

Unfulfilled promises and their consequences:

A reflection on local government performance and the critical issue of poor service delivery in South Africa

Azwifaneli Managa

Despite the relative successes of the post-apartheid South African Government, the country still faces serious challenges of unemployment, poverty and inequality. These are some of the key factors which have culminated in citizens taking to the streets to raise their dissatisfaction over the problem of poor service delivery. Furthermore, unless local governance is strengthened, the country is likely to witness more service delivery protests that could be more violent than the previous ones, which were characterised by xenophobic attacks, looting and police brutality. This policy brief argues that the failure of the post-1994 government to meet its promises has sparked unrest, as manifested in service delivery protests that have marred the country for almost a decade now. It further reflects that government's response to the crises using a 'one-size-fits-all' approach could have aggravated the problems, as communities have different issues for which they are fighting.

Introduction

In the second decade of South Africa's post-apartheid constitutional democracy, growing concern has been expressed about the government's ability to deliver the public services that its people yearn for and are entitled to – and that they have, since 2004, taken to the streets to demand. Poor service delivery has elicited protests all over the country, which have brought local government under the spotlight. Over the years, the majority of these protests have been marked by exceptionally high levels of violence and vandalism, as people

vent their frustration and anger.¹ This perpetuates the perception, and unfortunately the harsh realities, of violence in the country. The attacks on foreign nationals in acts of xenophobia – in the misguided belief that foreigners were reducing job opportunities for South Africans – and the callous response from the police service have resulted in the deaths of many. These include the brutal death of Andries Tatane, who has become a 'symbol of the new resistance who died because the government failed to deliver'.²

During 2009, 105 protests were recorded, while 2010 recorded 111 protests in all provinces except

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for the Limpopo province.⁵ In 2011, there were fewer protests, but this year saw a significant shift towards protests in metropolitan areas, especially in Gauteng and the Western Cape. Over one-third of these protests (35 per cent) have taken place in informal settlements.⁴ This suggests that communities living in informal settlements with high rates of poverty and unemployment on the periphery of metro areas are more likely to demand better service delivery, as they live near a suburban area.

The decline in the number of protests in 2011 showed an average of 8, 8 protests per month, down from 17, 75 per month in 2009. However, there remains a large service-delivery gap between the urban and rural municipalities, specifically in the former homeland communities in Limpopo, Eastern Cape and North West, as well as KwaZulu-Natal.⁵ This substantiates the findings of Municipal IQ, which revealed that protests do not necessarily occur in the municipalities or wards with the worst service-delivery backlog. However, population growth and urbanisation are argued to be the determining factors which are linked to protests.⁶ Whatever the geographical area, there is still a strong belief that service-delivery protests are aggravated by a lack of accountability of officials as well as a lack of public participation in choosing the councillors that will represent their voices.⁷ Furthermore, it was also indicated that the decline could be attributed to the municipal elections held in May 2011. These may have provided the public with an opportunity to express their grievances and frustrations through the voting process.⁸

This policy brief addresses various dimensions of the public service delivery struggle, to assess what challenges there are in the delivery of basic services. It considers the issues of political campaign promises and the actual performance by municipal officials in fulfilling these promises.

Unfulfilled promises as impetus to protest

A huge responsibility faced the Government of National Unity (GNU) in 1994: to undo the apartheid policy legacies – of poverty, inequality and racial segregation of service – in order to create a single, efficient public service that delivered on the basic needs of all citizens. As a result of government's sometimes too slow attempts to overcome infrastructure- and service-delivery backlogs, protest action escalated, especially from 2004. Historically, protest action

had been the only recourse that the general population had to display their dissatisfaction with government, given that the large majority of the population were unable to vote or engage in any real civic participation before 1994.⁹

Political campaign manifestos have also created disquiet, as politicians make temporary promises most likely to satisfy voters during each new election campaign. In so doing, politicians raise the public's expectations, creating false perceptions that, following the election, communities will receive the services promised. Most election manifestos and campaigns of participating political parties have shared a series of recurring themes since 1994: addressing underperforming municipalities to arrest poor service delivery; improving basic service delivery; developing infrastructure; fighting corruption; and creating employment.

Once these promises are not delivered, communities begin to panic and resort to protestation.¹⁰ One would agree with Thabile Sokuta's¹¹ statement that the South African voting public has been promised much and 'a better life for all' each time a new government is to be formed after each election. The circle continues while most South Africans struggle with unemployment, hunger, and deprivation while trying to create a better living environment. Poor living conditions directly undermine the constitutional commitment to basic human rights and dignity.¹² As a result of this frustration, many South Africans take to the streets in protest, in the hope that their voices will be heard.

Protest action was at its height between 2009 and 2010, when it was associated with high levels of violence. In 2011, fewer protests were demonstrated, but these were in metropolitan areas, especially in Gauteng and the Western Cape, which was a significant shift from the rural municipalities. Over one-third of these protest actions (35 per cent) have taken place in informal settlements.¹³ This suggests that communities living in informal settlements with high rates of poverty and unemployment on the periphery of a metro area are more likely to demand better service delivery, as they live near a suburban area. This is a trend that continued throughout 2011, and in early 2012, protests started up in KwaZulu-Natal and Mpumalanga as well as the Western Cape. This attests to the fact that the public generally does not differentiate between local government, central government and provincial government, considering non-performance or poor performance to be a chronic government failing across all spheres.

High levels of unemployment and poverty exacerbate dissatisfaction concerning poor service delivery, particularly in the informal settlements, where unemployment and poverty are endemic. South Africa had an unemployment rate of 25 per cent, 1 per cent up from 24 per cent between the fourth quarter of 2010 and first quarter of 2011 (although reports reveal that it was down by 1,1 per cent to 23,9 per cent in the third quarter of 2011).¹⁴ This also increases the number of people dependent on basic and indigent services and makes further demands on the scarce resources of municipalities with large impoverished communities. As a result, there is a struggle to deliver quality services. Recession also adds to the problem and as it deepens, more and more people live in poverty and debt. Because of this, their dependence on municipal services increases.¹⁵ Due to unemployment, communities become a burden on municipalities, who have to pay the outstanding debt that their residents fail to pay, thus further exacerbating the problems.

There are many reasons cited for the protests; some are perceptions, while others are realities. Some literature cites the issue of a 'third force' as an aggravating factor in service-delivery protests. Nontando (Guwa) Ngamlana¹⁶ argues that 'even if third forces existed, the fact remains that it could be riding on people's legitimate grievances, which are numerous'. However, the primary reason is dissatisfaction with lack of provision of basic services such as access to running water, electricity and sanitation. The protest refers to the Batho Pele (People First) principle that concerns service-level standards, specifically stating that the people should be made aware of the level of service they should expect to receive. This principle introduces the mechanism of public service delivery benchmarking, which seeks to continually go through several phases to monitor and evaluate service delivery, with a view to ensuring that systems are constantly being improved. The recurrent phases include: measuring existing levels of service; assessing whether and where improvements are required; and implementing steps to ensure that the improvements are made.¹⁷

In the face of the multitude of protests arising every year due to a lack of quality services, government has been forced to intervene in certain municipalities by appointing interim administrators – thus the intervention in provinces such as Limpopo, Free State and Gauteng. Such intervention is in terms of section 100(1)(b) of the Constitution of the Republic of South Africa, Act 108 of 1996, which states:

when a province cannot or does not fulfil an executive obligation in terms of legislation or the Constitution, the national executive may intervene by taking any appropriate steps to ensure fulfilment of that obligation by assuming responsibility for the relevant obligation in that province to the extent necessary to maintain essential national standards or meet established minimum standards for the rendering of a service; maintain economic unity; maintain national security; or prevent that province from taking unreasonable action that is prejudicial to the interests of another province or to the country as a whole.¹⁸

Local government's performance challenges

Among the major challenges facing local government are acute problems of institutional capacity, mismanagement of funds, high levels of corruption and a lack of public participation. These are key challenges hampering performance at the local government sphere.

Lack of institutional capacity

Lack of expertise has left many municipalities inadequately staffed, resulting in deteriorating service delivery over the years, and leaving many communities with inadequate access to basic services. It is unfortunate that skills scarcity has resulted in overwhelming service-delivery backlogs that have prevented the government from addressing the problems effectively and efficiently. This is particularly evident in managerial and technical positions, which remain vacant in most rural municipalities. Lack of expertise has led to severe service backlogs that impact on many poor communities that yearn for the provision of basic services for their survival.¹⁹

Although some municipalities lack adequate funds to carry out their constitutional mandate to improve service delivery, some just resort to under-spending the allocated funds due to a lack of leadership skills. This is mainly attributable to a lack of skills in project management and financial management, and has prevented certain projects from being started or completed.²⁰ Protesters have claimed that the cause of service delivery failure is maladministration of government resources, such as the misuse or under-use of funds allocated for providing services, as well as a lack of capacity to complete projects that assist the communities.

Government's mandate to deploy African National Congress (ANC) comrades to positions for which they are not qualified also exacerbates the issue of poor service delivery, as some of these candidates lack the expertise to execute their tasks successfully. This continues to happen despite government's acknowledgment that most municipalities are hampered by nepotism and maladministration, run by incompetent staff who are often disorganised.²¹

Financial mismanagement

Because of the lack of quality service provision, many municipalities are unable to supplement the budgetary allocation with rate payments to assist in rendering the services required. Communities often refuse to pay any services that they receive, citing low efficiency levels and a lack of affordability.²² The Auditor-General's 2010/2011 financial report revealed that only 7 out of the 283 municipalities audited around the country had received clean audits for the year. In spite of this, unauthorised expenditure of R5 billion was incurred by 112 municipalities and their business entities compared with R2,7 billion by 101 municipalities in the previous year.²³ The report further paints a bleak picture of financial mismanagement in almost all municipalities. It concurs with arguments which state that under-spending and over-spending of budget allocations are due to poor project planning, poor management and a lack of capacity to carry out the tasks at hand. Many municipalities do not have staff with the financial and managerial expertise to ensure that the funds allocated for service delivery and infrastructure development are spent wisely according to need or demand. The 2010/2011 National Audit Report states that clean audits are hindered by a lack of adequate internal controls and financial management skills, which exacerbates unauthorised, irregular and wasteful spending.²⁴

Further worsening the plight of communities hardest hit by non-service delivery is the issue of political elites who continue to enrich themselves with state resources. An example is that of municipal managers who receive bonuses and are deployed to government positions regardless of their incompetence. There are reports of a municipal manager who earned a salary of R2 015 024 per annum, which included a bonus of R335 837, the highest in the country. This is despite the municipal audit disclaimer which this

municipality received. In addition, under-qualified but politically connected managers keep on filling important positions, earning top salaries with large bonuses. Reports reveal similar situations in the other 56 municipalities, where municipal managers were paid performance bonuses in the last financial year despite presiding over poor municipal performance.²⁵ Despite government promises of capping the salary package for municipal managers, salaries are still not regulated and managers of poorly performing municipalities are still earning significant salaries and bonuses.²⁶

High level of corruption

The extent and nature of corruption is rooted in the country's bureaucratic traditions, political development and social history. Coming out of the former apartheid regime encircled by inequalities, the 1996 Constitution provided for the protection of human rights and equality for all. In contrast to upholding these rights, corruption has been rife in the face of violation of human rights, which should be protected in terms of the democracy.²⁷ There is little doubt that corruption undermines the value of the Constitution, and municipalities are considered as 'havens for those who are milking' the state's resources.²⁸ It is even more disturbing to recognise that it is not only the local government elites but high-profile politicians in national government who have been accused of corruption in illegal tendering, accepting bribes and unauthorised expenditure.

Lack of public participation

Protesters have expressed dissatisfaction and frustration because of their exclusion from local decision making and accountability by the municipal officials and councillors who represent them in wards. This contravenes the Local Government: Municipal Systems, Act 32 of 2000, which states that communities have the mandate to participate in any public consultation and decision-making processes in the local sphere; for example, ward committees, budget consultations, ward meetings and Integrated Development Planning (IDP) forums. Moreover, municipalities are obliged to report to and receive feedback from their communities annually regarding the objectives set out in the IDP. Public participation is an essential factor for effecting

and enhancing accountable governance driven by ward committees, as mandated, to facilitate communication channels between municipalities and communities according to the Local Government: Structures, Act 117 of 1998, section 73(2). This process instils a sense of ownership in local people for the implementation and evaluation of projects for their communities.²⁹

Government attempts at addressing service-delivery concerns

As early as 2000, the Municipal Systems Act was enacted to define how municipalities should provide services to local citizens. The Act has made provision that if municipalities are unable to provide a certain service, they could enter into a service-delivery agreement contract with external agencies to provide the service on their behalf. In terms of the new developmental mandate, municipalities are firmly embedded in local communities and committed to working with citizens to find sustainable ways to meet their social, economic and material needs while improving their lives.³⁰ Despite this crucial policy tool that enables municipalities to provide a better service for all, there still are massive backlogs in service delivery.³¹ This attests to the administrative incapacity and lack of necessary skills to render services involving communities and private expertises.

In order to assess the extent of service-delivery protests, President Zuma undertook door-to-door electioneering in some of the country's poorest communities, and revealed that it had exposed him to a disturbing side of South African's living standards that government officials do not mention in their service-delivery reports. Among the communities he paid a surprise visit to was Balfour, which had been beset by service-delivery protests in which government buildings and shops belonging to foreign nationals were burnt down.³² He also visited the ANC-governed Mqhashaka municipality in the Free State, where the municipality had built 1600 open toilets for poor communities. In a report, the president expressed the open-toilets saga as the most shocking discovery, which in a sense now places community protest action in context.³³

The Zuma Administration set up a telephone hotline and social networking page in 2010, in order to engage with communities, to assess their service-delivery issues and to enforce accountability. The hotline affords members of the public an opportunity to report all forms

of maladministration and corruption. This has not, however, assisted the people in need, as an increasingly number of communities are becoming frustrated by their living conditions. The constitutional commitments to basic rights like equality and dignity continue to be unmet, demonstrated by the living conditions under which a large number of South Africans survive.

There are indeed problems, deficiencies and disparities in the delivery of public services. Surprisingly, as noted by political commentators,³⁴ overcoming service-delivery issues was not mentioned in the President's State of the Nation address of 9 February 2012. However, government has taken its mandate according to the Constitution to intervene in any government sphere that is not fulfilling its obligations. This has been seen in provinces such as Limpopo, Gauteng and the Free State, where government has placed certain departments under administration after proof of maladministration. In the case of Limpopo province, service delivery is reported to be at its lowest level, without any improvement. This could help one to understand the deficiencies and disparities that could have contributed to the low service-delivery ratings in Limpopo. According to Citydex performance results, Limpopo province is rated the lowest in terms of service delivery, with 83 per cent of people living in formal dwellings but only 23 per cent having formal sanitation, while only 18,8 per cent have a waste-removal service.³⁵ The service delivery backlog is a huge health risk for poor communities.

Case of Limpopo Province maladministration

Although the province has not been in the spotlight because of protests lately, many protests were reported between 2007 and 2010, of which 42 per cent were in the Sekhukhune district, followed by the Mopani and Vhembe districts at 17 per cent, while 14 per cent were in the Capricorn district and 10 per cent in the Waterberg district.³⁶ Often the protesters allude to a lack of accountability of government officials, corruption and maladministration as the aggravating factors to service delivery protest.

Recently, Limpopo's irregular expenditure has caused some departments to be placed under administration in terms of section 100(1) (b) of the Constitution. The province, together with the provinces of Gauteng and the Free State, has been identified as one of the three provinces that

are in need of national government intervention. The National Executive intervention is directed towards the provincial treasury, and the provincial departments of Education, Health, Roads and Transport and Public Works. The various problems in each of these departments were excessive accumulation of debt, irregular expenditure, unauthorised expenditure, lack of tender procedures, poor asset management, and projected overspending.³⁷

According to a report released by the South African finance minister, it emerged that the province's woes started when it used up its R757 million overdraft facility with the Corporation for Public Deposits (CPD). As a result the Limpopo Provincial Government had requested that its facility should be increased by R1 billion (to R1,7 billion) from the National Treasury to enable the province to pay salaries and wages in November 2011. This request was declined, but alternative arrangements were made for an early transfer (two days before the actual date of transfer) of the province's equitable share to allow it to be able to pay salaries. In addition, the province had a large accumulated unauthorised expenditure, which grew from R1,5 billion in 2009 to R2,7 billion in 2011. The crisis prompted government to rescue five departments: the Provincial Treasury, and the departments of Roads and Transport, Education, Public Works and Health. Therefore, the intervention was based largely on the fact that the province did not have the cash to meet its financial obligations, particularly the payment of salaries of various civil servants.

The major problem facing the province is corruption and financial mismanagement of funding allocated for rendering services to poor communities. It was reported that the Provincial Treasury Department had been cautioned throughout the year of its over spending. However, due to the collapse of treasury management, the department spent beyond its means. There are reports of certain unauthorised expenditure that resulted in a number of accruals and some service providers being paid eight times per month. It was further reported that Limpopo tops the other provinces by R270 million's worth of corrupt activities on government tenders involving officials.

Conclusion and recommendations

Notwithstanding the role that government has played in shaping the new democracy to achieve constitutional prescriptions and a better life

for all South Africans, it appears that public service delivery is in a very precarious state. Many South Africans have little confidence in the efficiency, effectiveness and responsiveness of local government, as demonstrated by their protests. Municipalities' underperformance and mismanagement, coupled with corruption, have led communities to have little confidence in the local government. Moreover, this is aggravated by unfulfilled political promises, abuse of power and lack of accountability to the public by councillors and government officials.

This paper has argued that as long as there is inequality of distribution of wealth between the poor and the rich, and the poor are still dissatisfied by the service delivered to them, South Africa will see yet more violent protests that might result in revolution in order to force the government to act. Government's failure to realise the new developmental mandate of working collaboratively with communities to meet their socio-economic and material needs while improving their lives could cause serious instability. It is therefore imperative that government hold officials accountable for any abuse of power, and ensure efficiency, effectiveness, responsiveness and transparency in the local sphere. Hence the necessity for an urgent intervention that could change the dire socio-economic condition of many communities is in need.

This policy brief proposes that government, particularly local government, should start implementing the promises and provisions contained in the Constitution. In order to address the poor state of our municipalities, this paper suggests that the following be implemented:

- Strengthen human and resource capacity, which will enable local government to deliver its constitutional mandate to the public,
- Recognise and address the fact that the 'one size fits all' approach does not work for all municipalities, as communities have different needs according to their geographical areas.
- Strengthen national and provincial oversight and supervision of local government affairs, which will enable prompt intervention to take place.
- Make and honour commitments to root out nepotism and corruption in areas such as recruitment for municipal positions and the awarding of tenders for services.
- Hold senior officials accountable when they fail to disclose their business or pecuniary interests.
- Strengthen government procurement procedures and policies and accountability

mechanisms; and act on recommendations resulting from audits. Punitive action should be taken against transgressors,

- Use public-private partnerships to extend efficient and affordable services to all citizens.

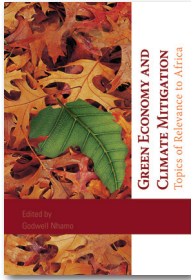
Service delivery Acronyms

ANC	African National Congress
CPD	Corporation for Public Deposits
GNU	Government of National Unity

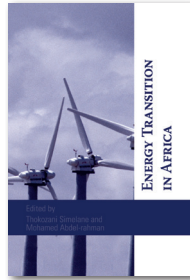
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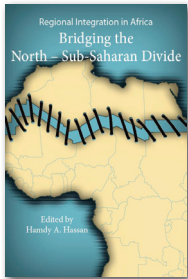
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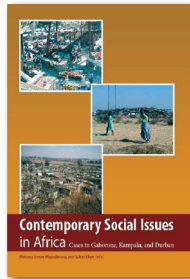
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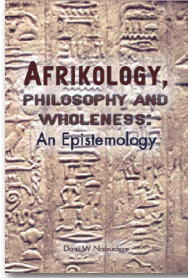
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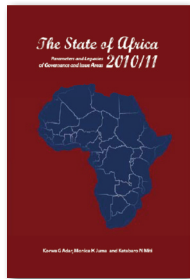
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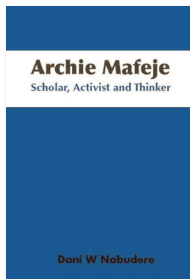
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