

THE STATE OF LOCAL GOVERNMENT IN SOUTH AFRICA: ISSUES, TRENDS AND OPTIONS

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ABSTRACT

The impetus that informs the drive for a developmental state that promotes growth and development hinges on the capacity of the local sphere of government to effectively discharge its responsibilities. The thrust of this article is to examine the current state of local government in respect to its developmental mandate, service delivery and institutional capacity. Further, the article reflects on the cardinal elements integral for the viability, sustenance and excellence pertinent to the local sphere of government in South Africa.

The assertion adopted in this article is that local government is expected to effectively attain its mandatory mission of delivering services that are adequate and responsive to the needs of the community. Hence, the point of departure is that the local sphere of government should successfully shift from mediocrity to excellence in as far as service delivery is concerned. Thus, salient strategies needed to fulfill this mammoth task are elucidated.

INTRODUCTION

The signing of the new *Constitution of the Republic of South Africa*, 1996, shaped local government as the epicentre of the government delivery system and at the heart of poverty eradication initiatives (Mogale, 2003:227). Further, both the 2000 and 2006 local government democratic elections heralded a new epoch for the local sphere of government informed by the imperatives of fast-tracking service delivery to local communities, enhancement of financial performance of municipalities, the strengthening of human resource capacity and broad consolidation of institutional capacity for municipalities.

Subsequently, the Department of Provincial and Local Government now renamed Department of Co-operative Governance and Traditional Affairs (COGTA) developed a Five Year Strategic Programme of Action commencing in 2006-2011 with a view to

further consolidate local government hands-on support, governance and institutional development. Increasingly, the South African government has devoted much attention and resources to the local sphere of government in order to ensure its efficacy in line with constitutional imperatives. This is attested to by the initiation of Project Consolidate in 2004 as part of providing hands-on support to low-capacity municipalities, the provision of *Municipal Infrastructure Grants* amounting to billions of rands, the setting up of legislated intergovernmental structures to ensure both vertical and horizontal interaction among and between the three spheres of government and the formulation of legislation such as the *Local Government: Municipal Finance Management Act, 2003* with a view to ensure sound financial management within the local sphere of government.

At the same time, Mogale (2003:229) states that in order to assist municipalities to meet developmental requirements and speed up service delivery to the poor, extensive resource acquisition in terms of funding, human resources, appropriate and most importantly the adoption of key and enabling legislative measures became essential to realise developmental local government objectives.

The primacy accorded to municipal service delivery signifies the national government's strategic vision of assuming a central role in regard to intervening in a more pragmatic manner with a view to addressing poverty and inequalities afflicting the majority of communities in urban areas in general and rural areas in particular. The massive service delivery protests that continue to engulf municipalities necessitate a greater attention and concentrated efforts to be directed to the local sphere of government on the part of both the national and provincial governments as informed and enjoined by constitutional obligations.

The performance of numerous municipalities across the country has thus far clearly demonstrated huge deficiencies in as far the fulfillment of both their constitutional and legislative obligations are concerned. It is against this backdrop, that the article examines the current state of local government in respect to developmental mandate, service delivery and institutional capacity and thus suggest salient strategies needed to ensure excellence in respect to the local sphere of government.

CRITICAL ROLE OF LOCAL GOVERNMENT

South Africa is defined and regarded as a developmental state. The following are characteristics of a developmental state:

- A state that excels in public administration and intervenes in the economy to promote social development. The local sphere of government constitutes an integral part of public administration that also ought to excel in regard to provision of public services.
- A strong state capacity is critically important as a distinguishing feature of a developmental state. It is achieved through the creation of an inexpensive, efficient and effective public service, staffed by the nation's brightest and best officials

functioning without constraints, and capable of being innovative in addressing the social and economic needs of the citizens (Evans 1998; Palidano 2000). According to Edigheji (2009:62) positions in the bureaucracy in Africa have to be based on merit rather than patronage; ethnic or religious considerations; Weberian merit-based recruitment; and rewarding long-term public service careers are required in Africa's developmental states.

- A state concerned with integrating the dual economy by addressing the socio-economic needs of the entire population, especially the poor, the marginalised and the historically disadvantaged.
- A well-managed and democratic state, that builds its legitimacy on its capacity to simultaneously foster productive economic activities and economic growth, qualitatively improve the living conditions of its people and reduce poverty (National Capacity Building Framework, 2008).

In the context of the South African Constitution, 1996 and specifically section 152, a developmental state implies that municipalities assume a greater and significant role in economic and social development.

Local government is aptly defined as a sphere of government located within communities and well-placed to appropriately respond to local needs, interests and expectations of communities. Van der Waldt (2006) asserts that local government is at the coalface of public service delivery. This view is also articulated by Thornhill (2008:492) by stating that local government is often the first point of contact between an individual and a government institution. Therefore, it is also often argued that local government is government closest to the people.

Local government could be described as public organisations authorised to manage and govern the affairs of a given territory or area of jurisdiction. It is also important to note that local government refers to a sphere of government, and not an individual municipality. All the individual municipalities in South Africa make up the collective sphere, known as local government (Roux, 2005:64).

Being the government closest to the people, it is to be expected that a core function of municipalities is the rendering of a variety of basic but essential services to the community within its jurisdiction (Roux, 2005:69). The provision of services by municipalities is a constitutional obligation. Part B of Schedule 5 of the Constitution, concerning functions falling concurrently within the national and provincial competence constituent units identifies the following services that fall within the ambit of local government and its municipalities. These are water; electricity; town and city planning; road and storm water drainage; waste management; emergency services for example, fire fighting; licenses; fresh produce market; parks and recreation; security; libraries; and economic planning. Part B of Schedule 4 of the Constitution as functions within the exclusive domain of provincial government further identifies the following matters that are also the responsibility of municipalities: air pollution, building regulations, child care facilities, electricity and gas reticulation, local tourism, municipal airports, municipal planning, municipal health services, municipal public transport, municipal public works.

The mandate for local government is also succinctly contained in the preamble to the *Local Government: Municipal Structures Act, 1998* (Act 117 of 1998) as:

A vision of democratic and developmental local government in which municipalities fulfill their constitutional obligations to ensure sustainable, effective and efficient municipal services, promote social and economic development, encourage a safe and healthy environment by working with communities in creating environments and human settlements in which all our people can lead uplifted and dignified lives.

The *White Paper on Local Government* asserts that "basic services enhance the quality of life of citizens and increase their social and economic opportunities by promoting health and safety, facilitating access to work, to education, to recreation and stimulating new productive activities" (RSA, 1998:92).

CURRENT STATE OF LOCAL GOVERNMENT

Service delivery provision

According to the *Community Survey Report* published by the Statistics South Africa in March 2008, the socio-economic audit for municipalities glaringly highlights some areas of significant improvements and other areas that require more efforts with a view to improvement.

In terms of the Community Survey Report, pit latrines are most common in Limpopo (64.5 per cent) and least common in Western Cape (0.8 %). Bucket toilets are mostly used in the Free State (12,7%), Northern Cape (4,4%), and North West (4,2%). The national average is 2,2 %. There are only 36 municipalities country-wide that do not have a sanitation backlog (Report on the State of Local Government in South Africa, 2009).

Access to piped water (within 200m of a household has increased from 72,1% to 74,4 % in 2007. Equally, Limpopo, Eastern Cape and Kwazulu-Natal provinces recorded the lowest percentages of access to piped water below the national average of 74,4% (Community Survey Report, 2007).

It is important to note that these backlogs do not take into account population growth, new households and limited infrastructure facilities facing numerous municipalities. The enormity of service delivery challenges saddling municipalities remain daunting.

Further, the performance of municipalities should be located within the context of the unique challenges faced by weaker and more vulnerable municipalities characterised by complex rural development problems, including massive infrastructure backlogs that require extraordinary measures to address funding and delivery capacity requirements.

Deficiencies in administrative capacity and institutional performance

Capacity refers to the availability of and access to concrete or tangible resources (human, financial, material or technological) and having the knowledge to implement policies and the delivery of public services. Capacity also refers to the intangible resources such as

commitment to, and leadership for, the implementation of policies and delivery of public services (Brynard & De Coning, 1999:2006).

According to the *National Capacity Building Framework* (NCBF) for local government, capacity is regarded as the potential for something to happen. A three-pronged definition of capacity is succinctly provided in the framework touching on individual, institutional and environmental capacity factors.

Individual capacity is the potential and competency, or lack thereof, found within a person, normally reflected through his or her specific technical and generic skills, knowledge, attitudes and behaviour accumulated through forms of education, training, experience, networks and values.

Institutional capacity is the potential and competency, or lack thereof, found within organisations. It includes human resources, strategic leadership, organisational purpose, institutional memory, internal confidence, partnerships, intergovernmental relations and functions, infrastructure and financial capability.

Environmental capacity is the potential and competency, or lack thereof, found outside of municipalities' formal structures. These include socio-economic composition (e.g. tax base) and demographic composition, the political, legislative and social capital within communities and the natural and mineral resources available (NCBF, 2004:2008).

The Report on the State of Local Government in South Africa published in 2009 by COGTA provides an intriguing comparison in relation to varying capacities of municipalities and thus notes that some municipal administrations are relatively stable and well-resourced, whilst others face huge infrastructure backlogs, the negative impacts of demographic change and prevailing apartheid-based socio-economic legacies.

From the foregoing, and broadly viewed, capacity is multi-faceted and dimensional in nature. It is within this context that the state of local government performance should encapsulate the dimensionality of capacity of individual municipalities with a view to holistically understand their proper functioning as per legislative prescripts and policy aspects.

According to Local Government Sector Education and Training Authority (LGSETA) Report published in 2007, 31% of municipal managers have qualifications other than those related to finance, legal, public administration, planning and development and 28% of chief financial officers do not hold finance related qualifications. Equally, 35% of technical managers are without engineering qualifications. This state of affairs could clearly impact negatively on the performance of municipalities in question as these senior municipal executives are expected to provide expert views and opinions to the political structures and political office-bearers operating within municipalities such as mayoral committees, the executive mayors and mayors.

A report published by SALGA (South African Local Government Association) in 2007 identified important issues with regard to councillor capacity, notably, that there is inadequate legal support and advice to council decision-making. In some cases the roles of councillors are not clearly defined and 60% of councillors who participated in the survey are first time councillors. Kanyane (2006:116) notes that weak leadership in strategic management including corporate governance; shortage of skills to implement

financial management; legislation; misplacement of skills within municipalities; political considerations in appointments of senior managers without required qualifications; had tremendously weakened the performance of municipalities.

Some municipalities have inadequate financial management capacity. The result is that budgeting, accounting, credit control and financial reporting systems are weak. Thus, about 60% of the 283 municipalities cannot give evidence to account for the revenue they received (Nombembe, 2008). Mostly these are low-capacity municipalities. This means that the municipal managers and financial officers are unable to depict how and when financial transfers from government took place and cannot provide proof of where the amounts listed in their financial statements originate from (Nombembe, 2008).

The National Treasury reported in June 2009 to the Technical Committee for Finance that 56 local municipalities and eight district municipalities are on their financial distress list. Most of the local municipalities are in the Eastern Cape, the Free State and the Northern Cape. The others in the remainder of the provinces (Report on the State of Local Government in South Africa, 2009).

It is apparent that the local sphere of government is currently faced with critical challenges and problems pertaining to effective and sustainable provision of basic services; administrative capacity and institutional performance to drive service delivery and effective implementation of government policies and programmes. However, the efficacy of local government should be achieved through implementation of appropriate and sound strategies.

SALIENT STRATEGIES

Innovative and transformative political and executive leadership

Strong, coherent and transformative political and executive leadership is needed to steer implementation process in the right direction to achieve organisational objectives, supported and co-ordinated by committed administrative support services whose actions do not have contradictory results on service delivery (Meyer & Cloete, 2006:305). Municipal leaders should have a clear vision of what they envisage their cities, towns and localities to develop. Furthermore, effective and strategic leadership is needed to take bold and decisive actions against poor performance and lack of accountability.

The political and administrative components of the municipality should have skills, competences and knowledge that befit the imperatives of a developmental system of local government (Maserumule, 2008:441). Thus, skills and knowledge acquisition should top the agenda of municipalities in an attempt to achieve municipal strategic vision and objectives.

Human resources considerations

Staff appointments in the executive echelon of municipalities should be conducted in line with section 72 of the *Competency Guidelines for Municipal Managers and Managers directly accountable to Municipal Managers* published as Notice 347 of 2007

in terms of the *Municipal Systems Act, 2000*. The senior management competency framework provides for eleven generic managerial competences namely strategic capability and leadership; programme and project management; financial management; change management; knowledge management; service delivery innovation; problem solving and analysis; people management; client orientation and customer focus; communication and accountability and ethical conduct. Thus, it is envisaged that the adoption of more standardised criteria for employing executives in municipalities will improve the overall capacity of municipalities to fulfill their legislated obligations. For Category B municipalities it is recommended that a minimum bachelor's degree coupled with minimum five years experience relevant to local government is appropriate whilst for Category A municipalities a Post graduate degree is preferable.

The outsourcing of both the screening and interviewing functions (including competency-based assessments) to external recruitment agencies should also be considered in the recruitment of senior municipal executives. The administrative arm of municipalities cannot afford to be staffed by senior managers who fail to add value and appropriately deliver on their performance objectives. This is unacceptable as it hinders efforts to accelerate service delivery.

High priority should be accorded to staff recruitment (including headhunting to find the best and most appropriate candidates available). This should be linked to training programmes to strengthen service delivery commitment and capacity, especially in areas of project management, financial management, policy management and strategic management. The South African Local Government Association (SALGA) together with several tertiary institutions notably the University of Pretoria have partnered to provide executive leadership and management programmes relevant to local sphere of government. Other capacity development partnerships include the implementation of the Municipal Financial Management Development programme as per the Minimum Competency levels underpinned by the Municipal Finance Management, 2003 (MFMA) and tailored for municipal officials involved in finance related duties between the Institute of Municipal Finance Officers (IMFO) and University of Pretoria.

Provincial monitoring over municipalities

Provincial governments especially the departments of local government as well as treasuries should assume a more strategic and focused role with a view to provide support and resources to low-capacity municipalities. This role should entail amongst others, the provision of training programmes in areas such as supply chain management and financial management; the setting up of performance management systems to assist municipalities in the formulation of their Integrated Development Plans. The effective monitoring role of provincial governments over municipalities has been clearly demonstrated by the intervention of the Mpumalanga Provincial Government through the member of executive council for local government in the Mbombela Local municipality situated in Nelspruit in February 2008. An Administrator was appointed in terms of section 139 of the *Constitution of the Republic of South Africa, 1996* to ensure that the municipality effectively addresses

its challenges related to the filling of funded posts, financial crisis and poor service delivery over a period of six months. Subsequently, the Provincial government has reviewed its decision as there have been huge improvements since the intervention in the municipality.

The number of appointed administrators has markedly increased as a result of service delivery protests experienced in 2009 especially in Mpumalanga province. However, in the long run municipalities should be fully capacitated in various areas including but not limited to the ability to fill management posts with skilled and qualified individuals, establishment of effective municipal policies, systems and controls as required by law, implementation of continuous management reform and performance management. The ability of municipalities to put in place and enforce anti-corruption and good governance mechanisms and critical similarly financial viability and adequate financial management systems, are important prerequisites for effective municipal service delivery.

Differentiation system of local government

It is increasingly becoming evident that the so-called *one-size-fits all* or uniformity approach to local government is unrealistic and untenable given the historical, socio-economic conditions and financial viability of numerous municipalities in South Africa. This view is also attested to in the Report commissioned by the Department of Co-operative Governance and Traditional Affairs on the state of Local Government in South Africa. Therefore, it appropriately notes that cities such as Cape Town, eThekweni and the Gauteng complex (City of Johannesburg, the Ekurhuleni and City of Tshwane), may require special legislation and functional planning authorities to maximize their role in building the national economy, whilst rural municipalities in former *homeland* areas for example, need to be released from the complexities of compliance with an integrated development plan that far surpasses their capacity to implement (Report on the State of Local Government in South Africa, 2009).

The practicalities and modalities related to the implementation of a differentiated system of local government should be considered in line with international and continental best practices and the unique context within which South African municipalities are located. Scientific and rigorous research endeavours should be undertaken by the national Department of Co-operative Governance and Traditional Affairs in tandem with other important epistemic and knowledge-bearing communities, universities and more particularly schools of public administration and management, research institutions such as the Human Sciences Research Council (HSRC), Institute for Democracy in South Africa (IDASA) with a purpose to explore the feasibility and effective implementation of a differentiated system of local government.

CONCLUSION

South African municipalities cannot afford to invariably perform poorly as evidenced in the article as this could ultimately affect public confidence and trust on the part of local inhabitants. The constitutional mandate for local government chiefly requires

that services to local communities should be provided in a sustainable manner. In order to fulfill this constitutional obligation, municipalities should ensure that institutional capacity is continuously strengthened, systems and structures are firmly put in place and periodically reviewed with a view to adapt to changing conditions and circumstances and more fundamentally resources are allocated to effectively and efficiently deliver public services.

Municipalities should explore, share and apply best practices in areas e.g. service delivery, human resources, institutional systems and policies applicable to the local sphere of government. Through interventions such as the Turn-around Strategy (TAS) presently spearheaded by the Department of Co-operative Governance and Traditional Affairs, municipalities will, over time, be well-placed to discharge their constitutional and legislative obligations.

The improvement of performance of municipalities require the national government to increasingly assume a significant role to ensure that adequate financial and non-financial resources, differentiation of capacity levels of municipalities and targeted interventions are both channeled and considered in order to effectively and progressively assist the local sphere of government achieve its constitutional imperatives.

It is heartening to note that a plethora of policy and capacity building measures and programmes have since been progressively instituted with a view to assist municipalities fulfill their constitutional mandate. However, a sense of urgency exists for the deployment of additional resources and intensification of the current programmes and strategies related to local government.

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