



This work is licensed under a [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-nc-sa/4.0/).

How to cite this thesis / dissertation (APA referencing method):

Surname, Initial(s). (Date). *Title of doctoral thesis* (Doctoral thesis). Retrieved from [http://scholar.ufs.ac.za/rest of thesis URL on KovsieScholar](http://scholar.ufs.ac.za/rest_of_thesis_URL_on_KovsieScholar)

Surname, Initial(s). (Date). *Title of master's dissertation* (Master's dissertation). Retrieved from [http://scholar.ufs.ac.za/rest of thesis URL on KovsieScholar](http://scholar.ufs.ac.za/rest_of_thesis_URL_on_KovsieScholar)

**THE LACK OF ACCOUNTABILITY AND TRANSPARENCY IN LOCAL
GOVERNMENT IN SOUTH AFRICA**

by

OBOTSAMANG JAMES MAROPO 2014

145797

Submitted in partial fulfillment of the requirements for the

Magister Degree

in

Governance and Political Transformation in the

Programme of Governance and Political Transformation at the

University of the Free State

Bloemfontein

2018

Supervisor: Dr. Tania Coetzee

TABLE OF CONTENTS

Declaration	i
Dedication	ii
Acknowledgement	iii
Abstract	iv
Recommendations	v

CHAPTER 1: RESEARCH PROPOSAL AND BACKGROUND OF THE STUDY

1.1 Motivation/ Background	1
1.1.2 What is governance as concept?	2
1.2 Problem Statement	7
1.2.1 Accountability and authority structures that are being eroded	7
1.2.2 Weak oversight by national and provincial government.	8
1.2.3 Lack of accountability	9
1.2.4 Effects of lack of accountability and transparency in municipal governance	9
1.2.5 Legislative Authority – compliance or non-compliance	10
1.2.6 Non-compliance with Municipal Finance Management Act – Act No 56 of 2003	10
1.2.7 Weakness of provincial and national governments	11
1.2.8 Lack of transparency in public financial management	12
1.2.9 Lack of transparency in local government procurement	13
1.2.10 Opposition parties: Governance perspectives	13

1.2.11 Lack of transparency and accountability poses threats to good governance and accountability	15
1.3 Aim and objectives of the research	16
1.4 Research Methodology	18
1.5. Layout design	20
CHAPTER 2:GOVERNANCE THEORIES AND GOOD GOVERNANCE	
2.1 Introduction	22
2.2 Governance theories, propositions and models	23
2.2.1 Governance theories	23
2.2.2 Other theories	25
2.3 Governance models	26
2.4 What is governance?	27
3. Why governance?	30
3.1. Governance as dilemma	30
3.2 Types of governance	31
3.3 Public governance	31
3.4 Private governance	31
3.5 Global governance	31
3.6 Cooperative governance	32
3.7 Cooperative governance in South Africa	32
3.8 Participatory governance	33
3.9 Collaborative governance	33
4. Who are the players in governance?	33

4.1	What constitutes governance?	35
4.1.1	What are the characteristics of good governance?	35
4.1.2	Governance should be accountable	35
4.1.3	Governance should be transparent	36
4.1.4	Governance has to be responsive	36
4.1.5	Governance has to be effective and efficient	36
4.1.6	Governance should allow participation	36
5.	Government to govern in South Africa	36
5.1	Spheres of government in South Africa	37
5.2	Governance in South Africa	38
5.3	Good governance	39
5.3.1	The paradigms of good governance and good government	41
5.3.2	Understanding governance: The 'good' in good governance	42
5.3.3	Principles of good governance	42
5.3.3	Why good governance?	44
6.	Conclusion	45

CHAPTER 3: THE CONCEPTS OF ACCOUNTABILITY AND TRANSPARENCY – WHAT DO THEY DENOTE?

3.1	Introduction	47
3.2	The concept of accountability	48
3.2	Types of accountability	50
3.2.1	Hierarchical accountability	50
3.2.2	Professional accountability referring to professional peers	51

3.2.3	Legal accountability: courts	51
3.2.4	Political accountability	52
3.2.5	Accountability and public governance	52
3.2.6	Administrative accountability	52
3.2.7	Social accountability	53
3.3	Promoting accountability	54
3.3.1	Promoting accountability to enhance municipal governance and growth thereof	54
3.3.2	Accountability can be promoted in the municipality when the following aspects are implemented	55
3.3.3	Purposes and importance of accountability	55
3.3.4	What problems may be caused by a lack of accountability?	56
3.3.5	Legislative framework for transparency in South Africa	57
3.3.6	Transparency concepts	58
3.3.7	Two faces of transparency	59
3.3.8	Transparency pathways	60
3.3.9	Transparency has different goals to achieve	60
3.3.10	Why transparency?	60
3.3.11	Why is government transparency important?	60
3.3.12	The value of transparency and transparency as a value	61
3.3.12	Municipal governance transparency	63
3.3.13	Case study of an accountable, transparent, responsible and responsive municipality in South Africa	65
3.3.13	Conclusion	70

CHAPTER 4: ANALYSIS OF LOCAL GOVERNMENT LEGISLATION

4.1	Introduction	72
4.2	CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 (RSA, ACT 108 of 1996)	73
4.3	LOCAL GOVERNMENT WHITE PAPER OF 1998 (REPUBLIC OF SOUTH AFRICA, ACT OF 1998)	75
4.4	LOCAL GOVERNMENT MUNICIPAL STRUCTURES, 1998 (REPUBLIC OF SOUTH AFRICA, ACT 117 OF 1998)	76
4.5	LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT (REPUBLIC OF SOUTH AFRICA, ACT 32 OF 2000)	78
4.6	LOCAL GOVERNMENT MUNICIPAL FINANCIAL MANAGEMENT ACT (REPUBLIC OF SOUTH AFRICA, ACT 56 OF 2003)	79
4.7	MUNICIPAL PROPERTY RATES ACT (REPUBLIC OF SOUTH AFRICA, ACT 06 OF 2004)	80
4.8	DIVISION OF REVENUE ACT (REPUBLIC OF SOUTH AFRICA, ACT NO 2 OF 2013)	80
4.8.	EXECUTION OF LOCAL GOVERNMENT MANDATE IN TERMS OF THE REPUBLIC OF SOUTH AFRICA'S CONSTITUTION	80
4.8.1	Municipal Council	81
4.8.2	Core functions of municipal councils	81
4.8.3	Municipal functions and powers	82
4.8.4	Co-operative governance	82
4.9	Governance structures in local government, their roles, responsibilities and processes	83
4.9.1	Municipal Council	84
4.9.2	Administration	84

4.9.3	Municipal Public Accounts and Oversight Committee (MPAC)	84
4.9.4	Other oversight structures at municipalities	85
4.9.4.1	<i>Section 79 Working Committees</i>	85
4.9.4.2	<i>Section 80 Committees</i>	85
4.9.4.3	<i>Audit working committees</i>	86
4.9.4.4	<i>Committees of Ward</i>	87
4.9.5	Public participation	87
4.9.5.1	<i>Public participation in municipal governance</i>	88
4.9.5.2	<i>Value of public participation</i>	89
4.9.6	Fraud and corruption	90
4.9.7	Application of rules and order	90
4.9.8	Feedback of councillors to communities	91
4.10	Conclusion	93

CHAPTER 5: WORKING RELATIONSHIP BETWEEN POLITICAL AND ADMINISTRATION STRUCTURES FOR ACCOUNTABILITY AND TRANSPARENCY IN LOCAL GOVERNANCE IN SOUTH AFRICA

5.1	Introduction	97
5.2	Political - Administrative interface	98
5.2.1	What is the importance of political-interface?	98
5.2.2	How to stabilize the political-administrative interface?	99
5.3	Roles and Responsibilities of role players in municipal institutions in South Africa	100
5.3.1	Political and administrative role players	100
5.3.2	Roles of various role players in a municipality	101

5.4	Relationship, Accountability and Interaction of municipal political and Administration wings	
5.4.1	Factors contributing to good working relationships	107
5.4.1.1	<i>Relationship between the council and councillors</i>	108
5.4.1.2	<i>Executive mayor: mayoral committee relationship</i>	108
5.4.1.3	<i>Council: Municipal Manager or Accounting Officer relationship</i>	108
5.4.1.4	<i>Relationship between the executive mayor/municipal manager/accounting Officer</i>	108
5.4.1.5	<i>Councillor/municipal manager/accounting officer/officials</i>	108
5.5	What does a responsible and responsive municipality in terms of governance mean	110
5.5.1	Values and principles	110
5.5.2	Leadership at a municipality	110
5.5.3	Systems, procedures and practices	111
5.5.4	Capability	111
5.6	Code of conduct for councillors as elected representatives on the municipal Council	
5.6.1	Why the code of conduct for councillors is important?	111
5.6.2	What does the code of conduct for the municipal councillor entail?	112
5.6.3	Enforcement of the code of conduct	112
5.7	Code of conduct for municipal staff members	113
5.7.1	Commitment to serving the public interest	112
5.7.2	Code of ethics	114
5.7.3	Code of ethics in the relationship with public	115
5.7.4	Code of ethics in the relationships amongst employees	115
5.7.5	Code of ethics in performing duties in the municipality	116
5.8	Communication for good working relationships in the municipality	116
5.8.1	Mayoral communication responsibility	118

5.8.2	Municipal manager's communication responsibility	118
5.8.3	Internal communication	118
5.8.4	External communication	118
5.8.5	Tools for internal and external communication	119
5.8.6	Communication platforms	119
5.8.6	Communication principles	120
6.	The examples of manifestations of the lack of accountability and transparency in the municipalities.	120
6.1.	<i>Examples of lack of accountability found</i>	123
6.2.	Conflict of interest	124
6.3.	Lack of managerial accountability and transparency	125
6.4.	<i>Cadre deployment cripple's municipalities</i>	126
6.5.	Remarks regarding communication between municipalities and the communities they serve	127
7.	Municipal governance distress	129
7.1.	Back to Basics Programme	131
8.	Conclusion	132
CHAPTER 6: SUMMARIES OF CHAPTERS, RECOMMENDATIONS AND CONCLUSION		
6.1	Introduction	135
6.2	Overview of the research conducted	135
6.3	Summary of research chapters	136
6.4	Findings	140
6.5	Recommendations	151

6.6	Conclusion	155
6.7	References	158

DECLARATION

I, **Obotsamang James Maropo**, declare that this dissertation hereby submitted by me for the degree in Master's **Governance and Political Transformation**, titled: **“The lack of accountability and transparency in local government in South Africa”**, at the University of Free State is my own and has not been submitted previously, and that all primary and secondary sources have, to the best of my knowledge, been acknowledged by complete references.

.....

OBOTSAMANG JAMES MAROPO

29 January 2018

DATE

STUDENT NUMBER: 2014 145797

DEDICATION

I dedicated this dissertation to my late grandmother for the support she gave me and continued to give me in life, even though herself unfortunately she was not so much learned, but her action she took to enroll me at primary school is the great foundation she has ever laid for me to be where I am in my studying career. To her for the support, love and for being what she has been to me, and her significant investment in my life. With all due respect and much consideration, I dedicate this work to her. ***(May her soul rest in peace)***

To God Almighty for source of inspiration, knowledge and wisdom He gave me through thick and thin. Since I have a very strong personality, dignity in life and the knowledge of God through Jesus.

I also dedicated this work to my children, Oratile, Tshwanelo and Gosego, guys you are precious gifts to me and your love for me kept me going during my studies period. Your patience during my hard work of studies where at times I had to leave you for some time unattended and by so doing you were robbed the time to be together.

ACKNOWLEDGEMENT

Firstly, I would like to thank my heavenly Father for giving me the power and strength mentally, and the courage to complete this study, so far. Glory to God!!

I was highly privileged to be supervised by Doctor Coetzee, who provided me with scientific direction and always available by her accessibility, guidance and for having instilled in me the sense of critical and systematic analysis in research methodology as well as throughout this whole essay, to whom I hereby address my sincere gratitude and acknowledgement. For this, I profoundly feel morally indebted.

To all at the Programme of Governance and Political Transformation unit, through whom I have been shaped by their respective modules. This strong academic stamina has intellectually stimulated and personally fulfilled my purpose. Without them I frankly could not have come this far and accomplished this academic breakthrough.

Special thanks to my children, Gosego, Tshwanelo and Oratile for your understanding manifested by your extensive love shown to me as you always smile to me after a long trip to and from my studies at Bloemfontein and Johannesburg, and being absent for long days. To my girlfriend, for availability, love and support, I would like to say that mean a lot to me.

A special word of thanks to Mrs. Marianne Drennan and Dr. MJ Bezuidenhout who provided the professional editing and proof reading of this dissertation. Thanks for your time, patience and extra effort put by you.

To my employer, SALGA – South African Local Government Association, for financial and moral support, have played a major role in my life, I will always remember you and be grateful. To whom I feel indebted and acknowledge my acquired skills in transformation and governance. To my supervisor for your continuous assistance and supports always, and would like to thank all my colleagues, for their motivation and encouragement.

I extend my heartfelt gratitude to the University of Free State for affording me the opportunity to pursue my Master's degree.

ABSTRACT

This study focused on the challenges faced by Local Government in South Africa with specific reference to the “**The lack of accountability and transparency in local government in South Africa**”. Qualitative research methodology was used because it covers issues in great depth and detail and allows for the ability to interact with research subjects. The functioning of local governments in South Africa as engines of national development has been plagued with problems and imbalance related to the poor ethics, corruption, and maladministration of the local government machinery itself. The consequences are widespread corruption and distortions of government priorities; both of which undermine the ability of local governments to improve broad-based economic growth and social well-being of its residents or citizens.

THE FINDINGS OF THE STUDY ARE:

- With regards to the importance of developmental local government the findings revealed that developmental local government was important in that it had ensured effective service delivery by ensuring accountability and transparency.
- With regards to the challenges facing developmental local government the study findings revealed that there were indeed challenges with regards to transparency and accountability. These challenges ranged from a lack of understanding of the way local government operates and political differences amongst political parties.

Key words: lack of accountability; lack of transparency; transformation; needs and objects of local government; challenges of lack of transparency and lack of transparency; the Acts and policy context in local government and governance; community involvement and participation; non-compliance with legislations; governance;

RECOMMENDATIONS

It is recommended that the municipalities in South Africa need to improve on local participatory governance. All municipalities must secure greater participation by residents in matters of governance. Public participation will assist in communities to have an understanding of the way local government operates. Also to be able to hold the municipality accountable by knowing legislations that assist them to compel a municipality to be transparent. The effectiveness of Ward Committees for institutional development in reflecting on the best practice at the operational level rests on the need to capacitate the said formed ward committees in terms of skills equipping to maintain a world class service standard. Municipalities to be transparent and accountable.

CHAPTER 1

Research Proposal

1.1 Motivation/ Background

The Constitution of South Africa, 1996, Section 41(1) (c), stipulates that all spheres of government must provide effective, transparent, accountable and coherent government for the country as a whole. To be precise, section 151 specifies that municipalities have to be established with executive and legislative authority vested in their municipal councils. Furthermore, section 152 of the Constitution requires that governance at this level has to ensure that there is the provision of accountable government at local level to encourage the involvement of communities and community organizations in the matters of local government, in other words, to be transparent.

However, the environment in which local government is operating is very complex due to an inconsistent and incoherent legislative environment. Hence it was found that, the sphere suffers from low confidence and weak structures that account for so many challenges faced by South African municipalities in general (State of local government in South Africa report (October 2009: 109). The report also identified a lack of accountability and internal oversight in municipalities as one of the aspects to be addressed in improving governance. However, billions of rand are spent every year to support and build capacity in these institutions. Nevertheless, these institutions continue to be governed poorly, as a result of widespread municipal corruption and the abuse of political office. Consequently, the formal accountable municipal systems are inaccessible and ineffective, which in turn leads to lack of transparency and accountability. These actions have destroyed the confidence and trust of citizens in the local governance system (State of local government in South Africa report, 2009:118).

Moreover, scandals involving municipalities have captured the entire country and drawn worldwide attention. Most of these scandals are as result of deteriorating conduct by public representatives and officials who are engaged in all sorts of malpractices. For example, the continuous qualified audit outcomes of 265 auditees

(83%), mainly due to a lack of basic controls and inadequate implementation of appropriate consequences in

respect of poor performances or transgressions (Consolidated general report on audit outcomes of LG, 2012/13:32). Thus, there is a great demand for municipal situations to be strengthened through transparency, professionalism and accountability in order to enhance this sector's performance to the desired level of expectation (General Report on Local Government Audit Outcomes, 2013/14:101).

1.1.2 WHAT IS GOVERNANCE AS A CONCEPT?

What is governance?

Governance refers to the systems of values, policies and institutions by which society manages its economic, political and societal affairs. Cheema and Maguine (2002:89) state that governance comprises the complex mechanisms, relationships, processes, and institutions through which groups and citizens articulate their specific interests, exercise their obligations and rights, and mediate their differences. Furthermore, governance therefore means more than the term government.

“Governance is broader than government, as it involves more societal actors than government, and aims to impact across all conventional areas covered by the traditional definition of government.” According to Heywood (2007:26), government in the broader sense is to govern, to rule or to control others. Therefore, core functions of government are thus to make laws (legislation) implement law (execution) and interpret law (adjudication).

Heywood (2007:6) further states that governance refers in its widest sense to the various ways through which social life is coordinated, whereas Govender (2012:56) says that it is possible to have governance without government.

Governance is about the implementation of laws, the actual provision of services and products to citizens of the country by government. Those government programmes should and have to contribute towards an enhanced quality of life for all the people of the country. Governance has, of course, to imply that the outcomes of public administration are aimed at quality service delivery and the improvement of the general welfare of its people (William, 2009:52).

Accountability

According to Litvak (2010:78), accountability is an obligation, in its broadest sense, to explain and to justify actions taken by politicians and officials. In a democratic state such as South African local government governance, in essence, is more than bureaucratic accountability. Hence, it is therefore called public accountability. As it should be, accountability demands that the actions of local government institutions be published in order to encourage public criticism and debate. These debates should be conducted by representative institutions and the news media. Public accountability compels municipal officials and councillors to openly debate and justify their actions taken, thereby empowering institutions of legislation to exercise control over public resources on behalf of the citizens.

Politicians and public officials have to learn to establish quantifiable objectives where possible, and thereafter should be accountable for meeting those objectives. Setting the service standard of performance should be done by public officials and politicians at municipal institutions, and therefore they must measure themselves to ensure that they meet the standard that is accountable. That will subsequently be the service standard that is accepted as transparent. This will be the important aspect in the development of adequate accountability practices. Therefore, the organizational leadership future is found in good performance by both politicians and officials which should be based on more accurate performance measures and reporting mechanism. The performance measures that should be developed must place equal emphasis on the service delivery agreed upon. This development and incorporation with a view to accountability will improve ways to measure the performances of municipal officials (Litvak, 2010:83).

Transparency

Zilinskas (2010:74) says that transparency should cover the following features: suitability, accessibility, particularity, reliability and quality. Transparency is the opposite of confidentiality and privacy, because it is related to activities' clarity, opportunities to get explanations and comprehensiveness. Participatory democracy is built on transparency, because there will be information freedom, and the

ability for all citizens and other

interested parties, such as civil society groupings, to critique the activities of the local government authorities in South Africa.

Transparency is the necessary foundation to avoid discrimination against some people and privileges for others, corruption, protectionism and to prevent abuse. With regard to public services, politicians and officials must be as open as possible about all actions and decisions taken by them for community services. For radical transparency in management it is essential that all decisions to be made have to be carried out publicly. Therefore, transparency promotes accountability and provision of information for citizens, which is about the activities of local government and its agents (Zilinskas, 2010:79).

In terms of section 151(1) and section 155(6) and (7) of the Constitution, it is the constitutional obligation for provincial and national government to conduct the monitoring, support and supervision of local government for the proper execution of their work. But the expected assistance is not forthcoming properly, timely, and professionally, and therefore lack of transparency and accountability is being witnessed instead.

Public Participation

According to the Municipal System Act (2000:56), poor governance and accountability are also a great concern. The existing weak and ineffective platforms for public participation create a problem for officials and politicians to be held accountable by the public. Public participation activities are for educational purposes, by means of which the public learn from and inform their representatives; to persuade and enlighten government; to gain skills for activist citizenship; to break gridlock by achieving good outcomes; for the public to gain some control over policy process; and last but not least for better policy and implementation decisions.

Over and above, the departments of COGTA (Department of Cooperative Governance and Traditional Affairs) were established, with the specific mandate to support and oversee the good governance of municipalities (Department of Cooperative Governance and Traditional Affairs, 2010:56). COGTA and the premiers' offices in all the provinces should and are supposed to lead

municipalities with respect to proper governance by provision of oversight and support. It is the legislative responsibility of national DCOGTA and the provincial government to monitor local government performance. The MEC of Local Government of each province and the minister of DCOGTA (Department of Cooperative Governance and Traditional Affairs 2010:78) have the responsibility to present annual reports of municipal performance.

The National Treasury in terms of the Constitution is required to promote and enforce standards and norms. These have to relate to procurement, budget accounting and all matters in local government which are of financial management, (MFMA Act, 2003:85).

There is a lack of values, principles or ethics as well. There are specific cases, for example: "A major problem facing many municipalities is the small revenue base in the poorer areas. This is largely a structural problem that cannot be blamed on councillors and municipal officials. However, all efforts to overcome this stumbling block are being undermined by three key factors that are wholly avoidable: corruption, financial mismanagement and the appointment of senior officials solely on the basis of political connectivity and/or employment equity considerations. Municipal Managers tend to be under qualified, overpaid and consequently do not perform" (DA, 2010: 1). This is according to the Democratic Alliance (DA) report titled "The rot in ANC municipalities: five case-studies of cronyism, corruption and ineptitude". Evidence found states that some officials and public representatives for whom the public should be a concern, is clearly not the case. They accrue wealth at the expense of poor communities, which becomes their priority, and hence they become non-transparent and lack accountability. Political infighting, conflict between senior management and councillors, and human resource management issues also has great impact and influence, and result in a lack of transparency and accountability (DA, 2010: 9).

The culture of patronage and nepotism is widespread in many municipalities. This causes the formal municipal accountability system to become ineffective and inaccessible to many citizens which it is intended to serve. Consequently, there is a lack of citizen confidence and trust in the system. The spate of community

protest publicly bears witness to this. This is seen as a symptom of the alienation of citizens from the local government sphere (DA, 2010: 13).

Code of Ethics

In South Africa, the code of ethics should be a prerequisite for good local governance. The purpose of the municipal code of ethics is to ensure transparency and ethical conduct by government employees and politicians. That will restore or foster public trust and citizen confidence in the administration of local government governance and demonstrate a formal and codified commitment to ethical behaviour by government officials (Vyas- Doorgapersad, 2008:103).

According to Vyas-Doorgapersad (2008:99), ethical standards and behaviour expectations of public servants are usually spelt out in a code of ethics. This normally is documented as regulations and rules that should be obeyed and applied across in all the institutions of local government. This is because the image of government depends upon the conduct of public functionaries and the perceptions of its citizenry regarding the acceptable standards of services offered by these functionaries. Therefore, it is of crucial importance that they act justly and fairly to one and all, and are not only paying lip service to transparency and openness. There should be a good ethical environment for the individual and at the institutional level. The code of ethics, which seems to be a challenge for the individual and at institutional level, is a prerequisite for good local governance. This code of ethics exists and its compliance poses a great challenge.

In order to address the identified lack of accountability and internal oversight in municipalities, it is essential to improve governance in local government in order to regain the confidence and trust of citizens in local government and governance systems. Section 41(1) (c) of the Constitution, as well as section 152, will be explored. An investigation into the legislative authority, and why there is a lack of compliance, is required, as per the 2013/14 Auditor General Report Outcomes.

Value of this research

The primary findings provided by the researcher will be used to hold municipalities to be transparent and accountable. The study information will be shared with other

spheres of government to be used by officials and public representatives. Accessibility will be allowed for other stakeholders, such as policy makers and civil society groupings. This

research is expected to generate valuable information about the lack of transparency and accountability. Values of transparency which are to promote trust and increase motivation; foster growth, and increase loyalty and responsibility, will be shared with all stakeholders.

1.2 PROBLEM STATEMENT

1.2.1 Accountability and authority structures that are being eroded

In all three spheres of government in the South African public services the accountability mechanism is frequently not implemented as some managers avoid taking responsibility while also being reluctant to devolve authority to those below them. The result of the erosion of accountability and lines of authority has an adverse impact on the organizational performance of local government institutions in South Africa (Diagnostic Report National Development Plan, 2011:56).

According to the Anti-Corruption Resource Centre, 4U, (2011:115), scandals of a lack of accountability and transparency involving public officials and public representatives in South African local governance have often captured world attention. Most of these scandals result from the deteriorating ethical behaviour of public officials and public representatives who have become involved in all sorts of malpractices. Hence there is a genuine demand that public sector institutions, such as municipalities, should strengthen ethics, integrity, transparency, accountability and professionalism in order to protect public resources and enhance public sector performance.

Good political leadership produces the effective functioning of a municipality. However, the critical overarching question is, how effective and capable is local political council leadership and administration management, and how much integrity is there? Research and assessment subsequently found the reasons for distressed municipal governance. Many councillors have poor ability to deal with local government demands; political and administrative interface creates great tensions

between them; compliance with legislation is very poor, and regulatory frameworks for municipalities are inadequate. On account of the above-mentioned challenges the relationship at local level has been tainted by the contestations that erode accountability and transparency (William, 2006:79).

1.2.2 Weak oversight by national and provincial government

The Republic of South Africa Constitution, section 154(1) requires both national and provincial governments to support and strengthen local government capacity. Most municipalities have been experiencing interventions due to performance challenges. That is an indication of the weak application of intergovernmental checks and balances, and it became apparent that there was no proper support by national and provincial governments (Diagnostic Report NDP, 2011:62).

Complex rural development problems are an issue at some municipalities in the Republic of South Africa. Massive infrastructure backlogs also cause serious problems. Institutional performance and deficiencies in administrative capacity are also major issues at local government and another issue is institutional capacity. For example, in Buffalo City in the Eastern Cape, cadre deployment has brought this municipality to its knees, because senior positions in civil service were systematically compromised by the appointment of political acolytes without proper qualifications. The negative impacts of demographic change currently create great problems. Councillors' capacity adversely affects local government. There is also weak leadership in strategic management in local government. For example, in the 2010/11 financial year report the municipality received an adverse opinion, which is the most damning finding by the AG. The reason was that the critical positions of municipal manager and chief financial officer remained vacant for two years in a row. Also the unfilled and acting positions have destabilized the municipality at strategic and operational levels, and have had an adverse impact on service delivery in general. Inadequate financial management capacity is a huge problem and big issue. Lastly, another great problem is the executive leadership and political transformative policy that lack innovation (Diagnostic Report NDP, 2011:75).

1.2.3 Lack of accountability

Accountability concerns are related to levels of distrust in local government, according to Medium Term Financial Statement (MTFS), 2009 reports. Confidence remains far lower at local spheres of governance. The accountability challenges are reflected in poor communication with communities, weak and ineffective ward committees, and lack of

transparency in mayoral committee work. Even though according to Khalo (2013:18), accountability and oversight are constitutional requirements in all spheres of government. The Municipal Systems Act, 1998 (Act 117 of 1998) and Municipal Finance Management Act, 2003 (Act 56 of 2003) provide for the establishment of committees, (sections 79 and 80 of the Act, 1998). The purpose is to provide guidance with regard to the oversight role of Municipal Public Accounts Committee within the local sphere of government in South Africa. Since the establishment of the committees the question remains why they are not succeeding in closing the gap and deficiencies in proper oversight and bringing about accountability, just as the others do in national and provincial spheres of government, which are standing committees on public accounts, referring to SCOPA.

1.2.4 Effects of lack of accountability and transparency in municipal governance

Brown and Cloke (2004:55) reiterate that, in order for the public administration sector to perform well, the public should have trust in it. Because public representatives and administration officials are expected to serve the public's needs and interests with fairness, and to manage their resources properly as accountable officials, they should be transparent. If that is not well served, it becomes a great challenge, which will have to be faced by municipalities.

The Municipal Structures Act of 1998 is very clear about the need to legally streamline public participation, (for transparency purposes) by providing for the right to:

- Contribute to the decision-making process of the municipalities;
- Disclosure of the state of affairs of the municipalities, and or
- Be informed of decisions of the municipalities.

1.2.5 Legislative Authority – compliance or non-compliance

Local government audit outcomes of the 2013/14 financial year revealed the following about municipal governance: lack of oversight and accountability; lack of legal compliance or regulatory support; weak understanding of policies; weak political leadership; poor attitude and values of officials at municipalities; weak municipal systems; weak council decisions; weak financial management; lack of compliance; organizational instability; lack of information sharing with public, lack of monitoring and evaluation and last but not least,

there is a lack of support customized and focused on compliance (AG-Reports of LG2013/14:89).

1.2.6 Non-compliance with Municipal Finance Management Act – Act No 56 of 2003

This Act requires the Municipal Manager to prevent unauthorized, irregular and fruitless expenditure. Nevertheless, according to the information provided by the reports, in 2011/12, unauthorized expenditure was at R540 m; in 2012/13, it went up to R633m; and in 2013/14 it went up to R1,06b. The question is, where is the required accountability and transparency here? In terms of irregular expenditure, it was reported as follows: in 2011/12 it was R1,56b; in 2012/13 it went up to R1.78b and in 2013/14 it went further up to R2,31b, (AG-Reports of LG, 2013/14:89).

With regard to fruitless and wasteful expenditure, the report recorded the following statistics: in 2011/12 it was R17m; in 2012/13 it went down to R10m; whereas in 2013/14 it tripled to R54m. The question is who is not being held accountable for compliance as requested by the Municipal Financial Management Act (MFMA)? Why did Auditor General (AG) have discover this during the audit period and at such a late stage?

This state of affairs shows that the transgression of legislature is happening in the presence of administrative and political leadership. Who is not taking decisive action for the breach of legislation requirements? There are oversight roles to be played by councils; there are Municipal Public Accounts Committee (MPAC) and internal audit committees that section 32 of the Municipal Financial Management

Act (MFMA) requires to be established and functional.

The functioning of municipalities is expected to be very effective and this should begin with political leadership. The State of Local Government Assessment Report (2009:178) found that casual reasons for distress, lack of accountability and transparency in municipal governance pointed to:

- a) Poor ability of many councillors to deal with the demands of Local Government;
- b) Insufficient separation of powers between party politics and municipal councils; lack of clear separation between the legislative and executive;
- c) Inadequate accountability measures and support systems and resources for local democracy; and
- d) Poor compliance with the legislative and regulatory frameworks for municipalities.

1.2.7 Weakness of provincial and national governments

The Constitution, section 154(1) compels both governments through legislation or other measures to support and strengthen municipalities' capacity. This is to help them to manage their affairs well by exercising their legal powers and to execute their functions properly. Nevertheless, matters get out of hand at these public institutions as there is so much non-accountability and non-transparency. An example is the Renosterberg Local Municipality in the Northern Cape, where section 139 of the Constitution could have been implemented by COGHSTA and the MEC in the Northern Cape.

However, both offices were found to be poorly structured and incapacitated, and lacking core focus of their mandates of oversight and support. According to sections 47 & 48 of the Local Government Municipal System Act 32 of 2000, these weaknesses and low capacity were translated into the inability to act responsibly for the municipalities and that brought poor responsiveness.

These negative practices, both internally and externally at all municipalities, render them dysfunctional due to poor governance that lacks accountability and is not transparent. According to the 2015/16 AG reports, Auditor-General Mr. Terence

Nombembe estimated that 70% of municipal officials were not qualified to perform their duties and this led to poor political control and inadequate institutional management. The lack of legislative compliance is also of great concern, for example the illegally appointed municipal manager at Ramotshere Moilwa LM – Zeerust, who was paid R80 000,00 per month, was unqualified and the letter from the MEC declared his unfitness to hold office, according to City Press of 4 December 2016. These challenges are emanating from the external environment and internal factors. External factors are, for example, national policies that impact on local government; the legislative and governance framework for local government; monitoring and oversight of local government and capacity-building policies. Whereas the internal factors which impact on municipal poor performance relate to the following: no sound political leadership; weak governance practices; weak organizational capacity; inadequate staffing and poor systems; non-availability of workable plans with proper budgets and programmes and policies which are relevant to be implemented, according to City Press: 2016 May 24 titled: “Abaqulusi Municipality in dire straits. The administration in the Abaqulusi Municipality incorporating Vryheid has collapsed. The situation is so dire that the municipality has failed to pay various suppliers, who have stopped providing services, and the unions are calling for the provincial government’s intervention”.

1.2.8 Lack of transparency in public financial management

Public financial transparency is a vital tool to economic development, equity and social justice, nevertheless, such transparency is often not easily complied with by those whose public responsibility demands adherence to transparency. That shows that the level of transparency in local governance is very low. According to Bekker (2009:89), integrity, transparency and accountability and democratic values are essential and have to be incorporated as principles. Steps at local governance have to be taken to shift away from the previous high rate of non-transparency in public financial management and accountability, and much still needs to be done. This weak financial transparency gives little or no indication of how funds are spent. Lack of information is incapacitating citizens from holding officials and politicians answerable for service delivery and financial impropriety (Semberya, 2011:78).

However, there are findings by Stewart and Phillips (2008:99) that national fiscal laws are primarily concerned with revealing public financial mismanagement to society at large, and at local communities, but fail to address aspects of transparency.

1.2.9 Lack of transparency in local government procurement

According to Bahsheka (2008:85), public procurement is regarded as a major section of public financial management where finance is primarily mismanaged in local government, because most of government expenditure is done at the local level. This calls for greater accountability on how these funds are used and managed. At times it is revealed that contracts or tenders are to favour those who have political connections. This stifles the desired service delivery to the public because of the ambiguity in procurement. Many non-transparent procedures occur in public procurement at local government (Bahsheka, 2008:85).

For example, there is a stage of procurement where a decision is made to procure goods or services, but the non-transparent behaviour hides the fact that there is no existing public need for such goods or services. According to the Anti-Corruption Resource Centre, 4U, (2011:10), current revelations show that local governments are vulnerable to non-transparent contracts by foreign firms that exploit weak governance in public institutions such as local municipalities to their advantage.

1.2.10 Opposition parties: Governance perspectives

South African opposition parties – the Democratic Alliance (DA), the United Democratic Movement (UDM) and the Inkatha Freedom Party (IFP), agreed with the president and the government with regard to governance challenges and parts of the National Development Plan diagnostic report. The DA, the UDM and the IFP further amplify these challenges. The DA, the UDM and the IFP said that South African challenges in terms of governance included, amongst others, inadequate governance policies, a lack in implementation or deficient delivery services.

The DA, the UDM and the IFP, as opposition parties, further placed more emphasis on ineffective and unethical governance, e.g., service delivery failures and violent service delivery protests. In their view this state of affairs is a result of ineffective and corrupt governance practices. The DA, as the official opposition, states that South African governance under the ANC has failed to provide effective

governance, which is sufficiently accountable and transparent. According to Lefto-Evertte (2013:19), that inefficiency has an impact on the declining public trust in government and government leadership.

Trust in government institutions is also undermined by perceptions of corruption. The South African public does not trust South African leaders. There is no trust in government institutions and confidence at all levels of government is very low due to poor governance (Lefto-Evertte, 2013:32).

Political interference, e.g. in the functioning of independent institutions (Chapter 9), as that interference undermines the constitutional provisions that speak to the creation of impartial public services that should function without fear, favour or prejudice.

The National Development Plan (NDP), (2011:29), maintains that there is an erosion of public accountability in the South African local governance system.

Mary and Malena (2010:98-102), reiterate that it is government's obligation to share information with citizens, and that is at the heart of how citizens hold their political and administration officials accountable. Good governance is defined as being open, accountable and honest. However, this is not done properly in local government governance and at other levels in South Africa.

Since governments exist to serve the people, using taxpayer's money to conduct public business, the officials and politicians should therefore make information readily available and easily understood by anyone, even laymen. But this is not happening very much in the South African context, as that lack of transparency defeats the democratic principles and intended good outcomes (Mary & Malena, 2010:98-116),

According to Gale (1999: 8), a public institution, through the agency of politicians and officials, needs to be open and honest. It should not keep things secret that should be made known to the public. By being transparent it will give the public hope that there is less opportunity for the authorities to abuse governance systems for their own interests.

The lack of transparency and accountability reduces clarity with regard to the governance system, and if that is left unchecked, it is prone to corruption. Now the

question arises: Why don't we have full transparency and accountability at all levels of government, if it is

such good idea? Woodrow, the 2nd President of USA, once said: "If you want to make enemies, try to change something". According to Paul (1992:67), The public certainly wants government transparency, not the lack thereof.

William (2006:89-92), maintains that transparent governance is the principle of allowing those affected by political and administrative decisions to be informed about the resulting figures and facts, and the process implemented to achieve such results. That will be proof that officials and politicians act openly, and that they are therefore transparent and accountable to the public. It also displays sound sense of institutional responsibility and its efficiency. But that is an ideal situation, and in South African local government governance that is not the case, and it does not reach the public at large. The lack of transparency and accountability perpetuates suspicious corrupt activities within the institution, which threatens good governance, and will harm public and private sector developments.

Other problems which are also of great concern for local government with regard to being transparent, are: the culture of information sharing on the administrative level is so weak, as is the political will for being accountable. Integrity in local government governance is also a major challenge.

1.2.11 Lack of transparency and accountability poses threats to good governance and accountability

Steven (2005:15) articulates that lack of transparency and accountability poses threats to the implementation of good governance practices, and the sources of threats would be amongst others:

- Stakeholders – where one group has unfair advantage over other groups, e.g. tenders awarding to a few who are connected and receive information prior to others.
- Service delivery – where poor quality of service delivery compromises the standard, e.g., poorly constructed RDP houses at some local municipalities.
- Organizational culture, norm and objectives – it is found that at some

municipalities there is a lack of responsible leadership, which, combined with a self-interested culture and objectives, serves the financial benefits of individuals.

- Social reputation and status – professional and institutional misconduct perceived to be detrimental to society, which will lead to a loss of credibility (Steven, 2005:19).

In summary, the eroding accountable and authority structures at local government governance in South Africa are a serious issue because of the reluctance by authority to implement an accountability mechanism. Weak ethics, integrity, transparency, professionalism and accountability, are real challenges. Poor application of intergovernmental checks and balances due to inadequate oversight by national and provincial governments, as well as lack of support add to the problems.

The level of distrust in local government and low confidence by communities in these institutions is alarming. It is found that there is a poor system of participatory governance which should assist local government to achieve its goal through the participation of community members, e.g. by holding public participation programmes. Public financial transparency demands adherence by those in positions of responsibility. The level of transparency and accountability in local government is very low. Public procurement at local government is very challenging because non-transparent procedures occur in public procurement at local government. According to the National Development Plan Diagnostic Report (2011:105), South African local governance experiences challenges of inadequate governance policies, lacking implementation thereof and deficient delivery services. Ineffectiveness and unethical governance are also being experienced. Hence, the Institute of Justice and Reconciliation has found that inefficiency has an impact on declining public trust. The perception of corruption and political interference in local government governance are also problematic.

1.3 AIM AND OBJECTIVES OF THE RESEARCH

This research proposal shall endeavor to establish why there is a lack of accountability and transparency in the municipal governance institutions over the 20-years period of democratic dispensation. It will further attempt to analyze in

depth the weaknesses mentioned above in terms of governance, and to propose tried and tested best practices

found at similar institutions in other countries, which have had good democratic principles over time. The lack of accountability and transparency undermines the ethical behaviour expected from both officials and politicians. This research shall try to formulate the measures to be taken to reduce or eliminate malpractices witnessed year in, year out. This proposal shall also present two case studies from two municipalities in the KwaZulu- Natal - Province, whose findings will be able to substantiate and provide reasons for the lack of transparency and accountability, and the repercussions.

Governance and its challenges will also be explored in detail, and be researched to establish why oversight support expected from both national and provincial governments is not done properly, although the Republic of South Africa Constitution compels them to do so. The Constitution and institutions that support democracy would be explained as to how they function and anchor governance in South Africa, especially at local government level. Current governance realities experienced by South Africa would also be looked at. Given the profound transformation of government and governance in South Africa, the South African public sector is characterized by significant changes, such as the replacement of old policies, legislation, statutes, regulations, and practices to reflect more accurately de-racialization of government structures (Schwella E et al., 2015:326). It is essential to explore why the municipal code of ethics is not enforced, because this is a prerequisite for transparency, accountability and ethical conduct by politicians and officials.

The central aim of the research or study will be to analyze, evaluate and assess the lack of accountability and transparency at municipal governance in South Africa. The objectives of the basic values or principles governing local government administration and political leadership include:

1. To provide a theoretical overview of good governance;
2. To research the historical view of the lack of transparency and accountability, trend and tendencies, in local government governance over the period;
3. Reflect on the governance structures that exist in local government and

explain their roles, responsibilities and processes against the governance policies as outlined by legislations of local government;

4. To evaluate the working relationship between the political and administrative structures with a view to striving for accountability and transparency;
5. To analyze and evaluate how and to what extent a lack of accountability and transparency exists at local government; and
6. To develop a set of conclusions and recommendations to sufficiently improve accountability and transparency at local government governance.

1.4 Research Methodology

“Research methodology in this context refers to the systematic and theoretical methods applied, qualitative techniques and procedures that are employed in the process of implementing the research design or research plan, as well as the underlying principles and assumptions that underline their use” (Malelu,2010:88).

The qualitative research method will be applied, which is primary exploratory research, by means of which one will gain an understanding of the underlying reasons, opinions and motivations of the lack of accountability and transparency in local government in South Africa. The qualitative research method will provide insights into the problem statement above or help to develop ideas on how to recommend solutions to the problem. This research will be using non-numerical data. One will take a deep, quality look at the lack of transparency and accountability phenomenon. The research will try to find the meaning of the phenomenon under investigation to understand the reasons why there is a current problem regarding accountability and transparency. (Plooy-Cilliers, F, Davis, C, and Bezuidenhout, R, 2016:56-77).

All sources consulted and used will be acknowledged and the writer will not portray any material by other people as his own. Leedy, (1997:45) states that the qualitative research to be applied can be historical, political, and/or educational, thereby providing an apt tool for a study or research of this nature. It allows the researcher to increase the range of specific information that is context-specific, as emphasized

by Malelu (2010:16). As an- depth understanding of the research topic is gained, the researcher will be able to use his judgment and experience to select preferred information.

Qualitative data collection

Two major approaches to qualitative data collection methods to be used will be non- reactive or unobtrusive research as well as the case studies data collection method. This non-reactive or unobtrusive research will include content analysis or textual analysis and comparative and historical studies. By using the qualitative data collection methods, one will seek to obtain a richness and depth of data. This data will be gathered from complex and multi-faceted phenomena in a specific social context (Liba, 2008:15). It will afford the researcher the opportunity to understand why there is a lack of accountability and transparency; what causes lack of transparency and accountability; and how the lack of accountability and transparency is experienced in local government in South Africa. The researcher will provide a rich description of subjective experiences and meaning based on qualitative data (Strydom & Bezuidenhout, 2016: 73).

The data collection is based on published material on the topic and the use of secondary sources, which will be reports, accredited journals, articles, and internet materials from the World Wide Web (www). These will include reading and analyzing both provincial and national written documents about local government's lack of accountability and in governance issues. This will include international reading as well. Additionally, the different criteria, values and principles that govern local government will be used to measure structural, departmental, and individual performance in relation to the objectives and overall performance of both political and administration levels, in particular with regard to lack of accountability and transparency. According to Burns and Grove (1998:744), data analysis is a mechanism for reducing and organizing data to produce findings that require interpretation by the researcher. Once the data has been collected it will be analyzed by the researcher by checking why a lack of accountability and at municipal governance exists. The researcher will ensure that the data collected is relevant and applicable to the researched topic. Qualitative data analysis will be conducted with

vigour and care.

According to Strydom and Bezuidenhout (2016: 191), qualitative content analysis is a research method for subjective interpretation of the content of data through the systematic classification process of coding and identifying themes or patterns. This method is most effective when looking at narratives in texts such as journals, diaries, books, brochures, written documents, transcripts, news reports and visual media (Maree, 2007).

Qualitative data analysis

According to Liba (2008:55), data analysis is the procedure to analyze data, techniques for interpreting the results, ways of planning the gathering of data to make it easier, more accurate, and to use all the machinery and results. Data analysis shall be characterized by objectivity so that the research results will be acceptable, and also make sure that data solicited shall be relevant and applicable to the research topic. The researcher will make sure that the data collection process is not biased.

1.5. LAYOUT DESIGN

The study will have the following chapters. **Chapter 1** will be to provide and motivate the study/research, contain the problem statement, aims and objectives, and also the provision of research methodology employed in this research/study. **Chapter 2**, the theoretical perspectives. This chapter will deal with governance and good governance theory. Municipal governance, accountability and transparency will be discussed from a theoretical perspective. **Chapter 3**, the local government Acts analysis. This chapter will deal with Acts governing local government that should be complied with in order to govern with accountability and transparency. It will also reflect on governance structures existing in local government and explain their roles, responsibilities and processes against the governance policies as outlined by Acts of local government in South Africa. The researcher will look at the following. Functionality of oversight structures; Section 79 Committees; audit committees; public participation; fraud and corruption; execution of the local government mandate in terms of the RSA Constitution; political-administrative interference; application of rules and order; feedback of councillors to communities; areas of governance, political and administrative consequences and citizen accountability. **Chapter 4**,

working relationship between political and administration structures with a view to striving for accountability and transparency in local government in governance in South Africa. **Chapter 5**, accountability and transparency in South Africa. This chapter will deal with the current status of the lack of accountability and transparency in municipal governance in local government in South Africa, and part of it will deal with analyzing and evaluating how and to what extent is lack of accountability and transparency present at local government in South Africa. **Chapter 6**, to develop a set of conclusions and recommendations for improvements towards sufficient accountability and transparency in local government governance in South Africa. Findings will be shared and a summary presented.

CHAPTER 2

GOVERNANCE THEORIES AND GOOD GOVERNANCE

2.1 Introduction

In Chapter two, the theories of governance will be traced in an effort to establish their origin in government. The information in this chapter will be devoted to the literature review and theoretical framework of governance in general. Furthermore, discussions on success factors and barriers of governance to effective developmental local government will be examined. Literature reviews, definitions of governance concepts will be studied, as well as conceptual and contextual perspectives. The context of South African governance will be explained as to how governance in South Africa, and municipal governance in particular, functions and is anchored.

The researcher will also look at current governance realities experienced by South Africa municipalities. The study will further analyze in practice and theory good governance principles and their implementation at the level of municipal governance.

Other theories of governance and governance models will be explained in detail. Questions such as 'What is governance?' will be dealt with in depth and answered. The following issues will be examined: Why governance; governance as a dilemma; types of governance and who are the players in governance? What constitutes governance and what are the characteristics of good governance? How government governs in South Africa, and levels or spheres of government in South Africa. Governance in South Africa; what is good governance? Understanding governance: The 'good' in good governance; principles of good governance and why good governance? The concepts of governance and government to be researched well and presented.

All governance theories will be explained since a crisis of confidence has been created by bad governance. Democratic governance should ensure accountability, transparent and good governance as these three aspects must go hand in hand. This research establishes that local government should be responsible, transparent

and accountable.

The implementation of good governance principles in municipalities' governance will therefore improve governance. Good governance is a requirement of good public administration at all government institutions including municipalities, which has to be implemented in partnership with the private sector, civil society groupings and NGOs. Hence, good governance should become a paradigm that underlines the values of democratic standards and the rules of law, where citizens and other government stakeholders' involvement in governance is apparent (Barrenton 1994:89).

2.2 GOVERNANCE THEORIES, PROPOSITIONS AND MODELS

2.2.1 Governance theories.

According to Schwella et al. (2015:43), governance theories can be formulated in the form of a series of models that constitute the building blocks of the theory. A model of bureaucracy and a model of an administrative system may, for example, be used to explain performance successes or failures of governance decision-making.

Stoker (1999:42) states that the discussion of governance is structured around five propositions; hence governance as theory can be defined as the “theoretical work of governance reflects the interest of social science community in shifting pattern in styles of governing.”

Rhodes (1996:652-3), notes that governance is “a change in meaning of government, referring to a new process of governing, or changed circumstances of ordered rule, or the new method by which society is governed”.

“Governance is ultimately concerned with creating the conditions for ordered rule and collective action”, then which means, it's output it does not differ with that of governance. the difference between the two – (governance & government) is they are differentiated by processes which they us, and which is done differently on both.

Five propositions defined by Stoker (1999:23) are as follows:

1. Different actors who put their skills and expertise together that are drawn from a set of instates, it is refers as governance. however, they are beyond governance.

- This means that, understanding by systems of government needs to be challenged constitutionally or formally. For example, the Westminster model of governance is perceived as misleading or limited, because it is institutional or constitutional. Moreover, it becomes a fragmented structure having a web of establishments and institutes. “Whereas, it implies that in a unitary state there is only one center of power. In practice there are many centers and diverse links between many agencies of government at local, district, provincial and national levels. Responsibilities that were previously the almost exclusive responsibilities of government have been shared. This indicates an increased involvement of private and voluntary sectors in strategic decision-making for service deliveries. Hence the outsourcing of services or public-private partnership is part of the public service reality and decision-making in many countries in this century”, Bevir (2007:59).

2. Identification of blurring boundaries for tackling matters concerning social and economy. Governance done well can do that responsibility perfectly.

Puttman (1993:56) points out that in order to effect economic and political performance, governance needs to be associated to social and underpinning resources or capital. Then the responsibility shifted due to obscuring borders amongst public and private sectors. “These organizations range over a wide variety of social and economic issues and operate in the context of what has been termed a social economy that has emerged between the market economy and the public.”

3. If there is power dependence, which involves bond amongst government’s institutes, governance can identify that.

- This proposition, which deals with power dependence, implies that irrespective of the number of organizations, they are committed to collective action as they cannot govern alone and are dependent on the other organizations. Consequently, whatever goals are to be achieved, resources have to be exchanged and the common cause has to be negotiated between them. The objective will be to ensure good outcomes, which will be determined by the resources and rules of the game by all the participants involved, including

the framework of conversation.

Such association no institute can simply dominate others, though there might be domination from other organizations in a particular process. Stoker (1999:38) deduces that from a governance perspective there will always be good cooperative practice since not any solitary player, private or public, takes resource capacity or knowledge to confront any challenges or difficulties individually or lonely. Governance as cooperative practice encompasses numerous players and partnerships.

4. Governance is about independent arrangements of stakeholders.

This proposition indicates that governance networks are about taking over the business of government. When they have great influence on government policies and once they succeed, they establish a sustainable government as the eventual undertaking of authority in perspective of an emergent structure of supremacy or governance. Kaufmann (2005:51) supports this view by Stoker (1999:39).

5. Supremacy identifies the capability to see tasks completed.

This means that authority in the perspective of supremacy has to acquire a suitable functioning information which tests previous hierarchical forms of rational. Again Kaufmann (2005:59) concurs with Stoker (1999:45).

2.2.2 Other theories

Governance theory is about the practice of collective decision-making. Literature indicates that governance is often defined in very vague terms; hence its scope is not specifically applicable. Farrington (2009:56) notes that governance is notoriously slippery, whereas Cochran and Wartick (1998:89) argue that with regard to governance theory, "there is still confusion about its conceptualization, despite decades of work trying to define it."

Rhodes (1997:89) is of the view that governance theory is about the rules of collective decision-making where there is a plurality of actors trying to govern certain institutions or organizations in a state. However, no formal control system can dictate the terms of a working relationship between these organizations or actors.

Kickert et al. (1997: 67) argue that in governance theory there are arrangements

that involve others who have a say in matters of governance, and/or to accept decisions and responsibilities collectively. They further say that governance is a world where in theory “no one is in charge”. However, governance is concerned with how the functioning and operation of the world could be improved because that promotes a better understanding of our world.

Puttman (2008:34) concurs that governance has options which concern issues of values and politics directed at the well-being of the entire society. Governance theory is not a science with clear causal pathways, nor can it be adequately captured by laws or formal constitutions or statutes.

2.3 GOVERNANCE MODELS

According to Kamarck, (2002:78, four models of governance are identified as follows:

1. Traditional bureaucratic government
2. Network government
3. Market government
4. Entrepreneurial government

2.3.1 *Traditional bureaucratic government model*

This model is based on hierarchy, rules, top-down accountability, well-defined areas of responsibility, and the importance of consistency and precedent in decision-making and application. It is also called Weberian model because it mostly focuses on reutilization of the production process, on managerial and internal concerns. It is identified by departmentalization, standardization and emphasis on specialization (Weber (1947:33). According to Galbraith (1977:56), who seems to be in agreement with Williamson (1975:22), this model maximizes efficiency and potential economies of scale because its approach encourages professional specialization. It also reduces the chances of unintentional errors, negligence or fraud due to regulations, rules and hierarchical supervision. However, this model is often criticized for its proceduralism and rigidity that cause inefficiency and incapacity to serve the clients.

2.3.2 *Network government*

According to Kamarck (2002:88), the network governance model is identified by a wide variety of institutions. Most of these institutions have better reputations and sometimes perform better than government itself. However, Kamarck (2002:89) further states that a major attraction of network government is that it is not bureaucratic. According to Weber (1978:75), bureaucracy is the most efficient way to set up an organization's administration, and it is better than a traditional structure of governance. As a result, it has the potential to be flexible and innovative.

2.3.3 *Market governance model*

In a market governance model, the work of government involves neither public employees nor public money. Government uses its power to create a market that fulfils a public purpose. It takes account of what economists call externalities. According to Kamarck (2002:92), market governance is so well disguised that most people may not even be aware of government operations.

2.3.4 *Entrepreneurial governance model*

In this model the work of the public is done by government employees. It may be seen as government dressed up to look like the private sector (Syani 2008:102).

2.4 WHAT IS GOVERNANCE?

Introduction

“Governance refers to the procedures of value, policies and institutions by which society manages its economic, political and societal affairs. Cheema and Maguine (2002:56) say that “governance comprises the complex mechanisms, relationships, processes, and institutions through which groups and citizens articulate their specific interests, exercise their obligations and rights, and mediate their differences. Furthermore, governance therefore means more than the term government”.

“Moreover, governance is a process whereby societies or organizations make their important decisions, to determine whom they involve in the process and how they render account (Starkey 1995:78)”.

“Given the profound transformation of government and governance in South Africa, the South African public sector is characterized by significant changes, such as the replacement of old policies, legislation, statutes, regulations, and practices to reflect more accurately de-racialization of government structures (Schwella et al.2015:23)”.

According to the UNPD (1997:11), “governance is the exercise of economic, political and administrative authority to manage national or local government affairs. It is also a system of values, policies; it is defined as the way through which social life is coordinated. It relates to the manner in which power is exercised in the management of local economic and social resources for development”.

Governance encompasses all of the state’s institutional and structural bodies at national, provincial and local levels dealing with decision-making processes, implementation capacity, interaction and relationships between government and citizens. Drechsler (2004:45) states that “governance recognizes the capacity to get things done which does not rest on the power of government to command or use its authority”. Governance is about independent self-sufficient systems and their dependence in the relationship between government institutions or the private sector involved in collective action (Puttman2008:34). According to Kaufmann (2005:89), there seems to be general agreement that governance refers to institutions and actors from within and beyond government. However, Grindle (2007:102) sees governance as the concept identifying the distorting of borders and obligations for embarking upon economic or social matters.

“Governance is broader than government, as it involves more societal actors than government, and aims to impact across all conventional areas covered by the traditional definition of government.” According to Heywood (2007:26), the definition of government in the broader sense is “to govern means to rule or to control others”. Therefore, “core functions of government are thus to make laws (legislation) implement law (execution) and interpret law (adjudication)”.

Heywood (2007:6) further points out that “governance refers in its widest sense to the various ways through which social life coordinates”, whereas Rhodes (1997:16) says that “it is possible to have governance without government”.

Authority frequently denotes to the upswing of markets and set-ups in the public

sector. There is a disparity amongst bureaucratic administration or hierarchic institutions and markets and networks conceived as governance. Developmental theorists at times practice governance to a certain degree in different ways to debate pecuniary progression somewhere these partisan issues comprise oldest systems of state networks, as well. (Rhodes1997:25).

Governance therefore arisen as a developmental itinerary endorsing issues such as the ruling of commandment, government competence, accountability, decentralization and democracy. Governance pointers have to be acceptable, trustworthy and authentic. Rationality hangs on their accuracy; reliability requires that they are consistent. While legitimacy depends on their creation of being opaque and executed with the taking part of relevant stakeholders, some see governance by way of an adaptation of the government to growing general convulsion. Hence other scholars or researchers argue that supremacy is created contrarily by many players working in contrast of the circumstantial of varied customs, (Hey 2000:77).

Anonimus (2011:75) is of the view that native authority, like new supremacy is added in general, has polycentrically becoming more increased, implicating a larger variability of strategy players. The local governance changing nature is possessing typically democratic and operative confronts. A system which is more polycentric is able to restrict a presentation which leads historically, that is according to perspective of democracy.

Hey (2000:89) defines governance as civil society, NGOs and a functioning state, their processes and interactions, and the norms within they operate. Institutions operate at various levels, either at local, regional, national or international level. Governance activities in the areas of social, political and cultural sectors should be good governance by nature. There seems to be general agreement by Barenstein (1994:78) who defines governance as the exercising of political, economic and administrative authority. This simply means that governance manages a nation's affairs at all levels. It is a very complex mechanism as it is where citizens and civil society groups articulate their interests using processes at government institutions. People exercise their legal rights; mediate their differences and human rights obligations.

3. WHY GOVERNANCE?

The nature of social problems has changed and people are confronted by the altered conditions which they want to discuss and address. Research has been conducted and the findings are that in the past, government could direct people to do things or instruct them to deal with social problems they are confronted with, but it is not easily done nowadays. The reason is that people are faced with complex and multi-dimensional challenges and problems. Moreover, more citizens are educated, and the world we are in living in requires specialized knowledge. Governance is the new term used to capture this new terrain of governing although governance is fraught with dilemmas (Wettenhall & Bhusal 2016:85). The institutional arrangement that consigns power to public representatives and officials, and then defines the mechanism to hold them accountable, is called governance. This is neither an art nor science, at best it is a political process. Therefore, in order to have legitimate governance, when a system is designed it has to involve those who will have stake in that governing functionality. Governance has to adapt to the institutional and political environment because it is expected to thrive. It must allow for transparency, representation and responsiveness. This will create great opportunity for leadership to excel and perform well (Joseph 1986:56).

3.1. Governance as dilemma

Peter (1999:67) explains that governance changes, and the way in which it is taking place poses a dilemma for many older theories of governance and its practices. Everything is subject to change, except change itself, as the saying goes. The world changes and so responses to those changes need to be dealt with. Therefore, governance becomes a dilemma as well. Governance is, in that respect, a very practical concern. New practices and theories may create a dilemma again and again and people have to revise their ideas and actions to accommodate new changes or dilemmas. Since governance is continuously ever-changing and displays the reliant manner of realistic doings, the practicality of governing becomes continuous as it is a process of reform. This constant shifting will present governance with democratic and managerial dilemmas. Consequently, policymakers will struggle to find effective ways to act in a new setting which was brought about by this new governance dilemma. Peter (1999:78) argues that the obviously normative impasses

linked with supremacy are the ones relating to autonomous philosophy and societal integrity.

3.2 TYPES OF GOVERNANCE

Rhodes (1997:74) reports that governance can often refer to a particular level of governance which might be associated with a certain type of organization, or a particular model of governance. There are various types of governance such as public governance; private governance; global governance; cooperate governance; participatory governance and collaborative governance.

3.3 Public governance

Public governance can occur in three broad ways, namely by means of public-private partnerships, through networks or collaboration with community organizations. Either by operating under government regulations and via a market mechanism where principles of competition are applied so that resources can be allocated, or through a top-down approach, which is the governance type that primarily involves the bureaucracy and governments (Kickert 1997:83).

3.4 Private governance

Rhodes (1997:10) mentions that in this instance non-governmental entities, such as private organizations or other third party groups, make rules or standards which might have a binding effect on the quality life of the larger public. For example, insurance companies exert a great societal impact, which is a private form of societal governance.

3.5 Global governance

Minogue et al. (1998:47) define global governance as being comprised of complex and informal institutions which are connected through relationships and mechanisms; the processes among and between states; organizations and citizens, where rights and obligations are established and sometimes differences are mediated. However, Florini (2007:78) explains global governance as the ideal in which processes of leadership cooperate when they bring civil society, national governments of different countries, agencies of multilateral in nature together to achieve common goals which are acceptable to all. The aim and intention

is to address global challenges by engaging their collective energies to provide strategic direction together. Moreover, the approach should not be authoritarian, but more democratic, more politically open, more integrated and not bureaucratic. This global governance has to be effective, inclusive and dynamic so that it can span interests of sectoral and national boundaries, and then the operations should be through soft power rather than hard power. Colin in Florini (2007: 89) describes the history of global governance not as a new concept because in 1919, after the First World War, leaders of different countries gathered at in Paris, France for six months. The talks dealt with future issues and problems, and they established a forum called the League of Nations, which was made up of 30 countries.

3.6 Cooperative governance

Cochran et al. (1998:30) state that governance consists of the set of laws, policies, processes and customs in government institutions. It also involves many players or stakeholders. The principle players include communities, politicians and government officials, while other stakeholders are regulators, customers and the community at large (Starkey1995:45).

3.7 COOPERATIVE GOVERNANCE IN SOUTH AFRICA

The aim of intergovernmental relations is not only about cooperation and coordination but also about interventions, directions and control from high levels of government. It is about consultation amongst all levels of government (Mand & Wood 1974:45).

However, according to UWC (1999:32), cooperative governance, which was initiated by the drafters of the South African Constitution, is uniquely South African. The principles of cooperative government have put IGR relationship into a normative framework. In section 41(1) of the 1996 RSA Constitution, cooperative governance rules are spelt out clearly. The rules include loyalty, respect and positive duty as emphasized by Mathebula and Malan (2002:46). All spheres of government, at national, provincial and local level, as a principle of cooperative governance, are obliged to work together for the common good in the national interest above parochial interest with regard to service delivery and interdependence, as emphasized by the 1996 Constitution.

3.8 *Participatory governance*

Osborne (1992:75) goes a further step and says for democracy of any country to deepen, participatory governance comes into play because the communities are being engaged in the processes of governance with the state through citizen participation structures. The main idea is to encourage citizens to play more direct roles in public decision-making processes or deeply engage in political issues. In turn government officials should be responsive when this kind of engagement takes place. In practice, in the case of participatory governance, they play the role of watchdogs through more direct forms of involvement.

3.9 *Collaborative governance*

Cochran (1998:102) explains that this type of governance serves to encourage organizations to make ethical, proactive changes for the mutual benefit of all the parties that collaborated. A joint performance and relationship management structure framework is used that includes transformation management processes.

4. WHO ARE THE PLAYERS IN GOVERNANCE?

There are four sectors of society, namely:

Osborne (1996:67) defines non-governmental organizations (NGOs) as organizations that are non-profit making organizations, which are independent of government, though are often funded by government. These NGOs were launched in 1945 when the United Nations was created. "The term NGO is used as a synonym for civil society organizations, if that association is founded by citizens to address certain issues, or tries to improve the lives of other people through public policy, humanitarian, healthcare, environmental or human rights. All these activities are to bring citizens' concerns to governments, such as encouraging political participation, through information provision or to monitor policies or advocate them. Research revealed that it is estimated that there are 10 million NGOs worldwide", Bulkeley (2005:52).

Businesses – their partnership with governments and other agents in solving social problems. Business derives its social legitimacy and right to operate from the

economic value it creates for society at large, from its performance for both investors and a wider network of constituencies, and the trust its leadership inspires in employees and society as a whole. Overall trust in business and government stands at 50% and 41% respectively worldwide. Managers in the private sector, accustomed to ducking behind corporate- and government-relations professionals, will need to develop a new mindset and skill set that will allow them to partner with government rather than fend it off, Osborne (1996:72).

The media at large - "There are some notable exceptions, but overall, development actors spend relatively small sums on media support, often not investing for the long term and struggling to integrate the media into broader policy agendas. When they do, it is usually with the aim of achieving one (or more) of the following objectives", Chlotray (2009:42).

- Democracy and human rights: To build an independent media sector as an intrinsic good essential to the functioning of a democratic society and a key platform for freedom of expression.
- Accountability: To enhance the accountability of governments to citizens, often in order to: improve service delivery, state responsiveness and state-citizen relations; support more informed democratic/electoral decision-making or marginalized groups to assert their voice; or decrease public tolerance of corruption or poor governance.
- Stability and conflict reduction: To improve debate, dialogue and tolerance in fragile or conflict-affected societies, often in order to: increase the availability of balanced, reliable and trustworthy information; reduce the likelihood of hate speech or inflammatory media likely to exacerbate conflict; and enhance social cohesion or build state legitimacy.
- Communication for development: To create demand for services and use the media as an instrument to shift behaviour or change the social norms that prevent such behaviour. For example, improving immunization uptake". Flinders (2002:75)

Development actors have often struggled to have collective conversations on how best to support media, in part because they have these differing objectives. As the evidence base for media interventions builds, now is the time for the development industry to develop a more strategic approach to media support. (Deane2015: 265-280).

Hill (1975:89) points out that there are four zones of governance or areas of governance, which are as follows.

- Global governance – activities that deal with issues outside individual governments (this issue is elaborated in detail on page numbers 10&11).
- Within a country – governance can be found in local, provincial or national space.
- Governance at organizational space – activities of a board of directors in organizations. Private organizations or NGOs.
- Community governance – activities at local level, which might be formally constituted by a governing body.

4.1 WHAT CONSTITUTES GOVERNANCE?

Governance deals with the implementation of the law, the actual provision of services and products to citizens of the country by government. The government programmes under discussion should and have to contribute to an enhanced quality of life for all the people of the country. Governance has of course to imply that the outcomes of public administration are aimed at quality service delivery as well as the improvement of the general welfare of its people (Hye 2000:89).

4.1.1 WHAT ARE THE CHARACTERISTICS OF GOOD GOVERNANCE?

4.1.2 Governance should be accountable

Local government in South Africa has an obligation to report, therefore accountability is a fundamental requirement for good governance. As local government officials represent the community, an explanation of a decision is requisite and also being answerable for the consequences (Williams2009:22), Drechsler (2004:45).

4.1.3 Governance should be transparent

According to Williams (2009:30), the decision-making process at councils should make it possible for people to follow and understand. This will allow communities to clearly see how those decisions were made. Communities will know what advice and information the council considered and which legislative requirement was followed. It will show that as good governance follows the rule of law, the decisions are consistent with the relevant legislation and are within the powers of the municipal council.

4.1.4 Governance has to be responsive

South African municipalities should at all times try to serve the needs of the entire community in an appropriate and responsive manner. Responsiveness has to be equitable and inclusive for all groups, including the vulnerable (Williams2009:36).

4.1.5 Governance has to be effective and efficient

To ensure the best possible results for the community the best available people have to be appointed. The South African local government should implement decisions and ascertain that a follow-up is done (Williams2009:42).

4.1.6 Governance should allow participation

All interested parties or anyone affected by council decisions should have the opportunity to participate in the decision-making process through public participation processes. When community members are provided with information, and asked for their opinions and given the opportunity to make recommendations, this will lead to better decision-making. It assists local government in meeting its legislative responsibilities and significantly provides governance which has an ethical basis (Williams2009:48).

5. GOVERNMENT TO GOVERN IN SOUTH AFRICA

Within government in South Africa, governance is continuously debated in legislative institutions, in national, provincial and local governments.

Government's governance should be assessed based on the National Development Plan (NDP) (2011) as the official policy of the ANC as the ruling party and the South African government. Then governance would be seen as the link between government policies and the action of the NDP. The NDP contains proposals and it is South Africa's roadmap to tackle poverty, inequality and unemployment, and to see to it that all will have water, electricity, jobs, sanitation, housing, education, social protection, recreation, quality healthcare and a clean environment. The NDP diagnostic assessment and report provide a valuable self- assessment of South African governance (Grindle 2007:45).

For instance, in the State of the Nation Address in 2013 (May 7), the president of South Africa emphasized the link between government policies and the action of the NDP. It was clear from the State of the Nation Address and from governance assessment that he is concerned about governance challenges which are related to education, health, the fight against crime, decent work creation, and land reform and rural development. The challenge is that there should be better intersectoral coordination between the public and the private sector in South Africa to improve governance performance guided by the NDP (National Development Plan).

5.1 Spheres of government in South Africa.

According to the Constitution of the Republic of South Africa, 1996, South Africa has three spheres of governments, i.e. the national, provincial and local government level. South Africa is a constitutional, developmental and democratic country with a parliamentary system of governance. The Constitution, which was approved by the Constitutional Court on December 4, 1996, became law on February 4, 1997, and mandates that each of the three tiers of government be distinctive, with executive and legislative authority of its own at national, provincial and local government level. However, they are interdependent and interrelated. The South African Constitution also places emphasis on human rights (Rahman 2005:42), Cheema & Maguire 2002:47).

The three spheres are as follows:

National government:

The national sphere of government is further divided into three branches:

- a. Law making – legislative authority, chapter 8 of the RSA Constitution
- b. Executive authority – actual governing work, RSA Constitution chapter 5
- c. Judiciary authority – courts of law, chapter 8 of the RSA Constitution

Provincial government

Provinces are allowed legislative laws and executive powers. And they can make provincial laws such as laws dealing with gambling, the environment, healthcare and vehicle licensing, to administer the laws and take responsibility for them (chapter 6 of the RSA Constitution).

Local government

In this sphere, local government is responsible for managing cities and towns. Those are known as municipalities, and these municipalities are further divided into categories. There are metropolitan, district and local municipalities (The Municipal Systems Act of 2000, Chapter 7 of the RSA Constitution).

5.2 GOVERNANCE IN SOUTH AFRICA

According to Schwella et al. (2015:227-8), generally governance is a set of means to achieve ends, rather than an end in itself. “Governance should use proper ethical and effective processes to add value to the lives of citizens by providing goods and services to them”. To impact positively on society in all of the societal spheres served by different sectors, the public sector as a significant element of governance, has duties and responsibilities.

It is crucial to assess the ethical and effective performance of governance. This assessment is necessary in order to evaluate and create learning and understanding about governance and to ensure a continuous improvement in ethical and effective governance. Trends of assessment used to describe the current reality, will be also taken into account, Subban (2008:16) testifies.

The polity perspective of South African governance

As indicated by Schwella et al. (2015:321), critical governance issues are flagged by polity in SA presented by political parties that oppose the governing or ruling party (ANC). As the ruling party it controls the governance scene in SA. Its dominance is seen by governing in 8 provinces out of 9, in all metropolitan municipalities, 8 of them, except the Western Cape. The ANC has majority control at many local municipalities in 8 provinces. Where the ANC does not govern the DA does in some instances, in alliances with other parties (Good Governance Guide 2014:78-9).

5.3 *Good governance*

According to the United Nations Development Programme (1997:14), in general, governance can or may be understood as the execution of political, economic and administrative authorizations to manage the particular country's affairs at local or national governments levels. This governance involves processes, institutions and mechanisms. It also involves citizens or groupings such as civil society, to clearly express their interests and execute commitments and implement their human and constitutional rights. This good governance has to be implemented with the participation of all sectors, and should be transparent and accountable. Moreover, it has to be fair and effective, and in compliance with the principles of supreme law, because it has been stimulated by it. Good governance requires that social, political and economic priorities would be arrived at by consensus, and widely supported in the society. When adopting any decision regarding the distribution of funds for development, the voices of the most vulnerable and the poorest should be heard (United Nations Development Programme 1997:14).

According to the United Nations International Development Agency (1996:15), good governance should be democratic governance, there should be transparency, citizen participation should be considered when adopting laws; good governance should have good representation and be accountable, and concentrate legislation procedure strengthening; decentralize and support democratic local governance; be anti-corruption and for policy implementation improvement. The International Monetary Fund (IMF) (2005:56) reiterates that

good governance should ensure that the rules of law are observed; improve effectiveness and accountability of the public sector and perform well to fight corruption. Farrington (2009:63) says that good governance emphasizes the need for democracy, successful citizen participation as well as transparent public agencies' activities. Whereas Wettenhall (2016:12) says that efficiency, justice, a good relationship between society, the public sector and the private sector is good governance.

Kaufmann et al. (2006:250) reiterate that, in the context of the public sector, good governance comprises the processes that determine and achieve the aims of public politics in social, economic and other spheres; where power, influence and governance are managed. It is where clear policy formulation, with professional ethos, for the public interest is developed and it is the responsible work of the authority.

It is evident that good governance should be comprised of modern governance principles which are based on three main elements, namely public participation, accountability and transparency.

Table 1

5.3.1 The paradigms of good governance and good government

Paradigm of good governance	Good government paradigm
It is the role of the state to create good governance conditions , otherwise the state will cease to exist.	Since the actor is the democratic government, governance will focus on solving the problems.
Good governance's very task is to create a connection between the public sector and public affairs.	Sensitivity and innovation are instrumental for the success of good government. Because it has the ability to manage new issues by using them intelligently.
In a good governance arena, the state must provide private or civil society organizations with enough room to exercise their social coordination functions..	The state plays a role in creating good governance to undertake tasks of good governance as expected.
Governance is conducted by agreement, discussions and debate instead of a set of procedures.	Good government is expected to maintain impartial transparent public affairs and to ensure justice and cooperation.
Good governance tasks will be fulfilled by having governance structures which are horizontal instead of vertical.	The very essence of good governance is nothing else but to provide a common good for all.
	Good government should be active, intelligent and strong.

Source: Contemporary governance models and practices in central eastern

Europe (2005:52).

5.3.2 *Understanding governance: The 'good' in good governance*

Rahman (2005:56) lists the *good* of good governance as follows:

- Good governance should have respect for the Universal Declaration of Human Rights.
- Have bureaucratic transparency and accountability in public fund management.
- Have credible electoral processes, which will be politically accountable to electorates.
- Good governance should have a sound judicial system in its country.
- Have freedom of expression and information.
- Good governance is needed for better service delivery, also it builds capacity for public, in terms of knowing their rights as well.
- In good governance space, freedom of association and participation should prevail.

5.3.2 *Principles of good governance*

These principles are fundamental; they have legal character and have clear links with other principles of law; these principles are more flexible than regulations (Flinterman2010:89). According to the United Nations Development Programme (1997:67), there are nine criteria of good governance, namely: 1. participation – people must have a voice in decision- making; 2. primary right – to have fair legal regulations, which are based on human rights; 3. transparency – to have the dissemination of free information, which allows people to understand the activities of local government institutions. 4. - local government institutions must try to assist all interested parties, such as NGOs, CBOs or civil society, by offering sensitive responses to clients' requests; 5. - good governance has to strive for consensus to achieve the best policy or procedures. 6.

- good governance encourages impartiality, i.e. that welfare is created for each citizen, therefore the conditions to improve or maintain have to be equal at all times.

7. - good governance should be efficient and effective when using the available resources to satisfy the needs of the people. 8. - accountability is the eighth point, which means that the people making decisions at municipal institutions are accountable to society and all other interested parties. The ninth criterion is to have a

strategic vision as an institution for good governance, which will assist in the long term the elected representatives or leaders and the entire society in having reliable development.

Rhodes (1996:88) quotes from the World Bank, 1994, and acknowledges that good governance principles are an “executive arm of government accountable for its actions; to have strong civil society which is participating in the public affairs of any government institution, however all to behave under the rule of law”. Puttman (1993:66) states that governance has to be supported by a democratic principle, which is characterized by efficiency, transparency and accountability. Rosenau (1992:11) agrees that good governance entails information being exchanged within an organization or among organizations in a cooperative and coordinated manner.

Miller (1996:89) supports this view by stating that good governance should have characteristics such as efficiency, impartiality, pluralism, subsidiarity, accessibility and cooperation amongst all stakeholders and in all public institutions.

According to Hood (1991:45), there are eight principles of good governance which all government institutions at all levels have to adhere to and implement: cultural variety, openness and transparency, ethical behaviour, reliable financial management, openness to changes and innovations, human rights, efficiency and effectiveness, social cohesion, stability and accountability, representation and citizen participation, competencies and ability, and reacting to people’s needs, Farrington (2009:249).

The following principles are a requisite of ethical good governance:

- Participation – for all citizens to express their opinions, and to exercise their rights, they are encouraged to participate in the process of decision-making in the public interest.
- Rule of law – governance has to encourage law enforcement which is fair, while honouring basic human rights, values prevalent in society have to be observed as well.
- Governance has to be transparent – mutual trust to be built between government and society by providing information which is easily accessible, adequate and accurate.
- Equality – good governance has to provide equal opportunities in order to

improve the welfare of all members of society.

- Good governance – has to be responsive, to meet the aspirations of the public, and government officials or administrators have to increase their sensitivity.
- Good governance – other principles such as vision must be clearly developed to allow full participation in all governing processes. The result will be the acquisition of a sense of ownership and responsibility.
- Decision-makers/politicians/parliamentarians have to increase their accountability in all matters involving the public interest as their decisions affect the public at large.
- To increase oversight of the operation of government when implementing developments. The general public and the private sector have to be involved as well.
- Good governance – professionalism has to be implemented, which will enhance the moral capacity of government officials as they provide accurate, fast and affordable services. This is imperative in order to enhance the ethical environment at those institutions. Subban et al. (2008:89-105) reiterate all the above good governance principles, and this view is supported by Ostrom (1990:45).

5.3.4 WHY GOOD GOVERNANCE?

Good governance helps government to meet its legislative responsibilities and, more importantly, to provide an ethical basis for governance (Hill 1975:89), for the following reasons: (1) to supply the community with confidence in any public institution, also (2) to improve the faith that elected government members or officials have in decision-making (Addink 2010:56). The benefits of good governance include the following: it promotes community trust because they have confidence that decisions are made and taken in a transparent and accountable way. They also feel that government acts in the community's interest, though they might have different opinions. It encourages citizens to remember that all government officials and politicians act on behalf of the community at large, and do things openly and ethically by adhering to the law (Anonymous 2011:78).

Officials and politicians feel better about their working environment when good governance is being practiced because it encourages them to be confident about many issues at their institution of work. It leads to better decisions, which are informed by good information and data provided (Syani 2008:90).

Kaufmann (2006:88) testifies that for public officials to meet their constitutional and statutory responsibilities they have to be endowed with good governance attributes. If decision-making is conducted in an open, transparent and accountable fashion then the officials are more likely to conduct their business in compliance with all laws. Other benefits of good governance are at the heart of successful institutions such as a municipality because it protects the institution from exposure to dangerous risks and poor decision-making. It also can transform the institution's performance at all levels.

Good governance underpins and supports the purpose and mission of the municipal institution. It creates a sound and ethical strategy which is sustainable and acceptable to the whole institution and other organizations and stakeholders. It oversees the implementation of strategy in an open, honest manner which has transparency, with well-considered procedures and processes. It is crucial to apply an assertion of autonomy, which is not optional (Sedarmayanti 2004:80).

6. CONCLUSION

Governance term have risen to prominence in previous 30 years. Theorists tried to define or explain governance theories that change occurrences in our world by the term governance. However, it has become a major concern for non-profit organizations, civil society groupings and political actors. This has brought about variations in the manner and part of the state-run due to new governance theories in the last quarter of the twentieth century. States have shifted away from bureaucratic hierarchy because governance has captured patterns of rules of operation through groupings and the private sector. New theories have inspired reforms in governance, and this requires us to improve innovative arrangements of civic act and maybe fresh partisan ideas (Gamble 1990:42).

Governance theories can be formulated in the form of a series of models that constitute the building blocks of the theory.

“Governance is ultimately concerned with creating the conditions for ordered rule and collective action”. Four models of supremacy are identified as follows: traditional bureaucratic government; network government; market government; and entrepreneurial government. Refer to pages 5-6 above in the discussions, 2.3.

“Governance refers to the systems of value, policies and institutions by which society manages its economic, political and societal affairs”.

Governance therefore, arisen as a developmental itinerary on endorsing items such as the imperative of commandment, authority competence, decentralization, answerability and consensus.

Rhodes (1997) reports that governance can often refer to a particular level of governance which might be associated with a certain type of organization or a particular model of governance. There are different types of governance such as public governance; private governance; global governance; cooperate governance; participatory governance and collaborative governance. Refer to pages 9-11 above in the discussions.

With regard to players in governance, there are four sectors of society: businesses, civil society, institutions, non-governmental organizations, governments and the media at large.

Governance comprises the implementation of the law, the actual provision of services and products to citizens of the country by government.

The characteristics of good governance are being accountable, transparent, responsive, effective and efficient, and allowing participation. Refer to pages 12-13 above in the discussions.

A set of principles for defining good governance can be fashioned since governance opens new intellectual space. The concept allows all to discuss the role of government and contributions that other role-players may make. There is a possibility that groups or any civil society groups may play a stronger role in addressing governance problems. Good governance principles can be applied to assist in dealing with current governance challenges in South Africa. Governance needs to be understood, by both means and needs?

CHAPTER 3

THE CONCEPTS OF ACCOUNTABILITY AND TRANSPARENCY – WHAT DO THEY DENOTE?

3.1 Introduction

Scandals involving public officials and politicians have often captured world attention. Most of these scandals are the result of the deteriorating ethical behaviour of politicians and public officials who have indulged in all sorts of malpractices. There is a genuine demand that all public sector institutions should strengthen ethics, integrity, transparency, accountability and professionalism in order to protect public resources and enhance public performance (Haque1994: 23), (Armstrong 2005: 78).

Government has introduced legislation to ensure that all role-players and stakeholders discharge their respective responsibilities and obligations to deliver quality municipal services. Despite these measures, public accountability and transparency remain buzzwords and are not taken seriously by municipal functionaries in particular. Accountability and transparency are requirements of municipal legislations (Municipal Structure Act of 2000 & Municipal Systems Act).

This chapter will try to develop an analytical framework of accountability arrangements in the public domain based on an empirical study conducted in institutions such as municipalities in South Africa. Furthermore, it will assess and evaluate accountability arrangements in the public domain at the municipalities. This chapter will also try to demonstrate the lack of accountability and transparency in municipal governance in local government in South Africa (by providing a case study of a certain municipality), and part of it will deal with analyzing to what extent the lack of accountability and transparency present at local government in South Africa is impacting on service delivery.

According to Edwards and McGee (2014:67), the importance of transparency and accountability must be emphasized both at institutional or organizational and separate level. Both need to be inside as well as external, i.e. a municipal institution,

officials and public representatives to the local communities that the municipality serves. Without transparency and accountability, governance at municipal level would be neither responsible nor responsive.

The types of accountability will be discussed in detail. An analysis and assessment of accountability will be done. The issue of transparency will be discussed to establish why transparency is critical for municipal governance. The importance of transparency and accountability will be explained.

3.2 THE CONCEPT OF ACCOUNTABILITY

Schedler (1999:45) points out that one cannot be against golden concepts such as accountability because they convey an image of trustworthiness and transparency, which is used increasingly in political discourse and policy documents. However, its evocative power makes it a very elusive concept. Because it means different things to different people, as anyone studying accountability will soon discover.

Romzek (2000:15) defines and describes accountability as the simplest requirement to give account of how responsibility has been conferred that can be done or has been carried by an institution or fulfilled by a person delegated to do so. The following four standard questions, which are central to accountability, should always be considered:

- Who or which person is considered accountable?
- That person or that institution is accountable to whom?
- For what values is that person or institution accountable?
- By what means is that institution or person held accountable?

Aucoin (2000:48) concurs by defining accountability further, saying: “Accountability is the responsibility of the government at local level and its agents towards the public to achieve previously set objectives and to account for them in public”. It is also a commitment required from politicians and officials for public responsibility for their actions because they have to act in the public interest, which has to be done according to their conscience, based on professionalism.

Accountability is the degree to which municipal governance officials have to explain or justify what they have done or failed to do to the public, as they are

accountable to communities. Leaders should feel some sort of accountability to the citizens and or the public. Therefore, accountability of this nature can be seen as validation of participation.

Though accountability is generally believed to be a good thing, the concept is highly abstract and is used in a general way by many at many institutions. Since it concerns the processes by which those who govern “as elected representatives or appointed officials to show that they have discharged their duties properly” accountability is to give a satisfactory explanation over authority and resources entrusted to them on behalf of the public, e.g. tax payers’ money. In short, it is the obligation to carry out assigned activities in a responsible and responsive manner. Someone has to be held answerable for success or failure in a responsible manner (Kakumba et al. 2007:67) and Haque (2007:26).

According to Koppel (2005:45), accountability denotes to some persons or authority’s actions or inaction to justify or being answerable. Accountability remains a challenge for politicians and officials as it is an elusive concept, despite popular rhetoric. It stays a challenge simply because its results are linked directly to actions of the individual official or individual politician, section or department at municipal institution or other public departments. Mattei (2007:34) points out that public accountability refers to matters in the public domain, being referred to the conduct of public institutions, or public authorities exercising laws or spending of public funds on any projects or programme. Mair (2009:89) suggests that public accountability comes in many guises. It implies the rendering of account for matters of public interest, i.e. accounting for what was performed, and has to be distinguished from responsiveness and participation. Moreover, accountability is not only about control, it is also about prevention, and it also deals with the relationship between an actor and a forum. There is fine line between accountability and controllability, though some equate accountability with controllability, according to Bovens (2005:34), who concurs with the above authors.

Rogers (2007:36) indicates that accountability in a democratic perspective offers the actors democratic legitimacy possibilities to control policy, organizations and the administration. From the constitutional perspective, accountability is essential in

order to withstand the ever-present tendency towards power concentration in the executive power of the municipal institution. Accountability and reflective governance constitute an important condition for learning by holders of the executive and by administrative accountabilities. Sindane (2009:72) explains that external accountability also stands for answerability for action carried, or the achieved performance by other relevant and concerned authorities, either outside or organizations such as NGOs or civil society organizations. Accountability for the public is regarded as a tool for participatory local democracy, and is a very important component of local governance as it promotes community involvement and participation in municipal affairs freely and fairly.

3.2 Types of accountability

There are several categories depending on the nature of the existing relationships.

3.2.1 Hierarchical accountability

Hierarchical accountability is a pyramidal image of complex organizations. In many cases processes start to account from the top of that organization, for example in the Westminster system of ministerial responsibility. Hierarchical accountability has to be official for public accountability in most public organizations such as municipalities and departments. In this case the hierarchical calling to account takes place within strict lines of the chain of command. In terms of municipalities where the chain of command consists of administrative, political and community structures the administration is headed by a municipal manager and various managers as heads of the different departments or sections. Therefore, a hierarchical accountability relationship should exist within these structures (Wolf 2000:4). To effect this performance indicator as an accountability mechanism for managers and professionals have to be introduced so that accountability can be realized in the form of service delivery to citizens and community. Day et al. (1995:203) echo the very sentiments. Chapter 6 of the Municipal Structural Act 200 (Act of 2000) prescribes the introduction of Performance Management Systems for enhancing accountability internally among the employees in the public sector such as a municipality. This is one of the important components of accountability so that officials and politicians are held responsible and accountable for the duties assigned

to them by either the public or to whom they render account, as stated by Cloete (1984:8). Cheminals (1998:69) concurs that through the division of hierarchical structures at municipal institutions accountability is ensured.

In hierarchical accountability, it is easy to identify the accountable persons, either officials or politicians, at municipal institution or any public institution. Simply because they have someone to whom they have to render account to. For example, top officials have to render account to their political or legislative superiors, as much as to the public, with regard to a particular course or work which is specific. All this ensures that politicians or officials are answerable to the public (Cheminals 1998:78).

3.2.2 Professional accountability referring to professional peers

This type of accountability is particularly relevant for public managers who work in professional public institutions, and they are professionals in more technical fields since they have been trained as such, e.g. doctors, teachers etc. "Then this may imply accountability relationship with professional associations and disciplinary tribunals. These standards are monitored and enforced by professional supervision on the basis of peer review". The term professional accountability conveys the sense that this accountability reflects attributes to specialized expertise and knowledge (Schroeder 2004:30).

3.2.3 Legal accountability: courts

Legal accountability is of increasing importance to public institutions because of the growing formalization of social relations, and the great trust which is placed in courts, then parliaments, as is currently the case in South Africa. Legal accountability will usually be based on specific responsibilities, e.g. the Constitutional Court and the national parliament regarding a vote of no confidence and will be formally or legally conferred upon authorities. This makes accountability the most unambiguous type of accountability. Legal accountability is therefore to be adhered to for constitutional and legislative mandates (West 1995:68) in order to determine whether there has been compliance legally. This accountability might reactive with very limited discretionary powers.

3.2.4 Political accountability

“This type of accountability, its nature, relates to the accountability of the elected office bearers. Also being accountable to policies emanating from political role-players in a democratic society in South African municipal institutions. This accountability is where the ultimate accountability for all facets of government activities rests” (Armstrong 2005:79).

Even though this accountability raises many issues political leadership should be accountable at various government levels to municipal councils, parliaments, provincial legislative and other legislative bodies, for example the Auditor-General’s office or the Public Protector’s office. This is to ensure that these political leaders constantly verify that public institutions are carrying out the policies assigned to them are government related and implemented in a manner that ensures effective delivery of services for value of money (Armstrong 2005:89).

3.2.5 Accountability and public governance

According to Hague (2000:602), public governance is becoming more and more accountable because the standard of public accountability now overemphasizes efficiency and productivity as against public concerns like representation and equality. This is due to a paradigm shift in public governance. The objectives were to shape such standards, like socio-economic growth, by promoting economic growth, being effective in production and increasing efficiency.

3.2.6 Administrative accountability

The focus of this type of accountability is on the activities of government officials as employees at any government institution which might be a municipal or government department. In fact, this type of accountability prescribes the behaviour of employees and their circumstances of their choices. All these employees should operate within a legislative framework because they will be evaluated and held accountable. They must act within the bounds of their authority, since they are certainly not a law unto themselves and if they are not being accountable they will face dire consequences (Brooks, (2014:89) and Cloete (1994:56) concurs and states

that administrative accountability must be understood by each and every government or municipal employee. Accounting officers, municipal managers or directors of institutions must ensure that this responsibility is properly understood. This is known as traditional accountability. The actions of the employees should be based on standards of legality and regularity when they are held accountable for their actions. In other words, officials or employees act within the laws and regulations which govern that public sector institution. The task of management is another kind of administrative and managerial accountability. This concerns funds and property, other resources as well as human resources, with a view to efficiency in public usage. They are responsible for their actions and for more than just compliance with regulations and promoting the judicious use of public resources (Cloete1994:58).

Aucoin (2000:89) agrees with Cloete by stating that another kind of administrative accountability is programmes accountability which concerns the results of government or municipal operations. It is the responsibility of all municipal or public sector officials to make certain that all signed tasks or assigned programmes are effectively achieved as set out as goals. The managers or directors of those programmes have to account for what has been achieved as required by law. Bovens (2005:78) is of the view that the other type of administrative accountability is referred to as process accountability. It looks into methods and procedures of all institution or section operations and the manner in which inputs are converted into outputs as planned and arranged. It uses for performance terms of the process that was agreed upon by the programme administrator, and or funds provider or recipients of services or goods.

3.2.7 Social accountability

Fourie (2000:24) defines social accountability as the type that seeks to build accountability that relies on civic engagement, i.e. civil society organizations, or ordinary citizens that might participate directly or indirectly in exacting accountability. It also refers to a broad range of actions such as the media and civil society organizations that can hold public officials and politicians accountable. For the purpose of investigative journalism, public expenditure tracking, accountability such

as political checks and balances, administrative rules and legal procedures have to be observed. Social accountability can contribute towards improving governance at municipal level, as evidence suggests. Social accountability, its other mechanism is referred to, as vertical and external ones, meaning that it involves the hierarchy of South African, governance, which is national, provincial and local in that vertical approach, whereas in terms external one means that, other stakeholders such as civil society groups are taken into consideration. This type of accountability seeks to stimulate demand from citizens and thus puts pressure on municipal governance or private sector institutions to meet their obligations and to provide quality services.

3.3 PROMOTING ACCOUNTABILITY

Good governance it is not complete without accountability as a key component, which is enhanced by communities, and citizens who are participative, demand transparency and good representation. Governing is most legitimate by incorporating democratic principles such as citizen involvement in decision-making, transparency and accountability. Other organizations such as the media and civil society have roles and responsibilities to add to good governance at municipal level. For promoting accountability well, the rule of law is an essential element of the democratic process and in order for this to happen depends on accountable, fair, and the accessible application of the law. Accountability is promoted by respecting human rights, i.e. the protection of human rights, free and fair political and justice systems, and public confidence in municipal governance. Other issues should be governance programmes such as anti-corruption reforms, decentralization, strengthening legislation and policy and public management reforms. "This is given more prominence in Schedule 7 of the "Republic of South African Constitution Act no 108 of 1996" which is about Local Authority (Edwards 2014:45).

3.3.1 Promoting accountability to enhance municipal governance and growth thereof

As times change municipalities should take more responsible roles in community and citizen services. Thus there should be a clear movement towards the accountability of officials and politicians at every municipal level. Emphasize to the internal operational strategies, should work to the best advantage for accountability and transparency, from policies, plans and procedures that exist for better service

delivery, Callahan, et al, (2005:21) is of this view.

3.3.2 Accountability can be promoted in the municipality when the following aspects are implemented

According to Bennies et al. (2008:78), municipal managers and other managers should make sure that their teams understand the big picture of the institution. It is also important to have clearly stated or written expectations from them of what they should do, how, when and why. In all teams at a municipality the creation of accountability mastermind groups is crucial. This bolsters the concept and actions around accountability. Teams have to be clear about the consequences of their failure. When success has been achieved, the municipal teams have to be rewarded and recognized accordingly.

3.3.3 PURPOSES AND IMPORTANCE OF ACCOUNTABILITY

Fourie (2000:30) is of the view that any organization desiring to achieve accountability, such as municipality, its, political office bearers, municipal officials or employees, or any stakeholders should also make it their goal. The reasons why accountability is very important to a public institution such as a municipality and why it is also important to leadership areas which follows:

- Accountability builds trust – well-conducted accountability results in trust and it becomes essential in work relationships amongst all, whether politicians or officials at a municipality (Fourie 2000: 45).
- Accountability improves performance – it eliminates distracting and unproductive behaviour because they know that they are responsible for actions taken as a commitment to work to be done and know that they are entrusted with something (Fourie, (2000: 53)
- Accountability promotes ownership – it teaches employees the value of their work.

Because when they are valued they are driven to work hard since as officials or politicians they have a sense of ownership of what they are doing at a municipal institution (Fourie 2000: 56).

- Accountability inspires confidence – it increases team members' skills and confidence when work is done well. When they know that someone is listening

and is concerned about their performance, they will definitely do their best, and that will build the culture of accountability. Therefore, a municipality should hold itself to the highest level of accountability (Fourie 2000: 57).

3.3.4 WHAT PROBLEMS MAY BE CAUSED BY A LACK OF ACCOUNTABILITY?

There is a lack of accountability when the rewards associated with certain behaviours or activities are completely disassociated from all responsibilities and risks of municipal institutions. Then the following problems will be experienced by the institution or organization, i.e. financial meltdown and recession or municipal bankruptcy; at municipal level people might get sick if the sewage and rubbish are not taken care of due to lack of accountability; if officials and politicians feel that they are only accountable to themselves, and not to the whole organization, that institution or city will fall part (CoGTALG Overview report (2009). Mair (2009: 91) seems to be in agreement on that point when he says that lack of accountability causes a myriad of issues such as a lack of trust and support of all, both politicians and officials. Therefore, a lack of accountability will undermine a sense of responsibility. As far as the whole community and its citizens are concerned, a lack of accountability will inevitably erode trust and a reasonable expectation of good governance.

Judith (2000:23) concurs that "Open government is crucial to an informed public, and an informed public is critical to democracy. *The principle that allows those affected by administrative decisions, business transactions or charitable work to know not only the basic facts and figures but also mechanisms and processes*". Transparency International (2011:78) is of the view that this is how it provides a definition that captures a clear meaning of transparency, whether in the public or private sector, with regards to this concept. In essence this creates the belief that politicians and officials of any institution, their decisions and activities should be done in a manner that captures the interest of various stakeholders such as civil society or NGO's, and this can best be achieved through transparency. Simply because public institutions, officials or politicians have the responsibility to carry out their tasks efficiently, and by doing so to fulfil their fundamental role, and adhere to effective public sector governance.

3.3.5 Legislative framework for transparency in South Africa

Some progressive pieces of transparency legislation have been introduced by South African policymakers, though implementation remains a great problem and concern. The South African Constitution, through the Bill of Rights, has expressed fundamental human rights that support the pursuance of transparent governance, inter alia it includes, section 10: The Right to Human Dignity; section 72: The Right of Access to Information and section 33: The Right to Just Administrative Action. The Promotion of Access to Information Act, which was promulgated in 2002, fulfilled a fundamental need in South Africa. There is low compliance with section 14 of PAIA, which aims to facilitate proactive disclosure as contained in section 15 through the open provision of manuals making information freely available is currently a concern at local government. South Africa's Constitution in Chapter 2, 'Bill of Rights', "enshrines the right of access to information held by the state: 'Everyone has the right of access to (a) any information held by the state; and (b) any information that is held by another person and that is required for the exercise or protection of any rights'".

"The Promotion of Access to Information Act (PAIA) of 2002 gives effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights". The law applies to public institutions and private organizations alike when the information requested is deemed to be in the public interest. However, no central agency exists to deal with PAIA requests; every public and private organization is required to publish a PAIA manual on its website providing the public with clear guidelines on the process, costs and contact persons for PAIA requests, but this is not forthcoming (Good Governance Learning Network, 2011).

Armstrong (2005:95) concedes that, unfortunately many public bodies seem to hamper access to information, either due to the failure of internal systems or as a result of the incompetence of the information officers to whom a request has been made, and there seems to be agreement with Rogers (2007:67) when he also affirms that bureaucratic resistance to implement access to information rights includes the failure to provide manuals (to ensure people-friendly access to the

right); difficult requirements for processing information requests and the ineffective PAIA enforcement mechanisms (to ensure compliance by public and private bodies with mandatory obligations in PAIA).

3.3.6. TRANSPARENCY CONCEPTS

Bennis (2008:90) defines transparency as *“free flowing of information within an organization and between the organization and its many stakeholders, including the public”*, whereas Hill (1996: 89) defines transparency as the principle of allowing those affected by administrative decisions to know about them, which concerns communities at large and the public which is being served by a municipality or any government department. Transparency in governance means that government officials or politicians act openly with citizens. This is a fundamental element of abolishing corruption in municipal institutions because corruption threatens good governance. Gerrat (2002:45) emphasizes that the role of transparency in governance is crucial to the communities being served by a municipality. Openness, honesty, and accountability define government transparency. As part of a free society, transparency is any government’s obligation to share information with its citizens. Transparency is at the heart of how communities or the public hold their public representatives and municipal officials accountable.

According to Bennis (2005:93), in politics, in order to fight corruption, transparency is used as a means of holding public office bearers or representatives accountable. This means that politicians need to be more open, trustworthy and honest. A politician should not keep anything secret from the public. Politicians have to make documents and information accessible to everyone. Transparency in government is not new issue. It is supported by Freedom of Information Acts. Therefore, a healthy system of government is an open government that allows all who desire to know to find the information they are seeking.

Cross (1995:67) points out that openness at this level of governance at a municipality provides much-needed checks and balances against corruption and misuse of government assets, while at the same time revealing trends that will reveal mistakes that had occurred and offer solutions to challenges that government politicians or officials may have not seen. The public certainly wants government’s

transparency. “Because they feel more responsible citizens demand useful information and accountability from their governments. Access to information for all stakeholders is very important” (Bovens 2007: 87).

Transparency is a key to good governance because it reinforces accountability and public participation. Fur (2000:56) concedes that transparency enables people who are affected by development plans to know what options are available to them and thus make informed decisions about the matter at hand. It is a prerequisite for successful beneficiary participation in programme design and implementation.

Edwards et al. (2014: 49) find that transparency assists citizens in having access to information and helps them by facilitating their understanding of decision-making processes at a municipality. Information contained in freedom of information acts, administrative acts and published government audit reports, and transparency as a public value embraced by society helps to counter corruption, and serves as a complex tool of good governance in policies and programmes. Therefore, policymakers should create it alongside effectiveness, accountability and efficiency. In the absent of transparency, concerns of secrecy and privacy by the public increase (Koppel 2005:78).

3.3.7 Two faces of transparency

Cross (1995:72) observes that there are two kinds of transparency, clear or opaque, and this distinction is very relevant. The fuzzy or opaque transparency involves the dissemination of information that does not reveal how institutions such as departments or any organizations actually behave in practice, in terms of how they make decisions or show the results of their actions. This refers to information that is being divulged nominally but turns out to be unreliable.

Cross (1995:79) says that clear transparency refers to reliable information about institutional performance, information access policies and programmes that reveal this information. It also sheds light on the behaviour within the organizations or institution, which permits interested parties such as civil society, opinion makers, or policy makers, to pursue that information including the strategies. Examples of clear transparency would include data about human rights violations or compliance reports with environmental standards.

3.3.8 *Transparency pathways*

According to Haque, public access to information generally falls into two categories, namely proactive and demand-driven information requests by the public. Information that government makes public about its activities of projects or programmes and their subsequent performance is referred to as proactive dissemination of information. (Haque,1994:611). While the demand-driven information refers to institutional commitment to respond to a request by the public for specific documents or information which would not be available or accessible unless requested (Haque,1994:613), for example, the Right to Know Civil Society Organization in South

Africa is promoting downwards transparency from government to society at large by using the demand- driven information pathway.

3.3.9 *Transparency has different goals to achieve*

Transparency reforms have different goals, i.e. to limit abuses of power, to tackle corruption, to focus on crime, and to encourage improved institutional performance more generally. Moreover, legally transparency might intend to focus on an individual's failure at the institution, and while the second intention might to address more systematic flaws (GGLN 2013).

3.3.10 *Why transparency?*

It is needed as a basis for accountability, and assists in checking mismanagement and corruption. It boosts public confidence and informed participation of citizens. Cloete (1994:67) makes clear that without transparency there will be discretion without accountability, and a lack of services culture in municipal governance.

3.3.11 *Why is government transparency important?*

Geraat (2002:56) highlights the fact that government transparency enables every taxpayer to easily research and hold government officials and politicians accountable for how they spend monies at all levels of municipal sections or entire institutions. This means placing all financial and public information online in easy to use, readily understandable systems.

3.3.12 *The value of transparency and transparency as a value*

Mdlongwa (2014:36) is of the view that everyone regards transparency as a highly valued principle. A municipality should be taken as a brand that is transparent by having employed transparent politicians and officials. The other value of transparency is that it promotes trust and increases motivation to all who work at a municipality. It fosters growth because once they share information about everyone's roles, performance and even daily responsibilities, then team members will or can learn from each other's failure or successes and grow together in the institutions. This view is supported by Sindane (2009:79) when he states that another value is that it increases loyalty and responsibility because transparency and honesty lead to increased loyalty towards a team of workers, a cause or project. But that also applies to public loyalty towards municipal institutions. Transparency values the municipality as a brand by creating direct positive impacts but also indirect ones on the public and other stakeholders who intend to work with a municipality. Transparency and integrity are highly rated as building working relationships based on trust and common goals.

Yilmaz et al. (2008:56) concur that the business of transparency has core values to be upheld by a municipality. Since transparency is about information, any public member who needs information should have full access to it, not just what the sender from the municipality is willing to provide. It also embodies honesty and open communication, meaning that someone at the municipal institution must be willing to share information. Visser (2013:67) makes it clear that it is also about individuals at the institution being honest about the actions they are taking, and about the organizations being upfront and visible about actions they intend to take, and whether those actions are consistent with the values of the municipality in terms of transparency. Visser (2013:69) further affirms that another value is that citizens expect public servants to serve the public interest with fairness and manage public resources properly on a daily basis, that there will be sound public administration which has trust, integrity, accountability and transparency. All these aspects are a keystone of good governance in a municipality.

Common transparency checklist parameters are listed and explained below. These items should be on every municipal website, according to Armstrong (2005:93).

TABLE 1. COMMON TRANSPARENCY CHECKLIST PARAMETERS

Parameters	Description	Rationale
Elected representatives	Names of elected officials, their names and contacts, such as phones numbers and emails should be included on the website.	Since they are elected to represent their constituents, they should be engaged in regular dialogue and be as accessible as possible by a variety of ways to be contacted, such as email, fax, or phone or cellular phone.
Administrative officials at municipality	List of administrative officials should feature on the website, specifically the key administrators with their contacts and addresses.	They should be knowledgeable and professionally resourceful. This is to provide the public and community at large with services and often enforce ordinances. Because of their roles, it is imperative for them to be available as and when needed.
Financial audits	Regular audit information has to be included on the website, as well as audit schedules and performance audits of municipality programmes.	Audits reveal to the public how well the municipality performs on their set objectives and enables citizens to hold the municipality accountable and it also gives them the big picture of how the budget is used.

Public records	The website has to include the names of people who are in charge of open records requests, along with their contact information.	The municipality is obligated by law to divulge information, (Access of Information Act), because it creates an avenue for easy accessibility by the public to information about the municipality.
Contracts/tenders	Rules governing tenders or contracts should be posted online, which should include bids and other contracts to be upcoming in future.	This is for public to see if the municipality has chosen the best contractors and if it is the best solution for the challenge at hand.

Source of information, Amstrong, 2005:93

3.3.12 Municipal governance transparency

“Section 32 of RSA (Republic of South Africa). 1996. Constitution of Republic of South Africa, act no 108 of 1996”, stipulates that every person has the upright of opportunity to at all info hold by state-owned or municipal institution.

What information should be made available or what is the public entitled to?

In terms of the Information Disclosure Act, the municipal manager is responsible for making the records available in each municipality or appointing information officers whose role is to assist public members to access information they seek.

Without a “Promotion of Access to Information Act of 2002” (PAIA) request, and according to “RSA (Republic of South Africa). 2000. Municipal Systems Act no 32 of 2000 of Local Government in South Africa”. “RSA (Republic of South Africa). 2003. Municipal Finance Management Act no 56 of 2003, of Local Government in South Africa”, the municipality must provide the following automatically. This information must be available at all times at the municipal offices, at libraries or online.

- “RSA (Republic of South Africa). 2000. Municipal Systems Act, Act No. 32 of 2000, Section 25, of Local Government in South Africa”, prescribes that the

draft and final Integrated Development Plan should be made publicly available within 14 days.

- “RSA (Republic of South Africa). 2003. Municipal Finance Management Act no 56 of 2003, of Local Government in South Africa”, Section 22, all budget-related documents, the draft and final annual budget of the municipality must be make available.
- “RSA (Republic of South Africa). 2003. Municipal Finance Management Act no 56 of 2003, of Local Government in South Africa”, Section 3, states that Services Budget Implementation Plans (SDIBP) must be given to all who need them.
- All by-laws are compiled into a publication called the Municipal Code Municipal Systems Act section 15, which specifies that it should be made publicly available for all.
- “RSA (Republic of South Africa). 2000. Municipal Systems Act, Act No. 32 of 2000”, urges that a municipality’s annual report be shared with the public, or be accessible to all.
- “Local Government: Municipal Finance Management Act no 56 of 2003, Section 4”, maintains that the quarterly reports of all work done by a municipality has to be tabled in council by the mayor. Above all the municipal council is responsible for making available any of these documents, notices of council meetings, which should display dates and venue; services delivery agreements with any service provider contracted; performance agreements with senior staff; a register of all bids received for tenders and all contracts above R500 000, should be available in any official language upon request. All the foregoing is prescribed by the “RSA (Republic of South Africa). 2000. Municipal Systems Act, Act No. 32 of 2000” section 15; the Local Government: “RSA (Republic of South Africa) 2003”. “Municipal Finance Management Act no 56 of 2003 section 55 and section 23 of Municipal Supply Chain Management, Regulations 868 of 2005”.

3.3.13 CASE STUDY OF AN ACCOUNTABLE, TRANSPARENT, RESPONSIBLE AND RESPONSIVE MUNICIPALITY IN SOUTH AFRICA

The Mosselbaai Municipality is offered as an example of what answerable and approachable resident governance should appear like.

The Local Municipality of Mosselbaai

“Vision”

“We strive to be a trend-setting, dynamic Municipality delivering quality services responsive to the demands and challenges of the community and our constitutional mandate, in which all stakeholders can participate in harmony and dignity”.

“Mission”

“To render cost-effective and sustainable services to the entire community with diligence and empathy. To create mutual trust and understanding between the municipality and the community. To have a motivated and representative municipal workforce with high ethical standards, which is empowered to render optimal services to the community. To apply good and transparent corporate governance in order to promote community prosperity”.

“Values”

“The community is our inspiration and our workforce is our strength in the quest for community development and service delivery. We therefore value:

“Work pride” “Service excellence” “Integrity”

“Loyalty” “Accountability”.

This case study is founded on an analysis of civic strategies and policies supplemented by different communiqué interactions with the civic. However, the methodology followed by the Municipality of Mosselbaai is informative and can deliver useful understandings into institutionalizing answerable, approachable, accountable and transparent authority. Moreover, the intent is not to propose that the municipality of Mosselbaai is the lone city in Republic of South Africa determined for institutionalize answerable, receptive, accountable and transparent authority.

(Good Governance Learning Network) GGLN 2012: 23

With the adoption of a new leadership strategy in 2011, the Mosselbaai Municipality expresses its dedication to leadership excellence that includes responsibility, accountability and transparency. The Batho Pele principles and a public service approach is pulled through to the leadership with a Functionality and Support Pledge for managers and council members, and include committed “value-driven” service delivery to and relationships with internal and external stakeholders of the local government. (Good Governance Learning Network) GGLN 2012: 24

Subsequently, the local authority of Mosselbaai developed some policies such as ward committee and communication policies. The marketing plan as well. The intention about these policies formalizations was to realize the vision concept, principles and mission to undertake. The process undertaken was to realign improved, concept of vision and principle, as well as to give necessary attentiveness to governance systems intended to. (Good Governance Learning Network) GGLN 2012: 25

Ideals and philosophies

Municipality Mosselbaai chose to ensure that core values are explicitly known. Values such as honesty, fineness, trustworthiness, transparency and being answerable. All these intend to increase interface with all participants in local authority issues. That was to do positive picture for the public, and also to achieve intents and purposes set. (Good Governance Learning Network) GGLN 2012: 28

The key link between the local authority of Mosselbaai is ward committees. Simply because is regarded as good governance when it is well underpinned. The interest of community at larger are taken is very crucial and of paramount importance. It is due to having enforceable public participation, which has structured and regular meetings. The local authority is striving to be transparent, with the sense of integrity, which municipal political leadership displaying towards citizens. Core principles are articulated by municipality of Mosselbaai, by applying, suitable and regular procedures and means. (Good Governance Learning Network) GGLN 2013: 08

Arrangements, actions and performances

The municipality of Mosselbaai is dedicated to guaranteeing that its essential values are converted into arrangements, actions and performance, which are in order to improve, accountable, answerable, transparent and approachable or reactive local authority. The communication strategy and ideas, the marketing ideas and Ward Committee strategy or plan are the main core or central authority documents, envisaged to enable and monitor or guide and idea which sketches, the role of communications and related data distributing processes or methods. (Good Governance Learning Network) GGLN 2013: 10

The Communication strategy and ideas, sketches the part of communique and associated data distributing procedures. It explains how the communique purpose will be fulfilled and managed, and the diverse positions and obligations for evolving matters, spreading data and administering response or reaction. In adding up to explaining the communiqué means, the idea clearly incantations out the key communications that is essential to enlighten and complement any form of communique, (Good Governance Learning Network) GGLN 2013: 15

The authority is dedicated to interconnecting effectively to societies on services delivery provision matters plus authority concerns that are imperative for community, plus on time means which are very quick. Local authority anticipates keeping plus bring up to date the authority databanks for diverse message instruments to spread inhabitants straight. The Communication ideas is revised yearly to make sure it ruins in effect and competent in setting up the communique purpose, (Good Governance Learning Network) GGLN 2013: 15

The municipality of Mosselbaai has two systems that permit inhabitants to converse with the local authority: printed suggestions and an authorized short note method, suitable for the provision of delivery of work, grievance or protests. Printed communique presented to local authority remains to be taken on an automated website manuscript paperwork practice. That practice gives out a number to refers to for each issue registered and keep being consistent till the matter is resolved. Authority administrators should reply within 10 days after the matter was logged, and

for short message systems to be replied after 2 days. Officializing receptiveness, local authority should organize three-monthly client happiness assessment to Service Centre by continuing in touch of inhabitants concerns, that was lodged and has been reply, (Good Governance Learning Network) GGLN 2014: 15

The Marketing strategy also offers direction on the communique purpose, specifically the civic Integrated Development Plan and Service Delivery and Budget Implementation plan (SDBIP). This permits continuing communiqué through uniform communique info matters of delivery of services. Strategy of marketing supplementary speaks in what way civic contribution desires are followed plus arranged onward on yearly civic contribution strategy for implementation by authority council, (Good Governance Learning Network) GGLN 2014: 19

Primary platform used to share civic information it is outlined on policy of ward committees. It gives guide to how to have a standard meeting plan, which is consistent. It is to facilitate report back and info distributing. That is to institutionalize, receptiveness, checking and regular messaging or statement from local authority. (Good Governance Learning Network) GGLN 2014: 22

Moreover, the local authority took a decision that compels political office bearers and senior administration managers to be part and parcel of convened yearly ward committee's gatherings. That conclusion it shows a dedication from leadership of council to maintain, answerability and commitment with community. (Good Governance Learning Network) GGLN 2014: 23

All policies and plans it provides local authority representatives perfect organized plus planned approaches to implement all matters, by following good measures and practices. All this is drive local governance which is accountable and reactive. To make provision for inhabitants, to be fully aware and can held institution to be accountable and transparent enough. All these practices make possibility for quick and relevant enhancement of existing circumstances of the entire community it serves. (Good Governance Learning Network) GGLN 2014: 27

Leadership

Authority of Mossel Bay demonstrates in many occasions of governance for answerable, approachable, accountable and transparent local authority, initialize with the foresight, task and principles approved in 2011. The approval of the different strategies and ideas discussed above proves assurance at governance level to influential optimistic and cooperative interactions with inhabitants and societies. The strong prominence on important-driven leadership and service provision, connecting this clearly to a community service attitude and the principles of Batho Pele, stands likewise a symbol for dedicated governance. Administration, the city presented a Useful plus Sustenance Initiate which explains and obligates colleagues of the administration crew plus local authority to make certain committees in ward are officialized by such a fashion which cares plus forms operative, working committees in wards which are upholding the principles of Batho Pele. Administration crew appreciates significance by healthful operational relations, teamwork plus interaction by well communicating, (Good Governance Learning Network) GGLN 2014: 30

The day was initiate by local authority on May month, on the year 2014, whereby signing of honesty and loyalty was done by municipal political leadership and senior managers of the institution for acquaintance with, agreeing to and binds to approve and demonstrate the principles and ward committee strategy) and the 'Useful and Sustenance Initiate', (Good Governance Learning Network) GGLN 2014: 45

However, the local authority of Mosselbaai methodology approves that civilizing people's value of life and restoring community hope and faith in local authority needs more than enhanced communique and client happiness assessment. It even deserves more than creating more different and all-encompassing inhabitant commitment systems. Eventually, answerable and approachable local authority can only turn out to be a truth when essential principles such as answerability and honesty drive the functioning of the city and define what competence the institution requests to animate out these principles. Moreover, it needs guidance that is taking the initiative practices and defenses these principles in all facets of civic operational and in individual engagements. A lot of work is forward to lead and backing the

modification administration procedure desired to tightly implanted obligation and receptiveness in local authority, (Good Governance Learning Network) GGLN 2014: 48.

Summarized and compiled by Good Governance Learning Network(GGLN) organization after taken from Communication policy and plan of Municipality of Mossel Bay, in the Western Cape Province of South Africa, editions of 2011, 2012, 2013 and 2014, magazines.

3.3.13 CONCLUSION

This chapter covers various aspects of transparency and accountability in local governance at municipal level. The accountability and transparency concepts and theories were discussed. Transparency and accountability should play significant roles in

municipal governance because they are the glue that keeps the systems of municipal governance together. Failure to be transparent and accountable would have a detrimental effect on the entire municipal system of governance whose goal is to strengthen local democracy, where leadership and officials should be accountable and transparent to the members of the public or community at large.

This chapter also explained mechanisms for accountability and transparency, which are perceived as assisting in curbing corruption in municipal governance. Turning around municipal governance into good governance, municipalities are dependent on various processes such as accountability and transparency. Therefore, an ideal municipality envisaged in South Africa can be achieved when good governance, accountability and transparency are offered to recipients of municipal services and governance.

Accountability can be used as a control mechanism to ensure that the delegates have carried out activities as expected by the delegator, who is the electorate and employers. It can be promoted through community participation, representativeness, transparency and responsibility. Hence an effective system of accountability is crucial so that citizens and communities are assured that local

municipal resources are used effectively and not abused. Accountability has to be used to ensure continuous official performance, which all municipalities should strive for.

The distinction between clear and opaque transparency provokes reflection about their relationship with accountability. A transparent civil society, NGOs and the community at large feel it their duty to assist and monitor government at any institutional level, either at municipal or any departmental level to achieve openness in the government process.

The municipality of Mossel Bay has been on hand as a case in point of a city that is willfully determined in the direction of answerable and approachable local institution. By no means, it is not the only city determined in the direction to accomplish this, while by and huge the organization of local administration is not observed as such.

CHAPTER 4

ANALYSIS OF LOCAL GOVERNMENT LEGISLATION

4.1 INTRODUCTION

The local government arena is largely regulated through the key pieces of legislation. Those are constitutional and legislative frameworks that underpin governance in municipalities which are identified and explained clearly. These constitutional and legislative frameworks include Constitution of the Republic of South Africa, 1996 (RSA, Act 108 of 1996), and local government acts such as the Local Government White Paper of 1998 (RSA Local Government White Paper 1998); Local Government Municipal Structures (RSA Act 117 of 1998); Local Government Municipal Systems Act (RSA Act 32 of 2000); Local Government Municipal Financial Management Act (RSA Act 56 of 2003); Municipal Property Rates, 2004 (RSA Act 06 of 2004), and Division of Revenue, 2013 (RSA Act of 2013).

These legislations, as well as strategies formulated, are supposed to manifest in instilling good governance in municipal functionaries, such as being accountable and transparent. The constitutional strategies also have a bearing on the Auditor-General and Public Protector, and they are aimed at setting an example of ethical behaviour by municipal functionaries, and also at instilling good governance amongst municipal functionaries. Due to the lack of accountability and transparency and poor governance by some South African local government institutions, the Republic of South Africa is drawing increasing attention from the international community to the new approaches towards solving these challenges in an endeavour to enhance good governance in these institutions by instituting transparency and accountability, which seem to be lacking.

In this chapter these legislations will be analysed to investigate whether they compel municipalities to govern with accountability and whether municipalities are

sufficiently transparent and, above all, to determine whether the municipalities comply with legislation or not. The municipal council, governance structures; oversight structures; and political- administration interface will be looked into at municipalities very thoroughly.

4.2 CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 (RSA, ACT 108 of 1996)

Republic of South Africa Constitution Act no 108 of 1996, which came into operation on

4 February 1997, is widely regarded as one of the most modern and progressive constitutions in the world. One of the reasons for this is that the Constitution gives local government the status of a sphere of government in the Republic of South Africa (Sections 43 and 156 [2]). This status of a sphere of government means that elected representatives have more responsibility and scope to govern and look after the local affairs of their communities. Thus local government is no longer a line function, although most line functions of national and provincial government have an impact on local government - for example, health, water, trade and industry, land, and so forth; therefore, government spheres in South Africa are interdependent.

Chapter 7 of the Constitution provides details on local government. For example, regarding the status of municipalities, according to section 151(3) it says institution such as municipality to govern its affairs, has rights on, due to their inventiveness; of communal or society dealings, but this governance has to be focus topic of legislations of provincial or national spheres of governments, as offered by Republic of South Africa Constitution Act no 108 of 1996.

Section 152 (1) Republic of South Africa Constitution Act no 108 of 1996, intentions of native local authority are stipulated as follows: Municipalities must strive, within their financial and administrative capacities:

- To provide democratic, transparent and accountable government in which the participation of communities is encouraged;
- Native authority must guarantee a provided service which is viable

and maintainable.

- Advocations of public and commercial developmental, in atmosphere which is healthful and protect or harmless;
- The inspiration of citizen's or inhabitant's participation, in matters of municipal governance, must be promoted;
- Stakeholders as well as other civil society organizations must be encourage to become involved in local government issues.

Section 164 (6), which is about other matters in local government, requires that municipal councils to make by-laws which prescribe orders and rules for its business and proceedings, as well as its internal arrangements.

Section 154(1), which is about municipalities in co-operative government, stipulate that by legislative and other measures, communities and community organizations must be backed and reinforce their capability of authority to use their own roles, to apply their commands and to accomplish their jobs.

According to Section 195(1), the role of municipal administration must maintain a high standard of professional ethics, responsiveness, and a developmental orientation; to render fair, equitable and unbiased service provision and to ensure public participation in policy making processes. A municipality also has to be accountable and transparent to provide community and citizens with data or information which is exact, in time and have accessibility without hindrance.

Section 6(2) of the Local Government Municipal Systems Act (RSA 2000a Act No. 32 of 2000) prescribes the administration should be answerable, for entire community and citizens necessities, and to enable a habit of rendering service publicly, by answerable and responsible officials. The municipal administration also must take measures to prevent corruption, and to inform the local community how the municipality is managed, of the costs involved, and the persons in charge. Furthermore, Section 51 of Local Government Municipal Systems Act, 2000 (RSA 2000a Act No. 32 of 2000) proclaims the civic manager should be held accountable for the overall performance on the administration, and to maximize efficiency of communication and decision-making within the administration. As a

results he/she is required to involve staff in management decisions as far as is practicable. All in all, the role of municipal administration can be summarized as to implement the lawful policies and resolutions taken by the municipal council, to advice the council and its structures, and to manage the affairs and the resources of the municipality.

4.3 LOCAL GOVERNMENT WHITE PAPER OF 1998 (REPUBLIC OF SOUTH AFRICA, ACT OF 1998)

The process of developing a new policy for South African local government was done against the backdrop of globalization and the redefinition of the nation state, as well as a new emphasis on decentralization. The White Paper (RSA 1998a) was the expression of the belief that decentralization be manifested in the context of the creation of three spheres of government in order to govern in a cooperative manner (RSA Local Government White Paper, 1998a:25).

The local government (LG) White Paper has succeeded in contributing to a formidable historic project, one of building a modern local government, which will care for its people. All South Africans can be proud of the LG White paper, a product from which people from across the globe can learn. As local communities South Africans must encourage the Bill of Rights, where nation's principles are being reflected and strong feelings about freedom, parity, dignity of humanity, and upholds the values preserved in the South African Constitution (RSA, 1996). This LG White Paper (1998a) founded the origin for a fresh developing local authority methods or procedures in South Africa, being committed to working with citizens, groups and communities to create sustainability in terms of provision for a decent quality of life and meet the social, economic, human settlement and material needs of all communities in South Africa (RSA LG White Paper, 1998a:29)".

The LG White Paper, which is about developmental native administration, places advancing a visualization of a native administration, that which intend to work with communities locally, in order to have way which are sustaining, for meeting their necessity and to better the quality of citizen's live. To realize these development outcomes, the LG White Paper (RSA, 1998a) proclaimed a striving for matters

such as the provision of household infrastructure and services, integrated cities, rural areas and towns which are livable, the promotion of local economic development, as well as community empowerment and redistribution.

This LG White Paper (RSA 1998a) also raised the topic of cooperative government, which is about a system of inter-governmental relations, including the role of organized local government and horizontal relations between municipalities. This White Paper explains the institutional systems for which municipalities should cater, as well as the municipal administration. The document paved the way for municipal transformation from the systems of the apartheid era, which means encouraging local government structures to think critically about how to operate in and relate to local communities, and to develop their own strategies for meeting local needs in their area of jurisdiction. Above all, the LG White Paper outlines the systems which made developmental local government a reality in South Africa.

4.4 LOCAL GOVERNMENT MUNICIPAL STRUCTURES, 1998 (REPUBLIC OF SOUTH AFRICA, ACT 117 OF 1998)

This piece of legislation was promulgated for making provision to establish local authorities, according to needed requirements, as well as categorizing them, and graded according to types. This legislation aimed at regulating, local authority systems internally, the governing structures, as well as for elected representatives of local authorities, and to render suitable divisions of functions amongst categories and types of municipalities, including powers of elected office bearers, (RSA, 1998b).

This legislation was developed and adopted to define categories and types of municipalities in South Africa and to provide for the manner in which elections would be conducted, and other matters. According to the Local Government Municipal Structures, (Act 117 of 1998) (RSA, 1998b) municipalities may be established in three categories, namely metropolitan, local and district municipalities, which are called category A, B or C municipalities. Metropolitan municipalities are set up in large cities, in which there are over 500 000 to 600 000 eligible voters. These metropolitan local authorities are compelled by “Republic of South Africa Constitution Act no 108 of 1996”, to offer and be responsible for delivering the required services.

Currently South Africa has eight metropolitan municipalities.

The next category is category B municipalities, which are local municipalities, sharing some functions with the district municipality. Currently 226 of these municipalities are operational in South Africa. Forty-four district municipalities, called category C municipalities, have been established. In one district there might be four to six local municipalities. Districts were demarcated in order to assist local municipalities in one district that have the capacity, such as finances, staff, knowledge, capacity or facilities to provide sustainable and adequate services to their communities. The local municipalities in a district also share resources with other local councils in the district.

In terms of elections for local government, they work differently in the different categories at these municipalities. At the metropolitan level, half of the councillors are elected according to proportional representation, whereas the other half are elected as ward councillors. Two ballot papers are given to voters during the elections. This is also happening in category B, namely local municipalities.

In district municipalities, which fall in category C, voting is done on separate ballot papers at local and district management area level, because a district municipality comprises two types of councillors, elected through local and district votes.

Local Government Municipal Structural Act, 2000 (Act 32 of 2000) prescribes to each local authority/municipality should have a municipal council where officials and office bearers are taking fundamental decisions, to carry out the tasks and duties of the municipality in service of their communities in an accountable and transparent manner, guided by legislations, by-laws and strategies. Local Government: Municipal Structural Act (Act 32 of 2000) also elucidates functions by the mayor, including councillors.

Those functions are the following: Councillors play a monitoring and oversight role, and also oversee the work of the municipal manager and the heads of the departments. All councillors are accountable to the full council of the municipality,

which approves the policies and budget, as well as the implementation plans. Then it is the responsibility of the executive or mayoral committee to ensure that the municipal administration under the leadership of the municipal manager and officials implement the plans and required actions.

4.5 LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT (REPUBLIC OF SOUTH AFRICA, ACT 32 OF 2000)

The Local Government Municipal Systems Act (Act No. 32 of 2000) (RSA 2000a), was promulgated to set out systems within which municipalities should operate and to lay down procedures which the councillors and administrations should follow in their day to day operations in South African municipalities. The Local Government Municipal Systems Act (Act No. 32 of 2000), enabling simple framework, was established as a result. The framework consists of core issues such as how planning should be processed, the mobilization of resources, about how performance for all in the institution must be managed, including the institutional change management. All these aimed at underpinning developmental local authority's notion held in Republic of South Africa. Moreover, the framework, is for monitoring, giving support, for other government's spheres, including setting acceptable standard, those spheres refers to, are provincial and national. The intention or aim, is to build local authorities to be effective and efficient, as an agency which develop the communities they serve in a progressive manner.

The Local Government: Municipal Systems Act (Act No. 32 of 2000) (RSA 2000a), Schedule 1, outlines, the Code of Conduct for councillors. This code of conduct has a bearing on general conduct, such as performing the functions of the office in good faith, honestly and transparently, and at all times acting in the interest of community, without compromising the credibility and integrity of the municipality. It also is expected that councillors should disclose direct or indirect public or private business interests.

Local Government: Municipal Systems Act (Act No. 32 of 2000) (RSA, 2000a), amended in 2011, and then it became "Local Government: Municipal Systems Act,

Amendment Act No. 7 of 2011". The amendment aimed at professionalizing local government by the following measures:

- Ensuring that professional qualifications and experience are the criteria governing the appointment of senior managers in local government.
- It further states that senior political party office bearers, at any level of the party structure, may not be appointed to top municipal jobs. However, this provision does not apply to managers who have already been appointed when the Amendment Act No. 7 of 2011 took effect.
- The amendment declares that staff members dismissed for misconduct may only be re-employed in a municipality after a period, prescribed by the minister, has lapsed. In the case of misconduct related to financial duties, re-employment in any municipality is unlawful for ten years (RSA 2011, Amendment Act No. 7 of 2011).

4.6 LOCAL GOVERNMENT MUNICIPAL FINANCIAL MANAGEMENT ACT (REPUBLIC OF SOUTH AFRICA, ACT 56 OF 2003)

Local Government Municipal Financial Management Act (Republic of South Africa, Act 56 of 2003)" was promulgated to ensure that municipalities in South Africa have to provide for financial matters of all local authorities, are being managed in a sustainable manner and are in good sound and secured well. It was put on place to bring about transparent and effective financial management in municipalities and in municipal public entities. The Local Government Municipal Financial Management Act (Republic of South Africa, Act 56 of 2003) outlines ways in which the community may be informed of the financial situation of a municipality. It is one of the most crucial and important duties of any municipal council to manage its financial matters very effectively. This means that drawing up a budget; protecting the income, capital and assets such as money in the municipal bank account, monitoring the actual income and expenditure, and comparing this with the budget throughout through regular financial reporting, and taking action to correct matters when necessary. The Act (RSA 2003) prescribes that audits are to be done on regular basis and the financial statements reported to all stakeholders, including the

broader communities, by means of developing a comprehensive system which clarifies and separates the responsibilities of mayors, councillors and officials.

4.7 MUNICIPAL PROPERTY RATES ACT (REPUBLIC OF SOUTH AFRICA, ACT 06 OF 2004)

This legislation was promulgated in 2003 to regulate the municipal powers of South African municipalities when imposing the rates on property which falls under their jurisdiction. However, this legislation, exclude other properties, to be rated because some they are of national interest or under national sphere control. It is the prerogative of this legislation, when applied to be transparent and fairness shown by all local authorities. Furthermore, the legislation prescribes that, the community at large and other stakeholders such as civil society, must be involved in all decisions taken by municipalities which are related to rates and taxes of all properties which are under the jurisdiction of the local authority.

4.8 DIVISION OF REVENUE ACT (REPUBLIC OF SOUTH AFRICA, ACT NO 2 OF 2013)

This Act, better known as DORA, which was promulgated as law in 2013, lays down how the total revenue or income of South Africa has to be divided among and allocated to the different spheres of government in South Africa. This division and allocation happen during a Budget Council meeting at which municipalities are represented and during which the Minister of Finance proposes and discusses the provincial and municipal budget. Section 214(1) of the Constitution (RSA, 1996) requires that the Division of Revenue Act annually must determine the equitable division of nationally raised revenue between the national government, the nine provinces and 278 municipalities. Part 2 of the Division of Revenue Act describes how the division of revenue should be done.

4.8. EXECUTION OF LOCAL GOVERNMENT MANDATE IN TERMS OF THE REPUBLIC OF SOUTH AFRICA'S CONSTITUTION

To discuss the execution of the mandate of local government one has to first take a look at what the mandate and core functions of the municipal council entail, what is expected of municipalities in terms of functions and the powers they have, and what

cooperative governance is.

4.8.1 Municipal Council

The municipal council clearly is the principal political structure and the ultimate decision maker in municipalities in South African local government. Local Government: Municipal Structural Act (RSA, Act 32 of 2000), Section 4(2) of the prescribes that, as obligation, the municipal council has to exercise the municipal executive and legislative authority to manage resources in the best interest of the community it serves, and also to ensure democratic and accountable government. According to this act (RSA, Act 32 of 2000) the municipal also has to render equitable access to the community in terms of the municipal services to which the community is entitled. This must be done by promoting and undertaking development actions, and by having consultations with the citizens, regarding the delivery of services the local authority is providing, which is about its quality and impact it has. To this end, community involvement has to be encouraged. Local Government: Municipal Structural Act (Act 32 of 2000) (RSA, 2000) Section 19(2) imposed on all municipal councils in South Africa, which are to be reviewed annually according to the needs of the community: Review council priorities to meet these needs, and review the council processes for involving the community, as well as its delivery mechanisms and how the council envisage to meet those needs. Overall performance in achieving the local government objectives must be reviewed as well.

4.8.2 Core functions of municipal councils

Section 156 of the RSA Constitution (RSA, 1996) stipulates that municipal councils must make policies and by-laws that are informed, and that seek to satisfy community needs with regard to matters that the council has the right to administer, while Section 51 of Local Government: Municipal Structures Act (Act 32 of 2000) (RSA, 2000) requires the councils of municipalities should establish suitable control about reporting systems and procedures for monitoring and policy evaluation implementation in order to give account to the community. Local Government: Municipal Structural Act (Act 32 of 2000), Chapter 4 of the stipulates that a council of municipal has to build good relations promotion with non-

governmental and community organisations, the private sector and other local organisations which might have an interest in local government affairs in South Africa. Cooperation with other spheres of government, organs of state within those spheres, and municipalities, is a requisite of Section 41 of the RSA Constitution.

4.8.3 Municipal functions and powers

The RSA Constitution contains two lists of municipal functions – Part B of Schedules 4 and 5. A municipality may acquire additional functions through national and provincial laws and through contractual assignments and delegation. According to law, a municipality has executive and legislative powers for these functions and appropriate administration for them. Local Government: Municipal Structural Act (Act 32 of 2000), section 156, declares that a local authority governs, exercises power and performs powers and functions by virtue of its status as an organ of state, an employer, a member of organised local government and being a legal persona. Oversight is a crucial role of the municipal council in monitoring and evaluating the actions of the executive and administration. This includes avoidance of abuse of power and guarding against under- performance. Councillors cannot perform an operational role as this would interfere with the role of the executive and administration of the municipality.

4.8.4 Co-operative governance

According to the Intergovernmental Relations Framework Act (No 13 of 2005) (RSA, 2005), municipalities in South Africa have to be very active in co-operative governance and Intergovernmental Relations (IGR) matters. Therefore, a municipality has to participate and be represented in various Intergovernmental Relations (IGR) structures or fora. That is because of the creation of legislative bodies by the South African constitution, which are independent, but also are interrelated and interdependent. It requires that all spheres of government must co-operate. Local government is a sphere of government, distinct from the other spheres of government. However, it is also interrelated with and interdependent on the other spheres. Co-operative governance requires that all three spheres of government work together. It means, for example, that:

- National and provincial government must support municipalities to carry out their functions;
- different spheres of government must respect the status, institutions, powers and functions of the other spheres;
- provincial governments must monitor local governments to determine what capacity needs to be built into municipalities;
- municipalities must also work together.

Co-operative governance demands not only joint decision-making amongst the spheres of government, but also joint action. Planning for development, for instance, should be conducted together for the same geographical areas.

The National Department of Water Affairs, for example, might plan for a region which covers a part of the Northern Province and a part of Mpumalanga. Mpumalanga Province might have similar plans, but only for one area in Mpumalanga. A district council near Nelspruit in Mpumalanga may also have plans, but these will only cover the area immediately under its authority. In order to avoid fragmentation, confusion and duplication, planning must be coordinated and integrated within and across geographical areas.

4.9 GOVERNANCE STRUCTURES IN LOCAL GOVERNMENT, THEIR ROLES, RESPONSIBILITIES AND PROCESSES

Decision making process and how those decisions are implemented, it defines the governance. Therefore, governance in public sector or an institution such as a municipality needs to take into account legal and constitutional accountability, transparency and responsibilities. Local Government: Municipal Systems Act (Act No. 32 of 2000), Section 12 says that local authorities can established, therefore they operate together with participatory ward system, and are composed of both the political and administrative governance. At any municipality in South Africa, there are two structures or teams that manage the institution, namely administrative and political governance structures. Political governance structures are composed of councillors, who have to exercise both legislative and executive functions in the

municipality, and are constituted as a municipal council.

4.9.1 Municipal Council

The council is headed by an executive mayor or mayor or mayoral committee, that has to make strategic and policy decisions concerning the residents, businesses and the community at large in their respective jurisdiction areas. According to Chapter 7, Section 151(2) of the Republic of South Africa's Constitution RSA, 1996), these powers are vested within municipal councils that have to govern the affairs of the municipality.

4.9.2 Administration

The second governance structure is the administration, which is headed by the municipal manager and the executive managers or heads of departments, which functions are to ensure that the political decisions are put into effect. The Local Government: Municipal Finance Management Act (RSA 2003) (Act No. 56 of 2003) Section 60(b), specifies that the municipal manager is the accounting officer who should provide guidance which complies with Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) for political structures, that, the municipal council plus officials of any municipality within the South African local government sphere. He/she advises the municipal council and its committees on administrative matters such as policy issues, personnel matters, financial matters and any organizational requirements. He/she also has to provide reasons to council of any financial affairs of the municipality on how these have been conducted or why any deductions have been made.

4.9.3 Municipal Public Accounts and Oversight Committee (MPAC)

Another structure is the Municipal Public Accounts and Oversight Committee (MPAC), which has been established by Section 79, and comprises non-councillor members. Its functions are:

- Analysis of annual reports of municipality
- Exercises oversight over the executive functionaries of council and ensures good governance in the municipality

- Submission of the oversight report on the annual report with recommendations to council
- Once the report has been considered and approved by council, the report has to be published according to MFMA requirements and as guidance.

All municipality-related structures are obliged to uphold the values that guide municipal operations. Those values are being diligent, accountable, transparent, participative and responsive, and having integrity.

4.9.4 Other oversight structures at municipalities

Local Government: Municipal Structural Act (RSA, 2000), Act no 32 of 2000), it prescribes a municipal council to institute one or more working committees essential to have effective and efficient execution of municipal tasks and the members of these committees may be appointed from among the municipal councillors.

4.9.4.1 Section 79 Working Committees

Local Government: Municipal Structural Act (Act no 32 of 2000), section 32 of council of municipal might delegate duties as well as powers to this committee, after having determined its functions and committee procedures, and have appointed a chairperson. The co-option of advisory members who are not councillors is allowed. Such a committee, however, can be dissolved at any time.

Committees of Section 79 or statutory committees might be an Appeals committee; Disciplinary committee; Rules committee; Oversight committee; Ward committee or Audit committee.

4.9.4.2 Section 80 Committees

These committees according to Local Government: Municipal Structural Act (Act no 32 of 2000), section 80, are instituted to be responsible for rendering assistance to the executive committee or mayoral committee of the municipality. Such a committee must report to the executive mayor or committee in accordance with the directions of the executive mayor after the executive mayor has delegated specific power or duties to the committee. However, the executive mayor or executive committee may revoke or change any decision taken by such a committee. Such Section 80 committees, for example, might be public safety and community services

committees; finance, strategic, corporative and services committees; planning and property services committees and engineering services committees.

4.9.4.3 *Audit working committees*

Local Government: Municipal Finance Management Act (Act No. 56 of 2003), Sections 165 as well as 166, prescribe that audit committees must be established to provide advice to the municipal council on specific matters, and the committee must be an independent advisory committee that ensures the following:

- Risk management at the municipality
- Accounting policies
- Internal financial control and internal audit
- The adequacy, reliability and accuracy of financial reporting and information
- Compliance with the MFMA
- Performance management
- Effective governance and performance evaluation
- Compliance with the Division of Revenue Act and any other applicable legislation
- Respond to council on any issues raised by the Audit-General in the audit report. The functions of the audit committee, inter alia, are:

To review the council's annual financial statements; respond to council on issues referred to it by Auditor-General; carry out investigations into the financial affairs of the municipal council; advise the municipal council, the accounting officer and staff, as well as political office bearers.

The authority of the Audit Committee is intent on Local Government: Municipal Finance Management Act (Act No. 56 of 2003) (RSA 2003). Act No. 56 of 2003, 166(3) prescribes that for the committee to function it has the authority to request access to the financial records and other relevant information of the municipality in order to audit the finances of the specific municipality. To be able to do this auditing, the committee has the right and obligation to obtain information, advice and appropriate resources from the municipality in order to perform its duties as legislated. The committee may communicate with the municipal manager, council, or the internal and external auditors of the municipality; it may request any relevant person to attend any of its meetings, if necessary, to provide information requested

by the audit committee. The audit committee also may conduct investigations into the financial affairs of the municipality, as may be requested by the municipal council.

4.9.4.4 Committees of Ward

Local Government: Municipal Structural Act (Act 32 of 2000), Section 72 says ward committees may be established with the objective to augment partaking in democratic process of local government. The ward committee should consist of no more than ten members. The ward councillor is the chairperson of the ward committee, as emphasised in subsection (2) (b). It is also required that males and females be equally represented in the ward committee, and that a diversity of interests be represented as well. The Municipal Council has to ensure a provision is done administratively to empower working committees of ward to execute their tasks and by carrying out effectively powers invested upon them.

The functions of the committees of ward are:

- To advise the councillors on policy matters affecting wards,
- to deal with ward challenges and to identify needs that wards may have,
- to receive complaints from residents about services the municipality renders,
- to communicate information to the community about IDPs, or budgets and service delivery options, and to ensure effective communication between the council and the community represented,
- to fulfil an advisory role, as the committee members do not have executive powers,
- to make recommendations if needed, such as to keep costs down, prevent corruption and protect the assets of the municipality,
- to assist meaningfully in and insist on proper consultation before the budget may be approved.

4.9.5 Public participation

Public participation is defined as an open, accountable process, through which non- governmental organizations (NGOs), community-based organizations (CBOs), Civil Society, and individuals within the community can exchange views and

influence decision-making processes of the municipality. Furthermore, involvement of citizens on a role which is active, in planning and making decisions, in operation and development processes, on services effecting their lives, that process is defined as democratic one. Two important conditions for successful civic partaking are transparency and accountability. Process of being transparent for all role players has to promote honesty, openness and sincerity, whereas accountability means all role players either councillors or municipal officials, should take full responsibility for their actions and conduct, as well as to abide willingly for commitment of implementing decisions taken and to communicate them to community at large.

4.9.5.1 Public participation in municipal governance

According to the Batho Principles, a municipality should build trust, confidence, integrity, sincerity and honesty in the community so that community members believe that their views will be heard, respected and considered when decisions are taken by the municipality, that is, trust, commitment and respect by the municipality to its community members.

The Constitution of the Republic of South Africa, 1996, embedded notion for public participation by all government spheres. Apart from this, a number of laws and several policy documents require some form of public participation in local government. Amongst these are Local Government: Municipal Structures Act, 1998 (Act no. 117 of 1998), Local Government: Municipal Financial Management (Act no 56 of 20013), Local Government: Municipal Property Rates (Act no 6 of 2004) and Local Government: Municipal Finance Management Act (Act no.53 of 2003).

Constitution of (RSA, act no 108 1996) Chapter 7, Section 152 (1) (a) says that, municipality should encourage the involvement of community and its organizations in the matters of local government”, Constitution (RSA,1996) while section 195(1)(e) stipulates, encouragement of public to partake in developing policy and their needs to be responded to, section 195(1) (g), states clearly that transparency should be enforced to give accurate, timeous and accessible information to the public.

Local Government: Municipal Structural Act (Act no 32 of 2000) (RSA,1998), in

chapter 4 demands that there should be ward participation by setting clear guidelines for ward committees, which the “Local Government: Municipal Structural Act (Act 32 of 2000)”, unit 72 declares that, purpose of the ward committee in local government is to enhance participatory democracy. This ward committee should be seen as the vehicle for deepening local democracy. It is also the instrument through which a vibrant and involved citizenry can be established. The ward committees have a crucial role to play as an interface between government and public.

Local Government: Municipal Systems Act (Act No. 32 of 2000), unit 4 determines the duties of the municipal council in this regard as:

- To inspire the participation of all citizen
- To be in consultation with public about services provided by local authority regarding its quality.

Local Government: Municipal Systems Act (Act No. 32 of 2000), Section 5 says that community members have the following rights concerning public participation:

- To make input on processes of taking decision in local authority
- To propose written or verbal recommendations presentations, or grievances to municipal council.
- By staying knowledgeable about council conclusions.

Local Government: Municipal Systems Act (Act No. 32 of 2000), unit 16 requires the local authority to ensure governance culture, which compliments, participating governance system which is having formal representatives.

4.9.5.2 Value of public participation

According to Beierle and Cayford (2002:89), the value of public participation is found in its role to increase involvement in the democratic process, to motivate residents and communities to take charge of their own lives, and to be actively involved in finding solutions to their problems. The participation also encourages and strengthens internal accountability structures in community organisations. In terms of the Integrated Development Plan process, participation enables partnerships like public/public; public/community and private/public. In addition, it builds capacity in communities, and establishes good working relationships with their

municipal councils. It encourages openness and transparency in community engagement. All these expected outcomes oblige a municipality to include communities in municipal decision-making. Thus the Systems Act obliges municipalities to develop a culture of participatory decision-making.

4.9.6 Fraud and corruption

In 2004, the Parliament of South Africa promulgated an act called Prevention of and Combating Corrupt Activities (Act No12 of 2004) (RSA, 2004). This act provides for the strengthening of measures to prevent and combat corruption and corrupt activities in all South African spheres of government, locally, provincially and nationally.

This entails:

- Placing the duty to report corrupt transactions on persons holding a position of authority.
- Providing for extraterritorial jurisdiction in respect of the offence of corruption and offences related to corrupt activities.
- Providing for investigative measures in respect of corruption and related corrupt activities.

(Prevention of and Combating Corrupt Activities Act (Act 12 of 2004) (RSA 2004).

In addition to this act, Act 12 of 2004, the Minister of Cooperative Governance and Traditional Affairs made regulations as set out in the schedule on financial misconduct, procedures and criminal proceedings in the Municipal Finance Management Act (Act 56 of 2003), Sections 168 and 175 (RSA, 2003). This was documented in the *Government Gazette* No. 37682 of 30 May 2014, notice 430. This regulation gives a municipality the power to establish a disciplinary board. The functioning of this board, and how to undertake criminal proceedings when activities of corruption and fraud have been detected at a municipality have been discussed in Chapter 3.

4.9.7 Application of rules and order

At any municipal council in South Africa there should be rules of order for municipal council meetings and any committees established within the municipal

institution. This happens according to section 165 (2) of Constitution of the Republic of South Africa (Act No. 108 of 1996), read with section 31 (2) Local Government: Municipal Structures Act, 1998 and bylaws - called rules of order in municipal councils, and according to section 13

(a) Local Government: Municipal Systems Act, (RSA, 2000), unless there are different terms of reference for that specific structure.

These rules are meant to allow open, free and constructive debate during council and/or any other committee meetings and should encourage and promote freedom of expression. Another reason for these rules is that they are created to offer councillors the opportunity to air their views on any matter of public importance.

The rules are applicable to:

- All councillors within that council
- All municipal officials in the municipality
- Members of the public who have been offered an opportunity to address Council
- Any traditional leaders participating in Council meetings.

4.9.8 Feedback of councillors to communities

Section 195 of the Constitution (RSA, 1996) put out the ideals and values governing civic management and says that people's needs must be responded to and the public must be encouraged to participate in policy making (Section 195 [e]); civic management should be answerable (Section 195 [f]), and transparency should be enforced by giving accurate, timeous and accessible information to the public (Section 195 [g]). Therefore, it is compulsory for municipalities to consult with or inform the community although some officials and politicians might regard this as something they are compelled to do rather than something that will benefit them. Councillors can only claim to be accountable if they have regular interactions with the people they represent, and if they consult and report back on key council decisions. Sometimes councillors may try to avoid this exercise, because they are scared of facing the community due to complaints and protests about problems or non-delivery. For these councillors it is not easy to face a hall full of angry people.

The feedback by councillors to communities helps to build an informed and responsible citizenry with a sense of ownership of government developments and projects. The more informed people are, the better they will understand what government is doing or trying to do. This feedback, allows municipalities to get buy-in and to develop good partnerships with stakeholders from the community.

A specific community or area elect a councillor who is called ward councillor, he/she is link between the citizens and local authority. These ward councillors are valuable for disseminating local authority news, evaluating requirements and forging trusts as well as checking in community to have respectable contacts, such as non-governmental organizations to assist in doing session to handle, enquiries and to extent information.

Community liaison officials, who are employed by municipalities, should be used as part of any outreach to communities. Since most municipalities have access to their own media, they can use community notice boards, advertisements, newsletters, newspapers, public meetings, sectoral meetings, rates and water bills, and letters, to spread information coming from the municipality. Municipalities, however, should avoid the worst method of communicating with the community, which is to print advertisements and legal notices in newspapers. Commercial as well as community radio stations can also be used to provide feedback or to inform people, either by phone during call-in programmes or by consulting the community at large during a broadcast.

For this strategy and communications, feedback has to be effective, and it has to be clearly directed. Feedback generated also must be integrated into other municipal plans. Feedback of councillors to communities, and other communication should not be treated as add-ons and be left to deal with only by consultants or outside agencies. This means that the mayor and /or municipal manager must be central to the process and must get reports regularly. Local Government: Municipal Systems Act (Act No. 32 of 2000), Section 17 prescribes that all local authorities should put in place systems for communities to participate in decision making, such as procedures for public meetings and hearings by councillors and officials, as well as regular sharing of information on the state of affairs of the municipality. To be accountable as councillors is part of democracy and a previous section covered all

the mechanisms councillors should use to report to and consult their constituencies, Local Government: Municipal Systems Act (Act No. 32 of 2000), unit 5, prescribes to compels councillors to perform according to the Code of Conduct.

4.10 CONCLUSION

The status of the sphere of government implies that elected representatives have more responsibility and scope to govern and look after the local affairs of their communities, to be transparent and to be accountable.

Chapter 7 of the Constitution (RSA, 1996) elucidates local government. For example, regarding the status of municipalities, Section 151(3) reads that a municipality has the right to govern - on its own initiative, the affairs of its community, which might be subject to national or provincial legislation as provided by the Republic of South African Constitution act no 108 of 1996. Municipalities must strive, within their financial and administrative capacities, to provide democratic, transparent and accountable government in which the participation of communities is encouraged., Oversight is a crucial role of the municipal council in monitoring and evaluating the actions of the executive and administration.

This monitoring includes avoidance of abuse of power and guarding against under- performance. Councillors may not perform an operational role as this would interfere with the role of the executive and administration of the municipality. Section 51 of the System Act (Act 32 of 2000) (RSA, 2000) requires establishing suitable control and reporting systems and procedures for monitoring and evaluation of policy implementation in order to give account to the community in that with regard. Local government is a sphere of government, distinct from the other spheres of government. However, it is also inter- related with and inter-dependent on the other spheres. Co-operative governance requires that all three spheres of government work together.

The municipal council clearly is the principal political structure and the ultimate decision maker in the municipalities in South African local government. Section 4(2) stipulates that, as obligation, the council has to exercise the municipal executive and legislative authority and apply resources in the best interest of the community they

serve.

Local Government Municipal Structures (Republic of South Africa, Act 117 of 1998), determines the structures of municipalities clearly. Each municipality must have a municipal council, where conclusions are taken, local authority office bearers and employees to carry out the functions of civic administration for their communities. This must be done in an accountable and transparent manner, guided by relevant legislation. This legislation – the Municipal Structures Act (Act 117 of 1998, RSA 1998) – lays down the functions of the mayor and councillors as well. The Local Government Municipal Systems Act (Republic of South Africa, Act 32 of 2000), Schedule 1, outlines the code of conduct for councillors. This conducts refers to general conduct, such as performing their functions of the office in good faith, honestly and in a transparent manner, at all times acting in the interest of the municipality, without compromising the credibility and integrity of the municipality.

The Local Government (LG) Municipal Financial Management Act (Republic of South Africa, Act 56 of 2003)” was put in place to bring about transparent and effective financial management in municipalities and in municipal public entities. The Municipal Property Rates Act (Republic of South Africa, Act 06 of 2004) has to make provision for municipalities to implement a transparent and fair system of exemptions, rebates and reduction through their rating policies.

The Division of Revenue Act (Republic of South Africa, Act of 2013) determines how the total revenue or income of the country has to be divided among and allocated to the various government spheres of the South African government.

A Section 79 Committee, according to LG Systems Act 117, prescribes that a municipal council may establish one or more committees as required for the effective and efficient performance of municipal functions. Section 80 Committees are appointed in terms of section 80 of the Municipal Structures Act, are responsible to render assistance to executive committees of mayoral committees of the municipality.

Audit committees, as prescribed by the Municipal Finance Management Act (Act 56

of 2003), sections 165 and 166 must be established to provide advice to the municipal council. An Audit Committee has the authority to conduct investigations into the financial affairs of the municipality, as may be requested by the municipal council, amongst others.

The Municipal Structures Act prescribes in Ward Committee Section 72 that the ward committees be established, with the intention to enhance participatory democracy in local government. Participation in local authority governance and by having open, answerable processes whereby, NGOs, CBOs, Civil Society and individuals within the community can exchange views and influence decision-making processes of the municipality, that is defined as public participation. Engaging citizens in planning and taking decisions actively, in operations and development of services that has impact on their lives, that is clear definition of democratic values and process. Significance of transparency and accountability, is to promote, plainness, earnestness, goodness, by all who partaking as players playing very crucial roles, to take full responsibility for individual actions, and be willing and committed to the implementation of measures and decisions taken in the course of the participation process.

In 2004, the Parliament of South Africa promulgated Prevention and Combating of Corrupt Activities (Act 12 of 2004). Its purpose was to provide for the strengthening of measures to prevent and combat corruption and corrupt activities in all South African spheres of government, locally, provincially and nationally.

Productive political-administrative interface is the key to effective, accountable and transparent governance at local governance level. This can be achieved through mutual respect between the mayor and municipal manager and other senior managers in the municipality. Minimal political patronage is guaranteed, when the mayor manages his/her role effectively and avoids confusing his/her responsibilities with those of the municipal manager and other officials. Mayor and manager roles are mutually enforcing; neither can do without the other - they need each other to succeed at municipal governance, which is transparent and accountable.

At any municipal council in South Africa rules of order should be employed

during municipal council meetings and in any committees established within the municipal institution. These rules should encourage and promote freedom of expression. These rules have been created to offer councillors the opportunity to air their views on any matter of public importance.

Feedback of councillors to communities is of utmost importance for successful governance. Councillors can only claim to be accountable if they have regular interactions with the people they represent and if they consult and report back on key council decisions. Feedback fosters building an informed and responsible citizenry with a sense of ownership of government programmes, developments and projects. Informed people are more inclined to participation, and understand what government is doing or trying to do better. To be accountable as councillors, is an indispensable part of a democracy. Various mechanisms are available to councillors to report to and consult their constituencies, as Schedule 5 of the Municipal Structures Act of 1998 demands of councillors in the Code of Conduct.

CHAPTER 5

WORKING RELATIONSHIP BETWEEN POLITICAL AND ADMINISTRATION STRUCTURES FOR ACCOUNTABILITY AND TRANSPARENCY IN LOCAL GOVERNANCE IN SOUTH AFRICA

5.1 INTRODUCTION

This chapter deals with the working relationship between political and administration structures of a municipality, which both should work towards accountability and transparency in local government governance in South Africa. Political - Administrative interface: What is the importance of political-administrative interface? This will be discussed and answered, as well as the roles and responsibilities of every role player in a municipal institution in South Africa, politically and administratively, which should strive for accountability and transparency.

Role players in municipal institutions refer to the municipal council, which is made up of the speaker, committees of the council (such as statutory committees of council and other committees), the executive mayor, mayoral committee, the councillors, and the municipal manager, as well as other senior managers. These all will be profiled and discussed in detail. Factors contributing to good working relationships between the council/councillors; executive mayor/mayoral committee, council/Municipal Manager/Accounting Officer, and managing municipal personnel/officials for delivering transparent and accountable governance at municipality level are discussed.

What is a responsible and responsive municipality in terms of governance? Such a municipality upholds specific values and principles, and reveals firm, honest and inspiring leadership in municipal systems, procedures and practices.

The code of conduct for councillors aimed at ensuring that they fulfil their obligations to communities as elected representatives on municipal council will be explained. The code of conduct for municipal staff members, which has to ensure that they fulfil their obligations to communities as competent officials also will be discussed.

The code of ethics and communication for good working relationships among the political structures, administration and the entire communities at municipality level

also will come under scrutiny.

5.2 POLITICAL - ADMINISTRATIVE INTERFACE

5.2.1 What is the importance of political-interface?

Constitution of the Republic of South Africa, act no 108 1996, section 152(1)(e); and section 11(1) of the local government Municipal Systems Act (Act no 32 of 2000) of Republic of South Africa), it is imperative to note at this stage that in the municipal sphere the council has both legislative and executive authority; thus different relationships reign in the local government sphere.

The roles of the mayor and municipal manager need to be managed for them to work together effectively for the common good. Good, transparent and accountable governance at local governance level requires separation of the political functions from the administrative/technical functions. However, a clear point of connection or link must be ensured, since the two functions are mutually reinforcing. The municipal manager has to ensure that he/she has adequate technical input that required that advice is provided and policies are implemented effectively by the mayor. The Commonwealth Secretariat (2007:123) Report of a workshop for Mayors and Municipal Managers in Lesotho elucidates this interface between mayor and municipal manager.

The mayor and municipal manager are members of the executive arm of the local government; therefore, they have both collective and individual roles. As collective, the manager supports the political head of the municipality, to ensure that they work together on that which society or the community desires, to ensure that the promises which were made to the electorate through the political manifesto are met and delivered. Another reason for this support of the political head is to promote local government and defend its policies, decisions and actions - simply because they are collectively accountable for municipal performances, whether good and bad. Obviously, no mistrust between the political head and the manager of a municipality should exist, because this may lead to misperceptions, which consequently may ensue in a culture of blame (Commonwealth Secretariat, 2005:49).

This is an important aspect of leadership that has not been given adequate attention at local government, namely the interface between political and non-political leadership in the management of the local government business. There has to be a positive relationship between political and non-political leadership as this can motivate the whole institution of the local government to deliver, regardless of the level, be it technical, or the managerial and leadership competencies of the mayor or municipal manager (Mafunisa, 2000:123).

Over the past few decades strengthening the political-administrative interface in local government has not received as much attention as it deserves. Therefore, a successful political-administrative interface within the public service is at the core of good public sector governance and effectiveness for accountability and transparency. Interface is critical to improve service delivery by local governments, and to achieve the goals of development (Commonwealth Secretariat, 2006/7:63).

According to Mafunisa (2001:12), South African municipalities experience serious challenges in dealing with the interface between politicians and officials. Inappropriate political interference in administrative matters and strained relations between political and administrative officials occur. Therefore, the political structures should be acutely aware of the consequences that inappropriate political leadership has on the functioning of municipalities and on service delivery.

This political-administrative principles of good governance should be the priority of highly performing public services; as should be their respective roles, and how they should work together effectively to enable government to achieve the strategic goals of the municipality (Commonwealth Secretariat, 2006:32).

5.2.2 How to stabilize the political-administrative interface?

Municipalities in South Africa should restrain from making political appointments in administrative and technical positions. That is a prerequisite for a clear separation between the political representatives and officials who are competent in administrative and technical tasks in a municipality. Long-term skills development strategies ought to be in place to support senior managers and technical managers or professionals to improve their management and operational capabilities. This will

enhance development planning, financial management, governance and community engagement as key areas in a municipality's area of responsibility.

5.3 ROLES AND RESPONSIBILITIES OF ROLE PLAYERS IN MUNICIPAL INSTITUTIONS IN SOUTH AFRICA

A variety of functionaries in a municipality carry the responsibility of local governance in South Africa. An understanding of these roles and responsibilities is important to get a clear picture of how the municipal authorities function.

5.3.1 Political and administrative role players

Local Government Municipal Systems Act (Act No. 32 of 2000) (RSA 2000), Section 53(1) specifies that a municipality within the framework must define the specific role and area of responsibility of each political structure and political office bearer of the municipality, and the municipal manager and officials.

Since municipalities are complex institutions with wide ranging powers and duties governed by politicians, they should be assisted by a component of staff whose main purpose is to ensure and maintain accountable and transparent services to citizens. Therefore, roles and responsibilities of the most important role players in the municipality have to be well clarified. This is to ensure that they understand their respective roles, and to co-operate with each other by following protocols. This is essential to achieve harmonious interaction among the various role players. The roles and responsibilities of the various structures and officials need to be clarified in concert with the Republic of South Africa's Constitution, act no 108 of 1996. This is necessary in assessing the government's commitment and measuring the success achieved in efforts to overcome challenges in municipalities.

Local Government: Municipal Systems Act (Act No. 32 of 2000), defines the roles of the municipal council; speaker; committees of council; statutory committees; executive

mayor; mayoral committee; councillors and the municipal manager. These roles are outlined and briefly discussed here for the purposes of this report.

5.3.2 Roles of various role players in a municipality

➤ **Municipal council:** Section 195(1) of the Constitution of the Republic of South Africa (1996) “empowers the municipal council to make decisions concerning the powers” and performance of all the functionaries of the municipality, as the municipality has “the right to govern the affairs of the community within the municipal area. The role of municipal council, inter alia, is to”:

- “Carry out the duties of council under the Constitution or any other legislation which prescribes so”;
- “ensure the accountability and transparency of the operations of the municipality”;
- “ensure that administrative policies, procedures and oversight policies, practices and proper procedures are in place to implement the decisions of council”;
- “maintain the financial integrity of the municipality”;
- develop and evaluate the policies and programmes of the municipality.

Over and above the mentioned roles, Section 152 of Republic of South Africa’s Constitution, act no 108 of 1996 emphasizes that a municipality has to provide “democratic and accountable government for local communities. The council thus has the duty to provide, without favour or prejudice, democratic and accountable government, and also to contribute to the progressive realization of the fundamental rights of citizens. In terms of legislation, municipal councils may make decisions regarding these matters; impose sanctions for breaches; make appointments of and dismiss municipal managers or managers directly accountable to the municipal manager”.

➤ **Speaker:** The speaker is elected in terms of Sections 36 of the Municipal Structures Act (Act 32 of 2000), and as it is envisaged in Section 160(1)(b) of the Republic South Africa’s Constitution, act no 108 of 1996, the role of speaker, amongst others, is to enforce the code of conduct explicated in the Municipal Structures Act (Act no 117 of 1998). Municipal Systems Act (Act no 32 of 2000) specifies the municipal rules of order, common law and tradition, which explain how to carry out the duties of municipal council chairpersonship, and to provide information and

recommendations to the municipal council with respect to the role of the council. The speaker has explicit statutory powers. He/she should ensure that the council meet at least quarterly and to preside over these meetings; to ensure compliance with the code of conduct in the council and its committees, and to arrange public access to the meetings of the council. In terms of enforcing the code of conduct - if there is an opinion of a breach of the code of conduct by a councillor, the speaker may authorize an investigation of the facts and circumstances of the alleged breach, and then reports the outcome of the investigation to the MEC for local government in the province concerned.

➤ **Committees of council:** Municipal Structures Act (Act no117 of 1998) permits a municipality to establish committees. There are two statutory committees, known as Section 79 and Section 80, that both are committees of the council of the municipality. The Section 79 committee's purpose is to effect performance of functions of the council, whereas the Section 80 committee has to assist the executive mayor; in other words, the members constitute the mayoral committee (MMC). There might be a Section 79 committee responsible for disciplinary matters, and another for audits. The establishment, composition and responsibilities of these committees are determined according to Section 33, of Municipal Structures (Act no117 of 1998).

➤ **Statutory Committees:** Municipal Systems Act (Act no 32 of 2000) provides for statutory committees comprising councillors to exercise statutory conferred powers. Such committees are established for disciplinary matters which, amongst other, are issuing formal warnings to the councillors; reprimanding councillors; requesting the MEC for local government to suspend a councillor for a period; fining the councillors and requesting the MEC to remove a councillor from office, should situations arise where such actions may be deemed necessary.

➤ **Section 32 committee:** This committee is responsible for investigating any unauthorized, fruitless and wasteful expenditures incurred by any member of the administration and/or political office-bearer. In terms of Section 32(2)(b) of the Municipal Finance Management Act (Act no 56 of 2003), the committee has to submit a report to council on its findings. It has to indicate remedial measures to be taken, including recommendations based on its findings. This has to be done

because the Municipal Finance Management Act no 56 of 2003, prescribes that municipalities must recover wasteful expenditures, as well as unauthorized, fruitless and irregular expenditures from the person liable for such expenditures.

➤ **Executive mayor:** The executive mayor is the political leader in local governance, but also facilitator of the process of governing, and the enhancer of good governance in the municipality. She/he is to be the promoter of civic and municipal institutions and must engage with the community. The executive mayor possesses the powers conferred by law on the office he/she occupies, and other powers that have been delegated to him/her. Above all, he/she must understand the hopes, aspirations and needs of the people and identify the goals of the society that he/she is leading. This person should have specific required attributes in order to be an effective leader, for example, he/she must have the ability to demonstrate democratic accountability, that is, to create opportunities to account to the community and the mayor must have the maturity and wisdom required to take sound and timely decisions in order to promote and protect the constitutional status, powers and functions of the municipality, as well as principles of co-operative governance and inter-governmental relations (Malan & Mathebula, 2002:45).

Section 56(3)(d) Municipal Structures Act (Act no 117 of 1998) prescribes that the executive mayor is responsible for monitoring the management of the municipality's administration in accordance with the directions of the municipal council. This enables the mayor to require the municipal manager's reports on progress, but also to introduce remedial actions when required. This is to ensure that the performance of the municipal manager is properly directed, monitored and improved as provided by Local Government Municipal Performance Regulations for municipal managers and managers directly accountable to municipal managers.

➤ **Mayoral committee:** The primary functions of the mayoral committee (MMC) are to assist the executive mayor in exercising designated powers and duties. This committee might consist of the mayor and nine other councillors. This committee may be established in terms of Section 59 of the Municipal Systems Act (Act no 32 of 2000), however, the municipal council may not delegate any powers or duties to the mayoral committee (MMC).

➤ **Councillor:** A municipal council consists of councillors elected by voters, who are members of a specific political structure; thus, by virtue of that, they are political office bearers, and become members of the municipal council. Therefore, the role of a councillor is to direct and control the affairs of council in accordance with the legislations applicable to local government in South Africa, and to play a key role in the creation and review of council policies, Ismail (1997:67) points out. As an elected office bearer, she/he represents the interests of the residents, provides leadership and guidance to the community, and facilitates communication between the council and the community at large (Gordon, 1995:23.). A councillor has the full right to be informed about matters to be debated in council so that she/he can make informed decisions, and has the right and must attend all meetings of the municipal council, and all meetings of any committee on which he/she serves (Dimock, et al 1969:15). Failure to do that constitutes a transgression of the Councillors' Code of Conduct. He/she is also ideally positioned to raise awareness of human rights, as well as principles and values which are constitutionally prescribed. Above all he/she is accountable to local communities by whom he/she has been elected (Dimock, et al 1969:20).

➤ **Municipal manager:** Section 54(a) of the Municipal Systems Act (Act no 32 of 2000), prescribes and obliges the municipal council to appoint a municipal manager. By the Municipal Systems Act he/she is the accounting officer and the head of municipal administration. He/she must possess the necessary skills and qualifications to perform the functions of the office occupied. The municipal manager's /accounting officer's roles, amongst others, include, heading the administration wing of the municipality, being an accounting officer and performing procedural duties of the political structure of the municipal council (Venter, 2007:42). It is the responsibility of the municipal manager to ensure that the administrative affairs of the municipality are governed according to democratic principles and values, as it is enshrined in the Republic of South Africa's Constitution, act no 108 of 1996, (Nigro, 1965:36). Bolden (2006:25) states that it is the responsibility of the municipal manager to ensure that public administration is accountable and development orientated, holds a high standard of professional

ethics, and that the administration is effective and efficient. Transparency must be fostered by the municipal manager providing the public with timely, accessible and accurate information, and he/she has to ensure that the municipal administration is representative of the South African people (Bolden, 2006:25). Section 56(3)(d) of the Municipal Systems Act (Act no 32 of 2000), requires that the municipal manager has extensive statutory and delegated powers and duties, above all, in terms of procedural duties, for instance, the municipal manager must attend all the meetings of the municipal council, and advises the council and speaker during the meeting proceedings (Bolden, 2006:27).

Institutionally, he/she should develop an economical, effective, efficient, accountable and performance driven administration for the municipality. This has to be done in accordance with the Municipal Systems Act (Act no 117 of 1998), provision and other applicable legislation. Sections 55, 66 and 67 of the Municipal Systems Act (Act no 32 of 2000), prescribes that the municipal manager appoints staff other than managers who reports to him/her directly; to administer municipal performance regulations for municipal managers and managers directly accountable to municipal managers; and to maintain staff discipline, and control and manage the utilization of staff effectively. In terms of interaction with political structures and office bearers, he/she advises them and other functionaries of the municipality, and carries out their decisions (Cloete, 1998:35).

- **Municipal Manager as accounting officer**

As prescribed by the Municipal Finance Management Act no 56 of 2003, Section 60, read together with Section 82 of the Municipal Systems Act (Act no 117 of 1998), the municipal council is obliged to appoint a municipal manager. He/she must exercise the powers and functions to provide guidance in accordance with political structures' requirements to office bearers, municipal officials and the entire municipal entity where applicable. He/she must act with honesty, integrity, and fidelity in the best interest of the municipality when managing its financial affairs. The fiduciary bestowed upon him/her brings with it the liability to be trustworthy and faithful, since he/she has been given the responsibility to care for the assets or rights of others, namely the municipality and society at large.

Mafunisa (2002:45) affirms that the municipal manager as accounting officer is responsible for managing the financial administration of the municipality by ensuring that resources are used effectively, efficiently and economically, and to make sure that there is maintenance of effective, efficient and transparent finance usage in the municipality. Harris (1990:56) supports the view that he/she must take reasonable steps to ensure prevention of irregular, unauthorized, wasteful or fruitless expenditure or any other losses. In the case of any official found guilty of a transgression in this regard, it is an offence or act of financial misconduct and criminal proceedings or disciplinary measures must be instituted against such a person.

Furthermore, as accounting officer, in terms of procurement, the municipal manager should ensure that all reasonable steps are taken to ensure that proper mechanisms are in place to minimize the likelihood of corruption, fraud, unfair, irregular practices and favouritism (Craythorne, 1990:47).

5.4 RELATIONSHIP, ACCOUNTABILITY AND INTERACTION OF MUNICIPAL POLITICAL AND ADMINISTRATION WINGS

Relationships are formed whenever these role players interact with each other, during formal meetings of the council, but also during the simple conveyance of residents' complaints. Cooper (1990:45) alludes that this is the case because the system in local government draws a number of powerful bodies and individuals together in a union, with one goal in mind, namely to provide good, effective and accountable governance to the entire community within the municipality space. However, these role players have specific conferred powers and different mandates from peers, and also have divergent personal views. Thus it is important that all role players in municipal institutions should know exactly what their roles and functions are. These functions have to be integrated collectively to address the challenges and to render services. These relationships are important for good interactions, well thought through lines of accountability and reporting thereafter (Cooper, 1990:55). Cloete (1998:45) posits that teamwork, motivation, inspiration, leadership, vision and innovation equal success. The bottom line here is collaboration, persuasion and relationships. The working relationships in a municipality are critical to achieve good governance. Factors that contribute to

good relationships between the council and administration, and these factors include goodwill, protocols, communication, understanding of their respective roles, and having a profound and extensive understanding of legislative requirements (Craythorne, 2003:55).

5.4.1 Factors contributing to good working relationships

Craythorne (2003:65) lists the factors that contribute to good working relationships as follows:

- Goodwill and commitment lead to better relationships.
- Understanding roles is very critical for good governance.
- Communication which is open enhances good governance.
- Being clear about statutory roles is essential for good relationships.
- Managing contact between councillors and municipal officials plays a critical role in good relationships.

5.4.1.1 Relationship between the council and councillors

Any elected councillor is accountable to the municipal council, whereas a ward councillor is accountable to the residents of the ward that elected him/her too. Therefore, the councillor must perform his/her functions of office with good faith, honesty and in a transparent manner at all times to ensure that the credibility and integrity of the municipal institution are not compromised. This often is determined by the councillor's relationship with the council, as usually is revealed by association with the speaker (Kevin *et al.*, 2009:43).

5.4.1.2 Executive mayor: mayoral committee relationship

The relationship between the executive mayor and the mayoral committee should be a relationship of trust, respect and must reflect true leadership as bestowed on them by the electorates (Kevin, 2009:44).

5.4.1.3 Council: Municipal Manager or Accounting Officer relationship

The municipal council as the decision-making body of a municipality must heed the advice of the accounting officer/municipal manager, especially regarding the questions of lawfulness and financial competency. Since he/she is appointed by and

is accountable to the council for performing the duties entrusted to him/her in terms of the statute, law and the contractual arrangement. With a good relationship between the council and the municipal manager or accounting officer the manager/accounting officer should be allowed to perform his/her functions without interference and with reasonable support.

He/she is accountable to the entire council, not only the mayor or speaker (Meyer, 1985:28).

5.4.1.4 Relationship between the executive mayor/municipal manager/accounting officer

The relationship between the two persons filling these positions is very crucial for the effective performance of the municipality as governance institution, though it seems complex, mainly because of the similarity of their respective functions (Meyer, 1985:33). However, these functions should not be seen as opposing functions. These two functionaries should work together to ensure an effective and efficient, but also an accountable administration. Since they are both accountable to the council, their respective actions should be coordinated well, to ensure that all matters are presented for consideration and decision making to council, and after that to be executed as fast as possible (Meyer, 1985; Kevin *et al.*, 2009:56).

5.4.1.5 Councillor/municipal manager/accounting officer/officials

According to Venter (2007:34), at a municipality there should be well-developed, appropriate protocol directives and in these directives cognisance should be taken of the allocation of dedicated staff/officials in the various disciplines for the purpose of rendering accountable and transparent services by competent officials.

Ismail *et al.* (1997:83) and Venter (2007:54) hold the view that an amicable arrangement should be reached and maintained between the councillor/municipal manager/officials at the municipality. This is to prevent any possibility of interference in the administration or any chance to impede the councillor in performing his or her functions. The protocol also should have a bearing on services delivery complaints, and allow a ward councillor or any councillor to contact the head of the relevant service department directly. A member of staff may not approach a councillor except when reporting back on complaints. In terms of the Code of Conduct, these protocols

must be constructed as authority and mandate. Managing municipal personnel/officials for delivering transparent and accountable governance at a municipality

The failure or success of any municipality in South Africa depends on the quality of the officials or political leadership. This is due to them having to provide sound governance of finances and ensuring that staff of a high calibre is employed by the municipality. It cannot be denied that without proper personnel, officials and councillors municipalities are likely to experience problems (Svara, 1998:23).

It is critical to have proper management of officials in order to ensure effective and efficient functioning of municipalities. As long back as in 1999 Kaufman found that officials and personnel management in the local government sphere in South Africa has been marred by poor recruitment practices and political interference in the appointment of employees (Kaufman, 1999:56).

The introduction of the Municipal Systems Amendment Act of 2011 (RSA 2011), which became effective on 5 July 2011, seeks to address certain issues, including:

- The appointment and competence of officials such as municipal manager and Section 57 managers at a municipality.
- How to regulate dismissed employees, or employees who are subject to a disciplinary process from other municipalities, and those who have been dismissed by other municipalities.
- To control and regulate the duties, remuneration and terms and conditions of employment of officials who are appointed.

Chapter 10 of the Constitution of the Republic of South Africa, act no 108 of 1996, stipulates that municipal administration is, or should be, non-partisan, and to be professionalised the managerial role of managers within the administration of a municipality must be of acceptable standard, and able to ensure that the lines of authority and accountability are adhered to.

The role of sound and effective management by officials should not be underestimated, because it is indispensable to the creation of a functional, responsive, efficient, transparent and accountable municipality (Svara, 1998:35;

“Constitution of the Republic of South Africa, act no 108 of 1996”).

5.5 WHAT DOES A RESPONSIBLE AND RESPONSIVE MUNICIPALITY IN TERMS OF GOVERNANCE MEAN?

To be responsive and responsible and known for transparency and accountability, a municipality should adhere strictly to four dimensions of a governance system, which Hanekom (1987:42) proclaims to be the following: values and principles, systems, procedures and practices, and capability and leadership.

5.5.1 Values and principles

According to Mphaisa (2000:88), values are both organizational and personal. Personal values in municipal governance manifest in principles and values that reflect that which motivates and is crucial to them as municipal officials or councillors. Institutionally, on the other hand, those values and principles refer to standards of behaviour, and, therefore, these values drive the behaviour of municipal officials and their interactions with others, which include decision-making processes at the municipality. These interactions inform the way in which the municipal institution is experienced, that is, build its public image and expectations people have. The values and principles are positioned at the heart of governance, which should be transparent and accountable, since values and principles determine people's actions, relationships and performance. A value-driven system of governance is very important, therefore, it cannot be emphasized enough. Such a system shows how municipal representatives and officials relate to each other.

Cox *et al.* (1994:56) highlight the following core values and principles, namely integrity, dignity, respect, Ubuntu, empathy, compassion, honesty and respect for human rights, in addition to accountability, efficiency and effectiveness and consistency, which have a direct impact on responsible and responsive local governance. If these values and principles are not upheld, a municipality may be put in jeopardy.

5.5.2 Leadership at a municipality

Leadership in a municipality is presented as something that holds together and envelops the governance systems of the municipality; that produces policy direction, which, in turn, determines how a municipality organizes itself to lead well. Mphaisa

(2000:92) points out that municipal leadership essentially refers to leading with a view to promoting public interest. Harris (1990:89) concurs with that, and maintains that effective leadership is the foundation of good municipal institutional governance, and that the leadership of councillors and officials should encompass accountability, transparency, ethical values of responsibility and fairness.

5.5.3 Systems, procedures and practices

Systems are the measures in place to determine and establish ways in which roles and responsibilities are defined. Procedures are the tools and methods which are adopted to give effect to the core values and mandates of the municipality, whereas practices are how the policies and plans are implemented, (Municipal Systems Act, 2000, Act No. 32 of 2000).

5.5.4 Capability

The National Planning Commission (NPC) (2012:289-290) explicates that capability is a broad concept, dealing with processes and resources needed for effective municipal governance. These also include institutional architecture, as well as required skills, innovative capacity, leadership and networks. Capability in terms of responsive and responsible municipalities has to include skilled municipal representatives with special reference to councillors who are able to follow through with implementation of municipal plans and programmes.

5.6 CODE OF CONDUCT FOR COUNCILLORS AS ELECTED REPRESENTATIVES ON THE MUNICIPAL COUNCIL

According to Municipal Systems Act of 2000 Act No. 32 of 2000), Schedule 1, Section 19, which prescribes that the Code of Conduct has to be established, this code of conduct has to ensure that municipalities have structured mechanisms for accountability and transparency to local communities. If this is fulfilled, it means that councillors will be accountable and transparent to communities they serve.

5.6.1 Why the code of conduct for councillors is important?

The municipal code of conduct promotes moral behaviour, is a guide for ethical decision making, and encourages positive working relationships among councillors/ mayors/ and administration. It also solves ethical dilemmas and prevents harassment

and discrimination. The code of conduct is essential in promoting a positive social and professional culture in the municipal institution of governance (Julia, 1999:15).

5.6.2 What does the code of conduct for the municipal councillor entail?

The code of conduct requires that councillors must perform their duties transparently, honestly, in good faith, and in the best interest of the community and municipality. Councillors must declare all financial interests to the municipal manager; disclose any interests they have in any matter that is being considered by the council; disclose any special benefits they might get from a contract a spouse or family member has with the council; and they may not use their position for personal profit. A councillor also may not use any confidential information for his/her personal profit. No acceptance of rewards or gifts or favours is allowed for disclosing confidential information or for any other favour or action that might interfere with the municipal administration - such actions are criminal offenses. Councillors have to attend all council meetings and meetings of the committee(s) on which he/she serves. A councillor has to declare in writing to the municipal manager all financial interests he/she holds, such as shares in a company; directorships, partnerships, interest in a trust, financial interest in any business undertaking, interest in property, grants, and sponsorships from any organisation. All the above directions of the Code of Conduct are stated in the Municipal Systems Act, Act No. 32 of 2000), Schedule 1, item 7(4); item 5(1); item 6(1), item 8; item 9, 10 and 11.

5.6.3 Enforcement of the code of conduct

According to Sections 18, 29, 36, 37 and 160(1)(b) of the "Republic of South African Constitution, act no 108 of 1996), the responsible person to enforce the code of conduct for councillors at a municipality is the speaker of the council. If any member of public alleges that a councillor breaks any rule of the Code of Conduct, the speaker has to investigate the matter first. Once the investigations have been completed and it is found that the councillor has broken any rule of the code of conduct, the council may do the following: It can issue the councillor found guilty with a warning, the councillor may be reprimanded and/or he/she may be

fined. Further, if the breach of code of conduct is serious or severe, the council can request the Member of the Executive (MEC) provincially responsible for Local Government in the province, to suspend or remove the councillor from the office of the municipality.

5.7 CODE OF CONDUCT FOR MUNICIPAL STAFF MEMBERS

To ensure that they fulfil their obligations to communities as competent officials, municipal staff members also must uphold a code of conduct. This code of conduct must be established and is binding for all municipal staff members. The general conduct which all municipal staff members are expected to uphold is stipulated by the Municipal Systems, Act No. 32 of 2000), Schedule 2, Section 21:

- Lawful policies of the municipal council have to be executed loyally by all.
- Duties or functions of the office are to be performed in a transparent manner, in good faith, honestly and diligently.
- To ensure that objectives of Section 50 of the Act aimed at service rendering are promoted in good spirit.
- To make sure that the credibility and municipal integrity are not compromised, and always to act in the best interest of the municipality.
- To treat all people equally without fear, favour or prejudice, and by acting impartially.

5.7.1 Commitment to serving the public interest

All municipal staff members are public servants in local government. Therefore, they are obliged to uphold Section 20(2) of the Municipal Structures (Act no117 of 1998) provisions. These provisions require from municipal staff to perform in terms of set standards and targets as expected of responsible staff; that is, they must foster a culture of collectivism and a sense of commitment to serve the public. Moreover, the “Republic of South Africa’s Constitution, act no 108, Section 195(1), describes public administration as the institution that seeks to promote the implementation of basic values and principles; therefore, it is the duty of all municipal staff to adhere to the values and principles expected of governance at municipal level. This will result in all staff members and the municipal council to contribute to and participate in the overall performance management system for the entire municipality.

According to the code of conduct of municipal officials, municipal staff members may not disclose any confidential information without permission to an unauthorized person. A staff member may not unduly influence or attempt to influence council or the municipal manager with a view to obtaining any appointment or promotion for a friend or family members or associate. Another prohibition regarding staff conduct is that a staff member may not solicit, request or accept any reward, favour or gift for making a presentation to council or for disclosing privileged or confidential information; a staff member further has no right to use or benefit from any assets owned by the municipality; and may not embark on any sexual harassment action. Anyone who breaks the code of conduct, according to Section 67(1)(h) of the Municipal Systems Act no. 32 of 2000), must be dealt with in terms of disciplinary procedures.

5.7.2 Code of ethics

Standards or rules governing the moral conduct of the employees in a municipal institution are called ethics. Kernaghan and Langford (1990:15) testify that, ethics relates to human conduct, with respect to doing that which is right and good. In the municipal arena the municipal manager or accounting officer plays an important role in promoting ethics in the municipal institution, enforcing the code of conduct, and promoting professionalism.

Cloete (1996:45) proclaims that all staff members of the municipality should adhere to the code of ethics in order to demonstrate their commitment to efficient, effective, accountable and transparent democratic local governance, and to achieve a high standard of professionalism. Ethical values are essential to ensure accountability in terms of the fundamental value systems of the municipal institution by all councillors and municipal staff members or officials. Mafunisa (2000:88) supports this view and concurs that fundamental ethical standards refer to absolute integrity, a culture of honesty, loyalty, professionalism, and to accept their responsibility and accountability. Adherence to ethical values also contributes to ensuring a positive public image, to gain the public's confidence, and to strive for and maintain credibility.

5.7.3 Code of ethics in the relationship with public

With regard to all municipal staff and councillors who all are adhering to the Batho Pele Principles, Cloete (1996:46-48) reiterates that all must:

- Promote the unity and wellbeing of all communities within municipal boundaries when they perform their duties.
- Serve the public in an unbiased and impartial manner in order to create confidence.
- Be polite, helpful and all times treat members of the public well.
- Be considerate of the circumstances and concerns of the public who approaches the municipality to get services.
- Be committed to public development and the upliftment of the community they serve.
- Not discriminate against any member of public on account of race, ethnicity, gender, disability, political persuasion, language or culture.
- Be careful not to abuse their position, but rather to protect everyone's dignity or rights as contained in the Republic of South Africa's Constitution, act no 108.

5.7.4 Code of ethics in the relationships amongst employees

According to Mafunisa (2001:88-89), it is crucial that all municipal staff members and councillors should:

- Fully cooperate with each other to advance the public interest.
- Refrain from abusing their authority by favouring their friends and relatives when rendering municipal services to the public.
- Execute all reasonable instructions assigned to them by the municipal manager.
- Be committed to the optimal development of interpersonal relations.
- Act fairly and professionally towards other councillors and staff members, irrespective of age, sexual orientation, conscience, ethnicity or religion.

5.7.5 Code of ethics in performing duties in the municipality

Cloete (1998:50) clearly states that it is essential for successful municipal governance that all employees should act ethically in relation to performing their duties; thus they must:

- Execute their duties in a professional and competent manner, and always be punctual.
- Be honest and accountable in dealing with public funds.
- Ensure that they use the resources of the municipality effectively, efficiently and only for the authorized intention or purposes.
- Promote sound administration which is effective, efficient, accountable and transparent.
- Be honest and vigilant and act ethically, that is, report to the authorities when fraud, nepotism, corruption or maladministration or any act which constitutes an offence or wrongdoing from the side of the municipality.
- Promote the provision of honest and impartial advice.
- Honour the confidentiality of matters and classified information, and this applies to all employees at the municipality.

5.8 COMMUNICATION FOR GOOD WORKING RELATIONSHIPS IN THE MUNICIPALITY

Positive relationships among all the ramifications in municipal governance, that is, the political branch, the administration and the entire municipal community are absolutely essential to ensure successful local governance. The findings of the Report of 2009 on the State of Local Government in respect of public participation and communication indicated that municipalities had failed to provide effective leadership in developing and communicating a common vision amongst stakeholders within institutions.

Sharing or exchanging news, ideas, feelings, thoughts, facts, opinion, values, emotions or information with someone or with each other is called communication, a word from Latin origin, meaning sharing (Goss, 2001:43). The medium mostly used for communication is language, either written or spoken. Therefore, good

communication is the essence or foundation of any work relationship, simply because communication in a relationship, for example between the administration and councillors, is no different from that between two friends (Northouse, 2001:19). There seems to be general agreement on what communication entails. Northouse (2001:19) and Bochel (2010:13) define communication as the deliberate, planned and sustained effort to establish and maintain a mutual understanding between the municipality and its public. Through communication the municipality strives to establish good relationships with stakeholders and better service delivery to the community in their municipal area or area of jurisdiction. Communication should be a constant effort to improve the quality of information, and to achieve customer satisfaction and council vision.

Irregular or breakdown communication set in distrust and doubt between administration and councillors, because all in within the municipality need constant and effective communication, the proactive not reactive communication. Then, it is therefore essential that communication to be a combined effort of administration led by municipal manager and council led by the mayor, Gordon, (1995: 28), is holding this view.

The communication might occur among multiple participants or may be two-way communication. At an institution such as a municipality, clear principles and guidelines for communication should be provided. Communication by a municipality should be aimed at building relationships with its internal and external stakeholders, and to form partnerships with the communities they serve. This communication must take place in a coordinated and uniform way (Gordon, 1995:36).

Municipalities seek to ensure that they acknowledge the importance of communication as strategic management function for both their administration and council, and as an integral part of their daily functioning that will ensure an effective, attentive and motivated workforce through good internal communication within the municipality.

A municipality should have two communication channels, the internal and external communications, however, both must communicate with a singular and unified message, supporting one another at all times. The mayor and the municipal manager are two principal spokespersons of the municipality, and

when they communicate both must articulate the vision of the municipality (Shafritz, 1997:45).

5.8.1 Mayoral communication responsibility

All aspects of the council's policies and programmes are communicated by the mayor, and she/he also acts as spokesperson for all public participation events (Julia, 1999:89).

5.8.2 Municipal manager's communication responsibility

As accounting officer, the municipal manager is responsible to communicate on all areas of municipal administration, for instance, any information relating to legal matters or processes which the municipality might be engaged in, as well as any matter related to the running of the municipality, such as programmes or specific activities (Entwistle *et al.* 2005:75).

5.8.3 Internal communication

Formal internal communication aims to facilitate and manage the flow of information within the municipality with a view to generating an informed workforce. This form of communication informs staff about relevant information regarding human resources and/ or any information of interest or importance to the staff (Entwistle, 2005:77). For the proper flow of information, the municipality should have a communication forum on which each directorate is represented and that meets on a monthly basis. Through this forum all municipal issues and activities are brought under the attention of all and the communication unit for the purpose of reaching the public. To ensure consistence the municipal manager must authorize all formal communications (Shafritz, 1997:47).

5.8.4 External communication

This platform for communication aims to inform stakeholders about the municipality's services and programmes it intends to roll out, and to gain the stakeholders' engagement. External communication to the public should be intended to inform communities about services and customer care, and improve public relations. External communication is meant for ratepayers or property owners, community members, visitors/tourists, the media, local business owners, investors, the local law enforcement authority, suppliers, rate payers' association,

ward committee's meetings and public participation and communication forums (Waldo, 1968:14).

5.8.5 Tools for internal and external communication

Communication channels to be used are telephone systems; electronic mail; municipal notice boards, memorandums, management and sectional meetings, and external newsletters and media (Waldo, 1968:18).

5.8.6 Communication platforms

Communication platforms can be divided into categories. These categories are direct oral or written communication, print media, electronic communication, outdoor forums and other.

Table 1: Categories of internal and external communication

Category	Internal	External
Direct communication	Staff meetings, council meetings or workshops.	Ward committee meetings, ward meetings, council meetings, community events.
Print media	Memos within municipality, notice boards, pamphlets.	Flyers, newspapers, municipal accounts, advertisements, pamphlets.
Electronic	Intranet	Website, internet, radios, e-mails.
Outdoor		Bill boards in wards
Forums	Management meetings	Integrated Development Plan forum, district Municipal Manager's forums, Communication forum.
Other		Libraries and Thusong Centres.

5.8.6 Communication principles

Though a variety of channels and formats of communication may be used in and by municipalities, these should be in accordance with certain principles, and must be cost-effective; timely and current; honest, open and accurate; clear, simple and user-friendly; accessible to all members of staff and the community at large; consistent and relevant; monitored and reviewed on a regular basis, and legitimate, that is, in accordance with relevant legislation and council protocols and guidelines (Norton, 1986:56).

6. THE EXAMPLES OF MANIFESTATIONS OF THE LACK OF ACCOUNTABILITY AND TRANSPARENCY IN THE MUNICIPALITIES.

The researcher made the following major observation or evidence, which are based on the objectives of the study conducted. The observation or evidence revealed that due to the lack of accountability and transparency, bad governance was created in municipal governance in South Africa, and this further created a crisis of lack of confidence, due to actions of municipal politicians and officials. This shows that municipal governance in South African municipalities seems to have many problems regarding efficient and effective delivery of services, due to a lack of transparency and accountability on the side of the authorities, and this situation is perpetuated by the unethical conducts of politicians and municipal officials. Chandler & Plato (1998:17) maintain that ethics is related to human conduct, in respect to rightness and goodness. In other words, the Municipal Manager must promote ethics in the municipal institution. However, for example, the 2011 Local Governance Budget and Expenditure Review Report found that accountability measures and support systems for local democracy were inadequate, and the Auditor-General (AG's) Report for the 2011/12 year found that, due to a lack of managerial accountability, which is absent in most dysfunctional municipalities, these municipalities end up not complying with regulations. The Public Protector Report of (2012:23), found that conflict of interests by municipal officials is a major challenge, simply because whoever does business with a municipality as official would concentrate on the personal business at the expense of services delivery for community.

The study further found inefficiency and ineffectiveness in some municipal governance and administration structures due to cadre deployment in the African National

Congress(ANC) governed municipalities., for example, the case study done on Buffalo City LM, is a clear and explicit example.

Example of cadre deployment: Case study of Buffalo City LM in the Eastern Cape Province

Cadre deployment has brought Buffalo City LM to its knees. The ANC policy of cadre deployment, according to its definition, has been designed to bring the ANC to control “all levels of power” in the municipal institution governance space, meaning that all employees are accountable first and foremost to the ANC (G. Van Onselen, 2017:6). This has gone on for a long time and this ‘policy’ became more apparent when the municipality began to be crippled with regard to both the principles of accountability and transparency of the municipality; actually, in every public institution in the Eastern Cape Province this happened, because with every appointment that was made the so-called “right” cadre was placed in a position of influence. Because ANC-reigned institutions have no culture of merit-based appointments, this kind of environment reinforces factionalism. This caused a contestation between representatives of different factions at every level in the municipality, and the province at large. In terms of the municipal manager or chief financial officer’s appointment, the mayor has a direct influence and impact, and this compromised the municipality’s standing if appointed it was expected of them to be loyal to the mayor, and could count on his/her patronage, as happened in Buffalo City LM, ANC (G. Van Onselen, 2017:8).

As it happened, within the short period of five years the municipality had six municipal managers in acting positions, including the chief financial manager position, which was vacant for three years. This partly explains the maladministration in Buffalo City LM, ANC (G. Van Onselen, 2017:10).

The Auditor-General’s audit outcomes of 2013/14 found and reported that this was due to cadre deployment at the Buffalo City LM. “This contributed towards an unstable and unhealthy general control environment and was a prime driver

behind some of the reportable matters. Leadership at all levels did not sufficiently promote public accountability, transparency, confidence and sound or good governance.”

“All this was because the ANC branches were ordering the deployed cadres who were staff members of the municipality to make the entire municipality ungovernable. The cadres compromised the quality of Buffalo City LM governance and services delivery”, PriceWaterCooper auditors, hired by the municipality to conduct its administration’s forensic audit, revealed. Ernest and Young concurred with them, (2015:56)

The Human Resource Research Council, (2015/16:25) also found out that, “the city has been brought to its knees by intrigue between the politicians and municipal officials.” This happened due to” this cadre deploying by the ANC to municipalities which they have won and govern, including the Buffalo City LM which has fundamentally failed that test”. Though, the municipal administration is or should be non-partisan and professional, as clearly specified in Chapter 10 of the Constitution of the RSA.

Other examples were poor oversight both politically and administratively, and weak compliance with the legislations of municipal governance. These are failures by municipalities due to uneven and unstable governance, and a declining skills base to deal with socio-economic legacies, for example, the audit outcomes of the 2015/16 AG Report, bear testimony to this:” it is evident from the findings above that the Department of Cooperative Governance and Traditional Affairs’ (CoGTA) oversight and support at municipalities are not at a desired level” (Auditor-General of South Africa 2015/16). The Back to Basics (South African Government www.gov.za) categorization of municipalities remained unchanged in the 2015/16 financial year. This responsibility is critical for the Department CoGTA (www.cogta.gov.za), and emanated from the outcomes of the Medium-Term Strategic Framework (MTSF), namely outcome 9, which seeks to bring about a developmental municipality which is accountable, transparent, effective and efficient. However, since the previous year (2014/15), minimal improvement had been shown on key drivers such as governance and internal control, namely

leadership and performance management, because these are the main cause of poor audit outcomes. This is supported by the finding that 67% of municipalities remained unchanged, only 15% improved, and the remaining 13% regressed. The scaring finding is that 81 municipalities in South Africa are dysfunctional and require serious intervention, and that would require support of all the role players in the municipal space. The Back to Basics implementation is a programme which was introduced in 2014. The study, however, revealed that 42 municipalities did not draft Back to Basic support plans, while 23 other municipalities' plans were not adequate, while 29 municipalities' Back to Basics plans had not been implemented or monitored, (AG report 2015/16:107). This is a clear indication that there is a lack of accountability and transparency by politicians and officials of the said municipalities, (AG report 2015/16:110).

6.1. Examples of lack of accountability found

The Public Protector reports (Office of the Public Protector, 2011:23) found that there is a lack of staff with the necessary experience for project management and financial skills. Without this it means municipalities are unable to manage budgets properly for the projects intended and needed to uplift the lives of the poor, because of the responsible officials are inexperienced and unskilled, "they will leave budgets unspent for the projects or leave it incomplete". It was found that "there is a lack of staff with the necessary experience for project management and financial skills", but the Municipal Systems Act (RSA, Act 32 of 2000), and the Amendment Act of 2011 clearly stipulate that the municipality must ensure that professional qualifications and experience are the criteria applied in the appointment of senior managers in local government. The Municipal Systems Act (Act 32 of 2000) provides for statutory committees comprising councillors to exercise only statutory conferred powers. Such a committee is a disciplinary committee the role of which, amongst others, is to issue a formal warning to the councillor or reprimand the councillor. However, it seems that somebody did not do the oversight work properly, hence, currently in the country there are 81 dysfunctional municipalities.

Municipal Systems Amendment Act of 2011 specifies that a senior political party

office bearer, at any level of the party structure, may not be appointed to the top municipal jobs, but this it is commonly done, hence it is found that some municipalities collapsed, like Buffalo City LM, where budgets for projects were not spent, or projects were left incomplete. In such instances, according to Hanekom and Thornhill (1996:123), the Municipal Manager, as accounting officer, is responsible for managing the financial administration of the municipality by ensuring that resources are used affectively, efficiently and economically, and to make sure that there is maintenance of effective, efficient and transparent financial usage in the municipality. Now, if they leave budgets unspent for the projects, or leave it incomplete, it is a clear indication that the municipal manager and statutory committees did not hold accountable those who were responsible for the neglect. Incomplete projects are what is then called 'fruitless expenditure', and an unspent budget has denied the community the service delivery they deserve.

6.2. Conflict of interest

Municipal government officials who have business interests in organisations, that is, they are either a director or shareholder, which do business with municipalities, represent a conflict of interests. Such a situation causes serious challenges, because these officials spend time of the municipality, focusing on their personal business interest, and that it is done at the expense of service delivery for the community (Public Protector Reports, 2012:23). This means that some people disobey the law, and transgress the codes of conduct, which, according to Municipal Systems Act of 2000, Schedule 1, Section 19, prescribes that the Code of Conduct has to be developed and adopted by council for councillors, to ensure that municipalities have structured mechanisms of ensuring accountability to local communities. If this is fulfilled it means that councillors are accountable to the communities, they serve and they are transparent. The Municipal Systems Act of 2000, Schedule 2, Section 21, prescribes that the Code of Conduct for all municipal staff members has to be established as well. Even though these pieces of legislation are to stop conflict of interest, it is witnessed daily as, according to the Auditor- General Outcomes of 2015/16, 13% of municipalities were regressing in this regard Auditor-General. It thus can be deducted that either the code of conduct for both leaderships at municipalities are not being implemented, or rather,

have been nullified.

6.3. Lack of managerial accountability and transparency

Conflict of interest has to be prevented by regulations at municipality level, but due to a lack of managerial accountability, this continuously occurs, and those who are supposed to implement legislation and regulations, namely the statutory committees and municipal manager, are not held accountable when they do not comply with the regulations. The council, through the mayor, should investigate and hold them accountable. The transparency concept means that the municipal officials or politicians are to act openly with citizens. Transparency in governance is crucial to the communities being served by the municipality. Openness, honesty, and accountability define government transparency, since in a free society transparency is a government's obligation, which means they must share information with the citizens. It is imperative as transparency is at the heart of how communities or public can hold their public representatives and municipal officials accountable. But this is not seen as happening or being implemented.

According to the Auditor-General Reports of 2012/13, 2013/14, 2014/15, audits show that there is a general lack of consequences for poor performance due to the lack of transparency and accountability in at least 73% of the municipalities throughout the country. This can be ascribed to officials and politicians who are not held accountable for their actions. Mayors and councillors, and officials do not take audit recommendations serious, because they are not responsive to issues identified by the Auditor-General. Though, the introduction of the LG Municipal Structures Act (Act 117 of 1998), which was amended in 2011, seeks to create a strong balance between administrative and political powers in municipal governance.

The study also revealed that instability, coupled with a lack of accountability, and a failure to comply with key legislation contributed to the poorest outcomes in the Northern Cape where 31% of municipalities were found to lack accountability, and to fail to comply with key legislation. Lack of accountability and failure to comply with key legislation were found in 35% of the municipalities in North West, and in 29% of municipalities in the Free State. A factor that also hugely contributed to this state of affairs was the lapse in oversight and control by politicians in areas of compliance. This was clearly evident from the Auditor-General's Report on the 2015/16 financial

year. The most challenging issue, however, is cadre deployment at municipalities, which does great damage to municipalities in terms of governance which is accountable and transparent.

6.4. Cadre deployment cripple's municipalities

An example of how cadre deployment can cripple a municipality was found in cases of a ruling party (specifically the ANC) using the opportunity at a certain municipality to deploy weak councillors to municipal councils, often with weak administrators, and once they have taken their seats they merely act on the political directive (or what is called the mandate from the party), when they have a municipal institution to govern. Moreover, in the name of cadre deployment, most municipalities have a practice of employing cadres in municipal official positions without the relevant expertise, skills and qualifications required for the more senior positions of strategic or technical nature. They then fail the municipality, when they have to discharge the duties. This cadre deployment process compromises the practices of accountability and transparency, because officials and councillors deployed now “remain beholden to the whims of party bosses” (Public Protector Report, 2011:23; Van Onselen, 2017).

When the aspirations and wishes of communities are subservient to whims and demands of political strivings, officials' and councillors' duty to serve is compromised. Hence it has been and still is very difficult for the communities at large and citizens in general to hold municipal councils accountable and demand that councils be transparent. It is argued that these public representatives do not want to work or meet with well-informed citizens or communities, because when they meet in public meetings, the issues of accountability and transparency would be raised, (De Klerk, 2017:6)

The ruling party in a municipality that is, the party that has won the election, has the privilege to appoint the municipal manager or accounting officer, depending on the party's majority in the council. This might give the majority party in the council the opportunity to nepotism, as it was found that a culture of nepotism is widespread in many municipalities. Nepotism is an evil in governance, and more often than not nepotism results in the formal municipal systems, which ought to be accountable and

transparent to become ineffective and inaccessible to many citizens or the community at large. (De Klerk, 2017:6). In substantiation, it means, an evil to governance because people employed by nepotism will serve those they know and will be biased towards service delivery and would not be fair in any way to serve the community with pride at large.

The question that arises is why the ANC has become resistant to prohibitions set out in laws and regulations. Increasingly members of and leaders in the ruling party are irresponsible by overlooking adherence to the laws of the country. The Local Government Municipal Systems Act (Act 32 of 2000) sets out systems within which municipalities should operate and procedures which they should follow in their day to day operations. The Local Government Municipal Systems Amendment Act of 2011 is aimed at professionalizing local government by ensuring that professional qualifications and experience are the criteria which should be applied in the appointment of senior managers in local government. This amendment act prohibits the appointment of senior political party office bearers to top municipal positions, regardless of the level of the party structure. This ruling of the act obviously is disregarded and party members are unaccountable and lack transparency, because the Auditor-General found that senior political party office bearers are appointed in municipal positions regardless of their professional qualifications or experience. This is clear from the audit processes outcomes of the Auditor-General Reports of 2012/13, 2013/14, 2014/15, and 2015/16, which means this happened consistently during five consecutive years. This behaviour is contrary to Chapter 10 of the Constitution of the Republic of South Africa (RSA, 1996), which clearly specifies that the municipal administration should be non-partisan and professional.

6.5. Remarks regarding communication between municipalities and the communities they serve

The examples also indicate that poor communication with communities is a major issue. This state of affairs is ascribed to, among other matters, role confusion in some municipalities and councils: about the role of speakers, the mayor, chief whips, and ward councillors, as matters such as who should communicate with which stakeholders, and how and when this communication should take place. Another

finding is that most mayoral committees lack transparency, for example, about the amounts of money that are allocated to specific projects, and what these projects entail as many projects are implemented for the benefit of the citizens. If the mayoral committee is not transparent about such projects, it causes a weakness or ineffectiveness in the ward committees' functionality, in the sense that the ward committee members cannot return to the community to communicate to them the information they need and which should be shared with them. Another serious matter revealed regarding communication between the municipality and the community is a lack of feedback to communities once the consultative processes have run their course, for example, the integrated development (IDP) or budget processes (Auditor-General of South Africa, 2016/17).

The question that was raised was why this happened while Chapter 4 of the Municipal Systems Act requires that a municipal council should build, maintain and promote good relations with non-governmental, community organisations, the private sector, and other local organisations which might have an interest in local government affairs in South Africa. Section 72 of the Municipal Structures Act prescribes that ward committees must be established with the objective to enhance participatory democracy in local government. In terms of Chapter 7, section 152(1)(a) of the Constitution (RSA, 1996) municipalities must "encourage the involvement of communities and community organizations in the matters of local government". Section 195(1)(e) stipulates that the public must be encouraged to participate in policy-making, and that their needs must be responded to. Section 195(1)(g) declares that transparency should be fostered by providing the public with timely, accessible and accurate information. The findings of the Overview Report of the State of Local Government in South Africa (COGTA, 2009) in respect of public participation and communication, indicate that municipalities have failed to provide effective leadership in developing and communicating a common vision amongst stakeholders and within institutions.

The communication might be multi- or two-way communication. At an institution such as a municipality it must provide clear principles and guidelines for communication. The purpose of the communication is to build relationships with internal and external stakeholders, and to form partnerships with the communities

they serve. This communication must take place in a coordinated and uniform way, because communication is a deliberate, planned and sustained effort to establish and maintain a mutual understanding between the municipality and its public. With communication the municipality strives to establish better relations with stakeholders and better service delivery to community in their municipal area, or jurisdiction. Communication should be a constant effort to improve the quality of information, to achieve customer satisfaction and council vision.

7. MUNICIPAL GOVERNANCE DISTRESS

The Local Government Budget and Expenditure Review (2011:26) maintains that municipalities in South Africa are in distress. The report identified the following causes for municipal governance distress.

- There are tensions between the administrative and political interface, for example cadre deployment, as found in a case study of Buffalo City LM and 81 other dysfunctional municipalities.
- A lack of clear separation between the executive and the legislation exists, for example, role confusion at of some municipalities in terms of councils, speakers, mayor, and chief whips versus the administration,
- The separation of powers between municipal councils and political parties is insufficient and inadequate.
- Many councillors do not have the required ability to deal with the demands of local government, for example, either due to a low educational level or political or managerial inexperience, because some cadres are not sufficiently literate and/or do not possess the necessary educational background or qualifications.
- Accountability measures, support systems and resources for local democracy are inadequate, for example, when starting in a municipality, some statutory committee members are not able to know how to be accountable with regard to support systems; it was found that provincial and national spheres of government do not support municipalities adequately in this regard. Due to a lack of resources, either financial or human capital, some municipalities find themselves to be in seriously distressing situation (Auditor-General Reports 2015/16).

- Compliance with regulatory frameworks and legislative compliance at municipal governance is very poor, for example, the Local Government sphere in South Africa is overloaded with legislation, simply because municipalities have to face the challenges of service delivery. Some of this legislation is not compatible with the sphere of local government and municipalities cannot comply with the demands on their own. Reporting on the activities of municipalities is very tedious at times. The examples portray that if councillors and/or officials do not take responsibility for and ownership of their respective roles, be it oversight or operational roles. Councillors and municipal officials continue to weaken the pillars of governance in municipalities. Poor accountability and lack of transparency contributed to escalating service delivery protests in most municipalities in South Africa. However, Section 156 of Municipal Structures Act declares that “oversight is a crucial role of the municipal council in monitoring and evaluating the actions of the executive and administration. This includes avoidance of abuse of power and guarding against under-performance”. Furthermore, according to the Local Government Municipal System Act 117, “A municipal council may establish one or more committees necessary for the effective and efficient performance of municipal functions. They are called Section 79 Committees responsible for oversight roles at municipalities”. The question which might be raised then is why those who should implement the monitoring tasks or do oversight are not doing the job?

The 2015/16 Auditor-General Report found that there are 111 municipalities which are functioning well and getting the basics right, but, on the other hand, it also revealed that 86 municipalities are fairly functional with average performance and the potential to do well in future or to improve. The scaring finding is that 81 municipalities in South Africa are dysfunctional. Other examples are weak citizen engagement, and inaccurate and incomplete data provided by municipalities. However, there is no doom and gloom at all municipalities in South Africa; an example is the improvement in municipalities in terms of being accountable and transparent that was found in some municipalities in the province of Mpumalanga, where strong leadership, accountability and good human

resources management had improved in a number of municipalities over the past two years (Auditor-General Reports, 2015/16).

An example of accountable municipality governance by the Democratic Alliance Party (DA), according to De Klerk (2017), the City Council of Cape Town dismissed a councillor for frequently being absent from council meetings without reason. He had been taken to task about his absence on several occasions. The councillor thus eventually was released from his position due to chronic absenteeism. The Democratic Alliance brought the councillor before the disciplinary committee of the municipality, a Section 79 statutory committee. The Democratic Alliance's disciplinary committee expelled him.

Another example of a political party and municipal council acting in an accountable way occurred at the Johannesburg City municipality, where a councillor also was expelled by the Democratic Alliance Party, which governs the City of Johannesburg in coalition with other political parties. According to Mailovich (2017), a reporter of the Business Day newspaper, Council suspected that the councillor had falsified evidence requested from her, but after a second investigation by the ethics committee it was found that she had given misleading and untrue information. She was a member of the mayoral committee responsible for economic development in the City of Johannesburg Council. According to the mayor of the city, the implicated council member misled the mayor, council and the entire residents of Johannesburg. The mayor's firm stand was that, "Irrespective of one's role in the City as councillor, and irrespective of your potential, there will be accountability for wrongdoing". The mayor and the council unanimously made the decision to expel the councillor. A professor in Constitutional Law and political analyst, Professor Shadrack Gutto expressed the following opinion on this step: "The Democratic Alliance Party under the leadership of Mayor Mashaba in the City of Johannesburg should be commended for taking firm action."

7.1. Back to Basics Programme

The ineffective management of numerous municipalities in South Africa has been attributed to a combination of factors - from the improper political and administrative interface to weak institutional arrangements and poor supervision

and accountability mechanisms, according to the AG and supported by COGTA. In reaction to this state of affairs the Back to Basics Programme was introduced and implemented in 2014 (Presidential Local Government Summit, 2014). This was an urgent action plan to strengthen municipalities so that they could get their basic responsibilities and values right. The programme stands on five pillars, which are:

- Building institutional administrative and capacity capability.
- Promoting good governance.
- Putting people and their concerns first.
- Supporting the delivery of municipal services of the right quality and standards.
- Ensuring sound financial management and accounting.

8. CONCLUSION

Over the past decades strengthening the political-administrative interface in local government has not received as much attention as it deserves. A successful political-administrative interface within public service is at the core of good public sector governance and effectiveness for accountability and transparency. This political-administrative principles of good governance are crucial for a high performing public service, the respective roles of the officials and other staff, and how they work together effectively to enable government to achieve the strategic goals of the municipality.

The political governance structure comprises councillors whose task it is to exercise both legislative and executive functions of a municipality, and they are constituted as the municipal council. The council is headed by an executive mayor or mayor or mayoral committee or plenary system, and they assigned to make strategic and policy decisions on behalf of the residents and businesses in their respective jurisdictions.

The second governance structure is the administration, which is headed by a municipal manager and the executive managers or heads of departments, whose functions are to ensure that the political decisions are put into effect. According to the “Municipal Finance Management Act of 2003, section 60(b)”, the municipal manager is

the accounting officer, who must provide guidance on compliance with the Act to political structures, political office bearers and officials of any municipality in the South African local government sphere.

The roles of the mayor and municipal manager/accounting officer need to be managed for them to effectively work together for the common good of the municipality and the electorate, and to provide effective and efficient, transparent and accountable governance at local municipality level. However, to succeed requires the separation of the political functions from the administrative/technical functions.

The mayor and municipal manager are members of the executive arm of local governance, therefore, both have collective and individual roles. As collective, the manager supports the political head of the municipality, the reason being to ensure that their actions are in agreement with what society or the community desires.

Since municipalities are complex institutions with wide ranging powers and duties, and are governed by politicians, they should be assisted by a complement of staff whose main purpose is to ensure and maintain accountable and transparent services to citizens.

The role and task of the municipal council is to ensure the accountability and transparency of the operations of the municipality. Apart from this, Section 152 of the Republic of South African Constitution, act no 108 of 1996, emphasizes that a municipality has to provide democratic and accountable government to local communities. The role of the speaker, amongst others, is to enforce the code of conduct, according to the Municipal Structures Act (Act no 117 of 1998) and Municipal Systems Act (Act no 32 of 2000), municipal rules of order, common law and tradition.

Relationships are formed whenever these role players interact with each other - these relationships may range from the formal meetings of council to the simple conveyance of a resident's complaint.

Local governance needs to find expression in values and principles, capability in leadership, procedures and practices, and systems that will demonstrate responsible and responsive municipal governance. These have to be embedded in governance

structures in a manner which is meaningful to achieve both municipal sustainability and outcomes that are in line with community needs.

CHAPTER 6

SUMMARIES OF CHAPTERS, FINDINGS, RECOMMENDATIONS AND CONCLUSION

6.1 INTRODUCTION

The aim of this chapter is to summarize the research per chapter; share findings about the lack of accountability and transparency, make conclusions and develop recommendations for improvements towards sufficient accountability and transparency in municipal governance in South African municipalities.

6.2 OVERVIEW OF THE RESEARCH CONDUCTED

The Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), stipulates that local government should serve as an agent of change for the development of communities, because it is no longer just expected to render basic services such as water, electricity and refuse removal. However, local government in South Africa has undergone significant changes over time. In terms of the research conducted, a qualitative study approach was applied because the issue of lack of transparency and accountability needed to be explored in detail, but transparency and accountability are difficult to measure precisely; therefore, it was appropriate to use a qualitative rather than a quantitative approach – on the research question which is “the lack of accountability and transparency in local government in South Africa”. Quantitative studies are suitable when one wishes to study people or societies and their behaviour, and beliefs, as well as their interaction and institutions (de Vos & Schulze, 2002:5).

The objectives of the study were:

- To provide a theoretical overview of good governance theories, in relation to accountability and transparency;
- To research the historical view of the lack of transparency and accountability, trends and tendencies in the local government governance space over the period of its existence;
- To reflect on the governance structures that exist in local government and explain their roles, responsibilities and processes against the governance

policies as outlined by legislations of local government;

- To evaluate the working relationship between the political and administrative structures with a view to striving for accountability and transparency;
- To analyse and evaluate how and to what extent a lack of accountability and transparency exists at local government; and
- To develop a set of conclusions and recommendations to sufficiently improve accountability and transparency in local government governance.

6.3 SUMMARY OF RESEARCH CHAPTERS

Chapter one provided the introduction to the study and a background of why the research topic, namely a lack of transparency and a lack of accountability in municipal governance, since the Constitution of South Africa, 1996, Section 41(1)(c), stipulates that all spheres of government must provide effective, transparent, accountable and coherent government for the country as a whole. To be precise, Section 151 specifies that municipalities have to be established with executive and legislative authority vested in their municipal councils. Furthermore, Section 152 of the Constitution requires that governance at this sphere has to ensure the provision of accountable government to local communities, and to encourage the involvement of communities and community organizations in matters of local government, in other words, to be transparent.

Background: Scandals involving municipalities have captured the entire country and drawn worldwide attention. Most of these scandals are a result of deteriorating conduct by public representatives and officials who are engaged in all sorts of malpractices. An example is the continuous qualified audit outcomes of 265 auditees (83%), mainly due to a lack of basic control and inadequate implementation of appropriate actions in respect of poor performance or transgressions (Consolidated General Report on Audit Outcomes of LG, [2012/13:32]). Thus, there is a great demand for municipal situations to be strengthened through transparency, professionalism and accountability in order to enhance this sector's performance to the desired level of expectation (General Report on Local Government Audit Outcomes, [2013/14:101]). Extract from chapter pages 1-2.

The second chapter concentrated on the following issues: governance theories and their five propositions and governance models were explained in detail. What is governance? Why governance? Governance as dilemma; Types of governance, and Who are players in governance? What constitutes governance and what are the characteristics of good governance? Understanding Governance: The 'Good' in good governance; principles of good governance and, Why good governance? These questions were profoundly investigated in detail, and answered. Concepts of governance and government were studied well and reported in this chapter. These concepts were government to govern in South Africa, spheres of government in South Africa, governance in South Africa, and the 'good governance' issue. Governance should be accountable. Local government in South Africa has an obligation to report, therefore accountability is a fundamental requirement for good governance. As local government officials represent the community, an explanation of a decision is requisite and also being answerable for the consequences (Williams 2009:22, Drechsler 2004:45). Governance has to be effective and efficient. To ensure the best possible results for the community the best available people have to be appointed. The South African local government should implement decisions and ascertain that a follow-up is done (Williams 2009:42). Governance should be transparent. According to Williams (2009:30), the decision-making process of councils should make it possible for people to follow and understand. This will allow communities to clearly see how those decisions were made. Communities will know what advice and information the council considered and which legislative requirement was followed. It will show that as good governance follows the rule of law, the decisions are consistent with the relevant legislation and are within the powers of the municipal council. (Extract from chapter 2 pages 14-15).

There is a genuine demand that all public sector institutions should strengthen ethics, integrity, transparency, accountability and professionalism in order to protect public resources and enhance public performance. Thus Chapter three reports on the concepts that were examined, namely accountability, transparency, types of accountability, such as legal accountability and courts; political accountability; accountability and public governance; administrative accountability; social accountability; promoting accountability; purposes and importance of

accountability; the problems that a lack of accountability might cause; legislative framework for transparency in South Africa; transparency concepts; why transparency is needed; why government transparency is important; municipal governance transparency, and an example of a case study of an accountable, transparent, responsible and responsive municipality in South Africa, Mossel Bay Local Municipality. Extract from chapter 3 conclusion pages 24-25, Accountability can be used as a control mechanism to ensure that the delegates have carried out activities as expected by the delegator, who is the electorate and employers. It can be promoted through community participation, representativeness, transparency and responsibility. Hence an effective system of accountability is crucial so that citizens and communities are assured that local municipal resources are used effectively and not abused. Accountability has to be used to ensure continuous official performance, which all municipalities should strive for. The distinction between clear and opaque transparency provokes reflection about their relationship with accountability. A transparent civil society, NGOs and the community at large feel it their duty to assist and monitor government at any institutional level, either at municipal or any departmental level to achieve openness in the government process.

Chapter four was devoted to an analysis of local government legislation. These are legislative frameworks which include the Constitution of the Republic of South Africa, 1996, (RSA, Act 108 of 1996) and local government acts such as the Local Government White Paper of 1998 (RSA Act of 1998); Local Government Municipal Structures, 1998 (RSA Act 117 of 1998); Local Government Municipal Systems, 2000 (RSA Act 32 of 2000); Local Government Municipal Financial Management Act, 2003 (RSA Act 56 of 2003); Municipal Property Rates, 2004 (RSA Act 06 of 2004) and Division of Revenue, 2013 (RSA Act of 2013). The essence of this chapter was to analyse the legislations, as well as strategies formulated, which are supposed to manifest in instilling good governance in municipal functionaries, such as being accountable and transparent. The constitutional strategies also have a bearing on the Auditor-General and Public Protector, and they are aimed at setting an example of ethical behaviour by municipal functionaries, and also at instilling good governance amongst municipal functionaries. In this chapter these legislations will

be analysed to investigate whether they compel municipalities to govern with accountability and whether municipalities are sufficiently transparent and, above all, to determine whether the municipalities comply with legislation or not. The municipal council, governance structures; oversight structures; and political-administration interface will be looked into at municipalities very thoroughly.

Chapter five was about the working relationship between political and administrative structures for accountability and transparency in local government governance in South Africa. This chapter reports on the political-administrative interface with special emphasis on the importance of the political-administrative interface. The roles and responsibilities of every role player in municipal institutions in South Africa, politically and administratively were explained, in a striving to find solutions for the lack of accountability and transparency in municipal governance in South Africa. What is the importance of political-interface? The roles of the mayor and municipal manager need to be managed for them to work together effectively for the common good. Good, transparent and accountable governance at local governance level requires separation of the political functions from the administrative/technical functions. However, a clear point of connection or link must be ensured, since the two functions are mutually reinforcing. The municipal manager has to ensure that he/she has adequate technical input that required that advice is provided and policies are implemented effectively by the mayor. The Commonwealth Secretariat (2007:123) Report of a workshop for Mayors and Municipal Managers in Lesotho elucidates this interface between mayor and municipal manager. How to stabilize the political-administrative interface? Municipalities in South Africa should restrain from making political appointments in administrative and technical positions. That is a prerequisite for a clear separation between the political representatives and officials who are competent in administrative and technical tasks in a municipality. Long-term skills development strategies ought to be in place to support senior managers and technical managers or professionals to improve their management and operational capabilities. This will enhance development planning, financial management, governance and community engagement as key areas in a municipality's area of responsibility. Political and administrative role players, Local Government Municipal Systems Act

(Act No. 32 of 2000) (RSA 2000), Section 53(1) specifies that a municipality within the framework must define the specific role and area of responsibility of each political structure and political office bearer of the municipality, and the municipal manager and officials. Therefore, roles and responsibilities of the most important role players in the municipality have to be well clarified. This is to ensure that they understand their respective roles, and to co-operate with each other by following protocols. This is essential to achieve harmonious interaction among the various role players. The roles and responsibilities of the various structures and officials need to be clarified in concert with the Republic of South Africa's Constitution, act no 108 of 1996. This is necessary in assessing the government's commitment and measuring the success achieved in efforts to overcome challenges in municipalities.

Factors contributing to good working relationships, Craythorne (2003:65) lists the factors that contribute to good working relationships as follows:

- Goodwill and commitment lead to better relationships.
- Understanding roles is very critical for good governance.
- Communication which is open enhances good governance.
- Being clear about statutory roles is essential for good relationships.
- Managing contact between councillors and municipal officials plays a critical role in good relationships.

What does a responsible and responsive municipality in terms of governance mean? To be responsive and responsible and known for transparency and accountability, a municipality should adhere strictly to four dimensions of a governance system, which Hanekom (1987:42) proclaims to be the following: values and principles, systems, procedures and practices, and capability and leadership.

FINDINGS

Extract from chapter 4 of research done and analysed, pages 3-4, Section 6(2) of the Local Government Municipal Systems Act (RSA 2000a Act No. 32 of 2000) prescribes the administration should be answerable, for entire community and

citizens necessities, and to enable a habit of rendering service publicly, by answerable and responsible officials. The municipal administration also must take measures to prevent corruption, and to inform the local community how the municipality is managed, of the costs involved, and the persons in charge. Furthermore, Section 51 of Local Government Municipal Systems Act, 2000 (RSA 2000a Act No. 32 of 2000) proclaims the civic manager should be held accountable for the overall performance on the administration, and to maximise efficiency of communication and decision-making within the administration. As a results he/she is required to involve staff in management decisions as far as is practicable. All in all, the role of municipal administration can be summarised as to implement the lawful policies and resolutions taken by the municipal council, to advice the council and its structures, and to manage the affairs and the resources of the municipality.

Findings

- *According to AG Mr Kimi Makwetu (AG General Report 2015/16:110), he cautioned that fraud and misconduct will continue, that there will be fruitless, irregular, wasteful and unauthorized expenditure. This will be fuelled by the political leadership and senior management in the municipal institution who fail and do not make accountability and transparency for any transgressions a priority. It was also found that as a consequence management is weak prone to corruption and fraud activities within the municipalities. Municipalities cannot allow money intended to serve the people to be lost despite legislation that lays down measures to prevent such loss by political leadership as well as municipal administrations.*

Extract from pages 6 & 7, of chapter 4 of research done and analysed, Local Government Municipal Structural Act, 2000 (Act 32 of 2000) prescribes to each local Authority/municipality should have a municipal council where officials and office bearers are taking fundamental decisions, **to carry out the tasks and duties of the municipality in service of their communities in an accountable and transparent manner, guided by legislations**, by-laws and strategies. Local Government: Municipal Structural Act (Act 32 of 2000) also elucidates functions by

the mayor, including councillors.

Those functions are the following: **Councillors play a monitoring and oversight role, and also oversee the work of the municipal manager and the heads of the departments.** All councillors are accountable to the full council of the municipality, which approves the policies and budget, as well as the implementation plans. **Then it is the responsibility of the executive or mayoral committee to ensure that the municipal administration under the leadership of the municipal manager and officials implement the plans and required actions.**

Findings:

- *MPACs, as oversight structures, and political leadership such as mayors and councils, accounting officers and other senior managers, did not respond with the required urgency to address the risks and to improve the internal controls of the municipalities, and this is the root cause. This clearly shows the lack of leadership and accountability which should exist to make sure that municipal officials and office bearers perform the tasks they are employed for.*
- *The other issue found was that some municipal employees lack the required competencies to execute the task for which they are employed. This exacerbates matters as there will not be any improvement.*
- *Oversight role: the political leadership did not execute their oversight; they failed to penalize poor performance and transgressions committed, as was seen at 21 municipalities in the Mpumalanga Province 2015/16 Audit Outcomes.*
- *Some councils failed to insist on receiving performance reports from the administration, and that shows that there was a negative impact on the oversight responsibilities of councillors from a governance perspective.*
- *At some municipal institutions, MPACs' resolutions were not tracked, monitored or implemented (AG General Report 2015/16:1162-163).*

Extract from chapter 4 of research done page 7: The Local Government Municipal Systems Act (Act No. 32 of 2000), enabling simple framework, was established as a result. The framework consists of core issues such as how planning should be

processed, the mobilization of resources, about how performance for all in the institution must be managed, including the institutional change management. **Moreover, the framework, is for monitoring, giving support, for other government's spheres, including setting acceptable standard, those spheres refers to, are provincial and national.**

Findings:

- **Monitoring, support by other government spheres:** *According to the AG General Report (2015/16:118), it was found that in the North West Province the provincial treasury provided limited assistance to the municipalities in the province, hence most have regressed, because they needed assistance to identify control weaknesses in those municipalities.*
- *Limited progress has also been found in the implementation of cooperative governance by departments, e.g. assistance with information and communication technology at all municipalities. Capacity challenge was cited as the reason.*

The Local Government: Municipal Systems Act (Act No. 32 of 2000) (RSA 2000a), Schedule 1, outlines, the Code of Conduct for councillors. This code of conduct has a bearing on general conduct, such as ***performing the functions of the office in good faith, honestly and transparently, and at all times acting in the interest of community, without compromising the credibility and integrity of the municipality.***

Extract from chapter 4 of research done and analysed, page 8: Local Government Municipal Financial Management Act (Republic of South Africa, Act 56 of 2003)" was promulgated to ensure that municipalities in South Africa have to provide for financial matters of all local authorities, are being managed in a sustainable manner and are in good sound and secured well. ***It is one of the most crucial and important duties of any municipal council to manage its financial matters very effectively.*** This means that drawing up a budget; protecting the income, capital and assets such as money in the municipal bank account,

monitoring the actual income and expenditure, and comparing this with the budget throughout through regular financial reporting, and taking action to correct matters when necessary. The Act (RSA 2003) prescribes that audits are to be done on regular basis and the financial statements reported to all stakeholders, including the broader communities, ***by means of developing a comprehensive system which clarifies and separates the responsibilities of mayors, councillors and officials.***

Findings:

- *A municipal council has to manage its financial matters very effectively. However, the 2016/17:38 local government audit outcomes found that 117 municipalities incurred irregular expenditure which was not investigated, whereas 91 municipalities did investigate unauthorized and fruitless expenditure as well as wasteful expenditure to determine whether anyone was liable for that although the legislation is very clear on consequences of non-compliance with legislation.*
- *“Duties of any municipal council to manage its financial matters very effectively”, however, 122 municipalities were investigated and fruitless expenditure was found.*
- *At 120 municipalities, irregular expenditure was found as well.*
- *Unauthorized expenditure was found at 102 municipalities.*
- *This was found at 22 Eastern Cape municipalities; 28 KwaZulu-Natal municipalities; 22 North West municipalities and 19 Limpopo municipalities.*

What perpetuated this state of affairs was that at 73 municipalities it was found that there were no disciplinary committees to attend to and deal with the matter. At 53 municipalities there was no fraud hotline in place. While at 50 municipalities that were investigated it was found that there were no policies in place to investigate non-compliance with legislation, even if this was found by the AG in the 2014/15 audit outcomes.

Section 4(2) of the prescribes that, as obligation, the municipal council has to exercise the municipal executive and legislative authority to manage resources in the best interest of the community it serves, and also to ensure democratic and accountable government. **Section 51 of Local Government: Municipal Structures**

Act (Act 32 of 2000) (RSA, 2000) requires the councils of municipalities should establish suitable control about reporting systems and procedures for monitoring and policy evaluation implementation in order to give account to the community.

Findings, as recorded on AG report on local government audit outcomes, (2015/16:56),

- *38% of the municipalities in South Africa do not have the required mechanism for reporting transgressions or for investigating possible fraud activities.*
- *52% of municipalities have inadequate follow-up methods of allegations of financial and supply chain management misconduct and fraud. Their exact number is 151 municipalities.*

Extract from chapter 4 page and analysed 11, Part B of Schedules 4 and 5. A municipality may acquire additional functions through national and provincial laws and through contractual assignments and delegation.

Finding:

- *According to the AG General Report (2015/16:121), it was found in the year under review that the Cooperative Governance and Traditional Affairs (COgTA department nationally as well provincially, did not provide the required level of assurance to municipalities as an oversight institution. That support could have brought about positive outcomes at all municipalities if it had been implemented as required by legislation.*

Extract from chapter 4 page 11, Local Government: Municipal Structural Act (Act 32 of 2000), section 156, declares that, oversight is a crucial role of the municipal council in monitoring and evaluating the actions of the executive and administration. This includes avoidance of abuse of power and guarding against under-performance.

Findings: “guarding against under-performance”:

- *According to the AG General Report (2015/16:107-109), it was found that 23% of municipalities in the Northern Cape did not have performance management systems in place. The councils of those municipalities could not monitor their performance to check whether they performed well or were*

underperforming. Hence in 2015/16 they could not submit performance reports to the AG.

- *It was found as well that some senior managers lacked skills and competencies to implement systems which would be able to produce credible reports.*
- *The councils at these municipalities were not able to hold the officials accountable.*
- *In terms of leadership, internal controls and governance, it was found that these areas have stagnated.*
- *Slow response by the political leadership as well slow management response was found as the main contributor.*
- *It was found that some council's capacity to exercise oversight role at 83% of municipalities in the Northern Cape was totally inadequate.*

Extract from chapter 4 of research done and analysed, page 11 -12, According to the Intergovernmental Relations Framework Act (No 13 of 2005) (RSA, 2005), municipalities in South Africa have to be very active in co-operative governance and Intergovernmental Relations (IGR) matters. It requires that all spheres of government must co-operate. for example, National and provincial government must support municipalities to carry out their functions; provincial governments must monitor local governments to determine what capacity needs to be built into municipalities; Co-operative governance demands not only joint decision-making amongst the spheres of government, but also joint action. Planning for development, for instance, should be conducted together for the same geographical areas.

Findings: "National and provincial government must support municipalities to carry out their functions; provincial governments must monitor local governments to determine what capacity needs to be built into municipalities; Co-operative governance demands not only joint decision-making amongst the spheres of government, but also joint action".

- *According to the AG General Report (2015/16:107-109), it was found that the Department of Cooperative Governance and the National Treasury did not have a fundamental impact in respect of support to curb wasteful and*

fruitless expenditure. Only 33% of the municipalities were supported in making sure that they applied clear enforced compliance. This was noted in the KwaZulu-Natal and Eastern Cape municipalities.

- *Secondly, in terms of the implementation of the Back to Basics programme, the Department of Cooperative Governance (DCoG) did not do well. It was found that 81 dysfunctional municipalities could not be assisted due to a lack of central coordination by provincial teams, which led to problems with information which affects quality and results in poor back to basic plans.*
- *AG found that the level of oversight and support to local municipalities by provincial departments of cooperative governance was not as desired.*
- *Furthermore, there had not been any improvement materially from cooperative governance departments towards ensuring that local government was assisted as legislation prescribed.*

Extract from chapter 4 of research done and analysed, page 13, specifies that the municipal manager is the accounting officer who should provide guidance which complies with Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) for political structures, He/she also has to provide reasons to council of any financial affairs of the municipality on how these have been conducted or why any deductions have been made.

Findings: “to provide reasons to council of any financial affairs of the municipality”.

- *According to the general report on local government audit outcomes for the 2015/16 financial year (2015/16: 148), it was found that the Mafube Municipality in the Free State Province had received a disclaimer opinion simply because officials did not disclose to council that there was irregular expenditure in the 2015/16 financial year report to the AG.*
- *Political leadership and the administration continue to disregard procurement processes of the municipality.*
- *It was also found that there was a lack of leadership accountability and transparency for sound financial management.*
- *Councils in 11 municipalities in the Free State province failed to play*

proper oversight roles by not investigating fruitless, unauthorized and wasteful expenditure.

- *A lack of accountability and transparency was evident in municipalities of the Free State province.*

Extract from chapter 4 of research done and analyzed, page 14, of the researched topic, another structure is the Municipal Public Accounts and Oversight Committee (MPAC), which has been established by Section 79, and comprises non-councillor members. Its functions are:

- Analysis of annual reports of municipality
- Exercises oversight over the executive functionaries of council and ensures good governance in the municipality
- Submission of the oversight report on the annual report with recommendations to council
- Once the report has been considered and approved by council, the report has to be published according to MFMA requirements and as guidance.

Internal control

According to the general report on local government audit outcomes for the 2015/16 financial year (2015/16: 23), it was found that:

- *Weak internal controls of municipalities were not being addressed, hence the risk of misappropriations of municipal funds had increased.*
- *Non-compliance with legislation, unreliable financial performance reporting existed as well.*
- *There was no sound internal control environment which was monitored closely and in a robust manner by assurance from different role-players.*
- *It was found that a demonstration of lack of consequences in local government for poor performance and transgressions was being perpetuated by a low level of action for non-compliance.*
- *Some officials were deliberately or negligently ignoring their duties or contravening legislation because nobody enforced legislated consequences. Nobody held them accountable, though section 4.2.4, of the Municipal Finance Management Act of 2003 provides more details in this regard.*

- *Some municipal leadership continuously failed to strengthen the internal controls and the monitoring thereof. Consequently, the internal controls remained weak, for example, at the Masilonyana LM in Free State there was instability for three years due to the unfilled positions of CFO and Municipal Manager (AG General Report 2015/16:147).*

Audit working committees, Extract from page 15 – 16, of chapter 4 of the researched topic and analyzed, Local Government: Municipal Finance Management Act (Act No. 56 of 2003), Sections 165 as well as 166, prescribe that audit committees must be established to provide advice to the municipal council on specific matters, and the committee must be an independent advisory committee that ensures the following:

- Risk management at the municipality
- Internal financial control and internal audit
- Compliance with the MFMA
- Performance management
- Respond to council on any issues raised by the Audit-General in the audit report.
- To review the council's annual financial statements; respond to council on issues referred to it by Auditor-General;
- The audit committee also may conduct investigations into the financial affairs of the municipality, as may be requested by the municipal council.

Findings: According to the general report on local government audit outcomes for the 2015/16 financial year (2015/16: 187), it was found that, in terms of compliance with MFMA, in response to council on issues referred to it by the AG, the City of Johannesburg reacted as follows:

- *When the audit committee requested the information it was submitted very late, and that hampered the effectiveness of the committee.*
- *The audit committee was of the view that officials at the municipality undermined the committee, which is statutory body.*
- *The officials hampered the committee's effectiveness in exercising its oversight role timeously.*
- *The committee was of the view that officials of the municipalities undermined*

its work.

- *The council had not adequately exercised its oversight responsibility over the financial reports provided. There was also non-compliance with regulations or legislation.*
- *The audit committee found that there were employees who neglected their official responsibilities, but there was a lack of consequences for their actions.*
- *Corrective actions provided by the audit committee and passed on to the administration to be dealt with were not being implemented by officials of the municipality.*
- *It was found that there were poor monitoring controls and a lack of proper record management systems, which showed a lack of accountability.*

Fraud and corruption, extract from chapter 4 of research done and analyzed pages 19- 20, Prevention of and Combating Corrupt Activities (Act No12 of 2004) (RSA, 2004). This act provides for the strengthening of measures to prevent and combat corruption and corrupt activities in all South African spheres of government, locally, provincially and nationally. Placing the duty to report corrupt transactions on persons holding a position of authority.

Providing for extraterritorial jurisdiction in respect of the offence of corruption and offences related to corrupt activities.

Providing for investigative measures in respect of corruption and related corrupt activities. In addition to this act, Act 12 of 2004, the Minister of Cooperative Governance and Traditional Affairs made regulations as set out in the schedule on financial misconduct, procedures and criminal proceedings in the Municipal Finance Management Act (Act 56 of 2003), Sections 168 and 175 (RSA, 2003). This was documented in the *Government Gazette* No. 37682 of 30 May 2014, notice 430. This regulation gives a municipality the power to establish a disciplinary board. The functioning of this board, and how to undertake criminal proceedings when activities of corruption and fraud have been detected at a municipality have been discussed in Chapter 3.

Findings: Fraud and corruption

“Providing for investigative measures in respect of corruption and related corrupt activities”

- *Although stated and required by law, 112 municipalities did not conduct the investigations in accordance with the 2014/15 and 2015/16 outcomes. The political leadership, namely the councils, failed to perform their duty to investigate wasteful, fruitless and irregular expenditure as well as unauthorized expenditure (AG General Report 2015/16:59).*

“Act 12 of 2004, the Minister of Cooperative Governance and Traditional Affairs made regulations as set out in the schedule on financial misconduct, procedures and criminal proceedings in the Municipal Finance Management Act (Act 56 of 2003), Sections 168 and 175 (RSA, 2003).

- *Furthermore, no sufficient steps were taken to punish those who committed the transgressions because section 4.2.1 of the MFMA states that an investigation has to be conducted to determine who was responsible and what the impact of non-compliance was or could be on the municipality (AG General Report 2015/16:59).*

6.5 RECOMMENDATIONS

This section offers recommendations stemming from the literature review and the studies done. The recommendations are made in terms of the objectives of and the key concepts of the study conducted. In order to improve transparency, accountability, integrity, ethics and professionalism in municipal governance, the following is suggested and recommended:

- Regarding human resources, policies and transparency have to be improved when recruiting municipal officials.
- The anti-corruption and ethical codes and legislations must be strengthened by policy makers or regulations at a municipality, especially in terms of the prosecution of those responsible for corrupt actions, be they politicians or officials of the municipality.
- The Code of Conduct for Municipal councillors and municipal officials must be implemented without favour or fear across the board on everyone who transgresses.

- Governance in municipalities will save face and regain its reputation when the above recommendation is enforced and implemented.
- It is also recommended that the political-administrative interface should be stabilized.
- Incompetent “political employees” (cadre deployment) must be replaced by professional staff, because this will make clear the separation between political representatives and officials.
- At municipal governance, long-term skills development strategies for technical, professionals and senior managers should be implemented to build capacity.
- It is recommended that active oversight and support from national and provincial governments be provided as prescribed by law.
- An enabling framework should be developed to mainstream citizen participation. It is recommended that local communities should be provided with relevant information to equip them with insight that will enable them to participate in deliberative processes aimed at determining priorities and trade-offs, because communities must be consulted as determined in legislation. This will improve accountability and participatory governance.
- In order to address the underlying governance challenges, a combination of institutional, political and community-focused interventions must be investigated and developed.
- More attention must be paid to rectifying poor financial management by building financial management capacity, because this will increase and improve financial management – one of the major weaknesses of municipal governance. This is in line with the principles of good governance that are aimed at improving the sustainability of municipalities’ finances. Because poor administrative and financial management and the lack of effective controls and accountability systems impact negatively on service delivery to communities. Even though guidelines for the implementation of sound administrative and financial management practices are set out in local government framework legislation, implementation remains a challenge in many municipalities.
- It is recommended that decision making be supported by consistent action to

uphold the principles of good governance to improve sustainability, accountability and transparency. Improved and enhanced municipal management and governance will ensue.

- In order for municipalities to uphold the constitutional mandate received from their communities, they should serve their communities. To be able to do this, their human and other capacities have to be strengthened. Therefore, in order for municipalities to take local governance forward, it is critical for all role players to focus attention on improving the financial and administrative capabilities of municipalities.
- It is imperative and critical that political deployment should be abandoned completely and without delay.
- The CoGTA must put in place severe punitive measures for municipalities that do not submit audit reports and financial statements in time as the legislation requires.
- Accountability, transparency, and responsibility of public servants must be enhanced. As individuals they should be legally accountable for their actions, particularly in matters involving public resources of any kind.
- For the practical implementation of accountability and transparency at a municipality, it is recommended that all senior managers, Municipal Public Accounts Committees (MPACs), the municipal council, mayors and mayoral committees at the municipality should be involved in the monitoring of key governance matters, such as internal controls, and transgressors should be held accountable for poor performance.
- Officials must be held accountable by mayors for not implementing the recommendations provided by the internal audit unit, MPACs, the Audit Committee and the external auditor, including the Auditor-General's audit outcomes.
- There should be a committed and adequately senior management team to motivate the lower levels of staff to perform their responsibilities in a manner that creates an environment of accountability and transparency in the municipality. That team must have a good institutional knowledge, an ethical culture, and foresight, because those are most crucial requirements.
- The senior manager at the municipality should lead by example, take accountability and be transparent. Senior managers must be more involved in the

supervision of the work of junior staff to ensure that they delegate responsibly. Tasks may be delegated, but the responsibility remains that of the manager.

- The municipal leadership, both political and that of officials must be accountable for their decisions, actions and policies, including being answerable to communities or citizens they serve.
- It was found that over the past number of years' accountability for important functions is not strong as it should be. Therefore, it is proposed that a call must be made to municipal leadership to ensure, once again, that transparency and accountability are prioritized. There is a serious need for oversight to be increased or be given the attention it deserves.

It is recommended that to have accountable, transparent, responsible and responsive municipalities which govern well, the following is suggested.

PLAN: The municipal council and officials must have smart targets, as the law prescribes in the Municipal Finance Management Act (MFMA). SMART targets refer to goals or targets that are **specific, measurable, attainable, realistic and timely** (Project Smart node). The targets such as those for Integrated Development Planning (IDP) processes, Service Delivery and Budget Implementation Plan (SDBIP) and other projects plans must be SMART to ensure they will be achieved.

DO: Put together good internal controls, for example, to comply with legislation, and ensure that municipalities deliver on their priorities or the targets set. Everybody should do his/her part, politicians to oversight, officials to implement and communities or citizens to get feedback on consultations.

CHECK: there should be assurance providers with clear roles and being equipped, to monitor oversight, if it is appropriately responded to well by all.

ACT: Since accountability and transparency mean to perform actions or make decisions which are open and clear for all to take note of and understand (transparency), and those responsible should be answerable by showing good results on the actions (accountability) to those concerned, such as the communities or citizens. To achieve this, public participation, feedback and community engagement are essential. If a lack of actions or poor performance occurs, there must be consequences for transgressions through application of the relevant laws by relevant

authorities. In all municipalities those who are charged with governance are subjected to oversight through the public representatives elected by the people. Therefore, there should be no tolerance of any transgressions, due to elected members' accountability to the electorate. If needs be, accountability must be enforced as the consequences for those who intentionally fail to comply with legislation must be legal action.

It is further suggested that it should be ensured that stricter mechanisms be implemented to curb unethical practices in municipal governance, as well as wasteful and fruitless expenditures. Democratic ideals in municipal governance should continuously be pursued by all possible means, and these ideals should be the creation of a single legal framework that must be applicable to be used as performance indicator for all municipal officials across all municipalities in South Africa.

7. CONCLUSION

There are a number of conclusions that can be drawn from the research done which are in line with the objectives of the topic of the study. In conclusion, it must be highlighted that accountability and transparency are critical in municipal governance as the public sector in the South African governance space. Most municipalities in South Africa face serious challenges regarding governance issues, which include patronage, political interference in municipal administration, and lack of political leadership, amongst others.

Complex reporting demands from other spheres of government, provincial and national, weaken many municipal institutions' abilities to become functional. Another issue is the lack of policy coherence amongst departments and spheres of governments. Assessments indicated that the problem lies with implementation and manifestation, interpretation and functioning of the system, although structures, processes, principles and values do exist and are in place in all municipal institutions. In addition, the major absence of or lack of skills, clarity about roles and powers, dedication, knowledge, willingness to cooperate with and show respect for other spheres of governance and their functions, and, lastly, almost total absence of participatory democracy.

Cooperative governance does not function as it is supposed to. Therefore, to ensure the effectiveness and efficiency of cooperative governance and intergovernmental relations, practical solutions must be found to improve municipal governance implementation. Legislation and policies of local government must be reviewed to improve stability and implementation of legislation and policies. To bring about cooperation, good communication and discussions are essential between citizens and communities at large and municipal governance. Oversight, monitoring and support systems must be established to promote accountability and transparency. The other major issue is that coordination and capacity building must be enhanced. The right balance between

cooperation and performance may be the key to accountability and transparency aimed at improving the capacity of municipal governance. Good communication between the ward committees and the community is very essential, as that will ease the tension between the community and ward committees, which usually contributes to instability and unrest that at times has the potential to lead to protests and even violent protest.

It thus may be concluded that due to the lack of accountability and, lack of transparency communities in municipalities have little confidence and trust in the efficiency, effectiveness and responsiveness of local government in general. This is aggravated by unfulfilled political promises and abuse of power by public representatives and municipal officials. From this study it has become clear that there is a serious lack of political leadership in the South African municipal governance space.

Although municipalities have suitable oversight bodies, policies, procedures, and Acts for good governance, the poor state of this governance level due to the lack of accountability and lack of transparency in municipalities is demonstrated by the low number of clean qualified audits, which shows that the requirements of MFMA, the legislative oversight bodies, and the wider legal framework governing public finances have been flouted.

Despite the plethora of capacity building and support activities of national and

provincial departments over the past 20 years, many municipalities are still in deep distress. The question of why all of these initiatives have produced less than optimal results is valid.

BIBLIOGRAPHY

Auditor-General of South Africa. (2012/13). Consolidated general results of local government audit outcomes 2012/13.

Auditor-General of South Africa. (2013/14). Consolidated general results of local government audit outcomes 2013/14.

Auditor-General of South Africa. (2014/15). Consolidated general results of local government audit outcomes 2014/15.

Auditor-General of South Africa. (2015/16). Consolidated general results of local government audit outcomes 2014/15.

Anti-corruption Resource Centre, U4, 2011. Issue number 4. Republic of South Africa

Armstrong, E. Integrity, 2007. Transparency and accountability in Public Administration, Van Schalk publishers.

Addink, H. 2008. Human Rights and Good Governance. UWC University Press.

Anonimus, P. 2011. Good governance. London Routledge.

Anon, P. 2010. Democratic Governance. Facts facts. South African Institute for Race Relation.

A Diagnostic Framework for Local Governance Local Government Discretion and Accountability: Local Governance & Accountability Series. 2008, Paper No 113.

Armstrong, A. 2005. Integrity, Transparency and Accountability in Public Administration. London Printers.

Aucoin, P. 2000. The Dialects of Accountability for Performance in Public Reform. International Review of Administrative Sciences.

Bahsheka, P. 2008. Democracy and Public Expenditure, and the Poor, World Bank Observer Spring. World Bank Publication.

Bekker, M. 2009: Analyzing and Assessing Public Accountability: A conceptual Framework. European Governance paper. (EUROGOV (C -06-01)).

Burns & Grove, 1998. Research Methodology 3rd Edition, Oxford University Press.

Brown, E & Cloke, J., 2004: "Neoliberal reform, governance and corruption in South Africa: Assessing the International Anti-corruption crusade", Antipode, Vol

63 No. 2 (20pgs)

Barenstein, J. 1994. *Overcoming Fussy Governance in Bangladesh*. Dhaka.

University Press Limited.

Bevir, M. 2007. *Traditions of governance: Interpreting the Changing Role of Public Sector*. Palgrave Press.

Bulkeley, H. 2005. *Reconfiguring Environmental Governance*. London: Routledge.

Beierle, T.C. & Cayford, J. 2002. *Democracy in Practice: Public Participation in Environmental Decisions*. Washington, D.C.: Resources for the Future.

Bennis, P. 2008. *Transparency How leaders create a culture of candor*. Jossey-Bass: San Francisco.

Bovens, M. 2005. *Public Accountability*. The Oxford Handbook of Public Management. Oxford University Press.

Bovens, M. 2007. *Analyzing and Assessing Accountability. A conceptual framework*. European Law Journal

Brooks, S. 2014. *Is selfless Leadership an Impossible Ideal for Public Leaders?* Journal of Leadership in Public Services Vol10(4): 200–216.

Bochel, C. 2010. *Local political leadership and the modernization of local government: Local government studies*. Pretoria: Juta Printers.

Bolden, R. 2006. *Leadership competencies: Time to change the tune*. London: London Printers.

Cheema, SG & Maguire, L. 2002. *Democracy, Governance and Development. A Conceptual Framework*. Seoul, Republic of Korea.

City Press, 2016. Edition of 4th December 2016. City Press News Paper Publisher.

Consolidated General Report, AG- Report 2012/13: An audit outcome of Local Government. Pretoria Government Printer.

Coats, D. 2006. *Reviving the public. A new Governance and Management Model for Public Services*. (Online.) <http://www.psa.org.za.nz/assets>. (2015, February 6)

Cochran P & Wartick S. 1988. *Corporative Governance*. Morristown New Jersey.

Contemporary governance models and practices in central eastern Europe. 2005.

Cheema & Maguire, (2002:46). Democracy, Governance and Development. A conceptual Framework. Seoul, Republic of Korea Press.

Chlotray, V. 2009. Governance Theory and Practice. A cross-disciplinary approach. Palgrave MacMillan Press.

CoGTA (Department of Cooperative Governance and Traditional Affairs),2009. State of CoGTA. 2014. Back to Basics: Serving Our Communities Better. Pretoria: CoGTA. Cloete, J.J.N. 1994. Public Administration and Management. Van Schaik. Pretoria.

Cloete, C. 1984. 2008. Towards an Optimal Political Structure for Local Government, Community Law Centre, <<http://www.communitylawcentre.org.za>> (forthcoming).

Cross, C. 1995. Coming Clean Creating Transparency in Development Funding in South Africa. Indicator Press: South Africa.

Callahan, K & Yang, K. 2005. Training and Professional Development for Civically Engaged Communities. The Innovation Journal Vol 10(1):1–15.

Cheminal, P.1998. Survey Research for Public Administration. California: SAGE Publishers.

Cox, R.W. 1994. *Public administration in theory and practice*. New York: Engelwood Hall Press.

Craythron, D.L. 1990. *Municipal Administration: A handbook*. Cape Town: Juta Press. Commonwealth Secretariat Publications. 2005. Commonwealth Governance Handbook. Commonwealth Secretariat Publications. 2007. Commonwealth Governance Handbook.

Cloete, P.J. 1998. South Africa: Public Administration and Management (9th Edition). Pretoria: Van Schaik.

Cloete, P.J. 1996. South Africa: Public Administration and Management. Pretoria: Van Schaik.

Claudi, M. 2017. Business Day Newspaper, Edition of 10 August 2017.

Cooper, T.L. 1990. *The responsible administrator*. London: Jossey-Bass Publishers.

Craythron, D, L. 2003. *Municipal Administrator: The handbook* (5th edition). Pretoria: Juta Press.

David, I., Theron, F., Maphunye, KJ. 2005. Participatory Development in South Africa a Development Management Perspective. 1st Edition: South Africa, Van Schaik

- Day, P. 1995. *Understanding Public Policy*. New York: Prentice Hall.
- Dellaportas, S. 2005. *Ethics, Governance and Accountability*. National Library of Australia.
- Democratic Alliance (DA), 2010. Report titled "The rot in ANC municipalities: five case- studies of cronyism, corruption and ineptitude".
- Du Plooy-Cillers, F. Davis, C., Bezuidenhout, R., Strydom, A, Cronje, F. 2016. *Research Matters*. Juta Printers.
- Deane, J. 2015. Media and communication in governance: It's time for a rethink. In: *A governance practitioner's notebook: Alternative ideas and approaches*. Paris Publishers
- Drechsler, W. 2004. *Governance, Good Governance and Government*. Trames – Estonia
- Dimock, M.E & Karbo, J. 1969. *Public administration*. New York: Holt, Rinehart and Winston, Inc.
- Department of Cooperative Governance and Traditional Affairs. (2009). Overview report of State of Local Government in South Africa. www.cogta.gov.za
- De Klerk, A. 2017. *Times Live* newspaper, 4 June 2017.
- De Vos, A.S. & Schulze S. 2002. The sciences and the professions. In A.S. de Vos (Ed.) *Research at grassroots: For the social sciences and service professions* (2nd ed.). Pretoria: Van Schaik.
- Edwards, D & McGee, R. 2014. *Making All Voices Count*. Brighton, UK: Institute for Development Studies.
- Edwards, D. 2014. *Making all voices count*. Brighton, UK. Institute for development studies.
- Entwistle, T. & Kraay, M. 2005. *Leadership and services improvement: Dual elites or dynamic dependency*. Local Government Studies.
- Gamble, A. 1990. *Theories of British Politics*. Political Studies. Cambridge University Press.
- Gordon, G.J., & Newton, J. 1995. *Public Administration in America*. New York: St Martin Press.
- Goss, S. 2001. *Making local government work: Network relationships and the*

management of change. New York: Palgrave.

Gareth van Onselen, 2017. A Columnist of Politics in Business Day Newspaper. Edition of February 2017.

Gildenhuys, P. 2007. *The Organization of Government. An introduction*. Pretoria, Van Schalk.

Harris, P. 1990. *Foundations of Public Administration: A comparative approach*. Hong Kong: University Press.

Hanekom, T. 1987. *Accountable Government and Administration for the Republic of South Africa*. Pretoria: Van Schaik.

Human Resource Research Council. Report of 2016/17.

Ismail, N. & Hill, D.M. 1997. *Local government management*. Johannesburg: Thomson Printers.

Intergovernmental Relationship Framework, Act 2005. Government Gazette, Republic of South Africa.

Julia, N. 1999. *Working together: A guide for elected and appointed officials*: Corwin Press.

Farrington, C. 2009. *Putting Governance into Practice*. London

Florini, A & Carlos P. 2007. "United Nations Reform" in *Global Governance Reform: Breaking the Stalemate*, by Colin Bradford. Washington. Brookings institution Press.

Flinders, M. 2002. *Governance Whitehall*. Cambridge University Press. Fourie, C.

2000. *Implications of Governance and Accountability*. London PressFur, G. 2000.

Institutional Development in Relation to Development Assistance, Aalborg University, Centre for International Studies, No. 21. University Press.

Govender, I.G. 2012. *Journal of Public Admin: Monitoring and Evaluation Systems for Enhancing Governance and Government Legitimacy in South Africa*.

Gole, J. 1999. *The Role of Civil Society in Containing Corruption at the Municipal Level: Proceeding from the Regional Conference of Transparency*. Pretoria, 2 March 1999.

Galbraith, JR. 1977. Organizational Design. Reading, MA: Addison-Wesley.

Grindle, M. 2007. Good Enough Governance. Britain Press

Good Governance Guide, 2014. What is good governance?
<http://www.goodgovernance.org.au> (2014, March 22)

Govender, IG. 2012. Journal of Public Admin: Monitoring and Evaluation Systems for Enhancing Governance and Government Legitimacy in South Africa.

Geraat, M. 2002. Central Bank Transparency. Economic Journal 112. (532-565)

GGLN, 2011. Recognizing Community Voice and Dissatisfaction. Cape Town: GGLN.

GGLN,2012. Putting Participation at the Heart of Development//Putting Development at the Heart of Participation. Cape Town: GGLN. (Good Governance Learning Network).

GGLN,2013. Active Citizenship Matters. Cape Town: GGLN.

GGLN,2014. Community Resilience and Vulnerability in South Africa. Cape Town: GGLN.

Heywood, A. 2007. Politics. Basingstoke: Palgrave Macmillan.

Hood, C. 1991. A Public Management for all Seasons. International Monetary Fund (IMF), 2005. Report. London Press

Heywood, A. 2007. Politics. Basingstoke: Palgrave Macmillan.

Hill, D. 1975. Democratic Theory and Local Government. London Press

Haque, MS. 1994. The Emerging Challenges to Bureaucratic Accountability. Handbook of Bureaucratic. New York.

Haque, MS. 2007. Significance of Accountability Under the New Approach to Public Governance. International Review of Administrative Sciences.

Haque, G. 2000. Restructuring your local government. A practical guide. Pretoria: J.L. van Schaik.

Hill, G. 1996. The Politics of Transparent and Opaque Communities. Polity 29, 1-8

Judith, S. 2000. Local Government Reform in Victoria. State, Library of Victoria.

Joseph, PV. 1986. Open Systems Approach to Leadership and Governance. Teachers College Press.

- Kjaer, H.A. 2004. *Governance: South Asia Perspectives*, Dhaka. University Press Limited.
- Kaufman, H. 1999. *Administrative Decentralization and Political Power*. *Public Administration Review*.
- Kevin, D, & Griddle, M.S. 2009. *An effective city council/city manager relationship*. Hartford: University of Hartford Press.
- Kernaghan, K. & Langford, J.W. 1990. *The responsible public servant*. Canada: Institute of Research on Public Policy & Canada Press.
- Kaufmann, D. 2005. *Governance Matters IV*. Washington DC. World Bank.
- Kaufmann, D & Jessop B. 2006. *A decade of Measuring the Quality of Good Governance*. Princeton University Press.
- Kamarck, E. 2002. *The End of Government as we Know It*. Washington: Brookings Institution press.
- Kickert, P & Keohane R. 1997. *Public Management and Network Management*. SAGE Publications.
- Kruger, I. 2014. Article: *Appointing the cabinet. Some constitutional facts*. Pretoria Press
- Kakumba, U & Fourie, DJ. 2007. *Revitalizing Accountability in Public Management Reform: Issues and Challenges for developing countries*. *Journal of Public Administration*, 42(7): 650-663.
- Koppel, JGS. 2005. *Pathologies of Accountability: Local Government Turnaround Strategy: Working together, turning the tide in Local Government, 2009 – 2014*.
- Kluvers, R & Tippet, J. 2010. *Mechanism of Accountability in Local Government*. London Press.
- Lefko-Everett, K. 2013. *South African Barometer Survey 2012 Report*, Pretoria Government Printer.
- Leedy, P. 1997. *Research as a Tool in Problem Solving at the Community Level* Washington, DC. Government Printing Office.
- Liba, ID. 2008: *Municipal Services Partners – Effective and Efficient Service Delivery: An Assessment*. Master's Degree Dissertation - UFS Library.
- Litvack, J. 2012: *Accountability and Transparency*. World Bank Library

Local Government in South Africa: Overview Report. Pretoria: CoGTA.

Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000). Pretoria: Government Printers.

Local Government: Municipal Structures (Act 32 of 2000). Pretoria: Government Printers.

Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), Pretoria: Government Printers.

Local Government: Municipal Systems Amendment (Act of 2011). Pretoria: Government Printers.

Local Government Budget and Expenditure Review, 2011/12. Government Printers

Maree, D. 2007: Research Methodology 4th Edition, Oxford University Press.

Mary, M & Malena, C. 2010. Demanding Good Governance. Lesson from Social Accountability in Africa. Library of Congress Cataloging in Publication Data.

Malelu, S. 2010. The nature of governance and political transformation at Mangaung LM. Master's Degree Dissertation - UFS Library.

Malan, L.P. & Mathebula, F.M. 2002. Intergovernmental Relations and Co-operative Governance in South Africa. Pretoria: PAIR Institute.

Miller, W. 1996. Local government and Citizenship. University of Strathelyde Press

Minogue, S & Peters G. 1998. Introduction: The introductions of public management and governance. Elgar Publishing, Cheltenham.

Mattei, P. 2007. Managerial and Political Accountability: The widening gap in the organization of welfare. International Review of Administrative Sciences, 73(3): 635 - 387. Mair, P.2009. Representative versus Responsible Government. Max Planck Institute for the Study of Societies MPIfG Working Paper 09/8.

Mair, P. 2009. Representatives versus Responsible Government. Working Paper.

Mdlongwa, E.T.2014. Local Government at the Heart of Poor Service Delivery.

Rhodes

Journalism Review Vol. 34: 39.

Mossel Bay Municipality Communication Plan, compiled by Good Governance Learning Network organization. 2011/12.

- Malan, L.P. & Mathebula, F.M. 2002. *Intergovernmental Relations and Co-operative Governance in South Africa*. Pretoria: PAIR Institute.
- Mafunisa, M.J. 2000. *Public Service Ethics*. Kenwyn: Juta & Co Press.
- Mafunisa, M.J. 2001. Professionalism: Ethical Challenge for Municipal Employees. *Journal of Public Administration* No (edition): (306-350).
- Mafunisa, M.J. 2002. *Code of conduct for public functionaries: An effective control measure or lip service?* Kenwyn: Juta & Co Press.
- Mphaisa, C.J. 2000. *Public administration under the Kaunda Presidency in Zambia*. Lusaka: Zambia Press.
- Meyer, M.W. 1985. *The Concept of Rational Administration*. Cape Town: Nelson-Hall Publisher.
- Municipal Systems Amendment Act 7 of 2011. Pretoria Government Printers.
- Municipal Finance Management Act, 2003 (Act No. 56 of 2003). Pretoria: Government Printers.
- National Planning Commission(NPC), 2011. 9 Challenges Facing South Africa - Diagnostic Report. Pretoria Government Press.
- Ngwakwe, CC. 2012. Developmental Local Government Challenges and Progress in South Africa. *Journal of Public Administration – Volume 47, (28pgs)*.
- National Planning Commission(NPC), 2012. National Development Plan. Pretoria: NPC. National Planning Commission, 2012. Report.
- Nigro, F.A. 1965. *Modern Public Administration*. New York: Harper & Row Publishers.
- Northouse, P.G. 2001. *Leadership: Theory and Practice*. Thousand Oaks: SAGE Press
- Norton, A. 1986. *Local Government in other Western Democracies: The future role and organization of Local Government*. Birmingham: Institute of Local Government Studies, University of Birmingham Press.
- National treasury 2011. Local government budgets and expenditure review 2006-2013. Foremeset Printers.
- Napier, CJ. 2007. Accountability: An Assessment of Local Government Sphere” *Journal of Public administration* 42(4): 237-48.
- Osborne D, 1992. *Reinventing Government*. SAGA Publications.

Ostrom, E. 1990. *Governing the Commons: The Evolutions of Institutions for Collective Actions*. Cambridge University Press.

Office of the Public Protector 2011. *Annual Report*. Pretoria: Government Printers.

Paul, S. 1992. *Accountability in Public Services: Exit, Voice and Control*. World Bank Development, Vol, 29. No 7. (16pgs).

Puttman, S. 2008. *Good Governance and Public Administration*. Princeton University Press.

Peters, G. 1993. *Managing Public Organizations*. London SAGE

Peter, L. 1999. *Democratic Legitimacy and Administrative Character of Supranationalist*. Puttman, S. 1993. *Making Democracy work*. Princeton University Press.

Pope, J. 2005. *Dimensions Transparency in Governance*. 6th Global Forum of Reinventing Government towards Participatory and Transparent Governance.

Presidential Local Government Summit, 2014. Back to Basics Programme.
www.cogta.gpg.gov.za

Project Smart and Exploring Trends and Developments in Project Management today. Downloaded from: <https://www.projectsart.co.uk/smart-goals.php>.

Rahman A, et al. 1993. *Towards Better Government*. Dhaka. University Press Limited.

Rahman, HZ. 2005. *Engaging in Good Governance*. Research Centre in Dhaka.

RSA (Republic of South Africa). 1996. *Constitution of the Republic of South Africa*, (Act No. 108 of 1996). Pretoria: Government Printers.

Republic of South Africa. 1996. *Constitution Act, 1996*. (Act No. 108 of 1996) Pretoria Government Printer.

RSA (Republic of South Africa). 2009. *Report of the State of Local Government in South Africa*. Pretoria Government Printers.

Republic of South Africa. 1998. *Local government: Municipal Structures Act, 1998*. (Act No. 117 of 1998) Pretoria Government Printer.

Republic of South Africa. 2003. Local government: Municipal Finance Act, 1996. (Act No. 56 of 2003) Pretoria Government Printer.

Republic of South Africa. 1996. Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996). Pretoria Government Printers.

Republic of South Africa, South African Constitution, Act 108 of 1996, Schedule 4 & 5
Republic of South Africa, South African Constitution, Act 108 of 1996, Section 152 & 153

Republic of South Africa, Local Government White Paper of 1998

Republic of South Africa, Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998)

Republic of South Africa, 2004. Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004).

Republic of South Africa. 2005. Intergovernmental Relations Framework Act, 2000 (Act No. 13 of 2005)

Republic of South Africa. 2003. Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003). Pretoria: Government Printers.

Republic of South Africa. 2000. Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000). Pretoria: Government Printers.

Republic of South Africa Local Government Municipal Structures. 1998 (, Act 117 of 1998). Pretoria: Government Printers

Republic of South Africa. 2003. Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003). Pretoria: Government Printers.

Republic of South Africa. 2000. Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000). Pretoria: Government Printers. 149

Republic of South Africa. 2000. Local government: Municipal Structural Act, 2000. (Act 32 of 2000).

Romzek, BS. 2000. Dynamic of Public Sector Accountability in an era of Reform.

Rogers, JD. 2007. Accountability, Transparency and Governance in Sierra Leone.

BIS Printers Sierra Leone.

Rosenau, J. 1992. *Governance without Government: Order and Change in World Politics*. Cambridge University Press

Rhodes, R. 1996. *The New Governance: Governing without Government*. *Political Studies*, Vol. 48.

Rhodes, R. 1999. *Understanding Governance*. Open University Press.

Roodt, M. 2010. *Public Sector faces skills, black hole. Fast facts*. South African Institute of Race Relations.

Rose, R. 2005. *Learning from Comparative Public Policy: A Practical Guide*. London. Routledge.

State of Local Government in South Africa Report, 2009: An overview. Pretoria Government Printer.

Steward & Phillips, TS. 2008. *Budgetary Institutions and Expenditure Outcomes. Binding Governments to Fiscal Performance*. Washington DC. World Bank.

Strydom & Bezuidenhout, P. 1996. *Understanding Social Research*. Van Schaik. Pretoria Press.

Starkey, K. 1995. *Opening up Corporate Governance*, *Human Relations*, Vol. 48.
Schwella, E, Botha C, Brand D, Engelbrecht M & van Eijbergen R. 2015. *South African Governance*. Oxford University Press

Stroker, G. 1995. *Rethinking Local Democracy*. Johannesburg Macmillan.

Syani, A. 2008. *Good governance in The Local Autonomy Era*. University of Luampuang Press.

Subban, D & Wolman H. 2008. *Ethics for Good Local Governance in South Africa*. Paper presented at Conference in Uganda.

Sikhane, BH. 2008. *A Case Study in Accountability: Buffalo City Municipality*.

Sindane, AM. 2009. *Administrative Culture, Accountability and Ethics*. *Journal of public administration*, 44(3): 492 – 503.

Schedler, A. 1999. *Power and Accountability in New Democracies*. Boulder and

London. Lynne Rienner Publisher.

Schroeder, L. 2004. Mechanism for Strengthening Local Accountability. London. Lynne Rienner Publisher.

Shafritz, J.M. 1997. *Classic of Public Administration*. London: Harcourt Brace Press.

Svara, J.H. 1998. *The Political-Administration Model as Aberration: Public Administration Review*. London: Macmillan

South African Constitution, Act 108 of 1996. Pretoria: Government

Special Investigating Unit (SIU) 2010/11. Annual Report: Silverton. Government Printers.

Tan, SF. 2013. Citizen Participation as an Aspect of Local Governance in Municipalities: A South African perspective - Journal of Public Administration – Volume 48, Number 1, (14pgs).

Transparency International 2011/12: Corruption Perceptions Index 2012. Berlin The Constitution (Act 108 of 1996). Pretoria Government Printers.

The Public Protector Report of (2012:23)

University of Western Cape, 1999. Cape Town Publishers. United Nations International Development Agency. 1996. Report United Nations Programmes Development. 1997. Report.

Van Onselen, Gareth. 2017. Columnist of Politics, *Business Day* newspaper. 2 August.

Venter, A. & Guos, M.S. 2007. *Municipal Management: Service the People*. Cape Town: Juta Printers.

Vyas-Doorgapersad, S. 2008. Ethics for Good Local Governance in South Africa. Vol. 42. No 5. (182pgs).

Visser, R. 2013. The Importance of Institutional Governance for Municipal Service Delivery. IMFO Vol. 15(2) 18-21.

Waldo, D. 1968. *Public Administration: International Encyclopedia of Social Science*, Vol 13. New York: Macmillan and Crothier Press.

Wehner, J. 2007. Best Practices of Public Accounts Committees. Available at

www.idasact.org.za

William, GT. 2006: Governance and the Public Good. Library of Congress cataloging in publication data.

Williams, J. J. 2009. Theoretical and Contemporary Approaches to Governance, Public Administration & Public Management. Cape Town: University of the Western Cape, School of Governance.

Wettenhall R, & Bhusal, T. 2016. Governance Challenge. Australian Press.

Weber, M. 1947. The story of Social and Economic Organization. New York. Oxford University Press.

Williams, O. 2009. Markets and Hierarchy: Analysis and Antitrust Implications. New York. Free Press.

Weber, M. 1978. Economy and Society. An outline of Interpretive Sociology. University of California Press.

West, P 1995. Public Management. Stellenbosch: Juta and Company Ltd. Wolf, P. 2000. Developmental Local Government, Intersentia, Antwerp.

Yilmaz, S, Beris, Y. & Serrano-Berthet, R. 2008: Local government Discretion and Accountability: Local government & Accountability Series, Paper No. 113, July 2008.

Marianne Drennan
25 Westphall Street
Universitas
BLOEMFONTEIN
9301
marianne@mylaptop.co.za

051-522 7142

30 April 2017

Mr James Maropo SALGA
jmaropo@salga.org.za

To whom it may concern

This is to certify that I, Marianne Drennan, have edited the Master's research proposal entitled:

The lack of accountability and transparency in local government in South Africa



Marianne Drennan

BA Languages, University of the Witwatersrand (1972)

Translator/Editor, Language Service, Department of Arts & Culture, Bloemfontein (1994-2007)

Marianne Drennan
25 Westphall Street
Universitas
BLOEMFONTEIN
9301
marianne@mylaptop.co.za

051-522 7142

2 October 2017

Mr James Maropo SALGA
jmaropo@@salga.org.za

To whom it may concern

This is to certify that I, Marianne Drennan, have edited Chapters 2 & 3 of James Maropo's Master's dissertation:

The lack of accountability and transparency in local government in South Africa



BA Languages, University of the Witwatersrand (1972) Translator/Editor,
Language Service, Department of Arts & Culture,
Bloemfontein (1994-2007)

DECLARATION

25 October 2017

TO WHOM IT MAY CONCERN

I herewith declare that I did the language editing of three chapters (4-6) of the research report/ script of student J. Maropo, but without viewing the final version. The track changes function was used and the student was responsible for accepting/rejecting the changes and recommendations, and for finalising the document.

Student's name: **J Maropo**

Student number: Dept. Governance

H. Bezuidenhout
Dr MJ Bezuidenhout (PhD [HPE]; BA [Languages]) Research Associate, Faculty of the

Humanities, UFS

Language Practitioner Waverley Bloemfontein

e-mail: bezuidenhouth@ufs.ac.za

Cell: 0724360299



**SATI /SATI membership number 1003226 South African
Translation Institute**