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The Role of oversight in bringing administration stability at Mpofana Local Municipality

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2024

University of the Witwatersrand, Johannesburg

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Boyce, Nontembeko Nothemba. (2024). The Role of oversight in bringing administration stability at Mpofana Local Municipality [Masters dissertation, University of the Witwatersrand, Johannesburg]. WIReDSpace. https://hdl.handle.net/10539/45220

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The Role of oversight in bringing administration stability at Mpofana Local Municipality

Research report submitted on partial fulfilment for a Master of Management in Public Governance

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October 2024, Johannesburg

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DECLARATION

I declare that this report is my original work that I compiled without any person aiding me. It is submitted for the fulfilment of a degree of Master of Management in Governance and Public Leadership at the University of Witwatersrand. The report has not been submitted before for any other degree or examination in any University before. Where I have used the work of others, I have properly acknowledged them and did not copy any other authors work to pass it off as mine. All the interviews and informal conversations conducted for this research report have also been cited and correctly acknowledged without passing off some of the participants work, suggestions and quotes as my own.

Signature…….

Date…….Nontembeko Nothemba Boyce

DEDICATION

When I turned forty-five years old some years back, I decided to go back to WSG and register for a master's in management. Doing this meant that I would spend lesser time with my family, but my sister Akhona and my children Nkcubeko, Nonkoliso, Buhle and Amahle never once complained. Instead, they became my biggest support system and encouragement. They reminded me that fulfilment should come within, by never missing an opportunity to be the best version of yourself. This has been an emotional journey full of self-doubt and fear. I feared that I may not make it, which I still do, or that balancing the heavy schedule of being a public representative, activist and a student will make me a bad parent. Instead, together with my younger sister pushed me to focus while showering me with love and support so much that every day I would feel the presence of my late parents in them. It is because of them that I dedicate this to the woman who started it all, a woman who never set her foot inside the door of a school classroom in her youth but who at 58 decided to be among the first class of Adult Basic Education that was ran in our village and learned to read and write her name. When she did that, I never understood that she was actually setting a lifelong impression of never stopping to be your best version. My mother learned to read and write in her twilight years and achieved what she set herself to do, the ability to read and write her name. She is the same woman who taught me, my sister, and my children the value of family, which saw me through my studies. My mother Ms Phathelwa MaMkhonde Boyce, passed on, on the 17th of August 2018, aged 81, having achieved her childhood dream of being able to read her name and I dedicate this master's to her memory. Even in death she continues to be my greatest inspiration, and it is because of her teachings that the plight of the communities that long for a stable, delivering, and accountable Mpofana Local Municipality has become my drive to bettering myself so that I can be part of the solution. Enkosi wethu mzali, this is for you, without you being an example of true life-long learner I may never have even taken the steps towards further studying.

ACKNOWLEDGEMENTS

During my prolonged journey with my studies, I have been encouraged, counselled, and supported by many people. Most of these people came from diverse backgrounds, as they included colleagues from both my political public service work, but the greatest numbers were from the South African Legislative Sector, political parties, the KwaZulu-Natal Provincial Legislature, COGTA KwaZulu-Natal and Mpofana Local Municipality. The support and encouragement I received propelled me to forge forth to find the solutions on situations like that of Mpofana Local Municipality by determining the role, challenges and gaps facing oversight in bringing stability in local government. I am truly indebted to you all, ndiyabulela. The people who contributed as participants during the interviews, made me understand that oversight as a subject in its broadness is a space that needs to be promoted and practiced in all levels of our governments in order to bring meaning of the democracies to each and every South African and we need to continue protecting the oversight space. I really appreciate how you made the study a success through your inputs.

I acknowledge the former HOD of COGTA in KwaZulu-Natal, Mr Thando Tubane, who inspired me to take this route of studying oversight so that I can give better and meaningful contribution to my work. When I look back to when I started and remember how you pushed me to strive for better understanding of the oversight space, I realise that was how I found myself here.

The program itself, I was part of the Programme funded by the South African Legislative Sector empowerment programme for Parliamentarians and Legislators across the Country, through grant funding from the European Union, that funded me fully. I acknowledge the role played by this institution in allowing me not just to be part of the sector but brought me an opportunity to understand and contribute meaningfully. This was through the support given by the LSS officials working with those from the KwaZulu-Natal Legislature where I work, particularly those who worked in the Office of the Chief Whip in the 5th term, which was the office responsible for Members Affairs.

My cohort, the colleagues in the program with whom I met as strangers but ended as a family, without the support and encouragement I wouldn't have come this far. Thank you for the

readings, the retreats, the calls, and text just to remind me that quitting has never been an option, am grateful.

My Supervisor, Dr Hlengiwe Ndlovu, who throughout our interactions was consistently exceeding all my wishes for a supervisor, thank you for your guidance, patience, and determination to see me achieving my goal even if at times I was ready to bail out. You made me understand there is never a reason for not prioritising acquisition of knowledge. You have been an amazing inspiration.

I acknowledge the WSG academic and administration team that were part of my journey from the beginning until here, I thank you all for your patience and guidance. The members of my defence panel, thank you for the lessons and guidance. This journey has everyday been an affirmation of the correctness of my choice to take my academic journey further with the Wits School of Governance, truly inspiring.

I also acknowledge the team that assisted in this study as transcribers and editors bringing your unique talents and skills to make the report what it is now. My daughters Nkcubeko and Londiwe who were my side teachers who were following on my registration dates, logistic arrangements when I had to travel and just being there to lift me when I am hitting a low.

ABSTRACT

This thesis explores the complex dynamics of governance within the South African public sector, focusing on oversight mechanisms within the Mpofana Local Municipality. Against the backdrop of persistent challenges hindering stability and effective governance, the study seeks to uncover the underlying factors contributing to prolonged instability despite intervention. Notably, the Mpofana Local Municipality situated in the KwaZulu-Natal province, has been under Section 139(1)(b) intervention for over six years since December 2018, following years of governance struggles related to service delivery challenges and fiscal mismanagement. I argue that the persistent instability and governance challenges in the municipality despite prolonged intervention, stem from a complex interplay of inadequate legislative and regulatory frameworks, detrimental intra-party politics within the African National Congress, and a lack of focus on critical socioeconomic factors. Employing a qualitative case study approach, I conducted an in-depth analysis of legislative documents, municipal reports, and academic literature, complemented by 15 semi-structured interviews with key stakeholders including municipal officials, council members, and community representatives. This approach facilitated a nuanced exploration of the multifaceted nature of local governance and the specific challenges faced by the Mpofana Local Municipality. The findings reveal significant gaps in the legislative framework guiding Section 139 interventions, highlighting the need for standardised legislative clarity to enhance governance efficacy. Furthermore, the research identifies the detrimental impact of ANC intra-party politics on municipal governance, underscoring the need for political neutrality in administrative processes. Lastly, the study emphasises the importance of addressing the socioeconomic underpinnings of governance challenges, advocating for integrated solutions that consider the broader socio-economic landscape. By situating the Mpofana Local Municipality governance issues within broader political governance and public administration debates, the study contributes to the discourse in public administration and governance by proposing a holistic approach to oversight mechanisms, emphasising the need for refined legislative frameworks, political neutrality in governance processes, and the integration of socioeconomic considerations into governance strategies, thereby suggesting a roadmap for enhancing governance stability and effectiveness in local government settings.

ACRONYMS

AF	Aid Funding
AGSA	Auditor General of South Africa
ANC	African National Congress
AO	Accounting Officer
CBO	Community Based Organisation
CFO	Chief Financial Manager
COGTA	Cooperative Governance and Traditional Affairs
DA	Democratic Alliance
DDM	District Development Model
DPSA	Department of Public Service Administration
ES	Equitable Share
EXCO	Executive Committee
HOD	Head of Department
IDP	Integrated Development Plan
IEC	Independent Electoral Commission
KZN	KwaZulu-Natal
KZNPL	KwaZulu-Natal Provincial Legislature
LED	Local Economic Development
LGE	Local Government Elections
MEC	Member of Executive Council
MFMA	Municipal Finance Management Act
MIG	Municipal Infrastructure Grant
MLGRD	Ministry of Local Government and Rural Development
MLM	Mpofana Local Municipality
MM	Municipal Manager
MPAC	Municipal Public Accounts Committee
MR	Ministerial Representative
NA	National Assembly
NCOP	National Council Of Provinces
NDP	National Development Plan
NEC	National Executive Committee
NGO	Non-Governmental Organisation
NPE	National and Provincial Elections

NPO	Non-profit Organisation
NT	Northern Territory
NTNER	Northern Territory National Emergency Response
OSS	Operation Sukuma Sakhe
PEC	Provincial Executive Committee
PMG	Parliamentary Monitoring Group
PR	Proportional Representative
REC	Regional Executive Committee
SADEC	South African Development Community
SALGA	South African Local Government's Association
SALS	South African Legislative Sector
SCM	Supply Chain Management
SCOPA	Standing Committee on Public Accounts
SDBIP	Service Delivery Budget Integrated Plan
SG	Secretary General
SOM	Sector Oversight Model
SSRP	Speakers Social Responsibility Programme
UDM	UMgungundlovu District Municipality

CHAPTER 1

The intersection of governance, oversight, and intervention in Mpofana Local Municipality

1. Introduction

The Mpofana Local Municipality (MLM) situated within the uMgungundlovu District in KwaZulu-Natal, South Africa, has been under Section 139 intervention, a measure invoked by the provincial government to address significant administrative and governance failures within the municipality. Section 139 of the South African Constitution permits provincial intervention in local government affairs when a municipality cannot or does not fulfil its executive obligations. The intervention in MLM, specifically under Section 139(1)(b), was initiated on 8th December 2017 (Parliamentary Monitoring Group, 2018) , signalling a profound crisis in the municipality's ability to manage its affairs effectively.

Notably, this intervention was not the first instance of provincial oversight at MLM. The municipality had previously been dissolved in September 2014 under Section 139(1)(c) due to prolonged issues of maladministration, financial mismanagement, and governance instability, which had led to public protests and disruptions, including the closure of the N3 highway (Mabaso, 2018). The decision to dissolve the municipal council and the subsequent interventions were underscored by reports from the then MEC of local government, highlighting the depth of the crises facing the municipality. The Section 139(1)(b) intervention was initially intended as a temporary measure, aimed at providing the necessary support and oversight to help the municipality address its administrative challenges and restore proper governance and service delivery. The primary aims of the intervention included stabilising the municipality's financial situation, improving administrative capacity, and ensuring the uninterrupted provision of services to the community.

However, the persistence of low accountability levels, continued service delivery protests, and financial struggles within the municipality indicate that the challenges have been more complex than initially anticipated (COGTA, 2018). Despite the intention for the intervention to be a short-term measure, MLM has remained under administration for an extended period, significantly exceeding the initial six-month timeframe envisioned for such interventions. This

prolonged state of oversight raises questions about the efficacy of Section 139 interventions in resolving deep-seated governance and administrative issues and highlights the need for a more sustainable approach to addressing the underlying causes of municipal dysfunction.

The MLM is situated within the uMgungundlovu District in KwaZulu-Natal, South Africa, encompassing an area of 1,820 km². Its main town, Mooi River, lies amidst the scenic landscapes of the Midlands Meanders, known for their natural beauty and tourist attractions. The municipality is also home to the strategic Mooi Toll Plaza on the N3 highway. With a population of around 37,392 people from 10,927 households across five wards in 2022 (Mpofana Local Municipality, 2023). Mpofana faces significant socio-economic challenges, including a high unemployment rate of 67% and a notable skills deficit, with only about 6% of residents possessing tertiary qualifications.

The socioeconomic landscape of the MLM is marked by significant challenges that underscore the complexity of rural and semi-urban development in South Africa. With a population of approximately 37,392 individuals residing in about 10,927 households, the region faces a daunting unemployment rate of 67%. This high rate of joblessness not only reflects the scarcity of employment opportunities within the municipality but also highlights the broader economic constraints that plague the region. The ramifications of such widespread unemployment are profound, affecting community well-being, increasing dependency ratios, and straining social services and support systems. Compounding the issue of unemployment is the stark skills deficit among the local population, with only around 6% of residents having attained tertiary education. This shortage of skilled individuals hampers the municipality's ability to foster economic growth, attract investment, and improve service delivery. The lack of skilled labour contributes to a perpetuating cycle of economic stagnation and social challenges, as the municipality struggles to leverage its natural and strategic assets for sustainable development.

The political landscape in MLM, is deeply entwined with the African National Congress's (ANC) broader provincial and national dynamics, particularly within the Moses Mabhida Region, adds another layer of complexity to its governance challenges. The municipality falls under the jurisdiction of the ANC's Moses Mabhida Region, a pivotal constituency in KwaZulu-Natal that has historically been a stronghold of the ANC, despite some areas previously falling under the Inkatha Freedom Party (IFP). Moreover, this period saw a fierce contest for leadership within the ANC, pitching Minister Senzo Mchunu against Minister Sihle

Zikalala, and resulting in a protracted internal conflict that reverberated throughout the structures of the party (Mhlongo, 2017). The fallout from this contest not only divided the province into competing factions but also permeated down to the local branches, affecting the coherence and functionality of the party's governance mechanisms. The fallout from the fractious 2015 ANC provincial conference, which saw significant intra-party divisions, has had a cascading effect on local governance structures. The reduced majority for the ANC in the 2016 Local Government Elections (LGE), amidst these divisions, and the alignment of the Regional Executive Committees (REC) with broader party contests, notably during the lead-up to the 2017 Nasrec conference, have significantly influenced MLM's governance and administrative stability (Mhlongo, 2017).

The complex challenges faced by the MLM, encompassing governance instability, administrative crises, and socio-economic hurdles, underscore the relevance of this case study for examining oversight mechanisms and interventions. The municipality's repeated encounters with Section 139 interventions, coupled with persistent socio-political dynamics and significant socio-economic challenges, provide a rich context for understanding the complexities involved in enforcing and sustaining effective local governance (Fagbadebo, 2019). This background is particularly significant for examining the efficacy of oversight mechanisms, their implementation, and the broader implications for municipal governance. This study seeks to explore the depth of oversight interventions unravelling the layers of administrative, financial, and governance challenges to offer insights into the potential for reform and the pathways to achieving administrative stability and enhanced service delivery within local government frameworks (Fagbadebo, 2019).

The study explores the enduring instability and governance challenges in the MLM, attributing the persistent issues to a complex interplay among inadequate legislative and regulatory frameworks, the detrimental influence of intra-party politics within the ANC, and a pronounced lack of attention to socioeconomic factors. Employing a qualitative research methodology, I triangulate legislative documents, municipal reports, and other documents, complementing this analysis with 15 semi-structured interviews with key stakeholders, including municipal officials, council members, and community representatives. This approach facilitated a nuanced exploration of the multifaceted nature of local government oversight and the lived experiences within the MLM. Drawing from the experience of MLM, I argue for the necessity of effective oversight mechanisms that holistically address these intertwined elements through

refined legislative guidelines, political insulation, and comprehensive socioeconomic strategies.

The key findings of the study illuminate several critical points. Firstly, the study identifies a critical legislative gap in the framework governing Section 139 interventions, emphasising the need for a standardised legislative guide to ensure consistent and effective governance outcomes. Secondly, the entanglement of municipal governance with ANC intra-party politics emerges as a significant barrier to unbiased and accountable governance, highlighting the imperative to shield municipal governance from political dynamics. Lastly, the study emphasises the need to address the underlying socioeconomic challenges that compound the municipality's governance issues, advocating for an integrated approach to tackle both governance inadequacies and socioeconomic hurdles. The study contributes to a deeper understanding of the complexities involved in local government governance in South Africa, particularly within the context of the MLM. By highlighting the intertwined nature of legislative, political, and socioeconomic factors in governance challenges, the study adds value to the discourse on public administration and governance. It underscores the critical need for comprehensive reforms that not only refine legislative and regulatory frameworks but also address the political and socioeconomic underpinnings of governance instability.

1.2. Background to the study

This section presents the background of the study unpacking the constitutional framework and practical applications of oversight within South African local governance, particularly highlighting the challenges and implications of such mechanisms in the MLM. It examines the constitutional mandates for local government oversight, the historical context of accountability in public institutions, and the specific interventions enacted to address governance failures..

1.2.1 Constitutional provisions for oversight

The Constitution of the Republic of South Africa, outlined in Chapter 7, establishes a framework for local government that is both democratic and accountable at the local level (RSA Parliament, 1996). This structure, designed to bring governance closer to the citizens, aims to operationalise the dual functions of executive and legislative powers within the local

government setting. According to Munzhedzi (2017), within this framework, the principle of separation of powers allocates distinct roles to councillors, encompassing both legislative and executive responsibilities, a configuration intended to fortify accountability mechanisms. This system is crucial for ensuring comprehensive accountability, facilitating both upward and downward oversight (Smoke, 2015). Van Onselen (2019) further emphasises that this reciprocal flow of accountability is crucial, ensuring that all actions are not only justifiable but also carry consequential weight.

Over time, there has been a noticeable decline in accountability across public institutions in South Africa, spanning all three tiers of government. This erosion of accountability at the local level has particularly serious implications, often culminating in widespread citizen dissatisfaction due to inadequate service delivery and the degradation of public infrastructure. The public's frustration with sub-standard services has frequently manifested in protest actions, highlighting citizens' discontent (Booysen, 2007; Alexander, 2010). This dissatisfaction is further reflected in the adverse audit findings reported by the Auditor General of South Africa (AGSA) during annual evaluations. Additionally, a growing trend among eligible South African voters is the choice to abstain from voting, possibly as an indirect protest against the perceived decline in national governance. The 2021 LGE reflected this issue, with numerous municipalities failing to produce clear victors, leading to the formation of coalition governments in several of the country's major economic hubs, including the Gauteng province's City of Johannesburg, the City of Ekurhuleni, City of Tshwane, and eThekwini Metropolitan municipalities.

Given the critical role of oversight in addressing administrative breakdowns and mending the eroded trust between citizens and local officials (Eriksen, 2020), it becomes imperative to re-establish this trust within reasonable timeframes. The release of the first volume of the state capture report shed light on the importance of oversight in enhancing accountability, with the Parliamentary Monitoring Group (2019) affirming that strengthening parliamentary oversight is crucial for strengthening accountability. This assertion underscores the necessity for parliaments to actively engage in and enhance their oversight functions. The implementation of oversight roles in local municipalities is premised on the notion that stability within local governance can cultivate a positive shift in citizens' perceptions of the government and potentially increase participation in elections. Thus, it is incumbent upon the oversight committee to endeavour to rebuild trust within the MLM by promoting a return to stability,

thereby paving the way for efficient and effective service delivery after prolonged periods of instability.

1.2.2 Oversight interventions

Sections 100 and 139(1) of the Constitution of South Africa provide a legal framework for higher levels of government to intervene in the affairs of the levels immediately below them. Section 100 empowers the national government to step in when a province does not fulfil its constitutional or legislative obligations, which may target a specific department or encompass the entire provincial government. An illustrative case occurred in March 2011, when the Eastern Cape Department of Education was placed under administration pursuant in terms of Section 100 due to reports of inefficient administration and maladministration, leading to an overspend of over R1.8 billion (Bathembu, 2011). Similarly, by December 2011, around five departments in Limpopo province were subjected to Section 100 intervention (National Assembly, SCOPA, 2012), highlighting that the practice of oversight over subordinate governance levels due to perceived capacity deficiencies is not unique to the MLM. Instead, this form of administrative oversight is applicable across different spheres of governance, as illustrated above.

Section 139(1) lays the groundwork for provincial government intervention in local government affairs. The Member of the Provincial Executive Council (MEC) responsible for Co-operative Governance and Traditional Affairs (COGTA) is authorised to invoke this section via the provincial executive and is required to notify the provincial legislature, the Minister of COGTA, and the National Council Of Provinces (NCOP). The intervention can be halted only if the Minister rejects the recommendation for applying Section 139(1) within twenty-eight days of the notice issuance, or if the NCOP does not endorse the notice within 180 days. Section 139(1)(a) represents an initial stage where the MEC issues directives to the municipality on corrective measures, serving as a preliminary warning. Should Section 139(1)(a) fail, Section 139(1)(b) is implemented as a subsequent step, where in the MEC assumes the responsibilities of the municipality. At this juncture, an administrator, known as the Ministerial Representative (MR), is appointed to assist the municipality in adhering to regulatory compliance. As the agency theory of accountability suggests, this scenario typically emerges when the relationship between local state representatives and the community deteriorates, fostering mistrust (Colbert & Jahera, 1988). Consequently, the enactment of administrative oversight through Section

139(1)(b) becomes, according to the contingency theory of accountability, a form of 'sanction-based accountability,' aimed at reinstating trust and stability within the MLM.

While Section 139(1) is a frequently employed oversight mechanism by the executive, it represents just one facet of the broader array of interventions available. An alternative pathway involves invoking the judiciary, the third arm of the state, to ensure adherence to constitutional mandates by both the legislative and executive branches. This judicial intervention can be initiated by any level of governance, embodying the reciprocal oversight mechanism previously discussed. Through their rulings, courts aim to mitigate risks by mandating compliance via sanctions, though the successful execution of court orders or judgments is not always assured (Hamza, 2021).

Contingency theory scholars advocate that 'sanction-based accountability' should eschew a uniform approach, emphasising that varied contexts necessitate tailored interventions. Visser (2017) argues that some of these more severe measures can significantly diminish municipal autonomy, relegating affected entities to a state from which recovery can be challenging, if not impossible. The MLM appears to exemplify such a scenario, where, despite an extended period under administration, the municipal administration systems have struggled to rebound effectively.

The intervention mechanisms employed in South Africa, as outlined in Sections 100 and 139(1) of its Constitution, find parallels in various international contexts where higher levels of government hold the authority to intervene in the affairs of lower governance tiers to ensure compliance with national laws and standards. This approach to governance and oversight is not unique to South Africa but is a common feature in federations and unitary states worldwide, where the balance between local autonomy and national oversight is a central theme of constitutional and administrative law.

For instance, in Australia, the Commonwealth Government has the power to intervene in the affairs of states and territories under certain conditions, particularly in matters related to financial management and adherence to national standards. An illustrative case was the intervention in the Northern Territory (NT) in 2007 under the Northern Territory National Emergency Response (NTNER), which was initiated due to reports of widespread child abuse and neglect in Indigenous communities (Altman & Hinkson, 2007). In the United States of

America (USA), federal intervention in state affairs, while constitutionally limited by the principles of federalism, can occur through mechanisms such as conditional funding, where the federal government sets conditions on the receipt of federal funds to ensure compliance with federal standards. A notable example of this is the No Child Left Behind Act of 2001, which tied federal education funding to states' compliance with standardised testing and accountability measures (McGuinn, 2006).

Similarly, in Brazil, the Federal Government has the authority to intervene in the states and municipalities in cases of severe breach of constitutional principles, such as the failure to provide essential public services or to maintain republican and democratic norms. This was seen in the federal intervention in the state of Rio de Janeiro's security apparatus in 2018, aimed at curbing high levels of violence and corruption within the state's security forces (Pereira, 2019). In Italy, the national government has mechanisms for intervening in regional affairs, particularly in matters related to fiscal responsibility and adherence to national and European Union (EU) standards. The Italian government has exercised these powers in various instances, such as the imposition of spending constraints on regions and municipalities to control public debt and ensure compliance with EU fiscal rules (Bolgherini & Lippi, 2019).

These international experiences illustrate the commonality of governance structures that allow for the intervention of higher levels of government in the affairs of lower levels, aiming to ensure compliance with legal and constitutional obligations, maintain public order, and protect the public interest. While the specific legal frameworks and conditions for intervention vary, the underlying principle of ensuring effective and accountable governance remains a central theme in both unitary and federal systems worldwide.

1.2.3 Deepening democracy at community level

Under the doctrine of separation of powers as delineated by the South African Constitution, Parliament holds the critical role of overseeing and enforcing the accountability of all public institutions (RSA Parliament, 1996). This mandate is operationalised through the standing rules of the National Assembly (NA), the NCOP, and the legislative frameworks of the nine provincial legislatures. Specifically, within provincial legislatures, portfolio committees have been established, one of which is dedicated to overseeing the COGTA. This committee is tasked

with exercising oversight over the COGTA MEC, who is constitutionally mandated to oversee local governments (Legislature of KwaZulu-Natal, 2021).

To enhance the effectiveness of parliamentary oversight, legislatures are also guided by the Sector Oversight Model (SOM) adopted by the South African Legislative Sector (SALS) in 2012. The SOM outlines practical approaches for undertaking the oversight functions identified by legislative rules (SA Legislative Sector, 2012). This framework is part of a broader effort to deepen democracy by ensuring that all public institutions are held accountable, a principle that resonates with the constitutional vision of separation of powers and democratic governance (Akbik, 2022; Badenhorst, 2015).

At the local government level, oversight is structured along hierarchical lines of accountability that encompass both political and administrative leadership, as per the existing local governance systems (Sikhakhane, 2011). The municipal council, as the apex oversight body at this level, has the authority to approve the decisions made by all council committees, including the Mayoral Committee. Effective oversight within the local government sector is therefore important enabling the government to fulfil its mandate and deliver services that meet the expectations of the electorate.

Moreover, the role of citizens in demanding accountability extends the realm of formal oversight mechanisms, highlighting the dynamic interaction between institutional oversight and community-driven accountability efforts. As communities become more cognisant of their democratic rights and the importance of transparent governance, the demand for robust oversight mechanisms intensifies. The absence of effective oversight or transparent communication channels often leaves communities with no recourse but to express their grievances through protest, underscoring the need for more constructive and transformative stakeholder engagements in the pursuit of improved service delivery and governance outcomes.

1.2 Problem statement

Numerous studies have been conducted on Section 139(1b) interventions in various municipalities (Kraai, Holtzhausen & Malan, 2017; Kampi, 2017), as well as on accountability issues and oversight mechanisms within the local government sector (De Visser & November

2017; Hamza, 2021). Although these studies thoroughly examine Section 139(1b) interventions and offer recommendations, there has been scant research on the role of oversight in fostering stability within local governments. Municipalities undergoing administration are expected to regain stability within six months or less. However, many municipalities remain unstable or become completely dysfunctional post-administration, failing to fulfil their constitutional mandates, particularly in providing services to citizens.

This study explores the role of oversight committees in their efforts to re-establish stability in the MLM in the KZN province, investigating the challenges that have prevented the municipality from regaining stability more than six years after the Section 139(1b) intervention. An examination of the role of oversight mechanisms in reinstating stability is critical for understanding why MLM remain under Section 139(1b) intervention beyond the initially recommended timeframe.

As previously mentioned, the MLM was subjected to administration to facilitate oversight by the MEC and the council. However, more than six years later, the situation remains unchanged; the municipality is still under Section 139(1b) and continues to face unrest and protests, with its capacity to fulfil its constitutional responsibilities severely compromised. Kraai (2017) highlights the significance of legislative oversight in fostering good governance, which in turn enables local governments to meet their obligations and deliver on their mandates. Reflecting on the Mnquma Local Municipality case study in the Eastern Cape province of South Africa, De Visser (2017) contends that while oversight can be a crucial intervention, it may also be perceived as an intrusion on the autonomy of municipalities subjected to Section 139(1b), as observed in the MLM. He suggests that taking over the administration of a municipality could potentially undermine its integrity and autonomy, leaving it ineffectual (De Visser, 2017). This perspective raises the expectation that the implementation of a Section 139(1b) intervention should ensure that the oversight committee's role leads to tangible results, such as the restoration of stability within the expected six-month period.

Considering the prolonged instability in MLM (and similar situations in other municipalities), it becomes imperative to examine the role and challenges of oversight committees in restoring stability to troubled municipalities. Such an analysis could provide valuable insights and recommendations that serve as benchmarks for other municipalities facing comparable issues. The study explores the role of oversight and impact of oversight mechanisms in the MLM,

focusing on the Section 139(1b) intervention phase. Having remained under intervention for over six years, far exceeding the anticipated timeframe for restoration of stability, MLM present a privileged case study to explore the underlying factors contributing to the persistent instability and dysfunction in municipality, despite the oversight intended to shepherd the municipality back to operational normalcy. This exploration is critical, given the significance of legislative oversight in promoting governance that meets the constitutional mandates of local governments (Kraai, 2017), and the potential implications for such interventions to infringe upon the autonomy and integrity of municipalities, thereby weakening them further (De Visser, 2017). By interrogating the complexities of oversight in the MLM, this thesis exposes the paradoxes of intervention outcomes, contributing insights into why municipalities remain in a state of crisis beyond the intended intervention period.

1.3. Research purpose

The purpose of this research study is to explore the role of oversight in promoting stability in local government with specific focus on the MLM in the Kwa-Zulu Natal province of South Africa. It sought to understand the challenges faced by the oversight committees such that they end up not being able to deliver the oversight administration mandate as per Section 139 within the stipulated timeframe of six months by the provincial government. The MLM has been under administration since the 8th of December 2017 as per Section 139(1b) with an oversight committee exercising administration rights. Yet, more than six years later, the oversight committee has not been able to restore stability within the municipality and the municipality remains under administration despite the efforts.

Currently in South Africa there has been new debates within the public space about the role of oversight (see the Report by the Parliamentary Monitoring Group on Parliamentary Oversight, 2022), some sparked by the recent high expenditure on State Capture Commission while institutions like parliament and provincial legislatures should have played their oversight role and prevented the rot and collapse of public institutions (Parliamentary Monitoring Group, 2019). This has also sparked renewed awareness on citizens about matters of governance and service delivery. It is important to clarify that this study will not provide a solution to the problems of oversight, however, it will be important in bringing to the fore some of the

challenges experienced by municipalities that are under administration and the role of oversight in restoring stability.

1.4. Research questions

The study is guided by the following main research question:
Why has the oversight intervention at MLM not been able to restore stability for the past six years?

To enable the study to fully respond to the main question I probed the following sub-questions:

1. What are the mechanisms that facilitate the oversight interventions at local government level?
2. What are the challenges faced by the oversight bodies in restoring stability?

1.5. Theoretical framework and conceptual definitions

The study employs the agency theory and contingency theory of accountability as a point of departure to understand the role of oversight committees in facilitating stability in the MLM of the Kwa-Zulu Natal province of South Africa. The study seeks to understand the challenges faced by the oversight committee such that for over six years, the committee has been unable to restore stability that was meant to be ideally restored within six months of the application of Section 139(1b).

Several scholars have posited that agency theory is instrumental in elucidating aspects of accountability and other governance-related factors (Moe,2005; Gwilliam, Macve, & Richard, 2000). Agency theory elucidates the disintegration of the relationship between agents (individuals elected to representational roles) and principals (the constituents being represented) (Colbert & Jahera, 1988). Specifically, within the context of MLM, this theory applies to the dynamics between the legislative and executive branches and the local communities they serve. The oversight exercised by different legislative arms, as outlined in agency theory, reveals a complex network of principal-agent relationships within public administration (Karra, Tracey, & Phillips, 2006). When principals prioritise their personal interests, it often results in a contentious relationship that can lead to administrative failure. In the case of MLM, such prioritisation has manifested in maladministration and a failure to fulfil

constitutional obligations to its citizens, culminating in a breakdown of trust and a complete administrative collapse.

The application of Section 139(1b) in the MLM can be analysed through the lens of the contingency theory of accountability, which recognises accountability as a multifaceted concept influenced by the specific context. The theory distinguishes between trust-based and sanction-based accountability, suggesting that the latter is enacted in situations where there is a significant breakdown in the relationship between principals and agents, leading to a state of 'justified mistrust' due to prior unacceptable actions, such as those observed in the maladministration within the MLM (Bovens, Goodin, & Schillemans, 2014; Harney, 2016).

The protracted instability and governance issues at MLM, persisting six years post-intervention, highlight the limitations of a sanction-based approach under Section 139(1b), despite its aim to restore trust within a designated timeframe. This case underscores the contingency theory's caution against a universal solution, advocating instead for nuanced approaches tailored to specific circumstances (Bovens et al., 2014; Harney, 2016).

In this case, the deteriorated relationship between the MLM officials (agents) and the local communities (principals) necessitated the intervention of an oversight committee as a form of 'sanction-based accountability'. This intervention intended to strip the local administration of its powers to amend its conduct. However, the persistence of administrative challenges in MLM underscores the complexities involved in restoring stability and trust through sanction-based measures alone. The insights from this analysis of the MLM, informed by the contingency and agency theories of accountability, contribute to a deeper understanding of the intricate dynamics at play in governance and oversight mechanisms. The findings emphasise the need for adaptable and context-sensitive strategies in addressing governance failures and restoring trust in public administration.

1.5.1 Defining oversight accountability

The concept of oversight accountability is fundamental to the architecture of democratic governance, providing a mechanism for reciprocal feedback between the governed (principals) and those in governance (agents) (Wegner 2018). This feedback loop is essential for

maintaining checks and balances within a democratic system. In the South African context, accountability is enshrined in the constitution, emphasising the separation of powers as a cornerstone of governance (RSA Parliament, 1996). Kraai (2017) further broadens this definition to suggest that oversight also establishes distinct identities for the three spheres of government, highlighting its role in delineating the functions and responsibilities of each governance tier.

The exploration of oversight, particularly through the lens of Section 139(1b) interventions in the MLM, is crucial for understanding the challenges oversight committees face in reinstating municipal stability. The constitutional framework for oversight implies that each arm of government bears a share of the responsibility for the success or failure of fulfilling their constitutional mandates (Munzhedzi, 2017). However, the dynamics of oversight are often complicated by political tensions between the various stakeholders, necessitating a process characterised by mutual respect (Visser, 2010). In the municipal context, this involves interactions among administrative officials, political administration, and the community, where conflicts may arise, especially when local officials fail to meet their obligations and are held accountable by the communities they serve.

The primary focus on the MLM raises questions about the nature of oversight, particularly when the constitution of oversight bodies may extend the sphere of accountability to include provincial governance layers, especially in instances where municipalities are placed under administration. This necessitates an understanding of leadership not as an inherent trait but as a capacity that requires a positive orientation towards achieving the collective goals of transformation (Allix, 2000). This perspective is critical for analysing the oversight approach employed by those tasked with this responsibility in the MLM, particularly given the extended period of administration spanning six years.

Burns and Ward (1978) posits that leadership involves the capacity to catalyse significant change by leveraging internal conflicts and tensions. This viewpoint is especially relevant in the context of MLM, where leaders and influential figures have had ample opportunity to steer the municipality towards stability. Understanding the specific challenges that have impeded the oversight committee's efforts in MLM provide valuable insights into the complexities of governance and oversight in local government settings. This exploration enriches the conclusions of the study by contextualising the findings within broader discussions on

democratic governance, oversight accountability, and the intricate interplay between political dynamics and administrative efficacy.

1.6. Overview of the research report

It is important for readers to note that this research report diverges from the conventional structure of traditional research reports. Instead of following a standard format, this report allocates three distinct chapters (*Chapters 3 to 5*) to the presentation and analysis of findings, with each chapter thematically organised. This structure facilitates a nuanced exploration of the themes of the study and positions the findings within the broader scholarly discourse on political governance and public administration.

Chapter 1 sets the stage for a comprehensive examination of the legislative frameworks guiding local governance in South Africa, with a particular emphasis on the oversight mechanisms applied within MLM. This chapter provides the backdrop against which the study unfolds, addressing the ongoing challenges of service delivery and governance failures that necessitated Section 139 intervention in MLM. The chapter presents the central issues the municipality faces, outlining the research aims and objectives guiding the study. Theoretical and conceptual frameworks that form the foundation of the study are discussed, offering insights into the analytical lens through which the research is conducted. The chapter concluded by presenting a structured overview of the thesis, orienting the reader to the content and flow of the ensuing chapters.

In *Chapter 2* I present the research methodology, explaining the rationale behind the qualitative case study design. I detail the data collection methods, including semi-structured interviews, an analysis of policy frameworks and municipal documents, and describe the sampling strategy employed. I also address ethical considerations, ensuring the integrity of the research process, and reflect on my positionality and its influence on the study.

In *Chapter* 3, I explore the legislative framework governing local government in South Africa with a focus on its application in MLM. The chapter unpacks the complexities of legislative instruments, especially Section 139 interventions, and evaluate their effectiveness in ensuring local governments meet their executive responsibilities. Drawing from experiences from

MLM, this chapter illustrates the real-world implications of these legislative mechanisms. I argue that despite the legislative framework's intention to uphold accountability and enhance service delivery, its practical implementation often reveals significant challenges.

Chapter 4 examines the oversight mechanisms within MLM to understand the complexities that led to Section 139 intervention. The chapter examines the layers of oversight mechanisms and their dynamics in local governance, highlighting the interplay between political and administrative frameworks. This chapter emphasises the importance of effective oversight practices in local governments, particularly in situations where governance and service delivery fall short.

In *Chapter 5*, I critically assess the intersection between legislative interventions and their practical implementation within MLM. This chapter seeks to uncover the complexities that have perpetuated the governance crisis in MLM, illuminating broader implications for legislative frameworks guiding local governments. I argue that the legislative framework, while robust in theory, often falls short in practice due to various factors, highlighting the need for a more holistic approach to legislative interventions.

The concluding chapter synthesises the insights from the study, re-asserting the main argument and presenting main findings emphasising the intertwined legislative, political, and socioeconomic challenges that underscore governance dilemmas in MLM. The chapter also presents the contributions of the study and recommendations for future research and practitioners.

CHAPTER 2

A qualitative inquiry into governance challenges in Mpofana Local Municipality

2.1. Introduction

In this chapter, I outline the research design and the methodological approach for the study and justify the methodology choice, methods, and ethical considerations for the study. My decision to adopt MLM as a case study was informed by persistent challenges faced by MLM, a municipality that has found itself entangled in various states of administrative intervention since 2017. This study is not merely an academic pursuit but a quest for practical solutions in a context where many South African municipalities grapple with dysfunction. Through a qualitative lens, I sought to capture the nuanced realities of oversight mechanisms, employing a blend of semi-structured interviews, document analysis, and participant observation.

2.2. Research methodology

In this study on oversight mechanisms within the MLM, I adopted an interpretivist approach, underpinned by constructivist ontological. This decision was informed by the nature of the research questions, which aimed to unpack the complex, subjective experiences of individuals engaged in municipal oversight processes. The interpretivist paradigm, which views reality as socially constructed and best understood through the meanings individuals ascribe to their experiences, provided a fitting lens through which to explore these subjective realities (Crotty, 2009). From an ontological perspective, the study embraced a constructivist viewpoint, recognising that the phenomena under investigation: oversight mechanisms and their impacts, are not static entities but are continually shaped and reshaped by human actions and interactions. This stance acknowledges the dynamic and constructed nature of municipal governance and oversight, allowing for a rich exploration of the diverse perspectives and experiences of stakeholders within the MLM (Bryman & Cramer , 2012).

Epistemologically, the study was grounded in the belief that knowledge is subjective and deeply intertwined with the context in which it is produced. This belief justified the use of

qualitative research methods, such as semi-structured interviews, document analysis, and participant observation, which enabled me to engage deeply with participants, understanding their perspectives and experiences from a position of empathy and reflexivity. These methods facilitated an in-depth exploration of the nuances of municipal oversight, revealing the complexities and challenges faced by those at the heart of these processes (Schwandt, 2000). By adopting this epistemological stance, I was able to move beyond surface-level observations to uncover the rich, layered meanings that participants attach to their roles and actions within the oversight framework. The overall design not only enriched the findings of the study, but also contributed to a more nuanced understanding of governance and oversight in local government settings (Denzin & Lincoln, 2011).

2.2.1 Accessing Mpofana Local Municipality

Gaining access to the MLM was a critical step in my research process, laying the groundwork for the empirical component of my study on the impact of oversight mechanisms. Initially, I approached the office of the Municipal Manager (MM) to inquire about the standard procedures for conducting research within the municipality. Following their guidance, I submitted a formal request along with the necessary documentation from Wits University, outlining the objectives and scope of my study. This proactive engagement facilitated the acquisition of written permission to conduct the study, which, despite delays in receiving the formal letter, marked a significant milestone in my research journey.

However, securing this permission was only the first hurdle in a series of challenges related to accessing and engaging with potential participants. While I had anticipated a straightforward process of scheduling interviews with the individuals identified by the MM's office, the reality proved to be more complex. A number of the prospective participants, despite initially expressing willingness, were difficult to engage due to a variety of reasons ranging from scheduling conflicts to technical issues such as loadshedding affecting virtual meetings. These obstacles necessitated a flexible and persistent approach to participant engagement, as I continually sought to reschedule missed appointments and find alternative means of communication.

The difficulties in securing participant availability highlight the unpredictable nature of fieldwork, particularly when dealing with high-demand individuals in a bureaucratic setting. In response to these challenges, I expanded my list of potential participants, a decision that ultimately enriched the study by incorporating a wider array of perspectives and experiences. This adaptive approach to participant recruitment, while time-consuming, was crucial in ensuring the comprehensiveness and depth of the data collected.

2.3. Research methods

The study employed a qualitative research design to ensure a comprehensive understanding of the oversight mechanisms, and the intervention frameworks aimed at understanding the persistent challenges faced by the MLM. I employed a combination of qualitative research methods, triangulating semi-structured interviews, document analysis, and participant observation, to investigate the impact of oversight on administrative stability in the MLM. These methods were chosen for their ability to provide a deep, nuanced understanding of the complex dynamics within the municipality, aligning with the interpretivist and constructivist underpinnings of my study. Furthermore, the study employed purposive sampling to ensured that the individuals chosen for interviews had direct knowledge or experience with the oversight processes in MLM, thereby enhancing the relevance and depth of the data collected. In analysing the data, thematic analysis was adopted as the main approach, facilitating the identification and interpretation of key themes emerging from the interviews, documents, and observations. This analytical method allowed for the systematic organisation and examination of the data, ensuring that the findings of the study were grounded in the empirical evidence collected. Ethical considerations were paramount throughout the research process, emphasising issues of confidentiality, informed consent, respect of the privacy of participants.

2.3.1 Document analysis

To complement the interview data, I undertook a systematic analysis of relevant documents, including official municipal reports, legislative frameworks, and policy documents. This method provided a historical and contextual backdrop for the study, allowing me to trace the evolution of oversight mechanisms and administrative interventions in the MLM. Document analysis was crucial for understanding the official narratives and policies surrounding

municipal oversight and for identifying discrepancies or alignments with the perspectives shared in interviews. This approach aligns with Bowen's (2009) argument that document analysis can offer valuable insights into institutional processes and policies. By accessing documents both from official channels and mass media, I mitigated the risk of relying on potentially biased or incomplete information (Cardno, 2018). This comprehensive approach to document collection and analysis ensured a balanced and informed perspective on the oversight mechanisms and administrative dynamics within the Mpofana Local Municipality.

2.3.2 Semi-structured interviews

I conducted semi-structured interviews to gather detailed, personal insights from individuals directly involved in the oversight processes within the MLM. This method allowed for open-ended conversations, providing the flexibility to explore topics in depth and follow up on interesting or unexpected avenues of discussion (Fox, 2009; Kvale, 1996). The interviews were designed to elicit rich, descriptive narratives, enabling participants to share their experiences, perceptions, and the challenges they faced. The interview guide comprised pre-outlined questions that served as a foundation for the discussions, yet I intentionally left room for participants to elaborate on their responses or bring up additional points they deemed significant.

I conducted a total of fifteen interviews with a diverse group of participants, including current and former municipal officials, councillors, and community members. This diversity ensured a broad spectrum of views and experiences, enriching the data collected. The majority of participants preferred to start the interviews with an open-ended narrative of their experiences in the municipality's oversight processes, which provided valuable context and set the tone for the more targeted questions that followed. This narrative approach proved to be an effective way to build rapport and trust, encouraging participants to share openly and candidly.

It is worth noting that the dynamics of the interviews evolved based on the participants' preferences and comfort levels. While one participant adhered closely to the interview schedule, others engaged in a more free-form discussion, with my role being to guide the conversation back to the research topics of interest when necessary. This adaptability was

instrumental in ensuring that the interviews were not only informative but also respectful of the participants' willingness to share their experiences.

The semi-structured interviews were conducted throughout 2023, with meticulous planning to accommodate the availability and preferences of the participants. Some interviews were held in person, while others were conducted virtually, reflecting the need for flexibility in response to logistical and personal constraints. The issue of consent for recording the interviews was approached with sensitivity, ensuring that all participants felt comfortable with the process and understood their rights regarding the use and storage of the information shared

2.3.3 Participant observation

The inclusion of participant observation in my research methodology emerged as a necessity due to challenges in securing interviews with certain key individuals. By observing the daily workings of the municipality and the interactions between various stakeholders, I gained first-hand insights into the practical implementation of oversight mechanisms and the informal dynamics that influence administrative processes. This method allowed me to capture the lived reality of the municipal environment, adding a layer of depth and context to the data collected through interviews and document analysis (Kawulich, 2005).

The critical moment of participant observation occurred on the 9th of October 2023 during a meeting where both the local government and the provincial COGTA reported on service delivery progress and expenditure through the Municipal Infrastructure Grant (MIG) across municipalities under the ANC governance, including the MLM. This observation opportunity was invaluable, as it provided unmediated insights into the municipality's current challenges, particularly its struggles with financial management and service delivery. The reports presented during this meeting revealed significant issues with the MLM's ability to utilise the MIG, pointing to systemic problems in procurement and supply chain management processes. These insights were critical for understanding the deeper layers of the municipality's administrative and financial challenges, which extended beyond mere oversight inefficiencies to include fundamental operational shortcomings.

Moreover, participant observation during this meeting shed light on the broader governance and accountability mechanisms within the municipality. The discussions highlighted a problematic reliance on the doctrine of separation of powers, which, in theory, should underpin effective local governance. However, the reality observed suggested a disconnect between this theoretical framework and its practical application, with the council often merely endorsing recommendations from the Executive Committee (EXCO) without substantial scrutiny or debate.

2.3.4 Sampling

For this study, I employed non-probability, purposive sampling to select participants with direct knowledge and experience in the oversight functions within MLM. This approach aligns with Creswell's (2014) recommendations for qualitative research, where the aim is to gain deep insights from individuals who are most informed about the subject matter. Given my research focus on the impact of oversight on administrative stability, it was imperative to engage with individuals who have been intimately involved in the oversight processes and have first-hand experience with the challenges and dynamics of such mechanisms.

The participants in this study included a diverse range of individuals from the local government sector, encompassing current and former councillors, municipal officials, and senior managers of the Department of COGTA. These individuals have been at the forefront of local governance and oversight in the MLM and other municipalities within the KwaZulu-Natal province. Their extensive experience and involvement in the sector provided invaluable perspectives on the intricacies of oversight and its implications for municipal administration.

This purposive selection of participants was informed by my recognition of their significant roles and the expectation that their insights would contribute meaningfully to my study. Indeed, the information shared by the participants often corroborated findings from the document analysis, highlighting issues such as the absence of a comprehensive national legislative framework to guide the implementation of oversight interventions.

The targeted individuals included those holding or having held key positions in oversight administration, such as Mayors, Speakers, current and previous Municipal Public Accounts

Committee (MPAC) Chairpersons, opposition party Councillors, Municipal Managers (MM), Chief Financial Officers (CFO), and heads of various municipal units. Their diverse roles and experiences facilitated a multifaceted exploration of oversight mechanisms, offering a comprehensive understanding of the challenges and potential areas for improvement in local government administration.

2.4. Data analysis and interpretation

The qualitative nature of this study on the MLM's oversight and administrative processes generated a substantial volume of textual data, derived from a combination of semi-structured interviews, document analysis, and participant observations. To manage and interpret this data effectively, I employed thematic analysis as the primary method for data analysis, following an in-depth coding process. This approach emphasises the identification, analysis, and reporting of patterns (themes) within data, providing a flexible yet rigorous tool for qualitative analysis (Braun & Clarke, 2006). The initial phase involved the transcription of audio recordings from interviews into textual notes, ensuring that the rich, detailed accounts provided by participants were accurately captured. Given the bilingual context of the research, with some participants switching between English and isiZulu during their presentations, I decided to translate all isiZulu responses into English. This decision was informed by my fluency in both languages and the consideration that working within a single language would streamline the coding process and facilitate a more coherent analysis across the dataset.

Following transcription, the data was systematically coded, a process that involved combing through the text to identify significant statements and recurring patterns. These initial codes were then collated into potential themes, reflecting broader patterns of meaning across the dataset. This thematic framework served as a lens through which the complexities of oversight and administrative stability in the MLM were examined, allowing for the nuanced exploration of participants' experiences and perceptions. Furthermore, the interpretive analysis played a crucial role in this study, particularly in making sense of the protracted challenges facing the municipality. By adopting an interpretive stance, I aimed to move beyond surface-level descriptions to uncover the underlying meanings and implications of the data, aligning with the objectives of the study to understand the intricacies of municipal oversight and its impact on

administrative functions. Throughout the analysis, I remained mindful of my positionality and its potential influence on the interpretation of data.

2.5. Validity and reliability

In this study, ensuring the reliability and validity of the research was paramount to uphold the integrity and credibility of the findings. Reliability, in the context of this qualitative study, was addressed by adopting consistent and systematic approaches in data collection, particularly through semi-structured interviews and participant observation. Recording interviews and taking meticulous handwritten notes were crucial strategies employed to minimise error and ensure that data was captured accurately and comprehensively. This practice not only facilitated the verification of collected data but also allowed for a richer, more detailed analysis by preserving the nuances of participants' responses (Lakshmi, 2013). To enhance reliability further, instances of ambiguity or unclear responses during interviews were addressed through probing questions. This technique ensured that the information obtained was as clear and comprehensive as possible, reducing the likelihood of misinterpretation during the analysis phase.

Validity, on the other hand, was strengthened through the methodological triangulation of document analysis, semi-structured interviews, and participant observation. This triangulation served as a means to cross-verify information across multiple data sources, enhancing the ability of the study to measure what it intended to measure accurately. By integrating insights from various types of data, the study was able to construct a more comprehensive and multifaceted understanding of the oversight and administrative processes within MLM. This approach not only substantiated the findings but also mitigated potential biases that could arise from relying on a single data source.

Critical reflection on the research process reveals the inherent challenges and complexities of ensuring reliability and validity in qualitative research. While the strategies employed in this study aimed to address these aspects rigorously, it is important to acknowledge the subjective nature of qualitative data and the potential influence of the researcher's interpretations. My conduct during the research, including how I engaged with participants, interpreted their responses, and integrated various data sources, played a crucial role in shaping the outcomes

of the study. Recognising this influence underscores the importance of reflexivity in qualitative research, where the researcher must continuously reflect on their assumptions, biases, and interactions with the data and participants.

2.6. Ethical considerations

The ethical conduct of this research was paramount, guided by established ethical principles including privacy, anonymity, confidentiality, and the voluntary nature of participation (Rogers, 1987). Prior to commencing the study, I obtained ethical clearance from Wits University, ensuring that the research design and methodology adhered to recognised ethical standards. This clearance was presented to the MM of MLM, securing formal approval to proceed with the study within the jurisdiction of the municipality.

In conducting the interviews, I was acutely aware of the ethical implications associated with my position within the KwaZulu-Natal Provincial Legislature (KZNPL). Recognising the potential power dynamics at play, I made concerted efforts to ensure participants understood their rights fully, including the freedom to withdraw from the study at any point without any consequences. This consideration was crucial in maintaining the integrity of the research process and safeguarding the autonomy and well-being of all participants.

One particular instance highlighted the ethical complexities inherent in field research: a participant requested assistance with transportation costs to attend an interview. In responding to this request, I was careful to clarify that any assistance provided was not a condition for participation nor a form of inducement, but rather a practical solution to a logistical issue. This situation highlights the importance of transparency and the need to avoid any actions that could be misconstrued as coercive or influencing participation unduly.

Interestingly, the study revealed a marked difference in enthusiasm between participants from administrative backgrounds and those in political positions. While administrative participants were generally more willing and eager to contribute, possibly viewing the study as an opportunity to voice their experiences and concerns, political figures were more reluctant. This disparity presented a challenge in securing a diverse range of perspectives, particularly from opposition party members, some of whom declined participation due to a lack of endorsement

from their respective parties or other reasons. Throughout this process, I remained vigilant in emphasising the autonomy of participant, continuously affirming their right to participate on their own terms. This approach not only aligned with ethical research practices but also contributed to building trust and rapport with participants, enhancing the quality and depth of the data collected.

2.7. Reflexivity and positionality

My role as the Speaker of the KZNPL, while not directly involving me in local government oversight, positioned me in a unique and influential place within the broader governmental structure. This position, which inherently commands respect and establishes a network of collegial relationships with politicians and administrators, necessitated a heightened awareness and careful navigation to avoid any potential conflicts of interest or perceptions of coercion throughout the research process. Understanding the delineation of oversight responsibilities, where the local government falls under the purview of the MEC for COGTA rather than the provincial legislature directly, was crucial in framing my approach to the study. This structural separation helped mitigate direct conflicts of interest; however, the indirect influence associated with my position remained a consideration that required constant vigilance.

More importantly, the interaction with the Department of COGTA, given its relevance to the research topic, was approached with caution to ensure that professional boundaries were maintained. The senior management level of the participants from COGTA and their familiarity with ethical considerations in public service research further alleviated concerns about potential conflicts arising from my legislative role. Reflection on my positionality and its potential impact on the research became a continuous process, guiding my decisions and interactions throughout the study. This reflexivity extended to the manner in which I accessed information, opting for publicly available documents and formal channels rather than leveraging my legislative access to information, thereby upholding the ethical standards of research transparency and independence.

2.8. Limitations of the study

The research on the oversight intervention of MLM is a focused case study that brings to light the intricate dynamics of administrative governance within one of the smaller municipalities in South Africa's KwaZulu-Natal province. The strength of the study lies in its detailed exploration of MLM, drawing on a rich array of documents, reports, and first-hand accounts from participants directly involved in the oversight processes. This comprehensive approach allowed for a nuanced understanding of the challenges and implications of administrative oversight in a municipal context.

However, the localised nature of a case study inherently presents limitations in terms of generalisability. While the MLM serves as a valuable microcosm for exploring oversight mechanisms, the specificities of its context, such as its size, geographical location, and unique administrative history, may not fully encapsulate the broader spectrum of experiences across other municipalities. This limitation was acknowledged and partially addressed through the extensive review of documents and scholarly literature, which provided a broader frame of reference against which the findings from MLM could be contextualised.

Despite these efforts, the possibility remains that certain experiences or challenges pertinent to other municipalities might not be fully represented or explored within the scope of this study. The complexity of local governance, influenced by a myriad of factors including political dynamics, socioeconomic conditions, and historical legacies, means that each municipality presents a unique case with its own set of challenges and solutions. In recognition of this limitation, the study emphasises the importance of situating its findings within the specific context of MLM while also drawing connections to broader themes and challenges in municipal governance. This approach underscores the value of case studies in providing in-depth insights into specific locales while contributing to the wider body of knowledge on public administration and oversight.

CHAPTER 3

Legislative frameworks and local governance: An analysis of Section 139 interventions in Mpofana Local Municipality

3.1 Introduction

In this chapter, I unpack the legislative framework guiding local government in South Africa, focusing particularly on its application within the MLM. The primary aim is to dissect the intricacies of the legislative instruments at play, notably Section 139 interventions, and to evaluate their effectiveness in ensuring that local governments fulfil their executive responsibilities as mandated by the constitution. Given the recurring instances where municipalities fail to meet their obligations, resulting in provincial interventions, a thorough examination of the legislative framework becomes imperative. The experiences of the application of Section 139 intervention in MLM serves as a case study to illustrate the real-world implications of these legislative mechanisms. The main argument posited in this chapter is that while the legislative framework is designed to uphold accountability and enhance service delivery at the local government level, its practical implementation in municipalities like MLM often reveals significant challenges. These challenges include political interference, administrative inefficiencies, and the complex interplay between local and provincial governments, which collectively hinder the intended outcomes of legislative interventions.

The findings presented in this chapter highlight the critical role that both political dynamics and administrative capacities play in the success or failure of legislative interventions. The experience of MLM under Section 139 intervention illustrates how deficiencies in these areas can lead to prolonged governance instability and impede effective service delivery. The chapter contributes to the overall thesis argument by shedding light on the role of the legislative framework in local government governance and its potential shortcomings in practice. Analysing the case of MLM, the chapter emphasis the need for a re-evaluation of the current legislative mechanisms to ensure they are more attuned to the realities of local government operations and challenges.

The chapter is divided into four sections. It begins with an introduction to the legislative framework guiding local governments in South Africa, with an emphasis on Section 139 interventions. This is followed by a detailed analysis of the application of these legislative mechanisms in the MLM, incorporating insights from the Municipal Systems Act and the experiences following the 2016 Local Government Elections. The chapter then examines the impact of these interventions on local governance and service delivery, drawing on empirical data and thematic insights from the fieldwork. Finally, the chapter concludes by reflecting on the findings and their implications for the effectiveness of legislative frameworks in local government governance, setting the stage for subsequent discussions on potential reforms and improvements.

3.2. Frameworks and dynamics of Section 139 interventions

Interventions in local government within the South African context are constitutionally and legally grounded, allowing for a structured relationship of accountability between local governments and higher levels of government. This framework for intervention, particularly through Section 139 of the Constitution, is designed to address instances where local municipalities fail to fulfil their executive responsibilities, with the intervention process further legitimised by the Municipal Systems Act. In his seminal work, Hamza (2021) argues that interventions in local government within the South African context are intricately tied to constitutional and legal principles, particularly emphasising the dynamic of ascending accountability between local and higher levels of government. This assertion finds its foundation in constitutional clauses such as Section 139 (1), (4), and (5), which delineate the authority of provincial departments of COGTA to intervene when municipalities fail in their executive responsibilities. Moreover, Hamza underscores the significance of the procedural framework outlined in the Municipal Systems Act, which, when coupled with constitutional provisions, legitimises the basis for such interventions (Hamza, 2021).

Constitutionally, the basis for provincial government intervention is anchored in Section 155 (6), which stipulates that each provincial government must, through legislative or other measures, provide for monitoring and support of local government within the province (RSA Parliament, 1996). The process of intervention is meticulously outlined, as recognised by the Constitutional Court during the certification of the amended constitutional text in November

1996. This process involves several successive steps, including the review or monitoring of local government by the provincial executive; the identification of non-fulfilment of executive obligations; intervention by the provincial executive; review by the NCOP; and the management and termination of the assumption of responsibility by the provincial executive (Certification of the Amended Text of the Constitution of the Republic of South Africa, 1996).

Drawing from the steps outlined above, it becomes apparent that the constitutional intention behind the intervention was never meant for the provincial government to assume total control over responsibilities. Instead, the focus was to be on addressing specific areas of deficiency. This approach serves as a safeguard for local governments, protecting them from undue political pressure from the provincial government, which might be masked as a legitimate constitutional intervention when, in reality, it constitutes a takeover. Although this notion might seem far-fetched, the rising political tensions between local governments and some provincial governments following the 2016 local government elections have made it a tangible reality. This shift in political power dynamics, particularly noted in provinces such as Eastern Cape, Gauteng, and KwaZulu-Natal by 2021, is now evident in most municipalities across the country. It is important to recognise that, despite the lack of formal accountability lines, except for the intergovernmental relationships, the provincial government occupies a hierarchically superior position to local government. This positioning means that a takeover could always be a possibility, however subtle it may be (Van de Waldt & Greffrath, 2016).

The core of the constitutional provision, as interpreted by the Constitutional Court, centers on the necessity for a "legislative framework or other measures" (Certification of the Amended Text of the Constitution of the Republic of South Africa, 1996). In this context, my fieldwork extended to interrogating the legislative or policy underpinnings that facilitate the enactment of section 139 interventions. This was also meant to respond to the primary objective of the study, with a focused lens on the special case of the Mpofana municipality as outlined in *Chapter 1* of this thesis. The MEC for COGTA identified a notable shortfall in the performance of the MLM across four of the five critical pillars, revealing that the municipality was only effective in its executive capacity concerning the *first pillar*, which emphasises "putting people first."

However, the shortcomings of the MLM became apparent in the other areas as well. Firstly, the delivery of basic services was compromised by the municipality's inability to efficiently utilise

infrastructure grants, a situation further exacerbated by the National Treasury (NT)halting funds. This indicated a significant lapse in meeting the requirements of the *second pillar*. Secondly, the municipality's commitment to good governance was called into question due to the ineffectiveness of oversight structures, thereby failing to uphold the *third pillar*. Thirdly, the financial management within MLM was found wanting, characterised by poor cash flow, challenges in Supply Chain Management (SCM), adverse audit findings, maladministration, and a mounting debt to Eskom, which starkly contravened the principles of the *fourth pillar*. Lastly, failure of the municipality to appoint senior management personnel highlighted a severe deficiency in building institutional capabilities, a fundamental expectation of the *fifth pillar* (COGTA, 2018). These shortcomings prompted the intervention and now serve as the primary benchmarks for the department to assess whether the intervention should be continued or terminated. This process aligns with the principle of accountability to principals, which is essential for maintaining oversight and ensuring the transparency of the democratic process (Gailmard, 2014).

3.3. Legislative and policy framework for Section 139 interventions

In this section I unpack the current national legislative and policy frameworks, as well as their role in local government oversight interventions. This is important for understanding the overall influence of the national legislative and policy frameworks on the efficacy of section 139 interventions, with a particular focus on section 139 (1b) in the context of the MLM. To thoroughly address the research questions, the data presented on this section is drawn from various sources: interviews conducted, documents reviewed, and observations made during fieldwork. It is important to note that for empirical evidence, this particular section relies heavily on two participants (i.e. Participant A and B) given their expertise in dealing with legislative and policy frameworks for implement Section 139 for oversight interventions over the years. Central to this study is the question of why the oversight intervention at MLM has failed to restore stability even after six years.

Evidence from MLM suggests that the implementation of oversight interventions at the local government level lacks formal legislative backing and is instead guided by constitutional provisions and ad-hoc practices developed by COGTA. Reflecting on the challenges faced by the municipality, one participant noted that:

> The role as I indicated, or the intervention has been guided by the constitution provincially and nationally as there is no legislation. What the department of COGTA has done is development of guidelines for the implementation in our province. The report would have been prepared by the Ministerial Rep or Administrator who come before the committee to table the report on the intervention……there is no set frequency of reporting, but we depend on practice, even the coming of the Parliament Committee is practice and here in the province we report in six months according to our own practice. This is how we decided because here we only time them for six months even when we set them, they are for six months but nothing at the National level except that at the discretion of the Minister. Some of the things are not difficult if people want to make change because they are systemic and I hold a view that this is an intrusion in the local government, we intrude in a space where there is elected leadership. There is currently a Bill on Intergovernmental Interventions Framework which is still at comments level, which is what I think may further assist us a local government sector (Interview with Participant A).

The excerpt from this interview reveals a significant reliance on constitutional directives for local government oversight interventions, due to the absence of specific legislation in this area. According to the participant, COGTA has attempted to provide some structure by developing provincial guidelines, yet practices remain largely informal and vary by region, such as the six-month reporting period mentioned. The participant also points to the development of a new bill aimed at creating a more formal framework for these interventions, suggesting a potential future shift towards more standardised procedures. It is also worth noting that the participant was one of the longest-serving officials in the department and within the broader local government sector, having worked at both the municipal level and within a provincial department prior to his senior management position in the Department of COGTA in KZN. His extensive experience brought valuable depth and insight into local government operations well beyond the MLM This was due to his first-hand leadership experience in municipal administration and his role as an Administrator. He shared this information to emphasise his belief that a full-time COGTA employee is better suited for the role than someone whose employment depends on the intervention. The participant further elaborated:

> So, people must come do the work it is possible, I have seen being done in my previous life, …. in Alfred Nzo and Koukama within six months and both municipalities are from the Eastern Cape. It happened in Emadlangeni within a year. Here again at Dr Nkosazana Dlamini-Zuma (NDZ) Local Municipality with the Minister represented by an official permanently employed by the provincial department it happened, so this is not just a dream but an objective reality (Interview with Participant A).

The interview excerpt suggests the participant's belief in the effectiveness and feasibility of local government interventions. The participant references successful interventions in the Eastern Cape province, including Alfred Nzo and Koukama Municipalities within a six-month period as well as in within a year in Emadlangeni Municipality in KZN. Additionally, they mention a successful intervention in NDZ Municipality, facilitated by a provincial department official representing the Minister. By citing these examples, the participant aims to demonstrate that successful interventions in local governments are not merely aspirational, however, they have been actualised in practice, underscoring the potential for positive change within local governance structures when committed efforts are made.

The views expressed by Participant A were echoed by another participant who previously worked for the provincial Department of COGTA and is now employed at the National Department of COGTA. The participated noted that:

> I think due to your question I must add that the legislation is required so that interventions are short term. Just in and out because municipalities should be left to deal with own responsibilities. Also, the level of expertise that gets sent to these municipalities must have the necessary skills and qualifications to run municipalities. Such people must be able to change the situation within given time frames not these many years. In later years the people who get sent generally do not have the required skills, while they have been HODs they lack local government experience and due to the different spheres of government responsibilities they may not fit (Interview with Participant B).

The participant emphasises the need for legislation to ensure that interventions in local governments are brief and targeted, allowing municipalities to quickly regain control over their operations. For the participant, the effectiveness of these interventions depends on deploying individuals with the right skills and local government experience, contrasting with recent trends where appointees lack this specific expertise. This point aligns with the broader discussion on creating a legislative framework to guide and improve the efficiency of Section 139 interventions.

The agreement among participants A and B as cited above, underscore the view that constitutional provisions, without clear legislative support, might not be effectively

implemented. This could impede the achievement of broader objectives related to freedom (Suttner, 2014). Writing on local government accountability, oversight, and interventions, Hamza (2021, p. 4) argues that:

> Central government control and oversight mechanisms can take many forms. Mikeseli distinguishes and groups them into 'restrictive,' 'statutory' and 'regulatory 'forms. The statutory forms are based on formal structures and procedures of government, while the regulatory form is based on the right to interpret legal compliance. Accordingly, the central government sets the rules of the of the game for local governments. Furthermore, it gives directions, monitors its operations, reviews the implementation of local government policies, and sets national minimum standards.

The argument offered by Hamza's analysis underscores the complexity of oversight interventions in local governments, like those in MLM. The 'statutory' and 'regulatory' frameworks are reflective of the guidelines and practices developed by departments like COGTA to navigate the absence of specific legislation for section 139 interventions. Statutory forms, as Hamza notes, are rooted in the formal structures and procedures established by government laws and regulations, providing a framework within which local governments must operate, including legislative mandates that prescribe the roles, responsibilities, and powers of local governments.

Similarly, the 'regulatory' form, according to Hamza, is characterised by the central government's authority to ensure legal compliance by local governments. This involves interpreting and enforcing laws and regulations, including overseeing how local governments adhere to national standards and policies. Hamza (2021) emphasises that through these mechanisms, the central government not only sets the "rules of the game" for local governments, but also actively directs, monitors, and reviews their operations. This includes assessing the implementation of policies at the local level and establishing national minimum standards to ensure uniformity and coherence in governance across different localities. This ties back to Participant A's observations on the reliance on constitutional provisions and ad-hoc practices for local government oversight, highlighting the need for a structured legislative framework to enhance accountability and effectiveness of interventions.

The discussion above suggests that at a practical implementation level, there is a need for legislation to regulate the execution of Section 139 by local governments. None of the

participants were aware of any national legislation specifically guiding the implementation of Section 139 interventions. A legislative framework would solidify the constitutional mandate requiring the enactment of legislation by parliament and provincial legislatures to effectively implement constitutional provisions (RSA Parliament, 1996). It would also align with the argued pursued by Hamza – as cited above, that interventions should be legally based to prevent the local government sphere from becoming a battleground for political contestations (Hamza, 2021).

Notably, the practical need for such legislation aligns with the doctrine of the separation of powers between the legislative and executive branches of government (Munzhedzi, 2017). Munzhedzi (2017) argues that this doctrine, by ensuring accountability, helps to prevent the misuse of power by these branches. Consequently, it is crucial to manage the interventions carefully, not only to prevent abuse, but also to protect this fundamental doctrine. Participants expressed that national legislation or a policy framework for Section 139 implementations would promote uniformity and establish basic standards. This approach, in terms of national policy, would address the need for creating and maintaining robust governance systems as identified by the participants, noting that although South Africa is not a federal country, allowing provinces to independently manage the implementation of constitutional directives might inadvertently foster a federal governance environment.

Despite the lack of national legislation or policy framework for Section 139 implementations, the KwaZulu-Natal provincial government has been managing the implementation of interventions through a memo from the Provincial Executive Council (PEC), which has become a standard practice over time. This memo now serves as the policy framework within the province, setting standards and guiding the implementation of interventions. While the PEC is constitutionally recognised and tasked with executing laws from the legislative branch (Munzhedzi, 2017), a national policy or legislative framework would ensure consistency across provinces, defining oversight and accountability standards, including the duration of Section 139(1b) interventions.

However, while the prolonged lack of specific legislation may not seem critical however, it underscores a significant shortfall in accountability within the parliamentary oversight mechanism. This deficiency is not universally observed and highlights a unique gap in governance. Scholars have emphasised the role of legislation in reinforcing the effectiveness

of interventions across various governance dimensions. Writing on the decentralisation of social accountability in Ghana, King, Owusu and Braimah (2013, p. 64), highlight the approach taken by Ghana's Ministry of Local Government and Rural Development (MLGRD) to enhance social accountability in the management of public funds at the local level. They note that:

> Informed by the necessity to ensure the required competence in the management of public funds, the Ministry of Local Government and Rural Development (MLGRD) aimed to embed social accountability in the use of public funds at the local level, and to ensure that people who are affected by planned interventions have the right and capacity to demand accountability and transparency from local politicians and administrators. Active civic engagement in development planning is seen as having a kingpin role in sustainable public financial management, a recipe for effective poverty and inequality reduction. Social accountability in the use of public funds in Ghana is thus underpinned by a legislative framework that demands compliance by all actors.

The emphasis here is on active civic engagement in development planning that is viewed as crucial for sustainable public financial management and instrumental in effectively addressing poverty and inequality. This framework of social accountability in Ghana is supported by legislation that mandates compliance from all involved parties. Drawing a parallel with South Africa, the approach in Ghana resonates with South Africa's practice where constitutional principles are also supported by legislative frameworks, as noted by Melber (2014). This comparison highlights the importance of a legislative underpinning in both countries to ensure the effectiveness of accountability mechanisms. Such legislative frameworks are crucial for maintaining the integrity of interventions and safeguarding the constitutional rights of local governments, thereby strengthening the credibility and sustainability of governance systems.

In KwaZulu-Natal, according to the PEC, reports on interventions are mandated every six months, aligning with the intended duration of such interventions, contingent on the department's assessment. However, this practice of semi-annual reporting does not align with the National Department of COGTA and Parliament, which lack standardised reporting intervals. For reviews, the national bodies rely on recommendations from the province, based on progress reports concerning municipalities under Section 139(1b) interventions.

A significant concern raised by participants from MLM is the impact of the absence of a legislative framework on setting minimum standards for the appointment of a Ministerial Representative (MR), also known as Administrators. The MR plays a critical role in aiding municipalities to regain stability to exit Section 139(1b) status, acting on behalf of the provincial Member of Executive Council (MEC) for COGTA. Their responsibilities include overseeing oversight activities and ensuring that actions taken are in compliance with the legislative and policy framework governing local governments, aiding these municipalities in addressing the issues that necessitated the Section 139(1b) intervention. It is therefore mandated that these officials dedicate their full time to the municipality they are assigned to, emphasising the need for clear guidelines and standards for their appointment and roles, which is currently hindered by the lack of a comprehensive legislative framework.

Furthermore, the absence of defined minimum standards for COGTA Administrators is addressed through provincial practices in KwaZulu-Natal, where a norm has been established without formal legislative backing. COGTA KwaZulu-Natal maintains a pool of candidates for Administrator roles, which includes former MMs whose contracts were not renewed, ex-Heads of Departments (HODs) no longer in service, and other senior officials who held fixed-term contracts. Despite this pool, there is flexibility to appoint new individuals as Administrators. A notable concern is that some candidates in the current selection pool lack direct managerial experience in the local government sector, or in some cases, any experience in local government at all, reflecting the absence of strict criteria for these roles.

The issue of missing legislation, which was highlighted by multiple participants during the fieldwork, points to a broader challenge in standardising the qualifications and experience required for Administrators, highlighting the need for a legislative framework to establish clear and consistent standards across the board. One participant a senior official from COGTA noted that:

> The lack of legislation anchoring this intervention is a threat to the interventions. Administrators for instance should be of certain calibre in terms of qualifications and experience. The current arrangement where former Heads of Departments and Municipal Managers are sent to turn around municipalities post their contracts. If we can have legislation that will guide how the administrators are identified and sign performance agreements so that when they fail to turn around municipalities, they be removed. The importance of required qualifications and experience assist in leading and managing municipalities, currently the administrator there is a former HOD who may not necessarily possess in depth understanding of municipal finance

> and is supported by a team of finance expert. That is an extra cost and resources that should be employed gainfully elsewhere (Interview with Participant B).

From the excerpt, the participant expresses concern that the absence of specific legislation guiding oversight interventions poses a risk to their effectiveness. They emphasise the need for Administrators, tasked with turning around municipalities, to have defined qualifications and experience. Furthermore, the participant advocates for legislation to establish clear criteria for selecting Administrators and implementing performance agreements to hold them accountable.

These views shared by a senior official from COGTA highlight the importance of appointing personnel who are truly "fit for purpose" in municipal interventions, a viewed emphasised by Habib (2014). The current Administrator at Mpofana Local Municipality, is coming from a department within the social cluster, has only tangential connections to local government through initiatives like Operation Sukuma Sakhe (OSS). The OSS serves as an intergovernmental collaboration mechanism in KwaZulu-Natal, a forerunner to the yet-to-be-legislated District Development Model (DDM). The only formal framework for such cooperation is the Inter-Governmental Relations Act. The ongoing support from a team of financial experts during the intervention highlights an attempt to address the financial issues that necessitated the intervention.

Moreover, throughout the interviews it remained a sore point that there is no national legislation and policy for the implementation of section 139 and participants felt that it affected both the success of the intervention and prevention of recurrence of same conditions leading to it as well as how the government should resource the intervention to position it for success. Participant B further reflected on the efforts to improve the situation by noting that:

> There is currently a Bill of Intergovernmental Interventions Framework which is still at comments level, which is what I think may be a solution. There had been calls for a review of the municipality funding framework. Municipalities like Mpofana have no tax base but it has grown significantly with unemployed people (Interview with Participant B).

The participant highlighted an ongoing effort to address this gap, mentioning a Bill on the Intergovernmental Interventions Framework, which is currently open for comments and seen as a potential solution. Additionally, there have been calls to reassess the funding framework for municipalities, particularly for areas like MLM, which, despite lacking a substantial tax

base, has seen considerable growth in its unemployed population. However, this draft bill has been pending for two parliamentary terms, without progressing beyond its inclusion in the list of upcoming bills.

Reflecting on the interviews and discussions presented on this section, it is evident that the lack of a specific legislative framework for Section 139 interventions significantly impacts local governance, particularly in the MLM. Participants consistently highlighted the absence of national legislation and policy as a critical gap, affecting the effectiveness of interventions, the ability to prevent recurring issues, and the allocation of resources necessary for successful interventions. The ongoing efforts to address these challenges, such as the proposed Bill on the Intergovernmental Interventions Framework, underscore the recognition of these issues and the need for structured legal solutions. However, the delay in advancing this bill through the legislative process highlights a broader issue within the legislative frameworks that govern local governance, emphasising the need for timely and decisive legislative action to support local governments in crisis and ensure the sustainability and effectiveness of interventions.

3.3. Capacity challenges and legislative gaps

The overall picture emerging from the evidence from MLM presented thus far suggest that challenges in governance and service delivery stem from a lack of capacity, both in terms of human resources and financial resources. The absence of specific legislative frameworks and targeted financial support for municipalities under intervention, along with the lack of minimum qualification requirements for councillors, further exacerbates these challenges, hindering effective governance and sustainable development in the local municipality.

Will Kenton (2021), writing for *Investopedia*, defines the concept of capacity as the maximum level of output that a company can sustain to make a product or provide services. He further elaborates that, depending on the type of business, capacity may relate to various aspects such as production processes, allocation of human resources, technical thresholds, or other related concepts (Kenton, 2021). Although there is a clear distinction between a public institution and a business, the former encompassing all state or government offices funded by tax revenue and the latter dependent on profit for survival; both entities fundamentally rely on performance for their sustainability. Weak public institutions not only alter their operational manners but also

become incapacitated in making appropriate decisions or implementing their plans and mandates (Momoniat, 2023). This chapter applies the concept of 'capacity," akin to its use in business contexts, as part of the argument for some of the reasons why MLM has struggled to regain stability over five years, despite the intervention being initially planned for just six months. In examining the presence or absence of capacity within the context of a municipality, I will demonstrate how a municipality, utilising the resources at its disposal, can be strategically positioned to fulfil its constitutional executive mandate as outlined in Section 152 (see *Chapter* 5). The measurement of capacity will focus on the integration and utilisation of available resources, both human and financial, towards achieving set goals.

The current approach to resourcing interventions in municipalities, particularly small ones like MLM, is inadequate and fails to address the underlying socio-economic challenges. This insufficiency is attributed to a lack of targeted financial support and a need for a more comprehensive strategy, including legislative changes and a collaborative approach involving various government departments, to effectively assist municipalities in overcoming service delivery challenges and achieving sustainable development in line with broader governmental goals. In a lengthy conversation with one of the participants, they capture the current situation as follows:

> There is currently a Bill of Intergovernmental Interventions Framework which is still at comments level, which is what I think may be a solution. There had been calls for a review of the municipality funding framework. Municipalities like Mpofana have no tax base but it has grown significantly with unemployed people. The current equitable share cannot help them, their business is shrinking. They still have high electricity theft. The former Mayor Duma was leading the marches of non-payment of rates and that was the card he used to be elected to council. COGTA has the small-town rehabilitation grant and if they can take a substantive amount and invest in Mpofana instead of spreading it throughout the province in R5 million across. We need to target such municipalities as Mpofana and target bringing other departments because that is a strategically situated municipality. We need to be concise because the staff in Mpofana is militarised it is too militant; the administration is a problem. Also, the calibre of our Administrators is not assisting, while we say we have standards, but it is not set. We should have a framework and database. Sometimes we give people who need employment, but interventions need someone who is in prepared to be out of job. Others even apply in the same municipality; we need a different breed of administrators not what we have. They are one of our embedded weaknesses and the quality of people who get sent as administrators. And there is no financial injection made to these municipalities yet there is nothing in law that prohibits that, but Treasury is always adamant that we cannot. I have

> even argued this in Cabinet with a MEC. If we are able, we can do it even in the form of grants. But there is no appetite. Finally, after looking at the draft bill, I saw that there is a proposal for a provincial committee to look at Interventions but not just COGTA I think it will help to bring others to impact (Interview with Participant A).

In this interview excerpt, the participant discusses the challenges and potential solutions for struggling municipalities like MLM. They highlight a legislative Bill of Intergovernmental Interventions Framework (referred to in the earlier *section: 3.2),* still pending feedback, as a prospective remedy for systemic issues. The participant highlights the necessity for restructuring funding models for municipalities, particularly those with limited tax bases and escalating unemployment rates. They advocate for targeted financial investments from COGTA's small-town rehabilitation grant to strategically important municipalities, rather than dispersing funds thinly across the province. Furthermore, the participant critiques the current administrative approach, calling for a reformation in the selection and quality of administrators, and points out the lack of direct financial support for municipalities undergoing intervention, despite no legal barriers. They suggest a more collaborative approach involving various departments, beyond just COGTA, to effectively address the multifaceted challenges faced by municipalities like MLM.

It is important to reiterate that Section 139(1b) serves as a provincial government intervention mechanism aimed at restoring stability and enhancing performance within local governments, aligning with the objectives outlined in Section 152 of the constitution. Upon initiation of this intervention, a MR is appointed to support the local municipality in addressing its weaknesses. The salary of the MR is funded by the Department of COGTA at a provincial level, with the scale varying based on departmental decisions, however, adhering to Department of Public Service Administration (DPSA) salary grades. Despite this support, the municipality remains responsible for its operational costs, including the funding of the Service Delivery and Budget Implementation Plan (SDBIP), barring the engagement of specialised consultants requested by the MR.

Consequently, the absence of specialised grants or funding specifically allocated to assist municipalities in exiting intervention phases leaves the process heavily reliant on administrative decisions without significantly enhancing socio-economic conditions. Particularly for smaller municipalities like MLM, instability arises not just from governance

issues but also from developmental challenges, manifesting in widespread poverty and unemployment among residents. Addressing these challenges, therefore, requires the creation of opportunities that may be beyond the fiscal capabilities of such municipalities. The lack of dedicated resourcing for these interventions poses a risk to the realisation of broader governmental objectives, including the National Development Plan (NDP) and the achievement of international benchmarks like the Sustainable Development Goals (SDG) (Ammis, 2013).

Additional to the absence of specific legislative frameworks and targeted financial support for municipalities under intervention, the MLM faces significant challenges in governance and service delivery due to a complex interplay of factors. These include historical legacies affecting bureaucratic practices, inadequate human resource capacity marked by high turnover rates and a lack of qualified personnel, and deeply entrenched political issues that compromise the effectiveness of oversight mechanisms and professional administration.

Karl Von Holdt (2010) interrogates the evolution of bureaucratic practices in South Africa, tracing their origins to colonial conquest and domination. He argues that the colonial legacy has left an indelible mark on the country's modern bureaucratic structures, which were initially shaped by the demands of colonial administration and racial domination. This historical backdrop has led to a post-apartheid bureaucracy that is still grappling with its colonial past, manifesting in a tension between maintaining traditional bureaucratic skills and procedures and the imperative to address and rectify the injustices and inequalities of the past. Von Holdt (2010) suggests that this tension reflects a broader national struggle to reconcile the demands of modern state governance with the need to affirm the sovereignty and dignity of Africans, who were historically marginalised and oppressed under colonial rule.

As previously discussed in earlier chapters, MLM is classified among the smaller municipalities in the country, encompassing a total of six wards (Mpofana Local Municipality IDP, 2023). Consequently, this limits the pool of potential councillors available for occupying leadership roles within the Council. Given the absence of minimum qualification criteria for councillor positions (De Visser & Steytler, 2016), smaller municipalities like MLM are particularly challenged by a restricted selection of candidates for these critical positions. This scarcity has resulted in an overextension of the duties of councillors, especially noted during the 2016 term, with regards to their committee memberships (Mpofana Local Municipality,

2019). The limited number of councillors has led to difficulties in fulfilling committee responsibilities, not just due to capability issues, but also because of time constraints, as members found themselves allocated to multiple committees. Although this issue was initially considered a potential challenge at the outset of this study, it was directly refuted in interviews with a former council member, referred to here as Participant D, who provided the following perspective on the matter:

> Committees were sitting, and I was a member of MPAC.…So, MPAC was not doing its job and I believe if it were functional there would have been stability. As I said earlier it was difficult to access required information and you would be moved from pillar to post. We had to approach the MM and tell him the information we needed, and he would refer you to someone junior yet ours was to speak to the MM so that he speak to his staff as their leader, yet he will be sending you on errands. We ended up confused to who whether the donkey was still pulling the carriage, or the carriage was now pulling the donkey. There was a popular idiom, ehhhh like that (Interview with Participant D).

This interview excerpt sheds light on the operational challenges within the MLM's committee structure, particularly focusing on the Municipal Public Accounts Committee (MPAC). Participant D, a former member of MPAC, highlights that despite the committees being active, they were not effectively fulfilling their roles. They believe that the dysfunction within MPAC contributed to a lack of stability within the municipality, implying that a functional MPAC could have mitigated or prevented some of the issues faced. The participant also touches on issues of bureaucracy and inefficiency in accessing necessary information, which hindered the operations of the committee. The metaphor of "the donkey pulling the carriage or the carriage pulling the donkey," vividly illustrates the reversal of roles and the ensuing chaos within the municipality's administration. This confusion of roles and lack of clear leadership and accountability mechanisms significantly impacted the committee's ability to perform its oversight function effectively, refuting the assumption on the limited number of councillors leading to difficulties in fulfilling committee responsibilities.

While Participant D, drawing on their experience as a councillor, noted that committees were convening, it may have been accurate on a superficial level. However, the true purpose of portfolio or oversight committees, as delineated by the Municipal Systems, Structures, and Finance Management Acts, is to execute specific functions. Their primary role is to provide oversight for those tasked with managing public funds, a standard practice across local

governments (Shamsul Haque, 1997). This would mean that merely holding meetings without fulfilling the core duties of accountability and oversight, might have been the case with the MPAC during the 2016 term, and possibly in other portfolio committees at the time, particularly due to strained relations between political and administrative leaders, which should have been more effectively addressed (Maqoko & Asma-Andoh, 2019).

Furthermore, annual reports dating back to the 2016/17 fiscal year have consistently indicated a significant number of unfilled vacancies within MLM, notably in senior management roles defined under Sections 56 and 57 of the Municipal Structures Act. These crucial positions, including the Municipal Manager (MM), Chief Financial Officer (CFO), and General Managers (GMs) of various departments, are pivotal in local government decision-making. They are tasked with the direct management of portfolio committee administration and play a vital role in converting the council's political and administrative decisions into actionable service delivery plans. Noteworthy, the MLM has faced challenges in recruiting suitably qualified candidates for these key roles and retaining them has been equally problematic as they are often lured away by more attractive offers elsewhere. This issue of staffing difficulties was corroborated by the majority of participants, with one explaining that:

> In all the challenges in Mpofana the high turnover at senior management was the most frustrating, particularly because due to the grading of municipality salaries are not able to attract the skilled required to make a municipality thrive. At some point filling the CFO's position was so difficult that the .municipality wrote to the MEC requesting a waiver in the number of years required for the position (Interview with Participant B).

In the interview excerpt, the participate notes that among the various challenges faced by MLM, the high turnover in senior management positions was particularly frustrating. This issue was exacerbated by the salary structure within the municipality, which failed to attract the necessary skilled professionals to drive the success of the municipality. Consequently, the difficulty in attracting suitable candidates became so acute that the municipality once had to request a waiver from the MEC regarding the experience requirements for the CFO's position, highlighting the severity of the recruitment challenges.

While this challenge is not unique to MLM, it is indicative of a broader issue within many of South Africa's rural and smaller municipalities. It reflects the bureaucratic structure that has evolved in the post-apartheid era, as described by Von Holdt (2010), where professionals have

the liberty to select their workplaces, often overlooking areas where their expertise is most needed. This situation leads to a dual problem: it not only hampers the municipality's operational efficiency; however, but it also undermines its ability to fulfil its mandate as defined by local government objectives and the executive mandates enshrined in the constitution (RSA Parliament, 1996), emphasising the importance of capacity for Section 139 interventions.

The above two cases may provide an opportunity for unprofessional and unethical personnel to neglect focusing fully on implementing key municipal plans and decisions made to achieve service delivery goals. MML emerged from the amalgamation of rural, farming, and manufacturing communities around Mooi River and Midlands Meander, areas historically governed by white administrators during apartheid. In the current post-apartheid context, although the focus on employment is now on skills, experience, and qualifications, the demographic legacy should not pose a barrier to finding qualified personnel. However, historical factors might impede the optimal functioning of oversight committees, thereby diminishing their effectiveness. Post-apartheid, the reality of pervasive poverty in many communities, as noted by Ndhlovu (2015), coupled with high unemployment rates in the MLM area, results in a scarcity of individuals with higher education qualifications. Those few who are qualified often seek better opportunities in larger cities. This situation in MLM, and by extension in South Africa, diverges from many post-conflict societies where a collective commitment to democracy motivates widespread participation in nation-building efforts (Fanon, 1961). Consequently, like many contemporary institutions, the municipality struggles to achieve its set targets, thereby hampering its capacity to fulfil its mandated responsibilities.

Councillors, integral to the human resources of a municipality, play a crucial role in its success, alongside management. Evaluating MLM's performance necessitated an assessment of their contributions to its betterment. Fieldwork data presented from the two interviews cited above, revealed challenges in recruiting suitable candidates for key managerial roles, such as MM, CFO, and General Manager of Technical Services, leading to prolonged vacancies. This turnover within essential management positions impacts on administrative capabilities, and also the political leadership provided by councillors. Portfolio Committees rely on the expertise of departmental General Managers to oversee daily council programme implementations and to provide reports and recommendations during Portfolio Committee and Executive Committee meetings (COGTA RSA, 2022). Following the 2021 Local Government Elections, inductions were held for all councils, constituting the establishment of a new local government system in

South Africa as outlined by the Local Government Municipal Structures Act 117 of 1998 (SALGA, 2021). Despite MLM's unique challenges, the overarching aim within South African local governance is to build robust administrative and political frameworks, comprising the community electorate, proactive councillors, and an administration dedicated to executing council policies and decisions (Ngqwala, 2019).

In the case of MLM, during the 2016 council term, there was a noticeable lack of concerted effort among councillors to marshal the necessary resources and exercise oversight in a manner that aligned with political objectives. Such actions would have realised the vision of the framing of the Constitution – as borrowed from the Freedom Charter, particularly Section 152, which emphasises that "The People Shall Govern" (ANC, 1955), underscoring the role of local government in providing citizens with quality basic services. Ideally, local government, as an outcome of national struggle, should be perceived as a community asset. However, the failure of councillors to embody and enact this principle means that even within their ranks, this ideal was not fully embraced or actualised. One participant echoed,

> I would say that there is currently political stability in the institution and administration and political side but there is a challenge with people who led before, they want to infiltrate. They want to come and make demands and cause instability, which is the challenge we have, but we are trying as leadership to block it but there is stability for now. I believe that Section139 is a way of government assisting struggling municipalities like ours (Interview with Participant C).

In this interview excerpt, the participant acknowledges the existence of political stability within the institution and its administration, yet highlight ongoing challenges posed by former leaders attempting to exert influence and disrupt current governance, a situation the current leadership is actively countering to maintain stability in MLM. The participant views Section 139 as a supportive measure for municipalities facing difficulties, like their own. However, this perspective seems to absolve the current council from responsibility for existing issues, attributing them instead to the actions of the previous councils. Arguably, this stance overlooks instances where other municipalities, such as Dr Nkosazana Dlamini-Zuma and Emadlangeni, have successfully emerged from interventions within set timeframes, as outlined earlier, suggesting that effective problem diagnosis and solution identification are feasible. This is in line with the work of Paul Smoke (2015) who emphasises the importance of accurately

identifying the nature of service delivery issues and their underlying causes as a crucial initial step toward enhancing local government accountability and effectiveness.

This analytical perspective offered by Smoke (2015) is critical, especially in light of the ward councillor from MLM, who attributed the municipality's challenges to past political interference without acknowledging any responsibility on the part of the current council, which has been in office for one and a half years but still under intervention. Arguably, the case highlights a leadership reluctance to actively engage in the development of a new era of municipalities that necessitates councillors who not only fulfil their oversight roles as dictated by legislation, but also cultivate strong connections with the communities they serve through meaningful public participation and communication. Moreover, the involvement of administrative staff in political matters, as noted in the interviews, points to a significant aspect of the human resource challenge that extends beyond merely filling positions to how personnel allocate their time and engage with their roles amidst political dynamics.

During the interviews, one participant highlighted the politicised nature of MLM's workforce as a significant hurdle, indicating a tendency towards internal sabotage and the politicisation of even minor issues. The participant noted that:

> The workers of Mpofana are too political minded that is a challenge, so there is an issue of sabotaging each other, majority of workers they politicise issues regardless of how small they are. I think that may be one of the reasons we are unable to get out of the intervention. I also believe that the policy that prohibits municipality officials from active politicians may help in Mpofana. You find that most are branch secretaries and chairpersons, and they use that on senior management. Due to most managers not being from Mpofana some junior staff can come threaten them with the positions they hold in a particular party that is our challenge, politics (Interview with Participant C).

According to the interview excerpt from this participant, the behaviour is seen as a contributing factor to the municipality's inability to exit the intervention phase. The participant makes a suggestion for a policy to deter municipal officials from being active politicians, given the political roles many of them hold, which they leverage against senior management, exacerbating the politicisation problem. Another participant from the municipal management, echoed these sentiments, pointing to a lack of professionalism and excessive politicisation within the administration, which has led to a divisive and unproductive work environment:

> Among the challenges we had in the past was that of lack of professionalism. There was just too much politicisation of administration as politicians and officials were taking sides between the mayor and the then acting MM. It was tough, the workplace was a battlefield, and both sides were not prepared to see reason and to save their skin those in contracts and the under skilled took sides. At the time I was still in a junior position, and it was painful to watch both leaders not relenting nor prepared to listen to reason. Unfortunately, this was used by some of us in the administration to either do unlawful activities and drop names of officials or just not perform our duty and finding scape goats when called to task by our immediate supervisors. It was terrible. Yes, we are on the mend but not yet where we should have improved our MPAC is working but then it is still dealing with ratification of old reports so basically, we are catching up (Interview with Participant E).

The participant describes a period characterised by a significant lack of professionalism within the municipality, where the politicisation of administrative functions led to divisions and conflicts, notably between the mayor and the acting MM. This environment transformed the workplace into a contentious arena, with individuals aligning with either side, often to protect their positions or due to their lack of expertise, further undermining effective governance (Maqoko & Asma-Andoh, 2019). Being in a junior role at the time, the participant found it distressing to witness the refusal of both factions to compromise or engage in constructive dialogue. This polarised atmosphere not only hindered effective governance but also, regrettably, facilitated unethical behaviour among some administrative staff, including engaging in illicit activities or shirking responsibilities.

Despite these challenges, Participant E notes some progress in recovery, particularly with the MPAC becoming operational. However, much of its effort is still focused on addressing past issues, indicating that while there are signs of improvement, significant work remains to fully restore and enhance the municipality's functional capacity. These accounts underscore the necessity for leadership skills and accountability in local government oversight roles, as argued by Smoke (2015). Furthermore, this politicisation, where officials serve party interests over public service, undermines the principles of democratic local governance, potentially allowing a ruling party to maintain influence irrespective of its official power status, a phenomenon observed in party-dominated democracies (Wegner, 2018).

Finally, MLM's financial sustainability and capacity to deliver essential services are severely compromised by a reliance on grants, compounded by issues such as non-payment of rates, escalating debt, and a lack of revenue. This financial precarity is further exacerbated by

challenges in staffing, particularly in key managerial positions, which undermines the municipality's ability to strategise and innovate in response to its fiscal difficulties.

More importantly, MLM relies heavily on grants, a situation exacerbated by residents' non-payment of rates due to high unemployment (Mpofana Local Municipality, 2021). The consequent revenue shortfall and escalating debt to Eskom have significantly impaired the municipality's capacity to provide services effectively, resulting in a neglected and deteriorating town. Historically, a substantial portion of the municipality revenue came from farmers, who, despite benefiting from lower rates by law, have recently ceased their payments. This cessation has forced the municipality to depend solely on government grants, plunging it further into financial distress. While reliance on grants is not inherently negative, the conditional nature of these funds, often earmarked for specific projects, presents challenges for a municipality already struggling to maintain basic service delivery for over six years. The primary sources of municipal funding in the country, such as the MIG and equitable share, are designed to enhance the infrastructure sustainability of a municipality, and are funded from the national fiscus, preceding any locally generated revenue. These are the means by which MLM endeavours to fund essential services, including road repairs, bridge construction, and the upkeep of existing infrastructure.

In recent years, as noted in the annual reports for 2017/18, 2018/19, and 2019/20, MLM has had to appoint individuals to key positions on an acting basis, leaving these roles substantially vacant. This issue was particularly highlighted in the 2018/19 financial year when the provincial government intervened in the municipality's affairs under Section 139 (1b), prompted by a combination of adverse audit reports, an unfunded budget, and outstanding debts, including those for electricity supplied by Eskom. The negative audit findings indicated a lack of accountability among officials overseeing both political and administrative management in the municipality. According to the Municipal Finance Management Act (MFMA), the MM, who is the Accounting Officer, is responsible for financial accountability. However, the absence of permanent incumbents in such critical roles has led to a leadership vacuum, diminishing the effectiveness of acting managers and exacerbating the municipality's challenges, especially when the CFO position was also vacant.

Consequently, the scarcity of human resources has significantly impaired MLM's ability to fulfil its service delivery obligations as outlined in the SDBIP. The lack of adequately

empowered management, as argued earlier, to devise strategies or innovative solutions has left the municipality ill-equipped to address its financial difficulties. As argued by Chipkin (2013), effective governance relies on both robust financial resources and skilled human capital to achieve its objectives. In the MLM case, the weakened systems of the municipal administration, and failure to maintain accountability have compromised the foundational governance structures, pushing the municipality towards a precipitous decline and risking total dysfunction (Habib, 2014).

In addition to the MIG and Equitable Share (ES) sourced from national and provincial budgets, Mpofana Local Municipality benefits from aid funding. This type of funding encompasses financial support for projects, organisations, and institutions within the municipality's vicinity but beyond its direct control. Often, such aid originates from various government departments and institutions aiming to support entities engaged in developmental programmes designed to improve the socio-economic landscape without profit motives. Recipients typically include non-profit organisations (NPOs), community-based organisations (CBOs), non-governmental organisations (NGOs), and cooperatives, which receive subsidies from both government entities and private benefactors.

Importantly, these contributions are integral to the pool of aid funding, which, when effectively leveraged through a well-crafted Local Economic Development (LED) strategy, can significantly influence the region's development (Cele, 2009). As noted by Gibb and Nel (2007), strategic LED approach enables the municipality to strengthen its local economy by generating employment opportunities and reducing poverty. This can be achieved by harmonising aid funding (AF) initiatives to prevent programme duplication and guarantee a balanced distribution of developmental efforts, ensuring all community sectors benefit equitably.

In 2022, the KZNPL, in anticipation of a Women's Parliament, collaborated with the municipality to address women's unemployment in the area. This partnership highlighted the unique challenges faced by women, often overlooked in broader interventions (Perez, 2019). The Legislature's Social Responsibility Programme (SSRP) provided funding to select women's cooperatives, acknowledging however that these cooperatives often struggle with coordination by the municipality towards LED objectives, market access for their products, and adequate equipment for their operations.

Despite the SSRP's provision of essential equipment, the enduring challenge remains in securing stable local markets for cooperative products, essential for sustained income. A well-orchestrated LED strategy could further facilitate contractual agreements between local schools and clothing cooperatives for uniforms, and similar arrangements for home industry products with local retailers, integrating these cooperatives into the broader economic framework of the municipality. Such integration would not only support the cooperatives but also contribute to the overall LED and be part of the financial capacity of the municipality. This argument is further developed in *Chapter 5*.

3.4. Conclusion

In conclusion, *Chapter 3* has dissected the legislative framework guiding local governments in South Africa, with a focused examination of its application in the MLM. Through this exploration, the chapter has unearthed the nuanced complexities and challenges inherent in the practical implementation of legislative interventions, particularly those outlined in Section 139. Despite the legislative framework's foundational aim to strengthen local government accountability and enhance service delivery, the MLM case study illuminates the multifaceted obstacles that can impede these objectives.

The analysis within this chapter reveals that the interplay between political dynamics, administrative capacity, and the procedural intricacies of legislative interventions significantly influences the outcomes of such measures. It is evident that the efficacy of legislative frameworks in fostering effective governance and service delivery at the local level is contingent upon addressing these underlying challenges. The experience of MLM serves as a poignant illustration of how gaps in political will, administrative efficiency, and clear procedural guidelines can prolong governance instability and undermine service delivery efforts.

This chapter contributes to the overarching narrative of the thesis by spotlighting the critical role of the legislative framework in local government governance and the critical need for a re-evaluation of its application. The insights gained from the case study suggests a need for a more nuanced understanding of the legislative mechanisms at play and their real-world

implications. The findings emphasise the urgent need for legislative reforms that not only address the identified challenges, but also align more closely with the constitutional mandate for a capable, accountable, and service-oriented local government sector. The following chapter examines the effectiveness of oversight and its execution within the MLM, aiming to understand the complexities that steered the municipality towards a Section 139 intervention.

CHAPTER 4

Oversight and accountability challenges at Mpofana Local Municipality

4.1. Introduction

This chapter critically examines the oversight efficacy and implementation within the MLM, to unpack the complexities that led the municipality towards Section 139 intervention. The main aim is to dissect the multifaceted layers of oversight mechanisms and their operational dynamics in the context of local governance, particularly spotlighting the interplay between political and administrative frameworks that contributed to the governance crisis faced by MLM. This is important for understanding the effectiveness of oversight practices within local governments, especially in scenarios where the intended outcomes of governance and service delivery fall short. The case study of MLM, characterised by its descent into a governance crisis necessitating a Section 139 intervention, presents a compelling backdrop against which to explore these themes. This inquiry is important as it promises to shed some light into the pitfalls and challenges of oversight in local governance, and the potential to inform strategies aimed at improving governance efficacy. I argue that the oversight mechanisms, while designed to safeguard governance integrity and promote efficient service delivery, they tend to be complicated by systemic and operational deficiencies. These deficiencies, exacerbated by entrenched political dynamics and administrative in capabilities, significantly undermined the oversight function, thereby contributing to the municipality's governance predicament.

The findings elucidate the complex interplay between oversight capacities, political influences, and administrative competencies within MLM. They reveal how oversight mechanisms, in their flawed implementation, failed to rectify governance lapses, thus paving forcing the municipality to descent into dysfunction. Furthermore, the findings highlight the critical need for rethinking oversight practices, emphasising the importance of robust, transparent, and effective oversight mechanisms in averting governance crises. This chapter contributes to the overall thesis argument by providing a nuanced understanding of the role and limitations of oversight mechanisms within local governance structures. By unpacking the oversight challenges of MLM, the chapter contributes valuable insights into the broader discourse on enhancing local governance through more effective oversight practices. It emphasises the imperative for systemic reforms aimed at strengthening oversight functions to ensure they fulfil

their intended role in safeguarding governance integrity and fostering service delivery excellence.

The chapter begins with an overview of the theoretical underpinnings of oversight in local governance. It then delves into a detailed case study analysis of MLM, examining the specific oversight challenges and dynamics that precipitated the governance crisis. I then dissect the impact of these oversight deficiencies on governance and service delivery, drawing on empirical evidence and thematic analysis. The concluding section synthesises the key findings and reflects on their implications for enhancing oversight efficacy in local governments, setting the stage for subsequent discussions on potential governance reforms.

4.2. Oversight committees and municipal stability

The capacity of oversight committees, particularly MPAC, significantly impacts the stability and service delivery of local municipalities like MLM. Insufficient understanding of the scope of the committee, lack of empowerment, and challenges in accessing necessary information have emerged as some of the factors that hinder the effectiveness of oversight. However, improvements in committee understanding, leadership, and additional training can lead to better oversight and contribute to enhanced service delivery, as observed in the case of MLM. Despite challenges such as high levels of unemployment and significant debt, effective oversight can still lead to tangible improvements in service provision, demonstrating the importance of properly functioning oversight committees in local governance.

In Chap*ter 3*, I referenced the data emerging from MLM regarding the human resource challenges stemming from the disparity between the small number of councillors and the multitude of committees. Committees are appointed from among the available councillors in accordance with the Municipal Structures Act. Those heading the respective administrative units are accountable to recommend to the Executive Committee (EXCO). Contrary to the views presented by some participants in *Chapter 3*, further evidence emerging from MLM suggest that during the term that commenced in 2016, councillors often found themselves overburdened and occasionally unable to achieve a satisfactory balance of workload. Unlike other committees, the MPAC reports directly to the Council on its recommendations, making it an oversight committee as per Section 179 of the Structures Act. Other oversight committees,

such as ward committees, report to the ward councillor, with their election overseen by the Speaker of the Council. These committees typically consist of representatives from various stakeholders, residents, and interest groups within a ward.

In MLM like in all councils in South Africa, committees are elected at the beginning of each term, as it is the case in the rest of the country, with dates determined by the council. While there is no minimum skill or qualification required to serve on a ward committee, it is often advisable to identify individuals with key skills beneficial to the development of the ward. As noted in the previous chapters, most individuals serving on ward committees in MLM are primarily seeking employment. Since they are likely to be the first to learn about job opportunities, Von Holdt (2011) suggests that their focus may be more on personal development than on municipal turnaround efforts

In exploring the effectiveness of oversight mechanisms within local government structures, the case of the MPAC at MLM presents an interesting case study of the challenges faced. Interviews with former members and stakeholders reveal a fundamental disconnect in understanding the scope and purpose of the committee, exacerbated by a lack of targeted empowerment and training. Capturing the views of being a community member, former councillor, and member of MPAC in the 2016 term, one of the participants that I interviewed had the following to say:

> Committees were sitting, and I was a member of MPAC. There was a problem with understanding the task because we lacked it. Also, there was lack of empowerment by COGTA, for instance the ones organised by COGTA would be for all councillors in the province put together in one venue and that was not enough because we must always not all councillors were there for doing the actual work others were for personal gain and enrichment. They wanted to influence projects and so there is always a few who really paid attention on these few trainings. So, in all I do not believe they made any real impact for us to understand what was needed. Yes, the committees were sitting, and the role of MPAC was to oversee the other committees and ensure that they were doing their work. The chairperson of MPAC as well was something, it took us about a year to sit our first meeting. In 2019, the external member who was an accountant told us that it was his first-time receiving information. We were struggling to get information from the administration, the actual needed information and we sometimes had to rely on relations between staff members at the finance department to know what was happening at the municipality, otherwise they were refusing to give us the information even the agenda was very standard and just for compliance with having called a meeting. So, MPAC was not doing its job and I believe if it were functional

> there would have been stability. As I said earlier it was difficult to access required information and you would be moved from pillar to post. We had to approach the MM and tell him the information we needed, and he would refer you to someone junior yet ours was to speak to the MM so that he speak to his staff as their leader, yet he will be sending you on errands. We ended up confused to whether the donkey was still pulling the carriage, or the carriage was now pulling the donkey. There was a popular idiom like that (Interview with Participant C).

The participant, drawing from their multifaceted experience as a community member, former councillor, and MPAC member during the 2016 term, share insights into the committee's challenges. They note that while committee sessions were held, there was a significant gap in understanding their responsibilities, exacerbated by insufficient empowerment from COGTA. The participant further notes that the training provided was too broad and not tailored, often diluted by the mixed motives of attendees, with some focused more on personal gains than municipal governance. According to the participant, the effectiveness of MPAC was further hindered by delays, with their first meeting taking about a year to convene. A critical issue highlighted was the difficulty in accessing necessary information from the municipal administration, leading to reliance on informal networks within the finance department. The participant also expressed frustration with the bureaucratic run around when seeking information from the MM, leading to confusion about the operational dynamics within the municipality, metaphorically questioning whether the oversight mechanisms were effectively guiding the administrative functions or vice versa.

During the fieldwork, it emerged that the MPAC of MLM in previous terms faced significant challenges in understanding their roles and responsibilities. There was a divergence in perceptions of the usefulness of members of the committee, with some seeing it as ineffective and others attempting to leverage it for personal or political gains, hindering the intended focus on municipal oversight and accountability. This discord led to irregular meetings and a departure from the committee's mandated functions as outlined by the relevant legislative framework. One participant made a reference to the precursor of MPAC which was an oversight committee made up of different stakeholders drawn from the community including specialist in accounting and law as having been more effective. They noted that:

> I feel that the interventions as they currently are, are made not to work. Some of the decisions taken point to lack of willingness to effect change and, in the process, making the intervention not to work. Such decisions include the

> instruments we use to turn around situations as they are self-defeating, for example the decision to introduce MPAC was premature. What we had before in the form of Oversight Committees that were composed by multi-sectoral players. The MPAC was modelled after the SCOPA without considering the practicalities, requirements, and the environment at the local government level (Interview with Participant A).

In the above excerpt, the participant expresses scepticism about the effectiveness of current interventions in local government, suggesting a systemic lack of commitment to enacting meaningful change. They criticise certain decisions as counterproductive, specifically the premature introduction of the MPAC, which replaced more diverse, multi-sectoral Oversight Committees. According to the participant, MPAC, modelled on the national Parliament's Standing Committee on Public Accounts (SCOPA), was established without adequate consideration of the unique needs, practicalities, and environment of local governance, thereby diminishing its potential effectiveness. The participant further pointed out that council elections are governed by legislation, determining party representation in the MPAC based on election outcomes. They emphasised that despite members being elected by the council, their primary allegiance is to their respective parties, with party mandates often prioritising hierarchy over individual skills or capacity. This aligns with concerns raised by Adam Habib, where he critiques cadre deployment as a practice that undermines state efficacy (Habib, 2014).

Several reports from MLM indicate that in the previous term, MPAC failed to convene and address pertinent reports, attributed to members' lack of clarity on their roles and insufficient post-election capacitation for effective MPAC participation. Consequently, the oversight function was nominal, yet the chairperson received additional remuneration as stipulated by the Structures Act, which mandates higher earnings for chairpersons than for ordinary councillors (COGTA RSA, 2000).

Notably, the MEC's report to the Select Committee on COGTA in April 2022, presented by MEC Sipho Hlomuka, highlighted the lack of progress in areas previously identified as justification for lifting the intervention (COGTA KZN, 2022). Subsequent extensions of the intervention period by MEC Sithole-Moloi, until 31 October 2023 and then further to 30 April 2024, underscore ongoing challenges, including financial and service delivery issues despite some improvements in political and institutional stability (Sithole-Moloi, 2023). These developments point to the significant impact of MPAC's effectiveness, or lack thereof, on the municipality's broader governance challenges.

The views expressed by the participants cited on the above excerpts seem to be in alignment with the expectations of some participants who believed that if the current trajectory continues, MLM might soon be lifted from the Section 139 (1)(b) intervention. However, as of 8 December 2023, the municipality marked six full years since the municipality was put under section 139 (1) (b). Furthermore, the Eskom debt remains a significant concern among participants, which, according to the 2020/2021 annual report, was twice the annual income of the municipality, coupled with another unfunded budget (Mpofana Local Municipality, 2021). Participants expressed concerns that revenue collection issues might persist due to high unemployment and the employability of residents.

Notably, participants who spoke on the Eskom debt expressed a consensus on the importance of addressing MLM's revenue collection issues, which are expected to persist due to the high unemployment rate and the limited employability of citizens within the municipality. One participant expressed this concern:

> I want to emphasise that the refuse is now collected but if there is a technical issue with their truck, we know that it will come the following week, we have electricity even though we still have the municipality owing ESKOM and the basic services that should be provided by the municipality we are receiving them (Interview with Participant D).

In this interview excerpt, the participant highlights improvements in the delivery of basic municipal services in MLM. They point out that refuse collection has become more reliable, and residents are informed of any delays due to technical issues, such as a problem with the collection truck. This transparency and communication ensure that residents are aware that services will resume the following week if disrupted. Additionally, the participant notes that electricity is being provided consistently, despite the municipality's outstanding debt to Eskom. This indicates that, despite financial challenges, the municipality is managing to fulfil its obligations to provide essential services to its residents. The emphasis on these improvements suggests a positive shift towards better service delivery and an effort to maintain the provision of basic services, which are fundamental to the well-being of the community.

However, despite a unanimous recognition of the need to address the historic debt of MLM, there are divergent views on the solution, with significant debate around whether the

municipality should relinquish its power distribution license to Eskom due to the financial strain it imposes. The two participants who were drawn from the administration of MLM provides a perfect testimony to this through their insights and responses during interviews:

> We have too much debt, we cannot afford to pay it unless we get amnesty, and it is written off. Another problem is that after settlement we will still fall back in the debt again because for as long as such high levels of unemployment people will not pay. Even those who afford do not have the culture of paying for services so electricity theft will continue, the solution for me would be for the municipality to return the licence, I mean we must just revoke the distribution licence we do not have the capacity to collect because we lack the base from which to collect (Interview with Participant E).

You may have thought that at least those at management were of the same mind but another participant who is a senior management official in the municipality had a different view. His different view was shared during the interview as follows:

> We are steadily turning the corner; things will change. Our main challenge remains that of the huge Eskom debt which is twice our annual budget. It can be done only if National Treasury and the province can assist with the amnesty. Then we can set up a new debt collection system to curb losses. Losses happen through theft or what you call illegal connection. With a proper revenue collection system, we can collect enough and reclaim our revenue base (Interview with Participant F).

The two interview excerpts cited above present two contrasting perspectives from officials within the MLM administration regarding the municipality's debt crisis, particularly concerning Eskom. Participant E highlights the dire financial situation, emphasising that the municipality's debt is unsustainable without amnesty or debt forgiveness. This participant also points to a systemic issue of non-payment for services among residents, exacerbated by high unemployment, which undermines revenue collection efforts. The suggestion to relinquish the power distribution license to Eskom stems from an acknowledgment of the municipality's inability to manage the associated financial and operational responsibilities effectively. On the other hand, Participant F offers a more optimistic outlook, suggesting that with the right support from the National Treasury and provincial government, and through the implementation of a robust debt collection system, the municipality can overcome its financial challenges. This view underscores a belief in the potential for administrative reform and enhanced revenue collection mechanisms to address the root causes of financial instability.

Both participants, despite their differing solutions, highlight the critical challenges faced by the municipality in managing debt, revenue collection, and service delivery. Their insights reflect broader systemic issues, including a culture of non-payment and the impact of high unemployment on the municipality's financial health, which are also corroborated by the findings mentioned in the annual reports. These interviews illustrate the complex dynamics at play in addressing municipal debt and highlight the need for multifaceted strategies that consider both immediate financial relief and long-term systemic reforms.

The discussion surrounding the financial and operational challenges faced by MLM, as highlighted by the contrasting perspectives of two municipal officials, and other relevant evidence cited thus far, highlight broader issues related to oversight in local governance. These challenges reflect a common theme in local government oversight, where the effectiveness of supervisory bodies, like MPACs, is often hindered by systemic issues such as financial mismanagement, lack of accountability, and the political dynamics within municipalities. In the case of MLM, the significant debt, particularly to Eskom, and the challenges with revenue collection highlight a critical oversight issue. This situation points to a need for effective oversight mechanisms that can address both the symptoms and root causes of financial instability.

The more optimistic views shared by participants suggests that with adequate support and a revamped debt collection system, the municipality can overcome its challenges. This implies a role for oversight bodies in ensuring the implementation of robust financial management practices and accountability mechanisms. Writing on local government oversight in South Africa, Reddy (2010), highlights the crucial role of oversight bodies in ensuring financial accountability and transparency. However, the effectiveness of these bodies is often compromised by political interference, limited capacity, and sometimes, a lack of will to enforce accountability measures. Furthermore, SALGA has also acknowledged similar challenges in its reports, highlighting the need for municipal capacity building and improved financial management practices (Municipal Audit Outcomes Report, SALGA, 2022).

Evidence presented thus far, does acknowledge the multifaceted challenges in addressing financial and oversight issues within MLM. Despite a shared recognition of the need to address financial instability, there are contending views on methods and strategies. What was intriguing

during data collection was the belief that with a new revenue management system in place, there would be better collection for those who can afford it, while those who cannot remain in the indigent category, depending on free units. The belief was that enforcement of payment through disconnecting services for defaulters, coupled with the establishment of an indigent registry, could resolve these issues.

Currently, negotiations between MLM and Eskom are underway, aiming for a fresh start believed to rejuvenate the municipality and lift it out of the Section 139 (1)(b) intervention it has been under for the past six years. This discussion will be further expanded on *Chapter 5*, drawing lessons from Ghana on how challenges in the fiscal systems of decentralised governments affect service delivery (Kimble, 2012). The concept of "decentralised government" is used by many scholars and some states to refer to local government. Additionally, I will discuss the actual impact of revenue collection challenges in local government, drawing lessons from Delhi. Although the size and level of development of Delhi greatly differ from MLM, the contexts bear similarities (Bandyopadhyaya, 2003).

The escalating Eskom debt, compounded by systemic failures in revenue collection and the implementation of by-laws, underscores a critical oversight lapse in financial management and governance – as evidence by interviews from participants cited on this chapter. The inability to enforce payment for services, coupled with the fear of social unrest and infrastructural disruptions (like closing the N3 highway), highlights a broader issue of governance where the enforcement of rules is compromised by socio-political considerations. Moreover, the structural economic limitations posed by the municipality's heavy reliance on farming communities, which are subjected to lower rates, reveal an inherent challenge in generating sufficient revenue to sustain municipal services and development. This situation stresses the need for more robust and innovative oversight strategies that can navigate the complexities of local governance, ensuring fiscal discipline while accommodating the socio-economic dynamics of the community. One participant detailed the depth of challenges as follows:

> One elephant in the room when it comes to Mpofana has been the ESKOM debt that kept increasing from when the intervention started was just over R60m but today the 28th of June 2023 it is well over R400m. Collection is one problem but also the system is a problem as per policies and procedures of Municipality and the failure of management and leadership to implement their by laws because in terms of your by laws you disconnect because debt collection policy becomes a by law. In terms of their policy you disconnect when the debtor fails to pay and over the years the fear has been that if you disconnect Bruntville the N3 will be closed and that becomes a national crisis

> if the N3 is closed but again it becomes a problem itself if you allow acts of illegal action to be perpetuated…If you look into Mpofana and take into account the level of poverty, the farming communities, even if you were to collect all the revenues in Mpofana you would still have a shortfall because of the population size, and the nature of a farming municipality because farms pay lesser rates…This is same problem like in Impendle, when many years ago I was MM at Impendle when the Property Rates Act was established, I made a proposal to the National Assembly Portfolio Committee when they visited that it was costing Impendle more to put in place an evaluation roll than what would be collected through that valuation (Interview with Participant B).

The participant discusses the significant challenge faced by MLM regarding its escalating debt to Eskom, which has dramatically increased from around R60 million at the beginning of the intervention to over R400 million by June 2023. They point out that the issue is not only about the municipality's inability to collect debts but also about systemic problems within the municipality's policies and procedures. Specifically, there is a failure in implementing by-laws related to debt collection, where disconnection policies are not enforced due to concerns about potential social unrest, such as protests that could block critical infrastructure like the N3 highway. Additionally, the participant highlights the broader socio-economic challenges impacting revenue collection. MLM, being a largely agricultural area with a significant portion of the community involved in farming, faces inherent limitations in revenue generation due to lower rates charged to farms compared to residential areas. This structural issue is compounded by high poverty levels and unemployment, which reduce the municipality's revenue base even further.

More significant, the insights from the participant above reflect a collective acknowledgment of the committee's commitment and a deeper understanding of their oversight role, a vital aspect for fostering accountability and transparency within local government operations. The commendation of the current chairperson's leadership, a qualified teacher and school principal, underlines the significant impact that suitable leadership can have on the effectiveness of such committees. His educational background and leadership experience in the educational sector are perceived as beneficial for guiding the committee, especially in navigating the complexities of municipal oversight and governance. This scenario aligns with the broader expectation that individuals placed in positions of oversight should possess not just the technical know-how but also the leadership qualities necessary for driving effective governance and accountability. This development suggests a maturing governance structure within the MLM, with potential

implications for improved service delivery and operational efficiency, anchored by a leadership that is both competent and aligned with the foundational principles of good governance.

Notably, in South Africa the role of MPACs is increasingly recognised as pivotal in ensuring accountability and transparency within municipalities, aligning with the principles set out in the Municipal Finance Management Act (MFMA) (Republic of South Africa, 2003). The effectiveness of such committees is often contingent upon the leadership and the collective commitment of their members to uphold their oversight responsibilities. The emphasis on leadership within MPACs echoes findings from broader governance literature, where the competency and commitment of committee leaders are deemed critical for the successful fulfilment of oversight functions (Bratton & van de Walle, 1997). Leadership in this context is not merely administrative. However, it involves a deep understanding of governance principles, ethical conduct, and the ability to foster a culture of accountability.

Comparatively, the significance of leadership in governance structures is not unique to South Africa. Studies in other democratic settings have underscored the critical role of oversight committees in ensuring governmental transparency and accountability (Pelizzo & Stapenhurst, 2004). For instance, the effectiveness of Public Accounts Committees in the United Kingdom has been attributed to their robust leadership and the procedural autonomy afforded to them, enabling a rigorous scrutiny of government expenditures (McGee, 2002). Furthermore, the situation in MLM resonates with global challenges in local governance, where the capacity and willingness of oversight bodies to execute their mandates effectively are often hindered by various constraints, including political interference, limited resources, and insufficient training (Shah, 2007). The initiative to provide additional training for MPAC members of MLM mirrors recommendations from international governance bodies, which advocate for continuous capacity building of oversight committees to enhance their effectiveness (World Bank, 2004).

4.3. The interface of politics and public administration

The tensions between political influence and public administration within MLM highlight a broader governance challenge, where political interference and the politicisation of administrative functions undermine efficient service delivery and operational effectiveness – as evidenced by the data collected from the municipality. This is further complicated by intra-

party divisions and a blurred line between political and administrative domains, which have contributed to a strained relationship between elected officials and municipal management. As noted earlier in *Chapter 3*, these tensions, rooted in the historical and constitutional context of South Africa, are emblematic of the broader struggles faced by governmental institutions in navigating the delicate balance between political oversight and administrative autonomy.

As noted in the introduction of this thesis and on my positionality, I have interacted very close with some of the committee members overseeing the administration of MLM. One notable concern at the municipality were the tensions that engulfed the dynamic relationship between management and both politicians and bureaucrats. From the outset of the 2016 Council term, tensions were evident, particularly pronounced between the MM and the mayor. These tensions were attributed to divergences in priorities and an understanding of respective roles and responsibilities (Thornhill, 2005). Further complicating matters were the intra-party divisions within the ANC, the dominant party in the Council, creating a politically charged environment at the time the municipality was placed under Section 139(1)(b).

A significant source of discontent among participants interviewed on the topic of the interface between politics and public administration, was what they described as "political interference and politicisation" within the Council's administration. The involvement of politicians in administrative matters, contrary to the delineation set by legislation, and the entanglement of the administrative body in political decisions, were highlighted as key issues (De Visser, 2010). Moreover, there was a perception among some that, politicians leveraged their positions to sway administrative decisions, leading to a renunciation of Council decisions that did not align with the expectations of their electoral constituencies. This led to a scenario where administrators might seek proximity to politicians to ensure job security and advancement opportunities, sometimes engaging in conduct detrimental to the interests of the municipality.

Needless to say, the power dynamics observed at MLM are indicative of broader systemic issues and not isolated incidents unique to this setting. These dynamics often emerge as unintended consequences of constitutional frameworks. The situation at MLM brings to mind Suttner's (2014) discussion on the complexities inherent in constitutional democracy. In discussing the complexities of the constitutional framework within South Africa, it is essential to acknowledge the historical context from which it emerged. As Suttner (2014) highlights, the development of the constitution was intricately linked to the country's historical past, marked

by widespread disenfranchisement and a series of injustices against the majority of its population. This backdrop sets the stage for occasional frictions between the judiciary's interpretations of the constitution and the actions of the legislative and executive branches of government. The interplay between these entities is not merely a matter of legal interpretation but is deeply rooted in the broader struggle to address historical injustices while navigating the practicalities of governance in the present (Suttner, 2014).

The tensions within MLM, as described by participants cited throughout this chapter, can be attributed to the complex interplay of divergent interests between political figures and administrators, suggesting a departure from the ideal governance model envisioned by the Constitution. This discord may be alluded to the dynamics of a party-state democracy, where the drive to satisfy the electoral base and secure re-election tend to overshadow collective, principled governance (Melber, 2014). This situation is further complicated by administrators who, in their pursuit of positive performance evaluations or contract renewals, tend to align more closely with political agendas than with impartial administrative duties. Furthermore, populism in governance, affecting both the politico-administrative interface and broader municipal operations, highlights the need for a paradigm shift in governance. To foster effective local government, there is a pressing need to move beyond these counterproductive tendencies, establishing robust systems that encourage a harmonious, trust-based collaboration between politicians and bureaucrats, united in achieving shared objectives for the benefit of all communities (Maqoko & Asma-Andoh, 2019).

The findings from the MLM, as discussed in the chapter, reveal a compelling narrative on the intricate dynamics of oversight and governance. They underscore how intertwined political influences and administrative functions can significantly undermine oversight mechanisms, leading to governance challenges. The situation of MLM, marked by tensions between politicians and bureaucrats, serves as a microcosm of the broader complexities faced by local governments. This aligns with the critical discourse on the need for a refined oversight approach, one that is not solely bound by procedural rigidity but is adaptable, understanding the nuanced interplay between political and administrative divides.

4.4. Conclusion

The chapter explored the complexities of oversight within the MLM, unpacking the layers that culminated in the invocation of Section 139 intervention and illuminated the critical, yet often challenging, role of oversight mechanisms in safeguarding the ethos of governance and ensuring the efficacy of service delivery within the local government framework. The findings shed light on the inherent weaknesses and systemic vulnerabilities in the oversight functions as practiced within the MLM. Evidence from the field suggest that the interweaving of political dynamics with administrative functions significantly compromised the effectiveness of oversight mechanisms, leading to a governance impasse. These findings point to the critical need for a nuanced approach to oversight – one that transcends mere procedural compliance to embrace a more holistic, integrated, and context-sensitive framework capable of navigating the complex interplay between political influence and administrative accountability. This chapter contributes to the overarching thesis narrative by spotlighting the nuanced challenges and intricacies of oversight in local governance, enhancing our understanding of the multifaceted nature of governance challenges and offer a compelling case for rethinking oversight mechanisms. The following chapter examines the nexus of legislative interventions and their execution within the MLM, with an aim to dissect the complex dynamics that contribute to the encountered challenges and inefficiencies in local governance.

CHAPTER 5

Revisiting intervention strategies: lessons and insights from Mpofana Municipality's prolonged oversight

5.1 Introduction

The chapter critically examines the intersection between legislative interventions and the realities of their implementation within the MLM to unpack the intricate dynamics that underpin the challenges and inefficiencies encountered in local governance. It seeks to uncover the complexities that have perpetuated the governance crisis in MLM and illuminated the broader implications for legislative frameworks guiding local governments in South Africa. Evidence presented in this chapter suggest an urgent need to critically assess the effectiveness of legislative interventions, such as those authorised under Section 139, within the practical context of local governance. The persistent issues faced by the municipality serve as a microcosm of the broader challenges that plague local governments, making it imperative to scrutinise the underlying factors that contribute to the failure of these legislative measures to implement meaningful change and enhance service delivery.

The main argument presented in this chapter posits that the legislative framework, while theoretically robust in its design to ensure accountability and governance efficacy, often fall short in practice due to a confluence of factors. These include entrenched political dynamics, administrative shortcomings, and a lack of coherent strategy in the application of interventions, which collectively undermine the intended objectives of legislative oversight and intervention mechanisms. The findings reveal complex challenges that beset the municipality, highlighting the critical gaps between legislative intent and practical execution. The analysis delves into the multifaceted nature of these challenges, emphasising the need for a more holistic and context-sensitive approach to legislative interventions that takes into account the complex interplay of political, administrative, and socio-economic factors. The chapter offers invaluable insights into the limitations of current legislative interventions and highlight the imperative for a comprehensive re-evaluation and reform of these mechanisms to better align with the realities of local governance.

The chapter begins with an overview of the legislative framework governing local governments in South Africa, with a particular focus on the provisions and implications of Section 139 interventions. This is followed by an in-depth analysis of the application and impact of these legislative measures within MLM, incorporating empirical evidence and insights garnered from fieldwork. The chapter then moves into a discussion of the key challenges and obstacles encountered in the execution of legislative interventions, drawing on theoretical perspectives and practical experiences. The concluding section synthesises the findings and reflects on their broader implications for legislative frameworks in local governance, setting the stage for future discussions on potential reforms and enhancements.

5.2. Management of oversight interventions

The previous chapters explored the policy framework governing local government and examined the oversight environment within MLM, particularly focusing on the concept of oversight through intervention, as delineated in Section 139, and more specifically, subsection 139(1)(b). The forthcoming analysis aims to assess the impact, if any, of these frameworks on the enduring instability in MLM, six years on. The analysis will consider how various prevailing conditions have contributed to the current state of the municipality, set against the backdrop of its mandate to deliver services within a democratic local government framework.

Reflecting on the challenges encountered during the data collection phase – as outlined in the methodology (see *Chapter 2*), particularly the difficulty in engaging with political figures due to their unavailability, a notable observation emerges. This did not only present a limitation to the breadth of research, however, it also unveiled intriguing insights into the political power dynamics and interests at play within MLM. It appears that these political dynamics and interests, while predominantly reflective of the ruling party's internal landscape, interestingly, they seem to transcend party lines, manifesting in a pattern that cuts across the political spectrum.

This intersection of interests and dynamics, far from being addressed, poses a significant threat to the integrity of governance systems. It has the potential to compromise the capacity to close governance gaps. Additionally, this can also lead to the institutional breakdown. Such dynamics, when operational, do more than just hinder the achievement of service delivery

goals; they can supplant these legitimate objectives with the agendas of influential factions. The case study of Nelson Mandela Bay as detailed by Crispen Olver (2017). Offer a deeper understanding of the consequences of this entanglement as characterised by political divisions and administrative fractures. This case study elucidates how a nexus of politicians, administrators, and corrupt business entities not only deprived the residents of Nelson Mandela Bay of essential services, but also diverted funds intended for public benefit into the pockets of select individuals. Moreover, it highlights the grave consequences faced by those who dared to challenge this corrupt system, including threats to their safety and well-being (Olver, 2017).

The oversight intervention at MLM, stemming from Section 139(1)(b) of the Constitution, can be understood as an exercise in consequence management by higher levels of government, specifically the provincial government through the Department of COGTA. This intervention mechanism serves as a critical component of oversight in local governance, aiming to address and rectify lapses in municipal management. Although initiated by the provincial COGTA department, these interventions are subject to oversight from both the Provincial Executive Council and the National Department of COGTA. These entities, in turn, are accountable to the provincial legislature, NA and the NCOP, all of which hold the constitutional mandate to oversee departmental actions, embodying the principles of mutual complementarity and separation of powers within government (Munzhedzi, 2017).

Such interventions in the local government sphere shed light on the hierarchical structure of governance and delineate the distinct rights and responsibilities inherent at different government levels (Hamza, 2021). A critical aspect of COGTA's oversight role involves monitoring local government functionality, providing support and interventions as needed. Successfully fulfilling these responsibilities can lead to the establishment of stable, accountable local governments capable of delivering satisfactory services to their communities. Similarly, effective monitoring, as Hamza (2021) notes, hinges on unrestricted access to accurate fiscal and financial information. This perspective is shared by Inaki (2019), emphasising that accountability mechanisms should bridge the information gap between governments and citizens. Such monitoring, integral to any accountability framework, emphasises the importance of public participation in government decision-making processes, a tenet enshrined in Section 118 of the South African Constitution (RSA Parliament, 1996).

Monitoring the implementation of Section 139(1)(b) as an oversight mechanism in local government commences with the approval of council reports from the EXCO and the MPAC on the progress of the intervention (MPAC Guide and Toolkit, National Treasury, 2011). These council reports are important for providing the necessary monitoring data to higher government levels to gauge the progress or shortcomings of the intervention. For this process to be effective, MLM must table accurate and truthful reports that reflect the actual state of their administration, thus allowing the relevant departments to offer the necessary support (SALGA, 2011; Public Audit Amendment Act, 2019). This inter-governmental reporting hierarchy is designed to include, rather than exclude, citizens, who often receive information either directly from council sessions or via public participation mechanisms facilitated by higher governmental spheres (Hamza, 2021).

Interviews conducted from MLM have indicated that the quality of reports generated during the term ending in 2021 might not have been sufficient for higher authorities to fully comprehend the extent of the municipality's challenges. One respondent alleged that:

> Remember our Municipality was disbanded in 2014, but elections brought back almost same councillors, you know. Then came 2016 again another chance. We saw more young councillors coming in including those with tertiary qualifications. You don't study to be a councillor per se but as you know if you have been to university, we assume that you know better. Your mind yes, your state of mind, but I was proved incorrect in our case. They did not display any sense of understanding what they were required to do or convince or the real task of leading the municipality. There were serious infights, sometimes not on the important aspects but just on power. The turning around of the municipality which for many of us was the key, hayi, no not to them or at least those who were leading. Yes, they were young, vibrant and educated but the work was to turn around Mpofana. Maybe they didn't know what to do because they knew we had problems. So, I think I may be blaming the leadership wrongly because those who sent them, the organisation should have said 1,2,3, you see. I don't know. The cohort of councillors elected in 2016 may not have been thoroughly prepared for the tasks of leading the council. That is how I view them, in fact they were the same with Management, only fights no solutions that will make the municipality to deliver in fact that brought more challenges and deepened the old ones. Among the challenges we had in the past was that of lack of professionalism (Interview with Participant E).

This interview excerpt reveals insights into the perceived inadequacies and challenges faced by the MLM council, particularly focusing on the cohort of councillors elected in 2016. The participant reflects on the continuity of councillors from a disbanded 2014 council to

subsequent elections, noting the infusion of younger, fairly more educated councillors in 2016. Despite academic credentials of these councillors, the participant observed a significant gap in their practical understanding and execution of their duties within the municipality. For this participant, the expectation that higher education would naturally translate to a better understanding and capability to govern effectively was challenged by the actual performance of these councillors. Instead of focusing on crucial tasks like turning around the municipality's fortunes, internal conflicts and power struggles dominated their tenure. The participant suggests that the root of the problem might not solely lie with the individual councillors, but perhaps with the larger organisational structure and the guidance, or lack thereof, provided by their political party.

This narrative points to a disconnect between academic qualifications and the practical demands of governance, exacerbated by a lack of adequate preparation and support from the councillors' political organisation. The result was a council caught in internal strife, lacking professionalism, and failing to address the municipality's longstanding and emerging challenges effectively. The assertion derived from the participant interviews highlights a significant oversight challenge within the MLM, particularly concerning the functionality and effectiveness of the MPAC during the term preceding 2021. Evidence from participants cited thus far, indicate that the MPAC failed to adequately review annual audit reports, which is a critical component of its oversight role as outlined in the Amended Audit Act and Section 80 of the Municipal Structures Act. This failure compromised the committee's ability to address issues identified by the Auditor General of South Africa (AGSA) and present viable solutions for council adoption, a key step in ensuring accountability and rectifying administrative and financial discrepancies.

Furthermore, the responsibility of MPAC extends beyond mere analysis of audit reports. It includes the verification of the authenticity of information presented in various reports and the rigorous examination of declarations of interest by both councillors and management, as guided by the MPAC: Guide and Toolkit developed by the National Treasury's Municipal Finance Unit (2011). The purpose of such scrutiny is to ascertain the integrity of policy decisions, ensuring they are made in the best interest of the community without personal gain to the decision-makers, thereby fostering trust in municipal governance.

The insights shared by participants who worked closely with the process of administration, suggest that the inactivity of MPAC in MLM during this critical period led to a vacuum in effective oversight. This lack of oversight not only undermines the credibility of the decisions and policies adopted by the municipality but also erodes public trust in its governance mechanisms. This observation underscores the critical role of oversight committees like MPAC in safeguarding the principles of transparency, accountability, and ethical governance in local government structures.

While the ineffective management of the MPAC and other oversight bodies within the MLM may be an internal issue due to several factors at play internally, they highlight governance challenge that potentially impacted the flow of crucial information to higher levels of government, thereby hampering their ability to effectively monitor the Section 139 intervention. The discordance in information, as observed during the reporting meeting on the 9th of October 2023, particularly regarding the reasons for low MIG expenditure, highlight the detrimental effects of unreliable information on the oversight process. Such discrepancies in reporting could obstruct the provincial department's capacity to accurately evaluate the situation of the municipality and provide timely support, especially in areas like project management where capacity issues may manifest in the planning, procurement, or execution phases.

Moreover, the oversight committees' need for support extends beyond the initial induction training provided by SALGA. Continuous, tailored guidance is essential for empowering committees like the MPAC to make informed, effective decisions that could potentially alleviate the municipality from its predicaments under Section 139(1)(b) intervention. This ongoing support is crucial for enhancing the capacity of the committees to navigate complex governance challenges, thereby facilitating a more efficient and impactful oversight mechanism within the municipality.

When I was doing fieldwork, it was alleged that there was a tendency of not implementing consequence management on investigation reports tabled at council including those that were commissioned by the provincial government (COGTA, 2018). One participant alleged that:

> The other aspect is because the provincial government leadership tends to play into the politics of the party when implementing their government

> program, you have for instance an MEC who when is told by AGSA that this CFO you have in Mpofana has attempted to unlawfully influence Audit outcomes so remove this person but the MEC doesn't remove the person but rather tries to find ways of keeping the person despite the serious allegations by AGSA, so no consequences for such a serious offence. I think the other reason I say that is that there was an investigation conducted at Mpofana by COGTA and it found serious allegations on certain individuals and implementation of recommendations of that investigation was slow but even when implemented some decisions were not implemented correctly. For an example there was a service provider identified to have received a contract irregularly and should have been terminated yet it wasn't but carried on and various reasons were cited, yet COGTA had paid for it. I can't remember the title of the investigation except that it related to the supply of fleet to the municipality, but I can find it together with the year. It seemed that the mayor then had found various reasons to not implement it, and this went on until that fleet contract lapsed (Interview with Participant B).

The interview excerpt reveals concerns about the influence of political affiliations on the administrative decisions within the MLM, particularly regarding the enforcement of accountability and the implementation of recommendations from oversight bodies or investigations. The participant points out an instance where an MEC was advised by the Auditor-General to take disciplinary action against a CFO who allegedly attempted to influence audit outcomes unlawfully. Despite the seriousness of the allegations, the MEC opted not to remove the CFO, indicating a reluctance to enforce consequences for significant breaches of conduct, potentially due to political considerations.

Further compounding the issue, the participant references a specific investigation conducted by the COGTA, which unearthed grave allegations against certain individuals within the municipality. The slow and improper implementation of the recommendations of the investigation, particularly concerning a service provider who was irregularly awarded a fleet supply contract, demonstrates a failure to adhere to procedural integrity. The reasons cited by the mayor for not terminating the contract, despite clear directives, exemplify the challenges in overcoming political interferences and ensuring accountability within the municipal governance framework. This situation underscores the complexities and potential conflicts between political loyalty and the imperative for transparent, accountable governance in local government.

While the situation described above may have arisen due to a lack of capacity within the oversight committees, including the MPAC and the Council of MLM, there is an assumption

that when upper spheres of government monitor the sharing of information, they can pinpoint the specific areas in need of empowerment. Important to note, empowerment deficiencies are not always due to a lack of necessary skills; sometimes, they stem from concerns that reports might implicate others within the municipality, embodying what Stiglitz describes as 'vested interests' (Stiglitz, 2017). These circumstances can lead decision-makers to establish policies that serve their interests, potentially at the expense of the needs and priorities of the community.

Through interrogating the shared information, the overseeing department could invoke relevant legislation against those circumventing processes, while empowering others to formulate policies free from personal interests. In MLM, participants alleged a contentious relationship between the former Mayor and MM, attributed to their affiliations with different ANC factions within the Moses Mabhida Region, where the municipality is located. However, this factionalism is not unique to local governance and can obstruct progress and accountability, undermining the integrity expected at the local government level. Internationally, such dynamics are often linked to local elites capturing governments to advance their regional or national political ambitions (Inaki, 2019). This observation, while pertaining to developing countries globally, could also apply to MLM, where the need for further deployment of the MM and councillors' desire to shield their inaction from scrutiny might use such internal conflicts as leverage. However, this creates a barrier to providing the necessary support to the oversight committee, since it is challenging to identify the form of assistance needed for the committee to effectively carry their duties.

During intervention, support extends beyond mere development; it also encompasses advocating for the execution of plans determined by oversight committees and the council. A significant challenge consistently highlighted in all annual reports and by participants is the municipality's Eskom debt. Recognised as a substantial burden, there seems to be no viable solution for settlement other than a mutually agreed approach. While there is no unified agreement on a definitive solution, the necessity to address the debt is universally acknowledged. Solutions range from debt forgiveness to potentially ceasing electricity sales and reverting distribution back to Eskom. Any resolution, including debt forgiveness, would require support and adherence to National Treasury guidelines outlined during the Adjustment Estimates Appropriation phase in November 2023.

To ensure the efficacy of Section 139 (1) (b) oversight intervention and bring stability to MLM, comprehensive interventions are essential, both in administration and the general state of the municipality. The high unemployment rates, particularly in the three semi-urban wards, exacerbate the issue of non-payment for services. Investment by Economic Development departments to revitalise the local economy and generate employment is crucial, alongside strengthening the Local Economic Development (LED) unit and strategy. Some participants (as cited in *Chapter 4*), expressed concerns that the current intervention approach does not foster a self-sustaining municipal environment, potentially leading to a continuous need for Section 139 (1) (b) intervention.

Drawing parallels with the revenue challenges faced by New Delhi City in India, it is clear that self-sustainability through revenue generation for service provision is imperative (Bandyopadhyaya, 2003). The Department of COGTA plays a pivotal role in providing municipal support and facilitating Section 139 (1) (b) interventions. The inability of MLM residents to pay for services is primarily due to a lack of income. Without addressing the unemployment issue, expecting residents to afford services is unrealistic. Revitalising the inner Mooi River town could entice investors, creating job opportunities and enhancing municipal self-sustainability.

The deployment of a MR, stationed daily at the municipality to guide decision-making and navigate the path out of Section 139 (1)(b) intervention, is another critical step in the process of intervention. As discussed in *Chapter 3*, the absence of a legislative framework for uniform standards significantly impacts intervention effectiveness. The role of the MR, crucial in these interventions, currently lacks a systematic approach for selection, often drawing from a pool of senior officials with lapsed contracts. The establishment of a dedicated unit within COGTA, staffed with experienced local government specialists, could potentially enhance intervention outcomes by providing skilled support to struggling municipalities and mitigating the risk of appointments influenced by political affiliations (Habib, 2014).

Drawing lessons from other international case studies, comparing South African interventions with those in other developing countries, it is evident that defined objectives and time frames are essential, along with consequences for failing to meet these benchmarks (Shamsul Haque, 1997). However, the absence of repercussions in South Africa for not achieving intervention goals within set timelines may imply an overreach or ineffectiveness of government

interventions (Hamza, 2021; Van de Waldt & Greffrath, 2016). In the specific case of MLM, where Section 139 (1)(b) has extended over six years with multiple contract extensions for the MR, the lack of progress, especially in financial areas, underscores the need for a more structured and accountable approach.

Furthermore, the MPAC, as an oversight body within the municipality, plays a crucial role in reviewing the SDBIP quarterly to assess progress made through interventions. This evaluation is not only about tracking advancements but also ensuring that any service delivery aligns with the legal and policy frameworks governing the municipality (Kraai, Holtshausen, & Malan, 2017). The insights gained from these internal reviews, supplemented by evaluations from the provincial Department of COGTA, should guide decision-makers in assessing the efficacy of ongoing interventions (Koma, 2010). Koma emphasises the necessity for provincial departments, particularly local government and treasury, to adopt a more strategic stance, offering targeted support and resources to municipalities lacking capacity (Koma, 2010).

In this context, I argue that the approach to resourcing municipalities like MLM should transcend basic administrative support, such as covering the salaries of deployed administrators. It should strategically encompass areas critical to municipal revival, such as infrastructure development facilitated by grants like the MIG, and initiatives aimed at revitalising the local economy. By addressing these core areas, interventions can provide more sustainable and impactful solutions to meet the needs of communities.

5.3. A strategic approach to Local Economic Development

The critical need for targeted interventions and support to address the systemic issues facing MLM, especially in terms of economic development and service payment challenges can be alluded to high levels of unemployment within the region. This suggests that empowering local economies through strategic support for small businesses, like cooperatives, can enhance their capacity to contribute to the local economy, thereby improving the financial stability of both the community and the municipality. This approach not only aims to boost local economic activity but also to alleviate the burden on the municipality caused by unpaid services, particularly the substantial Eskom debt. Evidence presented in this thesis has suggested an

urgent need for a focused and well-resourced LED strategy to transform the socio-economic landscape of MLM and its community.

In introducing MLM, I highlighted several significant challenges it faces, notably the high unemployment rate (see *Chapter 1*). A large number of Bruntville residents are unemployed, contributing to the municipality's inability to collect revenue for services such as electricity. This has led to a substantial and unsustainable debt to Eskom, as detailed in the MLM 2018/19 Annual Report and several interviews with participants presented thus far. The closure of small industries and factories that were once the backbone of Mooi River town has also exacerbated the unemployment challenge, leaving many residents in government-provided low-cost housing without employment.

Presently, the municipality relies on grant funding from various departments and entities within the uMgungundlovu District Municipality (Cele, 2009). Koma (2010) contends that it is the responsibility of the provincial government to support municipalities lacking in essential capacities, specifically through the Department of COGTA and the Provincial Treasury. Furthermore, evidence from the fieldwork and reports indicate that MLM's economic development is one such area needing support. While LED units are typically tasked with this responsibility, the municipality being under intervention, requires additional support from the provincial government (Koma, 2010). Mooi River, the main town within the municipality, once served the surrounding farming communities but is now considered a small town. The lack of a clear definition for small towns in South Africa could lead to debates regarding this classification (Gibb & Nel, 2007). Commenting on challenges in identifying and defining small towns, Gibb and Nel (2007) argue that using Alicedale in the Eastern Cape as a case study, that revitalising the local economy can rejuvenate small towns.

It is important to note that the economic landscape of MLM is currently in a precarious state, despite the Natal Midlands and Midlands Meanders being key tourist attractions within the district. Observations and studies of the municipality underscore the local economy as a critical bottleneck in its developmental path. A significant portion of the population remain unable to afford basic services, finds itself mired in unemployment, with the local economy lacking the capacity to offer widespread employment opportunities. Reference to interventions, such as those by the provincial legislature in Bruntville township, highlights efforts to promote local businesses, particularly women-owned cooperatives. These initiatives, aimed at providing

essential operational tools, not only support the immediate needs of the members and their families but also hold the potential to resuscitate the local economy by fostering job creation and stimulating monetary circulation within the municipality.

Such interventions align with the principles set forth by the Department of Provincial and Local Government (2006), which advocated for government enterprise support and business development services to enhance small business management through training and advice. The emphasis on improving these businesses highlight the need for them to gain access to broader markets, such as local schools and government entities, which could secure a steady income stream for these cooperatives. This promises to foster the growth and development of these small businesses, and to enhance the capacity of community members to fulfil their financial obligations for services rendered, thereby reducing the dependency of the municipality on external funding sources. This observation underscores the need for oversight interventions to focus on economic empowerment and capacity building within the municipality to ensure sustainable development and financial stability.

The envisaged improvement of small business management is expected to be realised through investments by provincial and national departments overseeing COGTA and Economic Development. These investments aim to rejuvenate the economy of MLM by aiding in the establishment of a competent LED unit, complete with specific targets and a formalised LED strategy. Swinburn and Murphy (2004) define LED as a process designed to increase the economic strength of a local area, thereby improving its economic future and the overall quality of life for the citizens. This process involves collaboration between the public sector, businesses, and non-governmental organisations to foster conditions conducive to economic growth and job creation.

Magwaza (2018) discusses service delivery within MLM and observes that while the local population is open to welcoming outsiders, they insist on being the primary beneficiaries of local development initiatives. This position is rooted in their identity as local residents who face significant financial burdens due to unemployment, which makes paying for basic services like refuse collection, electricity, and water a challenge. Magwaza (2018) suggests that if the municipality addresses the local development challenges, particularly the unemployment crisis, this could lead to an increased willingness among citizens to pay for municipal services. This, in turn, would alleviate the financial constraints on the municipality, enabling it to carry out

further development projects. This suggests that effective oversight interventions and capacitation of the municipality necessitate targeted investments in local economic development to enhance service delivery and financial sustainability.

5.4. Navigating party politics for effective oversight

Based on the analysis provided in *Chapters 3, 4*, and previous sections of this chapter, I hope to have effectively persuaded the reader of the critical importance of transcending internal party politics and establishing a definitive separation between party interests and the responsibilities of municipal governance. These measures are crucial for strengthening oversight and advancing the quality-of-service delivery within MLM. This evidence leads to a conclusion that interplay of political interests within the governing party, and other challenges cited above, while this has led to a lack of cohesive leadership in the municipality, has further compromised the delivery of services and accountability, resulting in the weakening of governance systems and the municipality's overall performance. These challenges emphasise the need for a clear separation between party politics and state responsibilities to ensure effective governance and service delivery at the local government level.

Frantz Fanon (1961) observed that post-independence nationalist parties, focused primarily on nationalistic agendas, often lack a coherent economic strategy, leaving significant gaps in governance post-liberation. This critique remains pertinent to the South African context, particularly in light of the revelations from the recent findings of the Commission on State Capture, which highlighted the failure of public institutions and state-owned enterprises to fulfil their foundational objectives, largely due to inadequate governance systems and a deficiency in accountability (State Capture Commission, 2023).

The ANC, despite its pivotal role in the liberation struggle, has encountered challenges in governance, manifesting in numerous missteps and unfulfilled promises, as indicated in the party's manifestos (Payne, 2019). This situation has compromised economic growth and threatened the integrity of state-building efforts (Chipkin, 2013). The convergence of factors such as corruption, poor leadership, substandard policy decisions, and resource constraints can be viewed as the residual effects of a nationalistic struggle that Fanon (1961) critiqued. Consequently, issues that the liberation struggle aimed to address, such as inequality, poverty,

and unemployment, have been exacerbated. While the initial appointment of inexperienced individuals to key positions post-democracy might be a factor, a more profound issue lies in the party's tendency to overreach into governance domains, undermining the autonomy of the public institutions that is meant to oversee. This tendency is exemplified by the governance challenges within the municipality, serving as a microcosm of the broader national issues. The case study of MLM highlights the necessity for a clear demarcation between party and state responsibilities to ensure effective governance and service delivery.

Crucially, the inclusion of politics within local government frameworks is not only expected but mandated by the South African Constitution, particularly Section 152, which articulates the vision for municipalities to be arenas for service provision and local democratic governance. This constitutional directive aligns with the broader post-democracy establishment of governmental structures and public institutions, acknowledging the political nature inherent within municipal governance. Therefore, this being said, the anticipated politics within municipalities are those that seek to address and rectify the deficiencies and injustices that are part of the apartheid legacies, with the expectation that a democratic government would undertake this redress. However, instances such as those observed in MLM as were articulated by participants, indicate that the ideal separation between party politics and state functionality, as outlined in ANC's Strategy and Tactics, has not been effectively maintained.

Notably, the internal politics of the ANC, particularly within the Moses Mabhida Region where MLM is located, have significantly influenced the dynamics within the municipality. The regional divisions within the ANC, reflective of broader national and provincial factions, have inevitably permeated the local governance level, particularly evident in the timing of the placement of the municipality under Section 139 administration. This coincided with a period of intense internal conflict within the ANC, highlighted by a national conference marked by significant factionalism and a contested provincial conference. Such high-level political divisions within the party invariably impact local governance, demonstrating the challenge of maintaining the necessary distinction between party interests and the governance responsibilities of the municipality.

During fieldwork for the study, participants bore testimony of this:

> Political battles of our organisations which is the ANC, also contributed to the collapse of oversight which is the duty of councillors as councillors were

> in different factions. Others were pro leadership of the time while others obviously were not and that contributed. The mayor of the time was not for the leadership and the MM of the time was pro leadership. You may know the leadership of the time, so I will not name them. Some councillors opted to listen more to the administration especially the MM, we may not have known the reasons but there were speculations that it was because of money. It was rumoured that it was easy to knock there. Even the ANC regional leadership contributed to the collapse as they were listening to the MM more than the mayor. But then systems collapsed, and projects delivered were not of quality, the only thing that was not affected are salaries, salaries were always paid even though there were service delivery issues…. the ANC Chief Whip reported that there was one march that was organised by MM against the mayor another one organised by mayor against the MM. Then there was now an open confrontational situation between the mayor and MM and councillors including myself were now aligned according to the two (Interview with Participant D).

This interview excerpt highlights the significant impact of internal political conflicts within the ANC on the governance and oversight functions of the municipality. The divisions among councillors into different factions, some aligning with the leadership at the time and others opposing it, undermined the cohesive functioning of the council. The mayor and the municipal manager were on opposing sides, with the mayor against the prevailing leadership and the MM in support. This division extended to the wider ANC regional leadership, which according to some of its members appeared to favour the MM over the mayor. The participant notes that the conflict between the mayor and the MM was so pronounced that it led to protests organised by each against the other, indicating a highly confrontational and divided leadership. Such divisions within the council resulted in a breakdown of the municipality's systems, leading to several challenges.

Other participants shared similar experiences noting that:

> The workers of Mpofana are too political minded that is a challenge, so there is an issue of sabotaging each other, majority of workers they politicise issues regardless of how small they are. I think that may be one of the reasons we are unable to get out of the intervention (Interview with Participant C).

Another participant from administration also added:

> Workers here were politicised, regardless of the level they occupied in terms of offices. They were taking the local politics into the workplace and that brought tensions. Anything that took place at work would end up in the

> branches and this was making the workplace a bit difficult to be separated from the party, it was just the same. There was no difference (Interview with Participant E).

The views shared by participants illustrate how much deeply entrenched party politics and factionalism can disrupt the essential duties of councillors, leading to a collapse in oversight and accountability. The failure to separate party interests from municipal responsibilities compromised the quality of governance and service delivery, highlighting the detrimental effects of political battles on local government operations.

These excerpts from interviews with participants underscore the pervasive influence of political considerations on the functioning of the municipality, extending beyond the council to the municipal workforce. Participant C, a current councillor, points out that the political mindset of the municipal workers has led to a culture of internal sabotage, where even minor issues are politicised. This environment, where political affiliations and motivations overshadow professional responsibilities, has been identified as a significant barrier to overcoming the challenges necessitating the Section 139 intervention.

Participant E further elaborates on this by highlighting how deeply politics have infiltrated the municipal workforce, blurring the lines between professional duties and political activities. According to this participant, municipal workers, regardless of their rank or role within the municipality, engaged in political activities that impacted their professional environment. This politicisation led to tensions and conflicts within the workplace, as decisions and actions at work were perceived to be influenced by political loyalties and then discussed or contested within political party branches.

Collectively, these insights paint a picture of a municipality where political interests and alignments profoundly impact its operations and governance. The intertwining of local government work with party politics has created an environment where the focus shifts from public service and municipal responsibilities to political manoeuvring and allegiances. This situation has complicated the efforts of the municipality to address its challenges effectively and move beyond the need for external intervention.

Arguably, the challenges confronting MLM predominantly originated from internal conflicts and the political dynamics within the ANC, the party in power. These internal disputes

manifested within the municipal management, particularly through the power struggles between the administrative body and the political figures, notably the mayor and the MM. This conflict led to the deterioration of oversight and accountability within the municipality. The contrasting stances of these two key leaders not only mirrored but also intensified the existing contradictions within the municipality, effectively merging the interests of the party with those of the municipality. Consequently, instead of serving as a neutral body focused on service delivery and democratic governance, the municipality became an arena for internal party conflicts. The citizens, who were already experiencing poor service delivery, became collateral in the power struggles between these factions. This situation was exacerbated by reports of protests being orchestrated by both the incumbent mayor and the MM, reflecting the extent of the politicisation of municipal affairs.

The escalation of these issues was further compounded by the lack of effective leadership within the municipality, which could not be redeemed by guidance from the party's external leadership. This was largely due to the fact that the party leadership itself was embroiled in the conflict, using the incumbents of the municipal offices as proxies to advance their interests within the municipality. This replication of party conflicts within the municipal framework undermined the essential separation between party interests and state responsibilities, leading to a compromised governance structure (Olver, 2017).

As argued by postcolonial scholars, post-independence, revolutionary parties often face the daunting task of transforming their liberation struggle ethos into effective governance models (Blundo, de-Sardan, Arifari, & Alou, 2008; Fanon, 1961), a challenge that post-apartheid South Africa, led by the ANC, was not exempt from. This transitional phase is marked by an attempt to model the new governance structures after the preceding government systems, a phenomenon highlighted by Fanon's critique in "*The Pitfalls of National Consciousness*," where he notes the limitations of revolutions fuelled merely by nationalistic aspirations, often leading to a lack of economic and governance expertise (Fanon, 1961).

Initially, the ANC's leadership, comprising esteemed figures from the liberation struggle, arguably demonstrated significant political capital and credibility, enabling them to make bold governance decisions supported by the citizens. This period of governance was characterised by openness, transparency, and a readiness to acknowledge and address shortcomings, as exemplified by Nelson Mandela's reflective stance during the 50th National Conference in

1997. However, this level of accountability and ethical leadership appears to have waned in subsequent years, particularly evident in the governance of MLM.

The challenges within the MLM are illustrative of the broader issues of governance post-independence, where internal conflicts and power struggles undermined collective governance and service delivery. Reports of corruption and fraud within the municipality, which should have been decisively addressed by the ANC's regional leadership, instead saw a failure to act, further exacerbating the governance crisis (COGTA, 2018). The case of MLM underscores the critical need for a clear delineation between party politics and state functions, a principle that the ANC, in its early post-apartheid governance, distinctively upheld but has struggled to maintain in later years. This case serves as a poignant reminder of the complexities and challenges revolutionary parties face in transitioning from liberation movements to governing bodies, where the maintenance of ethical leadership and accountability is paramount for effective governance and service delivery.

5.5. Conclusion

In conclusion, *Chapter 5* has explored the legislative frameworks that guide local governance in South Africa, with a particular focus on the application and impact of these frameworks within the context of MLM. Through a detailed examination of the complexities and challenges inherent in implementing constitutional oversight interventions like Section 139, this chapter has illuminated the gaps between the theoretical objectives of these frameworks and their practical outcomes in the sphere of local governance. The findings presented in this chapter highlight the complexity of the challenges facing the MLM, revealing that the difficulties in governance and service delivery cannot be attributed to legislative inadequacies alone. Instead, they emerge from a complex interplay of political dynamics, administrative inefficiencies, and the broader socio-economic context within which these interventions are applied. This nuanced understanding challenges us to rethink the design and implementation of legislative frameworks to ensure they are responsive to the realities of local governance. The insights derived from the MLM case study provide a critical perspective on the need for legislative reforms that are not only grounded in the principles of accountability and efficiency but are also adaptable to the unique contexts of individual local municipalities. The implications of the findings and analysis extend beyond MLM, offering valuable lessons for local governments

across country, and advocating for a more integrated and context-sensitive approach to legislative interventions, emphasising the importance of considering local dynamics and capacities in the formulation and implementation of governance frameworks. The following chapter presents the overall conclusion of the thesis.

CHAPTER 6

Towards sustainable governance: Conclusions and recommendations for Mpofana Local Municipality

6.1. Introduction

This thesis has explored the intricate dynamics of governance within the South African public sector, with a specific focus on the oversight mechanisms operating within the MLM. Through a meticulous analysis of empirical evidence and theoretical frameworks, this study aimed to shed light on the persistent challenges hindering stability and effective governance within the municipality. The thesis began with identifying the pressing issues of service delivery and fiscal management, which served as symptomatic manifestations of deeper governance challenges. Despite the implementation of comprehensive interventions outlined in Section 139(1)(b), the municipality continues to grapple with instability within its governance structures. The study sought to uncover the underlying factors contributing to the municipality being under Section 139(1)(b) for over six years. The municipality was put under administration in December 2017 only a year after their election in August 2016, so they had four full years of their term spent without the ability to deliver fully on their constitutional mandate. This meant that the provincial government intervened into the municipality in terms of Section 139 (1) (b) and undertook to assist them in delivering to their executive mandate as outlined in Section 152 of the constitution.

Currently the intervention is still going on following the last extension by the MEC for COGTA on behalf of the Provincial Government of KwaZulu-Natal. A central theme that emerged from the analysis is the significant impact of legislative ambiguities, intra-party-political dynamics, and socio-economic challenges on the efficacy of oversight mechanisms. These factors have created a complex web of challenges that undermined the effectiveness of governance practices within MLM. The findings presented in this thesis contribute to a deeper understanding of the multifaceted nature of governance challenges in South Africa's local governments. By situating the study within the broader scholarly and practical discourse on governance, the thesis has highlighted the relevance of addressing these issues not only within this specific municipality of MLM, but further illuminates similar challenges across the country.

6.2. Main argument

The central argument of this thesis contends that the persistent instability and governance challenges in MLM, despite prolonged Section 139 (1) (b) intervention, stem from a complex interplay of inadequate legislative and regulatory frameworks, the detrimental influence of intra-party politics within the ANC, and insufficient focus on socioeconomic factors critical to municipal efficacy and community well-being. I argued that the existing oversight mechanisms, while theoretically robust in their design to ensure accountability and effective governance, fall short in application due to these intertwined factors. The thesis further posits that for oversight interventions like those enacted at MLM to succeed, there must be a concerted effort to refine legislative guidelines specifically for Section 139 interventions, protect municipal governance from the intra- and inter- party politics, and holistically address the socioeconomic challenges that underpin municipal functionality. This transformation is crucial not only for the recovery and advancement of MLM, but also as a precedent for addressing similar challenges in municipalities across the country.

6.3. Discussion of main findings

The main findings of this thesis, centered on the oversight mechanisms and governance dynamics of MLM, are intrinsically linked to the core objectives set out at the onset of the study. These objectives aimed to dissect the reasons behind the persistent instability and governance challenges in the municipality, despite the extended period of administration under Section 139 (1) (b). The findings reveal a multifaceted landscape of challenges that, collectively, contribute to the difficulties faced by the municipality.

Firstly, the study found a significant gap in the legislative and regulatory framework guiding Section 139 interventions. This gap manifests in the lack of uniformity and clarity in the implementation of interventions, which in turn breeds inconsistency and inefficacy in addressing the root causes of municipal challenges (see *Chapter 3*). This finding directly ties to the objective of understanding the structural and systemic factors undermining the effectiveness of oversight mechanisms in the municipality.

Secondly, the pervasive influence of intra-party politics, particularly within the ANC, emerged as a critical factor exacerbating the municipality's governance woes. The entanglement of municipal governance with the ANC's internal dynamics has led to a politicisation of administrative processes and decisions, undermining objective governance and accountability (see *Chapter 4*). This finding relates to the objective of examining the impact of political factors on the governance and stability of the municipality.

Lastly, the study highlighted the insufficient focus on addressing the socioeconomic underpinnings of the municipality's challenges. The lack of a concerted effort to revitalise the local economy, coupled with the failure to provide sustainable solutions to socioeconomic issues such as unemployment and poverty, was identified as a key obstacle to achieving stability and effective governance in MLM (see *Chapter 5*). This finding is in line with the objective of exploring the socioeconomic factors contributing to the municipality's governance challenges.

Together, these findings offer a comprehensive understanding of the complex interplay of legislative, political, and socioeconomic factors that have hindered the effectiveness of oversight mechanisms in MLM. They underscore the need for a multifaceted approach to intervention that addresses governance and administrative issues, and further engages with the deeper socioeconomic challenges facing the municipality and its residents.

6.4. Contributions of the study

This thesis contributes to the discourse on public administration and governance, with a keen focus on the intricacies of local government operations in South Africa, particularly through the lens of the MLM. Its contributions span various facets, intertwining legislative scrutiny, political dynamics, socioeconomic underpinnings, and the practical realm of governance oversight. A notable contribution of this work lies in its critical examination of the legislative and regulatory frameworks that underpin local government interventions in South Africa. By uncovering the gaps and inconsistencies in the application of Section 139 interventions, the study paves the way for legislative enhancements. It also serves as a vital resource for policymakers, legal experts, and practitioners eager to fortify the legal bedrock of local governance. Furthermore, the thesis examined the complexities of intra-party politics within

the ANC and its ramifications on municipal governance. This exploration broadens the understanding of how politicisation within municipal administrations can influence governance outcomes, offering valuable insights for political scientists and governance practitioners interested in the interplay between party politics and public administration.

The socioeconomic dimensions addressed in the thesis underscore the critical role of economic and social factors in shaping governance at the local level. This perspective highlights the necessity for governance interventions to incorporate comprehensive socioeconomic strategies, contributing to the discourse on developmental local governance and offering a roadmap for scholars and practitioners alike. Moreover, the analysis of oversight mechanisms within the MLM sheds light on the practical challenges and opportunities for enhancing local governance. These insights are particularly valuable for those engaged in the pursuit of more accountable, capable, and responsive local governments, informing both policy and practice. By advocating for a holistic approach to governance challenges, this thesis highlights the importance of integrating governance, political, and socioeconomic strategies to address the multifaceted nature of municipal administration. This comprehensive perspective not only enriches the conceptual framework for governance interventions, but also offers pragmatic pathways for addressing the complexities inherent in local government administration in the post-apartheid era. The recommendations put forth offer a constructive blueprint for enhancing the efficacy of local governance interventions, with potential implications for broader governance reforms in South Africa.

6.5. Recommendations

In addressing the inefficacy of the oversight mechanisms in restoring stability to MLM, this thesis makes some targeted recommendations and identifies pertinent areas for future exploration. These insights are drawn from a comprehensive analysis presented in preceding chapters, reflecting a synthesis of empirical findings and theoretical discourse. The first recommendation calls for the establishment of a legislative framework specifically designed to guide the implementation of Section 139 interventions. The current lack of uniformity and clarity in the application of these interventions has resulted in varied outcomes, many of which have not met the intended objectives of restoring municipal stability and governance integrity (*Chapter 3*). A standardised legislative guide would ensure a consistent approach, enhance

accountability, and clarify the roles and expectations of all stakeholders involved in the intervention process.

Secondly, the findings from MLM suggest that there is a pressing need to professionalise the role of Ministerial Representatives and to build the capacity of municipal officials and councillors. The findings presented in *Chapter 3 and 4* highlight instances where a lack of understanding, skills, and professionalism among key municipal actors has hindered effective governance and oversight. Developing a pool of skilled, knowledgeable, and ethical professionals within COGTA and other relevant departments for deployment in intervention scenarios would improve the quality of governance and oversight. Furthermore, enhancing the educational and training requirements for elected officials could ensure that those in governance positions possess the necessary competencies to fulfil their duties effectively.

Lastly, the thesis emphasises the importance of addressing the socio-economic underpinnings that contribute to municipal instability. For municipalities like MLM, where economic inactivity exacerbates governance challenges, targeted economic development initiatives are crucial. These should not only aim to stimulate local economic growth, but also to create sustainable employment opportunities, thereby increasing the municipality's revenue base and reducing dependency on provincial or national interventions.

Overall, this thesis contributes to the broader discourse on public sector governance, particularly within the context of post-apartheid South Africa's ongoing efforts to enhance democratic governance and service delivery at the local government level. By dissecting the complexities surrounding Section 139 interventions in MLM, this study sheds light on the multifaceted challenges facing local governments and offers nuanced insights into potential pathways for reform. This research advances our understanding of the interplay between political dynamics, legislative frameworks, and local governance efficacy. It underscores the critical need for a balanced approach that not only addresses immediate administrative deficiencies but also considers the broader socio-political and economic contexts that influence municipal performance.

For further exploration, this study suggests a deeper investigation into the impact of political patronage on local governance and service delivery. Additionally, future research could examine the effectiveness of different models of economic development interventions in

enhancing municipal stability and governance. Such inquiries would provide valuable insights into the mechanisms through which local governments can be supported to achieve their developmental mandates, thereby contributing to the overall enhancement of South Africa's democratic project.

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APPENDICES

Appendix 1

List of interviews

1. Participant A: Senior Official at CoGTA Province and Administrator, KZN
2. Participant B Local Government Directorate, KZN
3. Participant C: Council- Mpofana Local Municipality
4. Participant D: Resident of Mpofana and MPAC member
5. Participant E: Department of Technical and Planning, Mpofana Local Municipality
6. Participant F Finance Department, Mpofana Local Municipality
7. Participant G: Former councillor in Mpofana Local Municipality
8. Participant H: Employee in a political office in Mpofana Local Municipality
9. Participant I: Former politician in Mpofana Local Municipality
10. Participant J: Councillor at uMgungundlovu
11. Participant Municipal Manager of a small Municipality in KZN
12. Participant Young activist and councillor-
13. Participant M: Former Employee of Mpofana Local Municipality
14. Participant N: A former LED Director
15. Participant O: Co-Owner of a home industries in Mpofana

Appendix 2

Participant Consent Form

I hereby confirm that:

I have been briefed about the research to be conducted by Nontembeko Nothemba Boyce on: The role

of oversight in bringing stability in Mpofana Local Municipality.

 I understand the meaning of participating in this research.

 I understand that my participation is voluntary.

 I understand that I have a right to not answer any question that I do not feel comfortable with.

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 I understand that some information I will provide will form part of the research report, books articles, and may be accessible online without revealing my identity.

 I understand that any information I share will be kept confidence, without divulging my identity in any way without my prior authorisation.

 I hereby give my consent to participate in the study.

 I hereby consent to be recorded.

Optional Clauses

 I hereby consent that my name be mentioned in the reportand subsequent publications.

 I hereby request a copy of the report.

Signed …….on…….signed at

Signature……

Appendix 3

Information Sheet:

Title of the Study : The role of oversight in promoting stability in Mpofana Local Municipality
Researcher : Nontembeko Nothemba Boyce, Faculty of Commerce Law and Management , University of Witwatersrand
Email : 1655627@students.wits.ac.za
Phone No : +2760 560 2905
Project Purpose : Fulfilment of a Master of Management in Governance and Public Leadership

What will the study entail?

My name is Nontembeko Nothemba Boyce, currently registered with the University of Witwatersrand, School of Governance for a programme in Master of Management in Governance and Public Leadership. I am conducting a research project on *the role of oversight in promoting stability at Mpofana Local Municipality*. The study will be important for understanding challenges associated with exercising oversight intervention such that local administration stability would be restored within stipulated timeframes.

What is involved?

I am inviting you to participate in my study through semi-structured interviews wherein we will have a conversation around questions of oversight, to solicit your views and knowledge on the subject. The are interviews are scheduled to be held for a time between 45 and 60 minutes, we can conduct it physically, telephonically of virtually depending on your convenience.

Are there any risks?

Your Participation in the study will pose no risks to you as a person in whatever form. You are allowed to reflect on your personal views and experiences without that being held against you in the future. You have a choice of not responding to questions that you are not comfortable with.

What are the benefits?

Your participation in the study is a voluntary and bears no material benefits to you. However, I hope that the outcomes of this study will assist the community of Mpofana as a collection in understanding what they need to do to remedy their current predicament.

Costs:

There will be no costs in participating in the study besides me requiring at least up to an hour of your time to conduct the interview.

Confidentiality and Anonymity:

Confidentiality and anonymity are guaranteed unless you give consent for identification. Also note that you may withdraw your participation from the study at any stage should you feel not comfortable.

- May I check if you have any questions for me?
- Are you able to participate in the study?

Appendix 4

Interview guide for Mpofana Local Municipality

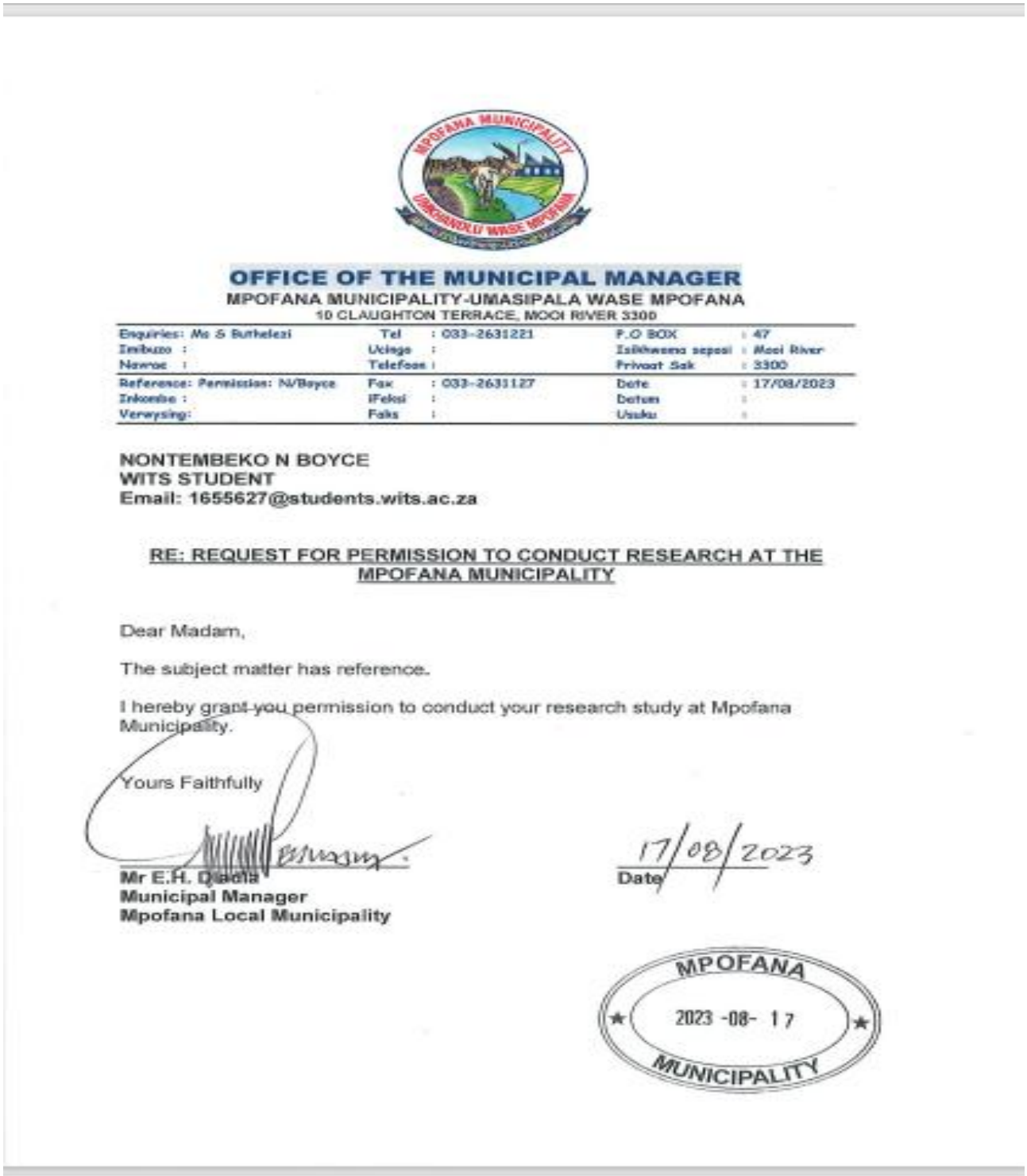
- Kindly introduce yourself by taking me through the position you hold, how long have you been occupying it and what do you understand to be your responsibilities in relation to Mpofana Local Municipality?
- You have a choice to either have a conversation on what you understand about the current intervention at Mpofana Municipality or to answer the prepared questions. If you opt to have a conversation I may still come and ask in areas that I feel are left out or not clear.
- How can you describe the situation within the Municipality?
- What is your understanding of Section 139 (1.b) intervention?
- How has the municipality been affected by the intervention?
- **Do you think the oversight intervention has done enough to return the municipality administration back to normal functionality?**
    - If yes, what do you consider to be the challenges?
    - If no, what do you think should be done to facilitate the process and improve the situation?

- Why do you think it has taken this long for Mpofana Local Municipality to retain its ability to function without the intervention?
- What do you think should be done better and who do you think should play a role in facilitating the process?
- If there are any questions relating to the interview or study that you wish to ask, you may now kindly do so.

We have come to the end of our interview. If you think of any additional information that you believe may assist the study, kindly contact me on the details given. Thank you for your participation and insights.

Appendix 5

Permission letter



OFFICE OF THE MUNICIPAL MANAGER
MPOFANA MUNICIPALITY-UMASIPALA WASE MPOFANA
10 CLAUGHTON TERRACE, MOOI RIVER 3300

Enquiries: Ms S Buthelezi	Tel	: 033-2631221	P.O BOX	: 47	
Imibuzo :	Ucingo	:	Isikhwama seposi	: Mooi River	
Nawroe :	Telefoon	:	Privaat Sak	: 3300	
Reference: Permission: N/Boyce	Fax	: 033-2631127	Date	: 17/08/2023	
Inkomba :	IFeksi	:	Datum	:	
Verwysing:	Faks	:	Usuku	:	

NONTEMBEKO N BOYCE
WITS STUDENT
Email: 1655627@students.wits.ac.za

RE: REQUEST FOR PERMISSION TO CONDUCT RESEARCH AT THE MPOFANA MUNICIPALITY

Dear Madam,

The subject matter has reference.

I hereby grant you permission to conduct your research study at Mpofana Municipality.

Yours Faithfully

Mr E.H. Qiada
Municipal Manager
Mpofana Local Municipality

17/08/2023
Date

MPOFANA
2023 -08- 17
MUNICIPALITY

Appendix 6

Permission request letter

WITS SCHOOL OF GOVERNANCE
UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

262 Lobelia Road
Shelly Beach
4265
19 June 2023

The Municipal Manager
Mpofana Local Municipal Manager
Mooi River
Dear Sir/Madam

Re: Request for permission to conduct research in the Mpofana Local Municipality

I am a Master of Management student in Governance at the Wits School of Governance at the University of Witwatersrand, in Johannesburg. I am conducting research exploring the role of oversight in promoting stability in Mpofana Local Municipality. The research is exploring the ability of oversight interventions like Section 139 in bringing stability in Mpofana Local Municipality and seeks to understand some of the challenges faced by the oversight committee in restoring stability within the municipality.

This letter serves to request access permission to conduct my research within the municipality where I would like to interview relevant offices that have knowledge and expertise on Section 139(1) administration oversights. Their contribution would be important for getting purpose in-depth knowledge on the oversight mechanisms of Mpofana Local Municipality since 2014 when the Mpofana Local Municipality was dissolved. The engagements are envisaged to take a month depending on the availability of the persons of interest.

The information gathered during the research will be kept confidential and used only for the purpose of finalising a research report for my Master of Management. I am happy to share the findings of the report if needs be with the relevant authorities in the municipality. In case you need further clarity on any aspect of my request and for verification, you may kindly contact my supervisor Dr Hlengiwe Ndlovu Tel: 011 717 3521 email: Hlengiwe.Ndhlovu1@wits.ac.za

I look forward to your positive responsive.

Regards,
Nontembeko Nothemba Boyce
Email: 1655627@students.wits.ac.za
Cell: 0605602905

Appendix 7

Ethical clearance certificate

UNIVERSITY OF THE WITWATERSRAND JOHANNESBURG

SCHOOL OF GOVERNANCE ETHICS COMMITTEE

CONSTITUTED UNDER THE UNIVERSITY HUMAN RESEARCH ETHICS COMMITTEE (NON-MEDICAL)

CLEARANCE CERTIFICATE: **WSG-2023-73**

PROJECT TITLE: **The role of oversight in promoting stability in Mpofana Local Municipality**

INVESTIGATOR	Adrian Lackay
SCHOOL/DEPARTMENT OF INVESTIGATOR	School of Governance
DATE CONSIDERED	29 June 2023
DECISION OF THE COMMITTEE	Approved unconditionally
RISK LEVEL	Minimal Risk
EXPIRY DATE	Date of submission of the Research Report
ISSUE DATE OF CERTIFICATE 22 March 2024	**CHAIRPERSON** Rekgotsofetse Chikane

cc: Supervisor: Dr Hlengiwe Ndhlovu

DECLARATION OF INVESTIGATOR

To be completed in duplicate and **ONE COPY** returned to the Chairperson of the School/Department ethics committee.

I fully understand the conditions under which I am are authorized to carry out the abovementioned research and I guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee.

Signature

22/03/2024
Date

PLEASE QUOTE THE PROTOCOL NUMBER ON ALL ENQUIRIES