeting process. *“If the landfill site manager is not seen here, and is not in the context of the Municipality, when he asks for a grader or a compacter, whatever the case might be, somebody is going to say that oh no we can’t afford that, take it off, we bought him one last year”*.²⁰²

Society tends to think about problems in terms of categories, but in as much as people may not necessarily determine issues in terms of their ‘categories’, nevertheless “category structures people’s perception of the problem in many important respects”.²⁰³ One can argue that categorisation and comparison are central to problem definition as they provide lenses

¹⁹⁸ Chairman: Pietermaritzburg Chamber of Business. *Interview*. PCB Offices, Royal Show Grounds, Pietermaritzburg. September 2008.

¹⁹⁹ Groundwork Waste Campaigns Manager. *Interview*. Groundwork Offices, Pietermaritzburg. August 2008.

²⁰⁰ New England Road Landfill Site Manager. *Interview*. Landfill Site Boardroom, Pietermaritzburg. September 2008.

²⁰¹ Journalist: The Witness Newspaper. *Interview*. Witness Offices, Pietermaritzburg. September 2008.

²⁰² Chairman: Pietermaritzburg Chamber of Business. *Interview*. PCB Offices, Royal Show Grounds, Pietermaritzburg. September 2008.

²⁰³ Kingdon, J. 1995. *Agendas, Alternative and Public Policies* (2nd Ed). New York: Harper Collins College Publishers p.111.

through which the problem in question will be understood and viewed. Kingdon is consistent in saying that decision makers compare the prevailing conditions with their interests and the ideal conditions in line with their ideology, which thus gives them an idea about whether they should intervene or not.²⁰⁴ The comparison process is informed by indicators, which gives insight about the extent and nature of the problem. Decision makers become aware of the problem if there are changes in the indicators, availability of new information and when there are political changes or in instances of crises.²⁰⁵

Also, categories may not only reveal problematic areas, they also assist a decision maker in deciding if the issue is “appropriate for government action”.²⁰⁶ In the case of the landfill site, the Municipality became aware of the problem after discovering that the lifespan of the New England Road landfill site was declining; therefore there was a need for a new landfill site. However, it is evident that because landfill site management and waste was seen as a technical issue and not a socio-economic development priority, this contributed to the relegation of landfill issues from the main city agenda.

The indiscriminate way of defining policy problems has given credence to the notion that “social problems are not objective phenomena”, but are instead social constructions that emerge from the interests of the parties involved.²⁰⁷ There is ongoing debate about what sort of problems get priority over others. Rossi and Freeman have argued that no social condition, regardless of how problematic it may be, can be defined as a problem “unless there is a proposed course of action attached to it”.²⁰⁸ This can be taken to mean that for an issue to receive agenda prominence, it must accord with the dominant value system and ideology of the key decision makers if such an issue is to be considered a policy problem. Also, problems that can be easily solved are more likely to get priority standing in government than those that are difficult and expensive to address.

²⁰⁴ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.19.

²⁰⁵ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.17.

²⁰⁶ Kingdon, J. 1995. *Agendas, Alternative and Public Policies* (2nd Ed). New York: Harper Collins College Publishers. p,111.

²⁰⁷ Rossi, P.H. and Freeman, H.E. 1989. *Evaluation: A systematic approach* (4th ed). Newbury Park, California: SAGE Publications. p.73.

²⁰⁸ Rossi, P.H. and Freeman, H.E. 1989. *Evaluation: A systematic approach* (4th ed). Newbury Park, California: SAGE Publications. p.73.

Problem recognition does not necessarily mean the problem will be resolved. Also not every issue or problematic condition will be seen as a policy problem. The reason for this, as the above argument by Rossi showed, is that the very act of defining policy issues speaks directly to issues of interests and power. In this case study, the landfill issue was seen primarily as an environmental problem. But this was not accurate given the massive social, political and economic implications that it has. Since environmental problems are not seen as a priority in the Msunduzi municipality, there was lack of urgency in finding a solution to the landfill issue. This theme was repeated several times by many of the respondents in this study. Manifestly, the very definition of the issue adds complexity to whether it is addressed or not, and by all indications this seems to have been the case with the landfill issue. This is why Kingdon is of the view that for a policy problem to gain recognition, it must be defined and pushed forward by interested actors who also have clear potential policy solutions that they can present to decision makers.²⁰⁹ This brings to light the significance of the activities of the policy stream in agenda setting and policy development.

5.5 Policy Stream

Policy problems are not formulaic and consequently, they are difficult to address. Addressing problems often entails conflicts over feasibility and appropriateness of the possible remedies. Therefore, the policy stream is where attempts to match problems with solutions are made. In the Theoretical Framework Chapter, it was argued that Kingdon favoured a policy solution which often results from the activities of the varied policy entrepreneurs in the policy stream. This stream, Kingdon argues, is a platform for a meeting of minds between specialists who are equally troubled by the identified policy problem and are intent on finding compatible solutions.²¹⁰ These policy entrepreneurs, as Kingdon calls them, are united by their passion for addressing the identified policy problem, which could translate to having their interests satisfied.

Table 6. below will detail the key policy related events that had an impact on the landfill site issue in the Msunduzi Municipality between 1996 and 2010. The policy stream ought to

²⁰⁹ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.19.

²¹⁰ Kingdon, J. 1995. *Agendas, Alternative and Public Policies*. 2nd ed. New York: Harper Collins College Publishers. p.19

reveal the impact of continuous engagements between the varied stakeholders on the agenda status of the policy issue, which is the landfill site in this case. This table and the ensuing discussion will thus look at the various initiatives by civil society actors and the media to find solutions to the landfill site policy problem. The aim is to identify the activities that different policy entrepreneurs in the landfill site issue pursued to bring the issue to the public and municipality's consciousness.

Table 6. Key policy events that affected the landfill site agenda status

YEAR	POLICY STREAM
1996	<ul style="list-style-type: none"> • Constitution of the Republic of South Africa is adopted.
1997	<ul style="list-style-type: none"> • White Paper on National Environmental Management published.
1998	<ul style="list-style-type: none"> • National Environmental Management Act (NEMA) is promulgated. • Minimum Requirements of Landfill Disposal Sites (2nd ed) is published by DEAT.
1999	<ul style="list-style-type: none"> • National Waste Management Strategy is published for implementation.
2000	<ul style="list-style-type: none"> • White Paper on Integrated Pollution and Waste Management is published.
2001	<ul style="list-style-type: none"> • Government, Business and Civil society signs the Polokwane Declaration committing themselves to zero waste generation by 2022.
2002	<ul style="list-style-type: none"> • The World Summit on Sustainable Development is held Johannesburg.
2003	
2004	<ul style="list-style-type: none"> • Chris Whyte proposes Waste Park to the municipality.
2005	<ul style="list-style-type: none"> • In April, DEAT publishes the National Waste Management Strategy Implementation South Africa Recycling: Review of Industrial Waste Exchange.
2006	<ul style="list-style-type: none"> • Landfill Audit reveals serious problems and regulations transgressions at New England Road Landfill site.
2007	<ul style="list-style-type: none"> • National Environmental Management: Waste Bill goes to national parliament.
2008	<ul style="list-style-type: none"> • The District Municipality commissions a review of its integrated waste management plan.
2009	<ul style="list-style-type: none"> • Waste Management Act is signed into law in March. • National Waste Management Strategy Framework report published. • On July 2009, regulations of the list of waste activities that could have a detrimental effect on the environment is published. • Msunduzi Kerbside Programme, a joint venture between Mondi Recycling and

	Msunduzi Municipality is launched officially.
2010	<ul style="list-style-type: none"> National Waste Management Strategy is published for implementation.

The table above shows that between 1996 and 2000, there was a hive of policy activity. Following the adoption of the Constitution of the Republic in 1996, government announced the several environment related legislation and policies. They included: *the White Paper on National Environmental Management* in 1997; *the National Environmental Management Act (NEMA)* in 1998; *Minimum Requirements of Landfill Disposal Sites* (2nd ed); *National Waste Management Strategy* and *the White Paper on Integrated Pollution and Waste Management*. The development of these policies are an indication that environmental management issues were taking prominence on the government agenda, thus presenting an ideal window of opportunity for landfill issues to receive favourable attention from government authorities.

The fact that government at national level was promoting a waste hierarchy, which sought to replace the over-reliance of landfill waste disposal and entrench waste minimisation, re-use and recycling as the chief principles underpinning waste management in South Africa, was a significant development that could have been used by landfill site policy entrepreneurs as a rationale to push for a positive solution to the landfill problem in the Msunduzi Municipality. Government together with civil society and the business sector even signed the Polokwane Declaration committing to a changed waste management approach with an end goal of zero waste by 2022.²¹¹ However, as the following discussion will show, the policy entrepreneurs in this case study failed to capitalise on this window of opportunity.

In 2001, a company from Gauteng made a proposal to the Msunduzi Municipality to establish a recycling facility at the New England Road landfill site, but this initiative failed to materialise, as did another initiative by local businessmen, Chris Whyte and American investors.²¹² A combination of cost and bureaucratic processes is alleged to have caused the collapse of both these propositions, leaving the city without a recycling facility and a landfill

²¹¹ Hallowes, D and Munnik, V. *Wasting the Nation: Making Trash of People and Places*. Groundwork Research Report. November, 2008.p.52.

²¹² Dell, S. It's Times to Wake up to the Waste Problem. *The Witness*. June 30, 2008.p.11.

site under severe pressure.²¹³ It must also be mentioned that in 2003 and 2004, the New England Road landfill site won the provincial award for being the best managed site. This probably contributed to the reluctance by the Municipal Council to invest further in the landfill site management, when it was winning awards for management. Since the landfill site was not high on the Msunduzi Municipal's agenda in any event, the awards were likely to have been a suitable justification on the part of the Municipality for not providing the necessary inputs to expand the lifespan capacity of the landfill, which was adopted as a key policy directive in the 2002 Msunduzi Municipality Integrated Development Plan.²¹⁴

The failure of these initiatives, nevertheless, speaks to the inability of the authorities to take advantage of the enabling policy environment that was created by government's environmental policies that were finalised during the same period. In spite of hosting the 2002 Sustainable Development Conference in Johannesburg, the hype of sustainable development, as a key development mantra, with its Agenda 21 policy favoured by development agencies such as the World Bank and the United Nations, could not galvanise collective forces to harness a sound solution to this environmental problem of waste management in the Msunduzi Municipality. Instead, it appeared that the Municipality adopted different conceptions of what development entailed and how waste management fitted into their preferred mode of development.

5.6 Clashes of Conceptions of Development

In the past, the dominant notion of development sought to champion economic growth as the main driver of development. In terms of this approach, economic growth and environmental protection were seen to be incompatible goals that cannot be achieved simultaneously, hence justifying environmentally degrading economic practices on the basis of their economic benefits towards development. Nwonwu disputes this notion, arguing that it entrenches the misleading "mentality that cajoles governments into rejecting environmental protection strategies on the grounds that they are too costly".²¹⁵ This conception also encourages a blind

²¹³ Dell, S. It's Times to Wake up to the Waste Problem. *The Witness*. June 30, 2008, p.11.

²¹⁴ Msunduzi Municipality. 2002. *Integrated Development Plan 2002-2006*. No Page Numbers.

²¹⁵ Munemo, N. *Political Incumbency and Drought Relief in Africa*. BWPI Working Paper 3. July 2007. Manchester: Brooks World Poverty Institute. p.148.

pursuit of economic growth-driven development without due regard to environmental consequences and the subsequent impact on the wider society whose livelihood continues to be dependent on the environment.

The marginalization of environmental considerations is not only a matter of municipalities having constrained capabilities. It is about priority setting as well. Basic service delivery is a pressing concern for most municipalities given the prevailing socio-economic issues such as the high rate of unemployment, resultant poverty and an increasing dependency on municipal interventions. Such demands tend to feed into the conception of development that seeks to prioritise economic growth and the expansion of industries as the cost effective option for developing countries, in particular, as they move towards improving the conditions of living standards of the poor.

The Msunduzi Municipality has also acknowledged that conventional planning within the Municipality has prioritised the pursuit of economic growth at the expense of other considerations such as environmental management. “It is generally recognized within the Municipality”, admitted the city, “that environmental issues and concerns have not been effectively and consistently integrated into the Municipality's project preparation and implementation cycle”.²¹⁶ The Msunduzi Municipality thus declared that inclusive and sustainable development shall henceforth be the main principle informing the city's development strategy. “‘Development’ and ‘conservation’ are no longer at loggerheads as they used to be. Economic and social development...has to be sustainable and desirable in economic, socio-political, environmental and institutional terms”.²¹⁷ This notwithstanding, the Msunduzi Municipality has been slow in adjusting from a fragmented planning regime to integrated development that could result in sustainable development.

One of the examples of the chasm between municipal development and planning could be seen from the waste management service in the city, which has been unable to match the population growth. The Msunduzi Municipality's waste manager used the example of Lincoln Meade: “*I think the area has doubled in the last few years. There must be 8 or 10*

²¹⁶ Msunduzi Municipality. 2002. *Integrated Development Plan 2002-2006*. No page numbers.

²¹⁷ Msunduzi Municipality. 2002. *Integrated Development Plan 2002-2006*. No page numbers.

complexes of about 50 and 400 houses. But I still do the area with the same number of trucks and number of people".²¹⁸ Clearly, this limits the division's ability to add more areas to their collection points. As a result they have to ration their service and, in this instance, the rates-paying suburban areas continue to receive the waste collection services whilst those poorer communities in Vulindlela and some parts of Greater Edendale have to do without waste collection services. This is a classic case where one municipal service is not tailored to the development changes within the city despite a clear adverse impact, such as waste generation, overwhelming the Municipality's capacity to manage it efficiently.

Another example of the development and planning gap was evident in the conception of the Edendale Megacity Mall near the Qokololo stadium in Greater Edendale. According to Msunduzi Municipality's Environmental officer, the Municipality apparently sold land to a property developer to develop a mall in an area that used to be a wetland. In his narration of the story, Bartholomew said: "*We stopped them at a very late stage to say 'sorry you need to go back to the beginning because you didn't comply with environmental requirements'. They wouldn't listen up to the point where you say 'sorry this development which you are very excited about is not going to happen'*".²¹⁹ This lesson can thus be seen as one of the examples of the significance for integrated development. It also confirms the argument by McDonald that if those responsible for development planning in a municipality lack an appreciation of the significance of the environmental impact on development initiatives, the resultant policy programmes that they generate will be unable to drive sustainable development.²²⁰

5.7 Civil Society's Limited Influence

Table 5. shows that the landfill suffered its most serious problems in 2005 when it had to operate without a landfill compactor for a prolonged period following the breakdown of the existing compactor. The situation was so bad that the external landfill audit conducted in the New England Road Landfill Site revealed that the facility was hazardous to the environment

²¹⁸ Waste Manager: Msunduzi Municipality. *Interview*. Waste Division Offices, Mayors Walk, Pietermaritzburg. September 2008.

²¹⁹ Environmental Officer: Msunduzi Municipality. *Interview*. Municipal Environmental Unit Offices. Pietermaritzburg, August 2008. Environmental Officer: Msunduzi Municipality. *Interview*. Municipal Environmental Unit Offices. Pietermaritzburg, August 2008.

²²⁰ McDonald, D. Neither from Above nor from Below: Municipal Bureaucrats and Environmental Policy in Cape Town, South Africa. *Canadian Journal of African Studies*. 31(2), 1997. p.325

and public health, leading to a panicked response from the uMgungundlovu District Municipality. Following this, the municipality subsequently commissioned its integrated waste management plan and appointed a company to investigate a new landfill site for the district in 2007 and 2008 respectively. Despite highlighting the problems of waste in the Msunduzi Municipality, and the poor state of the existing landfill site, civil society policy entrepreneurs could not capitalise on this window of opportunity to champion a new waste management approach. Instead, the proposed waste park initiative, which aimed to create a recycling facility on the landfill site, collapsed. At this point the South African national government was busy preparing waste legislation in the form of the National Environmental Management: Waste Bill, which went to national parliament in 2006 and finally became an Act in March 2009.

In policy-making, the role of civil society is well recognised as being influential actors who are capable of directing the course of policies. In this case study civil society actors have an opportunity to hold the Municipality accountable for the management of the landfill in the Landfill Site Monitoring Committee. This Committee is constituted in terms of the Minimum Requirements Guidelines for the management of a landfill site. This Committee, charged with overseeing responsibility for the city's landfill site in terms of the Minimum Requirements of Landfill regulations, comprises multiple stakeholders from Municipal Councillors, representatives of the Provincial Department of Environmental Affairs, National Department representatives, civil society representatives, and affected and interested businesses and residents.

However, this committee, whilst serving a useful platform for policy deliberation, could not help to bring about a long term policy solution because its institutional arrangements handicapped its efficacy. Civil society participants in this committee accused the Municipality of wanting to be “a referee and a player at the same time”.²²¹ Minutes of one of the committee meetings confirms that civil society organizations are significantly outnumbered in the composition of the Landfill Site Monitoring Committee.²²² The landfill policy entrepreneurs, as Kingdon would call them, were unable to mobilise other

²²¹ Waste Campaigns Manager: Groundwork. *Interview*. Groundwork Offices, Pietermaritzburg. August 2008.

²²² Msunduzi Municipality. *Minutes of the Landfill Site Monitoring Committee*. Meeting Held on Tuesday, April 17, 2007.

stakeholders outside this specialist's forum as well as to the public at large. The experience of this committee demonstrates that whilst local NGOs have been relatively vocal, on the whole they have been unable to commit the Municipality to a changed integrated waste management strategy that the legislation promotes. The inability of civil society policy actors to influence the decision making of the Msunduzi Municipality indicates the limitations of those without political power, thus giving prominence to the significance of political interests, a theme that will be discussed in more detail in the political stream in Kingdon's agenda setting theory.

5.8 Role of the Media

The media is central to any communication process with the public; it is therefore an indispensable agent for agenda setting. When asked if she considered her role as a journalist as a advocacy position or merely observing and reporting facts, The Witness journalist, Sharon Dell, who has written several articles about the state of the landfill and recycling opportunities around the city, discussed this at length: *"No. it's a complete advocacy role. For this issue we need to actually make sure that it gets into the media as often as possible, because it is a time-bomb waiting to happen. You know for me as a journalist it's something I just have to do constant update[s] on, just to keep it in the public eye because that's the form of accountability we deal with. That's how we galvanize people by making them aware of what's going on"*.²²³

In the case of the landfill site, however, the media have also not fared much better in ensuring that policy issues, particularly waste management, receive fair coverage so as to stay in the public realm. The media, The Witness newspaper, in particular, helped to sustain the landfill site as an agenda item on the municipal agenda, but that has not resulted in any genuine policy shifts and commitment from the Municipality; hence the issue remains unresolved to date. This shows that highlighting a problem and getting it on the agenda is surely not an end in itself. Such instances tend to give credence to Kingdon's assertion that despite the general assumption that the media will prove to be an indispensable force in the

²²³ Journalist: The Witness Newspaper. *Interview*. Witness Offices, Pietermaritzburg. September 2008.

policy agenda trajectory, “the press’s tendency to cover a story prominently for a short period of time and then turn to the next story, dilutes its impact”.²²⁴

Without discrediting the role of The Witness newspaper, it could be argued that the newspaper’s role as agenda setter in this case has been inconsistent, since the manner in which they covered the landfill issue was determined by its ‘newsworthiness’ value. Whilst this helped put the issue on the agenda and in the public domain, in itself, it did not contribute significantly in getting the issue resolved.

In Chapter 3 it was mentioned that in terms of Kingdon’s agenda setting theory, the policy stream is where varied policy entrepreneurs prepare potential policy solutions to resolve a policy dilemma. From the above it is evident that in the case of New England Road Landfill Site the policy stream did not produce a compatible policy solution to the waste management problem in the Msunduzi Municipality. The main reason which can account for the lack of solid policy direction on the landfill issue has to do with the activities of the policy entrepreneurs. In terms of Kingdon’s agenda setting theory, policy entrepreneurs are drivers of policy development given the resources and other forms of investment they deploy to ensure their preferred policy is approved.

However, the challenge that policy entrepreneurs face is to broaden their policy issue so that it has wider appeal beyond the realms of specialists. In this instance, however, the landfill site issue is still a specialist issue and not enough has been done by those who seek resolution on this matter to galvanise public support. As a result, there is a feeling amongst municipal managers who admitted during the interviews that they accept that the landfill site is not a top priority for the Municipal council who have service delivery imperatives to worry about. It is this belief that the agenda status of the landfill issue remains rather low and confined to officials, consultants and some few civil society participants.

The adoption of the Constitution in 1996 and the introduction of environmental legislation have been the classical case of a policy window, which according to Kingdon, serves as an opportunity for all those issues that have been ignored to find recognition amongst decision

²²⁴Kingdon, J. 1995. *Agendas, Alternative and Public Policies* (2nd Ed). New York: Harper Collins College Publishers. p.59.

makers. Nevertheless, even against this permitting legislative context, the landfill problems continued to proliferate with few changes in the management of waste in the Msunduzi Municipality. To most people, the mere mention of the word landfill site brings about connotations of a scientific plantation that has little to do with their daily living needs. For some the landfill issue can generally be ignored and addressed only superficially for well over a decade. The issue lacked political mobilisation and, as a result, it could not be readily coupled with other potential solutions to ensure that it gets resolved, which brings us to the significance of the political stream.

5.9 Political Stream

The preceding discussion has made it evident that the landfill issue was recognised as a policy problem within the Municipality. However, this process was affected by concerns around whether this was an environmental problem or a development concern. The role of civil society and the media in particular was highlighted and its main limitations to produce policy change were also pointed out. The landfill issue is not a popular political priority, thus there is little public mobilization around issues, except by those directly affected or have vested interest in a solution. The lack of political prominence of the landfill has massively contributed to the failure to find a political solution. The next section will discuss the effect of the political stream on the landfill issue.

Table 7 showing the political developments in the landfill issue in Msunduzi Municipality

YEAR	POLITICAL STREAM
1996	<ul style="list-style-type: none"> • INdlovu Local Authority is replaced by Msunduzi predecessor, Pietermaritzburg-Msunduzi Transitional Local Council (PMB TLC) after the Local Government Transition Amendment Act, 1996 (Act 97 of 1996) was gazetted.
1997	<ul style="list-style-type: none"> • The Green Paper on Local Government launched.
1998	<ul style="list-style-type: none"> • The Local Government: Municipal Demarcation Act, 1998 (Act 117 of 1998) and Local Government: Municipal Structures Act are introduced.
1999	<p>Thabo Mbeki is elected President after the ANC majority victory to succeed Nelson Mandela.</p>
2000	<ul style="list-style-type: none"> • 2000- The Local government: Municipal Systems Act, 2000 (Act 32 of 2000) was introduced. • ANC wins the majority seat in Msunduzi Municipality in the second democratic

	local government elections.
2002	<ul style="list-style-type: none"> • Msunduzi Municipality finalise their first ever IDP in line with the new legislation.
2003	<ul style="list-style-type: none"> • The Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) was introduced to modernise municipal budgeting and financial management.
2004	<ul style="list-style-type: none"> •
2005	<ul style="list-style-type: none"> •
2006	<ul style="list-style-type: none"> • The Waste Park deal falls through due to differences between Msunduzi Municipality and Chris Whyte. Recycling facility tender is awarded to Shoretech. • Zanele Hlatshwayo is elected mayor of Msunduzi Municipality in the third democratic local government elections. • Municipal manager, Thabani Zulu resigns because of continued tensions with the new mayor.
2007	<ul style="list-style-type: none"> •
2008	<ul style="list-style-type: none"> • Municipal Demarcation Board announces that Msunduzi Municipality will become a metro after the 2011 local government elections. • Beleaguered UMgungundlovu District manager Monica Mngadi and chief financial officer (CFO) Bongani Ndlovu resigned after controversial stints. • Business man Lucky Mloi is arrested in a case of corruption and money laundering involving Msunduzi councillors Themba Zungu and Alpha Shelembe and property agent Neville Watts. • In April, a unanimous vote of no confidence is passed on the UMgungundlovu District Mayor, Bongsi Sithole. She is replaced by Yusuf Bhamjee, with Councillor Tu Zondi as his deputy. • Sibusiso Khuzwayo is seconded to the District as Acting Municipal Manager from KZN Department of Local Government. • months into their job the new uMgungundlovu management, Acting Municipal Manger and Acting CFO, with the new Mayor, are hailed leading the Municipality into a clean audit from the Auditor-General.
2009	<ul style="list-style-type: none"> • MEC for Local Government refused to gazette the Act to confirm Msunduzi as a metropolitan Municipality, instead request the Municipal Demarcation Board to re-open discussion on the matter. • Alleged infighting between the Msunduzi Mayor, Hlatshwayo and Council Speaker, Shelembe is reported in the media. • In December, the MDB announces that Msunduzi Municipality will no longer become a metropolitan Municipality in 2011 as was previously announced in 2008.
2010	<ul style="list-style-type: none"> • Governance collapses in Msunduzi and Department of Co-Operative Governance and Traditional Affairs appoints Johan Metter as the Administrator. • Mayor Hlatshwayo is replaced by Mike Tarr and Rob Haswell also resigns under pressure for having plunged the city into a financial and governance crisis.

5.10 Governance Problems

In the last sixteen years, there have been several major changes in the local government structures of Pietermaritzburg, which have all contributed to the agenda status of the landfill

site problem. This metamorphosis of governance, which started with the Pietermaritzburg-Msunduzi Transitional Local Council replacing iNdllovu Local Authority and then the Msunduzi Municipality eventually taking over from PMB TLC in 2000, is reflected in Table 4.²²⁵ Besides the change of governing structures, there has been significant legislative change that has radically changed the face of local government in South Africa.

Some, like the Msunduzi Municipality, which was on the verge of becoming a metro municipality, have collapsed under this burden, leaving service delivery in disarray. In an environment where there is instability in governance, it becomes difficult for marginal issues such as waste management and landfill sites to receive priority from municipal management and council who are desperate to record quick and popular gains in the eyes of the public. As a result, even though there was adequate awareness in the Msunduzi Municipality and uMgungundlovu District that the New England Road landfill site was problematic and waste management a recurrent challenge, the landfill site issue seemingly did not captivate the municipal senior management and municipal council to the extent that they could prioritise it over other problems they were faced with. This, despite the periodic pressure from the media, affected residents and some civil society organisations.

5.10.1 Institutional Arrangements

Municipalities operate according to a constitutional and legislative mandate. Much of their responsibilities are shaped by their official classification in terms of the Municipal Demarcation Act, Municipal Structures Act and Municipal Systems Act. All this legislation has imposed various responsibilities on the municipalities with a view to making them more developmental, but no municipalities have been able to handle the added demands. In this case study, it was evident that the management of the landfill site has also suffered due to a confusing institutional relationship between the Msunduzi and uMgungundlovu Municipalities.

Relations between these two municipalities have been characterised by a lack of cooperation and something of a power struggle, which has not been helped by the Msunduzi

²²⁵ Msunduzi Municipality. 2002. *Integrated Development Plan 2002-2006*. No Page Numbers.

Municipality's ambitions to become a metro. The problem of blurred roles and responsibilities between the district and the local Municipality can frustrate proper management.²²⁶ The 2006/07 Municipal Demarcation Board Capacity Assessment Report revealed that since 2003 Districts have been relinquishing more functions to local municipalities but the problem is that "the adjusted function is generally not performed in the whole of the district area by the receiving local Municipality".²²⁷ Local municipalities can view the adjusted function as an unwanted burden and thus fail to manage them accordingly, which is exactly what has happened with the landfill issue. The existing institutional arrangement between the Msunduzi and UMgungundlovu Municipalities contributed significantly to the failure to find a suitable solution to the issue of the landfill site.

The main problem here is that the responsibility of waste management in local government is determined, in some respect, by the nature and classification of a Municipality. Msunduzi is a Category B municipality, which means that it does not have exclusive authority and therefore shares municipal executive and legislative authority with a category C Municipality (UMgungundlovu District).²²⁸ Section 84 of the Municipal Structures Amendment Act (2000) stipulates that the District Municipality is responsible for solid waste disposal sites that serve the entire district, with particular emphasis on the "determination of a waste disposal strategy; the regulation of waste disposal; the establishment, operation and control of waste disposal sites; bulk waste transfer facilities and waste disposal facilities for more than one local Municipality in the district".²²⁹ The same Act also states that in instances when the District Municipality lacks capacity to fulfil this responsibility, it must be delegated to the strongest local Municipality. Consequently, the Msunduzi Municipality has managed the landfill site on behalf of the District Municipality in terms of these legislative arrangements.

This arrangement has led to widespread confusion as to who is really responsible for the management of the New England Road landfill site between the Msunduzi and the UMgungundlovu District Municipality. Although the landfill site is within the boundaries of

²²⁶ Baatjies, R and Christmas, A. Date. *Redefining the Political Structure of District Municipalities*. Local Government Bulletin.p.18. 7.

²²⁷ Baatjies, R and Christmas, A. Date. *Redefining the Political Structure of District Municipalities*. Local Government Bulletin.p.18. 7.

²²⁸ Constitution of the Republic of South Africa. Chapter 7.Local Government. Section 155: 85.

²²⁹ *Local Government Municipal Structures Amendment Act*. No. 21652, 2000. Government Gazette. October 13, 2000.

the Msunduzi Municipality and it applied for a permit to operate the site, it is nevertheless supposed to be managed by the District Municipality. The Municipal Systems Act stipulates that if a landfill is a regional site, in the sense that it services more than one local Municipality, it becomes one of the functions allocated to the District Municipality as the higher tier of local government. However, due to constrained capacity in the UMgungundlovu District, this function has remained with the Msunduzi Municipality as the strongest local Municipality.

For a long time there was a tussle between these two municipalities regarding who is responsible for the management of this facility. After the 2006 audit report that pronounced the landfill site as hazardous to public and environmental health, the District investigated the possible re-allocation of the landfill back as its function. This followed legal advice that in the event of legal action, both the district and local Municipality would be liable because the landfill site was legally the responsibility of uMgungundlovu District Municipality. It was discovered during the course of the research that the District Municipality continued to contribute financial resources to the management of the site despite it being managed by the Msunduzi Municipality. The District municipality paid about R1m to erect fencing around the site and they have also funded the investigation of the location of a new landfill location. In the end, though, the dual management role has not enhanced the management of the landfill site because the Msunduzi Municipality itself has been said to lack the necessary means to implement waste management policies.²³⁰

Furthermore, it was announced in 2008 that the Msunduzi Municipality was going to become a metropolitan Municipality after the 2011 elections, further complicating the relations between these two structures. This decision was reversed in December 2009, when the Municipal Demarcation Board announced that “the current status of the Msunduzi Local Municipality as a Category B Municipality within the jurisdiction of UMgungundlovu District Municipality will remain after the 2011 Local Government Elections”.²³¹ This change had an impact on the landfill site issue. If the Msunduzi Municipality was to become

²³⁰ Makhaye, T. 2002. *A Policy Analysis of the Implementation and Regulation of Waste Management in the Msunduzi Municipality*. Master of Social science Dissertation. University of Natal: Pietermaritzburg.p. 4.

²³¹ Municipal Demarcation Board. Press Statement by Landiwe Mahlangu: Chairperson of the Municipal Demarcation Board: Msunduzi Municipality, KwaZulu-Natal. *Sunday Times Newspaper*. December 13, 2009.p.10.

a Metro, it would have needed to run its own landfill site, but since it remained a local Municipality within a District, the responsibility to find a landfill site thus rested with uMgungundlovu District. This is another classic example of how political changes affected the agenda status of a policy issue.

5.10.2 Human Capacity Problems

Although the city is able to collect waste from designated areas in terms of their schedule, waste collection services are still limited to certain areas of the Municipality, mainly the suburbs. The Vulindlela area has not had waste collection services since the amalgamation of Pietermaritzburg-Msunduzi TLC, Ashburton TLC, Claridge and Bishopstowe to form the current Msunduzi Local Municipality which covers 649 sq km.²³² This, coupled with erratic waste collection services even in those areas where waste is collected, has contributed to widespread illegal dumping of waste in streams and unoccupied land spaces. Waste problems tend to be more pronounced in poorer communities than in rich suburbia.

The Municipality has struggled to fulfil its waste management responsibilities. The city has also suffered from shortage and loss of key staff. The waste manager commented about the ‘dearth of talent in the waste management’: *“We have staff that has been here for long time. They are old, not well qualified and not well experienced. We have a system of recruitment that is not the ideal business model. We have people recommended by other people, which is not a good way of employing people. So we really stuck with people that are not really capable of doing the job in the long term”*.²³³

5.10.3 Limited knowledge

Poswa has argued that “waste is not a neutral concept but should be understood within the cultural context realising that within the same society, same household, men and women and children may have differing perceptions and views about what is regarded as waste”.²³⁴ As

²³² Msunduzi Municipality. *Revised Integrated Development Plan 2008-2009*. Pietermaritzburg, p 38.

²³³ Waste Management Manager: Msunduzi Municipality. *Interview*. Waste Division Offices, Mayors Walk, Pietermaritzburg, September 2008.

²³⁴ Poswa, T. *The Importance of Gender in Waste Management Planning: A Challenge for Solid Waste Managers*. Proceedings: 8th World Congress on Environmental Health, SB Conferences. Durban University of Technology, Durban. 22 – 27 February 2004.p.4.

one engages with the issue of this landfill site, it becomes clear that the landfill is victimized by the fact that either it has never been fully comprehended by those who are supposed to take decisions regarding its management, or it has been improperly categorized in terms of the existing municipal classification system. The Council, comprising politicians representing their political parties in accordance with the proportional representation system, is ultimately responsible for the site management since they approve the budget.

The relevant managers who are qualified specialists in their fields may have a clear idea of how a facility of this nature ought to be run, with what and how much resources; but that insight may not be readily obvious to senior management and the majority of semi-literate councillors that populate the council. One respondent put this rather lucidly:

“What we’ve got here is the Council that makes ultimate decisions which don’t know the first thing about waste management policy for the city; I mean we must be light years behind cities in Europe. So, you’ve got councillors who are ignorant. And you’ve got municipal officials who compile tender documents, also are ignorant because the management of waste and the landfill site is very specialist. So, I think that’s one of the difficulties about the Municipality and the management of landfill site, is that it doesn’t understand it.”²³⁵

Given such utterances, one can thus understand the difficulties that have come to determine why the landfill site has not received favourable priority treatment in the Municipality in relation to other functions. Decision makers’ reaction to recognized problems and subsequent agenda status of those problems is reliant upon, amongst a host of other factors, how the problems are understood and their context. Regarding the landfill site problem, the Msunduzi Municipality seemed to have two eventualities from which they had to choose. The immediate choice was to ensure that the current landfill site, New England Road, is managed efficiently so as to increase its lifespan. This choice would entail measures such as the institutionalisation of the alternative methods, such as sorting waste at source, re-use and recycling as the government waste management strategies emphasise. The second option would be to expedite the search for the new landfill site as soon and feasible as possible.

²³⁵ Chairman: Pietermaritzburg Chamber of Business. *Interview*. PCB Offices, Royal Show Grounds, Pietermaritzburg. September 2008.

Events occurring at the site, particularly between 2000 and 2006, demonstrate clearly that the first option was negated. Attempts at the second option have been on and off and have also failed to communicate the urgency of the situation.

As discussed earlier, there has been an argument that the Municipality does not prioritise the landfill site because of their preconceived notions and perceptions of waste management and landfill site as environmental problems. The story goes that the Municipality neglects the landfill site because it represents the categories that are not seen as pressing social priorities. Phrases such as ‘the Municipality does not see the landfill site as important’ and/or ‘the Municipality does not prioritise waste management have’ come to form the basis for this story.

The failure of the Municipality to provide visible leadership on the landfill site question is framed in incompetence, conceptual priorities, and poor governance. The argument is that even with the resources the Municipality has, with prudent budgeting and prioritisation, the landfill site and waste management function could be fulfilled adequately. As a result, there is a sense of conviction that the landfill site has failed to get the necessary attention because of the perception that it is not a worthy problem that should receive priority treatment in relation to other municipal functions. In terms of the value system of those making the decisions, the landfill site does not seem to be considered an urgent policy issue; at least their actions do not suggest as much.

Almost all respondents interviewed in this study gave credence to this theme. They confirmed that the problems of the landfill site have been a victim of mindset within the Municipality that has failed to prioritise waste and landfill management as important local government functions. They apportioned considerable blame to this attitude for the relegation of the landfill issue from the municipal agenda. A journalist for Pietermaritzburg’s biggest daily newspaper, *The Witness*, who has written several stories about waste and landfill site problems, also said that: “*I think it boils down to the fact that they are not prioritising waste*

*as a significant factor. It's very short-sighted view given the state of our landfill at the moment. Landfill became an out of sight out of mind. It's just somebody else's problem".*²³⁶

Those who believed that the Municipality seemed unconcerned about the landfill site argued that the Municipality should have addressed the problems of the disposal site a long time ago, since the problem came to their attention around 1996. They point to insufficient deployment of crucial resources such as increased budget, recruitment of expertise, and the general lip service paid not only to the waste management function but to matters of the environment in general as contributory factors to this continued problem. One respondent said this was a matter of value system and principles: *"I believe that the Municipality hasn't in fact managed the site as an asset. It has been[a] very short-sighted approach to the landfill site. They assume because it's waste, because it's expensive then let's cut money there. So, the provision of equipments for example, in order to manage waste properly, has not always been up to scratch. Now, I think that has been an ongoing problem".*²³⁷

As argued previously, comparisons between the ideal state and reality go a long way in demonstrating if some troublesome condition is really a policy problem. If decision makers find a "mismatch between the observed conditions and one's conception of an ideal state" then there clearly is a problem.²³⁸ In the case of the landfill site, the first external audit in 2000 revealed several shortages that needed the attention of those responsible for site management. The 2005 external audit was more damning, citing major areas of non-compliance that made the site a hazard to both the environment and residents.

Problems sometimes get a different perspective when they are categorised. Categories may not only reveal which areas are problems but it will also indicate if they are 'appropriate for government action'.²³⁹ In that context, one can therefore argue that the categorisation and comparison are central in problem definition as they provide lenses through which the problem in question will be understood and viewed. Kingdon's argument that through categorisation "you may not be able to judge a problem by its category, but its category

²³⁶ Journalist: The Witness Newspaper. *Interview*. Witness Offices, Pietermaritzburg. September 2008.

²³⁷ Journalist: The Witness Newspaper. *Interview*. Witness Offices, Pietermaritzburg. September 2008.

²³⁸ Kingdon, J. 1995. *Agendas, Alternative and Public Policies* (2nd Ed). New York: Harper Collins College Publishers p.111.

²³⁹ Kingdon, J. 1995. *Agendas, Alternative and Public Policies* (2nd Ed). New York: Harper Collins College Publishers p.111.

structures people's perception of the problem in many important respects" seems plausible indeed.²⁴⁰

There has been another theme, which sought to explain why municipal officials preferred to expend their efforts in other functions, and not on waste management. It is argued that politicians find it easy to point to the number of new government houses, the number of new or improved roads, the number of water meters provided and toilets built when they are campaigning for another term in power than to say they improved the existing capacity of the landfill site.²⁴¹ The landfill site is not a popular item that can win votes. As is often the case with environmental concerns, they do not always have clear immediate benefits to desperate people. Therefore, establishments that are tangible indicators of good service provision are, in most instances, preferred as opposed to environmental protection which tends to have long term implications.

One respondent in support of this notion suggested as an example that on the eve of a municipal election, only a stupid Municipality "*antagonizes their rate payers by increasing the rates by a large degree. They can do it in the mid-tem but they can't do it if they know that their future depends on it*".²⁴² The landfill site issue lacks popular support, as one respondent put it, "*because nobody is phoning the Municipality saying the landfill site is a priority except for few people who can quiet easily be discounted*".²⁴³ Therefore it can be easily ignored unlike other basic functions of the Municipality. Kingdon has argued that a policy entrepreneur who "mobilises support, write[s] letters, sends delegations, and stimulates its allies to do the same can get government officials to pay attention to its issues".²⁴⁴ In this instance, there has been very little practical public support for reformed waste management in the Msunduzi Municipality beyond negligible letters to the press. Another respondent even commented that "*if the average rate payer's waste is collected he couldn't give a damn about the landfill site and whether it runs out of life. But perhaps when*

²⁴⁰ Kingdon, J. 1995. *Agendas, Alternative and Public Policies* (2nd Ed). New York: Harper Collins College Publishers p.111.

²⁴¹ Munemo, N. *Political Incumbency and Drought Relief in Africa*. BWPI Working Paper 3. July 2007. Manchester: Brooks World Poverty Institute.p.148.

²⁴² Chairman: Pietermaritzburg Chamber of Business. *Interview*. PCB Offices, Royal Show Grounds, Pietermaritzburg. September 2008.

²⁴³ Chairman: Pietermaritzburg Chamber of Business. *Interview*. PCB Offices, Royal Show Grounds, Pietermaritzburg. September 2008.

²⁴⁴ Kingdon, J. 1995. *Agendas, Alternative and Public Policies* (2nd Ed). New York: Harper Collins College Publishers. p.49.

the Municipality stops collecting waste from his property, then it will suddenly become a pressing issue".²⁴⁵ Nevertheless, it appears that those municipal functions that attract more complaints from residents and are in the public glare receive more priority than those lacking in popular appeal, such as the landfill site, which has been disregarded several times.

5.10.4 Financial Constraints

The Msunduzi Municipality has consistently indicated that it is not that environmental problems such as waste management and disposal sites are not worthy issues for public consideration; nevertheless, the overwhelming need for the provision of basic public needs against a background of limited resources has curtailed their capacity levels. Therefore, if one is to follow this logic, the problems associated with the landfill site are not cases of poor governance and incompetence, but rather they are a manifestation of resource shortages affecting local government. This set of narratives suggests that costs associated with the establishment of a new landfill are so high they scare off council members and in the process stall proactive plans to secure a new landfill site.

When there is an insufficient budget allocation for a function there can be reasonable expectations that such a function will not be fulfilled competently. Costs have had a prohibitive effect on the issue of the landfill site. This was emphasized by one respondent who contextualised the matter arguing: *"What does it cost to establish a new landfill site? Its millions as I understand it. As I said earlier, that if you've got people at Edendale and Sobantu and Sweetwater's clamouring for water and electricity which they can afford, then it's very easy to understand why waste goes to the bottom of the list of priorities"*.²⁴⁶

In most instances public sector managers have to contend with shrinking budgets against the background of increasing public demands, leaving them with few options when it comes to making the efficient operational choices. Budgetary considerations play a crucial role in

²⁴⁵ Chairman: Pietermaritzburg Chamber of Business. *Interview*. PCB Offices, Royal Show Grounds, Pietermaritzburg. September 2008.

²⁴⁶ Chairman: Pietermaritzburg Chamber of Business. *Interview*. PCB Offices, Royal Show Grounds, Pietermaritzburg. September 2008.

pushing issues onto an agenda and in relegating some issues from the agenda. Kingdon argues that “some potential agenda items never make it to agenda status because they do not pass the hurdle of the budget constraint”.²⁴⁷ A Municipal official also stated that in the public sector the budgeting process was the most crucial time with regards to priority setting. “*The problem with municipal planning is your budgeting process. You get one opportunity to plan for a year but within a year you get opportunities coming up but you are unable to take advantage of it. At the end of the day it’s about money. Every brilliant plan needs funding*”.²⁴⁸

The waste management function, including the landfill site, has for many years found itself on the wrong side of the budget allocation and this has proved to be one of the constraining factors. Landfill management requires specialised equipment that is mostly imported from overseas. According to a landfill manager, a landfill compactor alone costs around R3.2 million, which is the main equipment, amongst others, required for the daily operations of a landfill. Without a landfill compactor the site is merely a dump site, since no compacting is done. In the end, both the Msunduzi and uMgungundlovu District Municipality had to share the costs for the purchase of the new landfill compactor in 2006. When asked his assessment of the budgetary allocation for the landfill site, the landfill manager was diplomatic in his response: “*it’s an ongoing debate as managers we always feel that we get very little. Waste management is a very complex issue. For some reasons we always complain about the budget. In terms of running the site we receive a fair amount but we could certainly do with a lot more so that we can to improve our business*”.²⁴⁹ The landfill site manager later became less diplomatic and provided a rather frank view of the budgetary problems and inflexibility of the financial systems in the Municipality: “*the tragedy is that only I (with my senior managers and staff) understand the urgency of getting a machine repaired. Every hour means another 200 tons of waste to deal with 700 tons every day. By the time it’s fixed which could take 2-3 weeks you have a crisis*”.²⁵⁰

²⁴⁷Kingdon, J. 1995. *Agendas, Alternative and Public Policies* (2nd Ed). New York: Harper Collins College Publishers p.106.

²⁴⁸ Manager: New England Road Landfill Site. *Interview*. Landfill Site Boardroom, Pietermaritzburg. September 2008.

²⁴⁹ Manager Waste Management: Msunduzi Municipality. *Interview*. Waste Division Offices, Mayors Walk, Pietermaritzburg. September 2008.

²⁵⁰ Manager: New England Road Landfill Site. *Interview*. Landfill Site Boardroom, Pietermaritzburg. September 2008.

Several respondents during the interviews advanced their opinions that financial constraints were impacting on the landfill site and sound waste management in the Msunduzi Municipality. A representative of the local business establishment argued that landfill site equipment is very expensive, as a result that even when the landfill site manager “asks for a grader or a compactor somebody is going to say that oh no! We can’t afford that, take it off, we bought him one last year. Now, it’s the results of that kind of attitude that has given rise to the complaints from the residents”.²⁵¹

Another Municipal manager narrated his concerns about the budgetary process in the Municipality:

“I have asked for more money in this year’s budget but was given last year’s budget. So I can’t comment on the thinking of people doing budget or what they thinking about. What they are thinking about is not communicated to me. While what I’m thinking about is communicated to them. When they sit down they say you can’t have this, you can’t have that. That though is not communicated to me.”²⁵²

The Waste manager in the Msunduzi Municipality argued that the budgetary system needs to be more responsive to the needs of the operations managers than what is currently the case:

“I think there needs to be closer liaison between the person who is dishing out the money and us. There needs to be consultation with the person doing the work on the ground and that doesn’t happen. I understand that at council level there are lots of imperatives. But if you look at my case, if there was closeness between the person providing budget and person who is seeking the budget, I’m sure there could be a better job done.”²⁵³

Notwithstanding the significance of the inhibitory nature of costs, there are other factors that seek to suggest that costs may not have been as constraining as the City would have the public believe. When the District Municipality contributed the requested partial funding for the new landfill compactor in 2006, the Msunduzi Municipality failed to show a sense of urgency in claiming the funds to secure the new landfill compactor quickly. It was reported

²⁵¹ Chairman: Pietermaritzburg Chamber of Business. *Interview*. PCB Offices, Royal Show Grounds, Pietermaritzburg. September 2008.

²⁵² Manager Waste Management: Division, Msunduzi Municipality. *Interview*. Waste Division Offices, Mayors Walk, Pietermaritzburg. September 2008.

²⁵³ Manager: Waste Management, Msunduzi Municipality. *Interview*. Waste Division Offices, Mayors Walk, Pietermaritzburg. September 2008.

to the District that the Msunduzi Municipality had to be reminded twice in January and March that they could proceed with the tendering process for the compactor as funds were available, but, as the report stated, “*no correspondence on the matter has since been received nor has a tender advert appeared in the local newspaper.*”²⁵⁴ Although there could be various reasons for this delay, one possible explanation is that the Municipality was again showing an indifferent attitude towards the landfill site.

Furthermore, the Municipality appears to have a problem of spending their budget. In 2008, three months before the end of the financial year, R175 million of the city’s capital budget was unspent, causing much frustration in the Council. Inkatha Freedom Party Executive Council Member, Dolo Zondi was not impressed by this under-spending: “*We tried to help you unblock the system and suggested the decentralisation of the procurement process. Why was this not done? Where is the problem and why are we back where we started?*” he inquired.²⁵⁵ The first quarter review of the 2008/2009 financial statement showed that the division responsible for waste management in the city, community services and social equity, under-spent by R1.1 million despite complaints by managers in this division during the interviews that they were not receiving enough budget allocation to perform their functions efficiently.²⁵⁶ Officials cite shortage of technical staff and procurement delays as some of the chief reasons for large sums of money remaining unspent. The landfill manager also pointed out that the procurement process was a tad inflexible at times.

5.11 Conclusion

In summary, the landfill issue has been on the municipal agenda for well over a decad. The District Municipality has taken the initiative to identify a new landfill site that will service the whole of the district area, including Msunduzi. This process is slow and cumbersome, relying on many factors. Even if the District finds a new landfill site before New England Road expires that does not change the reliance of landfilling as a waste disposal option. The

²⁵⁴ Natal Witness. *The uMgungundlovu District Municipality Is to Step in to resolve the Crisis at the New England Road Landfill Site following A Scathing Report by DWAF on the Poor Management of the Site by the Msunduzi Municipality.* April 2006.

²⁵⁵ Naidoo, N. City Can’t Spend Budget. *The Witness.* May 8, 2008.

²⁵⁶ Mgaga T. Msunduzi: Manager Scolded For Under Spending. *The Witness.* November 6, 2008.

fact of the matter is that waste in the Msunduzi Municipality is still dumped with little recycling or sorting.

The landfill site itself suffers from periodic problems due to equipment failure and budget constraints. Integrated waste management practice in the city is a marginal component of the conventional waste strategy of collecting waste from individual households in designated areas for dumping on the landfill, which undermines the effectiveness of the Waste Act and policy direction of the Republic. The identification of the new landfill site will only be a temporary relief measure that is likely to lead to bigger waste problems and institutional arrangement problems in the future considering that the new landfill will not be within Msunduzi boundaries yet Pietermaritzburg is the main producer of waste.

Furthermore, the Msunduzi Municipality is currently faced with severe capacity constraints as a result of gross mismanagement that saw the resignation of the Mayor and Municipal Manager and the city being put under administration. Institutions that have oversight responsibility on this matter, which include the Landfill Site Committee, Provincial Department of Environmental Affairs, and National Departments charged with ensuring compliance, have also struggled to influence the management of the landfill facility to ensure a movement towards integrated waste management practise in the city. The media and civil society advocates that have fought to have the landfill site problem resolved have had limited impact on getting this issue resolved chiefly through their inability to exert firm influence to force a favourable policy solution.

There is little public mobilisation around the adverse effects of the landfill site beyond the immediately affected groups, such as waste pickers and businesses and industry, whose only interest in the issue is to secure unlimited access to the site to preserve their source of livelihood and cost effective waste management respectively. In the absence of firm integrated waste management policy implementation and behavioural change, the problem of waste management is likely to become a recurring policy problem in the city, despite the new landfill being identified. Waste management problems will become more than a mere environmental problem but will take on more characteristics of a broader socio-economic problem due to the political economic dynamics inherent in the issue.

In terms of Kingdon's agenda setting theory, the manner in which policy issues are framed is largely determined by political considerations given that politicians have the legitimate mandate to address social problems. Moreover, the dominant political opinions often find expression in the policies that are developed to respond to worrisome public issues. As a result, problems are not always presented in an objective manner; instead they are flowered with various considerations that frame them in a particular self-serving manner in line with prevailing dominant political ideology. In the case study, the deterioration of governance in both municipalities, as signified by the axing of the Mayors, EXCO members and senior management in the space of three years, posed a major challenge for a policy solution to be incorporated on the agenda, since the very demarcation of municipal boundaries has been a subject of persistent rumours and doubts. The major lesson from the Kingdon theory with regards to this issue is that political will is significant to policy change, together with how policy problems are defined.

CHAPTER SIX

CONCLUSION

Kingdon is convinced that for a policy issue to get the desired attention it must be linked to other problems as well in order to push the issue higher up the government agenda. He defines this process as coupling. A perfect coupling happens when “a problem is recognized, a solution is available, the political climate makes the right for change; and the constraints do not prohibit action”.²⁵⁷ The message here is that the proposed policy solution should be timed opportunely when conditions appear amenable for the proposal to succeed. However, the analysis of the New England Road case study has shown that in terms Kingdon agenda setting, the three problem, policy and political streams were unable to converge to produce a policy solution to the landfill issue in the Msunduzi Municipality between 1996 and 2010. Although there were opportunities when the policy window opened, none were utilised optimally. Most of the changes and improvements that were recorded in this policy issue were incremental in nature and appeared to have been temporary solutions brought about by adverse publicity or by on-site crisis such as the replacement of a broken compacter, improved security measures to deal with waste pickers, or initiating a pilot project for recycling and other similar initiatives.

The landfill site problem still persists because waste management issues are not recognised as an urgent priority that need to be resolved immediately. The function of waste management is strained in the Msunduzi Municipality and the current landfill site, New England Road, has been plagued by various problems in the past decade that could have been avoided by sound management of this asset. The sources of the mismanagement of the landfill site are varied but can be broadly categorised into institutional, financial, environmental, social and political aspects. In terms of the Kingdon agenda setting theory, the main reason policy issues, such as the landfill site, may fail to become entrenched on the municipal agenda is due to unfavourable interaction between the three streams, which,

²⁵⁷ Kingdon, J. 1995. *Agendas, Alternative and Public Policies* (2nd Ed). New York: Harper Collins College Publishers p.88.

ultimately decide why certain issues manage to attract the attention of policy makers while others fail to do the same. The inability of the landfill site issue to become established as a priority policy issue is largely, if not wholly, attributable to the incongruity between the problem, policy and political streams.

The landfill site case study has shown that policy analysis is a complex exercise that demands deeper interrogation of facts and opinions to uncover underlying issues and assumptions in relation to policy problems and the manner in which they have or have not been recognised.²⁵⁸ Despite this, public policy has always been characterized by a contest of ideas, proposals, perspectives and ideologies, with only those that meet the requirements of the decision makers prevailing. In the contemporary system of democratic governance, the involvement of the public or various institutions representing the broader public has become a norm. Government is still the main authority as the elected guardian of public interest, but there has been a growing realisation that public problems cannot be solved by government alone. Inputs from other sectors of society are necessary if the solutions that become public policy have wide ownership in society.

Nevertheless, the process of coupling reinforces the significance of power, more especially political and financial power. Power comes in many forms; money, information or expertise, position and access to key resources are just a few of the means that provide people with power. Since decision makers have a range of problems to address, it would appear that power is a key determinant of what proposals make the grade and which do not, thus effectively determining agenda items.

In this case study, pressure groups have attempted coupling by highlighting the importance of the landfill and how regular fires and other problems there are a health and environmental hazard to citizens, the impact of the landfill on the level of investment in the city, how it indicates governance failure and how it reduces the city's integrated development planning into mere rhetoric. Despite all this, the problem still exists. The landfill site problem stood more chance of being addressed if solving it seemed consistent with the socio-political priorities and interest of political authorities. This might be a lesson for policy entrepreneurs

²⁵⁸ Dye, T. 1992. *Understanding Public Policy* (7th edition). Englewood Cliffs, New Jersey: Prentice Hall. p. 17.

that sometimes in order to achieve a favourable policy solution they must penetrate the mindset of key decision makers because, according to Kingdon's agenda setting theory, the manner in which a policy issue is framed is largely determined by political considerations more than other influences.²⁵⁹

The main lesson that can be extracted from this study is that whilst the three streams of Kingdon's agenda setting theory are a useful tool for policy scholars to understand why certain public policy issues get the attention of decision makers, while other similarly pressing issues are ignored, addressing an issue is also determined by the capacity of policy entrepreneurs to take advantage of the windows of opportunity that arise in the system of governance. This study demonstrated that because an issue is problematic does not propel the issue onto the government agenda. The problematic nature of the issue maybe recognised but may not be an automatic license that government will develop a policy or make a regulatory statement to remedy the problematic condition. Moreover, the dominant political opinions find expression in the policy that is subsequently developed to respond to the worrisome public issue. As a result, problems are not always presented in an objective manner; instead they are framed in a particular self serving manner in line with prevailing dominant political ideology.

We have learnt that the manner in which the issue of the landfill site was raised is a significant indicator of why some issues attract policy solutions while similarly pressing matters fail. It was also clear that understanding how an issue is framed as a policy problem is a significant starting point in policy analysis. Thus while it would appear logical for an analyst to want to explain it in the simplest form such as the stages model, in reality, policy-making is a complicated process wherein x and y do not correlate in a "chain of causation".²⁶⁰ A policy-making process is something like an endless search for solutions because the very same human conditions often defy neat categorisation and predictability.²⁶¹ Some have tried to depict policy-making as a linear process where the issue moves from one stage to another until a policy is developed, implemented and evaluated to establish cause

²⁵⁹ Kingdon, J. 1995. *Agendas, Alternative and Public Policies* (2nd Ed). New York: Harper Collins College Publishers p.147.

²⁶⁰ Parsons, W. 1995. *An Introduction to the Theory and Practice of Policy Analysis*. 1995. Aldershot, Hants: Elgar.p.469.

²⁶¹ John, P. 1998. *Analysing Public Policy*. London: Pinter.p. 35.

and effect. This typology of policy analysis is attractive to those who diagnose the policy process as perplexing, thus seeking ‘conceptual order’ to make it accessible to a broad audience.²⁶²

Kingdon also counsels that policy problems may disappear from the radar of decision making for a variety of reasons, which affects the outcome of the policy-making process. He gives five reasons why this could be the case. Firstly, government may simply address the issue in question or ignore it until people forget about it. Secondly, the condition that brought the issue into prominence in the beginning may change therefore weakening the case for policy solution.²⁶³ Thirdly, those who are affected by the problematic condition may very well adapt to the prevailing situation or the problem gets reframed in a different manner thus providing little rationale for policy change. Fourthly, given the competition that exists on the government agenda, there may be new issues that arise, which appear to be more pressing therefore eclipsing the first issue. Finally, policy agenda relies on the attention cycle in which it falls; some issues may remain unresolved because they arose at a time when the decision maker’s attention was focused elsewhere.²⁶⁴

In the case study, the deterioration of governance in both municipalities, as signified by the firing of Mayors and EXCO members in the last three years, posed a major challenge for a policy solution to be found on the agenda issue, since the very demarcation of municipal boundaries has been a subject of persistent rumours and doubts. The major lesson from the Kingdon theory with regards to this issue is that political stability is significant for policy change, and so is political endorsement of potential solutions. Atkinson has noted, quite insightfully, that “service delivery is only one side of the coin...Municipalities are polities in their own right. They are not only bureaucratic edifices; they are also elected directly by the citizenry, and party politics plays an important role in municipal governance”.²⁶⁵ From this quotation we learn that political considerations play a significant role in the determination of municipal priorities.

²⁶² John, P. 1998. *Analysing Public Policy*. London: Pinter: 22.

²⁶³ Kingdon, J. 1995. *Agendas, Alternative and Public Policies* (2nd Ed). New York: Harper Collins College Publishers.p.198.

²⁶⁴ Kingdon, J. 1995. *Agendas, Alternative and Public Policies* (2nd Ed). New York: Harper Collins College Publishers.p.198.

²⁶⁵ Atkinson, D. 2003. *The State Of Local Government: Third-Generation Issues*. The State of the Nation 2003–2004. Democracy & Governance Research Programme. Human Sciences Research Council. Cape Town, South Africa.p.133.

The Msunduzi Municipality went from being an aspirant metro to a collapsed municipality under provincial administration in a matter of months, giving merit to Atkinson's assertion that "councils have become arenas for patronage, turf wars and factionalism".²⁶⁶ The Msunduzi Municipality has had experiences of all three. In 2010, the Mayor and almost all the executive management, including the Municipal Manager were fired or suspended. Before her axing, the Mayor, Zanele Hlatshwayo was involved in a bitter factional battle with the Municipal Speaker, Mr. Alpha Shelembe. The Msunduzi Municipality also had a rather hostile turf war relationship with uMgungundlovu District Municipality.

What does agenda setting tell us about this landfill issue that other theories cannot explain? According to Kingdon, a policy solution often results when the three streams are able to be joined together at one specific point in time when the prevailing conditions are favourable for a positive outcome for issue proponents. In this case study, despite several windows of opportunity opening, the policy entrepreneurs championing the landfill site failed to capitalise on these to bring about meaningful change to the status quo of the issue; as a result, a conclusive solution has evaded the landfill issue until today. Agenda analysis enables policy scholars to trace how a particular policy problem come or can come government's attention. This, therefore, adds value when the policy trajectory of such an issue is being analysed.

²⁶⁶ Atkinson, D. 2003. *The State Of Local Government: Third-Generation Issues*. The State of the Nation 2003–2004. Democracy & Governance Research Programme. Human Sciences Research Council. Cape Town, South Africa.p.134.

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