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South African local, provincial and national government: **A shared responsibility for adequate service delivery**

The responsibility of ensuring adequate municipal services to South Africans is shared by local, provincial and national government – and scientific research plays an important role to inform joint government efforts.

All cities, towns, farms and other pieces of land in South Africa fall under the governance of municipalities (also called local governments). Municipalities are responsible for the delivery of basic municipal services to their communities. These services include the supply of electricity, waste collection, road maintenance, and the purification and provision of drinking water. These services sustain human life and make it possible for people to live healthy lives.

The simple science of services

Medical and environmental management sciences tell us that the failure to provide these services endangers human health and threatens the natural environment. Research conducted by economists tells us that basic municipal services are also necessary to support local economies. Businesses depend on reliable electricity and water for their operations. These services also ensure that people can live and work in dignified, safe and healthy environments.

If people do not have access to adequate water to drink and sustain hygienic lifestyles, they will turn to unhealthy sources of water such as dams, rivers and ponds that are not intended for daily domestic use. Municipal roads that are not maintained pose safety risks (such as potholes) to pedestrians and vehicles.

Local, provincial and national spheres

Communities work closely with their municipalities. Hence, when they are not happy with the delivery of basic services, they will blame their municipalities. Although this is not wrong, we must remember that the South African government is made of three spheres, which are national, provincial and local. Municipalities are the local sphere of government.

The national government, which is made up of the President, Cabinet and national departments (such as the Department of Basic Education), is responsible for issues such as education, health, and issuing of birth certificates and identity documents, among others.

Basic services, on the other hand, can be delivered best by municipalities. However, all the three spheres of government must assist and support each other in the delivery of these services. For a municipality to effectively collect waste, it may need financial support to buy refuse collection trucks, fuel and safety clothing, and to hire people such as drivers and waste pickers. The national government provides money for these services.

A better life for all – together

When South Africa transitioned to a democracy in the early 1990s, the government committed to providing a better life for everyone. This commitment was supported by several laws and policies that give the government a duty to provide basic services. Hence, local communities have a right to demand these services from their municipalities. The *Constitution of the Republic of South Africa, 1996*, is the highest law in the country. It says that everyone has a right to food, water and a clean environment that is not harmful to health.

The local government must ensure the protection of these rights using its financial resources and administrative capacity. Municipalities may also make laws (called by-laws) on matters that are given to them by the Constitution, such as basic services. Municipalities may also make by-laws on matters usually administered by provincial and national government when these are assigned to them.

Furthermore, municipalities also have the right to exercise powers that belong to provincial and national governments when such power is reasonably necessary for the effective performance of their functions. However, municipalities are not left to their own devices as the Constitution allows for the support and strengthening of municipal capacity by the national and provincial governments. Additionally, provincial and national governments might intervene when municipalities are unable to provide service delivery.

Municipalities are also entitled to a share of national revenue to enable the provision of basic services and the performance of the functions. They may also require their communities to pay fees for services such as water and electricity.

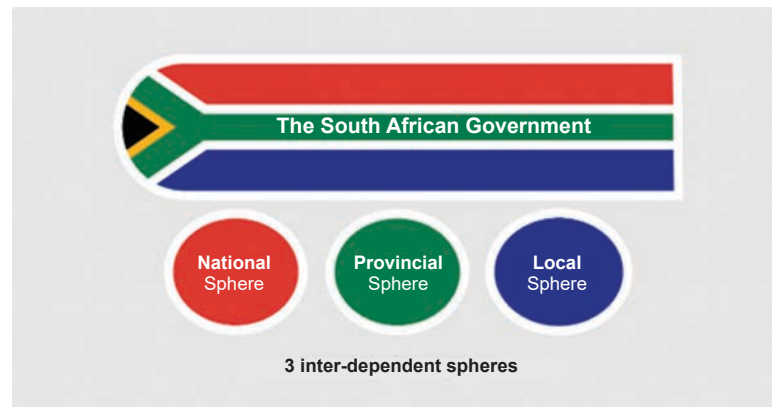
It is not always easy to comply with the law. The promises in law are difficult for municipalities to fulfil for several reasons. However, in a recent case decided by the High Court in the Eastern Cape Province, it was shown why it is important for the three spheres of government to provide people with basic municipal services.

The Makana case

The case involved the Unemployed Peoples' Movement and the Premier of the Eastern Cape Province. It also included many other parties, such as the President, the Minister of Cooperative Governance and Traditional Affairs and the Minister of Finance. This case was launched because of the worsening service delivery in the Makana Municipality in the Eastern Cape. Hence, the Makana Municipality, its Executive Council, the MEC for Cooperative Governance and Traditional Affairs, and the Executive Mayor of the Makana Municipality were included in the case.

The Makana Municipality faced many financial problems, which made it impossible for it to provide basic services such as water and sanitation. The people constantly faced sewage spillages, and there was a large pile-up of waste because the municipality was sporadically collecting refuse, leading to pollution. The municipality failed to repair the roads, leading to enormous potholes. The people also suffered because the municipality could not provide electricity reliably, as it was not paying Eskom. At the time, Eskom was threatening to cut off electricity supply for failure to pay.

In the light of these factors, the court was asked to declare that the Makana Municipality had not complied with the Constitution and other laws regarding its obligations to provide basic services. It was also asked to decide whether the provincial government, led by the Premier, was obliged to intervene in the Makana Municipality. The court decided that the Makana Municipality was in serious financial trouble, and that it was unable to provide basic services like water, refuse collection, electricity and repair of the roads. Since the municipality was unable to fulfil its duties, the court said that it was time for the provincial government,



led by the Premier of the Eastern Cape Province, to intervene in the municipality to help it return to a position where it could provide basic services. The court said that regardless of political and other reasons, the provincial government could not sit on the fence while the people in the municipality suffered from the lack of delivery of basic services.

The Makana case shows us that municipalities may not always be able to provide basic services such as water and sanitation. They may also fail to provide electricity and to repair roads. As a result of such failures, the residents may face hardships such as lack of clean water, pollution through refuse and sewage spillage, and unreliable electricity supply. When this happens, the people, businesses, and the environment suffer. Hence, it is important for the provincial and national governments to keep an eye on municipalities that face problems and help them, where necessary, before it is too late. In certain cases, such as the Makana Municipality, it is necessary for the provincial government to intervene timeously. Where the provincial government fails, it may be up to the people in the municipality to approach the courts to order the provincial authorities to step in. While this is a possible remedy, the important message is that the *entire* government as well as local communities should find ways to work *together* to help ensure the safety and health of people living in South Africa's towns and cities.

Science for services

Equally important is research by natural and social scientists that helps decision-makers in government better understand the needs of people, the health, economic and other impacts of failing municipal services, and the potential of information and other technologies for service-delivery improvement. Scientific research should also help us see and appreciate the critical linkages between the natural resource base necessary for services such as water provision, the decisions that people in power (government) make and the living experience of people inhabiting the towns and cities of South Africa.

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