UNREST AT THE LOCAL SPHERE OF GOVERNMENT IN SOUTH AFRICA: UNREALISTIC EXPECTATIONS OR THE INABILITY TO IMPLEMENT POLICIES?

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ABSTRACT

Local government, being the government closest to the people, has a constitutional obligation to render a variety of services which include basic essential services such as housing, sanitation, electricity and water, especially in the poor and disadvantaged communities. With the recent wave of unrest at the local sphere of government in South Africa, numerous questions have been raised about government's ability, or inability, to provide such basic services. Concerns have also been raised about the possible effects of the unrest on the long term stability of South African democracy.

This article focuses on the current state of unrest at the local sphere of government in South Africa, as well as the possible underlying reasons why some local communities are dissatisfied with local government services delivery. Against the background of the principal overarching provisions of the *Constitution of the Republic of South Africa, 1996* and related legislation and policy frameworks for local government, a hypothetical process model for the implementation of policies and programmes for local government service delivery is proposed. This model could serve as an instrument to address the short to medium term problems presently experienced at the local sphere of government.

1. INTRODUCTION

The prosperity and wealth of any nation depend largely on a government's ability to maintain a public service that is professional, and that could provide the necessary infrastructure within which all people can find a 'good life', as well as an environment conducive to individual growth and development. The effective and efficient functioning of government is, therefore, of utmost importance to secure material and social welfare, as well as stability. In the case of South Africa this imperative would apply to al three spheres of government. Any deviation from this could have serious strategic implications that could jeopardise the initial intent of any democratically elected government.

With the upcoming local government elections in December 2005 and the recent wave of unrest at the local sphere of government in South Africa, numerous questions have been raised about government's ability, or inability, to provide essential infrastructural services to local communities, especially for the poor and the disadvantaged. The current community reaction is 'hauntingly' similar to the flames of the 1980s during the 'struggle for liberation'. Although at a much smaller scale it is the possible expansion of the 'pieces of the puzzle' that are creating a threat to national security.[1]

Although there are multiple reasons for the recent wave of unrest, it appears that the inability of government to implement well-meant, and in most cases, sound policies is at the root of the problem. Whether the expectations of local communities insofar as housing, education, health services and other essential services are realistic or unrealistic, the question remains how could government address issues that could negatively affect the stability of the South African democracy in the long run?

In this article the current wave of unrest at the local sphere of government is explored in order to identify underlying reasons for this state of affairs. With the main focus on local government policy implementation, the current constitutional arrangements leading up to local government reform since 1994, will also be explained. Against the background of the policy and legislative framework that applies to the local government landscape, a hypothetical implementation model for policies and programmes related to local government services in South Africa is proposed. Such a model could facilitate the more effective rendering of essential services in order to maintain a greater degree of

stability at the third sphere of government.

2. CURRENT STATE OF UNREST AT THE LOCAL SPHERE OF GOVERNMENT

The past couple of months have been characterised by a spate of community violence at various municipalities countrywide. Needless to say, this has become a cause of great concern for the South African government at national level, led by the African National Congress (ANC), eleven years after the establishment of a true democracy.

Protests started in 2004 in Harrismith in the Free State,[2] and have since then spread to other parts of the country. In June 2005 demonstrations took place in 21 local communities, from the Western Cape to Mpumalanga in the east and Tshwane in the north.[3] Thousands of people took to the streets to demonstrate their dissatisfaction with local government's inability to render basic services such as housing, sanitation, electricity and water, especially in the poor and disadvantaged communities. According to Ensor, "Government, constrained by limited resources, needs time to meet the huge backlogs in housing, education, health care, essential services, poverty relief and land reform, not to mention jobs".[4]

The gravity of the situation is evident in the fact that, according to recent figures for 2001, there were 1,4 million informal settlement dwellings in South Africa and 460 000 backyard shacks. Since then, the number of shack dwellers have increased with the pace of urbanisation.[5] It is estimated that in the Western Cape a backlog of 320 000 dwellings exists, with about 260 000 people on the waiting lists concentrated in the Cape metropole. According to the *South African Survey 2003/4*, government had built approximately 1,5 million new houses between 1994 to 2003, and approximately 3,4 million homes received electricity. However, by 2003 almost a third of households had not yet received electricity or running water, and 1,3 million families had to be satisfied with backyard shacks in townships.[6]

If compared with the initial *Reconstruction and Development Programme: Policy Framework* (RDP), which stated that the government will initiate programmes to build 1 million houses and provide sanitation and water to all, as well as electrify 2,5 million new homes, it appears if government has surpassed its original objectives in some

respects.[7] Understandably, therefore, government claims that it has delivered on its promises. However, in the eyes of the beneficiaries it just means another waiting moment.[8] The underlying reasons might be miscommunication, or a lack of effective marketing of public policies, or, although not specifically mentioned in recent media reports, the influx of legal and illegal immigrants from the war-torn countries to north, who view South Africa as a safe haven with unlimited employment opportunities. The Human Sciences Research Council (HSRC), for example, based on earlier studies estimated that between 2,5 and 4,1 million illegal immigrants are residing in South Africa.[9] Although debatable, the latter issue does place extreme pressure on South Africa's scarce resources and the government's ability to provide essential services to local rural communities. It might, possibly, also be the reason why the figures quoted in the previous paragraph seem not to be adequately addressing current backlogs.

In some circles it has been argued that the reasons for this wave of unrest are, firstly, according to Makhura (Rural Development Policy Analyst at the Development Bank of Southern Africa — DBSA) that "there has been a major misunderstanding over what could be a supplier-consumer relationship". Apparently what the government thinks it is delivering is not deemed by consumers to be what they have been expecting. According to Makhura, "the second issue of contention pertains to the whole concept of *developmental government*. This idea has been hailed as very innovative, but in hindsight the government seems to have over-committed itself".[10]

President Thabo Mbeki recently said in Parliament that these demonstrations do not pose a threat to the democratic system. He, however, did warn that poor service delivery could in the long run negatively affect the stability of the country.[11] Although not the main focus of this article, urban unrest of this magnitude could result in revolutionary action if measured against the causes that contribute towards the growth of revolutionary potential and should, therefore, not be underestimated. The underlying causes, or preconditions include issues such as cultural cleavage; land tenure; economic development; political adaptation; social status; relative deprivation; the role of ideology; geography and demography, and the J-curve of rising expectations, amongst other. Regarding geography and demography as a cause, Hough argues as follows:[12]

> Increasing population pressures on limited ... resources, especially if leading to rural-urban migration where industrial development and employment opportunities lag behind urban population growth, increase both the potential for ... urban violence. Urbanisation often also leads to a disintegration of traditional norms ...

He continues to argue that inefficient and corrupt government could also feature as variables in this regard. The J-curve, according to Hough, "posits that a prolonged period of rising expectations and rising gratifications is followed by a short period of reversal, leading to a widening gap between expectations and gratifications. It combines a fear of loss and a fear that things will no longer continue to improve".[13]

In recent media reports mention was made of a possible Third Force being responsible for the recent wave of unrest in local communities, to the extent that the services of the National Intelligence Agency (NIA) were called upon. Makhura, however, questions this issue and argues that "most of the people marching and fighting are poor, the jobless, the hungry, the homeless".[14] In other words, poverty based on economic and social problems, inequality and a lack of essential services appear to be the main causes for these demonstrations.

Against the background of the above arguments, the question still remains as to what the underlying reasons are for these demonstrations of the past months? Were the political promises, for political gain, of 1994 too idealistic in terms of the realities of housing shortages, electrification and other essential services? Or, is it merely a case of government having over-committed itself? It is most probably a combination of both that led to the current state of unrest. The fact, however, is that the poor and disadvantaged had real expectations of a better life that did not materialise during the past eleven years, as anticipated. A resident of the Kungwini municipality recently remarked that "I have been voting since 1994 but nothing has changed".[15]

Possible reasons for the current state of affairs in some municipalities, according to recent media reports, irrespective of political promises or over-commitment appear to be *inter alia* the following:

— Lack of implementation capacity, particularly at local government level.[16]
— Inability to spend available funds for local government development.[17]

—   Corruption and nepotism. (In some municipalities senior politicians own the companies responsible for the rendering of municipal services. Cases have also been found where municipal councillors appointed family members to the municipality).[18]
—   Inadequate human resource capacity and expertise.[19]
—   Inadequate institutional and infrastructural capacity to render municipal services effectively.
—   Inadequate communication between national government and local government on the real needs of local communities.[20]
—   Inadequate financial resources to fully implement and manage well-meaning government programmes.[21] (Inadequacy in this regard could also be ascribed to the culture of non-payment for municipal services and the inability of municipalities to collect moneys in some local communities).

Although each of these reasons justifies its own investigation and research, the inability to implement — in most cases well thought through and sound policies — appears to be at the root of the current problems facing local government development in South Africa. As indicated earlier, policy implementation would be the main focus of the article in an effort to positively contribute to the current concerns about local government development. Implementation, for this purpose, can be viewed as an 'umbrella' concept, which includes, amongst other, issues such as financial resources, human resource capacity, and institutional and infrastructural capacity.

Understanding policy implementation implies also an understanding of the constitutional, policy and legislative framework that reformed, changed and transformed the local government landscape in South Africa since 1994.

3. POLITICAL AND CONSTITUTIONAL REFORM IN SOUTH AFRICA SINCE 1993/4

The *Constitution of the Republic of South Africa, 1996* (Act No 108 of 1996) — hereinafter the Constitution — paved the way for a truly democratic dispensation. This dispensation was based on principles such as freedom of speech and association, freedom to assemble and respect for life and property, as well as maintaining civilized standards

and discipline. The *1996 Constitution*, preceded by the *1993 Interim Constitution*, indeed reflects a significant change in political thought, if compared with the separate development policies of the previous *apartheid* regime. In contrast with previous constitutions, in which Parliament was the supreme authority, Parliament is now subordinate to the Constitution and the Constitution is indeed the supreme law or 'authority' in South Africa.

The basic ideology underlying democracy is the creation of conditions whereby and according to which the individual will be able to achieve the greatest degree of individual well-being, if he or she abides by the law, including the common law. The word democracy is derived from the Greek words *demos*, which mean masses of people, and *kratos*, which means power or authority. Literally, democracy means government from and by the people.[22]

The goal of a democratic state would be to ensure the spiritual and material welfare of all the inhabitants. In other words, the state attempts to guarantee the contented survival of the nation or population. Any democratic governmental system has, in accordance with the human conscience, a responsibility to ensure a reasonable existence for all inhabitants. Stated differently, a governmental system of this nature must ensure that adequate infrastructure is created and maintained to provide equal opportunities for the development of all citizens. Many years ago Aristotle wrote that "(t)he state exists ... not merely to make life possible but to make life good".[23]

The above, in particular, finds practical application in local government, as one of the three spheres of government.[24] The other spheres are national and provincial government. The local government sphere consists of municipalities in South Africa. Each sphere of government is distinctive, yet the spheres are interrelated and interdependent. Because of its position, local government is often regarded as a mirror image of the successes and failures of national government. Local government is, also, often referred to as the government closest to the people, and exists primarily to bring government to grass root level. The role of local government in South Africa is largely the delivery of a variety of services. In fact, the major challenge facing local government today is that of effective and efficient service delivery.[25]

The principal overarching provisions of the Constitution, which are significant for municipal government and administration in South Africa, are the following:[26]

- The Constitution is the supreme legal framework. Any other law passed by Parliament, or a provincial legislature or a municipal council must be in accordance with the contents and spirit of the Constitution.
- Any action resulting from laws passed by any of the legislative structures in any one of the three spheres of government must be consistent with the Constitution. Of importance for municipal officials is the fact that all conduct must also honour the spirit of the Constitution. Action or conduct inconsistent with the Constitution is invalid. This clearly signifies the importance of the contents of the whole of the Constitution. Therefore, any policy decision or action by municipal officials that contravenes the Constitution, is invalid. In practice, this implies that municipal councillors, municipal managers and municipal employees should ensure that their decisions, actions as well as conduct are continuously evaluated against the relevant sections of the Constitution.
- A further implication of the Constitution, contained in Section 2, is the obligations that have to be fulfilled. This implies, for example, that all spheres of government and all organs of state (government departments, parastatals) must act in a particular manner to promote co-operative government and intergovernmental relations as required in section 41(1) of the Constitution.

Due to the importance of the *Bill of Rights*, as contained in Chapter 2 of the Constitution, particular note should be taken of the implications of the *Bill of Rights* for officials involved in municipal service delivery. This Bill places a responsibility on all such officials to honour the Bill. Municipal officials do not only possess rights, but are also entitled to have their rights respected. The *Bill of Rights* implies that the rights should be exercised with restraint while obligations imposed by it and the rest of the Constitution are obligatory.

Section 7 of the Constitution establishes the *Bill of Rights* as the cornerstone of democracy in South Africa, and affirms the democratic values of human dignity, equality and freedom. As the state is required to respect, protect, promote and fulfil these rights,[27] municipal councils should ensure that policy decisions, financial arrangements, human resources, practices and control measures are designed and implemented in such a way that the rights are seen to be honoured by their fellow officials, their clients as receivers of services, and the electorate at large.

Constitutional reform of such a magnitude inevitably leads to change and transformation in almost all spheres of government and administration. There is hardly a functional area of government not touched by the new generation of policy- and decision-makers in South Africa. From 1994 to 2004, 30 *Green Papers* and 82 *White Papers* have been presented, which all contain major policy changes.[28] During the same time approximately 700 Acts have been approved by Parliament. The latter includes new Acts, as well as comprehensive or partial amendments of previous, or existing Acts.

Transformation is where a government, and consequently all the public executive institutions, virtually have to start anew, where the underlying vision, mission and strategy is under scrutiny. Real transformation can only successfully occur when the majority of individuals in political and executive institutions change their mindsets and behaviour, and when corporate culture is being reborn. Everything is involved, namely all structures and systems, management styles, core competencies, worker profiles and core outputs required. Transformation is, therefore, a much larger entity than the concept of 'change'. In summary transformation entails the creation of a completely new paradigm.

In contrast to transformation, and broadly speaking, change is a planned or unplanned response to pressures and forces. Change may be regarded as a complex strategy intended to change beliefs, attitudes, values and the structures of public institutions so that they can better adapt to new technologies, markets and challenges.[29] It is about analysing the public institutions' strategies and operations, planning and implementing alternatives and/or streamlining current standards, at all three spheres of government, in order to be more productive and effective in their goals and achievements.

4. CONSTITUTIONAL REFORM AND LOCAL GOVERNMENT DEVELOPMENT

The fundamental governmental transformation that took place since 1993/4 also affected the current structure, composition and focus of local government in South Africa. In fact, the *Policy Framework* of the ANC as envisaged in the original *Reconstruction and Development Programme* noted the critical importance of local government, because it is the level of representative democracy closest to the people.[30] The

then *Policy Framework* also suggested that the estimated 800 segregated local authorities be amalgamated into approximately 300 new local authorities with non-racial boundaries. The demarcation of the boundaries of local authorities was to ensure that informal settlements on the outskirts of towns and cities be incorporated into the jurisdiction of new local authorities. The *Policy Framework* placed particular emphasis on the restoration, upgrading and maintenance of networks of services, as well as on the eradication of existing backlogs of municipal services.[31] The *Freedom Charter* of the ANC in addition, adopted in 1955, specifically emphasised that "all people shall have the right to live were they choose, be decently housed, and to bring up their families in comfort and security".[32]

4.1 Local government defined

According to Ismail local government can be described as "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".[33] Section 40(1) of the Constitution, recognises local government as a distinct sphere of government and as such its powers are derived from the Constitution[34] and other statutes, and not derived or devolved from the provincial and national spheres of government.

Stated differently, local government could be described as public organisations authorised to manage and govern the affairs of a given territory or area of jurisdiction.[35] It should be noted that local government refers to a sphere of government, and not to an individual municipality. All the individual municipalities in South Africa make up the collective sphere, known as local government.[36] Municipalities were created for the whole of South Africa to render services in specific geographical areas/locality/jurisdiction.[37]

Note should be taken of terms such as local authority and municipality, which refer to and mean the same thing. Although, the Constitution and legislative documents related to local government use the word municipality as opposed to the term local authority, the latter term was mainly used in the pre-1994 dispensation in South Africa.

4.2 Characteristics of municipalities

Municipalities are distinguished from other spheres, or forms, of government by the following characteristics:[38]

— Municipalities have well defined areas of jurisdiction, which imply that municipalities are only legally mandated to govern the affairs and people of only a particular geographical area.
— Through elections people can directly participate in the affairs of a municipality.
— Municipalities exist to render particular basic services to the people within their areas of jurisdiction. (Municipalities have, according to the Constitution, the power to determine rates and taxes, which serve as a source of income for the provision of basic services.)
— Municipalities can pass by-laws that are legally binding.
— Municipalities may employ personnel to conduct and manage their business. Municipalities are, therefore, currently not bound by the legislative arrangements for the provision and utilisation of personnel applicable to the national and provincial levels of government.

The main responsibility of municipalities is the rendering of services to the communities within their respective area of jurisdiction. Important, however, is to remember that municipalities must operate within the overall framework of both national and provincial government, as well as the Constitution. Municipalities cannot pass by-laws that contradict national and provincial legislation or the Constitution.[39]

4.3 Local government reform and transformation

Transformation, as previously indicated, entails the creation of a completely new paradigm. It has to do with a total change of the mindsets of all role players, whether political or administratively. As mentioned, all structures and systems, management styles, core competencies and worker profiles are involved. This is particularly true of the reformation and transformation of the local sphere of government in South Africa, since 1993/94. Being the sphere of government closest to the people, a major effort has been made to redesign policies and consequently legislation to address local government issues and to correct the imbalances of the past in so far as housing and the accessibility to municipal

services are concerned. Apart from the constitutional changes that took place, as explained earlier, the following serve as examples of major policy and legislative changes affecting the structure, composition and appearance of the local sphere of government in South Africa to date.

— *Intergovernmental Fiscal Relations Act, 1997* (Act 97 of 1997).
— *Financial and Fiscal Commission Act, 1997* (Act 99 of 1997).
— *Organised Local Government Act, 1997* (Act 52 of 1997).
— *Local Government: Municipal Demarcation Act, 1998* (Act 27 of 1998).
— *Local Government: Municipal Structures Act, 1998* (Act 117 of 1998).
— *Public Finance Management Act, 1999* (Act 1 of 1999).
— *Local Government: Municipal Systems Act, 2000* (Act 32 of 2000).
— *Preferential Procurement Policy Framework Act, 2000* (Act 5 of 2000).
— *Local Government: Municipal Finance Management Act, 2003* (Act 56 of 2003).
— *Local Government: Planning and Performance Management Regulations, 2001.*

4.4 The composition of the local sphere of government

Chapter 7 of the Constitution deals substantively with local government as the third sphere of government.[40] Provisions in these sections determine that:

— the local sphere of government consists of municipalities;
— the executive and legislative authority of a municipality be vested in its municipal council;
— a municipality has a right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation, as provided for in the Constitution; and
— the national or provincial government may not compromise or impede a municipality's ability or right to exercise its powers or perform its functions.

According to section 152 of the Constitution, the objectives of local

government are:

— to provide democratic and accountable government for local communities;
— to ensure the provision of services to communities in a sustainable manner;
— to promote social and economic development;
— to promote a safe and healthy environment; and
— to encourage the involvement of communities and community organisations in the matters of local government.

The Constitution specifically emphasises that municipalities must strive, within their financial and administrative means, to achieve these objectives.[41] Therefore, a municipality must structure and manage its administration, and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community. Municipalities are also obliged to participate in national and provincial programmes.

When the 1996 *Constitution* came into full effect, including the related legislation as mentioned earlier, the previously 843 (pre-1994) municipalities were replaced by 284 municipalities, in which there were no racial separations.[42] In this regard the City of Tshwane can serve as an example. It is currently one of six metropolitan municipalities in South Africa with an estimated population of 2.2 million. With the establishment of the Tshwane Metropolitan Municipality the previously 13 separate municipalities (then known as local authorities), namely Centurion, Mamelodi, Mabopane, Winterveld, Ga-Rankuwa, Akasia, Soshanguve, Hammanskraal, Pretoria, Atteridgeville, Temba, Pienaars River and Crocodile River, were amalgamated.[43]

The amalgamation of these multiple administrations, as was also the case in other areas of local government in South Africa, has created numerous challenges. The first imperative was the establishment of an organisational structure with sufficient capacity and resources, to serve as a vehicle in the rendering of a variety of important services to the community, within its jurisdiction.

4.4.1   Categories of municipalities

There are various ways in which municipalities can be organised to

perform their tasks. Section 155(1) of the Constitution identifies three categories of municipalities.[44] They are:

— **Category A:** Category A municipality refers to a municipality that has exclusive and legislative authority in its designated area. There is only one municipal council in such a municipal area.
— **Category B:** Category B municipality refers to a municipality that shares municipal executive and legislative authority in its area with a Category C municipality within whose area it falls.
— **Category C:** Category C municipality refers to a municipality that has municipal legislative and executive authority in an area but has more than one municipality, namely a district municipality.

Presently there are six Category A, 231 Category B and 47 Category C municipalities, totalling 284.[45]

4.4.2   Relevant legislation

Because the Constitution only provides that the executive and legislative authority of a municipality is vested in a municipal council, Parliament had to legislate about municipal government affairs. This was done with the passing of the *Municipal Structures Act, 1998* and the *Municipal Systems Act, 2000*. According to these Acts every municipality could have its own structure of legislative, governmental and administrative/executive institutions, as well as functionaries.[46] In practice this implies that municipalities consist of local, district or metropolitan councils, depending on the category of municipality. Councillors are elected or appointed to operate and govern the affairs of, and provide services within a specific geographical area.[47] The *Municipal Structures Act, 1998* also provides for the appointment of committees to support councils to efficiently perform their duties. Examples of such committees are the executive committees established by municipalities with collective executive systems; ward committees established by metropolitan and local municipalities; and mayoral committees established to support the executive mayor where a council has more than nine members.

The *Municipal Structures Act, 1998* further provides for the election of mayors, or executive mayors, from the ranks of the respective executive committees. These office bearers are elected by the municipal council. Mayors have limited functions, while executive mayors, as in the case of

the Tshwane Metropolitan Council, have functions that are similar to those of an executive committee.[48]

A municipal council will appoint a municipal manager for a municipality. Such an individual acts as the chief executive officer for the municipality. He or she would head the administration and, most importantly, also act as the accounting officer for the municipality.[49]

4.5 Service delivery and accountable governance

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. The provision of services by municipalities, as indicated earlier, is a constitutional obligation. Part B of Schedule 5 of the Constitution, identifies the following services that fall within the ambit of local government and its consequent municipalities. They are water, electricity, town and city planning, road and storm water, waste management (refuse collection), 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 further identifies the following matters that are also the responsibility of local government: air pollution, building regulations, child care facilities, electricity and gas reticulation, fire fighting services, local tourism, municipal airports, municipal planning, municipal health services, municipal public transport, municipal public works, pontoons, ferries, jetties, harbours excluding the regulations on international and national shipping and matters related thereto, tracking regulators and water and sanitation.

These services are known as external services, meaning services rendered to the general public within the jurisdiction of the municipality. Internal services are those services rendered within the municipality. Such services are, for example, human resources management and information technology assistance. These are internal functions/services that assist other departments to perform their mandate effectively. The above-mentioned internal services are also known as staff functions.[50]

The vast service delivery backlogs that exist, particularly in the previously neglected areas, remain a challenge for local government in South Africa. A report published by the Department of Provincial and Local Government (DPLG)[51] from which *Tables 1* and *2* are derived, serve to illustrate the severity of the situation.

Table 1: Distribution of Services in Urban and Rural Areas in 1996						
		Below basic	Basic	Inter-mediate	Full services	Total
Water	Urban	10,1%	12,7%	13,6%	63,6%	100%
	Rural	39,2%	36,6%	13,5%	10,8%	100%
	Total	21,8%	22,3%	13,5%	42,3%	100%
Sanitation	Urban	25,8%	2,0%	0,0%	72,2%	100%
	Rural	75,8%	16,0%	0,0%	8,3%	100%
	Total	45,9%	7,6%	0,0%	46,5%	100%
Electricity	Urban	21,4%	0,1%	18,8%	59,7%	100%
	Rural	67,6%	1,3%	18,8%	12,3%	100%
	Total	40,0%	0,6%	18,8%	40,6%	100%
Roads	Urban	16,0%	8,8%	21,2%	53,9%	100%
	Rural	42,7%	42,7%	13,3%	1,3%	100%
	Total	26,7%	22,5%	18,0%	32,7%	100%
Storm water	Urban	20,4%	14,4%	11,5%	53,6%	100%
	Total	20,4%	14,4%	11,5%	53,6%	100%
Waste removal	Urban	18,3%	2,1%	0,0%	79,6%	100%
	Rural	53,3%	42,4%	0,0%	4,3%	100%
	Total	32,4%	18,3%	0,0%	49,3%	100%

Source: RSA, Department of Provincial and Local Government (DPLG), *Service Backlogs Report*, 2001, p 8. See also Nyanmukachi, P M, *Options for Urban Service Delivery in South Africa with Special Reference to the Tshwane Metropolitan Municipality*, unpublished MAdmin Dissertation, University of Pretoria, Pretoria, 2004, p 16.

A basic level of service is defined as that level of service considered to be ensuring or meeting the basic requirements of health and safety. To illustrate this, using the example of water provision, a basic level of water provision will mean that there are at least communal standpipes; the intermediate level of service will mean there is a yard tap; and full service means that the recipient has in-house running water.[52]

From *Table 1* it can be deduced that the worst service provision standards are in rural areas. A reason for such vast variations in service delivery can most probably be attributed to past biases in services expenditure and delivery, in particular those of the pre-1994 South African government. *Table 2* illustrates the total capital requirements calculated in 2001 that were needed to meet the various service levels.

Table 2: Estimated Cost of Meeting Service Backlogs 1998-2007	
Targeted service level	Capital needed
Basic	R39 billion
Intermediate	R104 billion
Full	R230 billion
Source: Nyanmukachi, P M, *Options for Urban Service Delivery in South Africa with Special Reference to the Tshwane Metropolitan Municipality*, unpublished MAdmin Dissertation, University of Pretoria, Pretoria, 2004, p 41.	

As can be deduced from the above, meeting the targeted service levels will require large sums of capital investment. It has been acknowledged in government publications such as the *White Paper on Local Government Service Partnerships*, that to acquire the capital resources needed to meet service delivery needs, other innovative financing solutions have to be devised such as partnerships with the private sector and more prudent financial management practices.[53]

As mentioned earlier, Parliament passed legislation to supplement constitutional provisions for local government. As such, the *Municipal Systems Act, 2000* in its *Preamble* stated that the Act was passed because there is a need to set out the core principles, mechanisms and processes that give meaning to developmental local government; and to empower municipalities to move progressively towards the social and economic upliftment of communities and the provision of basic services to all people, especially the poor and the disadvantaged. The *Preamble* furthermore stated that a fundamental aspect of the new local government system is the active engagement of communities in the affairs of municipalities of which they are an integral part in planning, service delivery and performance management. It is argued that the new system of local government requires an efficient, effective and trans-

parent local public administration that conforms to constitutional principles to ensure financially and economically viable municipalities.

Chapter 4 of the *Municipal Systems Act, 2000* also provides for community participation. Municipalities must develop a culture of municipal governance that complements formal representative government with a system of participatory governance. In this respect local community participation in the activities of the municipal council should be encouraged, particularly regarding the preparation, implementation and review of its integrated development plan; the implementation and review of its performance management system; the monitoring and review of its performance, including the outcomes and impact of such performance; the preparation of its budget; strategic decisions relating to the rendering of municipal services; and building the capacity of the local community to participate in the affairs of municipal councils.[54]

The aforesaid place particular emphasis on accountable governance insofar as the rendering of municipal services are concerned. If municipal councils do not perform as expected by local communities, such communities will express their dissatisfaction. The recent wave of local unrest serves as an example to this extent. Furthermore, the question remains whether government will be able to meet its obligations in the case of local government service delivery in the near future, if proper policy implementation does not take place?

5. A HYPOTHETICAL PROCESS MODEL FOR THE IMPLEMENTATION OF POLICIES AND PROGRAMMES FOR SERVICE DELIVERY

As indicated earlier, the lack of implementation capacity, or the inability to implement policy, appears to be one of the major reasons for the recent state of unrest at the local sphere of government. In fact, the implementation phase in the policy process tends to be the most problematic one in terms of practical policy execution. Sound policies are annually formulated and analysed in the Government's quest to offer the South African society the best policy options available. Unfortunately, such options do not always include a well-designed programme on the practice of implementation, with the consequence that essintial services are not rendered according to initially stated objectives. This appears also to be symptomatic of policy failures elsewhere in the world.[55]

5.1 The meaning of implementation

Policy implementation refers to the 'setting in motion' of policy directives as authorised by the decision-makers and according to their prescriptions. It implies the practical manifestation of well-researched policy issues and should be conducted in a properly planned and programmed manner.[56] The programme for implementation should be simple and place as little reliance on bureaucratic processes as possible. An implementation programme should also take into consideration the following requirements:

— The financial or budgetary requirements brought about by new policies or changes in existing policy.
— The organisational and administrative requirements, that is, the administrative and organisational capacity of the municipality to cope with practical implementation of local development programmes and policies.
— Human resource requirements, as implementing policy, imply not only the availability of trained staff, but also their commitment to pursue goals and objectives in a professional manner.[57]

It appears that in some cases adequate financial resources are available for local government development. However, as stated by the *Business Day* earlier this year, "this (money and policies) has in many cases become snarled up in bottlenecks".[58] The latter was most probably due to inefficient human resource capacity to execute municipal budgets as planned, particularly in rural areas.

According to a newspaper report, President Thabo Mbeki announced that recent studies indicate a 30 per cent vacancy of posts, especially in the rural areas. He further mentioned that consideration is given by government to 'import' expertise on a large scale, as well as to address issues pertaining to the training of municipal employees.[59] Although this could be seen as a positive sign in order to alleviate the current shortage of skilled staff, it will still take considerable time before this action would impact on the ability of municipalities to effectively render services as expected by communities.

For any implementation strategy to succeed it is, in addition to the above, of utmost importance for municipalities to also have at their disposal adequate infrastructural facilities. This would also include, apart from office space and related equipment, the availability of information

technologies (IT), as well as the organisational and administrative capacity to effectively manage implementation strategies. Again this appears to be problematic, particularly in rural communities.

5.2 A process model for the implementation of policies and programmes

A model can be seen as a symbolic representation (example/image) of a particular phenomenon.[60] It is a substitute for reality, or an imitation of reality.[61] As such, a model should be seen as an instrument available to municipal officials to facilitate and ensure systematic and effective policy implementation. A hypothetical process model for the implementation of local government policies and programmes that could enhance the ability of municipalities to effectively render services can be illustrated as in *Figure 1*.[62]

Before explaining the model in *Figure 1* it should be noted that there are critical variables, which shape the directions that implementation might take. Five such variables emerge which are important causal factors to be borne in mind when policy implementation is considered.[63] The variables, also referred to as the 5-C protocol, are:

— Content
— Context
— Commitment
— Capacity
— Clients and coalitions

As a causal factor or variable, the content of policy is a function of the level and type of coercion by government. The content of policy is important not only in the means it employs to achieve its ends, but also in its determination of the ends themselves and how it chooses the specific means to reach those ends. Differently stated, implementation can be viewed as a "seamless web ... a process of interaction between the setting of goals and actions geared to achieving them".[64] Mediating this choice of ends and means is the content of the policy.

It is important that the context in which a policy is developed and placed is of such a nature that it addresses the problem it is to resolve. The design and development of any policy has to comply with specific social, political and economical issues and place these issues in the

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FIGURE 1: A PROCESS FOR LOCAL GOVERNMENT POLICY IMPLEMENTATION

Phases in the policy implementation process
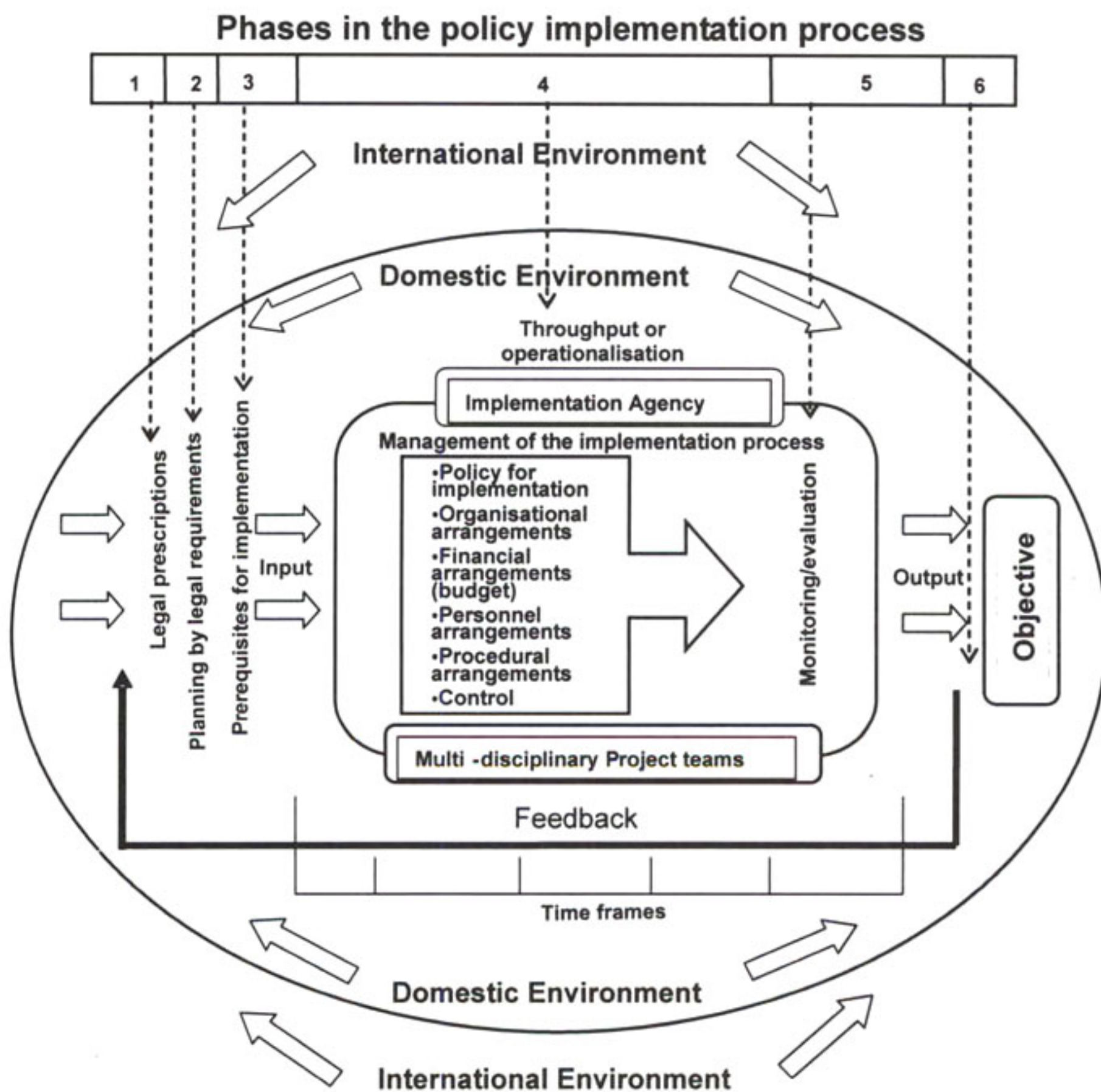
Source: The model was compiled with the aim to present an understandable and more practical representation of the policy implementation process, and is an integrated conceptualisation of various views of exponents such as Easton (1957 and 1965); Smith (1973) in Quade (1989); Hanekom (1987); Cloete J J N (1981) and Cloete F and Wisink (2000), amongst others.

correct context within the policy being designed and developed. The context of the designed policy will also be influenced by the institutional mechanism it has to pass through in order to become enacted.

Governments must have commitment when they design, develop and implement policies. This commitment may be equated with the concept of 'buy-in', in other words, acceptance of partnership. The commitment must be based on not only satisfying local communities and popular needs, but also on it being cost beneficial to all parties concerned.

Implementation of all policies is determined by the capacity of government. As previously indicated, capacity in this regard refers to the tangible ability and having the resources, the knowledge and the funds to implement a proposed policy. Capacity also refers to the intangible resources such as commitment to, and leadership for, the implementation of policies.

It is important to recognise the potential power shifts when considering policy implementation within pressure groups. It is also the responsibility of the policy-makers to determine the potential clients and coalitions prior to the design and development of such policies in order to ascertain the acceptance of such policies. All parties concerned must be involved in the policy-making process in order for the policy to be accepted when implemented and ownership taken for the execution thereof. As mentioned earlier, the issue of miscommunication or the absence of proper communication between government and local communities has been raised as one of the possible reasons for the recent state of unrest in South Africa. In this regard, government should enter into a process of consultation (marketing of policy) with local communities to determine real needs, as well as to ensure that proposed policies and programmes will be supported before finalising a policy or programme.

Bearing in mind the causal factors, or variables, mentioned above, the proposed model for the implementation of local government policy consists of six phases, which are also indicative of a process of implementation.

The first phase in the policy implementation process implies that policy enactment has taken place, also bearing in mind the 5-C protocol variables, and that legal prescriptions are clear. The policy and legislative changes affecting the structure, composition and functioning of the local sphere of government in South Africa, mentioned earlier, serve as

examples to this extent.

An intensive planning (phase two) of the implementation process according to legal requirements will follow this phase. Strategies will have to be developed and the implementation plan will have to be programmed in order to provide for reasonable time frames and the allocation of responsibilities. Vital to the planning phase and the eventual success of implementing local government policies and programmes is that certain preconditions would have to be satisfied if perfect implementation is to be achieved.[65] These preconditions, also indicated as phase three in the model, are:

— To bear in mind that circumstances external to the implementing agency do not impose crippling constraints.
— To ensure that adequate time is available and sufficient resources are made available to the programme.
— To ensure that the required combination of resources is actually available (for example technological equipment, computer hardware and software and physical infrastructures).
— To ensure the appointment of highly skilled and committed individuals to effectively implement the policy according to approved guidelines and within the agreed time frames.
— To ensure that the policy to be implemented is based upon a valid theory of cause and effect, that is to avoid entering the implementation stage when there is not a proper understanding of the problem to be solved, and of its causes and cure.
— To ensure that all the role players, or stakeholders, are committed to the implementation of the policy, and have provided their consent in this regard.
— To ensure complete understanding of, and agreement on, the objective(s).
— To ensure that tasks allocated are fully specified in a correct and programmed sequence.
— To ensure that optimal communication and co-ordination measures and arrangements are in place before operationalising the policy.
— To ensure that a proper leadership and management structure exists which can demand and obtain optimal compliance throughout the programme.

Phase four refers to the actual operationalisation of the policy through

effective management and administration of the implementation process by the assigned implementation agency or department, namely to apply the management and administrative functions as depicted in *Figure 1*, in order to produce tangible results or outputs as were initially planned and programmed. Because of the comprehensive nature of local government services, consideration should be given to the appointment of multidisciplinary project teams (for example teams that consist of knowledgeable personnel that would be able to advise on the various functional areas of local government involvement such as information technologies, water provision, sanitation, housing, electrification, land allocation, legal matters, recreation, roads, and services in general).

Phase five refers to the monitoring and evaluation of the implementation process. According to Dunn monitoring is the policy-analytic procedure that is used to produce information about causes and consequences of public policies.[66] It specifically permits analysts to describe relationships among policies, their implementation and their outcomes. As such, it represents a vital element in policy implementation. Monitoring, in the case of local government policy implementation, would perform at least four major functions:[67]

— **Compliance:** Monitoring would help to determine whether the actions of municipal councils, municipal officials and other stakeholders comply with standards and procedures imposed by legislatures, regulatory agencies and professional bodies.
— **Auditing:** Monitoring would help to determine whether resources intended for certain target groups and beneficiaries of policy, such as local communities, have actually reached those communities.
— **Accounting:** Monitoring will produce information that is helpful in accounting for social and economic changes that follow the implementation of broad sets of public policies and programmes over time.
— **Explanation:** Monitoring would also yield information that helps to explain why the outcome of public policies and programmes differ.[68] In the case of local government development it is important that government, through proper communication and systems of feedback, establishes the real outcomes of policy in terms of initially stated objectives and the subsequent expectations of local communities.

Evaluation is a process carried out to determine the worth or value of policy outcomes. Evaluation has to do with the critical assessment of policy implementation in order to determine the actual impact of policy outcomes.[69] The following are the main characteristics of evaluation:

— **Value focus:** Evaluation focuses on the value of policies and not on the collection of information about policies.
— **Fact-value interdependence:** Evaluation should be based on facts, but should also incorporate value judgments.
— **Present and past orientation:** Whereas policy recommendations are prospective in nature and occur before actions have been taken, evaluation is retrospective and occurs after actions have been taken.[70]

Well-planned policy implementation does not imply that near perfect outcomes will materialise. Unexpected changes in the environment and unanticipated consequences of certain strategies employed might mean that planning of new implementation strategies will have to be done.

Phase six of the model provides for continuous feedback, ensuring that objectives are met as initially identified, or changed if necessitated by circumstances.

Implementing policy in a structured and planned way also implies that cognisance is taken of the actors, or stakeholders, in the domestic and international environments. Domestic role players could include the legislative authorities; public officials; pressure and interest groups; NGOs; CBOs; government departments; the judicial authorities; and private enterprises. International actors could include organisations such as the World Bank; the United Nations (UN), in particular through the UN Development Programme (UNDP); the UN Educational. Scientific and Cultural Organization (UNESCO) and the UN Development Fund for Women (UNIFEM); and development programmes supported by the European Union (EU), the US Agency for International Development (USAID) and other international donor organisations. Equally important are role players in the African region such as the Southern African Development Community (SADC), the African Union (AU), and consequently the initiatives of the New Partnership for Africa's Development (NEPAD).

The *Municipal Systems Act, 2000* states in section 22 that each municipal council should adopt (and therefore put into policy) a single,

inclusive plan for the development of the municipality, which should adhere to the following criteria:

— It should link, integrate and co-ordinate plans and proposals for the development of the municipality.
— Resources and capacity of the municipality should be aligned for the implementation of the plan.
— It should form the policy framework and general basis on which annual budgets are based.
— The plan should be compatible with national and provincial development planning requirements that are binding on the municipality in terms of legislation.

Despite clear constitutional provisions and legal prescriptions, it appears that effective policy implementation, and consequently the implementation of integrated development plans, does not occur in some rural communities. The proposed implementation model could serve as an instrument for those municipalities that are most affected by the recent state of affairs, and would enable them to systematically address the issue of service rendering within the current policy frameworks.

6. CONCLUSION

The maintenance of democratic stability at all costs, 11 years after political reform commenced, is of utmost strategic importance to South Africa. Although the recent wave of unrest at the local sphere of government is not necessarily endangering national security and consequently democratic stability, the potential medium to long term effects on the stability of South Africa is not to be underestimated. In fact, as indicated earlier, the underlying causes or preconditions that could contribute towards the growth of revolutionary potential could be associated with the appearance of some issues related to the current unrest.

President Thabo Mbeki indicated the South African government's intention to 'import' skilled staff from abroad, realising that one of main reasons for the current state of affairs is the lack of expertise to effectively deal with the problems associated with local government service delivery. Although this could be viewed as a positive signal, as mentioned, it would not necessarily, due to time constraints, alleviate the immediate problems associated with the recent unrest.

A possible short to medium term strategy could be the establishment of Implementation Agencies, on a project basis, to facilitate, particularly in the poor and disadvantaged communities, the implementation of policies and programmes for local government development. Such agencies could also act as mentors to train and develop human resource capacity to effectively deal with the management and administration of municipal affairs in the long term. The proposed process model for policy implementation could serve as an instrument to facilitate the systematic and structured implementation of local government policies and programmes, also taking into account the national and international environments within which the local sphere of government currently operates.

Although government has delivered on some of its initial promises and even surpassed initially stated objectives in particular cases, the current realties and discontent regarding the expectations of various local communities in so far as the rendering of essential services are concerned, are most probably, if viewed within context, justifiable. Being the government closest to the people, the effectiveness of local government in the long run is of utmost importance for national government "to not only make life possible, but (also) to make life good" in the spirit of a true democracy in South Africa.

REFERENCES

1.   *The Star* (Johannesburg), 6 June 2005.
2.   *Rapport* (Johannesburg), 5 June 2005.
3.   *Beeld* (Johannesburg), 7 June 2005.
4.   *Business Day* (Johannesburg), 31 May 2005.
5.   *Ibid*.
6.   *Beeld* (Johannesburg), 7 June 2005.
7.   African National Congress, *The Reconstruction and Development Programme: A Policy Framework*, 1994, paragraph 1.4.2.
8.   *The Star* (Johannesburg), 6 June 2005.
9.   Solomon, H, "Contemplating the impact of illegal immigration on the Republic of South Africa", *Unit for African Studies Working Paper*, Centre for International Politics, University of Pretoria, 2000, p 3.
10.   *The Star* (Johannesburg), 6 June 2005.
11.   *Beeld* (Johannesburg), 7 June 2005.
12.   Hough, M, "The concept of revolutionary potential with specific reference to the RSA", *ISSUP Bulletin*, Institute for Strategic Studies, University of

     Pretoria, South Africa, 1/2003, p 3.

13. *Ibid*, p 5.
14. *The Star* (Johannesburg), 6 June 2005.
15. *Pretoria News* (Pretoria), 28 July 2005.
16. *Business Day* (Johannesburg), 31 May 2005.
17. *Rapport* (Johannesburg), 5 June 2005.
18. *Beeld* (Johannesburg), 7 June 2005.
19. *Ibid*.
20. *Rapport* (Johannesburg), 5 June 2005. See also *The Star* (Johannesburg), 6 June 2005.
21. *The Star* (Johannesburg), 6 June 2005.
22. Botes, P S, Brynard, P A, Fourie, D J and N L Roux, *Public Administration and Management: A Guide to Central, Regional and Municipal; Administration and Management*, Kagiso Tertiary, Pretoria, 1997/99, p 11.
23. *Ibid*, p 261.
24. See Section 40(1) of the *Constitution of the Republic of South Africa, 1996*.
25. Nyamukachi, P M, *Options for Urban Service Delivery in South Africa with Special Reference to the Tshwane Metropolitan Municipality*, Unpublished MAdmin Dissertation, University of Pretoria, Pretoria, 2004, p 16.
26. Cloete, J J N and C Thornhill, *South African Municipal Government and Administration: A New Dispensation*, Dotsquare Publishing, Pretoria, 2005, pp 19-22. See also Chapters 1-3 and 7 of the *1996 Constitution*.
27. See also section 7(2) of the *1996 Constitution, op cit*.
28. South African Government Information, *White Papers and Green Papers*, 2005 (www.gov.za), last accessed 31 August 2005.
29. Swanepoel B, Erasmus B, Van Wyk M and H Schenk, *South African Human Resource Management*, Juta and Co Ltd, Cape Town, 2000, p 753.
30. African National Congress, *op cit*, paragraph 5.12.1.
31. *Ibid*, paragraphs 5.12.3-5.12.10.
32. African National Congress, *The Freedom Charter*, Adopted at the Congress of the People, Kliptown, on 26 June 1955, p 4.
33. Ismail, N, Bayat, S and I Meyer, *Local Government Management*, Thompson Publishers, Johannesburg, 1997, p 3. See also Nyamukachi, P M, *op cit*, p 9.
34. *1996 Constitution, op cit*, section 151.
35. Nyamukachi, P M, *op cit*, p 17.
36. *Ibid*. See also Reddy, P S, *Readings in Local Government Management and Development*, Juta, Cape Town, 1996, p 50.
37. *1996 Constitution, op cit*, section 151.
38. Nyamukachi, P M, *op cit*, p 18.
39. *1996 Constitution, op cit*, section 41(1).
40. *Ibid*, section 151 to 164.

41. *Ibid*, section 153.
42. Cloete, J J N and C Thornhill, *op cit*, p 5.
43. City of Tshwane, *Tshwane Municipal Structure and Roles*, 2005. http://www.tshwane.gov.za/about.cfm. Accessed 22 September 2005.
44. See also the Local Government: *Municipal Structures Act, 1998* (Act 117 of 1998), Chapter 1.
45. Cloete, J J N and C Thornhill, *op cit*, p 24.
46. *Ibid*, p 39.
47. Ismail, N, Bayat, S and I Meyer, *op cit*, p 3.
48. Cloete, J J N and C Thornhill, *op cit*, pp 104-106.
49. See Local Government: *Municipal Structures Act, op cit*, section 82.
50. Gildenhuys, J S H, *Introduction to Municipal Finance: A South African Perspective*, Van Schaik, Pretoria, 1997, p 24.
51. South Africa, Department of Provincial and Local Government (DPLG), *Service Backlogs Report*, 2001, p 8. See also Nyamukachi, P M, *op cit*, p 41.
52. South Africa, Department of Provincial and Local Government, *op cit*, p 6.
53. South Africa, *White Paper on Local Government Service Partnerships*, No 2116 of 2000, section 1.
54. Cloete, J J N and C Thornhill, *op cit*, pp 41-42.
55. Hogwood, B W and L A Gunn, *Policy Analysis for the Real World*, Oxford University Press, Oxford, 1986, p 197.
56. See: Quade, E S, *Analysis for Public Decisions*, Elsevier, New York, 1989, p 338; and Ripley and Franklin in Cloete, F, Schlemmer, L and D Van Vuuren, *Policy Options for a New South Africa*, HSRC Publishers, Pretoria, 1991, p 144.
57. Roux, N L, "Public Policy Analysis: Concept and Methodology" in Kuye, J O and C Thornhill *et al*, *Critical perspectives on Public Administration: Issues for Consideration*, Heinemann, Cape Town, 2002, p 90.
58. *Business Day* (Johannesburg), 31 May 2005.
59. *Beeld* (Johannesburg), 25 July 2005.
60. Hoos, I R, *Systems Analysis in Public Policy: A Critique*, California University Press, California, 1972, p 125.
61. Quade, E S, *op cit*, 1975, p 143.
62. Contributions made by E van Rooyen and L van Jaarsveldt, School of Public Management and Administration, University of Pretoria, during the early stages of the initial design of the model, are acknowledged and appreciated.
63. Brynard, P A, "Policy implementation", in Cloete, F and H Wissink, *Improving Public Policy*, Van Schaik Publishers, Pretoria, 2000, pp 178-186.
64. *Ibid*, quoting Pressman, J L and A Wildavsky, *Implementation*, University of California Press, Los Angeles, 1973, p xv.
65. See Hogwood, B W and L A Gunn, *op cit*, pp 99-206.

66. Dunn, W N, *Public Policy Analysis: An Introduction*, Prentice Hall, Englewood Cliffs, 1981, p 278.
67. Roux, N L, *op cit*, pp 90-91.
68. See also: Dunn, W N, *op cit*, pp 278-279; and Hogwood, B W and L A Gunn, *op cit*, p 200 *et seq*.
69. Wissink, H, "Capacity-building for policy improvement", in Cloete, F and H Wissink, *op cit*, p 272.
70. Quade, E S, *op cit*, 1989, pp 272-273.