MUNICIPAL GOVERNANCE IN DISTRESS IN SOUTH AFRICA: THE COMPARATIVE STUDY OF UMHLATHUZE AND MTUBATUBA LOCAL MUNICIPALITIES

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Abstract

This paper examines the state's capacity to meet social needs amidst various models of service delivery. In South Africa, there is considerable frustration at poor service delivery and the many unmet needs of the citizens. Some scholars argue that local government is the key site of contradictory and seemingly impossible official efforts to manage poverty and deprivation, while others contend that the local level remains a space of hope for alternative futures to better the material conditions of the citizens. This debate is informed by very little research on how local government practitioners and other stakeholders interpret their roles, considering growing demands for service delivery. Our research is a case study that solicited the views of key stakeholders from two local municipalities in the province of KwaZulu Natal selected in view of their very different governance and service delivery outcomes. Fourteen government officials as well as other stakeholders were interviewed about how they interpret their role in governance, the causes of government ineffectiveness, and the lessons for effective governance. The research paper concludes by suggesting a governance functionality matrix that categorises municipalities on the dimensions of governance stability and service delivery outputs.

Keywords: Municipalities, Governance, Service Delivery, Governance Functionality Matrix.

1. INTRODUCTION

World-wide, the changing role of the state in meeting societal needs is being discussed by scholars in public policy (Bevir, 2011, Levi-Faur, 2011, Peter and Pierre, 2016). This debate takes place amidst a spectrum of perspectives on service delivery including state-centric, market-centric, and citizen-centric approaches (Levi-Faur, 2011). While there is relative consensus on the need for the state to play a role in responding to the changing service delivery demands, there are sharp differences in the literature about the role of the local government.

The paper provides a background on the role of local government as defined in the South African Constitution Act, Act 108 of 1996 as well as the current assessment on the fulfilment of that role. This is followed by scholarly debate on the state of municipalities largely premised on Hart's (2013) seminal argument that local government is a site for structural contradictions, which set it up for failure given that it provides technical solutions to what is essentially a political problem. We contribute to this debate by soliciting the views of critical stakeholders: mayors, municipal managers, local government experts and civil society, on how to respond to these structural contradictions. Their views serve to enrich the debate about the role of municipalities in ensuring and enhancing service delivery.

Key findings that are presented using the thematic approach further give rise to some striking observations, contradictions and comparative analysis of various dynamics within the municipal space in South Africa. The paper ends with a recommendation to align service delivery with governance using a functionality matrix.

2. CONTEXTUAL BACKGROUND

The role of municipalities in South Africa is neatly spelt out in the Constitution Act, Act 108 of 1996 as provision of basic services, mainly water, electricity, roads, refuse collection, social and economic development, a safe and healthy environment, while ensuring participation of the communities, more specifically participation of the citizens. In their own development. Based on this constitutional obligation, the White Paper on Local Government published in March 1998 introduces the concept of developmental local government to further provide clarity on the role of local government. Various pieces of legislation have since been enacted for local government, in particular the trilogy of Municipal Structures Act (1998), Municipal Systems Act (2000) and Municipal Finance Management Act (2003), to tighten the systems and procedures to assist municipalities fulfil their constitutional functions.

Over the years, there have been various reviews to assess how municipalities have lived up to their mandate. From these reviews, it is patently clear that municipalities, by and large, are struggling to fulfil these obligations. According to the Minister of Cooperative Government and Traditional Affairs (CoGTA) Budget Vote Speech to the National Assembly, only seven percent of the country's municipalities are classified as well-functioning, 31% are reasonably functional, 31% are challenged and almost dysfunctional while the remaining 31% are dysfunctional (CoGTA, 2018). This is despite a suite of support and intervention mechanisms designed to stabilise local government at different levels of functionality in South Africa. Dysfunctional municipalities are unable to discharge their constitutional mandate, leading to social discontent (Cogta, 2018).

According to a StatsSA census in 2023, there are quantitative measures of service delivery output on which such conclusions can be based such as satisfactory access to water, electricity, roads and refuse collection as well as other, non-municipal basic services such as housing, educational opportunities, and social grants (StatsSA, 2023). Interestingly, in the same census, customer satisfaction with services rendered is on a steady decline (StatsSA 2023). There appears to be some social disconnect somewhere in the municipal service delivery ecosystem that calls for further research. Therefore, while some service delivery outputs are improving in municipalities, there is a clear decline in the quality of governance in most municipalities, judging by the sheer scale of social discontent (SOLG, 2023). Despite the valuable service delivery milestones that have been achieved thanks to the support provided since the dawn of democracy, it is clear that local government still remains in distress and has not reached a state of sustainability as envisaged by the Constitution and the White Paper in 1998 (SOLG, 2023).

Marwala (2021) observes that some municipalities bear the brunt of social discontent at a time when they discharge more public services than before. In fact, service delivery has become somewhat of a tainted phrase in South Africa as it often has undercurrents of failure, frustration,

hopelessness and despair (Marwala, 2021). These policy and practical contradictions call for more empirical research into this vexed question of how municipalities interpret and experience their governance role and how they respond to rising service delivery demands.

3. LITERATURE REVIEW

As an outgrowth of the debate about the changing role of the state in meeting societal needs, there is a growing body of literature on the relationship between the state and society and on the state's capacity to meet societal needs (Bevir, 2011; Pierre, 2016). At the heart of this debate about service provision are diverse theoretical perspectives including state-centric, market-centric, and citizen-centric approaches (Van Donk, Swilling, Parnell & Pieterse, 2007; Bevir, 2011; Pierre, 2016).

This scholarly debate is reflective of a society in a state of flux. From the onset, the application of social theory in administrative practice has been characterised by change and fluctuation (Ritzer & Smart, 2001). The analytical focus of social theory, the erosion of traditional practices and the emergence of the modern world, was questionable from the beginning (Ritzer & Smart, 2001). Theories are constantly challenged by practical reality leading to policy dilemmas (Bevir, 2011). The ideas and actions by which society responds to these dilemmas are the sources of new theories and practices (Bevir, 2011).

Within the African context, the nexus of this debate is centred on human-centred governance mechanisms as an effort to rise above the shackles of poverty and underdevelopment (Onimode, 2004). Both academics and policy makers are inspired by the democratisation of the development process and the pursuit of equity and justice in the distribution of public resources to progressively eliminate unemployment and mass poverty (Onimode, 2004).

In South Africa, various academics and policy makers decry the current state of development and argue for alternative home-brewed, theory-driven and policy-relevant governance or managerial instruments to put the country on a sustainable development trajectory (Bond, 2005; Nkomo, 2017).

In the municipalities, policy makers are grappling for more robust governance systems to respond to the growing restlessness of society as evidenced by the rise in service delivery protests (Morudu, 2017). Various studies seek to provide a diagnostic account of the rising service delivery protests, but with limited attempts at understanding of how municipalities interpret and experience their role in the changing service delivery demands (Morudu, 2017; Madlingozi, 2007; Siwisa, 2008).

Local government in South Africa is currently facing challenges in interpreting and implementing the policy imperatives (Van Donk et al, 2007). However, Hart (2013) argues differently by postulating that local government is the key site of structural contradictions and an impossible terrain of official efforts to manage poverty and deprivation in a racially inflected capitalist society marked by massive inequalities and precarious livelihoods. The question then arises as to whether local government is indeed set up for failure, irrespective of official efforts to offer technical solutions to what is essentially a political problem (Hart, 2013). Faced with

a barrage of divergent expectations of their roles and responsibilities, municipalities make their own set of interpretations of their role in responding to the rising demands for service delivery, leading to differential development outcomes within the municipal landscape.

This debate poses a vexing question on the role of local government in the face of massive poverty and changing service delivery demands for water, electricity, housing, roads and better job opportunities. What compounds the problem is the Constitution Act, Act 108 of 1996 that has placed, in no uncertain terms, a legal obligation on local governments to respond to major socio-economic challenges. While there are regular assessments from national and provincial departments about how municipalities are responding to socio-economic challenges, such assessments focus on the quantitative aspect of service delivery. There are few assessments that focus on how local government interpret and experience their role in meeting societal demands, with special reference to the qualitative aspect of service delivery.

4. BACKGROUND TO CASE STUDIES

Umhlathuze local municipality is a bustling secondary city with a deep harbour that is the gateway for bulk commodities from Africa to the rest of the world (Umhlathuze IDP, 2023). Umhlathuze local municipality (KZ 282) is situated on the north-east coast of the Province of KwaZulu-Natal, about 180 kilometers north-east of Durban. The Umhlathuze land area covers 123 359 ha and incorporates Richards Bay, Empangeni, eSikhaleni, Ngwelezane, eNseleni, Felixton, Vulindlela, Bhucanana and Heatonville as well as the rural areas under Traditional Councils namely, Dube, Mkhwanazi, Khoza (Bhejane), Zungu (Madlebe), Somopho (Mthembu), Obuka (Biyela) and Obizo (Cebekhulu). The municipality borders a coastline that spans approximately 45 kilometers. The N2 highway traverses the uMhlathuze municipality in a north-east direction towards the Swaziland border and south-west towards Durban (Umhlathuze IDP, 2023). On the governance front, uMhlathuze municipality is fairly stable politically, amidst subtle 'inter and intra' political tensions and high standards of service delivery (SOLG, 2023).

The other is Mtubatuba local municipality, a bustling rural town that provides retail services to the rural hinterland deep into KwaZulu Natal (Mtubatuba IDP, 2023). Mtubatuba municipality is strategically located along the N2 which links the municipal area to strategic areas such as Richards Bay, eThekwini Metropolitan area, Mpumalanga Province and SADC countries such as Swaziland and Mozambique. Most of the Mtubatuba Municipality nodal areas are a product of some form of formal planning exercises, which resulted in the existence of land use management systems, but no records exist for any detailed spatial planning processes to guide the social and economic development of the broader Mpukunyoni Traditional Council area, which includes areas such as KwaMsane, Mfekayi and Somkhele (Mtubatuba IDP, 2023). On the governance front, Mtubatuba municipality is riddled with political instability, complex coalition dynamics and poor service delivery outcomes (SOLG, 2023).

The two local municipalities show both similarities and contradictions in their respective role to the broader economy and development outcomes. uMhlathuze local municipality is more urban, with higher population density, and has achieved better access to water and electricity

(StatSA Census, 2022). Mtubatuba local municipality, on the other hand, is more rural with lower population density and lags behind in terms of development outcomes (StatsSA Census, 2023).

5. RESEARCH METHODOLOGY

The research adopted a case study approach of these two municipalities with their different governance and service delivery outcomes. Umhlathuze local municipality has recorded a series of clean audits in a row with service provision for water and sanitation above 95%. Mtubatuba local municipality, on the other hand, has been plagued with a myriad of governance challenges over the years, with basic service provision outputs below 50%.

In-depth interviews with key informants were conducted. These interviews allow the researcher to probe deeper into the research questions with a view of gaining interpretative insights into the research study (Creswell, 2013). In addition, focus group discussions were conducted with stakeholders from the two communities. This research design followed the qualitative research method path in order gain a deeper understanding of the questions under study.

Fourteen (14) key respondents were interviewed using the purposive sampling technique. The nature of the research study is such that it required privileged information that only the selected respondents possess. In this regard, Mayors, Municipal Managers, Local Government Experts, Non-Government Organisation as well as Business Leadership were selected as they can be considered the custodians of the privileged information that was required. This was the aim behind the purposive sampling technique utilized in this study.

Specifics about the fourteen (14) respondents are presented in Table 1. These in-depth interviews were supplemented by two focus groups comprising sixteen (16) Members drawn from different Communities in the two study areas in order to ensure that the full spectrum of governance partners have a voice in the research findings.

Table 1: Profile of Respondents

Profile	Number
Mayors	2
Municipal Managers	3
Local Government Experts	5
Business Leaders	2
Non-Governmental Organisation	1
Auditor General	1
Focus Group (Mtubatuba Local Municipality	15
Focus Group (Umhlathuze Local Municipality)	09
TOTAL	**38**

The research questions focused on the respondent's conceptualisation of their governance role, causal factors for the rise in service delivery demands, conditions for effective governance, the effect of governance partnerships, as well as lessons for future governance systems.

The research findings that emerged following an intensive thematic analysis, as espoused by Braun and Clarke (2006), revolved around the following three main themes that percolated during the intensive interview processes. These are:

1. Interpretation and experience of the governance role;

2. Root causes for ineffective governance

3. Key Lessons for effective governance systems.

5. RESEARCH FINDINGS

5.1 Theme 1: Interpretation And Experience of Governance Role

Depending on the experiences of each respondent and their interpretation of their governance role, all 14 respondents as well as the two focus groups displayed a wide array of understanding of the concept of governance, its application and their role in it, including government, leading, expertise, decision-making, oversight to partnerships, relationships, democracy and networks.

This continuum of responses is unsurprising as it is in line with the scholarly literature on the concept of governance. For example, Rhodes (1996) argues that the state-driven traditional administrative system is the main cause of problems in the delivery of public goods while Peters and Pierre (2016) suggest that the state must assume a functional approach to the management of democratic institutions.

However, within the continuum of responses, there emerges a discernible pattern of two sub-themes. The first sub-theme is the interpretation of governance in terms of the relationship between the structures within the municipality. This is an exclusively internally focused narrow interpretation that gives primacy to internal structures, processes and systems within the municipality, to the total exclusion of the external environment.

For example, the governance role was described in terms of the relationship between Council and administration, to the total exclusion of external stakeholders. The second sub-theme is the interpretation of governance in terms of the quality of services rendered to the environment outside the municipality, like NGO's and businesses.

This research finding confirms the multiplicity of conceptual understandings of the governance role as opposed to a shared understanding amongst the governance partners interviewed. The research finding on different interpretations was expected as it was compatible with the school of thought amongst scholars as well that despite the ubiquity of the governance concept in common parlance and political rhetoric, its actual meaning is contested (Bevir, 2011).

5.2 Theme 2: Root Causes For Rising Service Delivery Demands

There are discernible differences amongst stakeholders on the root causes of rising service delivery demands. The majority of respondents cited poor communication between the municipality and the citizens as a central causative factor. One expert respondent succinctly articulated such poor communication as *"a social distance between elected representatives and the people, the social distance between the administration and the people, where you find that*

there are certain expectations that communities will have but those expectations are not translated to actual deliverables".

However, interestingly, while poor communication was cited by most respondents from within the municipality and experts, the main causative factor cited by the business and community leadership within the focus groups is poor administrative and technical capacity. What is particularly significant about this finding is that it is the most cited amongst the non-state actors, and is presented with noticeable passion.

The focus group in Mtubatuba municipality was rather scathing in their interpretation of reasons for poor service delivery, describing the municipality as a "*disclaimer and a cesspool of corruption and nepotism*". In direct contrast, the focus group in Umhlathuze municipality was more accommodative and positive in their articulation of the relationship with the municipality, describing the municipality as *"responsive*". The respondents from business leadership articulated their frustrations that their demands for basic services like reliable supply of water and electricity for which they pay dearly are not met, resulting in poor quality of life and the loss of profits.

On probing the responses regarding technical expertise, one local government expert respondent aptly remarked that municipalities are *"caught between the whirlwind of service extension on one hand and service maintenance on the other and often do not get the balance right. It is like between a rock and a hard place"*.

5.3 Theme 3: Key Lessons for Future Governance Systems

There are three elements that emerged. These are policy enforcement, policy paralysis and governance partnerships. The research question on lessons for future governance systems triggered a lot of imagination and innovative ideas from respondents of how governance systems could be enhanced going forward, on policy, legal, and performance levels. At a policy level, the majority of respondents gravitated towards policy enforcement as a measure to enhance effective governance systems in the future.

Concerns were expressed by these respondents that the current policy environment is bloated but with not much bite because of poor enforcement capacity. These respondents decry the current state of policy paralysis, which is described as *"relevant but not enforceable due to capacity constraints*". This state of policy paralysis, according to the respondents *"makes the mockery of local government, which is a poor cousin to national and provincial sphere government*".

At the time of the research study, Mtubatuba municipality included the nuisance and litter control by-law in its policy register, but it was observed that refuse management remains a serious challenge in town due to poor enforcement capacity. This observation underscores Hart's (2013) assertion that municipalities are set for failure as they are expected to provide technical solutions to what is essentially a political problem.

Related to policy enforcement is policy incoherence which is cited by some respondents. "*Many of our policies are cut and paste"*, remarked one respondent with a sense of despair.

What this means is that policies are cascaded top-down from the national and provincial spheres. This also explains why most policies are unenforceable as cited by a sizeable number of respondents.

The research finding on the role of governance partnerships established that there was overall consensus among the respondents about the need to "*enhance governance partnerships or social compacts between the municipalities and private sector, academia, NGOs and CBOs*". However, when probed to spell out the specific role of these partners, there is lack of clarity from all respondents about the nature and form of such partnerships. An expert respondent asserted that "*all that is needed to be done is to ensure that there is clear definition of roles and responsibilities*".

This was corroborated by administrative leadership that *"normally, the private sector will always be suspicious of local government. They would rather do things on their own without partnering with us"*. In an effort to define the role of the governance partners, a community respondent stated that their role is *"to make national enabling policy pro-poor, pro-participatory so that it reduces that level of frustration and disconnect from the development process"*.

From the responses, it is evident that there is an element of disconnect and suspicion between the office bearers within the municipality and the governance partners outside the municipality. In both case studies, the us-and -hem disconnect was clearly evident in the responses. Each governance partner felt comfortable in its space without the other partner. This was clearly the case in Mtubatuba municipality and less so in uMhlathuze municipality where there was an attempt to bridge the disconnect between governance partners within and those outside the municipality. In short, the quality of governance interface was left to the sole discretion of the municipalities. The case studies exhibit similar obfuscation in respect of the role of governance partners. All participants were unanimous in that there is a critical role of the private sector, academia, NGOs and CBOs in the municipal governance architecture. However, the nature of the role remained elusive and difficult to define unambiguously such that other governance partners understand it.

What is striking in both Mtubatuba and uMhlathuze municipalities is that no formal partnerships or social compacts have been forged with governance partners such as NGOs and the business community. One municipal manager contended that "*normally, the private sector will always be suspicious of local government. They would rather do things on their own without partnering with us and there is a lack of communication between the two*".

This is because of the level of mistrust that has emerged over the years which has resulted in a social wall between the municipalities and the business community. It perhaps a matter of experience that such cooperations are unproductive, perhaps because of the effort required for communication and the friction that is inevitable in cooperation between partners that pursue different objectives by different means? At the time of the research study, there was evidence of the thawing of relations, but without clear roles and responsibilities, the process remains elusive.

In response, the business leadership respondent argued that *"there are countless ways about how we can assist municipalities than they can function on their own. The sum is greater than individual contributions".* While there is the willingness to engage, it begs the question as to why this willingness cannot translate into formalised partnerships and tangible action. This must be seen against the backdrop of high levels of poverty, unemployment and inequalities throughout South Africa.

6. DISCUSSION

There are three striking observations flowing from the findings of this research study. The first one is the noticeable differences between how practitioners interpret and experience their role in service delivery on one hand, and literature review on the other hand. For instance, drawing on the literature review, the main causative factors for the rise in service delivery demands point to deficiencies within the municipality, like high levels of corruption and poor capacity for service delivery (IRR 2015) as well as factors outside the control of the municipalities, like poor financial model and poor allocation of powers and functions (SALGA, 2015, de Visser, 2010; van der Waldt, 2010). Picard and Mogale (2015) have advanced the following reasons as at the core of the rising service delivery demands and discontent with service delivery:

1. High levels of corruption and patronage;

2. Poor capacity for service delivery and maintenance;

3. Limited financial resources;

4. Loss of values amongst the political elites and

5. Declining work ethic in the public sector.

(Picard & Mogale, 2015).

However, by and large, local government practitioners cite poor communication as at the centre of the social disconnect. This points to a major disconnect between local government practitioners on the giving end of service delivery and communities on the receiving end of service delivery. These fault lines manifest themselves in the rising service delivery discontent despite rising service delivery outputs.

The second observation is what the local government expert sums up as 'municipalities being caught in a cruel dichotomy between service extension and service maintenance'. On one hand, municipalities are expected to extend service delivery to previously unserved communities and to a progressively increasing population, at a huge cost.

On the other hand, municipalities are faced with ageing infrastructure and low expenditure on operations and maintenance. This cruel dichotomy manifests itself in decreasing reliability of water services provision, energy constraints and load shedding, potholed roads, dirty towns and cities due to unreliable refuse collection. It appears, according to the local government expert, 'the system has broken'.

The third observation is that while there is empirical evidence of structural contradictions and futile official efforts to mask the massive inequalities and deprivation, particularly in Mtubatuba municipality as strongly articulated by Hart (2013), , there are 'spaces of hope' (Harvey, 2000) in Umhlathuze municipality as articulated by the focus group of residents across many wards.

In spite of the structural and systematic challenges in municipal governance, not everything is falling apart. There are many islands of hope in the ocean of governance challenges. Painting all municipalities with one black paint may not be useful in understanding the insights, nuances and dynamics within municipalities.

In some municipalities, as evidenced by the Umhlathuze municipality focus group, there is a "sense of possibility and opportunity to officials' action, in the midst of many constraints and obstacles to effective public action" (Benit Gbaffou, 2024, p18).

In this case, as borne by research findings, the notion by Hart (2014) of municipalities being perpetually set up for failure is juxtaposed with the 'spaces of hope' argument by Harvey (2000) to arrive at the art of the possible, amidst many governance challenges.

7. RECOMMENDATION

The research findings call for a nuanced understanding of municipalities and their service delivery profiles so that support measures can be calibrated accordingly. It is on this basis that the research study recommends a governance support model which categorises municipalities into four quadrants ranging from low governance - low service delivery to high governance – high service delivery.

This model, which complements the current assessment tools, is arrived at by using the two critical variables for development outcomes, namely the quality of auditing results and quantum of sustainable service delivery outputs, namely water, electricity, roads and waste management. The higher the two variables, the better the development outcomes. The lower the two variables, the lower the development outcomes.

The significance of this model is that support packages can then be custom-made to suit the profile of the municipality at a particular point in time. It is a fundamental shift from the current supply-driven, "one-size-fits-all" approach into a more nuanced approach with a variety of value-added support packages premised on the functionality profile of a particular municipality as the key consideration.

Using this two-variable approach, the municipal governance functionality matrix with four scenarios emerges, which differentiates municipalities according to the quality of governance as measured from the annual audit outcomes as well as the extent of service delivery at a given point in time, as per **Table 2.**
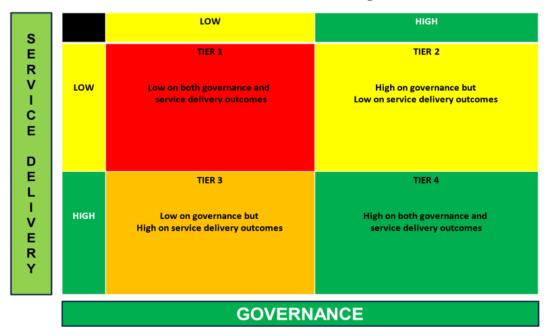
Table 2: Municipal Governance Functionality Matrix

Author (2023)

Based on the differentiation model, the study recommends custom-made value-added support packages to respond to the needs and profile of each municipality. The support package shall be predicated on the regular assessment of each municipality on key governance and service delivery variables. With this regular assessment, the appropriate support package shall emerge with special reference to capacity enhancement and the role of governance partnerships in responding to the rising service delivery demands. Value-added support packages can range from proactive communication, corporate advice, financial counselling, capacity building, grant funding, performance incentives, to disaster management and ultimately intervention.

8. CONCLUSION

From the preceding study, it is evident that municipalities interpret and experience their governance roles differently in responding to the changing service delivery demands. As such, the current one-size-fits-all policy support package is not responsive to the needs of municipalities in South Africa. Consequently, how municipalities interpret and experience their governance role as well as the current policy support package amidst changing service delivery demands has a bearing on the envisaged development outcomes, as defined in Section 152 of the Constitution Act, Act 108 of 1996.

This research brought to the fore the voices of local government practitioners and key stakeholders in defining their governance roles within the scholarly debate that locates

municipalities as a key site for structural and material contradictions in a capitalist society. Of utmost importance is that is also the fact that represent a level of government that is closest to the immediate needs of the people. Key findings were presented in a thematic fashion, based on practitioners' and stakeholders' sense of hindsight, insight and foresight. Over and above the findings, some key observations were made. These key observations point towards contrasts and contradictions between research findings and literature study, dichotomy between service extension and maintenance, as well as the differences between the two case studies, Mtubatuba and Umhlathuze municipalities.

The paper ended with a recommendation on the governance functionality matrix that seeks to cross-reference municipalities according to governance outcomes and service delivery outputs. This will assist to calibrate the municipal support package according to the requirements. In this way, municipalities shall be assisted to meaningfully fulfil their governance role while carefully navigating the challenges of rising service delivery demands.

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