

NATURE AND EXTENT OF LOCAL GOVERNANCE IN SOUTH AFRICA

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ABSTRACT

Internationally, governance has emerged as a focal point in the discipline and practice of public administration and its nature, extent and characteristics have changed the environment within which public administration functions. Public administration as an integrating paradigm has to achieve, maintain, enhance and sustain the collective promotion of the spiritual and material welfare of society.

In South Africa (SA), addressing the need to bring about more effective and efficient public service delivery by government and its executive public sector institutions, has come a long way from the period when there were over 1100 racially segregated municipalities. From more than 800 municipalities after 1996, they were merged to the current 283 municipalities which now cover every *inch* of the country, and are focused on expanding local economies in maintaining the provision of existing basic municipal services as well as extending it to areas of its responsibility that were previously neglected.

Since 2001, far-reaching change has taken place in most of South Africa's municipalities and a firm legislative foundation has been established for improved public service delivery in the future. This should not encourage complacency because many changes remain unsolved and new issues continually present themselves (South African Cities Network 2006:6-2).

To ensure that the effective and efficient delivery of public services on especially the local government sphere of SA is improved, the government will have to take cognisance of the most urgent societal needs and challenges and prioritise and address them in a more co-ordinated, pro-active and macro goal-orientated manner. This will enable national government to, among other pressing objectives, *clean up the society* and develop the country's infrastructure such that its citizens can as a whole bring about an improvement of local governance.

This article first provides a brief exposition of the nature and meaning of governance, highlight the legislative background of governance on the local

government sphere in SA and discuss the typical nature and extent of the delivery of the most strategic basic public services in its municipal areas. Suggestions will also be made of logical steps which a municipality can follow to address the various needs of its communities in a more effective and efficient manner. Some pressing South African realities, dynamics and challenges regarding the public services will be identified and some recommendations on how some of the challenges should be addressed, will be made.

INTRODUCTION

Internationally, governance has emerged as a focal point in the discipline and practice of public administration and its nature, extent and characteristics have changed the environment within which public administration functions. Public administration as an integrating paradigm has to achieve, maintain, enhance and sustain the collective promotion of the spiritual and material welfare of society.

In South Africa (SA), addressing the need to bring about more effective and efficient public service delivery by the government and its executive public sector institutions, have come a long way from the period when there were over 1100 racially segregated municipalities. From 843 municipalities after 1996, they were merged to the current 283 municipalities which now cover every *inch* of the country, and are focused on expanding local economies in maintaining the provision of existing basic municipal services as well as extending it to areas of its responsibility that were previously neglected.

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This article provides a brief exposition of the nature and meaning of governance, highlight the legislative background of governance on the local government sphere in SA and discuss the typical nature and extent of the delivery of the most strategic basic public services in its municipal areas. Suggestions will also be made of logical steps a municipality can follow to address the various needs of its communities in a more effective and efficient manner. Some pressing South African realities, dynamics and

challenges regarding the public services will be identified and some recommendations on how some of the challenges should be addressed, will be made.

LEGISLATIVE ASPECTS

The *Constitution of the Republic of South Africa, 1996* (hereinafter the Constitution), establishes the so-called *social contract* between the South African Government and the citizens of the country by the structuring of the three spheres of government legislature and execution of public policies. The Government is under a moral obligation to be sensitive towards, identify, and earnestly take notice of the unlimited needs of the country's citizens and then by means of effective prioritisation, determine which services should be addressed through more effective, efficient and economical public administration and management in an attempt to add value to the respective communities and society as a whole.

The following acts add to the changes brought about regarding the nature and extent of government and delivery of public services on the local government sphere of SA:

- The *Local Government: Municipal Structures Act, 1998* (Act 117 of 1998) establishes strong municipal governments with boundaries that generally encompass the functional regions of the major urban centres. These are politically headed by executive mayors or executive committees or one of the other types. It also promotes new relationships with communities through mechanisms such as ward committees and/or sub-councils;
- The *Local Government: Municipal Systems Act, 2000* (Act 32 of 2000) modernises municipal administration and to establish a new relationship between government and the citizens in line with the overall South African government ethos;
- The *Local Government: Municipal Finance Management Act, 2003* (Act 56 of 2003) improves corporate governance and financial management practice; and
- The *Intergovernmental Relations Framework Act, 2005* (Act 13 of 2005) which provides within the principle of cooperative government, a framework for the three government spheres, and all organs of state within these governments, and to facilitate coordination in the implementation of public policy and legislation.

With the aforementioned in mind, one can now proceed with the search for more clarity on the nature and extent of basic municipal services on the local sphere of government in SA.

NATURE AND EXTENT OF TYPICAL MUNICIPAL SERVICES

According to Part B of Schedules 4 and part of 5 of the Constitution, South African municipalities are primarily responsible for the regulation, management, provisioning and maintenance of potable water, electricity, domestic waste-water, sewage systems and health services within their respective demarcated geographical areas of jurisdiction. They can also be tasked with, amongst others, the following municipal services:

- corporate services, for example, the supply of information and statistics;
- crime prevention and law enforcement;
- environmental management;
- housing provisioning and valuations of properties;
- social development;
- good governance; and
- disaster management centres.

The need for South African local government institutions to concentrate on the aforementioned focus areas of public service delivery has been confirmed in a national sample survey by the Human Sciences Research Council (HSRC) in 1998. It was revealed that 41% of the respondents placed crime prevention at the top of their needs agenda to improve the quality of life for all. The creation of jobs came second and the need for government to provide better services was the third important priority. Of these public services the respondents identified the provision of running water (27%), as the most crucial basic need, followed by affordable housing (20%), while the provision of electricity and health care came in at 16% each (Khosa 2000:248-249).

In order to create an environment for more effective, efficient and economical public service delivery at the local government sphere, the primary role-players tasked with the more effective and efficient making, implementation and evaluation of public policies should be familiar with and understand the logical roll-out of the following consecutive phases of the public administration and management of, for example, a new settlement / community in a specific municipal area:

- An assessment of the existing level of development which includes the identification of the physical area (ground and location) where the planned development will be facilitated. This will entail an environmental management approach on the execution and application of planned controls, skills and techniques to care for the Earth by securing a widespread and deeply held commitment to an ethic for sustainable living, and to integrate conservation (to keep the actions of humans within the earth's capacity) and development (to enable people everywhere to enjoy long, healthy and fulfilling lives (Fuggle and Rabie 2005:2). The *National Environmental Management Act, 1998* (Act 107 of 1998) provides a set of twenty environmental management principles that guide the interpretation, implementation and administration of legislation concerned with the protection and effective management of the environment;
- An on the spot survey of the nearby availability of existing service delivery infrastructure concerning aspects like roads, water and electricity supply, and businesses. It will have a direct effect on the settlement and migration pattern of the new settlement / community;
- In the third instance, an environmental impact study will add great value in determining the way forward regarding development of the responsible municipality and, for example, to formulate an effective and efficient development plan such as an Integrated Development Plan (hereinafter IDP);

- When developers move into a specific area to be developed, the next crucial aspect to be taken care of is the availability, importing and supply of potable water in a sustainable manner. Water is one of the most valuable and limited resources affecting effective and efficient urban development in South Africa. Most large cities are facing the end of predictable water resources within the foreseeable future (Dewar and Uytendogaardt 1991:63; Ackron 2006:48-49).
- The aforementioned aspect regarding the supply and use of water will also require more effective and efficient facilitation (planning, budgeting and building) of sanitation works, handling of storm water, and the removal, treatment and disposal of sewerage. Despite the importance of water resources, approximately 70% of the entire water consumption of large cities in South Africa leaves the city as waste, and is simply returned in a filthy and usually polluted state to the sea (Fuggle and Rabie 2005:283-288). This is due to the lack of effective and efficient infrastructures to treat and recycle the waste water as well as effective governmental controls to ensure that the limited surface and ground water supplies of the country remain accessible and unpolluted;
- Only after the aforementioned aspects have been taken care of in a holistically approached integrated development process formulated with a clear and achievable plan (such as an IDP), can the responsible municipality commence to pay attention to the nature and extent of new development of houses and buildings in the specific area. The actual layout of the blocks, streets, and access roads can then be addressed to ensure that the aforementioned development stages have been complied with and that the impact of the occupants (regarding aspects such as soil, vegetation and possible pollutants), be managed in a sustainable manner;
- Consequently, the supply of electricity can follow and it will have a determining influence on creating and maintaining effective and efficient policing, security, health, education and general public services such as Multipurpose Community Centres (MPCCs) and Information Technology Centres (ITCs); and
- According to the *Traditional Leadership and Governance Framework Act, 2003* (Act 41 of 2003), the place and role of the institution of traditional leadership should be taken into account because it occupies a place in African life and, historically, in the body politic in South Africa. It also embodies the preservation of traditions, customs, cultures and values of the African people, while also representing the early forms of governance and societal organisation.

From the abovementioned consecutive development and service rendering phases it can be concluded that the effective public manager of today should be an exceptional servant of the public and be equipped (or he / she must know where to obtain it) with a wide variety of skills and knowledge on aspects such as public administration and management, development, geography, politics, economics, and modern information technology.

In the next section a closer look will be undertaken at some realities and challenges regarding the nature and extent of public service delivery on the current local government sphere of South Africa.

SERVICE DELIVERY CONTEXT REALITIES

Taking into account all the regulatory legislation in place, one can assume that the South African local government sphere has reasonable clarity place and a role to play in the national government's attempt to improve the level of basic public services at especially the grassroots level of the country. Unfortunately, the improvement of basic services does not manifest in all communities as government would have preferred; see for example the following two photographs illustrating the state of two residential areas within the same municipality's responsibility area:

Photo A: Underdeveloped area



Source: Personal library.

Photo B: Developed area



Source: Personal library.

The Minister for Provincial and Local Government (South African Cities Network 2006:[i]) stated that many of the larger municipalities have worked hard since 2000 at creating a

more democratic and accountable government involving the complete overhaul of the government model that existed before 2000 (the year in which a new democratic system of local government was introduced). There is an improved delivery of basic public services such as potable running water, reliable electricity, user-friendly roads and effective waste collection services to former township areas by means of an upgraded infrastructure in the better-resourced neighbourhoods of the respective communities.

However, many challenges still confront the South African municipalities if they are to continue as engines of global connectivity and national growth. These challenges operate at the global, regional and local spheres of effective governance. *Firstly*, the country is now an acknowledged part of the global village, and through the means of modern communication technology it is within continuous reach of other countries and has to maintain optimal transparency of, and access to aspects such as the nature and extent of its local governance.

Secondly, there is the African regional sphere where South African cities are experiencing substantial population influx as people migrate from rural areas and from other parts of the subcontinent.

The process of devolution of authority to render specific public services at various geographically dispersed localities, places increasing responsibilities on municipalities to deliver urban services, to meet national growth priorities and to ensure that each neighbourhood, community, and neighbouring rural establishment, as part of the macro South African society, offer citizens a brighter urban life and future (South African Cities Network 2006:[i]).

The nature of public service rendering at especially the municipal sphere of SA is continuously influenced by various external and internal factors such as the physical, political, demographical, financial and social environments. For example, the physical environment of SA consists of diverse geographical conditions such as semi-desert, bushveld and mountainous areas with usually a shortage of potable water, vast stretches of sparsely populated rural areas, and overpopulated cities with enormous problems with informal squatting. These factors usually influence the demarcation of responsibility areas of municipalities. The *flows in space* of people, goods, services and capital, pay little respect to municipal and even provincial boundaries. This means that city managers and politicians need a deeper understanding of the functional geography of their cities, not just the administrative jurisdictions for which they are responsible (South African Cities Network 2006:p6-2 to p6-3).

Demographical realities of the country also hamper effective development. The geographically dispersed population makes it difficult for the macro planners of the country to carry out reliable population censuses and to submit correct statistics needed to plan effectively for the short, medium and long term. Furthermore, the social environment of SA is characterised by immense differences between developed and underdeveloped sections and communities of the society. To add to this unfavourable scenario, the HIV/AIDS pandemic is spreading *havoc* and in many areas, particularly rural areas where, local government remains fragmented and weak (Van Rensburg and Friedman 2002:xix-xx).

To complicate the nature of local governance further, it should be taken into account that it consists of a complex set of relationships among all three spheres of government, the business sector and the various communities. This requires a shift from a state-centred perspective to include civic associations, private-sector organisations, community groups and social movements in the sharing of power, with the respective municipalities having more of a co-ordinating rather than a monopolistic and controlling role. There is growing recognition internationally that the quality of municipal government makes a profound difference to the development potential of a town or city and its ability to successfully tackle its development challenges.

Another contributing determinant of effective development of successful municipalities is the issue of urban density. Some urban theorists have identified low-density development as one of the critical factors inhibiting the creation of sustainable settlements. Low-density (rural areas) settlements are problematic in that they, amongst others, bring about vast distances between neighbourhoods. Consequently, residents have to rely on motorised transport, inefficient land utilisation patterns develop, and high costs for municipalities are brought about who are obliged to deliver services to far-flung areas (South African Cities Network 2006:p3-59).

The section that follows will propose several recommendations on how to address some of the aforementioned challenges regarding the improvement of local government service delivery in SA.

SERVICE DELIVERY IMPROVEMENT STRATEGIES, PROGRAMMES AND RECOMMENDATIONS

Various key role-players came to the fore in the government's quest to improve the standard of public service delivery in the country. For example, the Department of Water Affairs and Forestry (DWAF) is the custodian of SA's water and the lead national department in the water supply and sanitation sector *Water Services Act*, 1997 (Act 108 of 1997). The Department has embarked on a restructuring process that would see the public water service delivery at the municipal sphere strengthened by, for example, deploying some of the Department's employees to municipalities, water utilities and other agencies (Volksblad 2006/09/20:On-line).

The Department of Provincial and Local Government (DPLG) takes primary responsibility for promoting the IDPs of municipalities, ensuring that provincial and municipalities have sufficient capacity, are provided with equitable share and municipal infrastructure grants, and effective monitoring. The Department of Health co-ordinates all aspects regarding public health, and the National Department of Housing establishes standards for public housing development and also co-ordinates the housing subsidy administered by the provincial housing departments. The Department of Public Works acts as the implementing agent on behalf of national and provincial government when schools and clinics are constructed. This Department furthermore has a responsibility to ensure that adequate water, electricity and sanitation facilities are installed in government and public buildings (including municipalities).

Regarding the protection of the physical and human changed environment, the Department of Environmental Affairs and Tourism plays a leading role (Fuggle and Rabie 2005:77). There are also other role-players such as the private sector which can, for example, manufacture and install sanitation systems, partner with municipalities in service provision and provide finance. Non-governmental organisations (NGOs) can also help with specific awareness programmes such as the Mvula Trust, which focuses on the delivery of water services through community approaches (Muller 2002:On-line), facilitate community participation, develop community based construction teams and implement and monitor projects (DWAf 2002:On-line).

In order to facilitate and maintain improved public service delivery at the grassroots level in SA, more effective intra-, inter- as well as extra-governmental relations are essential. The abovementioned key role-players must, therefore, strive to maintain positive and highly co-ordinated relationships within themselves, between them and other similar public sector institutions, and lastly, also with institutions, enterprises and individuals on the outside of the specific institutions.

To assist with these crucial governmental relations, MPCCs representing at least six government departments offering services to people in a specific municipal area, have been identified as the primary vehicle for the implementation of development, communication and information programmes, as they can serve as a base from which a wide range of public services and products can reach communities more effectively and efficiently (NISSC 2001). They usually provide access to modern technology in the form of an ITC such as a Telecentre from which road shows, campaigns, exhibitions, community participation events, and specific public services take place; a base from where information products and services are sent out to all parts of the surrounding area of responsibility and where government departments from national, provincial and local spheres offer information and services such as the application for identity documents, pensions, health information, unemployment office, government information office, passports, and training on the use of computers, the Internet and other on-line services. Such services add value to those services that are offered by the NGO and business sectors.

The Government's National Communication and Information System (co-ordinated at the Government Communication and Information System [GCIS]) has, *inter alia*, been tasked to provide development communication and information to the public to ensure that they become active participants in changing their own lives for the better. To achieve this, all appropriate forms of media, including print, electronic and other, have to be used to provide the required information as well as two-way communication services. This would also include direct communication with communities through unmediated products and community liaison, the Internet and Telecentres (GCIS 2006: On-line).

Due to the limited nature and extent of public resources in SA, another useful vehicle to improve public service delivery, at especially the local government sphere, has been through the creation of formal partnerships between two public sector

institutions or between a public sector institution and a private enterprise or individual contractor (PPPs). Such a partnership might realise whereby a municipality may *take on board* a partner who or which can provide the capital, expertise and technology which a municipality does not possess or can attain. In terms of the *Municipal Finance Management Act, 2003* (Act 56 of 2003), a municipality may only enter into a PPP agreement if the municipality can demonstrate that the agreement will provide value for money to the municipality, be affordable for the municipality, and transfer appropriate technical, operational and financial risk to the other (public or private) party (Craythorne 2006:282).

Regarding externally initiated variables affecting a municipality's public service delivery, the first recommendation that comes to mind is the fact that its leading political office bearers and municipal officials in management and leading positions should be submitted to continuous professional management- and leadership training.

In order to improve the organisational structuring and planning of the SA government, the provincial sphere of government should be merged into the national and local spheres and the functions and legislative authorities of municipalities increased to bring about more effective and efficient *greater city government* (Craythorne 2006:42). This will require a new regional perspective as well as institutional organisations that can foster productive cooperation on matters of mutual concern and which can implement effective local governance in a frame of interconnected spaces characterised by dynamic flows of people, goods and movement.

To improve the communication and co-ordination among key role-payers, the political office bearers, municipal officials, community organisations and residents should liaise more freely with each other in order to learn more from each other and to strengthen their co-ordinated attempts to bring about more effective, efficient and economical local public service delivery. This can only be realised through more **effective communication** by means of newsletters, brochures, open days / launches **and effective assistance from the mass media** by focusing on important issues identified by the masses and promoting grassroots democracy and popular participation in development (City Press 2005/11/27:On-line).

With reference to internal environmental aspects which a municipality should address, it is firstly recommended that a thorough strengths, weaknesses, opportunities and threats (SWOT) analysis, as well as a skills and resources audit (survey) be conducted. These would assist the municipality to evolve more effective long term planning aligned with an overall vision and mission, and its IDP.

Improved access to service delivery buildings and services as well as a holistic approach to more effective and user-friendly customer care should be arranged (e.g. chairs for senior citizens and adequate toilet facilities) to minimise queuing. The current electronic technology on, for example, the use of automatic teller machines should be investigated and implemented to enable users to, for example, check their rent statements, buy electricity and make payments using their bank cards instead of cash (Daily Sun 2005/05/12:On-line).

CONCLUSION

In conclusion it can be stated that the place and role of the local government sphere in SA is now clear, and that the necessary legislation and executive structures are in place. The service providers must get their acts together and implement the governmental policies to ensure the effective and efficient rendering of public services to the citizens of the country. By taking it step by step and tackling every unsatisfactory service delivery challenge individually, a positive difference can be facilitated to enable that all citizens lead a better life.

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