

# Complexities of governance formality and informality for developing countries

## Editorial perspective

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### INTRODUCTION

The shift from government to governance, which was expected to be inclusionary and empowering to multiple actors, has not been unproblematic, especially for developing countries that have experimented with liberationist democratisation (Givens 2013; Croucamp & Malan 2016). Africa, in general, and South Africa, in particular, have not been exceptions to the norm, notwithstanding the latter's international acclaim for its democratic dispensation. In recent years, South Africa has been afflicted with seemingly intractable governance problems wherein informal processes have evidently trumped formal constitutional and institutional frameworks. To this extent, perceptions of the *liberationist-democratic experiment* being exploited to legitimise distributive regimes and patronage through, among other modes, state capture have become stronger. To this extent, the governing party, the African National Congress (ANC), is now openly acknowledging governance challenges, which require in-depth insight beyond the generalised rhetoric of good *vis-à-vis* bad. To this extent, this Issue of the Journal delves into the complexities of governance to uncover the associations of the shift from government with the overcompensation of formal constitutional and institutional frameworks with the informalised networks that legitimise a diversity of societal ills such as corruption, governing party ill-discipline and so on.

Governance structures, systems and strategies are underwritten by philosophical tenets, therefore raising theoretical and pragmatic questions about domestic and foreign policies of nations (Buscher & Dietz 2005; Givens 2013; Jinping 2014; Croucamp & Malan 2016). Such questioning cannot be framed outside the parameters of the relationships of the party, state and society. China has, for example, sought to "modernise the national governance system" the Chinese way (Jinping 2014); therefore, South Africa's ongoing crises of governance could as well be traced back to the unfettered endeavour to emulate the Western philosophies without couching them with Africanism or Africanist characteristics. According to Buscher

& Dietz (2005:5), decisional and regulatory powers have traditionally been attributed to the state; and, the shift from government to governance implies that the majority of subjects of traditional authorities had to re-orientate themselves overnight as they were then expected to be actors in publicly contested power relations. Discursive power, which has traditionally resided with the state, has shifted significantly to non-state actors with the transition from government to governance in the contexts of globalism and localism. To this extent, Strange's (1996 cited in Buscher & Dietz 2005:6) concept of *hollow state* has tended to gain traction in Africa as most states failed to manage their obligations. As a result, non-state actors, especially those that command resources, have increasingly developed "their own sets of rules or standards to fill 'institutional voids' where rules to guide behaviour are needed but not provided by the state" (Arts 2003 cited in Buscher & Dietz 2005:6). Generally, countries that trotted with democratic experimentation after long periods of liberationist struggles have commonly exploited the later logic to create a bond between the governing party and state in ways that serve distributive regimes and patronage on behalf of the elites and private financial interests. Notwithstanding South Africa's democratisation, questions need to be asked: Has a democratic South Africa degenerated into a *hollow state*? This question does not deserve simplistic responses; instead, they entail convoluted yet rigorous analyses because insinuations of state capture, corruption of the elite, party and state patronage cannot be taken for granted.

## **GOVERNANCE: CONSTITUTIONAL AND STATUTORY INSTITUTIONAL FRAMEWORKS VERSUS INFORMALITY**

The interface of globalism and localism has appeared to be "more compatible with a 'governance mode' than a 'government mode'" (Buscher & Dietz 2005:11). Bias towards the former was increasingly enforced by the inevitability of multiplicity of actors, diversity of interests and inequities of power relations within institutional interactionism on both the local and global arenas (Buscher & Dietz 2005; Givens 2013; Croucamp & Malan 2016). However, the shift of bias to governance did not necessarily obliterate the power-base of government; instead, the latter has become a virtual cheer leader that shapes the nature of experiences of democracy, if not the absence thereof (Givens 2013; Thondhlana *et al.* 2015; Croucamp & Malan 2016). Thus, as Graham *et al.* (2003: ii cited in Thondhlana *et al.* 2015: 122) put it, governance involves "the interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken, and how citizens or other stakeholders have their say". This definition places democratic principles at the centre of the conception and experiences of governance. The applications and experiences of such democratic principles, norms and values are shaped by institutional mechanisms, "processes and structures such as contracts, networks, policies, cultural practices, legislation and rules" (Thondhlana *et al.* 2015:122) that govern the ruling party, state and society triad. Indeed, institutional rules, "regulations, agreements, constitutions, values and social practices" structure the interactions (Thondhlana *et al.* 2015:122) of the party-state-society triad. Given their significance, these institutions "mediate access to and control over" resources, infrastructure and services because they determine "whether or not one is eligible for making decisions, the actions permitted or forbidden, procedures



for actions and type of information one can get in a specific context” (Thondhlana *et al.* 2015:122).

But these institutions are not value-free because they “reflect the vested values and interests of various actors”, which are themselves “realized through contested and negotiated arrangements” (Kepe 2008 cited in Thondhlana *et al.* 2015:122). In the final analysis, the myriad of unequal actors themselves shape and reshape institutions and, by direct implication, governance, which in the first place guides their actions. To this extent, the description above offers only half of the story of governance for both developed and developing nations because it does not cover for informal processes that are in reality predominant (Croucamp & Malan 2016). Indeed, the formal processes of governance are encapsulated in “the constitutional and statutory jurisdiction of the institutional relationship between state and society while the informal process could be described as institutional as well as relational” where the latter operates “beyond the *de jure* jurisdiction of constitutional oversight and verification” (Croucamp & Malan 2016:62–63). In short, governance is not only complex, but it is multifaceted; and, it therefore entails insights from a wide ranging diversity of perspectives, including typologies of ingredients, principles, categories and indices and dimensions. This issue of the Journal offers such multifaceted cognitive lens on governance, largely in reference to South Africa.

## **PARTY-STATE LIBERATIONIST BOND IN POST-APARTHEID SOUTH AFRICA**

In Africa, colonialism was fundamental to the history of societies, wherein global actors came to, formally and/or informally, “exert ... great influence on the local economic, social, cultural and political state of affairs” to the extent that “the ability of the central state to establish a formal system of rule and have ... citizens comply with it was, and still is, very limited” (Doornbos 1990 cited in Buscher & Dietz 2005:4). Besides, the formal Westphalian state has always been challenged as inappropriate for Africa; and, the shift from government to governance met with tacit acceptance in the continent, paradoxically opening the scope for hegemonic informal networks that came to overcompensate the state.

A democratic South Africa, just like most of Africa, was born out of colonial and apartheid rule wherein the state was, never by African standards, *very strong*; hence, globalism, regionalism and localism brought with assumed qualities of democratisation of governance with exponential growth in the multitude of actors. But the increase in the actors in governance by itself did not resolve the relations of power among them nor address the necessity to enhance shared experiences of democracy among the citizenry. Hence, the cries about state capture have becoming depressingly loud in recent years. The shift from government to governance entailed that the state had to search for “new ways in which many different conjunctions of governance could be stimulated to form one kind of coherent and coordinated system that fulfils the demands and needs of society” (Buscher & Dietz 2005:5), a process which exposed the state to informalisation of governance. Given that governance requires democratisation, some African states have conversely sought to continue to “establish or expand effective authority through formal rule mechanisms within the boundaries bestowed upon them by colonial rule” (Van Der Veen 2002 cited

in Buscher & Dietz 2005:5). It is in this context that large segments of the African society have continued to endure undemocratic regimes, state violence and abuse in the twenty-first century, notwithstanding the global acceptance of the virtues of democratisation of the party-state-society interactionism. It has to be emphasised, though, that the Chinese model of governance appears to paradoxically demonstrate how discipline could be instilled in the party-state-society triad, without necessarily being democratic (*cf.* Jinping 2014). However, this observation remains a moot point that this issue cannot resolve.

## **MULTIPLICITY OF GOVERNANCE PERSPECTIVES, PRINCIPLES, DIMENSIONS AND INDICATORS**

This issue compiles fifteen articles that examine the diversity of perspectives, principles, dimensions, ingredients and indices of governance. The compilation opens with **Tsheola's** analysis of governance of the party-state-society triad interactionism in South Africa. However, the article is steeped in the complexities of the multi-faceted concept of governance to distil the notion that a shift from government to governance allowed for heavy reliance on networks of informality that overcompensated the constitutional and institutional frameworks, thereby legitimising distributive regimes and patronage, especially under *liberationist-democratic* dispensations. To this extent, the article concludes that the current public contestations in a democratic South Africa about President Zuma, Constitutional Court Ruling on the Public Protector's Nkandla findings, the recklessness of the resources-wasting State-owned Enterprises, the executive's encroachment into and abuse of apparatus of state for political ends, ill-discipline in the governing party and so on, are symptomatic of a steeply informalised governance that operates through complex networks, beyond the reproach of formal constitutional and statutory institutional frameworks. One dimension of governance that **Makuwira** explores, relates to the use of development donors to legitimise deeper informalisation of governance in Africa, under the guise of creating adequate scope for the multiplicity of actors. He argues that governance in Africa has been consciously rendered impossible through the logic of development donors. The article articulates the point that as development donors provide resources, sometimes in excess of the national operational wealth, postcolonial states in Africa have tended to legitimise the informalisation of governance at the expense of the efficacy of Public Service. To this extent, the article concludes that most governance in Africa has remained personalised and lodged in specific regimes in the disguised hope of development.

**Mathonsi and Sithole** craft a perspective that highlights the complicating features of having a Western-grown democratic system side-by-side with the traditional leadership institution. This article examines the reasons underlying the incompatibility of the Western-grown democratic and the traditional leadership systems. These authors are acutely aware that there has been no blending or integration of the two systems; instead, they have merely been allowed to exist parallel to each other, regardless of the legislative and policy framework that were developed to synergise them. To this extent, this article highlights the depth of complexities that have continued to confront former colonies in Africa that are presently toting *liberationist-democratic experimentation*. Given Botswana's profile as Africa's best practice model of integration of traditional and Western-grown democratic systems (Pitcher,



Moran & Johnston 2009), **Mooketsane, Bodilenyane and Motshekgwa** tacitly apply this notion of incompatibility through the dichotomous discourse of centralisation *vis-à-vis* decentralisation. This article examines and analyses Botswana government's decision to centralise primary health services and rural water supplies using theories and concepts of decentralisation that suggest that the latter promotes improved delivery and efficacy. They demonstrate that decentralisation has been eulogised as a participatory means to development, which enhances good governance and democracy. In essence, the article shows that this discourse of centralisation or decentralisation enhancing participatory democratic governance and service delivery efficacy, or lack thereof, remains an unresolved story for developing countries.

The point of compatibility of traditional and Western-grown democratic governance systems continue to present a serious cognitive challenge in that the hegemonic discourse tends to assume that the former is inherently patronage-based whilst the latter is portrayed as panacea for *good governance* (Pitcher, Moran & Johnston 2009). Broadly, the specific virtues and values of *good governance* are associated with Western-grown democratic systems, thereby insinuating that African traditional governance systems are inherently non-democratic and, by implication, bad (Pitcher, Moran & Johnston 2009). However, there is evidence from the WGs that conclusively demonstrate that developed and developing countries alike, are capable of good governance, implying that the converse is also probable in both cases (Kaufmann, Kraay & Mastruzzi 2009, 2010; Croucamp & Malan 2016). This debate remains inconclusive and protracted. **Koename and Mangena** examine the connections between ethics, accountability and democracy. They argue that when these virtues are non-existent, bad governance predominates, which inevitably compromises societal development. This cognitive orientation is taken farther by **Ncgobo and Malefane** who argue that internal controls enforce transparency and accountability, adherence to legislative requirements, efficiency and effectiveness as well as responsiveness to the needs of beneficiaries. They examine the general reports of audit outcomes, annual reports and internal audit function reports of the Roodepoort City Theatre (RCT), trading as Joburg Promusica, to corroborate their assumption. Drawing from empirical evaluation of the effects of governance on the degree to which clean audits have been achieved in South African local municipalities, **Motubatse, Ngwakwe and Sebola** expose the locus of the ubiquitous service delivery failures, which they argue are now widespread and apparently intransigent, thereby negating the national goal of an inclusive socioeconomic development. The article identifies cost-effective measures that could improve governance and, by association, enhance audit outcomes.

One, often neglected, dimension of governance is people power and empowerment of ordinary citizens. It is this quality of governance that makes it different from government (Buscher & Dietz 2005; Givens 2013). **Masiapato and Wotela** assess the spatial variations of participatory governance for citizen empowerment, largely as a rural-urban dichotomy, wherein the urban elite is accorded favour. As a result, they formulate a subnational citizen-based participatory governance model that could empower vulnerable communities. The unavoidable inequities in the governance power relations are examined by **Thebe**. The article stimulates critical rethinking of cadre deployment and its role in compromising efficacies in the governance of finances and administrations. It associates good governance with virtues such as responsiveness, accountability, professionalism and ethical conduct,

which are assumed to be inextricably linked with democratic experimentation, in contrast political deployment of cadres which is based on loyalty and patronage. The article mourns the dearth of political education associated with democratic dispensations, which then recreates exclusionary governance wherein political deployment of cadres remains self-serving. Based on the same notion that governance's underlying motive should be empowerment, **Mukwarami, Nyirenda and Fakoya** examine the governance of corporate social responsibility (CSR) and return on assets (ROA) among mining firms to determine its role in the socioeconomic empowerment of communities. The article confirms that tenets of good corporate governance are satisfied in the relationship of CSR and ROA in the selected mining firms, notwithstanding the continued poverty among mining communities. In essence, there is evidence that the construct of governance is steeply infused with the virtues of private rather than public ownership. On their part, **Mamabolo and Tsheola** examine the dearth of governance of communal land in order to establish its centrality to the lapse of productivity compared to that contracted to private interests. The article corroborates the same longstanding trend that suggests that the political-economy of governance is inherently biased against poor communities; and that the state too collude in establishing institutional frameworks that favour the private interests at the expense of the citizenry.

The same notion of exclusionary governance at the expense of the poor is further developed by **Chokoe and Meso** in the domain of brown environmental problems. The article demonstrates that whereas the poor are trapped in environments that are degraded and toxic, the better-off are largely concerned with the green wilderness that provides them with spaces for luxury holidaying and adventure. The state colludes in this regard because it has allowed environmental governance to be shaped by informal networks, whose interests are not consistent with those of the voiceless poor in developing countries. The article does so by exploring the deleterious environmental consequences of laxity in South Africa's urban governance, which prioritises profit-making and industrial development efforts at the expense of public health.

Currently, South Africa is afflicted with higher education crisis of students fees and funding. The calls for free higher education have precipitated violent protests at largely formerly white universities in ways that define exclusionary governance. **Sebola** tackles the stakeholder governance aspect of this scenario. The article argues that governance through stakeholder engagement is a complex phenomenon in South Africa's institutions of higher education. Modern governance systems require that stakeholders work together in order to avoid conflicts which may emanate from silo operations. The article demonstrates that there are different mandates held by individual stakeholders in institutions of higher education, which renders cooperative and collaborative governance virtually intractable. Whereas attempts towards inclusivity in decision-making are evident in South Africa's higher learning, the article concludes that the problem resides with the stakeholder mandates that are, more often than not, contradictory. **Sibiya** presents another angle to the debate of governance of higher education institutions in South Africa. The article appraises relations between institutional leadership and student organisations, given the current turmoil in the institutions of higher education in South Africa. It points to transformation as the major challenge that impairs relations between leadership structures of the institutional and the student polity. Tacitly, this article corroborates the notion of contradictory stakeholder mandates as the key locus of South Africa's higher education institutions' crises of governance. Finally, **Muswede**



presents a wide range of factors that arguably underwrite South Africa's higher education institutions' governance crisis. The article highlights overcrowding, infrastructure deficiencies in the form of inadequate accommodation, shortfalls in knowledge resources such as libraries as well as Information and Communication Technology, inequitable access, racial inequality and weak funding mechanisms as the primary causes of violent student protests. In fact, the article runs a full circle to concede that recurrent *collapsed* stakeholder negotiations have legitimised untenable circumstances of *heavy-handedness* on the part of security agents and student violence. Importantly, this article again, notwithstanding its starting point, turns to corroborate the notion of stakeholder mandates and façade transformational as the primate governance conundrums for South Africa's higher education institutions.

Hopefully, this compilation of this issue would contribute towards a sustained cognitive engagement of governance with insight, in order to shift from the generalised public discourses that are contend with the distinction between good and bad.

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