

**UNIVERSITY OF THE WESTERN CAPE
FACULTY OF LAW
COMMUNITY LAW CENTRE**

**LLM PROGRAMME ON DECENTRALISATION AND GOOD GOVERNANCE
2009/2010**

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1 AIM

The aim is to establish the leading research and training programme on local government and decentralisation in South Africa and the rest of Africa, for the realisation of democracy, human rights and development.

2 RESULTS

The programme will achieve the following results:

- (a) The programme attracts and produces highly trained masters graduates from South Africa and the rest of Africa in a practice-based masters programme on local government and decentralisation.
- (b) Through the dissertations of the students, the programme produces cutting edge research on local government and decentralisation that promotes democracy, good governance and development.

3 MASTERS PROGRAMME

3.1 Aim

The aim of the masters programme is to train a highly skilled cadre of local government and decentralisation practitioners.

3.2 Timeline

The masters programme commences in the 2009 academic year (February).

3.3 Results

After successfully completing the masters programme, students emerge with the following skills and competencies:

- (a) In-depth knowledge of the theory of local government and decentralisation;
- (b) In-depth knowledge of the prescripts and workings of good governance at local level; and
- (c) Research and analytical skills.

Successful students will be awarded with an LLM degree or an Mphil degree from the University of the Western Cape.

3.4 Focus group

The masters programme will cater for approximately 15 students per year, recruited from South Africa and the rest of Africa, from the following sectors:

- (a) National government officials;
- (b) Provincial/regional government officials;

- (c) Local government officials;
- (d) Legal practitioners; and
- (e) Academics.

A prior law degree is not essential, but experience in practice is then required.

4 CONTENT OF THE MASTERS PROGRAMME – FULL TIME

Students will follow a coursework masters programme, comprising of-

- (a) 3 taught modules;
- (b) 1 internship; and
- (c) Thesis.

Students attend and are examined on three modules:

4.1 Module 1: Law of Intergovernmental Relations

- (a) International context and international law
 - decentralisation as a peace making device and accommodation of diversity;
 - decentralisation and good governance;
 - decentralisation and development.
- (b) Constitutional and legal frameworks for decentralised government with a focus on South Africa
 - Constitutional law on decentralisation and intergovernmental relations
 - Analysing various modalities of joint rule and shared rule

This module will look at the drivers and rationale for decentralisation. Particular attention will be paid to the benefits and dangers of decentralisation from a development economics perspective. The international and continental framework on local government (European Charter on Local Self Government, draft African charters on local government, NEPAD and APRM) will be analysed as part of the course. The South African legal framework on decentralisation (provincial and local governments) will be examined.

4.2 Module 2: Local Government Law of South Africa

The 1996 Constitution establishes local government as a fully fledged sphere of government with constitutionally protected powers. In 2000, an elaborate legal framework for local government came into operation and has been developing ever since. The course entails an examination of this constitutional and legal framework and

equips students to locate, analyse and apply the legal framework on the following topics:

- Municipal governance structures, i.e. political structures, elections and governance arrangements in municipalities;
- Powers and functions of municipalities;
- Community participation and municipal management tools;
- Municipal administration;
- Municipal services;
- Municipal financial management, including budgeting and financial reporting
- Municipal revenue, including property rates, service fees, taxes and intergovernmental finance;
- Municipal expenditure;
- Supervision of municipalities
- Municipalities and cooperative government.

Furthermore, the course examines the historical development of local government and uses comparative examples to strengthen the analysis of the South African system.

4.3 Module 3: Law of good governance

The project of democratic government will be fundamentally undermined if the state is prone to corrupt and inefficient government. The 1996 Constitution has thus made good governance part and parcel of a system of open and accountable government. Good governance is a multi-faceted approach to government, which includes at least, a proper system of procurement, a transparent system of government; and just administration.

- Section 217 requires a system of state procurement of goods and services that is fair, equitable, transparent, competitive and cost-effectiveness. A proper legal framework over procurement is an essential component of prudent and honest financial management.
- Section 32 entitles everyone to have access to information held by the state and the Promotion of Access to Information Act of 2000 establishes the framework for such access.

Section 33 entitles everyone to administrative action that is lawful, reasonable and procedurally fair. The Promotion of Administrative Justice Act of 2000 has elaborated this right. While administrative law is dealt with at undergraduate level, selected aspects of this wide and challenging field of law are dealt with.

4.4 Evaluation

Each module will be evaluated by means of two assignments, oral presentations and a written exam.

4.5 Module 4: Internship

Every student will do an internship of at least 400 hours. Students will be placed at various institutions of decentralisation in South Africa to conduct a four months internship. Students will learn the practice of decentralised government and contribute to the functioning of the relevant institution. A dedicated mentor will be identified in the institution and tasked with direct supervision and ensuring a high-level internship. Students will be required to compile a portfolio of their outputs during the internship. The portfolio and the supervisor's report will be the basis for evaluating the student's performance.

The institutions identified for the internships are:

- (a) Western Cape provincial department responsible for local government;
- (b) Western Cape Provincial Treasury; and
- (c) City of Cape Town and other municipalities.

4.6 Thesis

Students write a thesis (10 000 words) on a topic related to decentralisation and local government. Thesis supervision will be done by members of the Local Government Project, Community Law Centre.

4.7 Entry requirements

Entry to the programme will be reserved for candidates with a graduate degree in law, public administration, political science or economics and a proven track record of academic excellence. Practical exposure to governance will be a strong recommendation.

4.8 Bursaries

The Community Law Centre will offer a limited number of bursaries for full-time participants to the masters programme. Paying students will also be permitted to the programme, provided they comply with the entry requirements.

The bursary will cover:

- (a) tuition fees;
- (b) accommodation on UWC campus; and
- (c) monthly allowance.

4.9 Timetable

The three contact modules (IGR, LG and GG) will be taught in two blocks of six weeks in which intensive teaching and research towards assignments and exams will be required.

The first block, containing two modules (IGR and LG), will be from 15 February until 28 March and will followed by exams in April. The second block, containing one module (GG) will be from 16 August until 26 September and will be followed by an exam in October.

Module 4, the internship runs from May until July.

The research towards the thesis runs from May until November. The thesis must be completed by 15 November 2009.

	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	15 Nov	
	BLOCK 1: IGR & LG										
Seminars for Mod 1: IGR	4	8	Exam								
Seminars for Mod 2: LG	4	8	Exam								
Seminars for Mod 3: GG							BLOCK 2: GG				
							4	8	Exam		
				INTERNSHIP							
Internship				140 hrs	140 hrs	140 hrs					
				THESIS							
Dissertation				Research methodology	Proposal developed	Proposal finalised	research	research	writing	writing	completion

5 CONTENT OF THE MASTERS PROGRAMME – PART TIME

Part time students can do the masters programme over a period of two years.

Part time students will follow a coursework masters programme, comprising of-

(a) four taught modules, namely

- Module 1: Law of Intergovernmental Relations
- Module 2: Local Government Law of South Africa
- Module 3: Law of good governance
- Module 4: Socio-economic rights; and

(b) a thesis.

5.1 Timetable

The four contact modules (IGR, LG, GG and the elective module) will be taught in four blocks. Three of those will be intensive blocks of six weeks in which intensive teaching and research towards assignments and exams will be required. *The last block will be a normal academic semester.*

The first block, containing Law of Intergovernmental Relations will be from 15 February 2009 until 28 March 2009 and will be followed by an exam in April 2009. The second block, containing Law of Good Governance will be from 16 August 2009 until 26 September 2009 and will be followed by an exam in October 2009. The third block, containing Local Government Law will be from mid February 2010 until end of March 2010, followed by an exam. The fourth block, containing Socio-Economic Rights will run from mid July 2010 until end of October 2010, followed by an exam in November 2010.

The research towards the thesis runs from May 2009 until November 2010. The thesis must be completed by 15 November 2010.

YEAR I - 2009

Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	15 Nov
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BLOCK 1: IGR

4	8	Exam
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BLOCK 2: GG

4	8	Exam
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Seminars for Mod 1: IGR
Seminars for Mod 3: GG

THESIS

Research methodology	Research methodology	Proposal developed	Proposal developed	Proposal finalised	Proposal finalised	Research	Research
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Dissertation

YEAR II - 2010

Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	15 Nov
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BLOCK 3: LG

4	8	Exam
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BLOCK 4: Socio-Economic Rights

2	4	4	2	Exam
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Seminars for Mod 2: LG
Seminars for Mod 4: Elective

THESIS

Dissertation	Research	Research	Writing	Writing	Writing	Writing	completion	completion	completion
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5.2 Entry requirements

Entry to the masters programme will be reserved for candidates with:

- (a) a graduate degree in law, public administration, political science or economics;
- (b) a proven track record of academic excellence; and
- (c) practical exposure to governance.

5.3 Bursaries

No bursaries are available for part-time students

6 RESOURCES

This course will be coordinated and presented by Prof Nico Steytler and Prof Jaap de Visser. The module on the Law of Good Government will be presented by Prof Phoebe Bolton. Use will be made of guest lecturers to further enhance the exposure for the students.

Professor Nico Steytler is an internationally recognised scholar in the field of decentralisation. He is first vice president of the International Association of Centres for Federal Studies (IACFS), the leading international association of academic institutions focusing on federalism. He is the editor of the sixth volume of the Global Dialogue on Federalism, dealing with local government and metropolitan regions in the federal countries, an international 12 country research project of the Forum of Federations and IACFS. He is recognised nationally as the leading expert in the field of decentralisation and has been widely used as a consultant by national, provincial and local governments. Prof Steytler is a member of the Municipal Demarcation Board and co-author of the loose-leaf textbook *Local Government Law of South Africa*. He has led a number of large research projects on the field of decentralisation, involving a number of senior and junior researchers. He also has a proven track record of raising funds for local government research.

Professor Jaap de Visser is the coordinator of the Local Government Project at the Community Law Centre, and author *Developmental Local Government: A South African Case Study* (2005). He is the leading author in South Africa on local government law. He has written several peer-reviewed articles on key issues of local government powers. He and Prof Steytler are the co-authors of the loose-leaf textbook *Local Government Law of South Africa*.

Professor Phoebe Bolton is the leading expert on the law on public procurement and public contracting. She is the author of *The Law of Government Procurement in South Africa* and teaches at the University of Western Cape's Law Faculty.

Professor Nico Steytler
Director
Community Law Centre

Professor Jaap de Visser
Coordinator
Local Government Project
Community Law Centre

October 2008