INVESTIGATION INTO THE CAUSES AND REASONS FOR SERVICE DELIVERY PROTESTS IN THE CITY OF JOHANNESBURG FROM 2009 UNTIL 2014

BY

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THIS DISSERTATION IS PRESENTED TO THE FACULTY OF ECONOMIC AND MANAGEMENT SCIENCES AT THE UNIVERSITY OF SOUTH AFRICA (UNISA) IN FULFILLMENT OF THE REQUIREMENTS FOR:

DEGREE: MASTER OF ADMINISTRATION IN PUBLIC ADMINISTRATION

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NOVEMBER 2017

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November 2017

Declaration

I, Zarina Abraham, Student Number 7930437, hereby declare that the work contained in this dissertation is my original work of which I am submitting to the University of South Africa for a full degree in Public Administration - DFPUB91. This dissertation has not been submitted previously in its entirety or in part thereof to any other University for a degree and that all the material contained herein has been duly acknowledged.

DEDICATION

In the name of Allah, the Most Gracious and the Most Merciful

All praises to Allah for the strength and His blessing in providing me with the ability and opportunity to undertake and complete this research study efficaciously.

Acknowlegdements

ABSTRACT

The advent of a political democracy in South Africa in 1994 generated hope for a better life for all South Africans especially those marginalised during the apartheid era. The newly formed democratic government was confronted with the mammoth task of expounding and decreeing policies and processes that would warrant equality and equity in the provision of basic services to its citizens. Local government being the third sphere of government and which is closest to the people was entrusted with the responsibility of rendering basic services to its people as well as to address the backlogs that have accumulated during the apartheid era as depicted in the 1996 Constitution.

Despite the efforts made by government to meet the requirements of the people in providing them with adequate basic services such as clean water, electricity, roads housing and refuse removal, these services were either not provided at all or it was done at a snail's pace. This led to widespread service delivery protests.

In light of the above, this empirical study investigates the causes of the service delivery protests in City of Johannesburg (CoJ) from 2009 until 2014. Numerous studies have been pursued to examine the reasons and causes for service delivery protests and the conclusions derived is the slow pace of providing electricity, water and sanitation to the local communities. It therefore can be deduced that no democracy can subsist and prosper if citizens are still living in deprivation and in a state of discrimination and unemployment without them having visions for a better life. The manifestation of service delivery protests is thus a risk to South Africa's young democracy and its sustainability, which cannot be ignored.

The findings of this study clearly revealed that communities in the CoJ are discontented and disgruntled because of, amongst other things, the lack of delivery of basic services, the deployment of cadres to municipal management positions, the abuse of the tendering system, nepotism and favouritism, which have negatively affected service delivery.

Keywords: Service delivery, Intergovernmental relations; Cooperative Government; South African Local Government Association; National; Provincial; Local Government; Service delivery protests

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LIST OF ACRONYMS

ANC:	African National Congress
CODESA:	Convention for a Democratic South Africa
CoJ:	City of Johannesburg
DLGTA:	Department of Local Government and Traditional Affairs
GEAR:	Growth, Employment and Redistribution
IGR:	Intergovernmental relations
IDP:	Integrated Development Plan
IRIS:	Incident Registration Information System
KL:	Kilo litres
KW	Kilo Watts
LGNF:	Local Government Negotiating Forum
LGTA:	Local Government Transition Act 1993, (Act 209 of 1993)
MEC:	Members of the Executive Council
MFMA:	Municipal Finance Management Act
NCOP:	National Assembly and the National Council of Provinces
PLAAS:	Institute for Poverty Land and Agrarian Studies
RDP:	The Reconstruction and Development Programme
SAPS:	South African Police Service
UNISA:	University of South Africa
WPTPS:	The White Paper on Transforming Public Service

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Figure 14:   A man holds a placard demanding services during a service delivery protest in Lenasia South. Residents of the Thembelihle informal settlement marched to the Joburg Urban Management offices in Lenasia demanding urgent attention to the water and electricity problems. Picture: Refilwe Modise

CHAPTER 1

ORIENTATION OF THE STUDY

1.1 INTRODUCTION

The expiration of apartheid in South Africa in 1994 meant the end of an unscrupulous regime and the ushering in of freedom as well as an abundance of prospects for all citizens of the country. However, since its evolution from an apartheid era to a newly formed democracy, South Africa has been faced with extreme pressure from the electorate to deliver basic services such as proper roads, removal of refuse, and access to electricity and water as stipulated in the election manifestos of political parties. Two decades into democracy and South African local governments with specific reference to the City of Johannesburg, is still besieged with challenges of unemployment, poverty, electricity, water, sanitation and inequality.

The primary function of Local government is to provide citizens with infrastructure and services that are fundamental elements for social and economic growth. According to Section 152 of the Constitution of the RSA, 1996, a municipality must endeavour to achieve its objectives by providing efficient and effective service delivery such as water, sanitation, roads, storm-water drainage, refuse collection and electricity to all citizens, which are imperative for human existence (Constitution of the RSA, 1996). The White Paper on Local Government, 1998, states that the degree of service provision may differ in various locations based on sustainability and affordability of services to be provided. (White Paper on Local Government, 1998). It is in this regard, that local government has the responsibility to encourage citizens and community participation in the strategies and delivery of municipal programmes.

Service delivery is a concern for governments, especially local government, hence it is for this reason that municipalities comprising of local governments have been established. It is this sphere of government that is closest to the people of the country. The Local Government: Municipal Systems Act 32 of 2000 and the 1996 Constitution unmistakably enacts the duty and responsibility on municipalities to provide and ensure that basic services are provided to communities in a sustainable manner. (Local Government: Municipal Systems Act 32 of 2000 and the 1996 Constitution). If municipalities are incompetent in providing and meeting these basic community needs, then there is an impending possibility for community unrest and conflict. It can, therefore, be said that service delivery protests by communities are warning signals of people's displeasure in the way in which South African municipalities are honouring their constitutional duties and responsibilities.

The study investigated the causes and reasons of service delivery protests in the City of Johannesburg from 2009 to 2014.

1.2 Background to the Study

The government of South Africa is established in terms of the Constitution of the Republic of South Africa, 1996. According to Section 40(1) of the Constitution, the South African government comprises of national, provincial and local spheres of government, which are unique yet mutually dependent and interconnected with each other. Before the democratisation of local government in South Africa, local authorities, as they were then known, were regarded as ordinary institutions created by provincial governments that lacked constitutional status. They only enjoyed the rights and powers that were specially granted to them by the provincial legislatures, hence it can be said, that these local authorities existed at the mercy of the provinces. https://www.salga.org.za.

Subsequent to the democratisation of South Africa, local government plunged its attention towards eradicating all forms of racially based municipal laws and regulations, thus making it a centre for the incorporation of society as well as the redistribution of municipal services to all citizens of the country. https://www.salga.org.za. Furthermore, the adoption of the 1996 Constitution led to the enhancement of local government to a sphere of government, with complete independence. This autonomy granted municipalities of the country the right to govern, on its own accord, the local government matters of its people. Consequently, whilst national and provincial governments may oversee the operations of local government, it must not impinge on the institutional principles of local government. https://www.salga.org.za

South Africa currently has 278 municipalities, based on the three Constitutional categories. Of the 278 municipalities, eight (8) are metropolitan municipalities, forty-four (44) are district municipalities, and two hundred and five (205) are categorised as local municipalities. In terms of Section 152 of the Constitution local government in South Africa has the following objectives:

(a) Provide democratic and accountable government for local communities;

(b) Ensure the provision of services to communities are conducted in a viable manner;

(c) Promote social and economic development;

(d) Promote a safe and healthy environment; and

(e) Encourage the involvement of communities and community organisations in the matters of local government.

For the purposes of this study, the researcher will focus on service delivery protests in the City of Johannesburg from 2009 until 2014. The City of Johannesburg metropolitan municipality (CoJ) was created in the year 2000 by merging five geographically and racially based municipalities into a single "Unicity" (Allan, Gotz & Joseph 2001:5). Through the redrawing of municipal precincts and as part of municipal transformation after the 2000 local government elections, a new metropolitan government was created named the City of Johannesburg (CoJ). Chandra, Kolavalli, Tomlinson, etal (2002:1).

The administration of the City of Johannesburg Metropolitan Municipality during the apartheid era consisted of eleven regions, which were reduced to seven regions in 2006. Each region is operationally responsible for the delivery of health care, housing, sports and recreation, libraries, social development, and other local community-based services. (https://www.joburg.org.za). The seven regions comprise of the following areas depicted in the map below:
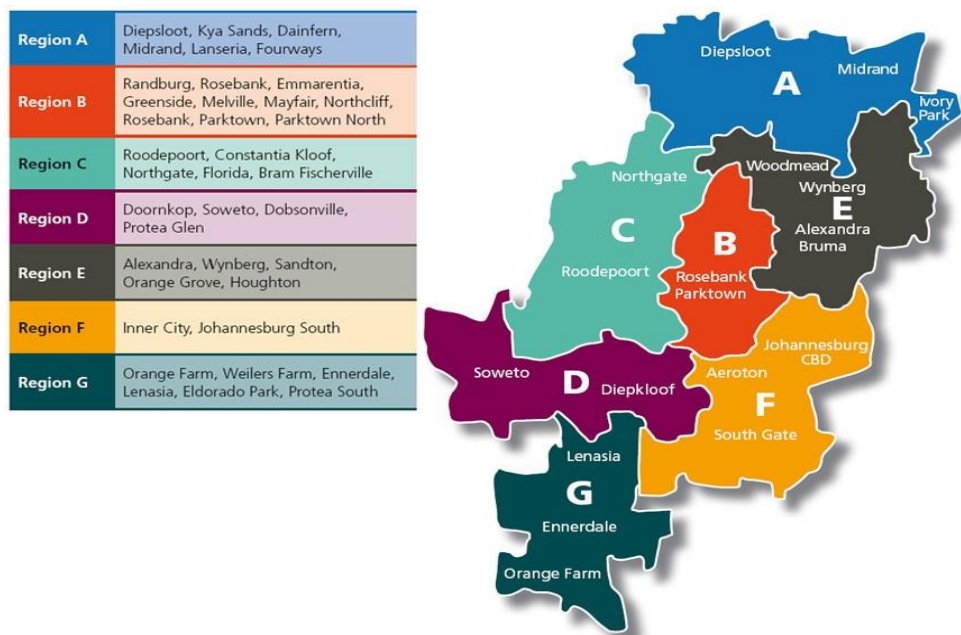
Figure 1 – Regions of the City of Johannesburg. (https://www.joburg.org)

Region A: *Diepsloot, Kya Sand* **Region B**: *Randburg, Rosebank, Emmarentia, Greenside, Melville, Northcliff, Rosebank, Parktown, Parktown North* **Region C**: *Roodepoort, Constantia Kloof, Northgate* **Region D**: *Doornkop, Soweto, Dobsonville, Protea Glen* **Region E**: *Alexandra, Wynberg, Sandton* **Region F**: *Inner City* **Region G**: *Lenasia, Lenasia South, Ennerdale, Orange Farm, Eldorado Park, and Vlakfontein.*

The Executive Mayor, Mr M P Tau in his 2012 state of the city address stated that the CoJ is a major city in South Africa with a populace of 3.8 million. It is anticipated that by 2015 households in the city are expected to increase from 1.3 to 1.5 million and its population to 4.1 million. The increase in the demographics of the city was continuously fluctuating due to the influx of people predominantly from neighbouring countries coming into the CoJ in search for better paying jobs. This inflow of people thus placed a huge burden on the CoJ to deliver basics services and infrastructure to its people. Allan and Heese (2009) (www.municipaliq.co.za), opines that the CoJ experiences high population growth rates yearly. People are constantly in search for better jobs and a better quality of life so they migrate to successful cities like the CoJ where they perceive their relocation to be an economic opportunity. Unfortunately, this certainty is short lived as most migrants find themselves unemployed, living in one of the many hundreds of informal settlements on the periphery of the CoJ. They are often marginalised from access to economic opportunity, as well as access to basic services such as water, sanitation, transport and housing.

Notwithstanding the commitment by CoJ to facilitate economic growth; to reduce poverty and to develop a broader economic base to take care of the basic needs of the poor; urbanisation, essentially the incursion of migrants, poverty and unemployment thwarted this vision (Chandra, Kolavalli, Tomlinson, et al 2002:1). It can therefore be claimed that service delivery protests in the CoJ is a distinct indication that the people are irked in the manner in which the CoJ has been honouring its constitutional mandate with regards to the provisions of basic services such as water, sanitation, roads, storm-water drainage, refuse collection and electricity. The failure to provide these basic services by CoJ to its community has resulted in the impatient citizenry resorting to rioting and protesting as a means of forcing government to deliver these basic services.

One of the many aims and objectives of the newly elected government is to restore and equalize the disparities of the past by ensuring that basic services such as water, electricity, housing, education and infrastructure is made accessible and enjoyed by all citizens of the country. In order for the promised quality of life advocated by the newly established democratic South Africa to be appreciated, local government has to be rehabilitated by introducing non-discriminatory policies and rearranging structures of government (Kuye 2006:294). Mpehle (2012:214) (quoting Maphunye) states that transformation of the South African local government is essential, as it will undo the imbalances of the apartheid regime in the provision of basic services.

1.3 MOTIVATION

The unit of exploration for this study is the CoJ, which has been negatively branded by the increasing service delivery protests because of non-deliverance of basic needs such as water, sanitation, housing, and infrastructure. Service delivery protests in the CoJ has since become a platitude in both print and electronic media because of its occurrence almost daily. According to Bianco (2013:1), South Africa has been proclaimed the 'Protest Capital of the World'. The cause of the protests lies in the apparent and increasing disparities between government of the day and the electorate. Protesters are convinced that government is not delivering on its promises articulated in the political manifesto. Bianco, (2013:1) quotes the former Cosatu general secretary Zwelinzima Vavi in his article that majority of people, especially in the townships, "cannot take it anymore" and are living in "grinding" poverty and unemployment.

In light of the above, the researcher chose to conduct this study on the CoJ with the intent to contribute to the on-going deliberations and debates on service delivery protests taking place in the CoJ.

1.4 PROBLEM STATEMENT

Brynard and Hanekom (2006:16), attests that scientific investigation can only begin once the statement of the problem has been defined. This will then serve to guide the research process. A research problem as conferred by Leedy & Ormrod (2005:43) is the core element of the research process. It is paramount in the achievement of the research effort. The initial requirement in the research process is to comprehend the problem with unwavering clearness and to state it in a precise and in an unmistakeable manner. Every problem needs further delineation to remove the possibility of misunderstandings and this can be achieved by formulating a hypothesis to determine the research question

The Municipal Systems Act 32 of 2000 amongst numerous other legislative proposals concerning local government clearly stipulates that municipalities must oversee providing basic services such as water, sanitation, electricity, roads, housing and electricity to its communities. If such commitments by municipalities are not adhered to, it may lead to service delivery protests. Communities will also resort to service delivery protests in reprisal against local government if the mandate of municipalities which is to encourage economic and social development; motivate communities to participate in local governance issues and provide a safe environment are not fulfilled appropriately.

Even though South Africa is depicted as perhaps the most admirable model of democracy in Africa and the world, the country has borne an increased   number of service delivery protests since the year 2004.   It seems that there remains a lack of progression by municipalities throughout South Africa in identifying the causes of service delivery protests, thus rendering the interventions by municipalities to deal with service delivery protests unsustainable. From 2009 to 2014 the African National Congress (ANC) led government has been experiencing an uproar from diverse communities around the country, concerning a lack of provision of services. These conditions to a certain extent led to the outbreak, of what became known as the service delivery protests in South Africa.

The South African Broadcast Corporation (SABC), reported that service delivery protests in South Africa surfaced for the first time during 2004/05. Since then, many studies have been piloted to ascertain the primary reasons for the protests. For instance, Municipal IQ which is, a specialised local government data and intelligence organisation, collects data on service delivery protests using its Municipal Hotspots Monitor to quantify and better understand the ongoing nature and trends behind such protests. According to the Civic Protest Barometer (CPB), South Africa experienced a total of 204 civic protests in 2009, whereas in 2014 civic protests decreased to 126. Gauteng was the most protest-prone province in South Africa, whereby more than half of all protests took place in metropolitan municipalities of which the CoJ is one of them. CoJ is still facing a backlog of service delivery even after promises were made by the new dispensation to rectify past municipal anomalies Municipal Hotspots Monitor (Municipal IQ 2009b). https://www.researchgate.net/publication/247501338. Rebellion of the poor: South Africa's service delivery protests – A preliminary Analysis Article in Review of African Political Economy March 2010]

1.5   RESEARCH QUESTIONS

Leedy & Ormrod (2005:54) distinguish between hypotheses and research questions by stating that hypotheses are tentative, intelligent guesses about how the research problem may be resolved and are essential to experimental exploration. This dissertation anticipates probing and endeavours to respond to the following significant questions:

i.   *Are service delivery protests in the CoJ caused because of its failure to its people in the provision of basic municipal services such as water, electricity, sanitation, unemployment; poor infrastructure and unfilled promises made to citizens during election campaigns?*

ii.   *Are service delivery protests an indication that communities are losing confidence in the CoJ?*

1.6   RESEARCH OBJECTIVES

The objective of this study is to investigate the causes and reasons of service delivery protests in the CoJ from 2009 until 2014. The research goal is significant as it provides a summary of what the Researcher wishes to attain with the study. The objectives of this study are:

  i.   To investigate the cause and reasons of service delivery protests in the CoJ from 2009 up to 2014 and what can be done to minimise such protests.
  ii. To uncover the core motives that result in the citizenry of the City of Johannesburg using service delivery protests to express their anger and frustrations against the municipality.
  iii. To examine community perceptions regarding good or poor service delivery.

1.7   SCOPE OF THE RESEARCH AND DEMARCATION OF THE PERIOD OF STUDY

The scope of this research is to investigate the causes and reasons of service delivery protests in CoJ from 2009 until 2014. The focal point for this research is on region G of the CoJ which consists of the following areas Lenasia, Lenasia South, Ennerdale, Orange Farm, Eldorado Park,and Vlakfontein. The researcher opted to concentrate on region G of the CoJ because the researcher resides in the area and is familiar with the surroundings. Furthermore, the researcher will unpack the issues of service delivery protests in line with the principles of the policies and regulations governing service delivery.

1.8   DELIMITATION OF THE STUDY

According to De Vos, *et al*, (2011: 111), possible restrictions will ensue in even the most carefully planned research. This study is restricted to service delivery protests in the CoJ from 2009 until 2014.

1.9   DEFINITION OF CONCEPTS

The definition of terms provides an explanation of the significant concepts within the study. According to (Bles and Higson-Smith (1995:35), in order for concepts to be useful they must be defined in a clear and precise manner.

The following concepts are defined to get a better understanding of the topic:

Governance: The term is used to portray the political, economic and administrative power to manage nations concerns. It is composed of multifaceted tools, processes and institutions through which citizens and groups express their interests, exercise their legal rights and obligations and mediate their differences. (UNDP: 1997). According to Theron, Van Rooyen and Van Baalen (2000:29), governance is explained as being a method in which power and authority is applied between and within organisations in government and civil society as well as around the provision of resources. Consequently, it denotes the environment in which the government and its stakeholders cooperate.

Public: The word "public" according to Thomas (1995:1) includes "individual citizens, community groups and interest groups." Creighton (2005:22-23), specifies that the public are "interested or affected individuals, organizations, and government entities" (public does not mean "everybody", some publics may be much smaller than others). His definition also highlights two important goals of public participation: to achieve better and more acceptable decision and to prevent or minimize dispute.

Participation*:* According to Creighton (2005:7-8), participation has many different meanings. Some people use it as if it were synonymous with public information programs – getting the word out to the public. It is frequently used to describe public hearings at which the public comments on what an agency proposes to do. It has also been used to imply that an agreement is reached with the public that will be affected by it. The continuum of participation according to Creighton (2005: 9) illustrated in figure 2 is used to best describe participation."
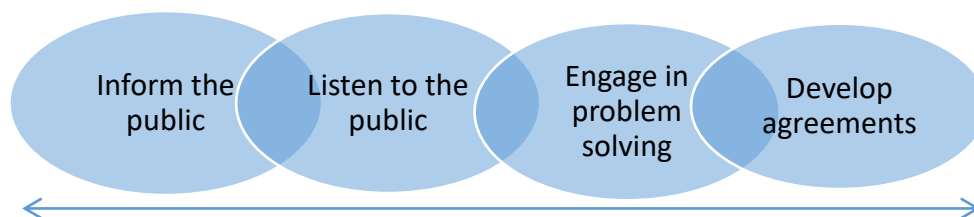
Figure 2 – Continuum of participation

Public Participation: Creighton (2005:7) pertinently defines public participation, as a "process by which public concerns, needs and values are incorporated into governmental and corporate decision making." He further purports that this is a two-way communication process with the ultimate aim of making improved decisions that are supported by the community. Masango (2002) confers that public participation lies at the very heart of good governance. It is essential to the attainment of sustainable service delivery and the instillation of public confidence in government.

Schulenburg (1998) however argues that public participation is an active process in which people are allowed and encouraged to take initiatives, actions and decisions based on their frames of reference of their experiences. The public actively participates in the processes that it sees as being important and of relevance.

Pooling these and many more stances together, Siphuma (2009) summarises the key elements, central to any definition of public participation as follows:

•   It is an organised activity with the community concerned;

•   It is the community that takes the initiative as a collective to participate in Programs of Government; and

•   Government Programs are developed because of initiatives by the community involved

Thus, the true definition of public participation should in fact be community generated, community developed and community driven. The rationale of these core values listed below is to assist in an improved decision-making process which will reflect on the interests and concerns of affected people and entities.

Public services: Are those services provided by government to the public, which includes amongst others water, electricity, sewage, trash disposal, housing, and infrastructure.

Service delivery: Service delivery according to Cloete (2000) is the execution of policy objectives in the public sector. It is related to the provision of basic services to residents such as water supply, street lighting, parks and recreational facilities, roads and storm water, electricity and gas supply, health services, refuse removal, sewage collection and disposal. According to Section 52 of the South African Constitution, it is the responsibility of the local government to ensure that basic services are provided in a sustainable manner, promotion of economic and social development, encouraging communities to participate in governance matters, as well as the assuring of safe and healthy communities. Hence, if these expectations by Local Government are not met, it may lead to community retaliating against government.

Service delivery protests: Municipal councillors are mandated by the Municipal Systems Act of 2000 to drive service delivery, hence it is important that they address service delivery problems when they arise, otherwise it may lead to service delivery protests. Furthermore, councillors must also be able to communicate to the public any challenges or delays in

providing services in order to curb the materialization of communities ensuing in violent action to make their voices heard.

According to Burger (2009:2), the reason for service delivery protests in South Africa with special reference to the CoJ is that people are dissatisfied with the delivery of basic services.

Development Local Government: Is described in section 152 (1) (e) of the 1996 Constitution, as a means of encouraging the involvement of communities and community organisations in the matters of local government. This constitutional endorsement is promoted in terms of the White Paper on Local Government, 1998 that defines developmental local government as local government dedicated to working with citizens and groups within the community to find viable ways to meet their social, economic and material needs and improve their lives. (Government Gazette No. 18739, 13 March 1998:37)

Local government: Local government according to Cameron and Stone (1995:100) is the sphere of government that intermingles closely with citizens through service delivery and can respond most speedily and effectively to local problems.

1.10   RESEARCH DESIGN AND METHODOLOGY

1.10.1 RESEARCH DESIGN

The research design proposed for this study is descriptive and exploratory, and contains qualitative elements because the researcher will rely on the description of events as well as an in-depth understanding of the field of study (Welman and Kruger, 2001:184). The researcher opted to use this method of research design because it is practical, quick and flexible in terms of the financial aspect. Likewise, if and when new important issues and questions arise during the duration of this study, this approach will allow for further investigation to be conducted on service delivery protests in the CoJ from 2009 until 2014.

The relevance of using the qualitative approach will ensure an in-depth analysis and understanding of the problem statement Neuman (2000:148). Furthermore, this method of research as Babbie and Mouton (2001:270), Denzin and Lincoln (1994:2), Du Plooy (2001:29), Marshall and Rossman (1995:5) and Mason (2002:2-3) depict qualitative research as a paradigm that allows the researcher to get an "insider perspective on social action". The feature of this methodology according to Denzin and Lincoln (1994:2) is to enable the researcher to study the phenomena in their natural settings as well as to understand these phenomena in terms of the meanings people bring to them

1.10.2 RESEARCH METHODOLOGY

The research methods that will be used in this dissertation, is one of content analysis as most of the interpretations used by the researcher in the study is descriptive and entails written material in the form of journals, books, magazines, newspaper articles etc. Neuman (2000:31) sums up this technique as a form of gathering and analysing the content of text, which refers to "words, meanings, pictures, symbols, ideas themes, or any message that can be communicated."

This section of the study will thus focus on sampling methods, selection of target population, data collection and data analysis.

1.10.2.1 SAMPLING AND SAMPLE SIZE

The researcher employed the purposive sampling method as well as the case study approach in this study. Purposive sampling according to Creswell (2007:125) is the concept used in qualitative research. Thus, denoting that the researcher chooses people and locations for the study because they can decisively inform an understanding of the research problem and the fundamental aspect of the study from region G. A sample size of forty-five (45) participants was selected in this study.

1.10.2.2 TARGET POPULATION

The participants used in the research consisted of both male and female aged 18 years and 55 years old. The selection criterion was that participants should be full-time residents of the study area to avoid misrepresentation and distortion of information by non-residents, visitors or passers-by.

1.11 DATA COLLECTION TECHNIQUES

The researcher used various techniques to collect and analyse the data as follows:

1.11.1 DOCUMENT ANALYSIS

The researcher referred to various information from books, journals, ministerial speeches, newspaper articles, government documents and policies with a specific emphasis on amongst others service delivery protests, significant issues in service delivery and community perceptions on the delivery of services. By analysing and studying the various documents, the researcher acquired an in-depth understanding of the issues relating to the topic.

1.11.2 INTERVIEW SCHEDULES

The data collection method that was used by the researcher in this study entailed conducting interviews with relevant officials from the CoJ and randomly selected residents from Region G of the CoJ, which consists of Lenasia, Ennerdale, Orange Farm, Eldorado Park and Vlakfontein. According to Terre Blanche *et al.* (2006:287), interviewing is the primary method of data collection in qualitative research. Kvale, in Terre Blanche *et al.* (2006:287), states "… qualitative interviews are attempts to understand the world from the participant's point of view to unfold the meaning of peoples" experiences and to uncover their lived world prior to scientific expectations."

For the purpose of the study, the researcher used the semi-structured interview method. This method of interview is conducted by the researcher, who has already prepared prearranged questions on an interview schedule, and will be guided by that schedule during the interview process (De Vos *et al.*, 2005:296). The interview schedules for this study was administered by the researcher. According to Niewenhuis in Maree (2007:87), when conducting a semi-structured interview, the researcher is required to be focused and attentive to the responses by participants in order to recognise and detect new emerging inquiries that are related to the subject matter and to explore them. The semi-structured checklist was prepared by the researcher to allow the process to be "flexible, iterative, and continuous, rather than prepared in advance and locked in stone" (Rubin and Rubin, 1995:43).

1.12 DATA ANALYSIS AND PRESENTATION

The researcher analysed the data qualitatively by identifying themes and patterns in data and then extracting conclusions from the data (Mouton, 1996). In order to organise data categorically, the information collected was then assembled based on the objectives that were addressed during the interview process for elaboration and interpretation. According to Greenstein, Roberts and Sitas (2003: 75), data analysis is the method of bringing order, structure and meaning to the data gathered.

1.12.1 ETHICAL CONSIDERATIONS

During this study, the researcher had to contend with a number of ethical requirements. Babbie and Mouton (2001:520) illustrated four ethical issues that must be taken into consideration in social research, which is to be "voluntary participation, no harm to the participants, anonymity and confidentiality, and not deceiving subjects."

It is in this regard, participants who formed part of the sample for the empirical component of the research were firstly required to sign the informed consent form before notifying them of their rights such as their right to anonymity, their right to withdraw from the study at any time and that their participation is on a voluntary basis.

The identity of the respondents who participated in the interview process was respected and not disclosed in any way. Utmost restraint was taken to ensure that no harm happens to the participants during and after the research process. It was unlikely to maintain complete anonymity during the interview procedure because these were face-to-face interviews. The responses from each participant were handled with a high level of confidentiality and participant identity was not disclosed, as the researcher was using would-be names.

The researcher took detailed notes during the interview process and the data was then collated and transcribed accordingly. Data consolidated immediately after the interviews is considered the best way to obtain reliable, comparable and qualitative data. Voice recorders were not used during the interview process as they might intimidate or deter the informants from expressing their opinion in an open and honest manner.

The researcher only conducted this empirical research upon receiving permission from University of South Africa (UNISA) and from the CoJ to undertake the research.

This research upheld all the above-mentioned ethical considerations.

1.13.   LITERATURE STUDY

1.13.1 DOCUMENTS AND RELATED PRINT MATERIAL

The researcher will be conferring with literature relevant to the topic. Literature will include amongst others:

- Pertinent and significant literature on governance relating to serve delivery protests
- South Africa legislation such as Constitution of the RSA, 1996; White Paper on the Transformation of the Public Service; White Paper on the Transformation of the Public Service (Batho Pele White Paper); Local Government Transitional Act (209 of 1993); Municipal Structures Act (117 of 1998) (RSA 1998b); Municipal Systems Act (32 of 2000) (RSA 2000)
- Published and Unpublished dissertations and theses
- Newspaper articles
- Journal articles

1.14   OVERVIEW OF CHAPTERS

This dissertation is divided into seven chapters and will comprise of the following themes:

1.14.1 Chapter 1 will deal with the synopsis of the study focussing on the introduction of which will include amongst others the statement of the problem, motivation of the study, significance of the study, aims and objectives, research questions, methodology, limitations of the study, as well as the organisation of the study.

1.14.2 Chapter 2 will deal with a literature review focussing on the causes and reasons on service delivery protests in the CoJ from 2009 until 2014. It will also concentrate on the constitutional framework of government and the transformation of local government within the context within which service delivery

1.14.3 Chapter 3 will deal with Local Government in its entirety touching on historical background, functions of municipalities, development local government.

1.14.4 Chapter 4 will deal with the Constitutional mandate relating to service delivery of local government level in South Africa.

1.14.5 Chapter 5 will deal with research methodology, which includes the research area, population and sampling of participants, data collection, processing of collected data, permission and ethical considerations.

1.14.6 Chapter 6 will deal with the presentation, analysis and interpretation of data.

1.14.7 Chapter 7 will deal with findings, recommendations and conclusion

1.15 SUMMARY OF THE CHAPTER

Chapter 1 of this study exhibited the design and orientation of the entire research study. It provided the literature review by way of background to the study, a statement of the problem, motivation of the study, significance of the study, aims and objectives of the study, research questions, limitations of the study, operational definition of concepts, research design and methodology, ethical considerations and the outline of the study. In the next chapter, the researcher will concentrate on reviewing literature that is related to the study.

This chapter also focused on the significance and relevance of such a study to be conducted, highlighting the research design and methods that was used in this study. By means of in-depth interviews, the researcher was able to accrue the necessary information in order to answer the study's research objectives.

CHAPTER TWO

2. LITERATURE REVIEW

"Clearly, the matter of service delivery is central to our freedom because we cannot enjoy this freedom while our fellow South Africans have no clean water, have no sanitation and are still using the bucket system. We cannot enjoy this freedom while many among us still have no electricity and other basic services. It is therefore very important that all spheres of government combine their efforts to ensure speedy implementation of programmes around these basic services." (President Thabo Mbeki, April 27, 2006)

2.1 INTRODUCTION

In chapter one, the researcher provided a general introduction to the study which included amongst others the introduction and background for the study in order to contextualise the problem statement, research questions, as well as the objectives and significance of the study. In addition, chapter one also comprised of an exploration of key concepts, method of data collection, sampling method, data analysis and interpretation as well as limitations and sequence of the study.

In this chapter, the researcher will firstly provide a narrative on the status of local government in South Africa. Reference will be made on the features of municipalities, types of municipalities, as well as powers and purposes of municipalities in South Africa. Secondly, the researcher will craft a theoretical backdrop for this research topic in order to enhance existing information on service delivery protests taking into consideration the following:

i.   Why are service delivery protests still happening after more than twenty years of democracy?

ii.   Are service delivery protests only about the non-deliverance of basic services such as water, electricity, sanitation and poor infrastructure or is it because of growing discontentment of citizens due to the deficiencies in public participation

processes; corruption; poor communication; weak governance; nepotism; and unfilled promises?

From 2009 until 2014, high levels of demonstrations, which are often referred to as 'service delivery protests' reached extra ordinary heights amongst South African communities. The African National Congress (ANC) led government has been experiencing an uproar from diverse communities around the country, concerning a lack of provision of services. These conditions to a certain extent led to the outbreak, of what became known as the service delivery protests in South Africa.

2.1.2 CONSTITUTIONAL FRAMEWORK OF GOVERNMENT IN SOUTH AFRICA

In trying to contextualise the essence of service delivery, it is imperative that the researcher discusses the constitutional framework of government in order to acquire an enriched understanding of how the three spheres of government work together to warrant the delivery of basic services such as water, sanitation, refuse removal, electricity infrastructure and roads to the entire populace of the country.

The birth of democracy in South Africa also led to the introduction of numerous pieces of legislation aimed at transforming the public service by endorsing plans for sustainable development with the purpose of addressing service delivery anomalies of the past. For the purpose of this research, the focus will be on legislation pertaining to the local level of government (municipalities).

2.1.2.1 LEGISLATIVE FRAMEWORK AND GUIDELINES

2.1.2.1.1 CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996

The term 'constitution' is defined, in the *Concise Oxford Thesaurus* (Waite *et al.*, 2002:167), as an agreement, social code and a law that comprises of a bill of rights, rules, regulations as well as important principles of its society. The constitution of a country thus turns out to be the superlative law for the country, from which all laws and regulations must derive lawfulness and justice. It is in this regard that Nel, Van Dyk, Haasbroek, Schultz, Sono and Werner (2004:81), state that the Constitution of the RSA of 1996 is the highest Act of the country.

Section 1 of the Constitution of 1996, enunciates that the Republic of South Africa is one, sovereign state founded on the following values:
   a) Human dignity, the achievement of equality and the advancement of human rights and freedoms;

b) Non-racialism and non-sexism;

c) Supremacy of the constitution and the rule of law; and

d) Universal adult suffrage, a national common voter's roll, regular elections and multi-party system of democratic government, to ensure accountability, responsiveness and openness.

2.1.2.1.2 WHITE PAPER ON THE TRANSFORMATION OF THE PUBLIC SERVICE, 1995

This piece of legislation was introduced in 1995 with the purpose of transforming the public service to become "representative, coherent, transparent, efficient, effective, accountable, and responsive to needs of all". (White Paper on the Transformation of the Public Service).

2.1.2.1.3 WHITE PAPER ON THE TRANSFORMATION OF THE PUBLIC SERVICE (BATHO PELE WHITE PAPER)

The White Paper on the Transformation of the Public Service: Batho Pele White Paper, 1997 pursued to address the matter of putting people first as well as viewing the beneficiaries of services as customers. This policy framework contains eight service delivery principles in order to address service delivery problems, which are:

- Consistent discussion with customers
- Setting of service morals and ethics
- Ensuring high levels of politeness.
- Providing correct up-to-date information about services.
- Increasing candidness and transparency about services.
- Fixing failures and mistakes
- Increasing access to services
- Giving the best possible value for money

2.1.2.1.4 LOCAL GOVERNMENT TRANSITIONAL ACT

According to (Cornwall & Coelho 2007:9) the Local Government Transitional Act (209 of 1993 is legislation not only brought about change to the local government sphere, but it also transformed it from being racially segregated into being democratic and independent with an extensive developmental mandate. The new dispensation pursued to create new democratic arenas that would include citizens of CoJ in decision-making processes.

2.1.2.1.5 MUNICIPAL STRUCTURES ACT 117 OF 1998

The Municipal Structures Act 117 of 1998, is a policy framework that led to the formation of Ward Committees (WCs) in order to establish a connection between the public and municipal councils with the aim of bringing government closer to the public

2.1.2.1.6 MUNICIPAL SYSTEMS ACT 32 OF 2000

The Municipal Systems Act 32 of 2000 introduced the principle of Integrated Development Planning (IDP) to allow the public's views and aspirations to be integrated into municipal development plans. The Act provides for a process of public participation in the matters of Local Government because it is a vital tool that underpins the actions of a democratic government.

The above-mentioned regulations were introduced in order to transform the apartheid led government by promoting democratic morals and ethics such as community participation in decision-making processes of the government, openness and transparency about the delivery of services, equality and fairness.

Regardless of the introduction of policies and the restructuring of the public sector of the country to correct the inconsistencies of the past, service delivery in the CoJ is still not sufficiently visible. Protestors have sited many reasons why they undertake service delivery protests of which include amongst others the lack of public participation by communities in decision making processes of government; corruption; poor communication; weak governance; nepotism; dissatisfaction with the delivery of basic services such as water, electricity, sanitation, unemployment; poor infrastructure and unfilled promises made to citizens during election campaigns.

2.2 THE THREE SPHERES OF GOVERNMENT

According to Theunissen, (2000:118), Government denotes the body or bodies accountable for governing the State. The birth of democracy, led to the South African Government adopting a multi-level system of government comprising of the following three spheres: national, provincial and local governments as depicted in the diagram below. Section 40(1) of the Constitution of RSA, 1996, clearly enunciates that the three spheres of government are distinctive, interdependent and interrelated from each other. Because of the distinct,

interdependent and interrelated character of the three spheres of government, and the concurrent delegation of functions; cooperation and intergovernmental relations among the three spheres of government is therefore essential (Dlanjwa, 2013:1).

Figure 3 – 3 spheres of government - http://www.localgovernmentaction.org

Although provinces are "distinctive", they execute their powers and enact their tasks within the regulatory framework set by the national government. The observation of consensus to the framework is crucial and if need be, intercession will be pursued when constitutional or statutory commitments are not fulfilled (SARPN, 2003:8). The "distinctive" component according (Layman: 2003:28) is that each sphere of government exists in its own right; it is the final decision-maker on a defined range of functions and is accountable to its constituency for its decisions Theunissen: (2000)

Similarly, municipalities are also dependent to both the national and provincial regulatory and supervisory powers. This relationship of regulation and supervision outlines how the three spheres are "interrelated" (SARPN, 2003:8). Within the regulatory frameworks, provinces and municipalities appreciate implicit independence they are afforded, remaining accountable to their electorates to reflect their policy preferences. It is in this sense; the spheres are "interdependent" (SARPN, 2003:8). Thus, meaning that even though each sphere has its own powers and functions, each sphere requires the assistance and support of each other to effectively render services to the public. Steytler (2005:204) opines that South Africa's system of decentralization is theorised as a "three-cornered hat" because the three spheres of government are 'distinctive' in their powers, 'interrelated' in a hierarchy of

supervisory powers, and 'interdependent' to perform the task of government in a cooperative manner."

Each sphere of government is apportioned as per the Constitution and functions on either an exclusive or a mutual basis as follows:

2.2.1   NATIONAL GOVERNMENT

National government comprises of a Parliament and a National Executive.   National legislative authority is vested in Parliament, which consists of the National Assembly and the National Council of Provinces (NCOP). National government is the top sphere in the hierarchical structure of government and has numerous roles and responsibilities in overseeing the sustainable maintenance of peaceful relations through the entire system of government (Libdspace.2012:27).

National defence, foreign affairs, the criminal justice system (safety and security), higher education, water and energy resources and administrative functions such as home affairs and tax collection lies within the domain of national government. However, social services competencies are shared between the national and provincial governments, which include amongst others school education, health services, social security and welfare services, housing and agriculture. In these areas, the national government is responsible for policy formulation, determining regulatory frameworks including setting (Layman: 2003:28).

National government is also tasked to cultivate a rigorous intergovernmental relations system, which will be advantageous to socio-economic transformation. This will also ensure that the various support processes are provided to support municipalities in the implementation of vital changes at grassroots level (Dspace:2001:77)

2.2.2 PROVINCIAL GOVERNMENT

The Constitution creates and defines nine provinces for the country each with a provincial legislature and a provincial executive. Provincial legislative authority is conferred in the provincial legislature. The executive authority of each of the nine provinces is exercised by the Premier together with Members of the Executive Council (MECs) (DPLG, 2006:4).

There are a limited number of exclusive provincial functions including the granting of liquor licenses, provincial roads, ambulance services and provincial planning. (Layman: 2003:28).

2.2.3 LOCAL GOVERNMENT

The birth of democracy in South Africa generated an important milestone for local government, as it paved the way for the formation of local authorities to be established based on democratic principles that allows residents to participate in planning and decision making regarding matters affecting their general welfare.

The local government sphere in South Africa is placed at the lower echelon of the government structure and consists of municipalities and district municipalities. The reason for this strategic placement is to bring local government closer to communities. Local government is commonly referred to as a community government that is "closest to the people" and is liable for the delivery of the basic services such as water, sanitation, refuse removal, electricity infrastructure and roads to communities (Layman: 2003). According to (Maxwell 2012:27-29), several scholars and authors describe local government as "grassroots" government because of its close proximity to the people. It is this sphere of government where the communities have a close interaction with and hence, should be sustained and resourced by delivering adequate services to them. Municipalities are responsible for the provision of basic services, such as water, electricity, refuse-removal, and municipal infrastructure.

Local government is one of the three spheres of government initiated as per the Constitution of the Republic of South Africa, 1996, (Act 108 of 1996 Section 40(1)); the other two being the national and provincial spheres of government. Nel (1998:79) describes local government as the sphere of government that aims to recognise the needs of the people and to enhance their wellbeing by developing the environment that is in line with the needs of the citizens. Whilst local government has the concession to make and administer its own laws, it is still overseen by national and provincial government. Hence, local government is regarded as a sub-ordinate sphere of government bestowed with prescribed powers and sources of revenue to deliver local services as well as to foster social and economic development of defined local areas (Meyer, 1978:10).

To properly appreciate the existing state of local government in South Africa, it will be prudent for the Researcher to provide insight of the historical background, as well as policy formulation, which gave rise to the conception of a new local government.

2.2.3.1 HISTORICAL BACKGROUND OF LOCAL GOVERNMENT IN SOUTH AFRICA

During the apartheid era, South Africa comprised of local governments that were governed according to racially based rule. According to Reddy (1996:5), the apartheid value system

was displayed noticeably in the local government sphere. It is in this sphere of government that laws were created to divide communities in terms of race, colour and creed. Local governments became the means through which racial groups were alienated from each other by being kept separate. It is for this reason that upon the downfall of apartheid fundamental transformation in local government structures had to take place Tsatsire et al. (1996:1)

Preceding the enactment of the Constitution of the Republic of South Africa in 1996, local governments were regarded as ordinary establishments formed by provincial governments. Local governments during this period lacked constitutional status and only had rights and powers accorded to them by legislatures thus making them existent at the clemency of the provinces. (http://www.salga.org.za)

After being emancipated from the apartheid rule in 1990, the transformation of local governments in the country began in earnest. The process of transforming local government was not an easy task because of its closeness to communities and because it focused mainly on community related matters. According to http://dspace.nwu.ac.za, local government suffered the most as a result of the impact of the previous government's policy of separation. Hence, it is imaginable why the existing basic service delivery and socio-economic disputes by South African communities are felt most by local governments in the country.

Local government because of its close proximity to its people is regarded as a first point of entry for communities to raise issues relating to their wellbeing. It is characterised by three crucial features which are *1)* independence as a sphere of government with a legal status different from that of the central government, 2) power to raise its own revenue and to spend it on the execution of its functions, as allocated to them by the law, and 3) authority to make decisions as a responsible organ of state in its own right and not as an extension of the central administration (Rothchild, 1994:54). Lockhard (1968:451), endorses these characteristics of local government by stating that it is a public organisation sanctioned to manage and administer the affairs of a given territory. Reddy, (1996:50), describes local government as being a sphere of government and is not an individual municipality. He states further that all individual municipalities in their entirety make up a joint sphere, known as local government. These municipalities are created for the whole of South Africa to render services in specific geographical areas/locality/jurisdiction (Constitution of the RSA, 1996).

Local government consists of municipalities**.** Metropolitan areas are administered by metropolitan municipalities, whilst other smaller areas are divided into district municipalities.

(www.etu.org.za) According to Reddy (1996:50) municipalities have been established to provide services to communities in certain geographical areas/locality/jurisdiction in a sustainable manner (Constitution of the RSA). They are structured into three groupings which are referred to as metropolitan, local and district municipalities. Currently, South Africa has eight metropolitan municipalities of which the CoJ is one of them, 226 local municipalities and 44 district municipalities.

Metropolitan municipalities as specified in Section 155 of the Constitution is conferred with privileged power over its areas compared to local and district municipalities which share authorities over their jurisdiction. http://www.southafrica.info.
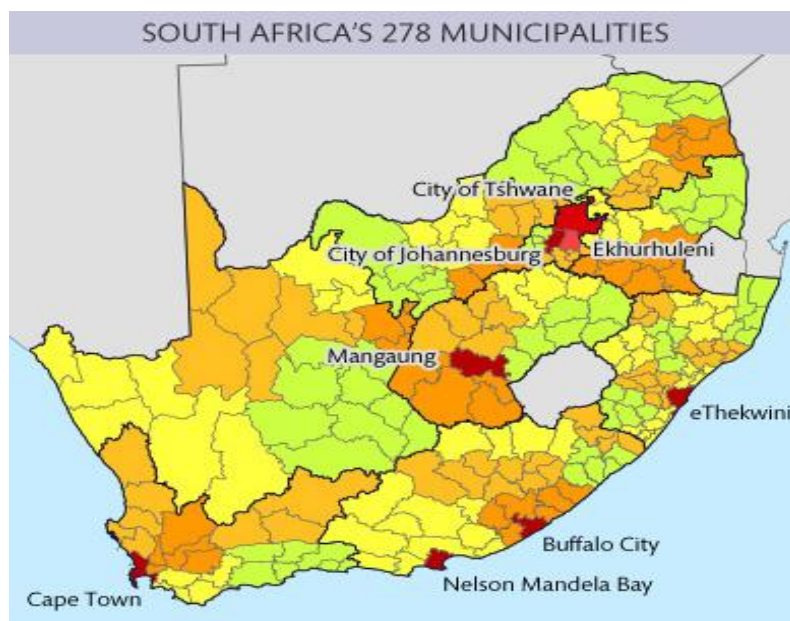
Figure 4- Map of South Africa's municipalities. Shaded areas indicate district municipalities, each subdivided into the local municipalities they govern. The eight city or metropolitan municipalities are in shades of red, and named. (Image adapted from Wikimedia Commons). The country has 278 municipalities: eight metropolitans, 44 district councils and 226 local municipalities http://www.southafrica.info/about/government

2.2.3.2 CATEGORIES OF MUNICIPALITIES

The development of the local government framework in 1994, resulted in the grouping of municipalities into three categories as provided for in Section 151 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996:) as well as Chapter 1 of the Local Government: Municipal Structure Act, 1998 (Act 117 of 1998). The first type of municipality is the metropolitan municipality which is referred to as a "Category A" municipality, the second category of municipality is the local municipality which is referred to as "Category B"

municipality, and the third type of municipality is the district municipality which is referred to as a "Category C" municipality.

There are three different kinds of municipalities in South Africa:

a) **Metropolitan municipalities (Category A):** Metropolitan municipalities are found in the eight biggest cities in South Africa such as: Buffalo City (East London); City of Cape Town; Ekurhuleni Metropolitan Municipality (East Rand); City of eThekwini (Durban); Mangaung Municipality (Bloemfontein); Nelson Mandela Metropolitan Municipality (Port Elizabeth): City of Tshwane (Pretoria) and the City of Johannesburg. (Pretorius and Schurink ,2007 5 (3) 19:29). Category A municipalities or Metropolitan Council have overall municipal executive and legislative authority in their respective areas of jurisdiction. According to Section 2 of the Local Government: Municipal Structures Act 117 of 1998, they are considered as areas where there is "high population density; an intense movement of people, goods, and services; extensive development; multiple business districts and industrial areas." They are also areas with a "centre of economic activity with a complex and diverse economy and have strong interdependent social and economic linkages between its constituent units." (Section 2 of the Local Government: Municipal Structures Act 117 of 1998). As such, metropolitan councils operate independently of local municipalities and district municipalities. Nyalunga (2006)

b) **Local municipalities (Category B):** Local municipalities are regions that fall outside of the six metropolitan municipal areas and are divided into local municipalities. There are 205 local municipalities and each municipality is broken into wards. (Pretorius and Schurink ,2007 5 (3) 19:29). Category B municipalities or Local Councils shares municipal executive and legislative authority in its area of jurisdiction with a category C municipality within whose area it falls. According to Section 2 of the Local Government: Municipal Structures Act 117 of 1998, they are municipalities with "collective executive system combined with a ward participatory system; a mayoral executive system combined with a ward participatory system; plenary executive system; combined with a ward participatory system.

c) **District municipalities (Category C):** District municipalities are made up of several local municipalities that fall in one district. There are 44 district municipalities in South Africa, which are responsible for the development and the delivery of basic service to the entire district. District Municipalities are also responsible for ensuring that a safe

and peaceful environment is founded on viable social, economic and physical growth plan, thus affording a better life for all citizens in the area through transparent and accountable governance (Pretorius and Schurink ,2007 5 (3) 19:29). Category C municipalities or District Councils have municipal executive and legislative authority in an area that includes more than one municipality. According to Section 2 of the Local Government: Municipal Structures Act 117 of 1998, are municipalities with a "collective executive system; with a mayoral executive system; and with a plenary executive system."

Category A	Category B	Category C
Metropolitan Municipality Exclusive authority to make rules over its area of jurisdiction	Local Municipality Shares authority with district municipality in whose area it falls	District Municipality Authority to administer and makes rules in areas, which includes more than one local
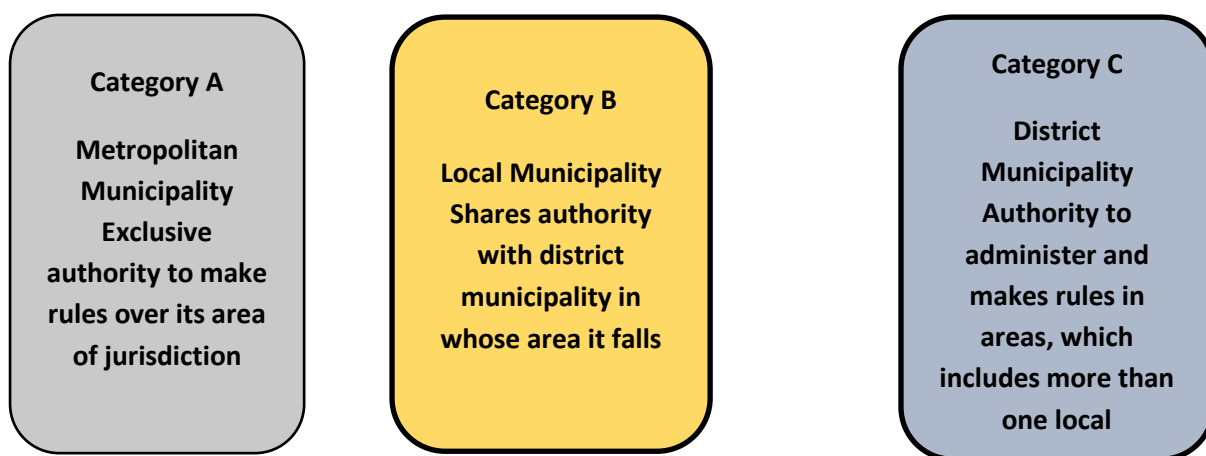
Figure 4 – Categories of Municipalities. Taken from SALGA - Guideline Document on the Roles and Responsibilities of Councillors and Officials

According to Mudzamba and Sibanda, (2012:1), local government in South Africa is not entirely a function of national or provincial government anymore; it is now considered as a sphere rather than a tier of government with its own mandate. Section 152 of the Constitution of South Africa, 1996 stipulates that the purpose of the local sphere of government, amongst which is guaranteeing the provision of services to communities in a justifiable manner. In spite of this constitutional obligation, poor or lack of service delivery by local authorities is still receiving considerable media attention. (Mudzamba and Sibanda, 2012:1)

The delivery of basic services to citizens is a competency of local government and is thus mandated to provide such services and to promote social and economic development to the citizenry of South Africa. (Raga and Taylor, 1999). If basic services such as water, sanitation, electricity, roads, housing are not provided to citizens, it could ignite impatient communities into venting their frustrations by means of protesting. It can therefore be said that service delivery protests are a conspicuous indication that the citizens of South Africa

are disgruntled with local government in discharging its constitutional mandate, which according to Section 152 of the Constitution is as follows:

i. Provide democratic and accountable government for local communities;
ii. Ensure the delivery of services to communities in a justifiable manner;
iii. Encourage social and economic development;
iv. Endorse a safe and healthy environment; and
v. Encourage the participation of communities and community organisations in the matters of local government.

Sections 26 and 27 of the Constitution of 1996 postulates the importance of citizens' rights relating to basic services such as housing, social security, water, electricity, education and information that must be provided in a justifiable manner. Through the provision of Sections 152(1) and 195(1) (e), the involvement of communities and community organisations in matters of local government and public participation policy making is encouraged. Clause 32.1 states that it is government's responsibility to notify citizens on the services they are supposed to receive whilst Section 17 permits citizens to participate in peaceful protests if they feel that their rights have been dishonoured or if their needs are not met. (Constitution of the RSA, 1996).

All three spheres of government are thus required to conduct their respective Constitutional mandates in cooperation, mutual trust and good faith through fostering friendly relations; assisting and supporting one another; informing one another of, and consulting one another on, matters of common interest; and coordinating their actions and legislation with one another. (Dspace, 2010:77)

2.2.3.3 FUNCTIONS AND POWERS OF MUNICIPALITIES

Municipalities have been given wide ranging functions and powers since South African became a democratic country in 1994. As per Sections 156 and 229 of the Constitution of the RSA, 1996, the following powers and functions have been assigned to municipalities:

- "the right to administer the local government matters entrusted to it in the Constitution (Schedule 4(B) and 5(B);

- "the authority to make and administer by-laws for the effective administration of the matters assigned to it, may impose rates, taxes and surcharges for the services provided by or on behalf of the municipality;

- "may develop and adopt policies, plans and strategies, promote development and implement national and provincial legislation as assigned to it (Act 32 of 2000, section 11); and
- "to do anything else within its legislative and executive competence"
  Thornhill (2008:503)

The above function and powers of municipalities in South Africa after democratisation in 1994 meant that there be a complete makeover of all municipalities and the services they provide. During the apartheid government South Africa consisted of racially based local authorities responsible for a limited number of municipal services. The major transformation commenced
in 1998 with the formation of all-inclusive municipalities with extensive functions covering the total geographic area.

2.2.3.4 RESTRUCTURING OF LOCAL GOVERNMENT IN SOUTH AFRICA

The cessation of the apartheid system in 1994 in South Africa and the introduction of newly established democratic local government was a testing time for all three spheres of government.   Local government was confronted with replacing innate socio-political objectives, predominantly those relating to the poor and ostracised people of the country into authentic living and working conditions for all citizens of South Africa. Koma (2012) and Mogale (2003:231). Mogale, T. 2003. http://repository.up.ac.za/

One of the major innovations of the Constitution, 1996 was the elevation of local government to a sphere of government, firmly establishing local government's independence. All the individual municipalities make up the sphere of government identified as local government (Reddy, 1996:50). A municipality now has the right to govern on its own initiative the local government affairs of its community thus meaning that while national and provincial governments may supervise the functioning of local government, this must be done without encroaching on the institutional integrity of local government. Municipalities are likewise subject to both the national and provincial regulatory and supervisory powers. It is this relationship of regulation and supervision that defines how the three spheres of government are "interrelated". Provinces and municipalities exercise their distinctive powers within imposed frameworks and under supervision (Layman: 2003).

Since the transformation to democracy, local government in South Africa submitted to a succession of changes in order to meet the needs and demands of the country's citizens. These changes comprised tackling underdeveloped regions and municipalities due to the

apartheid-legacy; encouraging participatory governance at the local level as well as strengthening local government to bolster sustainable development and improve service delivery.

According to Van der Wal, Pampallis & Bond, (2002), the advent of a democratic South Africa generated hopes and opportunities of equalisation across racial, gender, socio-economic and geographic boundaries, together with the delivery of basic services such as access to water, electricity, transport, housing sanitation etc to all the people of the country. The aim of any modern government according to Van der Wal et al. (2002), is to establish provisions within a country that will ensure that every citizen enjoys a good quality of life and to do so, local government must identify priorities in relation to formulated objectives, targets, services and strategies. Van Der Wal, R. W. E., Pampallis, A. & Bond, C. (2002).

Developmental local government is defined as per the White Paper on Local Government (1998:17), as 'local government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of lives'. This thus signifies the importance placed on the developmental of local government as an institution, which is supposed to strive in improving the lives of people. In addition, the Constitution of the RSA, 1996 requires local government to be developmental. This declaration has widespread implications for local government and on the administration of municipalities throughout the country. Even though the concept of developmental local government has been difficult to grapple with by certain people, the ultimate focus of the concept is a forethought for what the future form of local government in South Africa should be. Hence, developmental local government refers to a democratic local government in which the needs of all, more especially those of poor and vulnerable communities, are met by efficient and effective municipality's (http://repository.up.ac.za).

In terms of the new developmental mandate, municipalities are now required to exercise a representative function with enriched community participation in order to achieve service delivery, social and economic development and a healthy environment. The characteristics that administer the directive of development local government is thus advantageous in understanding Constitutional and statutory provisions that deal with local government.

2.2.3.5 CHARACTERISTICS OF DEVELOPMENTAL LOCAL GOVERNMENT

The White Paper on Local Government (1998), articulates four characteristics of developmental local government as follows:

a) *Maximising social development and economic growth:* it is now a necessity that local government must now exercise its powers and functions in a way that has a greatest impact on economic growth and social development of communities.

b) *Integrating and co-ordinating:* local government must manage all developmental activities of other state and non-state proxies in the municipal area.

c) *Democratising development:* local government is a sphere of government that is closest to the people and is a mouthpiece through which people can work with to achieve their vision of the kind of place in which they wish to live in.

d) *Leading and learning:* municipalities must ensure that they build capital, look for answers on how to intensify sustainability and to persuade local political leadership. (http://repository.uwc.ac.za)

The role of development local government is consequently to promote economic growth, job creation and alleviation of poverty for all South Africans. This mandate of developmental local government has thus evidently placed the sphere of local government to become developmental both in practice and in content. The ultimate role of municipalities is to ensure that the needs of the citizens are met by providing them with amongst others the following services, water, sanitation, electricity, roads, etc to satisfy their basic needs. Local government is the sphere of government closest to the people; they are elected by citizens to represent them and are responsible to ensure that services are delivered to them (http://www.etu.org.za)

The developments at local government level have been supported by applicable legislative responses to expedite service delivery, which included amongst others, the 1998 White Paper on local government, which recommended a policy of developmental local government placing greater emphasis on participatory planning. The White Paper called on councillors to work with the institutions of civil society to foster community participation and consensus around development and find local solutions to problems (Watson, 2001).

Subsequent to a review of the State of Local Governance in South Africa conducted in 2009/2010, the Ministry of Co-operative Governance and Traditional Affairs initiated the Municipal Turnaround Strategy. The strategy endorsed municipal service delivery problems to external and internal factors. The internal factors related to issues over which the municipality could exercise a direct influence, such as the quality of decision-making by councillors, the quality of appointments within the municipal administration, procurement and

financial governance. The external issues were those over which municipalities exercised little control and included its revenue base, the legislative environment, demographic, prevailing macroeconomic conditions, and intergovernmental relations (IGR) (Paradza, Mokwena, Richards, 2010)

It is noted that the Constitution,1996 which is the superlative law of the country has set a well-founded basis for the developmental local government assigned to provide public services such as water, electricity, sanitation, infrastructure to citizens in a transparent, justifiable and democratic way. According to Caulfield and Schultz (1993:32), local government cannot provide public services to communities alone. Hence, the principle of 'intergovernmental relations' as proclaimed by Bekink (2006:90) who accentuates the importance of co-operative government as portrayed in Chapter Three of the Constitution, 1996. In demonstrating the principles of co-operative government and intergovernmental relations, the Constitution links all spheres of government to the following three principles:

i. Collective faithfulness and devotion to South Africa as a whole. In other words, all spheres of government are steadfast in safeguarding the well-being of citizens of the country as well as to provide valuable, transparent, accountable and coherent government for the Republic as a whole. This is the object of cooperative government.

ii. Second, the distinctiveness of each sphere must be safeguarded. This entails the following: the constitutional status, institutions, powers and functions of each sphere must be respected; a sphere must remain within its constitutional powers; and when exercising those powers, a sphere must not do so in a manner that encroaches on the geographical, functional or institutional integrity of another sphere.

iii. Thirdly, the three spheres of government must take tangible steps to realize co-operative government by:

❖ Promoting friendly relations amongst the three spheres of government;
❖ Assisting and supporting each sphere of government;
❖ Informing and consulting each sphere of government on matters of common interest;
❖ Co-ordinating their actions and legislation amongst of spheres of government;
❖ Adhering to agreed procedures; and
❖ Avoiding legal proceedings against one another. (Bekink 2006:90)

No single sphere of government can, in isolation, provide services and deal with challenging backlogs in service delivery whilst being developmental; services must be provided in collaboration with other spheres of government. These include agencies of government, community-based organisations, supported by the private sector, non-governmental organisations and the community itself. Integration of service delivery can also be facilitated through engendering a sound co-operative ethic in the practice of government. (Tsatsire, Taylor and Raga, 2010:274).

The inception of a democratic South African government in 1994, gave rise to the establishment of one local government system from the incoherent, undemocratic, incomprehensible and racially divided apartheid system http://repository.up.ac.za. During the apartheid regime, local governments comprised of a range of disjointed institutions that were racially separated, resulting in the provision of prejudicial municipal services to the different communities.

It is in this regard that the transformation of local government was focused at eradicating the racial basis of government and introducing a cohesive society with the redistribution of municipal services to all people of South Africa in an equal manner. http://dspace.nwu.ac.za. In trying to attain democracy, a number of important political changes took place in the country especially during 1993. Robust negotiations ensued which led to the setting of the final date for a general election in April 1994. With the pronouncement of the Interim Constitution of the Republic of South Africa Act, 200 of 1993 on 22 December 1993 and it's coming into effect on 10 May 1994, local government in South Africa was going to submit to a deep-seated make over Cloete (1994:14). These transitional changes provided the impetus for the commencement of local government negotiations taking place in different fora resulting in the establishment of the Local Government Transition Act 1993, (Act 209 of 1993) (LGTA). Both the Interim Constitution of the Republic of South Africa Act 200 of 1993, and LGTA, were the two pieces of legislation responsible for paving the way for the formation of democratic structures in all three spheres of government. The local sphere of government, however, needed the most transformation because of its racial laws that initiated the separation of local communities. The LGTA accentuated the importance for divided communities in both urban and rural areas to come together and form a single non-racial local government that would manage the requirements and needs of all the people in its respective geographical jurisdictions. (http://dspace.nwu.ac.za)

These transitional changes thus provided the impetus for the commencement of local government negotiations taking place in different fora resulting in the establishment of the Local Government Transition Act 1993, (Act 209 of 1993). The transitional phases for local

government in South Africa occurred in three stages. Reddy (1999:202) and Wooldridge (2008:465) conferred that the Local Government Transition Act of 1993 provided amongst others for the pre-interim phase, interim phase and the final phase. Du Toit and Van der Waldt (1999:253), points out that the pre-interim phase occurred in 1993 when the Local Government Transition Act was enacted. It is during this period that Convention for a Democratic South Africa (CODESA) and the Local Government Negotiating Forum (LGNF), negotiating forums introduced non-racial and democratic local authorities to serve all local communities competently and proficiently. The interim phase, according to Van der Waldt (2007:140) started on 2 November 1995, with the election of members for the central, provincial and local governments on 2 June 1999. The final phase took place after the elections on 2 June 1999, with local governments in South Africa operating under this new legislation.

(Reddy 1999:203, Van der Waldt 2007:15; Buhlungu and Atkinson 2007:27) state that the Local Government Transition Act did not address the substance or content of a new system of local government instead it dealt mainly with the transition process. During the late 1990s and early 2000s, local government in South Africa experienced major organisational and policy changes. These changes placed a huge strain on the inadequately resourced third tier of government. It is in this regard that National and Provincial governments in accordance with the Constitution were compelled to strengthen and support municipalities through legislative and other measures resulting in a review of local government in 2007.

The following pieces of legislation focused on dealing with transforming local government:

- the Constitution 1996, which came into effect on 1 February 1997;
- the White Paper on Local Government of 1998; and
- other comprehensive legislation namely:
  - Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998) which defined the boundaries and wards of municipalities;
  - Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) which stipulate the categories and types of municipalities as well as the creation of municipalities and the electoral system;
  - Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) focuses on integrated development planning; community involvement; performance management; municipal services and debt control;
  - Local Government: Municipal Finance Management, 2003 (Act 56 of 2003) centres around modernising budgeting and financial management

practices by placing local government finances on a sustainable footing (Van der Waldt 2007:99).

The main focus of local government in the transformation process was intended to address service delivery challenges that the country has been experiencing. It was also aimed at reviewing among other issues, existing systems of participatory governance to improve the quality of citizen participation in decision-making at the local municipal level, in determining the content of Integrated Development Planning. The outcome of this process was meant to lead to the development of a White Paper on Provincial Government as well as a review of the existing White Paper on Local Government. (*Research Report on assessing the role of councillors in service delivery at local government level in South*: 10.)

Even though the racial basis of local government was eradicated and replaced with a system that was to promote social integration and the redistribution of municipal services to all South Africans equally. http://dspace.nwu.ac.za, these inequalities are still evident in South Africa. Despite the progress made by the present ANC-led government, service delivery bottlenecks still exist which sparked widespread conflict throughout the country in the form of service delivery protests. (Tsatsire et al. (1996:141) (http://dspace.nwu.ac.za)

In an attempt to curb rampant service delivery protests, the White Paper on Local Government was published in 1998 focusing on issues such as developmental local government and enhanced public consultation and participation. According to Bekink (2006: 27.64), "in order to expedite the transformation of local government, the Constitution mandates national government to enact laws in order to facilitate the new municipal dispensation." The White Paper on Local Government (1998) was thus the predecessor to two important pieces of legislation on local government, viz. the Local Government: Municipal Structures Act (117 of 1998)65 and the Local Government: Municipal Systems Act (32 of 2000). (RSA, Municipal Systems Act 32 (Pretoria, Government Printer, 2000).

Contemporary researchers still contend that the new democratic government inherited local authorities and administrations that have been incoherent due to corruption, nepotism and other ineptitudes. Consequently, with the birth of democracy, the ruling party being the African National Congress (ANC) (1992: 11) pledged its commitment towards building a responsible and representative local government for the country that would function in a manner using resources proficiently. The philosophy of the ANC led local government was that all South Africans, regardless of race, colour or creed, would benefit equally from available government programmes. http://www.cps.org.za/cps%20pdf/RR125.pdf

This transition to democracy resulted in local government in South Africa undergoing a sequence of changes in order to meet the needs of the country's citizens. The challenges included: addressing local government issues in regions and municipalities that have been under developed due to apartheid-legacy rules; fostering participatory governance at the local level; consolidating local government to facilitate sustainable development and improving service delivery http://www.cps.org.za/cps%20pdf/RR125.pdf.

According to Pieterse (2002), the crisis of local government was a major force that led to the national reform process which began in 1990.   The apartheid system definitely left South African with many scars. Zegeye and Maxted (2002:1) maintain that the colonial and apartheid policies resulted in majority of South Africans living in a highly biased society in which poverty and social displacement have had overwhelming and distressing consequences on the social structure of the country.

In an endeavour to fix the remnants of apartheid, the new democratic government began in earnest to reform former legislations and policies to address issues relating to discrimination, disparity poverty, and inequality as well as to establish new transitional local authorities. Municipal boundaries were thus redrawn in 2001 resulting in the lessening of the total number of municipalities from approximately 1000 to 284 municipalities.   The foremost objective for the restructuring of local government was to provide them with independence within autonomous principles so that they would be able to provide the respective populace with effective and efficient service delivery.

Even though the racial basis of local government was eradicated and replaced with a system that was to promote social integration and the redistribution of municipal services to all South Africans equally. http://dspace.nwu.ac.za, these inequalities are still evident in South Africa. Despite the progress made by the present ANC-led government, service delivery bottlenecks still exist which sparked widespread conflict throughout the country in the form of service delivery protests.

The transformation processes of local government posed a number of encounters because efficient and effective services had to be upheld or introduced in areas where services were non-existent or poor. Makobe (2002) confers that South African municipalities nowadays still find themselves in a continuous state of transformation. The reason for this is that local government is still overwhelmed with policies relevant to the apartheid legacy. Notwithstanding the political changes introduced by the 1995/1996 local elections, the inheritance of apartheid local government remains entrenched in many municipalities. Alderfer (1964). (http://ddp.org.za/information-material/articles)

The Local government elections that were held in December 2000 led to the completion of the local government transitional process by putting new local government democratic structures and councils in place. The Local Government Transition Act was instrumental in ensuring that the tenets of local government had to change from a submissive and unresponsive approach to a receptive, participatory and developmental approach. Hence, the Act referred to the local sphere of government as "developmental local government". The adoption of the Constitution of the Republic of South Africa Act, (Act 108 of 1996) finally led to the demise of discrimination and the policy of separate development. The publication of the White Paper on Local Government, resulted in the evolving of local government with greater emphasis being placed on developmental local government and enhanced public consultation and participation. It must, however, be emphasised that transformation is not a limited, but a continuous process. The transformation of South African local government is still continuing. (Tsatsire et al. (1996:141) (http://dspace.nwu.ac.za) In order to accomplish the objectives of developmental local government, the different categories of municipalities have been bestowed with different functions and powers. Metropolitan areas have absolute authority in their particular areas of jurisdiction whilst local and district councils share authority. All local councils within a district council must share powers with the district council. According to the Municipal Structures Act, district councils must pursue to attain cohesive, justifiable and equitable social and economic development of its area. www.localelections.org.za/municipality.

The focus of this study is the City of Johannesburg Metropolitan Municipality which is a category A municipality. The CoJ is the largest of the metropolitan municipalities in South Africa and is also part of the Gauteng economic heartland of the country in terms of both population and local government budget and revenue. http://www.waterdialogues.org/south-africa/downloads/case-studies/Johannesburg-CS-Summary.pdf

The CoJ that manages the local governance of Johannesburg covering an area of 1,645 square kilometres (635 sq mi), stretching from Orange Farm in the south to Midrand in the north. In a context of the rapidly increasing population, the CoJ is continuously faced with the challenge of providing quality services to all residents. Even though the historical service backlogs are gradually being reduced, the population in the city keeps growing and this population outburst causes a strain on the CoJ to provide adequate services to all its people. The slow pace of the delivery of basic service to citizen of CoJ results in citizens becoming frustrated who in turns resorts to service delivery protests to vent their frustration against local government. (http://www.waterdialogues.org)

After becoming a democratic state, the administration of the City of Johannesburg Metropolitan Municipality was decentralised initially into 11 regions which were subsequently reduced to 7 regions in 2006. http://www.jobvine.co.za/jobs/city/city-of-johannesburg-metro/
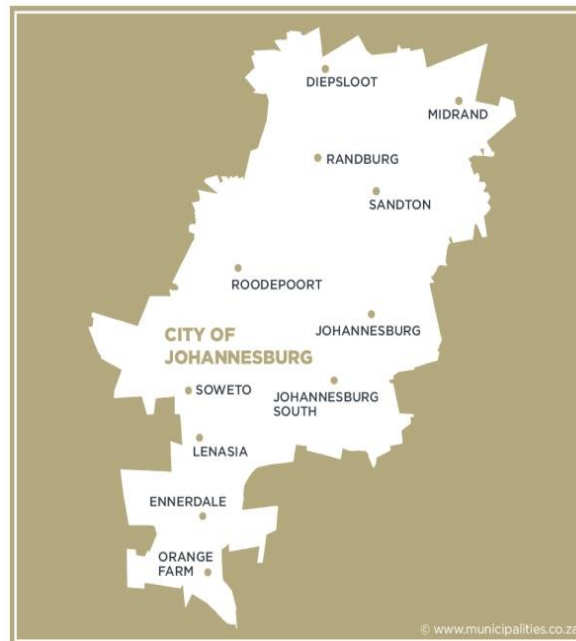
Figure 6 Municipalitymaphttp://www.localgovernment.co.za/metropolitans/view/2/City-of-Johannesburg-Metropolitan-Municipality#map

Regions	
Region A	- Kya Sands - Diepsloot
Region B	- Randburg - Rosebank - Emmarentia - Greenside - Melville - Northcliff - Rosebank - Parktown - Parktown North
Region C	- Roodepoort - Constantia Kloof - Northgate
Region D	- Doornkop - Soweto - Dobsonville - Protea Glen
Region E	- Alexandra - Wynberg - Sandton

Region F	• Inner City
Region G	• Orange Farm • Ennerdale • Lenasia

2.3 LOCAL GOVERNMENTS MANDATE IN SERVICE DELIVERY

Local government is the closest sphere of government to the people and in terms of the Municipal Systems Act 32 of 2000; it has the duty of providing basic services such as water, sanitation, housing and electricity to communities. If local government cannot render these basic needs, there is a probability that communities may resort to service delivery protests.

Section 152 of the South African Constitution (1996), clearly stipulates that local government have the obligation of ensuring that basic services are provided to communities in a justifiable manner; of promoting economic and social development; encouraging communities to participate in governance; and of guaranteeing the creation of safe and healthy communities. These intentions will definitely create hope and expectations amongst community members and if not met, may lead to the people rebelling against government authority.

- Local government as per the definition of Ismail et al (1997:3), refers to "….that level of government which is commonly defined as a decentralised representative institution with general and specific powers devolved to it by a higher tier of government within a geographical area" Coetzee (1985:26-27), states that local government is the management of cities, towns, villages and geographically organised communities Nyamukachi, (2005:17). According to Nel (1998:79), local government can be defined as the sphere of government of a state that aims to identify the needs of local communities and promote the general welfare by developing the environment in such a manner as to meet such community needs. In this regard, local government is defined as a sub-ordinate member of government, vested with prescribed, controlled governmental powers and sources of income to render specific local services and to develop control and regulate the geographic, social and economic development of defined local areas (Meyer, 1978:10). According to De Villiers & Meiring (1995:63). local government has certain characteristics, which include the following:
  - o A clearly defined territory with boundaries;
  - o A permanent population; and

- o A political government that has the delegated authority to act and make decisions

Local governments exercise powers to execute functions as provided for in various acts of legislation. In exercising those powers and functions, local governments are rendering municipal services. Such rendering of municipal services has become known as municipal service delivery. Municipalities are thus responsible for providing services such as water, sanitation, refuse removal, electricity infrastructure and roads in specific geographical areas/locality/jurisdiction (Constitution of RSA, 1996). It is in the regard that communities put faith on their respective municipal councils for the provision of such services. This places municipalities in an appropriate location so that they become involved with and develop the communities that fall within the jurisdiction of the municipality.

A Municipality according to Pretorius and Schrink (2007) is responsible for managing its administration, its finances and its planning methods in a manner that it will prioritise the basic needs of the community. It is also liable to inspire the social and economic development of the community as well as to boost its participation in national and provincial development programmes. District Municipalities on the other hand, are in charge of constructing a safe and peaceful environment based on viable social, economic and physical development, thus providing a better life for all the people in the area through transparent and accountable governance (Pretorius and Schrink, 2007:9-29).

Subsequent to the adoption of the Constitution of the RSA, 1996, a comprehensive policy was developed to give effect to the new constitutional vision of local government, which led to the adoption of the White Paper on Local Government by Cabinet in March 1998. The White Paper spelt out a framework and programme which would radically transform the existing local government system. The cornerstone of the White Paper was the notion of developmental local government, which was defined as "local government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives. (www.salga.org.za).

The White Paper on Local Government, 1998 outlines the core Constitutional ideals and mandate entrusted to local government as defined in Section 152(1) of the Constitution are stipulated as follows:

i.   To provide democratic and accountable government for local communities

ii.   To ensure the provision of service to communities I a sustainable manner;

iii.   To promote social and economic development

iv.   To promote a safe and healthy environment and

v.   To encourage the involvement of communities and community organisations in the matter of local government

Local government as specified by Cameron and Stone (1995:100), is a sphere of government that associates closely with residents through service delivery and therefore is in a position to respond promptly and efficiently to local issues. Henceforth, it is significant for local government to work persistently with its community to find viable ways to enhance their lives through public involvement in the affairs and activities of local government. Raga (1997:104) maintains that community values must be taken into account, because the right of existence of government rests in obliging the needs of the community. It is therefore imperative for local government to unremittingly strive to fulfil its constitutional mandate by being a democratic and accountable local government; is responsive to the needs of local's communities; undertake the delivery of services to communities in a sustainable manner; promote social and economic development; foster a safe and healthy environment and boost the involvement of communities in local government affairs. (Section 152(1) of the Constitution of the RSA, 1996).

2.4 LOCAL GOVERNMENT AND SERVICE DELIVERY

The right to effective public services in the newly established democratic South Africa is no longer seen as a benefit appreciated by only the fortunate in the community. These services are now a genuine right to be enjoyed by all residents of the country, predominantly those who were formerly deprived of such basic services (http://www.sajhrm.co.za)

The mandate of local government as stipulated in Section 56 of the Municipal Structures Act, gives powers of service delivery to the leadership of the municipalities to make sure that effective and efficient services are delivered to the people of South Africa (Local Government: Municipal Structures Act: 1998). The mandate of local government to deliver basic services to communities was reiterated by President Zuma when he said, "The municipalities are the first door that our people knock on when they need assistance from government. When people are frustrated with the slow movement of the wheel of government, they engage municipalities before other spheres. Citizens also blame municipalities for functions that they have no direct control over" (http://www.afesis.org.za).

Despite the powers given to local government by various policies and pieces of legislation, the South African local government is still struggling to fulfil its mandate of providing effective and efficient service delivery to all the citizen of the country. (http://www.afesis.org.).

2.5 SERVICE DELIVERY PROTESTS IN SOUTH AFRICA

The advent of democracy in South Africa in 1994 finally brought freedom and many accompanying expectations to the masses. Every citizen looked forward to "a better life for all' as espoused in the 1994 Election Manifesto of the African National Congress. The newly formed internationally recognised democratic government intended to be a people-centred one, with service delivery high on the agenda. In order for the promised quality service delivery to be realised, according to Kuye (2006:294), the public service had to be transformed. Maphunye (2002:3) says that such transformation of the South African public sector was necessary and obligatory, as it would undo the systematic inequalities of the past in the provision of basic services.

South Africans have come to realise that the promises made during the 1994 election campaign for a better life for all has not been delivered, resulting in citizens demonstrating their aggravations in the form of what has been typically called 'service delivery protests'.

Throughout the election campaign in 1994, the African National Congress (ANC) pledged to the citizens of the country that they would put into operation fundamental policies and procedures to enrich the quality of life for all South Africans particularly the historically impoverished masses (Khosa, 2000:247). The newly elected democratic government in 1994 was thus confronted with a mammoth task of transforming the social order of the country built on ages of racial discrimination and apartheid, which generated inequalities in levels of income and development. The goal of the new government was then to liberate state institutions as well as to remedy the imbalances of the past and begin to extend services to all citizens of the country. This was done by putting in place economic policies focusing on poverty alleviation and service delivery (Layman 2003).

After the 1994 democratic elections, a series of programmes and policies were initiated to espouse the ANC's assurances made during the election canvass in 1994. The Reconstruction and Development Programme (RDP), was one such programme which endeavoured to amalgamate growth, development, reconstruction and redistribution into a cohesive programme (Khosa, 2000:35). The contemporary RDP anticipated to produce 2.5 million jobs in ten years; build one million low-cost houses by the year 2000; provide electricity to 2.5 million homes by the year 2000; provide water and sewage systems to one

million households; redistribute 30% of arable agricultural land to Black farmers within five years; shift the health system from curative services to primary health care, with free medical services at state facilities for children under six years and for pregnant mothers; provide ten years of compulsory, free education as well as revising the curriculum, reducing class sizes and instituting adult basic education and training programmes; and democratise and restructure state institutions to reflect the racial, class and gender composition of society. (Khosa, 2000:35). The RDP was later translated into government policy in the form of a White Paper.

In 1996, the Growth, Employment and Redistribution (GEAR) Framework was another programme adopted by government aimed at strengthening economic development, broadening of employment, and redistribution of income and socioeconomic opportunities in favour of the poor. (McDonald & Pape, 2002:2). Two years later, in 1996, the Growth, Employment and Redistribution (GEAR) programme document was released as a strategy to be employed in the implementation of the RDP goals. The essence of GEAR lay in an attempt to find a balance between meeting the basic requirements of the people and finding the resources to finance those needs. The argument of the government was that one could not borrow money to provide the people with the basics, because the country would be indebted and forced to adopt stringent measures that would bring hardship to the poor (Maloka, 2004.56).

The obliteration of the socio-economic evils that was created because of apartheid policies was so comprehensive that it could not be upturned through short-term policies and programmes such as GEAR and RDP. This may possibly be the reason why South Africa's new democratic government is still snowed under in trying to disable the inconsistencies of apartheid particularly in the delivery of basic services such as water, sanitation, refuse removal, electricity infrastructure and roads to its entire people Nengwekhulu (2009:348).

South Africa has endured a number of homegrown protests, some even becoming unruly in areas. The Institute of Security Studies reported that since 2004, South Africa underwent an ever-increasing number of local service delivery protests. (ISS:2004). The Gauteng Province has been reported to have the highest number of service delivery protests. Nengwekhulu (2009:348) consents by stating that whilst apparent developments in service delivery have been noted, they are not adequate to meet the high expectations brought on by the emergence of democracy in the country. As such, the "expectations of service delivery are disproportionately high in comparison with the level of service provided by local government" (ILGM, 2010: 2). Mfene (2009: 210) and ILGM (2010: 1) conclude that "if local government is the coalface of service delivery, it is safe to regard the service delivery protests as a true

barometer of the reaction of South Africans to the quality of the services rendered and a display of their dissatisfaction with the current state of affairs". "The perceived slow pace of service delivery, especially at local government level, has led to growing impatience and discontent among the poor communities" (Mfene, 2009:215).

2.6 SERVICE DELIVERY PROTESTS IN THE CITY OF JOHANNESBURG

According to research conducted by the University of Johannesburg, (http://mg.co.za), the reasons for community protests were diverse and stretched from service delivery in general such as housing, water and sanitation, political representation and electricity to corruption, municipal administration, roads, unemployment, demarcation, land, health and crime. The scarcity or lack of the delivery of the basic services which forms part of the proficiency of the municipalities remain to be the biggest reasons for the service delivery protests according to Alexandra, Runciman and Ngwane (2013).
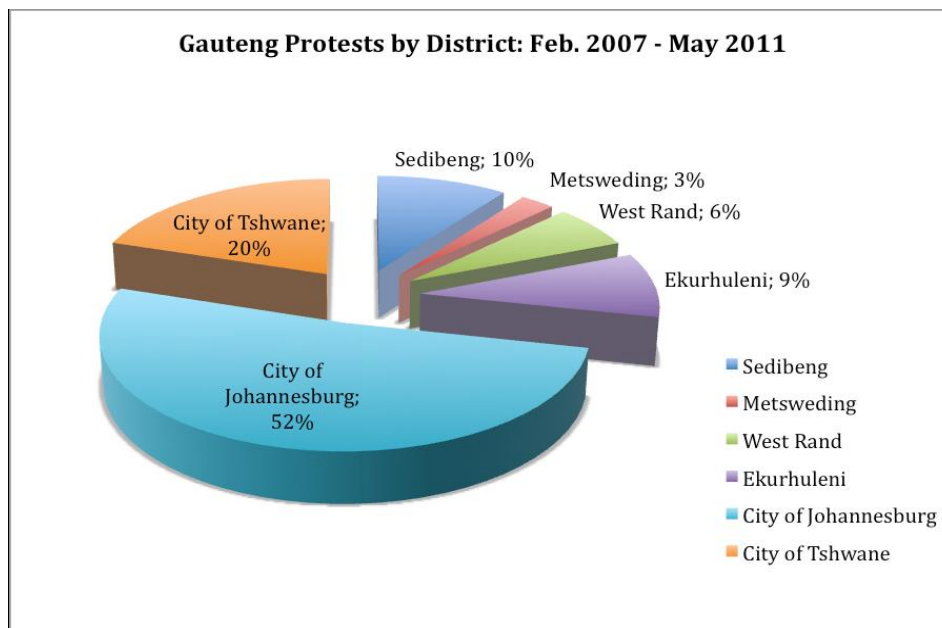
Figure 7 - https://www.sajr.co.za/docs/Community Protests in South Africa: Trends, Analysis and Explanations 2011 Report by: Jelani Karamoko and 2010 Report by: Hirsh Jain

According to Municipal IQ, the City of Johannesburg has been a predominant site for service delivery protests depicted by the diagram above.

2.6.1 TRENDS AND ANALYSIS OF SERVICE DELIVERY PROTESTS IN SOUTH AFRICA

South Africa has been faced with a mammoth backlog in the delivery of basic services to its people since 1994 resulting in the manifestation of high volumes of service delivery protests taking place. The Institute for Security Studies (2011:1) reported the country as having the highest amount of public protests in the world. Ever since South Africa celebrated ten years of democracy in 2004, service delivery protests have become a central part of the society. The second decade of democracy has been branded by the intensification of popular protests in the country with some protests becoming violent in nature.

During 2004/2005 financial year, Jain (2010:2) reported that about 6000 protests were officially reported to have taken place in the country; in 2007 the country experienced an average of 8.73 protests; this figure rose to an average of 9.83 protests in 2008, in 2009 the typical number of protests escalated to 19.18 a month nearly doubling the figure from the previous year; 2010 saw service delivery protests averaging 16.33 protests per month across the country; in 2011 a decline in service delivery protests was recorded from the previous year to 17.75 per month due to the municipal elections in 2011. In 2012, Morken in (Werkerstryd, 2014/), reported that protest activity rose radically in the first 8 months of 2012, with 226 protests, an average of 28.25 protests per month. In 2013 Municipal IQ, reported that South Africa had almost one protest every second day in 2013. In 2014, the year that marked the 20th anniversary of the first democratic elections in South Africa saw the country experiencing almost 3 000-protest actions which amounted to more than 30 a day. (Pretoria News, 2014).

CoJ is still facing a backlog of service delivery even after promises were made by the new dispensation to rectify past municipal anomalies. According to the various studies conducted, it is inescapable that public protests and violence are on the rise. The two latest election years, 2009 and 2014, experienced the worst service delivery protests. According to the Civic Protest barometer there were two hundred and four service (204) delivery protests that took place in 2009, and two hundred and eighteen (218) in 2014.

Gauteng was the most protest-prone province in South Africa, whereby more than half of all protests took place in metropolitan municipalities of which the CoJ is one of them. The graph below clearly depicts the number of service delivery protests that took place from 2009 until 2014. According to Karmoko and Jain (2010), Gauteng is the principal vicinity for service delivery protests in South Africa. In 2007 Gauteng, experienced 29.17% service delivery protests; in 2008, it accounted for 34.75% of protests; in 2009 the province continued to be the most common site for protests, accounting for 29.11%; in 2010 it experienced 39.85% of the nation's protests. Karmoko and Jain (2010).

Annual number of protests

2009 - 2014
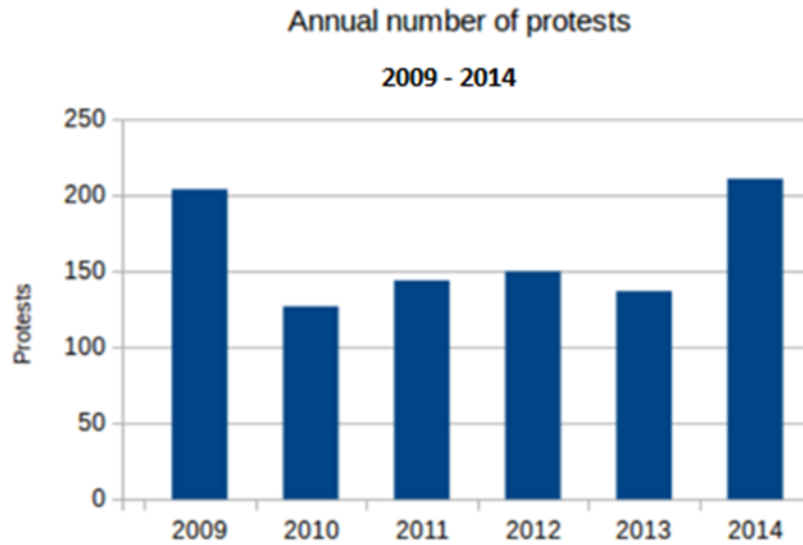
Figure8 The Civic Protest Barometer, Episode One: Lies, Damn Lies and Statistics. By Niki Moore• 16 March 2015.

The study therefore investigates service delivery protests and their socio-political effect on the communities of CoJ. Consequently, the study contends that the purported failure to respond to such needs, contributes to service delivery protests. Furthermore, it argues that the slow pace of providing services to the poor in South Africa has created a socio-political problem.

In order to answer the above questions, it is pertinent to examine the constitutional framework of government in South Africa as well as the mandate of service delivery in South Africa.

2.6.2 DEMOGRAPHICS OF JOHANNESBURG

Johannesburg is situated in the Gauteng Province. There are thirteen municipalities in Gauteng, consisting of three metropolitan municipalities and two district municipalities, which are divided into seven local municipalities (Gauteng Treasury, 2009:1). A metropolitan municipality is "a municipality that has exclusive executive and legislative authority in its area of jurisdiction as described in setion1 55 (1) of the Constitution. A district municipality is a "municipality that has municipal executive and legislative authority in an area that includes more than one municipality as is described in Section155 (1) of the constitution as a category C municipality (South African Local Government Association: 2012). The City of Johannesburg is one of the three metropolitan municipalities in the province of Gauteng, with the City of Tshwane located to the north and Ekurhuleni on its eastern border. City of

Johannesburg (2008): 'Mid-term Report September 2008". Office of the Executive Major. Sedibeng District Municipality lies to the south of Gauteng and consists of the three local municipalities, namely Lesedi, Midvaal and Emfuleni whilst West Rand District Municipality is positioned on the City's western border consisting of Mogale City, Merafong City, Randfontein, and Westonaria.

Johannesburg is considered as the "economic capital of South Africa and the heartland of trade and economic activity in Africa." (Joburg:2012).   It is the largest city in Southern Africa, with a current population of 3.8 million. The city's households are projected to increase from 1.3 to 1.5 million and its population to 4.1 million by 2015 (http://joburg.org.za). The 2012 'State of the City' address. Johannesburg is continuously flourishing as a result of migration. People flock to the city in search of employment and a better life because job creation in the Johannesburg has been positive over the years. These robust migratory influxes into the city, over and above the internal population growth, has caused increased pressure on the capacity of the Metropolitan City Council of Johannesburg referred to as the CoJ to deliver services and infrastructure to its citizens. (State of the City' address, 2012).

The city is a continuously developing and some of the major concern is the delivery of services such as water, sanitation, electricity, refuse removal, housing to its populace in areas such as Diepsloot, Midrand, Randburg, Sandton, Roodepoort, Johannesburg, Soweto, Johannesburg South, Lenasia, Ennerdale and Orange Farm.

According to Haigh et al, (2010:475) municipalities must ensure that the delivery of basic services to its people must be executed with minimal faults and must be within the law. Consequently, with the establishment of local government and as well as with the support of national and provincial governments, municipalities have a significant role to play to make certain that all people of the country have access to basic services such water, electricity, sanitation, unemployment and infrastructure. These basic services must be supplied equally to all citizens even though the population growth increases (South African Local Government Association, 2012:1). Netswera (in Van Donk, Swilling, Pieterse and Parnell, 2008) on service delivery in the City of Johannesburg affirmed that the non-response by CoJ to community needs is a boiling point that aggravates people who then resort to service delivery protest.

Service delivery protests according to (Maserumule, 2010:209) -are becoming an omnipresent characteristic in the present political backdrop in South Africa. Irrespective of the African National Congress's (ANC) 2007 Polokwane Resolutions to adopt a more pro-poor attitude on issues of socioeconomic development, service delivery protests continue to

take place on a daily basis. Maserumule, 2010:209), continues to state that service delivery protests have conquered the public academic zone since 1994 and continues to be a subject of much thought from which important questions regarding the matter still need to be answered as precisely as possible.

2.7   SUMMARY OF THE CHAPTER

The provision of services is the basic right of citizens and remains the core business of government in particular local government. The transformation of local government by the present government from a racially based one to an all-inclusive one has been accomplished through the enactment of legislation that promotes equity and fair treatment of all citizens. Although certain services have improved, research findings reveal that the improvement has been minimal in a number of municipalities throughout South Africa that are and still affected by service delivery protests.

This chapter consequently dealt with service delivery protests in South Africa specifically in Johannesburg from 2005 to 2015 through an evocative and descriptive approach. The question, thus remains, are these service delivery protests justifiable in a democratic country? In an attempt to answer the question, the following fact need to be taken into consideration: while many South African still live under appalling conditions and do not enjoy the fruits of democracy.

Figure 9 : A man holds a placard demanding services during a service delivery protest in Lenasia South. Residents of the Thembelihle informal settlement marched to the Joburg Urban Management offices in Lenasia demanding urgent attention to the water and electricity problems. Picture: Refilwe Modise

CHAPTER 4

CONSTITUTIONAL MANDATE RELATING TO SERVICE DELIVERY AT THE LOCAL GOVERNMENT LEVEL IN SOUTH AFRICA

"Public services are not a privilege in a civilized and democratic society: but they are a legitimate expectation"
(Transforming Public Service Delivery White Paper, 1997: Foreword)

4.1   INTRODUCTION

The dawning of a democratically elected government of South Africa in 1994, created positive expectations for all citizens of the country regarding improved service delivery. The new government embarked on public service reform processes to address service delivery challenges intended at accomplishing greater proficiency, greater responsiveness and flexible services.   Under these circumstances, all three spheres of government (national, provincial and local) had to review their programmes and strategies based on effective service delivery. These assessments involved the examination of the existing programmes to

determine their usefulness and whether there are other methods of service delivery that are more responsive to the client's needs, as well as being more cost effective (Kaul 1998:1-6) (http://www.afesis.org.za).

From the three spheres of government, the local government sphere has been given the largest service delivery load because of its closeness to the people of the country. Apart from the many areas of responsibility pertaining to local government, is the rendering of core basic services such as clean drinking water, sanitation, electricity, shelter, waste removal and roads which are the essential components of the right to dignity as enshrined in the Constitution of the Republic of South Africa. A number of regulations, ordinances, by-laws, policies and programmes have subsequently been introduced since 1994 to ensure the proper administrating of the delivery of these basic services to all citizens of the country.

For the purpose of this study, this chapter will focus on the legislative environment relating to service delivery at the local government sphere. Fox & Meyer (1995:118) defines service delivery as the provision of public activities, benefits, or satisfactions to citizens. In essence, it is the provision of a service or product by the government, to the citizens as expected by the citizens and mandated by Acts of Parliament. Hence, local government is responsible for the provision of tangible products or intangible public goods and services to all the people of South Africa. Venter, Van der Waldt, Phutiagale, Khalo, Van Niekerk & Nealar, and (2007:148).

4.2 LEGISLATIVE STIPULATIONS FOR SERVICE DELIVERY IN SOUTH AFRICA

There are many different pieces of legislation, policies and regulations that have been put in place by Government to regulate and expedite effective delivery of basic services to its people. A selection of the relevant legislation which has a noteworthy impact on the delivery of public services will be examined in this chapter. According to (Gaster 2003:07), the foundation of government policies in a democratic society is based on the viewpoint of the public which is derived from the citizens and political visions drawn from political party manifestos for voter support. Once the party is elected into power, these declarations may be amended and translated to become national policy, later requiring additional revision for national and local implementation. Hence, when governments provide services to the people they are fulfilling their economic and moral responsibility as promised in the respective manifestos. For the purposes of this study the following legislation pertaining to the delivery of basic service to communities will be examined namely the Constitution of the Republic of South Africa; White Paper on the Transformation of the Public Service (, White Paper on

Local Government, 1998, Municipal Structures Act 117 of 1998 and Municipal Systems Act, 32 0f 2000.

4.2.1 THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA

The South African Government exhibits a Constitutional obligation to deliver services and to promote the quality of life to all citizens. As the supreme law of the country it emphasises the significance of citizens' rights with regards to basic services amongst others such as housing, social security, water, electricity, that must be provided in a reasonable manner as stipulated in Sections 26 and 27 of the Act. The objectives of local government are clearly embedded in Sections 152 of the 1996 Constitution which stipulates that: -
   a) Democratic and accountable government be provided for local communities;
   b) Services be provided in a sustainable manner
   c) Social economic development be promoted;
   d) A safe and healthy environment be promoted; and
   e) The involvement of communities and community organisations be encouraged in all matters concerning local government.

Furthermore, Clause 32.1 of the Constitution states that it is government's duty to notify and update citizens on the services they are presumed to receive. Section 17 consents citizens to participate in nonviolent protests if they feel that their rights have been besmirched or if their needs are not met (Constitution of the RSA, 1996).

4.2.2 WHITE PAPERS RESPONSIBLE FOR THE TRANSFORMATION OF THE PUBLIC SERVICE IN SOUTH AFRICA

In order to transform the public service to be more efficient, effective and economical, Government introduced many different White Papers to cater for this transformation process. South Africa's Reconstruction and Development Programme (herein after referred to as RDP) and its Growth, Employment and Redistribution Strategy (herein after referred to as GEAR), were the two important programmes that prompted government to proclaim these White Papers so as to transmute the South African public service that will be beneficial to all citizens of South Africa.

4.2.2.1 RECONSTRUCTION AND DEVELOPMENT PROGRAMME

The RDP is a socio-economic policy framework predominantly aimed at establishing an equal society through reconstruction and development as well as strengthening democracy

for all South Africans. (http://www.sahistory.org.za/) This would commence by improving the lives of South African society through meeting their basic needs such as land; water; housing, electricity, sanitation as well as other basic social needs http://repository.up.ac.za.

The RDP was based on the following 5 sub-programmes namely:

a) ***Meeting the basic needs of the people*** by providing people with jobs, land, housing, water, electricity, telecommunications, transport, a clean and healthy environment, nutrition, health care and social welfare. The intention of meeting the basic needs of the South African citizens was to reconstruct society from an apartheid era to a democratic era. Programmes to reallocate land to landless people, build over one million houses, provide clean water and sanitation to all, electrify 2.5 million new homes and provide access to affordable health care and telecommunications for all citizens of the county was thus the priority set out by RDP. https://www.nelsonmandela.org.

b) ***Developing human resources*** by including and involving citizens of the country in the decision-making processes, in the implementation processes, providing them with new job opportunities requiring first-hand skills, and in managing and governing society. In doing so it was crucial for people to be educated and trained appropriately. The intention of developing human resources was to rally all people and all the resources of the country to work together in eliminating the remnants of apartheid and towards building of a democratic, non-racial and non-sexist future for all South Africans. https://www.nelsonmandela.org.

c) ***Building the economy by setting*** economic programmes to deal with areas such as linking reconstruction and development; rebuilding of industries, trade and commerce; upgrading infrastructure improving labour and worker rights. Fundamental to building the economy was the matter of worker rights. Past policies of labour exploitation and repression was to be redressed and the imbalances of power between employers and workers corrected https://www.nelsonmandela.org.

d) ***Democratizing the state*** was central to the RDP. In linking democracy, development and a people-centred approach, was key in paving the way for a new democratic mandate. Substantial restructuring was therefore crucial in the planning processes as well in the streamlining of multifaceted, racist and disjointed structures that existed. https://www.nelsonmandela.org.

e) ***Implementing the RDP*** resulted in many challenges because of its involvement in processes and forms of participation that included organisations outside government that are very different to the old apartheid order. In order for the RDP to be implemented and coordinated, it required the establishment of effective RDP structures in government at a national, provincial and local level. https://www.nelsonmandela.org.

Noting the above five basics principles of the RDP, it is clear that the central objective of the RDP was to improve the quality of life of all South Africans. The reconstruction and development of the country from an apartheid rule to a democracy was a daunting process aimed at improving and expanding development in all parts of the economy and creating fairness through redistribution and sustainability.

Despite the fact that the RDP was perceived as the basis for government's development policy, it did not deliver in terms of economic growth which ultimately created a negative impact on the policy itself. When faced with these constraints Government introduced a macroeconomic policy framework called the Growth, Employment and Redistribution (GEAR) strategy in 1996 http://www.sahistory.org.za.

4.2.2.2 GROWTH, EMPLOYMENT AND REDISTRIBUTION (GEAR)

One of the aims of GEAR was to restructure administration to be a more lucrative service bearing in mind right-sizing, affordability and the maintenance of public services (GEAR: Section 3.3). This policy also sought to create an environment comprising of speedy growth, investment and the enhanced delivery of public services to the citizens of South Africa based on equity and easy accessibility. Through GEAR, the South African government dedicated itself to fast track its support to social and community living standards, by ensuring : "a) the delivery of housing and related services; b) steady improvement in the quality of education; c) universal access to primary health care; d) access to land and agricultural support for emergent farmers; e) electrification of all urban areas and an increasing number of rural communities; d) reliable water supplies and appropriate sanitation infrastructure; g) improved postal and telecommunications services; and h) a broad social security net, comprising social grants and targeted welfare services" (http://www.sahistory.org.za).

However, since its adoption as the official economic policy, replacing the RDP policy in June 1996, the GEAR strategy has been a topic of much deliberation. In addition, this policy was also accused of being responsible for the social and economic ills which included job losses

and high unemployment, poverty, problems in the education, health and welfare system, as well as poor delivery of social services http://www.cps.org.za.

To transform the public service and recuse the country from the social and economic ills, the Government subsequently introduced the following legislation in order to extend services to all citizens of the country as outlined in the RDP and GEAR programmes as well as enshrined in the Constitution and Bill of Rights of the country.

4.2.2.3 WHITE PAPER ON TRANSFORMATION OF THE PUBLIC SERVICE (WPTPS)

Amongst the many significant White Papers that government introduced in order to transform public service in South Africa is the White Paper on Transforming Public Service Delivery, or the *Batho Pele* White Paper of 1997 (Notice No. 1459 of 1997) (herein referred to as the *Batho Pele* White Paper). Fox, (1996) and Du Toit et al (2002). According to Hilliard & Msaseni (2000: 66), *"Batho Pele"* is a Sotho phrase meaning, "People First", thus referring to governments promise to serve the people of the country by putting the community first.

The White Paper on Transforming Public Service (WPTPS) was published in September 1997 by the Department of Public Service and Administration to deal with service delivery challenges in line with the Constitution.   This piece of legislation comprises of the following eight (8) principles known as *Batho Pele* Service Delivery Principles:

(i) **Consultation –** Citizens must be regularly checked on either through customer surveys, citizens' campaigns, izimbizos or workshops on the nature of services provided to them in order to ascertain their needs as well as on matters that affect them in their daily lives.

(ii) **Service standard -** Citizens must be made aware of the level and quality of services they are entitled to receive.

(iii) **Access -** All citizens must have equal admittance to the services to which they are entitled to and should not be discriminated against as stipulated terms of Section 9 (1) of the Constitution of the RSA, 1996 which clearly states that no organ of state may unfairly discriminate directly or indirectly against anyone based on amongst others race, gender, sex, ethnic of social origin, language and birth.

(iv) **Courtesy -** Citizens ought to be treated with courtesy and respect at all times. Courteous behaviour must be administered at all times when interacting with the public as well as when delivering services to them.

(v)   Information - Citizens should be provided with accurate information about the public services they are entitled to receive via help desks, brochures, posters, media releases as well as ward council offices.

(vi)   Openness and Transparency; Citizens must be informed on the workings on relevant departments and who the person in charge is to ensure openness and transparency.

(vii) Redress – Measures must be put in place for the setting up of procedures for the recording any public dissatisfaction such as customer satisfaction questionnaires and toll-free numbers. The issue is redress is significant in all municipalities in ensuring that imbalances of service delivery are attended to by trained officials.

(viii) Value for Money. Public services should be delivered in an economical and efficient manner in order to give citizens the best possible value for money. http://www.dpsa.gov.za.

The above-mentioned principles are applied by all three spheres of government to ensure that the fulfilment of the mandate of providing basic services to communities is undertaken for the purpose of satisfying the basic and important needs of the communities. Fox, (1996) and Du Toit et al (2002). Communities are entitled to the various services from all levels of government because they either pay for them or they are funded by taxes. Hence, communities are justified to request government to provide such services in an effective, efficient and economical manner (Riekert 2001: 89). If a government fails to meet the needs of the community, then the elected representatives and councillors must accept responsibility for such failure and provide explanations as to why the standard of service is not met (Riekert 2001: 89).

4.2.2.4 WHITE PAPER ON LOCAL GOVERNMENT, 1998

The White Paper on Local Government, 1998 impinges on all South Africans. This piece of legislation is the result of a process that arose from robust civic movement, widespread participation, and the formation of principles that strengthened local government structures through the years of the apartheid era. (http://www.local.gov.za).

The White Paper on Local Government, 1998, stipulates that local government being the closest sphere of government to citizens is liable for the delivering of basic services to its people in an efficient and effective manner. According to Gwayi, (2010:30-34), local

government is tasked with the responsibility of making certain that the growth and development of communities is conducted in a manner that enhances community participation and accountability.

The consequence of the White Paper on Local Government, 1998, resulted in the promulgation of many other statues relevant to the delivery of services to communities such as the Municipal Structures Act 117 of 1998.

4.2.2.5 MUNICIPAL STRUCTURES ACT, 1998 (ACT 117 OF 1998)

The Municipal Structures Act of 1998 was ratified and published on 18 December 1998 in order to create a new system for local government and administration in the country. Since local government is regarded as the sphere of government closest to the people, the core of all related legislation was to establish ways to ensure that citizens provide and contribute towards the planning and decision-making processes of local municipalities. Section 6 of the Municipal Structures Act, section 56 confers powers of service delivery to the leadership of the local municipalities to make sure that effective and efficient services are delivered to the people (Local Government: Municipal Structures Act: 1998). The main purpose of the Municipal Structures Act was to create municipalities in concurrence with: -

a) the categories and types of municipalities;
b) the establishment of criteria for defining the classification of a municipality for a particular area;
c) the types of municipality for each category;
d) the provision for appropriate division of functions and powers amongst the categories of municipalities;
e) the regulating of the internal structures for political office bearers and senior officials; and
f) the provision for appropriate electoral systems. (Thornhill 2008:499)

The ultimate aim of this Act is therefore to provide local authorities with greater independence within democratic principles in order to provide more effective and efficient service delivery to their citizens. Notwithstanding the powers given to local government by various policies and pieces of legislation, the South African local government is still struggling to fulfil its mandate of providing effective and efficient service delivery.

4.2.2.6 MUNICIPAL SYSTEMS ACT, 32 OF 2000

The Municipal Systems Act (2000) outlines how a municipality should deliver municipal services to citizens. In doing so, municipalities can under this Act involve or hire external

agencies such as Utilities, Agencies and Corporations (UACs) to provide services on their behalf. In the City of Joburg agreements have been entered into with utility companies amongst others City Power, Rand Water and Pikitup with regards to the provision electricity, water and sanitation and waste management services to the people of Johannesburg.

Furthermore, the Systems Act stipulates that a municipality must make certain that all people of a particular local community have access to at least the minimum level of basic municipal services (section 73.1(c)). A clearly defined tariff policy is a requirement of the Act that must be put in place by municipalities to ensure that poor households have access to basic services in a variety of ways.   In doing so, the CoJ has a defined tariff policy in place to stipulating the requirements in providing free basic services, namely six kilo litres (KL) of free water per household per month and fifty kilowatts (KWh) of free electricity per household per month. http://www.joburg.org.za.

It is apparent from the above that amongst the objects of the Municipal Systems Act 32 of 2000 is to provide for the core principles, mechanisms and processes that are necessary to enable municipalities to move progressively towards the social and economic upgrading of local communities, and ensure universal access to essential services that are affordable to all.

Hanekom & Thornhill, (1993:111) are of the opinion that policies and legislation outline the broad spectra within which society must develop in order to promote quality of life. Hence, in order to accomplish policy goals taking into consideration the utilisation of limited resources, programmes and projects are thus compiled in relevant institutions, divisions, sections, subsections and individual officials to implement. It is therefore apparent that the Municipal Structures Act, 1998 plays a critical role in governing the service delivery environment, both directly and indirectly through, *inter alia,* municipal committee systems such as ward committees http://www.apsdpr.co.za

4.3 SERVICE DELIVERY: A PRIVILEGE, OR RIGHT?

Ever since South Africa's dawn to democracy in 1994, service delivery protests, have become a focal point of society. At the beginning of 2014, police disclosed that Gauteng encountered more than 500 protests, of which more than100 were violent. The increase of these protests was also traced by Municipal IQ which is an independent research organisation focussed on local government data and intelligence, which exhibited a sharp increase in protest action since 2009 http://www.sahistory.org.za. Most of the service

delivery protests have been ascribed to the non-delivery of basic services such as housing, electricity, water and sanitation to the people by local government.

According to Chapter 2 of the South African Constitution of 1996, it is the duty and obligation of government to ensure that such services are progressively received by all, within the limits of available resources. The most imperative duty of a developmental state is to make certain that all citizens have access to basic services. Local government is a sphere of government aimed at bringing government closer to the people as well as to provide services to the communities, through democratic, accountable and sustainable manner. According to (Riekert 200 1: 89), citizens of a country are obliged to be provided with various services from all levels of government for which the citizens must pay for either directly or by way of taxes. It is in this regard that people thus have a right to request that such services be provided to them effectively, efficiently and cost effectively. If a government neglects to meet the needs of the community, the elected representatives and councillors must consent responsibility for such failure and provide citizens with explanations as to why the demanded standard of service has not happened. (Riekert 2001: 89). The unwavering service delivery protests that take place in the CoJ is a clear indication that this is not happening according to plan. These protests generate an impression that government is failing to deliver basic services to the people of Johannesburg.

Undeniably, as service delivery is not a privilege but lawful right to the citizens of the country, some communities are inclined to think that government services are a form of goodwill by government instead of government's duty to its citizens. Even though the CoJ has introduced many local service delivery strategies to ensure that the all citizens of the COJ more especially the poorest households get basic municipal services, these plans and accompanying promises turn into nightmares as the CoJ and other municipalities around the country are grappling to work according to the set targets. http://www.afesis.org.za.

Gaster (2003) maintains that government has an inclination to suppose what the needs of citizens are and thus take action to furnish such needs to citizens without discussing or involving them. Consequently, many governments find themselves wanting because they neglect to work with the essential beneficiaries of government services. http://www.afesis.org.za. This breakdown in communication ultimately results in frustrated residents taking to the streets to protest against government non-deliverance of basic services. During the interview with residents from Region G, ward 120, many people indicated that they have been side-lined from participating in government planning and implementation processes and as a result, the gap between local government and citizens

has been widening. Trust between the communities and their councillors and local government has declined tremendously.

A number of reasons and causes for these service delivery protests have been advocated by various researchers. The most frequently cited is the dissatisfaction and frustration raised by communities with regards to poor or non-delivery on basic services. (http://www.pmg.org.za). However, it is imperative to note that local governments have been confronted with many issues such as capacity constraints, funding mechanisms, political-administrative disjuncture, and poor governance that have resulted in local government failing in the delivery of basic services to communities in the CoJ. http://www.apsdpr.co.za

According to the interviews that were conducted by the researcher, the causes and reasons of service delivery protests in the CoJ was cited as being amongst others the mounting social aloofness between the elected representatives and the communities that Councillors are supposed to serve, in most cases people mentioned that Councillors only came to them with elaborate and fancy promises before elections after the elections they are forgotten; there is insufficient dissemination of communication relating to municipal matters; too much corruption and nepotism in municipalities that lead to the dysfunction of the municipality; unskilled staff which has crippled service delivery by making communities clients instead of beneficiaries.

In addition to the above, some research findings have uncovered that many people have lost assurance in contributing in local government processes as they feel that their input is not acknowledged. Citizens feel that they are used merely to assist municipalities to fulfil participation processes as required by legislation. Goetz (2001:31) states that proper discussions with communities is a good indicator to attain public view on service-related issues ranging from the significance of service delivery to current prospective policies.

Based on the legislation as discussed by the Researcher in the preceding paragraphs it is clear that service delivery is not a privileged by a right that every citizen of the country is entitled to.

4.4   SUMMARY OF THE CHAPTER

This chapter focused on the constitutional mandate relating to service delivery at the local government level in South Africa. It provided a general background on the underlying

legislative and constitutional mandate before focusing on the institutional development and transformational dimensions of local governance.

In a democratic society, local government has to take cognisance of service delivery expectations and demands of residents. It is apparent that there are a number of challenges within local government that is hampering service delivery in the country irrespective of the many pieces of legislation that has been introduced to address the delivery of basic services to the people. Access to effective provisions of basic services is indeed no longer a privilege in the democratic South Africa, but is now a legitimate right for all citizens as espoused in the Constitution of RSA, 1996)

The following chapter will focus on the summary of the finding and conclusion drawn from the findings followed by recommendations

CHAPTER 5:

RESEARCH METHODOLOGY

5.1   INTRODUCTION

This chapter discusses the research design and methodology that was applied in the study. Research methodology refers to "… the how of collecting data and the processing thereof within the framework of the research process" (Brynard *et al*, 1997:27). Thus, methodology refers to the tools, procedures and techniques used in the process of inquiry (Babbie *et al*, 2001; 647). Sarantakos (1998:34) is of the view that methodology consists of a discipline of methods that encompasses the standards and principles used to guide the choice, structure, process and use of methods, directed by the principal paradigm. Terre Blanche, et al (2006:6), on the other hand states that research methodology outlines how researchers may go about studying whatever they believe can be recognised.

This study is exploratory and descriptive in nature, hence the Researcher used the qualitative data collection methods such as conducting semi structured interviews, attending meetings and having informal conversations on the subject matter as a means of gathering the necessary information needed for this study.

It is in this regard that the Researcher will describe the research design followed by research methods with reference to methods of data collection, data processing, data interpretations and data consolidation. The Researcher will conclude this chapter, by outlining the ethical considerations that directed this empirical research and challenges encountered in carrying out this study.

5.2   RESEARCH DESIGN AND METHODOLOGY

The research design and the research methodology are sometimes confounded with each other even though they are not the same. Research design according to Mouton (2001:56), concentrates on the rationality of the research and the end result being the research problem or research question/s. In other words, what type of study will best answer the research question? Research methodology on the other hand accentuates the research methods and procedures used in a study focussing on data collection or sampling at hand.

The Researcher will thus provide sequential clarification on both the research design and research methodology in the ensuing paragraphs:

5.2.1 RESEARCH DESIGN

Research design refers to a strategic plan of action that details how a researcher proposes to manage a research project (Babbie and Mouton, 2004). In other words, the over-all strategy is put in place to attain the answers to the research question (Polit and Hungler, 1997).

The researcher in this study employed the qualitative research approach because it is considered a suitable method of collecting information in order to answer the study's research problem. According to Terre Blanche, Durrheim and Painter (2006:48), a research design ought to provide a detailed plan of action that undoubtedly describes the methods that will be used by the Research when undertaking the research. Furthermore, the research design must provide an all-encompassing portrayal of information with regard to sampling, data collection and data analysis techniques. Terre Blanche *et al.* (2006:48).

5.2.2 RESEARCH METHODOLOGY

Research, according to Leedy (Taylor, 2001:244), is a logical examination intended at discovering new information with the aim of expanding or verifying existing knowledge in an effort to solve a problem. As indicated in the preceding chapters, a number of causes of service delivery protests have been suggested, hence the researcher wanted to verify the causes of service delivery protests in the CoJ from 2009 until 2014.The research methodology will outline the steps taken during the research in order to discover answers to the research questions. The study is by nature descriptive and exploratory, and contains qualitative elements which the Research will expand on in detail in the forthcoming paragraphs.

5.2.3 QUALITATIVE AND QUANTITATIVE RESEARCH METHODOLOGY

There are two significant types of research paradigms, namely quantitative and qualitative models. The quantitative paradigm is known as the conventional and investigational way of conducting research whilst the qualitative paradigm is known as the productive, realistic, and explanatory method of carrying out a study (Maphazi, 2012:162) (http://www.iss.co.za).

Qualitative research, unlike quantitative design does not present the researcher with a meticulous plan to follow Schurink (1998:252). In quantitative research, the design controls the researcher's options and engagements whereas in qualitative research, the researcher's choices and actions determine the design. The two methodologies will be deliberated on below:

5.2.3.1 QUANTITATIVE RESEARCH

According to (Babbie & Mouton, 2001:52-54), quantitative research relates to that which can be counted. In other words, the use of statistics in quantitative research is simply to process and explain data and summarise the findings. In particular, quantitative research involves systematic measurement, statistical analysis and methods of experimentation (Fox & Bayat, 2007:7).

In summing up both research methods, it can be stated that quantitative research is f more focused and its purpose is mainly to test assumptions, whilst qualitative research is more exploratory in nature.

5.2.3.2 QUALITATIVE RESEARCH

Qualitative elements of research according to Ivankova, Creswell and Clark, in Maree, (2007:257), is a process whereby a researcher develops a multifaceted, all-inclusive picture, describes detailed views of informants and carry's out the study in a natural setting. Terre Blanche *et al.* (2006:44), states that descriptive and exploratory research is generally accomplished through qualitative research, because it is used to explore happenings before providing a comprehensive account of the phenomena. Qualitative methods of research are pertinent to this study because it allows the researcher to get "an insider perspective on social action" (Babbie and Mouton, 2004: 270). It is in this vein that the qualitative method of research is deemed appropriate for this study because it helps the researcher to get a better understanding of service delivery protests in the CoJ directly from the protestors. In this regard, this research is intended at achieving its objectives and its basis by applying the qualitative research method as it will afford the research more diversity in responses as well as the capacity to adapt to new developments or issues during the research. Qualitative data are "characterised by their richness and fullness", based on the outlook to discover a topic in as real a manner as possible (Saunders et al, 2003:378).

By using the qualitative research methodology methods, the researcher was able to obtain detailed descriptions of how protests are conducted directly from the protesters perspective. This method of research is regarded as the most appropriate method because it allows the researcher to witness participants in their natural setting (McMillan & Schumacher 1993:374).

Furthermore, the qualitative approach is known to be subjective and independent in nature, which entails the scrutinizing, and reflecting of the observations in order to provide an appreciation of social and human activities (McNabb, 2002: 89). The researcher, in capturing

the fruitfulness and richness connected with the data, used the semi-structured in-depth interviews, using an interview guide during the interview process to collect data for the research. The collected data was then classified and categorised by the researcher, which was analysed and examined in a significant way.

The qualitative data collection methods that were used by the researcher in this study consisted of semi-structured interviews, planned observations and document analysis for interpretation of concepts. Data analysis involved content analysis from narratives given in order to produce themes that were used to analyse the data.

5.3 TYPES OF RESEARCH

Terre Blanche *et al* (2006:44) categorises three types of research, which is exploratory, descriptive and explanatory. In addition, Terre Blanche *et al.* (2006:44), avers that the rationale of descriptive research is to portray undertakings through the use of "narrative type description, classification and measuring relationships". Exploratory research is applied to "… make preliminary investigations into relatively unknown studies...", whilst exploratory research uses an uncluttered, adaptable and inductive approach, because it endeavours to disclose new understandings in certain occurrences. Terre Blanche *et al.* (2006:44).

5.3.1 DESCRIPTIVE RESEARCH

Descriptive research is "research in which a specific situation is studied either to see if it gives rise to any general theories or to see if existing general theories are borne out by the specific situation" (Goddard & Melville, 2004:9). Descriptive research involves "field studies that go into greater depth on a smaller number of issues using face-to-face or telephonic interviews techniques for data gathering" (McNabb, 2002:87). The objective of descriptive research according to Saunders, Lewis & Thornhill (2003: 97) is to "portray an accurate profile, events or situation". These assertions by the above authors are vital in research because a clear picture of the phenomena is essential for data collection.

5.3.2 EXPLORATORY RESEARCH

Exploratory research is conducted either to investigate a subject matter where little is known or to probe the options when undertaking a particular research study. (Kumar, 2005: 10). As specified in Saunders, et al (2003: 96), the potency of exploratory studies lies in its conformity to find out "what is happening; to seek new insights; to ask questions and to assess phenomena in a new light". This study is exploratory in nature as the aims of the study is to provide insight into service delivery protests in the CoJ from 2009 until 2014. The findings of the exploratory study would enable the researcher to make recommendations on the subject matter that may ensure improved service delivery by local government in the years to come.

5.3.3 EXPLANATORY RESEARCH

Explanatory studies look for explanations of the nature of certain relationships. Hypothesis testing provides an understanding of the relationships that exist between variables. According to Zikmund, Babin, Carr, Griffin (2012), explanatory research is also referred to as causal research conducted in order to identify the degree and nature of cause-and-effect relationships. This research is conducted to evaluate the impact of changes on existing norms, various processes etc. It also focuses on an analysis of a situation or a specific problem to explain the patterns of relationships between variables. Experiments are the most popular primary data collection methods in studies with causal research design. http://research-methodology.net

5.4 RESEARCH PROCEDURE

In an endeavour to tackle the research objectives, the Researcher assumed the following processes in this study:

- A literature study was embarked on, comprising books, legislation, policy frameworks articles, news bulletins, the internet, interviews, journal articles, official reports and strategy/planning documents and
- An empirical study, which is qualitative in nature, was undertaken.

The research process will be deliberated on commencing with population sampling and then continuing to the qualitative methods of research

5.4.1 POPULATION AND SAMPLING

5.4.1.1 POPULATION

According to Babbie (1989:169), the term 'population is described as the collection of study elements; whilst Fox and Bayat (2007:51), state that a population is "…a full set of cases from which samples are drawn from." Fox and Bayat (2007:51) articulate further that the population of the research may involve individuals, groups, organizations, human products and events, hence it is imperative for the researcher to be sure of the population when applying questions at the time of conducting research.

5.4.1.2 SAMPLING

According to De Vos *et al* (2005:194), a sample is extracted from a population that the Researcher is concerned with, in order to appreciate that specific population. In a qualitative analysis, there are no guidelines for sample size. In fact, the sample size, hinges on what the researcher wants to know; the reason of the inquiry; what is at risk; what will be valuable; what will have integrity; and what can be done with the available resources and time. De Vos *et al.* (2005:328). In other words, sampling in qualitative research is "relatively limited based on saturation, not representative and size is not statistically determined, therefore, qualitative research uses non-probability sampling" (De Vos *et al.*, 2005:328).

Non-probability sampling according to Terre Blanche et al. (2006:139), is a type of sampling where the choice of elements is not resolute by the statistical norm of randomness. In other words, De Vos et al. (2005:201) state that the probabilities of choosing a specific individual are unknown because the researcher does not know the population size or the members of the population. De Vos et al. (2005:201) lists the various types of non-probability sampling as follows:

- purposive sampling;
- accidental;
- quota;
- dimensional;
- target;
- snowball; and
- spatial planning.

The researcher will be using the purposive random sampling technique in this study, because in purposive sampling, the sample is made up of elements that encompasses the most characteristics and representative attributes of the population. De Vos et al (328-329). The components of study being the following:

- Five (5), Members of the Mayoral Committee (MMCs) such as: - the Chief Whip, MMC for Community Development Committee; MMC for Public Safety Committee; MMC for Health and Social Development Committee and the MMC for Housing Committee**;**

- Five (5), Councillors from Section 80 Portfolio Committees such as: - Housing, Public Safety, Community Development, Development, Planning, Transportation & Environment and Municipal Administration in the CoJ;

- Five (5), Ward Councillors (1 per area) from Region G such as -: Lenasia, Ennerdale, Orange Farm, Eldorado Park and Vlakfontein;

- Five (5), Senior Officials in the CoJ such as: - Secretary to Council; Director of Public Participation and Petitions' Directorate; Stakeholder Manager; Director – Research and Director Monitoring and Evaluation; and

- Five (5), Residents from each of the followings areas in Region G of the CoJ such as 5 Residents from Lenasia; 5 Residents from Ennerdale; 5 Residents from Orange Farm; 5 Residents from Eldorado Park; and 5 Residents from Vlakfontein.

5.4.2 DATA COLLECTION METHODS

The research used semi structured interviews and document studying as methods of data collection in this study.

5.4.2.1 INTERVIEWS

Data collection in qualitative research is conducted by means of interviews. (Terre Blanche *et al.* (2006:287). Rubin and Rubin (2005:4) define interviewing as discussions in which the Researcher leads the respondent into discussions about the subject matter by following up on answers that are given by the respondent during the dialogue. According to Kvale, in Terre Blanche *et al.* (2006:287), "… qualitative interviews are attempts to understand the world from the participant's point of view to unfold the meaning of people's experiences and to uncover their world prior to scientific expectations." There are three types of interviews, which are discussed below:

5.4.2.2 UNSTRUCTURED INTERVIEWS

Unstructured interviews as asserted by De Vos *et al* (2005:292) is referred to as in-depth interviews. The objective of an in-depth interview is not to get responses to questions, nor is

it to test theories or evaluate. The essence of in-depth interviews is focused on understanding the experiences of other people and the sense that they make from such experiences. De Vos *et al.* (2005:292-293). Even though in-depth interviews are alleged to be lacking objective data, it is still the type of interview that allows the researcher to excerpt information in order to obtain an in-depth understanding of the participant's standpoint. The participation of the Researcher in the interview is also encouraged as this displays the researcher's enthusiasm to comprehend the participant's response to a question in the broader perspective of the interview as a whole, instead of being disinterested and detached. De Vos *et al.* (2005:293). According to Royce, Bruce and Singleton (2005:222), specific questions are developed freely during the course of the unstructured interview, because the objectives are broad and the discussion may be wide ranging. Royce *et al.* (2005:222) further states that the interviewer is permitted to adjust the interview in order to get the most out of it in terms of special knowledge, experience and insights of respondents.

5.4.3.3 SEMI-STRUCTURED INTERVIEWS

A semi-structured interview comprises of a list of questions that is prepared by the researcher prior to the interviews being conducted. (De Vos *et al.*, 2005:296). According to Niewenhuis in Maree (2007:87), it is mandatory for the researcher be attentive to the participant's answers when conducting semi-structured interviews. This is vital, as it will assist the research to detect new lines of inquiry that are related to the subject matter being studied and to explore them further.

5.4.3.4 STRUCTURED INTERVIEWS

Structured interviews as portrayed by Niewenhuis, in Maree (2007:87), are interviews that are comprehensive and developed in advance. Niewenhuis, in Maree (2007:87), cautions researchers not to prepare structured interviews in an excessive manner as it may impede the investigation.

Noting the above methods of interviews, the researcher opted to use the semi-structured interview, since it acts as a guide for the researcher to extract more information from the participants. The basic semi structured interview method is one of the most frequently used methods of data gathering within the qualitative approach (Babbie & Mouton, 2001:289).

5.4.3.5 DOCUMENT STUDY AS AN INFORMATION COLLECTION METHOD

De Vos *et al.* (2005:317) makes available four sources of documents for review and analysis purposes, namely:

- Official documents such as government documents and reports;
- Mass media such as newspapers, magazines, journals, television, radio, films and books; and
- Archival documents and data preserved in archives for research purposes.

The researcher studied the above-mentioned documents pertaining to the COJ from 2009 until 2014. Over and above these documents, the Researcher also perused, published an unpublished scholarly works by various Researchers on the subject matter.

5.4.4   DATA ANALYSIS AND INTERPRETATION

Data analysis is the thorough examining and arranging the interview transcripts, field notes and other relevant resources that the researcher accrues during data collection in order to increase the Researcher's understanding of the subject and being able to present what has been discovered to others (Bogdan & Biklen 1998:150).

In analysing and interpreting data in this study, the researcher made use of the qualitative data techniques by formulating motives as well as searching for precedents through reading and reviewing data throughout the analysis process. According to Marshall and Rossman (1999:147), data analysis is about how data is recovered, managed and organised to ensure orderliness and to facilitate easy retrieval. According to Nieuwenhuis (2007:100), when analysing qualitative data, the objective is to sum up what was witnessed or heard in terms of words, phrases, themes, or patterns that would give additional understanding and clarification of the emerging data. Important words, sentences and paragraphs of were clustered under appropriate headings. Thereafter, pertinent citations of the text are then grouped under topics, which will be later grouped into categories to provide a methodical meaning (Hatch 2002:148).

In this study, data was scrutinised by using content analysis. Nieuwenhuis (2007:101) illustrates content analysis as "... a process of looking at data from different angles with a view to identifying keys in the text that will help us understand and interpret the raw data."

The findings of the research are reported on in Chapter 7.

5.5 DELIMITATION OF THE STUDY

The methodology chosen by the researcher for data collection, particularly the interviewing technique may render a few problems and disadvantages. Participants might become hesitant to answer certain questions, due to fears of harassment and bullying.   The

demographics of the interviewer will also influence responses as the researcher conducted interviews only in region G of the CoJ. Hence, the results of this study will not be appropriate for all municipalities in South Africa in terms of a 'one size fits all' approach. Even though specific principles and recommendations can be applied to other municipalities, it is eminent to note that each local municipality in South Africa has its own challenges and constraints. Interviewer bias may also occur during the interview process. According to Zikmund (2000:192-196), interviews is always a notable technique for research because the researcher has the privilege to ask participants exploratory questions. This allows the researcher to acquire a profound understanding of the subject matter as compared to getting some yes/no answers from questionnaires.

5.6 ETHICAL CONSIDERATIONS

In essence, this study being qualitative in nature, required the researcher to interact sincerely with the participants, by means of getting into their personal areas of values, weaknesses, individual learning disabilities and the like to collect data. Silverman (2000:201), states that researchers must bear in mind at all times that whilst conducting research, they are in actually entering the private spaces of participants. Hence, this results in numerous ethical issues being mooted that must be attended to throughout, and after the research has been conducted. In is in this regard, Creswell (2003) asserts that the researcher has a responsibility to respect the rights, needs, values and desires of the participants.

In order to ensure suitable processes are observed whilst conducting research, stringent ethical procedures must be followed to uphold participants' privacy, confidentiality, dignity, rights, and anonymity. In view of the abovementioned discussions, the following ethical issues were maintained during the research:

5.6.1 INFORMED CONSENT

The researcher notified all participants prior to the commencement of the research, the reasons and purpose of undertaking such a research. In line with this, the researcher also acquired an informed consent in writing from each participant.

5.6.2 HARM AND RISK

The researcher assured all participants that they would not be harmed, intimidated or discriminated against when participating in the research.

5.6.3 HONESTY AND TRUST

The researcher followed strict ethical guidelines regarding the honesty and trustworthiness of the data collected and the accompanying data analysis.

5.6.4 PRIVACY, CONFIDENTIALITY, AND ANONYMITY

The researcher informed participants that their confidentiality and privacy would be upheld at all times. The research did this by removing any identifying characteristics before the dissemination of information. Participants' names were not used during the research instead, each participant was given a code name.

5.6.5 VOLUNTARY PARTICIPATION

The research informed all participants that the research was only for academic purposes and their participation was voluntary.

This study like other studies had limitations, as no study is perfect or spotless. Since the nature of the study is qualitative it is situated in a specific context, hence, the results cannot be applicable to other situations that were not even sampled for the investigation (McMillan & Schumacher 1993:48; Leedy & Ormrod 2001:102).

Qualitative research design is always developing and is always accommodating (Bogdan & Biklen 1998:48), therefore there is a possibility that some of the inconsequential yet essential information might have been left out during the research process. The fact that the research was conducted in Region G of the CoJ might have resulted in some form of subjectivity.

5.7 SUMMARY OF THE CHAPTER

This chapter outlined the research paradigm, research methodologies, research strategies, and research design used in the study, including data collection tools and data analysis methods. The research design used in this study was descriptive and exploratory in nature and was analysed through qualitative methods. Furthermore, the researcher in this chapter, discussed why qualitative methods of data collection employed, taking into consideration that the research type was exploratory and descriptive in nature. Exploratory and descriptive research often employs qualitative methods of data collection owing to their capability to explore occurrences intensely, and to lead the researcher to new topics within the subject that is explored. When conducting research, especially human research, it is only natural to come across limitations that hinder the outcome of the research. In this research study, the researcher had to deal with participants who were reluctant to participate in the interview due to fear of intimidation and harassment from the community.

CHAPTER 6

ANALYSIS AND INTERPRETATION OF DATA

6.1   INTRODUCTION

This chapter displays the foremost outcomes of the field research. These findings consequently reveal the opinions, experiences and perceptions of respondents who participated in the interview process.   The classification of politicians involved Mayoral Committee Members, Councillors from Section 80 Portfolio Committees and Ward Councillors from the City of Johannesburg (CoJ). In terms of Section 8(g) of the Municipal Structures Act, 117 of 1998, the CoJ is a Category A Municipality with an Executive system, combined with a ward participatory system. In this regard, the Executive Mayor, with his Portfolio Chairpersons has powers delegated to them by Council to take certain decisions, on which the Mayor must report to Council, and in certain matters, make recommendations to Council for final resolutions. The Ward Councillors and Ward Committees, on the other hand, have the responsibility to ensure community participation in the matters of service delivery by their local government, as prescribed in Sections 72-74 of the Municipal Structures Act, 117 of 1998.

Furthermore, it is the undertaking of elected political representatives, in coalition with the appointed officials, to influence vigorous engagements to promote the general welfare of the citizens by providing effective and efficient public services to all (Meiring, 2001:36). It is thus apparent that politicians have governing functions, whilst officials have organizational and administrative roles.

This chapter will thus present an exploration of the findings and will analyse the research results qualitatively. After thoroughly reading all the data that was collected, the researcher commenced interpreting the data by developing themes from the raw data before coding the data according to emerged themes before analysing the findings. The respondents used in the data collection process included the following:

- Five (5) Members of the Mayoral Committee (MMCs) such as the MMCs for Community Development Committee; Public Safety Committee; Health and Social Development Committee and for Housing.

- Five (5) Councillors from Section 80 Portfolio Committees such as Housing, Public Safety, Community Development, Transportation & Environment and Municipal Administration.

- Five (5) Ward Councillors from the following areas in Region G:
  - Lenasia
  - Ennerdale
  - Orange Farm
  - Eldorado Park and
  - Vlakfontein

- Five (5) Senior Officials such as:
  - Secretary to Council;
  - Director of Public Participation and Petitions' Directorate
  - Stakeholder Manager
  - Director – Research
  - Director Monitoring and Evaluation

- Five (5) Residents from the following areas in Region G:
  - Lenasia
  - Ennerdale
  - Orange Farm
  - Eldorado Park
  - Vlakfontein

The set of interview questions administered to the above-mentioned respondents consisted of open-ended questions of a qualitative nature. **[See attached Annexure].** The information received from the above-mentioned respondents were very useful and provided the researcher with valuable information on the causes and reasons of service delivery protests in the CoJ.

6.2 . PRESENTATION AND INTERPRETATION OF DATA:

The responses from respondents are outlined hereunder as well researcher's observations. Refer to **Annexure A** for the questions.

6.2.1 *Can you please indicate what the root causes of service delivery protests in the CoJ are?*

This was a generic question posed to all respondents. The responses unanimously cited the primary reasons for service delivery protests in the CoJ included amongst others, the dissatisfaction with the delivery of basic municipal services such as running water, electricity and toilets, especially in informal settlements. Unemployment, levels of poverty, poor infrastructure, and the lack of houses was also mentioned as being reasons for the growing dissatisfaction in these and other poor communities.

Majority of the respondents from Region G of the CoJ such as Lenasia, Ennerdale, Orange Farm, Eldorado Park and Vlakfontein, indicated that service delivery protests were due to the lack of or slow delivery of houses as well as lack or inappropriate delivery of public amenities to residents. The also pointed out that the high rate of unemployment; empty promises made by politicians during elections; poor communication and poor public participation and consultation were contributing factors for service delivery protests.

Other respondents stated that two decades into democracy and government is still too slow in providing basic services to the people. "***We are fast becoming impatient with government for failing to provide us with services as guaranteed in the Constitution.***" Corruption, cadre deployment, nepotism and "tenderpreneurs" were also cited as reasons contributing to the increasing number of non-performing municipalities. Communities are also not properly engaged as partners in the delivery of services. "They should create room for communities and other role-players to contribute in finding solutions to problems that hinder service delivery at the local government level."

Some residents affirmed that Government wastes money on irrelevant matters such as renaming of intuitions such as police stations, hospitals, streets etc, the money could be utilised on other important matters such as building library's, sport facilities to keep the youth out of **"mischief".**

6.2.2 *Do you think that because of weak Intergovernmental relations, municipalities in South Africa are unable deliver services to the communities in an effective and efficient manner? What is the scenario at the CoJ?*

Mayoral council members and section 80 councillors stated that the core objective of intergovernmental relations is to create a system whereby the three spheres of government manoeuvre to work together to offer communities a clear approach to service delivery and development. As the central location of service delivery and development, all spheres of government must converge to ensure that adequate services are provided to the people of CoJ. Local government must thus play its rightful role in intergovernmental relations. Respondents went on to further state that the participation of local government in national and provincial intergovernmental processes is on an ad hoc basis rather than on a regular basis. In many instances, local government is not represented in these processes because the institutional machinery does not exist. For instance, institutionalise the participation of local government in national and provincial processes.

6.2.3   *What are your thoughts about vandalising of government property during service delivery protests? Does CoJ have a process in place to attend to such matters in the future?*

Majority of the respondents indicated that they concede with the fact that the South African constitution has a provision for citizens to protest or march, however, they condone the vandalising of public and private properties; during service delivery protests. One respondent from the Mayoral Council stated, "***When one looks at the service's delivery protests statistics from 2009 until 2014, it's obvious that both the private and public sector have lost a huge amount of money in the properties that were vandalized by protesters. I suspect that leaders of various community's protests sometimes mislead their own people, which ultimately results in the deteriorating living conditions in their communities.***

Some residents were unhappy with the vandalising government property and stated ***"Could this be an issue of saying that we will be better-off without the public services. If not, so why do protesters burn government buildings such as schools, hospitals, municipality offices and other government buildings. The question is where you will people get treatment for wounds sustained from the rubber bullets during the protest (because the clinic will be burnt to ashes)."***

Ward Councilors stated that even though people have the right to protest and express oneself freely which is an important component of our democracy and which every South African has appreciated since 1994, it comes with the obligation that the protest action must be piloted in an organized and peaceful manner within the

limitations of the law. Essentially, those who protest must not infringe on other peoples' rights when they embark on protest action.

Officials from the Mayoral Committee, Section 80 Committees aswell as other respondents from the CoJ stated that government has recurrently communicated its distress over the waves of violence, destruction of private and public property and looting that has taking place in CoJ. *"Government fails to comprehend how the devastation of public property, looting and destroying of property will help the cause of those who want to exercise their democratic right to protest. The damage of public property robs communities of much-needed services and thus creates an added problem of diverting funds to restore and repair the damages caused by protesters. The cost of the destruction and the long-term damage to the economy runs to millions of rands."*

Some residents stated that the actions of protesters by damage property, infrastructure as well as roads by burning tyres and looting are purely criminal and is the wrong way to express dissatisfaction, grievances and views. "*What is of equal concern is the emotional suffering the victims and their families have undergone and still have to deal with. These protesters have destroyed their livelihoods and the financial strength have been destroyed. The small "spaza" shops are important to our economy as they play an essential role in our communities by creating many jobs for our people.*

Other respondents indicated, vandalizing, looting, stealing and disrespect for the law would not resolve issues; in fact, it will have a negative impact on the country's development by hampering all efforts to create a better life for all. "*What we need is constructive engagement in which all the affected parties interact freely."* The CoJ indicated that they have put in place various mechanisms for the public to regularly talk to their leaders about issues that affect them so they can be addressed in an orderly and peaceful fashion."

6.2.4 *Residents of CoJ often complain that government only comes out to them during election campaigns. Do you think that service delivery protests are due to the unfulfilled promises made by politicians during elections?*

Most respondents stated that during elections campaigns promises of enhanced service delivery and a better life are made. According to some protesters, this has been a recurring theme with every election since 1994. One respondent stated that before the 2009 election there was a clear increase in voter dissatisfaction and

distrust, mainly due to increased interest rates and unemployment, Eskom's electricity crisis, and political infighting and divisions within the ANC governing party. The data from the interviews also shows a clear discontent with how government handled issues which voters considered important. In other words, the electorate had identified their lack of economic security as a primacy area, which was in substantial degeneration, and government had failed to address this matter adequately. These circumstances seemingly would provoke voter instability and the outlook of an unpredictable election result

Respondents were very vocal about political parties using election campaigns to influence potential voters. Ideally, parties use campaigns to inform the electorate about their specific policy proposals, how their proposals differ from other alternatives, and to highlight, depending on who you are, the strengths and failures of the incumbent party. "***Government should act fast to provide basic services to the people. More than 20 decades into democracy, the majority of South Africans are fast becoming impatient with government for failing to provide them with services as guaranteed in the Constitution, they must keep up to their promises made during election campaigns.***"

Other respondents stated that the unending service delivery protests paint a negative picture of local government in South Africa at home and overseas. The protests leave one with an imprint that government is failing to deliver basic services to the people. Voters want to see government living up to its election promises to improve their lives. Similarly, communities have the right to demand basic services from government.

Every politician knows that the key to winning elections is to make great promises. Campaigners promise to cure the ills of society including better service delivery to its people, government corruption, and better life for all. In addition, if elected, they will bring about vast improvements in education, employment, infrastructure, and the economy. Sadly, to say these are just broken promises as per the views of respondents. ***"We want to believe that our politicians will improve our lives, but when post-election truth hits, we forget how unrealistic we were in believing that somehow "this time," the outcome would be different."***

On respondent stated, ***"We are now more than 20 years of democracy, and citizens continue to celebrate the supreme power to elect their representative***

agents under a free electoral system. I am however worried about the current government successes against its possible targets. There seems to be a focus on power struggles rather than service delivery within the CoJ. This is challenging because it weakens governments mandate, which is the citizens' well-being. As much as South Africans progress under ANC government is evident, I feel that the ruling party's development agenda is glorified. Hence, there is an empty promise behind ANC's political vote."

Some people of the CoJ believe that the idea of developmental state is a "myth" while others deem the idea of "government of the people, by the people, and for the people" as an illusion. The African National Congress (ANC) remains in the forefront in government, and still eager to remain always, yet it has been criticized for not doing much to fix fundamental problems. *"I have seen a lot of people throughout the election campaign writing, preaching, and singing "asinavalo", "vote ANC", yet our economy is still and our people are still not given basic services. It pains so much because the old comrades like Sisulu and Oliver Tambo are no longer alive and the ones who took over the baton do not share the vision the stalwarts who fought for democracy. They care about themselves and their pockets, not us."* Other respondents stated, *"There is a stubborn sense that the state disrespects the people of CoJ by lying to us at election times and by failing to listen to us after the elections."*

6.2.5   *"Public services are not a privilege in a civilized and democratic society: but they are a legitimate expectation" How does the CoJ ensure that all citizens are provided with proper services?*

Improving delivery of public services means redressing the imbalances of the past and, while maintaining continuity of service to all levels of society, focusing on meeting the needs of the of the people of CoJ who are living below the poverty line and those who have previously been disadvantaged in terms of service delivery. The CoJ has provided its communities with the following as per the Section 152 of the Constitution, stipulating the mandates of municipalities to ensure the provision of services to the communities as follows:

6.2.5.1 Water: In 2012, the Blue Drop Certified Systems awarded the CoJ a blue drop score of 98.9%, noting that the City of Joburg is managing drinking water within its area of jurisdiction with excellence. With regards, the issue of the acid mine

drainage, which is causing a threat to the City's water quality, the CoJ is seeking ways to alleviate this challenge by looking at ways on how to convert the acid mine water to good quality water supply.

6.2.5.2 Sanitation; Access to sanitation has improved and the CoJ has dealt with backlogs relating to sanitation. The City remains devoted to dealing with plans to provide better access to sanitation to the people of the COJ.

6.2.5.3 Electricity: The CoJ has managed to provide most household with electricity; hence, the use of paraffin and candles has declined tremendously. Due to the large numbers of migrants' entering the CoJ on a daily basis, electricity capacity remains a challenge for the CoJ. However, the CoJ will endure to concentrate its efforts on ensuring that there is continuous repairs and maintenance being done on existing electricity infrastructure in order to reduce electricity usage.

6.2.5.4 Transport and Road infrastructure: The CoJ acknowledged that the condition of the city's road and storm water infrastructure has been on the decline thus causing heavy traffic jams caused due to loss of accessibility during heavy rains and faulty traffic lights.

6.2.6 *What is the current environment of local government in South Africa?*

Respondents stated the local government has a direct influence on the day-to-day lives of the people of the country via the provision of services such as water, electricity, sanitation, and refuse removal. Hence, the overall objective of local government must be to improve local economies and to provide infrastructure and services to those living under the respective jurisdiction. However, according to respondents, local governments in the country have not learnt much from the outbreak of protests and demonstrations that plagued the country.

6.2.7 *What mechanisms does the CoJ have in place to ensure that the communities are kept informed and are in involved in the decision-making processes of the CoJ?*

Keeping Johannesburg's residents and businesses fully informed is the key to building a vibrant relationship between the City and its inhabitants. The City publishes all legal and official notices, including details of financial guarantees it has underwritten, as one way of making sure its citizens know what is going on. This means that all local authority notices are available to the public.

Some respondents stated that protests have not only been about the provision of services but many of the protests were about failure of the CoJ to engage ordinary people in political processes. Protesters have regularly complained about the unresponsiveness of officials and councillors. *"Channels of communication with municipal mayors and councillors are blocked". This results in the lack of face-to-face contact in the CoJ between the council and the constituencies, making it difficult if not impossible to hold those officials accountable."*

6.2.8 *Assertions are being made that corruption, nepotism and poor governance are some of the causes for service delivery protests. Do you agree with this statement?*

Majority of the respondents agreed that corruption, nepotism, and poor governance does influence service delivery. "If the CoJ offers tenders to people who do not qualify, poor services will be provided."

Other respondents stated that the employment of people without proper skills because they are relatives of employers is also conducive to poor service delivery. Qualified employees should be placed in relevant positions for efficient service delivery. "*Government should act fast to provide basic services to the people. More than 2 decades into democracy, the majority of South Africans are fast becoming impatient with government for failing to provide them with services as guaranteed in the Constitution. Corruption, cadre deployment, nepotism and tenderpreneurs contribute to the increasing number of non-performing municipalities. It is critical that municipalities start engaging communities and civil society groups as partners in the delivery of services. They should create room for communities and other role-players to contribute in finding solutions to problems that hinder service delivery at the local government level."*

"Corruption is rife in our municipalities and unfortunately, government is failing to take disciplinary action or to prosecute corrupt officials because they have political connections."

Additional responses focused on the lack of proper monitoring and evaluation systems within municipalities that have also created space for 'tenderpreneurs' to loot millions of rands from taxpayers. *"I am one of the people who are appalled by the amount of money that government puts into tenders because they in turn get sub-standard services."* 'Tenderpreneurship' and the allocation of tenders is fueling corruption within municipalities. There is little transparency in tendering processes as

tenders are awarded to inexperienced companies under management of individuals with political connections. *"These companies continue to build roads that are bumpy and full of potholes even before being exposed to heavy rains. The awarding of tenders to companies should be transparent and based on their ability to carry out the tender."*

Respondents were obstinate that communities must continue to request basic services from their municipalities. In the same manner, municipalities should also develop a principle of promoting connections between communities and civil society organisations as 'partners in service delivery' instead of viewing communities as the 'recipient of basic services'. Some residents stated that most municipalities are failing to deliver basic services. There is no doubt that the culture of so-called cadre deployment and nepotism is contributing a great deal to municipalities' inability to service communities. Cadre deployment and nepotism are common in that skills and experience is not a requirement for one to be appointed. The sad reality is that beneficiaries of both 'nepotism and cadre deployment' are appointed to key strategic positions. It is a fact that majority of these people fail to perform.

6.2.9   *Is the CoJ equipped with essential skills and capacity in order to deliver services to its people timeously?*

Respondents stated that the major causes of lack of service delivery by CoJ is the inadequate human capacity and lack of essential skill. Municipal officials, especially those in essential positions, have not been put there because of their qualifications, capabilities and experience, but rather on political connection and nepotism. The redeployment of cadres into senior municipal positions, has affected the performance of certain municipalities. This is a major concern as it adversely affects service delivery.

6.2.10 *In your view, what should the CoJ and government do to address community's concerns raised during service delivery protests?*

Most of the respondents indicated that accessibility of financial resources would enable the municipality to address the needs of the community. One respondent mentioned that, "We need to be ethical about governance. People are appointed, now we have people that can't even do the job". One respondent mentioned that intergovernmental relations should be improved to tap into resources and improve funding.' The respondent added that, "Politics should not be part of administration; there should be a clear gap between politics and administration". Two respondents suggested

professionalism of the municipality administration and political structure because councillors have to interpret policies and legislations. One other respondent said that the municipality should develop a sound strategy to deal with corruption.

According to respondents from CoJ, the provision of basic services is above average with improvements made in the delivery of houses, provision of clean water, adequate sanitation, improved road infrastructure etc. The challenges of transport accessibility however need to be fast-tracked because most people spend long hours to travel to work, schools or shops etc. Respondents also indicated that the means through which participation takes place is generally at ward meetings and street committees or residents associations; hence, the CoJ will strive to work closer with residents and the business community to enhance development.

6.2.11 Are Ward Councillors active in your area and do they keep you informed with issues relating to local government matters?

Most residents in Region G indicated that Ward Councillors were not visible enough and they were not doing enough to promote public participation and consultation in the matters of the CoJ. ***"We have voted for these Councillors are now they are not dedicated to listen and do what we the community says and as such we have no one to turn to in times of need."***

6.2.12 Do you participate in the decision-making processes of your ward?

Respondents confirmed that a communication gap exists between the elected and the electorate. "Politicians generally think they know what communities need, and therefore bring programmes to us that are unrelated. Ward Councillors are appointed on a "buddy" system and this causes serious problems as far as representation of constituencies concerned. These results in councillors not really serving us communities they say they represent, instead they are serving their own interests. Some people do not even know who their ward councillors are.

Most of the respondents indicated that they very rarely participate in the decision-making processes of their respective wards because it is all talk and no show. They indicated their frustrations and stated that they are not interested in a decision-making process, until they see progress made.

6.3. FINDINGS

The overall level of satisfaction regarding the delivery of basic service to the people of the CoJ is quite low. Service delivery protesters are of the opinion that by protesting, it

is the only way of getting things done in their respective areas. Councilors are uncaring and irresponsible to the needs of the people of the CoJ. Despite overwhelming backing for the ANC as the ruling party, there is a lot of weariness and dissatisfaction with ward councillors and other representatives of the CoJ who are identified by the respective communities as hopeless and unsympathetic to the needs the communities.

The service delivery protests that plagued the CoJ since 2009 are not a unique happening on the social and political environment. Disadvantaged residents of the CoJ have been voicing their unhappiness and frustrations about the lack of basic services since the ANC came into power in 1994. Observed failure by the CoJ is a noteworthy factor behind the protests that are being carried out under the auspices of service delivery, and unhappy residents are likely to continue to take to the streets until their demands for a 'better life for all' are met.

The intensified levels of violence and police brutality observed during service delivery protests portrays bad picture of the CoJ being oppressive rather than being cooperative and understanding to the needs of its people

6.4 SUMMARY OF THE CHAPTER

The chapter analysed the findings and interpreted the results of data using the qualitative approach. The conclusions derived after analysing the data is the sentiment raised by majority of the respondents, which is service delivery protests are a genuine demand from the community of the CoJ for the provision of quality services. In this regard, service delivery protests have been widespread in this area.

The researcher also outlined in this chapter the narration of the following respondent from CoJ during fieldwork, Five (5) Members of the Mayoral Committee (MMCs); Five (5) Councillors from Section 80 Portfolio Committees; Five (5) Ward Councillors; Five (5) Senior Officials; Five (5) Residents from Lenasia, Ennerdale, Orange Farm, Eldorado Park and Vlakfontein.

Most respondents are of the view that service delivery protests are an extension of grievances and dissatisfactions stemming from the apartheid struggles. Thus, meaning twenty years after democracy and the CoJ has not been able to address the disparities of the past. In addition, the researcher also portrayed the diverse interpretations of protests from respondents who embody the interests of the CoJ and that of protesting communities. Whilst the conduct of protesters can be construed by some as unreasonable and illogical, residents

of CoJ are mindful of their actions. Attacking government buildings and infrastructure during protest marches is a strategic ploy used by protesters to get government to listen to their demands.

This chapter also suggests that intergovernmental relations are not working well thus causing negative intentions of service delivery as outlined in Chapter 3 of the Constitution of the Republic of South Africa, 1996. Furthermore, even though the CoJ is acquiescent with most of the governance legislative framework, there are some areas such as public participation, which the municipality is lacking. Because public participation and involving residents in decision-making processes is scanty, it results in the distortion of critical and important information, which causes widespread gossip amongst communities' consequently fuelling protesters into action.

In the chapter that follows, the researcher will focus on recommendations and conclusions

CHAPTER 7

FINDINGS, RECOMMENDATIONS AND CONCLUSION

7.1 INTRODUCTION

This chapter presents recommendations and conclusions of the research reflecting on the research questions, objectives of the study as well as a summary of the findings.

The CoJ, like other municipalities in South Africa, is confronted with recurrent encounters of service delivery protests on a daily basis. The outbreak of recent service delivery protests has ratified that such challenges do exist in the CoJ. It is therefore imperative that these problems be recognized and studied so that applicable responses are developed, especially when local government must realise its developmental mandate as outlined in the Constitution. Creating a decent and virtuous life for its citizens will always remain an issue for the three spheres of the South African government, even more so for local government as it represents the government closest to the people and interacts with communities through the delivery of the various services as required by the Constitution.

South Africa became a democracy more than 20 years ago and notwithstanding the assurances and endeavours made by the new democratic government to improve service delivery to the public there are still huge service delivery backlogs prevalent in the CoJ. Even though the present government had to deal with a former apartheid regime infrastructure, it is still faced with third world problems and constraints namely social development, service delivery, unemployment and poverty.

The objective of this study, which was to investigate the causes and reasons of service delivery protests in the CoJ from 2009 until 2014, taking into consideration the following intentions:

i. To investigate the causes and reasons of service delivery protests in the CoJ from 2009 to 2014 and what can be done to minimise such protests.

ii. To uncover the core motives that result in the citizenry of CoJ using service delivery protests to express their anger and frustrations against government.

iii. To examine community perceptions regarding good or poor service delivery

In light of the above objectives, the following research questions stipulated below were taken into cognisance during the study:

iii. *Are service delivery protests caused because of government's failure to the people of CoJ in the provision of basic municipal services such as water, electricity, sanitation, unemployment; poor infrastructure and unfilled promises made to citizens during election campaigns?*

iv. *Are service delivery protests an indication that communities are losing confidence in the government of the day?*

Chapter 1 dealt with the synopsis of the study focussing on the introduction of which included amongst others the statement of the problem, motivation of the study, significance of the study, aims and objectives, research questions, methodology, limitations of the study, as well as the organisation of the study. Chapter 2 concentrated on the literature review focussing on the causes and reasons on service delivery protests in the CoJ from 2009 until 2014. It also deliberated on the constitutional framework of government and the transformation of local government within the context within which service deliver. Chapter 3 reflected on Local Government in its entirety touching on historical background, functions of municipalities, development local government. Chapter 4 exhibited the Constitutional mandate of local government in South Africa relating to service delivery of local government level in South Africa. Chapter 5 displayed the research methodology used in this study included the research area, population and sampling of participants, data collection, processing of collected data, permission and ethical considerations. Chapter 6 dealt with the presentation, analysis and discussion of research results. Lastly, chapter 7 dealt with recommendations and conclusion.

7.2   SUMMARY OF THE FINDINGS

The research has spawned useful information on the causes and reasons behind service delivery protests in the CoJ. Subsequent to the analysis of the   interviews that were conducted with various stakeholders as outlined in Chapter 6 of this research. The following findings have been identified:

7.2.1   During the interview process, most people indicated that they had little confidence in the efficiency, effectiveness and responsiveness of local government, as this was demonstrated by the frequent protests. Furthermore, the underperformance, mismanagement, coupled with corruption in Municipalities' have also contributed to the lack of confidence by communities' local government. These frustrations have been aggravated by unfulfilled political promises, abuse of power and lack of accountability to the public by councillors and government officials.

7.2.2   The sluggish rate of service delivery, particularly in the provision of basic municipal services such as running water, electricity, sanitation, housing, roads and infrastructure have been highlighted as the foremost reasons why the people of CoJ took to the streets in the form of service delivery protests. According to some protesters, these issues have been a recurring theme since the birth of democracy in 1994.

7.2.3   Coupled with the lack of provision of basic municipal services, poor public participation processes, corruption, nepotism, poor financial accountability, unemployment and lack of skills were also cited as focal points for reasons why people protest. Some protesters blamed poor service delivery on the deployment of ANC 'comrades' to positions for which they are not qualified.

7.2.4   Corruption, favouritism, nepotism and discrimination have proven to be the major assault for South African development, yet there are no drastic solutions taken up to address these issues. Corruption has perpetuated poverty, unemployment, and service delivery backlogs in South Africa. Government's directive to deploy comrades to positions for which they are not qualified also aggravates the issue of poor service delivery, as some of these candidates lack the expertise to perform their tasks effectively.

7.2.5   Most promises are made by politicians during election campaigns, once the elections has passed all those promises are forgotten, hence majority of the service delivery protests that occurred in the CoJ was due to the unfulfilled promises made by politicians.

7.2.6   Intergovernmental relations were alluded to as being operating in an in ineffective way, hence basic services are not being delivered to the communities in an effectual and well-organized manner.

7.2.7   The CoJ lacks the necessary technical skills and capacity to provide public services to their communities in an adequate manner. Due to the lack of expertise, service delivery has deteriorated thus leaving the community of CoJ has left many municipalities with insufficient access to basic services. It is regrettable that skills paucity has resulted in huge service-delivery backlogs that have prohibited the government from addressing the problems successfully.

The abovementioned findings clearly suggest that that the fundamental causes and reasons of service delivery protests are as a result of the dissatisfaction by the people of the CoJ in providing them with adequate municipal services such as running water, electricity, sanitation, housing, roads and infrastructure. Over and above these reasons is also the continuing poverty, unemployment, inability of the local government to implement policy, corruptions, nepotism as well as lack of participation by community of CoJ.

Lack of service delivery has resulted in the continuous protests, which will remain part of the South African political landscape as long as people do not have access to basic services and are unable to find effective channels through which to express their demands.

7.3 LIMITATIONS

This study investigates the causes and reasons of the service delivery protests in the City of Johannesburg between 2009 and 2014. The pervasive service delivery protests, which, on numerous occasions, turned violent, have activated a warning that cannot be overlooked. These protests will continue to take place if the CoJ fails to investigate the causes and reasons for service delivery protests

This study is based thus on the reality that no democracy can continue to survive and prosper if its people are still living in poverty, are still unemployed and are still faced with

discrimination without a vision for a better life for all. In this respect, the presence of service delivery protests is a risk to South Africa's democracy and its sustainability.

The results of this study are unique to the CoJ, however some of the views of the recommendations can be useful to other municipalities, noting that each local government has its own distinctive constraints.

Due to the vast area of the CoJ, the sample groups for the purpose of the qualitative research methodology used in this study was limited only to Region G of the CoJ. Most of the protesters refused for the interview to be recorded, as they feared intimidation. Some protesters were also reluctant to be interview citing that they are "sick and tired" of being interviewed when no action is taken as they are still living in poverty, there is not employment and even government is not providing them with adequate basic services.

The despondent attitude of most of the protesters made it difficult to conduct the interviews as most people have lost interest in the government.

7.4. RECOMMENDATIONS

7.4.1 Government in South Africa is inaugurated in terms of national, provincial and local spheres of government in terms of Section 40 of the Constitution of South Africa. All three spheres are distinctive, inter-dependent and interrelated of each other. Local government is positioned closest to the people, implying it is the most appropriate sphere of government to deal with all service delivery functions.

It is recommended that; all service delivery issues be removed from both national and provincial levels of government and be directed to the local government sphere. This will allow national and provincial spheres of government to pay more attention on issues relating to policy-making, law-making capacity building and assisting in reinforcing resources to local government so that issues relating to the provision of basic services to its communities can be enhanced. This delegation of power to deal with service delivery matters by local government will also ensure a better working relation amongst the three spheres of government. Harmonized collaboration from all spheres of government will contribute to building a better society, a better system of governance and a better system of service delivery.

7.4.2   If democracy means 'government by the people for the people', municipalities therefore construct podia through which communities can be involved and embroiled on service delivery issues. These podiums will further assist communities to make municipalities mindful of their immediate and enduring service delivery expectations. Community participation is a dominant theme of protest activity. The primary reason is identified as, "the lack of information and knowledge of the community. Communities protest because they are unclear as to what each sphere of government is responsible for doing. They do not know who is responsible for what service delivery, like housing, clinics, ambulance and transport of school children etc.

It is recommended that continuous communication and consultation with communities be held which will not only sanction municipalities to provide feedback to the communities, but will also promote 'checks and balances' as well as provide a platform for communities to hold their respective local government officials liable. The views and opinions from communities will further provide municipalities with support when developing basic delivery targets, which can be budgeted for accordingly. Communication may not be a panacea for resolving all protests, but it can reduce protest action through communicative means and by explaining the roles and functions of each sphere of government to communities. The solution to avoid protests will be consistent communication sessions with role players whereby the respective functions of all parties involved are clearly defined. People embark on service delivery protests because they were not informed or the response they get they are not happy with." The issue of service delivery is about meeting community needs and needs differ from community to community. Utilising a bottom up approach to service delivery may cure some of the perceived issues emerging from meeting the needs of people.

7.4.3   Most South Africans are not fully versed and have minimal knowledge about the machinery of government in terms of the legislative environment, as well as the policies and procedures relating to service delivery. (Gumede,2012:113). This lack of information thus results in communities becoming frustrated, which leads them to venting their anger by taking to the streets in protest action of which is sometime violent. Most protesters have articulated their dissatisfaction and frustration because of their omission from local decision-making and accountability processes by officials who represent them in the respective wards. This is undeniably a violation of the Local Government: Municipal Systems, Act 32 of 2000, which states that communities have the mandate to participate in any public consultation and decision-

making processes in the local sphere such as ward committees, budget consultations, ward meetings and Integrated Development Planning (IDP) forums.

It is recommended that local government through its municipalities, intensify civic education campaigns, so that communities are kept abreast of all the information relating to the three spheres of government and their respective responsibilities amongst others the development policies and legislation, how government operates as well as citizens' rights etc. These civic education campaigns will also create platforms for creating robust partnerships between citizens and government in its development and service delivery endeavours. .Hence, it is recommended further that public participation being an essential element for implementing and enhancing accountable governance driven by ward committees, as mandated to facilitate communication channels between municipalities and communities according to the Local Government: Structures, Act 117 of 1998, and section 73(2) must be bolstered. This process will inculcate a sense of ownership amongst citizens regarding the implementation and evaluation of projects.

7.4.4   Subsequent to local government and national elections, political parties present their election manifestos to communities in an effort to secure votes (Maphazi, 2012:285). Promises made during this time includes amongst others addressing how to upgrade underachieving municipalities, improving basic service delivery; developing infrastructure; fighting corruption; and creating employment (www.africaportal.org).
 However, protesters have acknowledged these unfulfilled promises as one of the main causes of service delivery protests in the CoJ. When these promises are not delivered, communities begin to become anxious and this leads them to taking to the streets and vent their anger in the form of protests. According to Sokuta's (2011), the South African voting public has been promised much and 'a better life for all' each time a new government is to be formed after each election. The circle continues while most South Africans struggle with unemployment, hunger, and deprivation while trying to create a better living environment. Poor living conditions directly undermine the constitutional commitment to basic human rights and dignity. Because of this frustration, many South Africans take to the streets in protest, in the hope that their voices will be heard. (Sokuta, T., 2011. *Service delivery: how about real equitable distribution of state revenue to less endowed municipalities?* www.afesis.org.za.

It is recommended that government must take cognizance of all promises made during elections campaigns, with a vision to develop a communications strategy that

will be used to inform communities of the timeframes in which these promises will be fulfilled, as well as the challenges faced by the government in delivering services.

7.4.5   Corruption is endemic in all local governments and disciplinary action or to prosecute corrupt politicians and officials does not happen because of party-political connections. Instead of disciplining corrupt politicians and officials, they are recycled within the three spheres of government, hence corruption, nepotism, favouritism will continue unless the guilty is punished and all monies recovered. The ethos of the so-called cadre positioning, nepotism and irregular awarding of tenders is playing a major role in municipalities' inability to service communities. Skills and experience is not a requirement for cadre deployment and nepotism into key strategic positions who fail to perform.   Furthermore, there is no transparency in the tendering processes because tenders are conferred to companies who are generally inexperienced under the command of individuals with political connections. These companies continue to do substandard work at a high price. The awarding of tenders to companies should be transparent and based on their ability to carry out the tender.

It is recommended that; strict punitive measures must be put in place to ensure that all corrupt officials and politicians are dealt with in the severest manner and that they are not re employed back into government.   Their details must be blacklisted to prevent them from being rehired into government.

The above findings and recommendations suggests that local government needs to relook at its policies and strategies pertaining to the delivery of basic service to its people. The deployment of cadres to prominent portfolios, nepotism, favouritism and the irregular issuing of tenders to friends and family is a clear indication of the precarious effects caused on the provision of quality service delivery. Furthermore, the inadequate discussions and engagement processes with the community in decision-making processes, restricts the expression of communities on the type, standard and quality of services they need.

Even though some of the above findings and recommendations may be specific to the sole circumstances of the CoJ, a number of them could be adopted to the conditions prevailing in other municipalities.

7.5   CONCLUSION

This study primarily investigated the reasons for or causes behind service delivery protests in City of Johannesburg between 2009 and 2014.   It is obvious from the above, that the

justifications for service delivery protests is as a result of the socio-economic damage brought about by apartheid policies which was so extensive and substantial that it could not be overturned through short term policies and programmes of government. This indeed explains why South Africa's new democratic government is still besieged in overcoming the remains of apartheid in areas such as the delivery of basic service to all. Upset by the slow rate of progress by government to deliver basic services to the people of the country, has resulted in people's patience being exasperated thus manifesting in service delivery protests, of which many have turned violent across the South Africa. The eruption of violent protests in municipalities across South African is a piercing cue of the unending discontent with the performance of local government. (twalacm@ufs.ac.za)

Local government cannot fulfil its mandate without a partnership with the provincial and national governments. Establishing and maintaining sound intergovernmental relations have, therefore, become vital in ensuring the success of local government. The rendering of services has to take place within the spirit of co-operative government, as stated in Chapter 3 of the Constitution.

The literature review as well as the results of this pragmatic study, revealed that the focal causes of the service delivery protests is the dissatisfaction at grassroots level with the rapidity and quality of delivery of basic services to the people of CoJ.

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ANNEXURES

INTERVIEW QUESTIONS

Annexure 1

Semi Structured Interview Questions to the 5 Mayoral Committee Members:

1. Can you please indicate what the root causes of service delivery protests in the CoJ?

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2. Do you think that because of weak Intergovernmental relations, municipalities in South Africa are unable deliver services to the communities in an effective and efficient manner? What is the scenario at the CoJ?

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3. What are your thoughts about vandalising of government property during service delivery protests? Does CoJ have a process in place to attend to such matters in the future?

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4. Residents of CoJ often complain that government only comes out to them during election campaigns. Do you think that service delivery protests are due to the unfulfilled promises made by politicians during elections?

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5. ***"Public services are not a privilege in a civilized and democratic society: but they are a legitimate expectation"*** How does the CoJ ensure that all citizens are provided with proper services?

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Annexure 2

Semi Structured Interview Questions to the 5 Section 80 Committee Councillors:

1. What is the current environment of local government in South Africa?

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2. Can you please indicate what the root causes of service delivery protests in the CoJ?

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3. Are service delivery protests only about the non-deliverance of basic services such as water, electricity, sanitation and poor infrastructure or is it because of the growing discontentment of citizens due to the deficiencies in fulfilling their promises made to them.

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4. What mechanisms does the CoJ have in place to ensure that the communities are kept informed and are in involved in the decision-making processes of the CoJ?

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5. Assertions are being made that corruption, nepotism and poor governance are some of the causes for service delivery protests. Do you agree with this statement?

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Annexure 3

Semi Structured Interview Questions to the 5 Ward Councillors in Region G of the CoJ

1. Can you please indicate what the root causes of service delivery protests in the CoJ?

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2. Do you think that because of weak Intergovernmental relations, municipalities in South Africa are unable deliver services to the communities in an effective and efficient manner? What is the scenario at the CoJ?

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3. Is the Ward Councils in the CoJ equipped with essential skills and capacity in order to deliver services to its people timeously?

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4. Residents of CoJ often complain that government only comes out to them during election campaigns. Do you think that service delivery protests are due to the unfulfilled promises made by politicians during elections? What is the case in your Ward?

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5. *"Public services are not a privilege in a civilized and democratic society: but they are a legitimate expectation"* How does your Ward ensure that all citizens are provided with proper services?

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Annexure 4

Semi Structured Interview Questions to the 5 Senior Officials from the CoJ

1. Can you please indicate what the root causes of service delivery protests in the CoJ?

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2. Is the CoJ equipped with essential skills and capacity in order to deliver services to its people timeously?

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3. In your view, what should the CoJ and government do to address community's concerns raised during service delivery protests?

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4. ***Delivering basic services to citizens of CoJ is not a privilege in a civilized and democratic society: but they are a legitimate expectation"*** How does the CoJ ensure that all citizens are provided with proper services? Are there quality control mechanisms in place to ensure that the delivery of such services is done in an efficient, economical and effective manner?
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5. Are service delivery protests only about the non-deliverance of basic services such as water, electricity, sanitation and poor infrastructure or is it because of the growing discontentment of citizens due to the deficiencies in fulfilling their promises made to them.
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Annexure 5

Semi Structured Interview Questions to 5 Residents from each of the followings areas in Region G of the CoJ such as Lenasia, Ennerdale, Orange Farm, Eldorado Park and Vlakfontein

1. What is the current environment of local government in South Africa?

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2. Why are residents taking to the streets in the form of service delivery protests even more the twenty years of democracy?

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3. In your view, what should the CoJ and government do to address community's concerns raised during service delivery protests?

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4. Are Ward Councillors active in your area and do they keep you informed with issues relating to local government matters?
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5. Do you participate in the decision-making processes of your ward?

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Annexure 6 - Ethical clearance

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DEPARTMENT: PUBLIC ADMINISTRATION AND MANAGEMENT
RESEARCH ETHICS REVIEW COMMITTEE

Date: 10 June 2016

Dear Ms Abraham

Decision: Ethics Clearance Approval

Ref #: PAM/2016/015 (Abraham)

Name of applicant: Ms Z Abraham

Student/staff #: 7930437

Name: Ms Z Abraham, zabraham@gpl.gov.za, **tel:** 0714820844
[Supervisor: Mr S Tsoabisi, 012 429 6917, stsoabis@unisa.ac.za]
Research project: Service delivery protests in the City of Johannesburg from 2009 until 2014: **Qualification:** MPA

Thank you for the application for **research ethics clearance** by the Department: Public Administration and Management: Research Ethics Review Committee for the above mentioned research. Final approval is granted for the duration of the project on the condition that letters from the (1) Executive Mayor of Johannesburg, (2) Council Speaker of Johannesburg, and (3) Municipal Manager of Johannesburg, in which permission is granted to you to do this research in their respective areas, are submitted to this Ethics Committee within 30 days of the date of this letter.
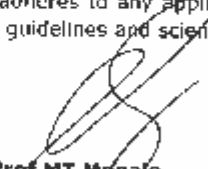
The decision will be tabled at the next College RERC meeting for notification/ratification.

For full approval: The application was reviewed in compliance with the Unisa Policy on Research Ethics by the RERC on 10 June 2016. The proposed research may now commence with the proviso that:

1) The researcher will ensure that the research project adheres to the values and principles expressed in the Unisa Policy on Research Ethics.
2) Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study, as well as changes in the methodology, should be communicated in writing to this Ethics Review Committee. An amended application could be requested if there are substantial changes from the existing proposal, especially if those changes affect any of the study-related risks for the research participants.
3) The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study.

Kind regards

Prof Mike van Heerden
Chairperson:
Research Ethics Review Committee
unisa.ac.za

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Executive Dean: CEMS
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