

**INSTITUTIONAL DISLOCATION OF MORALITY IN GOVERNANCE FROM
COLONIAL AND POST-APARTHEID CONTEXT: A DIAGNOSTIC STUDY OF
BUFFALO CITY METROPOLITAN MUNICIPALITY (2014-2019)**

**MTHUTHUZELI SWARTZ
STUDENT NO.: 9989**

A thesis submitted in fulfilment of the requirements for the degree.
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at

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Supervisor: Professor Modimowabarwa Kanyane, D. Admin

October 2023



Declaration of Authenticity

I declare that the research project, Institutional dislocation of morality in governance from colonial and post post-apartheid context: A diagnostic study of Buffalo City Metropolitan Municipality (2014-2019), is my work and that each source of information used has been acknowledged using a complete Harvard Referencing System. This thesis has not been submitted before for any other research project, degree, or examination at any university.



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Abstract

The study accounted for the prevalence of ethical and moral dislocation at the Buffalo City Metro (BCM). It investigated why in close to three decades, poverty, unemployment, inequality, and corruption are still being stigmatised in Africa, especially in the black community. The study is based on the Motlanthe High-Level Public Hearings Panel and the Buffalo City Metropolitan Municipality's Annual Reports and MPAC Reports and newspaper articles on the performance of the BCMM as well as the Auditor General South Africa (AGSA)'s reports which have released various statements that confirm the state of moral and ethical dislocation at the BCM.

The study followed the interpretive research method using a variety of techniques. The data were collected using structured interviews that were informed by the qualitative research design. Despite some cases where the responses were delayed by the virulent COVID-19 pandemic, the structured interviews proved to be effective. The interviews focused on the acts of corruption that were committed by officials and politicians. Secondary sources were also used to complement or validate the obtained empirical data. The data was cross analysed using the thematic approach which proved to be valuable for this study.

The empirical data paints a concerning picture of the BCM. The data exposes the attempts by the executive to mislead the BCM Council and the AGSA. The data also points to the conscious attempts by the unethical leadership to undermine the governance structures to achieve their ambitions. Furthermore, the data shows that this picture is not limited to the BCM. Rather, it is a microcosm of the state of the local government nationwide. It shows that the ruling party is at war with itself as the local elections are marked by mafia-style intraparty executions and deadly branch meetings where there is fighting for positions which often results in the 'political killings' of councillors and officials. The grassroots are the victims of these circumstances as the interests of the poor play a second fiddle to self-interest.

In this study, the researcher proposes a Local Government Performance Matrix (LGPM) to attempt to resolve the problems in governance, as well as in the leadership and to check the oversight in BCM from a multi-layered intervention approach.

Key Words: *Leadership, corruption, ethics, governance, accountability, oversight, social engineering.*

TABLE OF CONTENTS

ACKNOWLEDGEMENTS.....	III
ABSTRACT IV	
TABLE OF CONTENTS.....	VI
LIST OF ACRONYMS.....	XI
Definition of Terms	XIII
CHAPTER 1	
1.1 Introduction and Background	1
1.2 Problem Statement.....	11
1.3 Research Questions.....	11
1.4 Aims and Objectives of the Study.....	12
1.5 Significance of the Study	12
1.6 Delineations Limitations	14
1.7 Underlying Assumptions.....	15
1.6 Chapter Outline.....	16
1.6.1 Chapter 1: Introduction and background	16
1.6.2 Chapter 2: Literature Review.....	16
1.6.4 Chapter 4: Research Findings and Discussion	17
1.6.5 Chapter 5: Conclusion and Recommendations.....	17
1.6.6 Conclusion	18
CHAPTER 2	
LITERATURE REVIEW	19
2.1 Introduction and Background.....	19
2.2 Colonialism Era - 1652 to 1900.....	22
2.3. Union of South Africa Era – 1910 to 1948.....	26
2.4. Apartheid Era - 1948 to 1994.....	28

2.5. Democratic Epoch - 1994 to the Present.....	31
2.5.1 Commissions of Enquiry to probe Corruption in Post-Apartheid South Africa.....	33
2.6 Consequences of the Post-Apartheid Administration – A Poisoned Chalice	40
2.7 Morality, Ethics and Governance – A Theoretical Framework.....	44
2.7.1 Context.....	44
2.7.2 Ethics Architecture.....	47
2.7.3 Da Vinci TIPS™ Model	49
2.8. Conceptual Expositions.....	51
2.9. Theoretical Expositions	56
2.10. African Context of Morality, Governance and Ethics.....	63
2.10.1 Ubuntu as a Societal Bulwark against Corruption	65
2.11 The Place of Morality and Ethics: A Systems Thinking Approach To	71
2.12 Obstruction-Opportunity Analysis.....	71
2.13 Existing Gap	74
2.12. Conclusion	74

CHAPTER 3

RESEARCH METHODOLOGY AND DESIGN.....	77
3.1 Introduction.....	77
3.2. Research Design.....	77
3.3 Research Universe	79
3.4 Research Methods.....	80
3.5. Data Collection Techniques and Procedures	81
3.6 Participants and Response Rate	83
3.7 Sampling.....	86
3.8 Analysis of Data.....	88
3.9 Ensuring Validity and Reliability	91
3.10. Delimitations of the Study	95
3.10.1 Fear of Self-incrimination	96

3.10.2 Resistance from Political Leadership	96
3.11. Ethical Considerations.....	98
3.11.1 Voluntariness and Informed Consent	98
3.11.2 Privacy and Confidentiality	99
3.11.3 Respondent-Related Issues.....	99
3.11.4 Interviewer-Related Issues	99
3.11.5. Publication Issues	100
3.12. Conclusion	100
CHAPTER 4	
RESEARCH FINDINGS AND DISCUSSION	102
4.1 Introduction	102
4.2. Findings from Interview Data – Emerging Thematic Issues	103
4.2.1 Theme 1 – Leadership	105
4.2.2 Theme 2 – Governance.....	112
4.2.3 Theme 3 Oversight.....	117
4.2.4 Theme 4 – Legislation and Bureaucracy	131
4.2.5 Theme 5 - Ethics and The Fraud Triangle	134
4.3. Conclusion	137
CHAPTER 5	
CONCLUSIONS AND RECOMMENDATIONS	140
5.1 Introduction	140
5.2 Research Conclusion	146
5.3 Research Recommendations	152
5.3.1 Leadership	152
5.3.2 Governance.....	156
5.3.3 Oversight.....	158
5.4. Local Government Service Delivery Matrix	160
5.5 Performance Management for Political Structures and Office Bearers	163

5.5.1 Proposed Performance Management Process for Political Office Bearers and Political Structures.....	164
5.6. Municipal Sustainability Model	166
5.6.1 INSTITUTIONAL SUSTAINABILITY.....	169
5.6.2 SOCIAL SUSTAINABILITY	170
5.6.3 ECONOMIC SUSTAINABILITY	170
5.6.4 ENVIRONMENTAL SUSTAINABILITY.....	171
5.6.5 MORAL RECTITUDE	172
5.6.6 POLITICAL SUSTAINABILITY	173
5.7. Possible Challenges of Implementation	175
5.8 Conclusion	176
5.9. Areas for Further Research.....	177
REFERENCES	179
APPENDICES.....	197
APPENDIX A: LETTER OF ETHICS APPROVAL FROM DA VINCI	197
APPENDIX B: LETTER OF PERMISSION TO CONDUCT THE STUDY FROM BCM199	
APPENDIX C: MAPS AND TRANSCRIPTIONS.....	204
APPENDIX D: DATA COLLECTION INSTRUMENTS, SUPPLEMENTARY NOTES, AND TARGET GROUP.....	205
APPENDIX E: SAMPLE OF TRANSCRIPTIONS	216
APPENDIX F: OVERALL SIMILARITY INDEX (TURNITIN REPORT).....	219
APPENDIX G: LANGUAGE EDITOR PROOF	220

List of Tables

Table 3.1: Proposed and Actual Key Interview Participants.....	84
Table 5.1: Local Government Service Delivery Matrix	159
Table 5.2: Proposed Performance Management Framework for Political Office Bearers and Structures	146
Figure 1: Ethics Architecture.....	48
Figure 2: Da Vinci TIPS Framework Model.....	51
Figure 3: Fraud Triangle.....	136
Figure 4: Local Government Sustainability Toolbox.....	167

List of Acronyms

4iR	Fourth Industrial Revolution
ADM	Amathole District Municipality
AGR	African Governance Report
AGSA	Auditor General South Africa
AIP	Annual Improvement Plans
ANC	African National Congress
ANCYL	ANC Youth League
AO	Accounting Officer
ATM	African Transformation Movement
AZAPO	Azanian People Organisation
BCMM	Buffalo City Metropolitan Municipality
BKCB	Border-Kei Chamber of Business
BLF	Black First Land First
CEO	Chief Executive Officer
CNIP	Ciskei National Independence Party
COGTA	Cooperative Governance and Traditional Affairs
COO	Chief Operations Officer
COPE	Congress of the People
COVID-19	Corona Virus Disease 2019
DA	Democratic Alliance
DoJ	Department of Justice
DRC	Democratic Republic of Congo
ECSECC	Eastern Cape Socio Economic Consultative Council
ED	Executive Director
EFF	Economic Freedom Fighters
FTT	Fraud Triangle Theory
GDP	Growth Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome

HoD	Head of Department
HSRC	Human Sciences Research Council
IDP	Integrated Development Plan
KZN	KwaZulu Natal
LED	Local Economic Development
LGPM	Local Government Performance Matrix
MAYCO	Mayoral Committee
MDG	Millennium Development Goals
MFMA	Municipal Finance Management Act
MPAC	Municipal Public Accounts Committee
MSA	Municipal Systems Act
MTEF	Medium-Term Expenditure Framework
NDP	National Development Plan
NDR	National Democratic Revolution
NGC	National General Council
NPA	National Prosecution Authority
NPC	National Planning Commission
NQF	National Qualifications Framework
OFS	Orange Free State
PAC	Pan Africanist Congress of Azania
PFMA	Public Finance Management Act
PIC	Public Investment Commission
PSA	Public Service and Administration
RDP	Reconstruction and Development Programme
RET	Radical Economic Transformation
SACP	South African Communist Party
SALGA	South African Local Government Association
SANCO	South African National Civic Organisation
SANNC	South African Native National Congress
SARB	South African Reserve Bank

SARS	South African Revenue Services
SATAWU	South African Transport and Allied Workers Union
SCM	Supply Chain Management
SDA	Special Defence Account
SG	Secretary General
SOE	State Owned Enterprise
TI	Transparency International
ToR	Terms of Reference
UN	United Nations
VBS	Venda Building Society
VOC	Vereenigde Oostindische Compagnie (United East Indies Company).
ZAR	Zuid-Afrikaansche Republiek

Definition of Terms

Radical Economic Transformation (RET): 2012 ANC policy resolution aimed at, “transforming the structure of the economy through industrialisation, broad-based black economic empowerment, and through strengthening and expanding the role of the state in the economy.’ Doing so will jump-start the economy and will ensure that we meet the National Development Plan (NDP) target of 5% growth.” (Masemola, 2021:210)

Ubuntu: “being self through others. I am because of who we all are”. “persons depend on persons to be persons” (Mugumbate and Nyanguru, 2013:82; Shutte, 2001:8).

Colonialism: A political and economic relation in which the sovereignty of a nation or a people rests on the power of another nation. (Maldonado-Torres, 2007, cited in Kanyane,2003:347).

Decolonisation: a process to achieve decoloniality (Walton 2018, cited in Kanyane, 2022:353).

CHAPTER 1

INTRODUCTION AND BACKGROUND

1.1 Introduction and Background

The study focuses on the Buffalo City Metropolitan Municipality (BCMM) which is in the Amathole Region of the Eastern Cape Province. The Buffalo City Metropolitan Municipality is situated on the east coast of the Eastern Cape Province of South Africa. The Eastern Cape Province is of historical importance when one investigates the evolution of African societies about South Africa's history of contact with the Europeans. It was in this province where fierce clashes of interests and cultures first happened between the British settlers and the African communities. Over a period of 100 years, between 1779 and 1880 (Peires, 1979:5-6), the inhabitants of this Province fought nine wars of dispossession against the settlers. Arguably, the rise and fall of morality in governance within the African communities can be traced and explained by examining these historical events within the Eastern Cape. One can argue that this contact happened in the Western Cape, in Kwa Zulu-Natal and in other parts of the country, too. However, the historical records seem to suggest that the settler's contact with the indigenous people is well documented in their contact with the people in the Eastern Cape Province.

The BCMM was established when two former municipalities (Transitional Local Councils) that of East London and King William's Town were merged into one. It also includes other areas which were previously not included in either of them. The BCMM includes East London, Bhisho, King William's Town, as well as Mdantsane and Zwelitsha which are large townships. The municipality was established in 2000 after South Africa's redetermination of the municipal areas, and it is named after the Buffalo River, at whose mouth lies the only river port in South Africa. History was made in Buffalo City when the first female mayor, Ntombentle Peter was elected on Friday the 17th of March 2006.

The BCMM covers an area of 2 536 km² and it had a population of 848 000 in 2016 when it was ranked as the most populous Metro in the Eastern Cape (Eastern Cape Socio-Economic Consultative Council, 2017:1). On the 18th of May 2011, the municipality was separated from the Amathole District Municipality and it was given a Category A status of a metropolitan municipality (Buffalo City Metro, 2019:1). Therefore, the Eastern Cape Province has two metros, which are the Nelson Mandela Metro and the Buffalo City Metropolitan Municipality, but the focus of this study is the latter.

The last 25 years chronicles the attempts that have been made by the African National Congress (ANC) government and the people of South Africa to reconstruct the lives that have been destroyed for over 300 years by the advent of the settlers on our shores. Life under colonial rule has been characterised by slavery, hardship, poverty, and landlessness, as well as the loss of humanity and dignity. There has been a systematic dehumanisation of African people through social engineering. Social engineering is, according to MacMaster (2018:109) when the coloniser seeks to rearrange the living conditions of the indigenous population to control their lives. Hickel (2012:90) makes the same point when he points at how the colonial and apartheid governments sought to confine Africans into what he calls “governing Africans by proxy through patriarchal power in rural homesteads” He goes on to posit that when urbanisation forced the Africans out of those rural social structures the Apartheid government employed what he calls “an extremely violent project” to “reassert control over the urban Africans by relocating it to planned, modernist townships and by remaking the African family according to European expectations of domesticity (Ibid).

Moodie (2017:153) says one of the most ambitious projects of grand apartheid social engineering was the homeland system of separate development. Despite its failure we see its legacy even in the current configuration of the post-apartheid provinces. (Kanyane (a) (2021:49). In South Africa, under colonialism and apartheid, racial, ethnic and gender relations were constituted as relations of power and domination, that is, social groups were not only constructed as different from other groups but were also assigned a specific position in the social, economic and political hierarchy. (Cross and Ndofirepi ,2017:84-85)

The inter-racial conflict and the tribal strife in recent history have led to even more social polarisation. The gap between the rich and the poor has not assisted in creating a coherent society with a common vision and identity. Instead, this gap has been increasing at an alarming rate that outpaced all the poverty alleviation attempts. South Africa under apartheid became the proverbial tale of two cities, with one section of the population living in opulence and affluence while the other lived in abject poverty which was characterised by the lack of freedom and basic services.

The biggest test for the effectiveness of the African National Congress government has always been its ability to bring solutions to address the triple challenges facing ordinary South Africans. These triple challenges are poverty, unemployment, and inequality. The new wave of Pan Africanism that is sweeping across the country has added landlessness and Radical Economic Transformation (RET) to the triple challenge conundrum. The RET was added to the national lexicon after the ANC Policy Conference in 2012. Since then, it has been taken over and made a rallying call by various leftist political formations in South Africa (Xaba, 2021:80)

At the 2012 ANC Policy Conference, the RET was put forward as an answer to the slow pace of exterminating the apartheid legacy. This is the reason advanced by the leftist political parties such as the Economic Freedom Fighters (EFF) and the Black First Land First (BLF) for the urgent implementation of RET. On the other hand, the land question has always been the cardinal pillar of the struggle of the African people as advanced and espoused by the Pan Africanist Congress of Azania (PAC). The PAC has always faulted the struggle waged by the ANC as being superficial and as not about the real issues, which are the source of the African people's problems. The PAC argues that the land is at the centre of all the malaise that is confronting the African people. The party also argues that poverty, unemployment, and inequality are the direct symptoms of landlessness. They argue that if the land is returned then these symptoms will be addressed almost instantaneously (More, 2011:173-185).

This ideological difference between these two historic organisations is perhaps explained by the lack of emphasis by the ANC-led government on the land question since 1994. The tide is, however, turning and there is a huge wave that increasingly

puts the spotlight on the centrality of the land question in South Africa's struggle for the eradication of poverty, unemployment, and inequality.

The new democratic government decided on how to rebuild and heal the South African nation from years of deprivation and dehumanisation under colonisation. The government put forward policies, legislative, legal, and administrative frameworks to address the apartheid legacy. It is appropriate to review the efficacy and effectiveness of these instruments as antidotes to redress the impact of socio-economic exclusion.

The local government is the arena for the interface of citizens with the state. As such, all the initiatives to rebuild society and democratise the state will inevitably happen in the local sphere of government. The BCMM will be a point of reference in the discussion on the effectiveness of the ANC-led democratic government initiatives to transform society. The democratic government came up with three strategic documents that were intended to guide the rebuilding of the South African societies at the local government level. These are the 1996 South African Constitution, the White Paper on Local Government (1998) and the National Development Plan – 2030. These three documents outline the role of the local government in the rebuilding of democracy and in promoting socio economic development at the local level. This is to be done by creating structures and developing capabilities to address the triple challenges of inequality, poverty, and unemployment; the ultimate aim is to create working African cities that will serve as economic hives of activity that meet the needs of all the citizens (Makhaye and Subban,2022:1508-1510; Deveaux, 2018:700).

Many of the struggles for a better life have largely been fought at the local municipal level. The South African National Civic Organization (SANCO) was formed in 1992 by combining all formations that, in various townships, were in opposition to the apartheid policies of segregation and the lack of service delivery.

One of the key legislative reforms that ushered in a new epoch in local government administration was the creation of the local government as a distinct sphere of government which operated independently of provinces or national government. The powers of the local government, in terms of the constitution, are no longer delegated by

provinces but are derived from the Constitution. This is a major departure from history, and it is a great enabler for the local government. It establishes the basis for a local government system which is centrally concerned with working with local citizens and communities to find sustainable ways of meeting their needs and improving the quality of their lives (Cooperative Governance and Traditional Affairs, 1998:6).

The 1998 White Paper positions the local government as the sphere of government that interacts closest with the community and states that it is responsible for the provision of basic services and infrastructure that are essential to the citizens' livelihood and quality of life. Thus, the local government is tasked with ensuring the growth and development of the communities in a manner that enhances community participation and accountability. Pravin Gordhan, the Chairman of the White Paper Political Committee defined the "local government as an expression of democracy, growth, development and co-operative governance" (COGTA, 1998:1).

The concept of the decentralisation of power from the central and provincial government to the local government is embedded in the Local Government White Paper of 1998. This was done in part to enhance public participation and civic involvement in the efforts to rebuild a capable and sustainable state. Furthermore, this was designed to ensure greater social cohesion and inclusive growth strategies that are informed by local dynamics.

According to Mohammed Vallie Moosa the first democratic Minister of Provincial and Constitutional Affairs, the White Paper on Local Government can almost be regarded as the mini-constitution for local government. It is premised on the idea that the democratic state of South Africa has the obligation of meeting developmental objectives in a manner that enhances community participation and accountability (COGTA, 1998:1).

At the dawn of democracy the South African Government introduced Batho Pele principles. These were meant to engender a spirit of commitment on the part of the civil servants to service delivery. This lack of commitment was thought to be the cause for poor service delivery (Zerihun and Mashigo, 2022:2). This research project sought to

identify the real causes of the relapse of morality in governance at the local government level, despite the existence of such potent legislative instruments as described in the preceding paragraphs. Is the relapse a result of political idiosyncrasy, structural or systemic factors within the South African body politic? Alternatively, could this be a bigger reflection on the morality, psyche or national conscience? What are the existing gaps in legislation that perpetuate glaring infractions that are evident in the conduct of both politicians and officials in local government? The study will also look at historical factors that might impact on the current state of the ethical and moral collapse in governance in the local government sphere. It should be borne in mind that this study spans over five years. Over this period much has happened in South Africa within the local government space. It might well be that some of the findings will have found some expression in the quest by the government to bring about improvements and changes at the local government sphere. Nonetheless, it is hoped that the recommendations contained in the study will add to the existing body of knowledge.

The vision of local government as articulated in the Constitution was shaped by the struggles and the experiences of ordinary South Africans under the racially divided, unequal and exploitative governance systems of apartheid. The writers of the Constitution sought to express the wishes of the majority who have long been victims of exclusionary policies. The Constitution had to express the collective will of the citizens for a radical departure from the oppressive and divisive past. The Constitution also had to usher in a period where poverty would give way to economic growth, and prosperity, as well as development and where inequality and segregation would give way to social cohesion and redistribution.

Chapter 7 of the Constitution of the Republic of South Africa (1996:74-81) outlines the municipalities' roles and responsibilities. It is generally accepted that South African municipalities perform below the expected levels. Various Auditor General South Africa (AGSA) reports bear testimony to this underperformance of the municipalities. Subsection 152 is very explicit about the municipalities' economic developmental role. The role is to "promote social and economic development." Subsection 152 goes further by compelling the municipalities to structure and manage their administration, budgeting and planning processes in a way that gives priority to the basic needs of the community.

It also promotes the community's social and economic development. The subsection goes further to compel the municipalities to participate in national and provincial development programmes.

Any failure by the municipality to meet its obligations to its communities will be a failure to develop its citizens' social and economic development aspirations. In terms of the Constitution of South Africa, specifically, in Chapter 7, a failing municipality has not been able to bring about social transformation and social cohesion to its citizens and one that has not delivered economic value, growth or prosperity to its ratepayers. The constitutional injunction to municipalities is that they should structure themselves in a way that addresses past injustices as well as meets the citizens' future needs. Another mandate is to develop the municipalities and cities into economic hubs to create a better life for all its citizens.

Of all the three strategic documents relating to local government that was developed in South Africa, the National Development Plan (NDP) is the latest and most comprehensive. The NDP was launched in 2012, and it is a detailed blueprint of how South Africa can eliminate poverty and reduce inequality as well as unemployment by the year 2030. The National Planning Commission developed the NDP. The National Planning Commission was established in May 2010 to develop a long-term vision and strategic plan for South Africa. The President appoints its chairperson and the deputy, while the 24 members are appointed via a public participation process.

When launching the NDP, Trevor Manuel the Minister in charge of the Planning Commission said the NDP, "is a plan for a better future; a future in which no person lives in poverty, where no one goes hungry, where there is work for all, a nation united in the vision of our Constitution" (NPC, 2012 :1).

The National Planning Commission was meant to develop a blueprint for the long-term development of South Africa. Its research-based outputs would guide and influence government policy and provide a strategic campus to the whole government. As such, all plans, programs, and strategies would be coordinated around the NDP ideals.

The NDP aims to achieve the following objectives by 2030.

Uniting South Africans of all races and classes around a common programme to eliminate poverty and reduce inequality. Encouraging citizens to be active in their development, strengthening democracy and in holding their government accountable. Raising economic growth, promoting exports, and making the economy more labour-absorbing. Focusing on the key capabilities of both the people and the country. Capabilities must include skills, infrastructure, social security, strong institutions, and partnerships both within the country and with key international partners. Building a capable and developmental state. Strong leadership throughout society that works together to solve problems. (NPC, 2012:1).

The NDP was written 18 years after the first democratic elections in South Africa. The government at that point became painfully aware that it was making minimal progress in its quest to dent the socio-economic developmental challenges, despite the writing of a world-renowned constitution and a solid legal and policy framework. Minimal progress was also happening despite the existence of democratic institutions to guard and secure democracy as well as the transformed public service and a policy framework to guide development. Finally, it was also happening regardless of a better performing economy notwithstanding unemployment that exceeds 40%.

There were also more than four million RDP houses that were built since 1994, and yet around 3.6 million people still live without a roof over their heads.

Despite some pockets of success, too many people are trapped in poverty, and South Africa remains a highly unequal society. Corruption and malfeasance are in overdrive. The country remains divided, and these divisions are still shaped by the apartheid legacy and entrenched white privilege. Too few South Africans work, and the quality of education for the majority is poor. The state also lacks capacity in critical areas. The wave of unrest that precedes every election bears testimony to the citizens' worn-out patience with the government. The growing numbers of land invasions also indicate the lack of faith in the state's ability to adequately respond to the citizens' needs. Service delivery initiatives continue to be undermined by rampant corruption which is a symptom of the relapse in ethics, morality and governance at the local government level.

One of the biggest conundrums facing South Africa is to reconcile the current state of local government despite the existence of such a powerful legislative framework as has been outlined in the foregoing paragraphs. Chapter 7 of the Constitution of South Africa empowers local government to “address past injustices as well as to meet future needs” of their citizens. (1996:74-81). The White Paper on the Transformation of Local Government gives unprecedented powers to local government and this legislation is coined a “mini constitution” for local government. (COGTA,1998:1). Furthermore, local government have the NDP which is defined as a “strategic campus for all of government” (NPC,2012:1). The irresistible question becomes, “how can things go so wrong at the local government level despite the existence of such powerful legislative framework to work from?” This is one of the questions that this research hopes to answer, albeit partially, due to space limitations.

The foregoing captures the gap that exists within the local government terrain in South Africa for this study. The study seeks to identify the reasons behind the existence of such high levels of moral and ethical collapse as well as the failure of service delivery. South Africa’s world-renowned constitution guarantees a better life that will be realised through local government, yet the implementation is not up to scratch. The research seeks to find the reasons why such legislative imperative is not followed to curb ethical dilemmas. Why do legislative and the constitutional provisions seem to be impotent to cause government officials and politicians to do what they must do to deliver a better-quality life for its citizens and to curb morality infractions?

It is indisputable that the government has, developed the legislative framework to move the South African nation forward. These include the National Development Plan 2030, whose aim is to unite the South Africans, unleash the energies of its citizens, grow an inclusive economy, build capabilities, and enhance the capability of the state and its leaders to work together to solve the complex problems that are facing South Africa. To what extent has the government succeeded, though, in “building a capable and a developmental state with strong leadership throughout society that works together to solve problems.” (NPC, 2012:1)?

The foregoing identifies a clear gap that exists between the legislative intent and the reality obtains on the ground. Masuku and Jiji (2019:1) posit that the ideals of transforming the state via local government as espoused by the White Paper on transforming local government are not being realised. They attribute these failures to several factors. These include the over politicisation of the administrative component of the municipality, resulting in poor local governance. Lack of integration of municipal programs into a cohesive and integrated service delivery process. They postulate that the improvement of the quality of life that is envisaged and standard of living will only be realised when the local government sphere is depoliticised, and the work of local government is integrated and coordinated with other like-minded agencies within and outside of government. Only then will the objectives of the South African government's White Paper of transforming public service delivery be realised.

The aforesaid suggests, in a very clear way, that government must ensure that municipalities act in line with the guidelines of chapter 7 of the constitution. This calls upon municipalities to adopt a cooperative approach to service delivery. Furthermore, the same point is made by the District Development Model approach and the Intergovernmental Relations Framework Act 13 of 2005. Section 7(b)(ii) provides for “the coordination and alignment of priorities, objectives and strategies across national, provincial and local government. Furthermore, para (b) compels these organs to identify any blockages in the implementation and to meet to find ways of unblocking these strategic impediments to service delivery. (IGR,2005:14) Notwithstanding such clear guidelines these organs continue to work against each other rather than to cooperate and integrate their resources and efforts.

Madumo, (2015:153) identifies other factors that seem to contribute to the dysfunctionality of local government. He hypothesises that the seeming contradictions of the constitution identifying local government as a distinct and independent sphere of government while the Intergovernmental Relations Framework Act speaks about integration can be difficult for some to assimilate. Furthermore, he raises the often-conflicting roles played by traditional leadership and councillors within the municipalities as some of the factors that may confound the work of local municipalities.

1.2 Problem Statement

Despite the existence of a world-renowned constitution and a Bill of Rights, South Africans have consistently been subjected to abject poverty, high unemployment rates and unprecedented levels of inequality. The promise of the government close to a decade to improve the quality of the lives of the poverty-trapped masses has yielded little results despite the existence of an enabling legislative framework. Both the AGSA and the Motlanthe High Level Panel Public Hearings have released various scathing reports about the BCMM governance concerns. These reports include the Metro's internal reports (Annual Report and MPAC Report) that reveal unbridled corruption and malfeasance at the Metro and also high levels of corruption, the collapse of ethical conduct, as well as the lack of leadership, governance, and oversight within the Metro. Amid the provision of the rule of law in South Africa, especially in the Municipal Finance Management Act, Municipal Structures Act, and Municipal System Act as well as the supply chain management policies and institutional oversight structures such as the Municipal Council and Municipal Public Accounts Committee among others, why is there a dearth of morality in governance in BCMM?

In short, the research question this study seeks to answer is, "Why is there a dearth of ethics and morality in governance in the Buffalo City Metropolitan Municipality? This question is even more pertinent given the constitutional dispensation that is undergirded by a plethora of legislation that empowers and supports a functional and capable local government sphere in the post-apartheid epoch.

1.3 Research Questions

Given the statement of the problem that was expressed earlier, it is critical to pose two fundamental questions that are to be further investigated:

- a) To what extent BCMM's ability to deliver on its mandate has been impacted by the lapses in morality in governance emanating from leadership and oversight in the last five years (2014-2019) of the 25 years review of local government?

- b) What could be done about the institutional dislocation of morality in governance, leadership, and oversight to reclaim ethics and integrity in the Metro?

1.4 Aims and Objectives of the Study

The problem statement and the two research questions inform the following objectives of the study.

- a) To diagnose the extent of the institutional dislocation of morality in governance in the last five years (2014-2019) of the 25 years review of local government.
- b) To inquire about the corroboration of morality, governance, leadership, and oversight as a basis to reclaim ethics to improve service delivery performance in the Metro.
- c) To propose ways to improve the quality and competence of the leadership at the BCMM through a performance matrix to inform service delivery at the Metro.
- d) To propose legislative framework amendments that will improve accountability and enforce service delivery at the local government level.
- e) To identify ways of improving the competence of municipal functionaries.

1.5 Significance of the Study

The study serves as a hallmark for the 25 years review of local government particularly in the BCMM. Given the body of knowledge on ethics and accountability, the research will add value by empowering the councillors and municipal officials to discharge their duties with a sense of loyalty and integrity. The study will be used to enhance the anti-corruption measures of the metro against corruption and all its manifestations. The study comes at the right time when South Africa is confronted by the corruption scandals that were exposed by the Zondo Commission. Therefore, this study will add value by attempting to resolve the moral and governance questions in the local government, in general.

Often, when people are faced with problems that confront them, they tend to look for new solutions. Many times, these solutions can be found in the application as well as

strengthening existing mechanisms. This study is significant in that it will impact the theory (legislation) and practice (employment of officials as well as performance evaluation of political office bearers) of public administration. Thus, this research will contribute to the existing body of knowledge by inter alia:

- 1.5.1 Strengthening existing legislation to reduce corruption and maleficence at the local government level.
- 1.5.2 Strengthening service delivery at local government by setting minimum entry requirements for both the heads of Section 89 committees and mayoral committees' members.
- 1.5.3 Proposing the implementation of a Performance Management Framework for political office bearers and political structures as proposed by the White Paper on Local Government (1998), Sections 4, 6, and 8. Section 11(3) of the Municipal Systems Act, 2000 (Act 32 of 2000)
- 1.5.4 To give effect to the stipulations of Section 42 which requires that the community, in terms of the provisions of Chapter 4 of the Act, which deals with Public Participation should be involved in the development, implementation and review of the Performance Management System (PMS), and the community be involved with the setting of Key Performance Indicators (KPI) & Performance Targets (PTs) for the municipality
- 1.5.5 By introducing a systems theory based on Local Government Sustainability Model to ensure that the work of the municipality remains sustainable in line with the Da Vinci TIPS™ Model for sustainable management.
- 1.5.6 Lastly, this research will contribute to the existing body of knowledge by introducing the Local Government Performance Matrix Model. This Matrix is designed to be a model that will function as a mirror for every local government functionary. It measures the attainment of four local government

objectives against three comparators viz. Leadership, Oversight and Governance.

Ultimately, when corruption has been dealt with and governance has been restored, the service delivery to the poor communities will be enhanced. That in turn will improve the quality of life of the poorest of the poor communities.

Chapter 6 will also detail other ways in which this study will contribute to the existing body of knowledge. The ultimate objectives of the study are to see an egalitarian society that is envisaged by the Constitution. A developmental state where every citizen is free from the kind of poverty that currently exists across South Africa. To create functional local government free from corruption and maleficence. Thus, the study would have contributed to the goal of ensuring higher levels of service delivery. This will have the knock-on effect of addressing the main findings of the AGSA about leadership, governance, and oversight in the local government sphere of government.

1.6 Delineations Limitations

Research delimitations refer to the scope of research aims and research questions. These reflect the intentional choices of what the researcher set out to achieve through this study. This has helped the researcher to limit the scope and make it manageable. The AGSA has consistently issued disparaging reports on the state of malfeasance at the Buffalo City Metropolitan Municipality. The researcher distilled the reasons behind the collapse in morality and governance to three comparators viz. leadership, governance, and oversight. These are dealt with in Chapter 5 where they are marked out as “Performance Drivers” in fig. 5.1, the Local Government Service Delivery Matrix. The researcher limited the scope to only these three comparators so as to keep the scope manageable.

The researcher could have extended the scope to investigate the impact of the following factors:

- i. Size, composition and homeland configuration of the BCMM
- ii. Skills base (availability of critical skills) of BCMM staff as well as span of control
- iii. Economic base of the Metro.

- iv. Financial viability as well as funding allocation vs budget.
- v. Employment profile
- vi. Level of infrastructure. (Economic, health, road, rail etc.

1.7 Underlying Assumptions

The theoretical framework that the researcher chooses is by itself a value judgement that is replete with choices, assumptions, attitudes, and expectations. These assumptions and choices affect the template within which the research project operates. The most obvious of the assumptions is the choice to follow a qualitative research option as the most suitable one for this research. Detailed reasons for this choice were advance under 3.2 of this research project. According to Hammarberg, Kirkman and de Lacey (2016:498), 'qualitative' methods are used to answer questions about experience, meaning as well as perspective, and most often this is from the standpoint of the participant. Furthermore, a personal perspective based on lived experiences were facilitated by qualitative research instruments like personal in-depth interviews with key interview participants. The suitability of this research paradigm is supported by its appropriateness to the 'analysis of texts and documents', such as government reports, media articles, websites, or diaries, to learn about distributed or private knowledge.

An Interpretivist approach was followed to conduct this research project. Interpretivists argue that to understand human action we need to achieve 'verstehen, 'or empathetic understanding – we need to see the world through the eyes of the actors doing the acting. Understanding the meaning of human action requires grasping the subjective consciousness of the actor from the inside (Chowdhury, 2014:435). Furthermore, interpretive researchers assume that access to reality (given or socially constructed) is only through social constructions such as language, consciousness, shared meanings, and instruments. Many social scientists claim that the social scientist does not stand, as it were, outside the subject matter by looking in; rather the only way they can understand a particular social or cultural phenomenon is to look at it from the 'inside'. In other words, a social researcher must already speak the same language as the people being studied (or, at the very least, be able to understand an interpretation or translation of what has been said) if they are to understand any data at all. The 'raw data' for a

social scientist include words that have already been meaningfully pre-structured by a group of fellow human beings (Myers, 2008:67-68).

With the foregoing in mind, it becomes palpably and demonstrably clear that researcher, like millions of South Africans is affected by the key aspects of this research. These are lack of service delivery, triple challenges facing the majority of South Africans as well as the legacy of colonization. The theoretical assumptions are outlined in the research paradigm and the attendant theoretical framework. The practical assumptions are that South Africa is a crime scene at two levels. The first being the colonization/apartheid epoch while the second one is the unprecedented suffering from corruption under the ANC-led government. This is supported by the confession of President Ramaphosa at the Zondo Commission when he said the ANC is accused number one when it comes to corruption in the democratic dispensation.

1.6 Chapter Outline

1.6.1 Chapter 1: Introduction and background

The introduction gives a brief overview of the Buffalo City Metropolitan Municipality and the constitutional mandate that it has to its citizens. As the study is about the demise of morality, ethics, and governance in a municipality, it would be critical that the researcher sketches the nature of traditional African governance structures pre-colonialism. The chapter also includes but is not limited to the problem statement, the research questions, and the objectives of the study.

1.6.2 Chapter 2: Literature Review

This chapter is the merger of the previous chapters 2 and 3. The new format makes a brief introduction giving the historical perspective on the relapse of ethics in morality from Jan van Riebeeck to the post 1994 epoch. The bulk of the chapter discusses the theoretical framework that undergirds the research project. Various theories are discussed, and an attempt is made to link these to the subject matter. This chapter will serve as the structure and support for the research project.

1.6.3 Chapter 3 Research design and methodology

The research design and the methodology that is used in undertaking research are outlined in this chapter. Every major task must have a plan, structure, and strategy of investigation. This is clearly outlined in this chapter. Research design and methodology are complete research schemes or programmes (Kerlinger, 1986:279). The design describes the procedures for conducting the study, including when, from whom and under what conditions data was obtained. Its purpose is to provide the most valid, and accurate answers to the research questions (McMillan & Schumacher, 1993:31).

1.6.4 Chapter 4: Research Findings and Discussion

Empirical analysis of morality in governance is focused on analysing the nature, meaning and extent of what it means to have morality in governance. The chapter focuses on what the ideal local government is intended to provide its citizens by way of democracy, development, growth, cooperative governance, and service delivery in general. This is juxtaposed with the empirical evidence of what obtains in local government in general and the BCMM from interviews, observations, and documentary reviews. The Motlanthe Public Hearings High Level Report the AGSA findings as well as the Metro's annual reports MPAC Report, newspaper articles and other relevant reports are also discussed in this chapter.

1.6.5 Chapter 5: Conclusion and Recommendations

The recommendations and conclusions are derived from the empirical data that was collected and analysed in previous chapters. It is understood that these recommendations could be useful by the accounting authority of the Metro for consideration and implementation after the completion of the study.

1.6.6 Conclusion

The Chapter outlines the rationale for this research project. The study covered 27 years since the first democratic dispensation. The 27 years marked the time that has elapsed since the country was promised the fruits of freedom. Given the various AGSA reports as well as the Motlanthe High Level Panel Report, Metro's Annual Reports and MPAC Reports, this promise continues to be an elusive dream for the vast majority in South Africa. This diagnostic study accounts because have led for the current state within the Buffalo City Metropolitan Municipality. Chapter 4 details the findings of this research about the reasons and the causes of the dislocation of morality and ethics within the Metro.

CHAPTER 2 LITERATURE REVIEW

2.1 Introduction and Background

South Africa is said to be one of the most unequal countries in the world over. (Ataguba, 2021:2). This is so because there exists crass wealth alongside abject poverty. The triple challenge of poverty, inequality and unemployment is on an upward, irrepressible trajectory (Tshishonga, 2019:1139). It is getting harder to suppress and pacify the worn-out impatience of the poor. A total of 27 years on, the poor are yet to see the results of the freedom they have been promised. It is as if paradise has been lost because the fortunes seem to favour the rich and the politically connected. Political patronage seems to be the only way to access wealth and resources. The nation seems to be losing its grip on morality and ethics. The questions to ask include, how did the country find itself in this situation? How does the country pull itself from the brink of collapse that it is facing today? Contrary to popular belief, the South African problems started long before apartheid.

The current state in which South Africa finds itself, has historical roots. This history must be remembered and memorialised if it must serve as a basis for an improved future. The people of South Africa have vowed to strive for a democratic state where there is social cohesion and nation-building. The reality is that “Our memory of the past is deeply ingrained in how the colonial and apartheid legacy, that negatively impacted our political, social, economic, and cultural life, shredded the social fabric and fragmented the body politic, while constructing a racially exclusive society in which only a minority enjoyed full citizenship” (Mthethwa, 2021: xvii).

The democratic transition was welcomed by many as the dawn of a new life for the oppressed. However, there remain many colonial and apartheid legacies that continue to perpetuate the colonial project of reducing the Africans to sojourners in their country of birth. The successor of colonisation, the apartheid system, continued its pernicious behaviour. This behaviour was replicated in the apartheid state as well in the homeland

system it birthed. Throughout this time, there was a disregard for ethics, governance, and morality. These practices were passed on to the neo-colonial nation state which was renamed the new South Africa. “It is not just that South Africa became (as was the case with other colonial states) a nation-state, but rather that it became an instrument of neoliberal capitalist power” (Nkondo, 2021: xxviii).

The moral and ethical collapse in the state organs and the South African society in general must be contextualised and located within the colonialism and apartheid legacies. These contradictions can be fully addressed when the dignity and nationhood of the Africans have been restored by, inter alia, restoring the lost sovereignty. Unless these contradictions are addressed and these disparities are resolved, the attainment of an equal and just society will remain a pipe dream and “... aspirations will have a hollow ring” (Bilchitz, 2007 as cited by Nkondo, 2021: xxxi).

There is consensus that South Africa is at the precipice of becoming a failed state. (Malada,2022:1) Daily Maverick 05 September 2022). To appreciate the gravity of the predicament South Africa finds itself in, one must understand how it got here. Indeed, it is true that a true diagnosis of any malaise must recognise its root cause. Some, like the proverbial ostrich, hide their heads in the sand and try to airbrush the gruesome chapters of our history. To those, Magubane (1983:539) says, “He (or she) who does not wish to write about the cruelty of settler colonialism and of capitalism, should not attempt to write the South African history.” The understanding of that history paves the way or limits any claims that may arise therefrom (Mager, 2013:253). Peires (1979:51-61) portrays the brutal and inhumane nature of the colonial wars that characterised the wars of conquest as follows:

“In 1811, Governor Sir John Cradock ordered Lieutenant-Colonel Graham to expel all Xhosa living west of the Fish, urging 'the expediency of destroying the Kaffer kraals, laying waste their gardens and fields and removing any object that could hold out to their chiefs an inducement to revisit the regained territory. Nothing loath, Graham determined 'to attack the savages in a way which I hope will leave a lasting impression on their memories'. The war which followed (Fourth Frontier War 1811-1812) was brief, but of unprecedented ferocity. The Xhosa chiefs' request to stay on until the summer

crops were fully harvested was deliberately turned down. 'We chose the season of corn being on the ground,' Graham informed his ally Ngqika, "in order. . . that we might the more severely punish them for their many crimes by destroying it" (Peires, 1979:53).

History can serve as a powerful tool to settle current disputes as well as to map the future. It can serve as a guide and a lesson to the nation on what mistakes to avoid and what options to follow in moving the country forward. According to George Orwell's famous quote, "Who controls the past controls the future: who controls the present controls the past", succinctly this drives this point home (Orwell as cited by Dean, 2009:319). How South African history has been written and by whom that history is written is a profoundly serious matter worthy of close examination in understanding present South Africa.

A clear understanding of the history will shed light on the current challenges and socio-economical as well as geopolitical dynamics that are at play in South Africa today. The prevalent contradictions in post-apartheid South Africa can be fully explained and understood in the backdrop of the country's history. South African historiography has been dominated by a liberal school of thought. Sachs (2021:3) posits that, "A huge amount of South African experience is not only excluded, but also trampled upon, it is denied, it's made invisible". All this is done to deny historical claims that the dispossessed and colonised might have over their history and land.

Magubane (1983:539) says the weaknesses of the liberal school are fourfold; it takes white settler colonialism and capitalist development as a natural order of the universe and concerns itself with studying how the poor, unfortunate peoples of the world, either adjusted or failed to adjust to the benevolent, if sometimes rough, expansion of western civilisation. Secondly, liberal historiography is ideologically committed to the justification and the preservation of the status quo. With this kind of commitment, liberal historiography has a built-in tendency to analyse South African history in terms of the virtues and the vices of the English and the Afrikaners. The Africans intrude into their analysis as objects rather than as actors. The third aim of liberal historiography is to depoliticize history, that is, to write it in such a way that the injustices committed against the indigenous peoples do not outrage. The liberal historians hence deprive the

oppressed of the lessons from the past that are useful for the current the future struggles. Finally, race and racism are taken as the natural ideological baggage about which very little can be done.

In his attempt to incorporate history in his analysis of the present, Alex Boraine In his book “What’s gone wrong? South Africa on the brink of failed statehood.” looks at possible causes of what had led to the state of affairs during the Zuma era. In trying to answer the question he goes back to the time the ANC was in exile to find the answers he is looking for. He writes, “to answer this question we need to interrogate the ANC in exile, how it sought to survive the conditions which prevailed then and to meet the challenges which beset it at every turn (Boraine,2014:8). While this is useful and provides valuable insights into the ANC as a liberation movement it gives an incomplete picture of the current collapse in ethics, morality, and governance in South Africa. The roots of corruption, that permeates the corridors of power today, run much deeper than that.

Perhaps the writers who paint a more comprehensive picture of the history of corruption in South Africa are Blackman and Dall in their tome “Rogues Gallery: An Irreverent History of Corruption in South Africa, from the VOC to the ANC.” Blackman and Dall, (2021:8-12) posit that the term “corruption” is by its very nature a European term derived from the Latin verb “*rumpere*”, which implies the breaking of something ‘altogether’ or ‘completely’. They credit Jan van Riebeeck as the one person who imported corruption into the South African shores to become what they term “national sport” it turned out to be.

In giving a brief overview of the roots of corruption in South Africa the researcher will borrow the delineation used by Rabe, (2020:8)

2.2 Colonialism Era - 1652 to 1900

This era marked the first time that the Europeans set foot on the South African shores. Ironically, a period Jacob Zuma had this to say, “The problem began when Jan van Riebeeck came here.’ (Blackman and Dall, 2021:9)

“Certainly, Van Riebeeck did begin to “*rumpere*” many things in the Fairest Cape, setting in motion a process of land expropriation for the success of the service and the benefit of his employer, the legacy of which remains with us today.” (Ibid)

After the departure of Jan van Riebeeck from the Cape Colony, he was replaced by Simon van der Stel. Blackman and Dall (2021:12) depict Simon van Der Stel as “our nation’s first home-grown corruptor.” Furthermore, “given our status as a world leader in using family ties to ‘break’ the state ‘altogether’, it should come as no surprise that that honour should befall Simon’s biological and ideological son – the (dis)Honourable Willem Adriaan. He was grossly immoral – to such a degree that he forbade the reading of the Ten Commandments at any service held in his presence.”

It was during the reign of Willem Adriaan that the concept of detention without trial was first recorded in the Cape Colony. He is the first Governor to stage manage the trials of his opponents, where he would be consulted by the magistrate during the trial while he was listening to the trial proceedings from an adjacent room. ‘He was decidedly the most incompetent man who has ever been at the head of affairs in the colony.’ (Blackman and Dall, 2021: 27-29)

Willem Adriaan’s fascination with stage managing cases against his opponents seems to have influenced generations of politicians in South Africa. This is what has led to the complicated relationship that exists even today between the judiciary and the executive arm of government. This is an added dimension to an already inherently complicated relationship between the two arms of the state. Political interference just causes further unwarranted problems in this already complicated relationship. (Trochey and Ellett, 2014:67-68)

Issacharoff (2014:585) notes that this problem of a judiciary that panders to the whims and dictates of the politicians is prevalent in democracies that have dominant political parties. He laments that even the behaviour of the apex court in South Africa has been seen to be avoiding any confrontation with the African National Congress in its rulings. He postulates that “these strong party democracies, with power often being held by the inheritors of the political mantle of those that led the opposition to prior authoritarian

rule, exhibit a tendency toward the three “C’s” associated with the lack of accountability: clientelism, cronyism, and corruption.” He further notes that the Constitutional Court in South Africa “has scrupulously avoided any frontal confrontation with the current African National Congress government, instead casting its repeated rejection of government efforts to insulate itself from accountability in narrow procedural rulings or rulings based on other, non-politically charged sources of law.” (Ibid)

Another colonial figure who has won the right of citation as one of the most self-serving and corrupt Governors is Lord Charles Somerset. He was portrayed by people such as Pringle and later by history as an autocratic tyrant who "sacrificed the interests of the country for the personal advantage of the Governor and his friends." In his reign of terror, he made it clear to all, that his will was law and his disapproval led to ruination. He ruled the Cape colony “as a despot who tolerated no dissent and ruthlessly persecuted those who dared to inquire in his sometimes-dubious dealings.” He went to the point of banning the independent media, the Advertiser, in the Cape colony, deporting its owner and arresting its editor. Somerset knew full well that shutting down free media “tyranny would advance in silence.” (Rabe,2020:45-86) (Wigston, 2007:29) Another colonial figure who has left an indelible mark in present-day South Africa and indeed Southern Africa is Sir Cecil John Rhodes. He paved the way for segregation laws in South Africa by shepherding the passing of the “draconian Diamond Trade Act (1882), which, “according to his biographer Brian Roberts, Rhodes was very proud of ‘his baby the Diamond Trade Act.’”

This Act barred Africans from owning land in the diamond rich areas and was a precursor to mining compounds. Rhodes’s De Beers Mining Company ‘perfected’ the ‘native’ compound: Over 11 000 African labourers were housed 20–25 to a room in corrugated-iron barracks, set out in a square and surrounded by a 12-foot fence, which was patrolled by company police with dogs. The whole area was roofed over by double mesh wire netting and guard towers with searchlights placed at each corner. Before being herded back into the compounds after each work shift, African miners were forced to take their clothes off and be subjected to horrific and invasive body searches which probed ‘every orifice’. When a miner’s contract came to an end, they were stripped naked and placed in solitary confinement in a tin hut for ten days. Their hands were

chained together into fingerless leather gloves, and they were fed castor oil. Their excrement was then inspected daily just in case they had swallowed a diamond. The De Beers trust deed made room for the company to govern countries, annex territory in Africa, raise and maintain a standing army, and make war! Rhodes would do all four. In Bechuanaland, now Botswana, He earned himself the title of being "*Morena-maka*", the Father of Lies. Of his dealings his biographer, Antony Thomas says, they were 'fraud built upon a fraud'. (Blackman and Dall, 2021:85-89)

There's no doubt that Rhodes had an inbred contempt for the democratic protocol instilled in the Cape constitution of the time. But he was willing to become prime minister because it would serve his purposes at the Cape government's expense and not his. (To top it up, Rhodes went on to be awarded a £730 000 (R2.2 billion today) contract by the same Cape Government to build that railway line. (Ibid, 122-4)

Rhodes's willingness to avoid accountability, his brazen contempt for the law and his total lack of interest in the truth seem to have been rooted in South Africa's body politic. There can be little doubt that corruption was in Rhodes's DNA, and that this was directly proportional to his rise in both the South African business and politics. He may never have had children, but the progenies of his political and business practices certainly were passed down from one South African generation to the next. (Ibid, 143)

Given the aforementioned account, it baffles the mind of those who have a flirting understanding of history to explain how former President Mandela had agreed to have his name linked with Cecil John Rhodes an "egocentric imposter" and "megalomaniac" (Nyamnjoh, 2016:18). The Mandela Rhodes Scholarship is a memorialisation and a whitewash of the imperialistic work of Cecil John Rhodes. It is shocking for Mandela to "see himself and Rhodes as historical partners in development from across the decades" (Lowry, 2016:330). This is an unfortunate partnership with a one side benefit to the imperialistic crusade of Cecil John Rhodes. No wonder there is anger against the Mandela generation by the "born free" and the #RhodesMustFall Campaign (Lowry, 2016:330; Nyamnjoh, 2016: viii).

It is upon the examination of the activities of colonialists like Sir Cecil John Rhodes and Sir John Cradock that makes it easy to declare South Africa a crime scene. A crime

scene that is littered with hard and undeniable evidence of the crimes of colonization against the Africans.

These accounts clearly demonstrate the truism of the following truisms "Unlimited power is apt to corrupt the minds of those who possess it". "Power tends to corrupt, and absolute power corrupts absolutely, great men are almost always bad men". From a Christian perspective it is clear that the term "great men' as used above, must firmly be understood in a negative context: "Do not covet the man that abuses his power..." (Proverbs, 3 vs31); (Venter, 2015:19).

2.3. Union of South Africa Era – 1910 to 1948

The Boer trekkers (later mythologised as the 'Voortrekkers') left the Cape to establish their various republics for a mixture of motives. Conventionally their departure from the Cape has been portrayed as being culturally driven – an irrepressible desire to rid themselves of the pervasive political, cultural and linguistic hegemony of the newly established British presence in the Cape Colony. The motives for the departure of the Voortrekkers were complex and related as much to the incremental abolition of slavery in the colony from 1807 onwards and the growing social stratification within the settler population, as they did to their real desire to establish a degree of political and cultural autonomy for themselves. The Boers went to establish Boer republics (the Zuid-Afrikaansche Republiek (ZAR) and the Orange Free State (OFS)). (Williams, 2006:5). The British on the other hand were not so much interested in assimilating the Boer republics into the empire. They were largely driven by two motives. Firstly, they had commercial motives especially after the discovery of the Diamonds. Secondly, they were also concerned with controlling the high levels of corruption, venality and nepotism that characterised both bureaucratic and business practices within the ZAR Republic. (Ibid,6) (Horowitz, 2022:9-10).

1899 marked the beginning of a bitter war between the Boer Republics and the Britons. However, "in an exercise of supreme pragmatism, Boer and British leaders established

the Union of South Africa, whereby both ethnic groups agreed to govern South Africa to their mutual interest and advantage.” (Williams, 2006:7).

The Boer struggle for nationalism and passion for “vaderland” was epitomised by one man. Stephanus Johannes Paulus Kruger spent almost his entire life fighting for his people’s right to live in what they believed was the Promised Land. (Blackman and Dall, 2021:94).

The “Trekboers,” who can be called the first White Africans. They inadvertently caused the official area of the colony to expand, reaching the Great Fish River by 1778. In 1688 French Huguenot, poor, unemployed, and landless refugees arrived in the Cape to further swell the ranks. The defining characteristics of the Trekboers can be encapsulated by the words “fiercely independent,” “defiance of authority,” “poor,” “nomadic,” “religious fundamentalism,” and “illiterate” (Chhokar, Brodbeck, and House, 2007:470).

In 1877 Paul Kruger became Vice President of the ZAR Republic and its President in 1883. His government has been described as an oligarchy which was a synonym for business firm of Kruger & Co. Ltd, limited in the number of favoured members who formed the company, unlimited in the extent of its field of operations. One of those favoured members was none other than Alois Hugo Nellmapius, a slippery and loquacious Jewish-Hungarian adventurer who was described by his future business partner Sammy Marks as ‘able to talk and say what is not quite the truth. A man Kruger was prepared to convene special cabinet meetings and summon Judges to make sure that he escapes a prison sentence for his crimes. against the state. This is the first recorded stand-off between the government and the judiciary in South Africa. Kruger managed to free his friend from jail. (Blackman and Dall,2022:96-102)

The ZAR Republic was initially sustained by tax revenues from commercial businesses which were largely from concessions. The discovery of gold increased the tax base and the Volksraad members also made money in bribes in cash and shares. Kruger also looked after himself by increasing his salary from £3000 to £8000 (R24m) and building a state funded road to his farm. Kruger was involved in grand-scale nepotism that saw his grandson appointed master of the supreme court, another chief inspector of roads

and his nephew assistant state secretary. His son-in-law Friekie Eloff (after whom Eloff street was named) was given a deal worth £20 000, to supply water to Johannesburg without so much as digging a spadeful of earth. (Ibid, 109-114)

2.4. Apartheid Era - 1948 to 1994

The Great Trek and the Anglo Boer War precipitated the determination on the part of the Afrikaners to build unity and nationalism around the “volk”. The retaliation of the British to the guerrilla warfare that was staged by the Boers led to the scorched earth policy that led to the death of approximately 28 000 Afrikaner men, women, and children. Furthermore, African farm workers were also placed in concentration camps, with deaths in these camps totalling at least 14,000. (Rabe, 2020: 472)

The rise of Afrikaner nationalism led to the defeat of the British at the polls in 1948 which saw the political ascent of the Afrikaners to power. Although total separation on every level between black and white became official policy only after the National Party election victory in 1948, its foundation had been laid nearly half a century previously in a policy then known as segregation— not by Afrikaners but by British Government officials”. It indeed is true that many of the pillars of what later became to be known as “apartheid” (literally meaning “separateness”) were laid long before 1948, such as the Mines and Works Act (1913), the Natives’ Land Act (1913), the Native Affairs Act (1920), the Natives (Urban Areas) Act (1923), and the Industrial Conciliation Act (1926). (Ibid).

Apartheid was driven by the Broederbond, formed in 1918, and implemented through the Nationalist Party (NP). Its policy of apartheid was both political and religious in orientation. One of its founders and religious figures was Reverend William Nicol, after whom the famous Nicol Drive in Sandton was named. Originally, all recruits to what would become perhaps the most powerful secret organisation of the twentieth century had to prove an Afrikaner ancestry dating back before 1820 (that is, before British colonial settlement in South Africa). This rule was later relaxed to let in Dr H.F. Verwoerd, who was born in Holland. (Blackman and Dall,2021:149).

With the National Party's victory in 1948, the Broederbond set to work capturing the state. Most of Malan's cabinet positions were filled by members of the Broederbond. And within forty-three days of taking power, Malan handed control of the defence force and railways to his "*Broeders*". Broederbond were in the perfect position to take control of all state apparatuses, stack the courts with their judges and to hand their companies lucrative government tenders. (Ibid, 153) This era was the original state capture in action.

Prime Minister John Vorster's determination to stop the anti-apartheid Rand Daily Mail newspaper, is common knowledge. The course will show how the apartheid government spent millions of rands to influence, buy, bribe or close newspapers and media, civil society organisations and churches around the world. (Maisson,2014:1). Dagbreekpers received government contracts worth £1.5 million (R680 million today) between 1960 and 1962. That was while Verwoerd was both prime minister of the country and chairman of the company! What was more, advertisements were placed by the government in nationalist newspapers completely out of proportion to their relative circulation – the similarity to the Guptas' New Age, is truly uncanny. (Blackman and Dall,2021:158)

Diederichs had a Swiss bank account which had taxpayers' money worth R28 million (R746 million today) in it. It was ostensibly claimed that such accounts were set up as a fail-safe plan for government officials in case of a hostile overthrow or revolution. Strangely this account was in Diederichs personal name. Later it surfaced that Diederichs, when he was minister of finance, had agreed to move the sales of South African gold from London to Zurich and received ten US cents for every ounce of gold sold. When Dullah Omar wanted to follow up on post-1994 Mandela stopped him by saying doing so will not be in keeping with the spirit of reconciliation. (Ibid,169)

In his seminal work, *Apartheid Guns and Money: A Tale of Profit*, van Vuuren outlines the rise and normalization of estate-led corruption under the apartheid government. He argues that the defence of the apartheid state led to the creation of a secret economy that was led by the state and driven by the greed and corruption of the local and international businesses that profited from busting sanctions. These companies were

reliant on the procurement by the state for its growing war economy. They were thus accomplices who were funding the National Party (NP), by defending the status quo and busting sanctions required. A big part of this economy was the covert channelling of oil to South Africa from across the globe from supplier countries, traders, and shipping companies from premiums they were able to charge. Armscor, the Reserve Bank, international banks, the Cabinet, Parliament as well as the Auditor General were all complicit in the state-sponsored corruption. All military procurement was conducted via a special fund called the Special Defence Account (SDA). From 1974 up to 1994, the SDA spent, in today's terms, R501 billion without being audited by the AG (van Vuuren, 2017:10-34).

Kanyane (2014:55-59) also supports the view that the Reserve Bank was complicit in the grand apartheid corruption. He argues that the corrupt leadership at the Reserve Bank operated in secrecy in support of and with the concurrence of the Afrikaner nationalist organisation, the Broederbond. The author unravels the corrupt network that included the commercial banks, foreign exchange transactions as well as the corruption that extended to the homelands. Like van Vuuren (2017:8) Kanyane (2014:59) also traces the current corruption in the democratic government back to the apartheid state. Kanyane (1996:108) points out that, "the reason the homelands still emit the foul stench of corruption" is gross because "many of the actors that were corrupt under apartheid rapidly ingratiated themselves into the new order" (van Vuuren, 2017:8). Goodson (2014:13) takes this point even further by positing that the SARB was essentially a criminal organisation. He cites the Diederichs looting of state coffers by taking a commission for himself for all gold transactions. He puts the total figure at R1bn.

Godson (2014:13-14) further points out how corrupt SARB officials allowed crooked businessmen and politicians to ransack South Africa's foreign exchange reserves and strategic gold reserves of 3 000 tons in the 1980s and early 1990s. Goodson (Ibid) further argues that even apartheid's last State President De Klerk had stolen over R12 billion which he hid at the Bank von Ernst, Liechtenstein, making him the bank's biggest client. Corruption is colour blind and knows no ideology. It thrives on the hearts and lives of those who open themselves up to mammon and greed. Like leprosy, it infects everyone who stays long enough in its shadow or dares to touch it. Left unchecked,

corruption will erode the very fabric of “ubuntu”, and it will turn even the new democratic state into a banana republic.

2.5. Democratic Epoch - 1994 to the Present

The dawn of democracy was meant to be an opportunity for the ANC government to address historical imbalances. The state was mandated by the people of South Africa to use the legislative framework that includes the constitution and the state infrastructure to address societal needs. Chapter 7 (1996:74-81) of the South African Constitution presents local government as the arena to address the needs of the community. Ironically local government has been lamented as the cesspool of the collapse of governance, ethics, leadership, and morality. Instead of the citizens witnessing material changes in their living conditions they have witnessed a scramble for positions of leadership and deadly intra-political killings in the fight for leadership.

Corruption Watch reported that they received more than 4000 complaints relating to abuse of power, bribery, and procurement corruption. (Dlamini,2021:1) According to the AGSA, “the country’s aspirations to improve the quality of life of all citizens should be most evident at the municipal level through the provision of water, sanitation, electricity, refuse services, roads and infrastructure, as well as through enabling economic development. Unfortunately, this is not the case.” She goes on to report that in 2021, the Department of Cooperative Governance reported that 64 municipalities were dysfunctional. This dysfunction is rooted in poor governance, weak institutional capacity, poor financial management, corruption and political instability. In June 2017, eight municipalities were under administration or provincial intervention. By June 2021, 23 municipalities were under administration or provincial intervention, which further increased to 33 municipalities by February 2022. (AGSA,2022:4)

Thanks in great part to corruption and maladministration, present South Africa is not a great place to be for the vast majority of South Africans. It is burdened with the responsibility of eradicating the triple challenges of inequality, poverty, and unemployment, that are facing its citizens (Tshishonga, 2019:1139). South Africa is amongst the most unequal societies in the world with the African population earning less

than half of what their white counterparts are earning (Ataguba, 2021:2). Hence, the inequality gap continues to rise unabated (Vieira, 2013:5).

It must be borne in mind that when one speaks about the plight and challenges of South Africa, one is essentially describing the plight of most of the previously oppressed masses of the country. Poverty, hunger, food insecurity, inequality, homelessness, the lack of basic services and crime are markers of African life because of the apartheid past. These are historical legacies that are brought upon the Africans, through colonial conquest, apartheid, and a combination of contiguous pieces of legislation that eviscerated the Africans.

According to Terreblanche (2002:46) none of these socio-economic problems is incidental or temporary in nature. All of them are closely interlinked, and deeply rooted in South Africa's extended colonial history. A proper diagnosis of the true nature and root causes of these problems is a precondition for any attempt to solve them or to ameliorate their negative and humiliating effects. He continues to caution that "Although the misery and poverty of the poorer half of the population cannot be blamed exclusively on colonialism, segregation, and apartheid, the negative effects of these 'systems' on the socio-economic conditions of most blacks should not be underestimated."

Lastly, he cautions against the posture of some among the white population who suffer from "colonial fatigue". He posits as follows, "Whenever the present socio-economic predicament of the poorer 50 per cent of the population is blamed on colonialism, segregation, and apartheid, many whites become indignant. Some even demand to know when these unfounded allegations are going to stop. This kind of denial is deplorable. People should realise that for decades to come it will be justifiable to blame colonialism –in the extended sense of the word – for many of the socio economic and developmental problems confronting the new" South Africa." He further cautions the South African public that, "White indignation should be rejected as unwarranted arrogance or disguised racism, and the bravado of people who have no sense of history or social responsibility towards those who have been exploited and victimized. (Terreblanche,2002:25)

What follows is a brief overview of current and recent instances that show the relapse of ethics, morality and governance in the post 1994 era in South Africa.

Currently, South Africa has four commissions of inquiry taking place. These are indicative of the attempts of the state to deal a deadly blow to corruption. Furthermore, these testify to the constitutional nature of the state. Currently, the commissions of inquiry are the following:

2.5.1 Commissions of Enquiry to probe Corruption in Post-Apartheid South Africa.

2.5.1.1 Commission of Inquiry into Allegations for Impropriety Regarding Public Investment Corporation, 2018

The commission of inquiry into allegations of impropriety regarding the Public Investment Corporation (the Commission) was appointed by the President of the Republic of South Africa on 17 October 2018 under Section 84(2) (f) of the Constitution. The President further appointed the Honourable Justice Lex Mpati, the former President of the Supreme Court of Appeal, as Commissioner, assisted by Gill Marcus and Emmanuel Lediga. The Commission was mandated to look into whether a director or employee of the Public Investment Corporation has misused their position for personal gain; whether the legislation or policies regarding the protection of whistle-blowers reporting corrupt activities were complied with; and whether discriminatory practices were followed to about the remuneration and performance awards of Public Investment Corporation (PIC) employees, and has the mandate to examine and make recommendations on governance, structure of the PIC and any other matter that it deems warrants attention. The Commission was mandated to consider the period between January 2015 and August 2018. The President gave the commission a deadline to submit an interim report by February 15, 2019, and to submit their final report to the President on April 15, 2019 (DoJ, 2018:1).

The PIC manages government pensions and other assets worth over R2 trillion, making it the biggest and most important investor in South Africa (PIC, 2018: 24). The sheer

size of assets under its management makes it attractive to both well intentioned investors as well as the traders in corruption. The State President decided to set up this Commission to determine the level of abuse of power, corruption, and the lack of governance at the PIC as outlined in its Terms of Reference (ToR). The level and depth of rot that is being discovered as having taken place at the PIC led to the State President extending the timetable for the submission of the final report of the Commission to 31 October 2019 (Commission Media Statement, 30 July 2019).

Lufuno Nemagovhani, the head of internal audits at the PIC, painted a picture of a blatant flouting of governance and approval processes at the PIC. He detailed how as much as R4.3 billion acquisition of shares in AYO Technology Solutions was approved without following the necessary processes and agreed that due process had been breached. "I have never seen anything like this before...It was signed off before the delegated committee could approve it". The commission also heard reports about the loss of billions of Rands in the Steinhoff deal as well as the involvement of the PIC in the VBS scandal (Karrim, 2019:1). This commission largely lays bare the extent of corruption and malfeasance that is endemic in the private sector. This is largely driven by connected politicians and the corrupt business moguls' intent to plunder the government employee's nest of eggs.

2.5.1.2 Inquiry into the Fitness of Adv Nomgcobo Jiba and Adv Lawrence Sithembiso Mrwebi to Hold Office, 2018

A commission of inquiry was set up by the State President on 26 November 2018. The commission was chaired by retired Constitutional Court justice Yvonne Mokgoro. There were ten instances where the judge made findings against Advocate Jiba. The key ones drawn from the judgement are the following: i). Jiba was not frank under oath. According to Mokgoro, the evidence shows that Jiba has not been frank when engaging under oath with the Court in the Freedom Under Law matter. ii). Jiba did not act in the spirit of the NPA Act. The report says Jiba's conduct in multiple instances indicates a "lack of conscientiousness". The Mokgoro Inquiry Report has also found that her actions were

not in line with the requirements set out under Section 9(1) of the NPA Act. iii). Jiba compromised the NPA's independence (NPA, 2018:1).

This is perhaps the one critical area where Advocate Jiba failed the democratic project. The NPA is a critical component of South African jurisprudence. The fight against corruption and injustice rests on the ability of the NPA to operate above any party-political influence can act impartially without prejudice, fear or favour is crucial in the execution of its mandate. The report says regarding the prosecution of the former KZN Hawks boss Johan Booyen, the evidence establishes that she allowed and, in fact, compromised the independence of the NPA. She even charged those in the NPA, like Booyen, who sought to implement the NPA Act. All this was politically motivated to please her political principals. By so doing, she compromised the independence of the NPA.

2.5.1.3 Commission of Inquiry into Tax Administration and Governance By SARS, 2018

The South African Revenue Services (SARS) is the body entrusted with the collection of taxes in South Africa. The ability of the South African government to implement its policies and execute service delivery depends on the collection of all taxes from the public and private sectors. Corruption in South Africa knows no bounds. SARS has been in the media for various acts and scandals that undermine public confidence in its ability to collect revenue. These include the existence of a rogue unit that operates in a clandestine fashion as well as reports that certain companies avoid paying taxes with the collusion of corrupt SARS top officials. Furthermore, the administration of refunds has been less than prudent. The terms of reference of the Inquiry into SARS states as one of its terms of reference the fact that SARS has been under recovering. During the financial years 2016/17 and 2017/2018, SARS failed to meet the revenue targets. This shows leakages as well as the failure to deliver on its mandate.

The President of the Republic of South Africa has under Section 84(2)(f) of the Constitution of the Republic of South Africa, 1996 and in terms of Government Notice

17 of 2018 published in Government Gazette No 41652 of 24 May 2018, appointed a Commission of Inquiry into tax administration and governance by the South African Revenue Service (“Commission”). The President appointed a former judge of the Supreme Court of Appeal who has been discharged from active service, Honourable Mr Justice Robert Nugent as Commissioner, assisted by Mr Michael Katz, Advocate Mabongi Masilo and Mr Vuyo Domini Kahla. This commission has been referred to as the Nugent Commission (Presidency, 2018:1-3).

The SARS Commissioner, Tom Moyane was suspended and fired by the President following the recommendations of the Commission of Inquiry (Presidency, 2018:8). Although the judge acknowledged that some wrongs could have taken place in the creation of the Rogue Unit, he refused to probe that matter any further. Nugent cited the fact that the Sunday Times, which initially reported on the existence of that unit had retracted its report (Presidency, 2018:4–8). This Public Protector, however, went ahead and recommended remedial action against Minister Pravin Gordhan for his role in the establishment of the rouge unit, the violation of Parliament’s Code of Ethics and rehiring of Pillay at SARS after he had retired. (Public Protector, 2019:3-4). The fight between the Public Protector and Minister Gordhan will determine the true nature of democracy. Whether there is a law for the ordinary citizens and a law for the powerful and connected, this case will give the citizens of this country the answers as to whether we are indeed all equal before the law or not.

The commission concluded that, “there has been a massive failure of integrity and governance at SARS, and all else follows from that. What SARS was, and what it has become, is sufficient proof that integrity and governance failed on a massive scale. That was brought about by at least reckless mismanagement on the part of Mr Moyane. We have heard much evidence since then. What has become clear is that what occurred at SARS was inevitable the moment Mr Moyane set foot in SARS. He arrived without integrity and then dismantled the elements of governance one by one. This was more than mere mismanagement. It was seizing control of SARS as if it was his to have”. The Commission found evidence that the measures that were put in place to counter criminality and illicit trade were done away with thus enabling those involved in illicit trade especially cigarettes to operate with little constraint. Consulting firms were

awarded contracts irregularly by undermining the supply chain processes as in the case of Bain & Co who were irregularly awarded contracts over R164m. Even reputable multinational firms such as KPMG were given work wherein, they over-claimed to the tune of R24m (Presidency, 2018:25, 26, 43, 79 & 80).

2.5.1.4 Judicial Commission of Inquiry to Inquire into Allegations of State Capture, Corruption and Fraud in the Public Section including Organs of State, 2018

The State President appointed a Commission of Inquiry to investigate the allegations of state capture, corruption and fraud in the Public Sector including the organs of state in terms of Section 84(2)(f) of the Constitution of the Republic of South Africa of 1996. Honourable Mr Justice Raymond Mnyamezeli Mlungisi Zondo, Deputy Chief Justice of the Republic of South Africa, was appointed as its chairperson on the 23rd of January 2018. This commission can be referred to as the mother of all inquiries in South Africa. This commission, while still underway, managed to shock the whole country about the depth and height of corruption in the country. No one was spared from being exposed. The commission heard how civil servants, politicians, cabinet ministers and even the presidents could not escape the tentacles of corruption. The revelations have shown how the state capture has engulfed most if not all the state departments and SOEs. The stranglehold of the Gupta family on the state organs is reminiscent of the apartheid days' state capture by the Broederbond (van Vuuren, 2017:6).

The commission has to date revealed how billions of Rands have been lost in kickbacks in Eskom, Transnet, and Denel in pursuit of fraudulent deals. The true value of corruption will be revealed after this inquiry. Transparency International (2014:2) indicated that the South African public sector lost R650 billion in the past 18 years through corruption. This translates to R36.9 billion per year, which equals 3.5% of the annual budget. In consideration of the 2016 budget, this is above the percentage of the Medium-term Expenditure Framework (MTEF) (which is R28 billion or 21.53%) (Mkhize & Nel, 2018:41). To put these figures into context, consider the following. In the 2019 Budget Speech the Minister of Finance allocated less than R650 billion to two key

departments as their total budget for the year. The Department of Education was allocated a total budget of R386 billion, and the health department was allocated R222 billion. This is the high cost of corruption to the citizens of this country.

Corruption in South Africa has dire consequences for the present and the future of the country as it deters investment; increases unemployment; affects the inflation and exchange rates negatively; harms international trade; reduces Gross Domestic Product (GDP) growth; leads to resource misallocations; harms a country's international reputation; limits competition, efficiency and innovation across the economy; wastes money and capacity; causes higher costs to doing business; causes higher taxes; retards development; perpetuates and increases poverty; increases income inequality; delays or stops development; compromises public sector efficiency; robs the poor by denying them social services and support; diverts public finance; reduces public revenues; impedes economic and social development; distorts decision-making; undermines efforts to reduce poverty; undermines accountability; undermines government and governance; weakens the legitimacy of the political process; makes patronage a driving force; and ultimately, undermines the rule of law (Pillay, 2018:23).

Perhaps the most brutal consequences of the evils of apartheid and colonialism are the legacy that seems to be an indelible feature of present-day South Africa. Kanyane (a) (2021:49-57) takes a sobering look at these not-so-easy-to-identify components and legacies of both the colonial system and apartheid that seem to have been christened into the life of the democratic dispensation. These he identifies as the constitutionally entrenched demarcation of the nine provinces and the current sociocultural violence that engulfs many parts of the country today.

In his exposition, Kanyane (a) (2021) further makes the following salient points:

- i. The design of the ten former homelands was a deliberate act on the part of the apartheid government to perpetuate and exploit tribal differences as a means of undermining social cohesion. The apartheid system blocked the process of social integration, cultural hybridization, and economic development. The

manifestations of these homelands are sensitive symbols which evoke memories of a past that must be exposed and addressed.

- ii. Six of the nine provinces have inherited the racial and tribal pathologies from the homeland system which were plugged into the new democratic state. As a result, today, in the post-apartheid epoch, these homeland identities continue to define the geopolitics and sociocultural make-up of the provinces with homeland characterizations.
- iii. Approximately seventeen million South Africans are still trapped in these segregationists and tribalistic enclaves, most of whom live in severe poverty and face multiple vulnerabilities. These homelands turned provinces continue to perpetuate the legacy of violence, ethnic hatred and racism that can be traced to the arrival of the European settlers more than three hundred years ago.
- iv. The sociocultural conflict and violence that is happening in places such as Vuwani is not a racial war between the Black person and the white. Rather, it is a residual effect of the defunct homeland project. What is being witnessed is an eruption of colonial planted seeds of tribalism that were designed to sow divisions and hatred amongst African people. These divisions have gained notoriety in the way they interfere with service delivery even in places like the Eastern Cape where a homogenous Indigenous language, is-Xhosa, is spoken. The rivalry between the Transkeians and the Ciskeians is palpably and painfully clear.
- v. Kanyane (a) (2021:49-56) bemoans the lack of foresight in the democratic government in not being proactive to address this legacy head-on.

Social cohesion is critical to the objectives of the developmental state, which, arguably, requires a “social compact” to rally all sectors of society around a common vision of transformation (Kanyane (a), 2021:49-56). Time and space will not allow any in-depth discussion of this point, notwithstanding its importance. This is one of the colossal failures of the government post-1994. The only time you will see a semblance of social cohesion is during major sports events. Either than that, it continues to be an elusive mirage.

2.6 Consequences of the Post-Apartheid Administration – A Poisoned Chalice

Given the situation in the post-apartheid State, it might seem that the new democratic government set itself too high a bar to reach. The hope of a new start has already turned into a nightmare. Everywhere one looks you are confronted with ineffectiveness, inefficiency, incompetence, crime, and corruption. Interracial relations are at their lowest. Trust in politicians has been extremely eroded. The words of Minister Nathi Mthethwa are worth repeating. “Our memory of the past is deeply ingrained in how the colonial and apartheid legacy, that negatively impacted our political, social, economic, and cultural life, shredded the social fabric and fragmented the body politic, while constructing a racially exclusive society in which only a minority enjoyed full citizenship” (Mthethwa, 2021:xvii).

Systematised racial discrimination in South Africa did not begin when the Nationalist Party came to power in 1948. It is a result of many factors; it can be traced as far back as the preindustrial period, such as what happened in Europe, Asia, and America. It dates to the days of colonial rule when the Dutch first settled at the Cape in 1652 and put their establishment of a fort at Table Bay. This was a plan to subjugate the blacks and render them inferior economically, politically, and socially through education. Of all the weapons in the arsenal of the nationalist government, Bantu Education was amongst the deadliest. This is because the act was instrumental in ensuring that apartheid in the form of black oppression and economic disempowerment was implemented and legitimised (Mhlauli, Salani & Mokotedi, 2015:204).

Apartheid was indeed the cruellest form of brutality that modern generations of Africans were subjected to (Bremner, 2004:459). However, caution must be sounded, that to limit African struggles to apartheid is to undermine African claims. Colonialism, which started in 1652, is the biggest enemy that deserves the bulk of the attention of the oppressed (Khunou, 2016:153). Apartheid, on the other hand was instituted in 1948 (Mutua,1997:64). The opening section of this paper is filled with detailed historical records of how colonialization dehumanised and alienated the Africans from their land (Ngara, 2007:8).

Therefore, the memorialisation of the colonial conquest must be part of the African struggle to re-humanise oneself. This inadvertently includes reclaiming what was lost during the colonial invasion. As Kanyane (a) (2021:51) correctly points out, it is the enactment of the immoral legislation that predates 1948 that fuels the struggles such as the calls for expropriation without compensation. He points out that the Natives Land Act of 1913 which took 87% of the land and reserved it for whites, marked the creation of the brutal homeland system. Sadly, the democratic government has not yet been able to resolve this cardinal pillar of our brutal, immoral and inhumane history.

Walker (2008:12-17) posits that the land issue continues to punctuate South Africa's recent history. He laments that while the imprint of forced removals is indelible on the social and physical landscape of South Africa, the impact of the current restitution programs on that legacy is less clear. He further notes that the impact and legacy of the current restitution programs are not clear as it is a result of the negotiated settlement process of 1993-1994. As a result of that compromise, all the claims relate to government actions after the implementation of the 1913 Land Act.

What is becoming painfully clear is that this process of land claims is meant to do no more than pacifying the dispossessed Africans without any fundamental changes at restitution and justice. The clandestine nature of these negotiations is further evinced by the fact that the minutes of these negotiations are kept away from the public. If these negotiations were transparent and in the interest of all South Africans, especially the victims, why are they being kept from public scrutiny?

Similarly, the oppressed masses in South Africa waited for more than 300 years to get to 1994 which was hailed as the dawn of democracy. The year 1994 marked 340 years since the colonisation of South Africa in 1652 (Fourie, 2020:1). The year 2022 marks 28 years since the dawn of the new democracy. Sadly, the vast majority of the oppressed Africans have seen nothing new with the change except the colour of the ruling elite (Adato, Carter, & May 2006:227-228). This situation is not sustainable and soon the streets of South Africa will reflect the carnage and destruction that the country has witnessed in KZN and Gauteng in the "#FreeZumaCampaign". "While originally politically motivated, the protests have since been fuelled by poverty and the deep-

rooted inequalities that the country has been grappling with for decades” (Mlaba, 2021:1). This is further evidence that, “from its earliest days, the ANC emphasized a rights-based approach to reform, a strategy that likely is incapable of transforming the abysmal legacy of apartheid” (Mutua, 1997:89).

The oppressed have pinned their hopes on a better future and a better life which will reverse and undo the colonial script which was “a death project for most of the African people” and a “dismembering and dehumanizing project” (Ndlovu-Gatsheni, 2021:76). The continued failure of the ANC to adequately address the ills of the past can only serve to have it rejected by the Africans and “Mandela is seen as a sell-out”. There seems to be a singular focus on dismantling the legacy of apartheid separate and independent or even at the deliberate exclusion of the colonial legacy (Ndlovu-Gatsheni, 2021:77). The ANC can only continue to do so at its peril. The ANC needs to adopt a bifocal approach in dealing with the legacies of South Africa. South Africa was colonised before the introduction of apartheid (Hutchinson, 2021:46-47).

The ANC has consistently shied away from issues that seem to address the redistribution and expropriation of land. The deliberate decision to exclude the Native Land Act of 1913 in all land restitution claims is a slap on the face to Africans who have suffered immensely because of this colonial Act. These glaring omissions and missteps by the ANC can only embolden the calls to delegitimise the current, post-1994, dispensation as a fraud. Terreblanche (2002:24) sends a clear warning to his fellow white compatriots saying, if, “whites do not critically re-evaluate their past, they cannot expect the victims of colonialism to accept them as trustworthy companions in building a common future”. Since 1994, South Africans –especially whites - have had the opportunity to look at the country’s history from a new perspective, and many have taken up this challenge. The ANC has been given a clear mandate by the electorate via a clear majority in parliament to reform the state. The ANC has failed to do so instead we see how it has instead presided over a cesspool of corruption and the erosion of the quality of life of the majority. The Zondo commission has largely been a display of the inherent corruption that is endemic in the ANC. The rise of the left can only be seen as an indictment of the ANC. The electorate will continue to reject the ANC until it addresses corruption as well as the needs of the majority.

The ANC must muster political courage and the will to set the country on the right path to reconciliation and healing. The hesitancy in addressing the land question is flummoxing (Mpofu, 2017:96; Anseeuw & Alden, 2011:1). From the freedom charter to cautious land reform, in South Africa “one might have expected land reform to emerge as a more pressing post-apartheid goal” (Benjaminsen, Kepe & Bråthen, 2008:226). Shutting down that eventuality is cowardly postponing this generation’s responsibility to future generations (Heyd, 2009:171-173). This question must be addressed and can never be left hanging unless South Africa will forever be a colony and not an independent state (Babou, 2010:42).

The second issue that cannot be avoided is the need to address the economic imbalance in the country. Wealth remains in the white hands while it is only accessible to the ruling elite among the Africans. This is also not sustainable, and it will soon lead to a revolt by the masses who can no longer watch the politically connected gaining access to resources while they wallow in poverty. This is what led the ANC’s 54th National Congress in 2017 to adopt an economic and development policy that has come to be known as the Radical Economic Transformation (RET) according to Tleane (2018:11-21).

The apparent success of the ANC in “carrying its constituency behind an unpalatable policy framework” is going to be short-lived (Butler, 2005:724). Nkondo (2021:xxvi) further warns that, “While our society has changed, economic relations continue according to the Eurocentric, racist, elitist and patriarchal assumptions of old.

Whatever the agreements were that led up to the Kempton Park settlement, the time has now come to review them. These have not brought about the healing and stability that is sorely needed by all races in South Africa. The democratic project template needs to be overhauled and seriously revised. With the current high crime rates in South Africa the words of Aristotle, “Poverty is a parent of two things, crime and revolution.” should serve as a warning of the pending calamity in South Africa. (Stampoulidis, 2019:39).

2.7 Morality, Ethics and Governance – A Theoretical Framework

2.7.1 Context

Any impression that can be created in the mind of the reader that seems to portray that the issue of ethics and morality is a simple one needs to be corrected. Morality is a very complex subject that can never be presented as a simple and straightforward matter. It is both complex and multifaceted. In the context of local government, both ethics and morality involve a commitment to promoting the public good, serving the interests of citizens, and upholding the principles of democracy (Cilliers and May, 2012:763-765).

So, while the terms "ethics" and "morals" are not the same they are interwoven. One is the standard or framework while the other refers to an individual's conception of right and wrong." As such they can be seen as two sides of the same coin.

Naidoo (2009:940-946) contextualises the debate even further when he posits that both ethics and morality are shaped and influenced by cultural and social norms, as well as historical, economic, and political factors. Naidoo, further notes that in the context of local government in South Africa, both ethics and morality are shaped by the country's history of apartheid, ongoing social and economic inequalities, and the values and traditions of different cultural and ethnic groups.

"Ethics is a branch of philosophy that examines moral questions such as what actions are right and wrong, what virtues are worth pursuing, what kind of people we should be, and what kind of society we should create. Morality is the substance of ethics, the code of conduct that is put forward by a society and accepted by individuals as regulating their behaviour." (Beauchamp and Bowie,2004:4; Kohlberg and Hersh, 1977:53; Smit, Cronje, Brevis and Vrba 2007:412). Although this study is deliberately narrow in its focus on South African local government it would be interesting to see the ethical themes that are impacting on the institutions in the Global South. Schwartz and Harris, (2017) share some insights on the topic of ethics and how it is impacting the global south.

Schwartz and Harris (2017:4) postulate that ethics in the Global South have raised ethical questions in business, in human development, economics and the environment.

They cite a number of examples to substantiate this point. They start by examining the ethical dilemma that confronts organisations during times of famine. They looked at India, East Africa and Indonesia, and how resources were being allocated to the various communities during times of famine. Ethics come into play in who gets the priority between the various communities and how those decisions are arrived at. These pose ethical dilemmas that need to be resolved by organisations. These can be colonial organisations, occupying military powers, regional or local government. All the same ethical decisions have to be made. These are decisions about establishing the common good, about dignity about the allocation of resources about the ranking of one group (the occupying army, for instance) above others (the native population, say), about assessing the needs of others. These are ethical decisions, and they have consequences. Schwartz and Harris (2017:2).

Another theme that arises out of the global South is the contradiction that is presented by China. China is committed to eradicating bribery and corruption, yet they practice *guanxi*. *Guanxi* is a system of social networks and influential relationships which facilitate business and other dealings. The ones who facilitate these deals and relationships get gifts as reward for their facilitation. Guanxi frequently appears to be associated with bribery and corruption because of the way it is established and maintained, namely through social occasions, such as lunches, dinners, and gift-giving. (Barbalet, 2018:937).

From the preceding paragraphs the Global South has similar ethical issues that confront it. Lessons can be drawn from how these issues interact with culture, history and religion. In South Africa morality, ethics, integrity, and governance have taken front and centre stage in the social discourse. The current controversies and exposés coming out from the various commissions of enquiry, especially from the Zondo Commission of Inquiry in South Africa are enough reasons to make South Africans question the moral state of the nation. The state is troubled by all manner of malfeasance ranging from graft to irregular and unauthorised expenditure. The depth of corruption that is being revealed is casting aspersions on the character of both the officials and the politicians. The revelations seem to be implicating even those politicians who have been looked upon as being upright, with impeccable characters that are beyond reproach. All this calls for

the nation to re-examine its ethics, morality, and the state of governance in its institutions. In the words of Socrates, “we are discussing no small matter, but how we ought to live” as a nation (Zanetti, 2004:134).

The current discourse has far-reaching implications on the country’s future than naming and shaming those who have been implicated or the individuals who are being arrested. This corruption undermines the service delivery efforts and dashes the hope of the poor for a better life. As a result, the poor are consequently condemned to a life of poverty and squalor. The dreams of a better future are quickly degenerating into a nightmare. The rolling service delivery protests are an indication of the depth of disappointment and frustration of the citizens in the country. The loss of confidence in the ability of the state is evidenced by the proliferation of political parties contesting power. This has deeper and far-reaching implications for the legitimacy of the state.

The current situation in South Africa is reminiscent of the scenes described by Rousseau (1973: ix-79) in his *Social Contract*. He postulates that, “modern civilization had rendered us essentially corrupt, and that as we become more sophisticated, we inevitably became more corrupt”. Rousseau argues that people in the state of nature are less unhappy and self-sufficient than their civilised successors. For most part, this is due to people in the state of nature being free from vices that accompany civilisation and being subjects of others within an organised state. (Rousseau, 1973: ix-79). Furthermore, Lachmann (2010:1) argues that a state is a claim and the power to make that claim a reality. States are mechanisms for the generation of legitimacy as well as organisations that accumulate resources to enforce those claims. States claim the authority to define all the rights, and everyone’s rights are in relation to the state itself. Successful states have the force, the organisational reach, and the ideological hegemony to enforce those claims upon all who live within its territory (Lachmann, 2010:1). In the light of the foregoing, many have argued that South Africa is fast becoming a failed state. To mitigate this degeneration, the state must deal decisively with the collapse of ethics, morality, and governance, that engulf and suffocate its very existence.

Kanyane (2014:3-8) warns against the failure to deal with corruption. He posits that the failure to deal with it, reinforces its beneficiaries, becomes a way of life, and that this will ultimately lead to the defeat of justice. History has demonstrated that where there is rampant injustice, people take the law into their hands leading to vigilantism and a failed state. Phala as cited in Kanyane (2014: xiii) characterises corruption as cancer that, once it enters society, germinates, grows, and takes root until the entire society is rotten to the core, decimated and destroyed. The South African dream is a hope for a better future. Corruption is the single biggest threat to democracy and the aspirations of the million's downtrodden masses. Phala (2014: xiii) goes on to say that the weapons to fight this war against corruption are to strengthen ethics, integrity, morality, accountability, and oversight across all institutions.

Perhaps to provide further clarity on the ethics-morality nexus it would enhance the reader's appreciation of the subject to have a brief discussion of the ethics architecture that has been adopted in this study.

2.7.2 Ethics Architecture

Kanyane (2014:162) provides an ethics architecture as a framework that provides a systematic approach to ethical decision-making. In this handbook Kanyane provides a set of principles, values, and practices that can serve as a guide to individuals and organisations in ethical behaviour. The handbook provides ethics architecture which is designed to address corruption and malfeasance that pervades democratic institutions. It provides a structured process for addressing ethical dilemmas and resolving them in a way that is consistent with moral principles. All these solutions have the proper South African context and are not borrowed from foreign lands and are best suited to address the South African problem. "Corruption and conflict of interest have proved to be a resilient test to the state and have contributed to corroding the moral and economic fabric of the society we live in." Kanyane (2014) postulates that the cancer of corruption creates a life of its own (Kanyane, 2014:3 and 161) and therefore puts forward this architecture to decisively address this corrosive cancer.

The Ethics Architecture Model (EAM), is made up of three components. These are Legal Architecture Remedies (LAR), Institutional Architecture Remedies (IAR) and Social Engineering Remedies (SER).

Ethics Architecture Model.

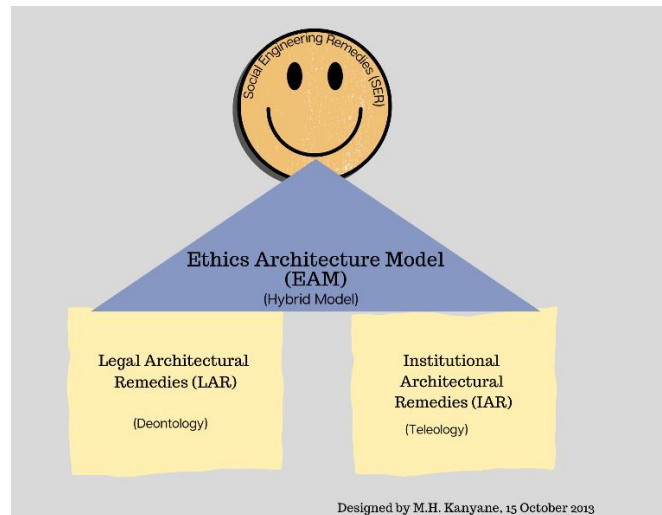


Fig. 1

Kanyane based his Legal Architecture Remedies under the influence of the 18th-century philosopher Helvetius who was a proponent of utilitarianism. A moral theory that emphasises the maximisation of pleasure and the reduction of pain as the basis for ethical decision-making. Helvetius wrote "as the laws of movement rule the physical world so do laws of interest rule the moral universe." Here he was expressing the idea that just as physical laws govern the movement of objects in the physical world, laws of interest or self-interest govern human behaviour in the moral world. (Kanyane,2014:163)

Helvetius believed that human beings are fundamentally motivated by self-interest and the pursuit of pleasure, and that moral behaviour is ultimately determined by the calculations individuals make about how to achieve their own happiness and well-being. In this sense, he saw morality as a kind of practical science, where individuals must calculate the likely outcomes of their actions to maximise their own interests. This view relies on tightening the rule of law. This, inter alia, is done by ensuring that there is a legal framework, code of ethics, rules and regulations that govern the behaviour and conduct of civil servants. The Legal Architecture Remedies advocates the "threat of punishment" for deviant behaviour (Ibid.166).

The next remedy for conflict of interest and corruption advocated by the Ethics Architecture Model, is the Institutional Architecture Remedies (IAR). This model maintains that if the institutional architecture is weak, it will create opportunities for corruption to thrive. Therefore, it propagates for strong governance regime to

discourage instances of conflict of interest and corruption. Furthermore, it advocates for existence of “checks and balances” to promote transparency within institutions (Ibid. 167). This same view is supported by Cressey’s (1950) Fraud Triangle Model which identifies the existence of opportunity as one of the necessary conditions for fraud to flourish (Abdullahi, Mansor & Nuhu, 2015:30).

The third leg of the Ethics Architecture is Social Engineering Remedies (SER). This intervention advocates changes in human conduct. This, according to the model, is seen as the most critical component. This is so because it is people, who run organisations and institutions (Kanyane,2014:171). Truly, people are at the centre of organisations. As such due regard must be given to their suitability to perform their duties with absolute integrity. The Da Vinci TIPS Model also supports the view that Management of People (MoP) is a critical success factor in the design of successful interventions.

So, it is no surprise that Kanyane proposes a two-pronged solution, which he aptly names the Social Engineering Remedies. “These are ethics and aesthetics, with the former taking precedence.” He goes further and equates ethics with the Decalogue as the “moral compass” of the soul. Davidson, (2011 as cited by Kanyane, 2014:171) postulates that ethics describes our relationship with God, other people, and ourselves. Lastly, the EAM identifies institutions that are responsible for social engineering remedies, such as the family, schools, churches, the media and other secondary groups in society (Kanyane,2014:173).

2.7.3 Da Vinci TIPS™ Model

This research project is being undertaken under the auspices of the Da Vinci Institute of Technology. Da Vinci is a modern technology driven institute that seeks to encourage all its students to think outside the box. To co-create in the search for bespoke solutions to the problems that confront South African organizations. The acronym that captures the Da Vinci approach is REMARKABLE. Each letter of this acronym stands for the values that the university seeks to foster in its community members. These are: Responsible, Empowering, Mindful, Aligned, Revolutionary, Kind, Agile, Bold, Leading and Engaging.

The university encourages its staff, students, alumni, partners and associates to dream and co-create solutions for the creation of sustainable societies. This becomes relevant in the current research project whose aim is to find ways of fighting endemic corruption at the Buffalo City Metropolitan Municipality. The third principle that is being promoted by Da Vinci is to instil a sense of purpose in its communities. It is this sense of purpose that must permeate its efforts and publications and research endeavours. The university seeks to strengthen the growth of agile, aligned and engaged managerial leaders who co-create innovative ecosystems that work together to improve the way in which these organisations function. This co-creation underpins and guarantees the Da Vinci brand promise. The institution lives its strategic intent of being relevant and visible by providing community driven educational support and solutions. Supporting the unique academic journeys giving and strengthening the voice of each student.

This all comes together in the Da Vinci TIPS™ Managerial Leadership Framework which includes the management of the technology tools that organisations use to gain competitive advantage. This defines how organisations work. This may range from the use of hi-tech computers to simple hand-held tools that are used in that organisation. The small “t” in technology speaks to the management of technology (MOT) to gain the competitive advantage of their products or services to gain a bigger market share.

Next is the Management of Innovation (MOI). This is how organisations stimulate and capitalise on the ideation process to develop an innovative product or service which has either commercial or social value. This principle will find expression and will be useful in the recommendation section where service delivery improvements will be addressed.

The Management of People (MOP) relates to the management of the people interface which embraces both the user and the end user. This also becomes useful in ensuring that the municipal employees are always alive and are empathetic to the end user viz. the citizens of the metro. These are often forgotten, and the municipal employees disregard the needs of the end users, the citizens.

Lastly, we have the Management of Systems (MOS). Here the focus is on the integration of all organisational activities that in their plurality have a singular goal to meet the needs

of the citizen. Government in its very nature is a complex system with many parts to it. These parts must be integrated in a seamless way to work as a unit to deliver exceptional service to its customers. The Systems Thinking theory and praxis is also addressed in this research. Da Vinci thus provides a unique theoretical framework that guides all research initiatives that are conducted under its auspices.

DIAGRAMMATIC REPRESENTATION OF THE DA VINCI TIPS™ MANAGEMENT FRAMEWORK.

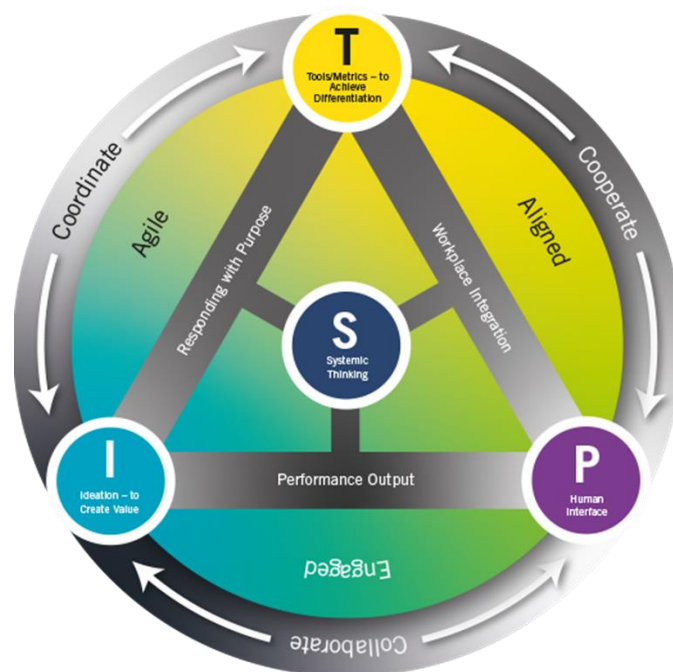


Figure 2 © Da Vinci Institute of Technology and Management

2.8. Conceptual Expositions

The Collins English Dictionary (2003) defines morality as the belief that while some human behaviour may be right and acceptable, it does also, have the potential of being wrong. The definition of morality seems to fall into two broad categories. There is a descriptive sense and a normative sense of morality. Descriptively, it refers to certain codes of conduct that are put forward by a society or group (such as a religion), or it is accepted by an individual for her behaviour. Normatively, it may refer to a code of

conduct that, given specific conditions, would be propounded by all rational persons (Gert, 2005:3).

Rousseau (1973: 7-18) introduces the concept of **rectitude** when he discusses morality. Rectitude relates to the predisposition of a person's character toward being right, just and acceptable. In this sense, morality speaks to morally correct behaviour or thinking. Rousseau contends that this moral rectitude is what determines the duration of empires. These are the kinds of words that echo "the last words" of the great king of Israel, David (c. 1000 to 962 BC) in the Scriptures: "He who rules over men must be just" (2 Samuel 23:3; New King James Version). In short, the survival and sustainability of BCMM depends on the morality, rectitude, and the uprightness of its officials.

Saccone and Mario (1999:8-9) argue that Hobbes pointed out that men use the same faculty or reason to interpret everything. Their interpretations start from the perspective of benefit. Such a utilitarian purpose permeates all human knowledge and directs all actions. This self-interested nature of rational human beings, according to Hobbes, is the source of "war" among them. Hobbes, therefore, recognized in his moral philosophy that to preserve practical imperatives such as peace, people in their rationality are, also, capable of doing those things that are necessary to attain, sustain and retain them. The summation of these practical imperatives, Hobbes, reasoned, is not treating others in ways that you would not want them to treat you. Students of the New Testament will recall in this "theorem" the very teaching of Christ in the first century, through the injunction: "In everything, therefore, treat people the way you want them to treat you" (Matthew 7: 12; New American Standard Bible) of the reason that is both "eternal and immutable" (Lloyd and Sreedhar: 2020).

Therefore, the utility of moral and civil philosophy is to be estimated, not so much by the commodities we have by knowing these sciences, as by the calamities that befall us by not knowing them. The rule of law, therefore, with its attendants, peace, order, the foundations of institutional sustainability, cannot exist, where there is no morality and uprightness. BCMM officials and politicians cannot expect the citizens of the Metro to live in inhumane conditions if they themselves are not prepared to live in the same conditions. The violent service delivery marches are because of this lack of empathy on

the part of the leadership of the Metro. The BCMM leadership should be reminded that, the duration of empires is determined by moral rectitude.

Burkhardt (1989:114) postulates that if states exist and amass power, “for some future apparent good” of its citizens; then this future good must be sustainable, so that future generations can also benefit from such power. This argument contends that there is indeed a moral foundation for sustainability, which derives from the general obligation one must respect and secure the rights of future generations. This foundation, which can be referred to as the morality behind sustainability, entails that one must sustain and create the conditions whereby the future generations' quality of life is assured. Morality, rectitude, uprightness, and sustainability speak to good stewardship. The moral rectitude within the civil servants will engender a sense of awareness that these institutions that they currently preside over must be able to serve, not only the current generation but future generations. Good stewardship has its eye on the future and is being mindful of the benefits that will accrue to future generations. Ethics, integrity, and governance have taken premise in the social discourse in South Africa. According to Smit, Cronje, Brevis and Vrba (2007:412), ethics entail the code of moral principles and values that direct the behaviour of an individual or a group in terms of what is right or wrong in behaviour and decision-making.

It is the moral duty of the BCMM officials and political leadership to view the Metro as an institution that must be developed for future generations. This will entail building its capacity to not only deal with current issues but to be able to solve future problems. This is good stewardship. Ensuring that the next generation will inherit a resilient Metro. At the current rate, based on the research findings, that desire is unlikely to be attained.

Beauchamp and Bowie (1983:3) define ethics as the "inquiry into theories of what is good and evil and into what is right and wrong, and thus it is an inquiry into what we ought and ought not to do". Tsalikis and Fritzsche (2013:696) define ethics as "the study of morality and a study of what constitutes good and bad human conduct, including related actions and values". Furthermore, the morality of a society is related to its mores, or the customs accepted by a society or a group as being the right and wrong way to act, as well as to the laws of a society which add legal prohibitions and sanctions many

immoral activities. Morals and ethics guide officials and politicians alike to be able to know what normative principles of belief should be regarded as right or wrong in the execution of their duties. Modern societies came to a consensus on what these attitudes and behaviours should be. These dispositions include honesty, respect, fairness, justice, and prudence. These principles have found their way into what is generally referred to as the moral or ethical code of conduct (Cloete, De Coning, Wissink & Rabie, 2018:81).

The various AGSA reports as well as the Motlanthe High Panel Report and various newspaper expose of corruption and injustice that is visited upon the citizens of the Metro. Source documents used for this research included internal reports that paint a picture of a Metro in moral and financial decline.

Various reports have brought the behaviour of government officials into sharp focus. These include but are not limited to the Motlanthe High Level Panel Public Hearings Report which has exposed the dearth of ethical conduct and the increase of corruption and malfeasance in state institutions and organs. Gaffkin (2007:3) raises the distinction between moral absolutism and moral relativism. Relativism maintains that morality is determined by the culture or sub-culture in which one exists. In this context, people from countries such as China where corruption is punishable by death or life imprisonment, will easily engage in corruption outside their countries (Biegelman & Biegelman, 2010:174). This is particularly prevalent in African countries where China is the biggest dispenser of aid (Isaksson & Kotsadam, 2018:146-147). The argument that is used by the Chinese, for instance, will be that in the countries in which they operate, corruption is normal unlike in their home country. This argument is premised on the moral relativism theory. On the other hand, moral absolutism maintains that there are universal principles of justice, transparency, ethical behaviour, and fairness that must be always upheld. Examples of these ideals are poverty, rape, war crimes and genocide. Nobody can argue that they would be involved in such crimes in a foreign country merely because they were considered normal in those countries.

Whether we have the right to dictate ethics to others, involves deciding on moral relativism as opposed to moral absolutism. **Moral relativism** means that morality is

determined by the culture or the subculture (country, tribe, class, time or whatever) in which one exists. Wood (1995:8-9) argues that subtle forms of bribery and corruption are taking place within the industrialised economies of the North. Pitman and Stanford (1994:15-20) posit that the use of bribes is nothing new in international trade. Indeed, it has a long history, and they cite the antecedents of the practice of paying *Dash** in Nigeria. Bribery, they contend, is regarded as illegal and immoral in the North and it is seen very much as part of the culture of the South. Pitman and Stanford (1994:15-20) conclude that this view is rather hypocritical, given the existence of practices in the North such as gift-giving, business lunches, and the offering of corporate hospitality. This argument has been used to justify the payment of bribes to procure business favours on the basis that it is “acceptable business practice” in that country. This notion is further supported by Wood (1995:10).

Perhaps, one of the cardinal pillars of Plato’s theory of the state is that the state is natural and constitutes an ethical community that is premised upon the maintenance of justice. Plato was different in this regard from his predecessors, who are the Sophists in that he advanced a theory that was based on universally applicable standards of law and humanness. Plato linked ethics with virtue and maintained that a state should have these two qualities for the citizens to be ethical and virtuous. According to Plato, the state must embody the principles of ethics and virtue before the citizens can be expected to adopt and embody the same. Politics without ethics and virtue according to Plato cannot lead to the fulfilment and happiness of its citizens. The Socratic, Platonic and Aristotelean view of human fulfilment and happiness holds that the inculcation of these principles is a precondition for successful states (Nelson, 2006:20-21). The various commissions of enquiry in practice in South Africa are a clear indication of the inadequacy of moral and vitreous rigour in both the politicians and the officials in the employ of the state.

To understand corporate governance, it is important to highlight its definition. Even though, there is no single accepted definition of corporate governance, it can be defined as a set of processes and structures for controlling and directing an organisation. It constitutes a set of rules which govern the relationships between the management, the shareholders, and the stakeholders. The term “corporate governance” has a clear origin

from a Greek word, “kyberman” meaning to steer, guide or govern (Abdullah & Valentine, 2009:88-89). Corporate governance as a concept is not limited to either public or private institutions. The epistemological application and the interpretation of the concept traverses any such semantic boundaries. The South African landscape has a litany of examples to show the primacy of corporate governance both in the public as well as in the private setting. The high turnover in the boards of the State-Owned Enterprises (SOEs) and the scandals of Steinhoff, the African Bank, and the Venda Building Society (VBS) Bank are but a few such examples.

Governance continues to be one of the cardinal pillars to ensure sustainability and performance within organisations. To illustrate this point, van Niekerk and Dalton-Brits (2016:3) posit that effective accountability and oversight result in improved good corporate governance, the effective management of public finances and effective service delivery. The link between accountability, governance and oversight is critical. Tasks and responsibilities often get lost in that maze in most organisations. The effective delivery of tasks and the performance of duties lie in understanding and appreciating that link. When an employee is hired, they have a list of responsibilities or a job description that spells out what the deliverables of that position are. At the end of the quarter, the manager has a prescribed way of measuring the attainment of the set goals for which the employee is responsible for delivering. If an employee fails to meet all the expected outcomes, there are two choices. The first choice is to blame other departments or other employees for not having met certain targets. Alternatively, such an employee can be accountable and take full responsibility for the shortfall. The manager can also, using various tools, such as performance management and supervision, exercise governance and oversight to ensure that the targets are met.

2.9. Theoretical Expositions

The foundations of virtuous and ethical behaviour have their roots in the works of Aristotle, which were pioneered by Plato and Socrates. It equates to moral excellence. Arguably, Aristotle writes that the man who possesses the excellence of character does the right thing, at the right time, and in the right place. Furthermore, “moral excellence is not an act but a habit” (Wabanhu, 2017:41). The virtue theory assumes that morality

is important for all persons and that without it, people cannot live with dignity. The theory postulates that all persons have a strong disposition towards one side and a lesser disposition towards the other. The goal is to gravitate towards the mean. Furthermore, individual morality is essential, and no one can live with dignity without it. The theory proceeds to state that all persons should strive towards the achievement of a life goal (telos). This theory encourages people to live a purposeful life and to strive toward self-development. The starting point of this theory is that it equates virtue with moral excellence. According to this theory, the goal to be aspired to is excellence of character. The theory recognises that people have both rational and irrational predispositions. The dispositions that are controlled by rational thought are virtuous. In a virtuous person, the natural dispositions are replaced by virtuous characteristics or behaviour (Cloete, de Coning, Wissink & Rabiël, 2018: 84).

The virtuous theory also finds resonance in the writings of White (1827-1915) and is supported by Fowler (1977:146) when the author says, “according to White, the ultimate objective of the divine human dynamic in character development is character perfection. “God will accept only those who are determined to aim high; moral perfection is required of all. All righteous attributes of character dwell in God as a perfect, harmonious whole, and everyone who receives Christ ... is privileged to possess these attributes”. The author goes on to state that true education is the preparation of the physical, mental, and moral powers for the performance of every duty; it is the training of body, mind, and soul for divine service. This is the education that will endure unto eternity (White, 1941:330).

White (1954:169) maintains that character building is the most important work ever entrusted to human beings, and never was its diligent study so important as now. Never was any previous generation called to meet issues so momentous; never were young men and young women confronted by perils so great as that which confronts them today. The aforesaid scenario is true for present-day South Africa. This is where both the private sector as well as the public sector are mired in ethical controversies that show the depth of corruption. This calls for a refocusing of the curriculum on character building. When society develops the requisite rectitude of character, it will not approach

the officials to commit corrupt activities. Equally, the officials should develop such strong characters that they would not be persuaded to partake in corrupt activities.

In developing the same argument, Sherman (1989:1) says this about what character is, “For Aristotle, as for us, the term has to do with a person's enduring traits; that is, with the attitudes, sensibilities, and beliefs that affect how a person sees, acts, and indeed lives. As permanent states, these will explain not merely why someone acted this way now, but why someone can be counted on to act in certain ways. In this sense, a character gives a special sort of accountability and pattern to action”. People of good character are predictable to act in certain ways at all material times. It is this doing “the right thing” that lends credibility to the institutions. Furthermore, the absence of these virtues paves the way for the vices that bedevil the public institutions, more particularly, the sphere of local government. Pellegrino (1989:54) concedes that the concepts of virtue and character are two of the oldest and most slippery in moral philosophy. The author further argues that the proper place of self-interest in virtue ethics has never been satisfactorily settled. Pellegrino (1989:54) talks about two classes of vices. The first is those subtle issues and the second set is the “more egregious infractions of professional ethics, which everyone will condemn”. The author identifies these “gross immorality like incompetence, fraud, deception, mismanagement of funds, violations of confidentiality, or sexual abuse of clients or patients”.

Not a day passes without a scandal in local government. Some of these get reported in the media while many never get the attention of the media. The escalation of service delivery protests ahead of every election is reflective of the loss of faith in the state-led institutions. Acting ethically and morally should be engraved through education and punitive consequences must be meted out to all Metro officials implicated in any wrongdoing. Every Auditor General’s report decries the level of incompetence in the local government leadership. Excellence must be celebrated while mediocrity must be frowned upon. Every employee in the Metro service must be introduced to ethics and morality. Many evils can be eliminated from state institutions if more emphasis can be placed on character development. Both Aristotle and White (1949) place emphasis on the value of education in character building. A good character is worth work that has

benefits for the subject as well as the community. Character building is a deliberate cognitive exercise that is undertaken in the pursuit of happiness.

Currently, the trust deficit between the communities and the local government is high. The virtuous theory goes a long way in laying down the theoretical framework for a much deeper discussion of the discourse. This means that for this trust deficit to be reduced, there is a need to have more ethical leaders in the public service. These are the kinds of leaders that Aristotle refers to as virtuous. That is the leaders of character and integrity. A person of character can predictably be trusted to act well in most circumstances, and one who considers others in his or her decisions. They look at the long-term meanings of immediate impulses and order those impulses according to the canons of morality. In Aristotle's sense, a person of character is one who "stands well" with reference to the passions, and one who does not yield to extremes of self-interest, pleasure, or desires for power. "The virtue of a man also will be the state of character which makes a man good, and which makes him do his work well" (Pellegrino, 1989:55).

According to Monahan (2012:56), organisations have realised that ethical leadership is the way which leads to profitability. One of the most serious problems facing organisations today is impoverished ethical behaviour and rare ethical leadership. Monahan (2012) conducted a qualitative study which discovered that 66% of people question if ethics within the leadership even exists. The conclusion of the study found that the main problem in organisations and individuals today is a lack of trust. The foregoing demonstrates that unethical behaviour and the dearth of ethics and morality pose a danger for South African organisations. These issues have become a matter of national priority.

Deontology means the "science of duty" and refers to any moral theory that emphasises that some actions are obligatory irrespective of the pleasure or painful consequences they produce. Teleology emphasises design, goals, and ends, that is, purposiveness in nature. The teleological ethical theory grounds moral obligation in observation of the design, goals, ends and purpose of human beings. All consequential moral theories are teleological. Lastly, utilitarianism is an altruistic variety of consequentialism that holds

that good results are those that maximize the benefits and minimise the harms even if it means self-sacrifice (Chadwick, 2001:73-74).

Deontology as an ethical theory uses rules to distinguish what is right from wrong. A classic example would be the Ten Commandments in the Bible, which emphasise a set of ten rules that set out a list of “dos and don’ts”. Deontology is often associated with philosopher Immanuel Kant. Kant believed that ethical actions follow universal moral laws, such as “do not lie, don’t steal and don’t cheat”. Deontology is simple to apply. It just requires that people follow the rules and do their duty. This approach tends to fit well with the natural intuition about what is or is not ethical. Unlike consequentialism, which judges actions by their results, deontology does not require weighing the costs and benefits of a situation. This avoids subjectivity and uncertainty because one only must follow a set of rules (Alexander & Moore, 2007:1).

Utility refers to a property in any object, whereby it tends to produce benefit, advantage, pleasure, good, or happiness or to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered. The "principle of utility" states that actions are to be judged by their usefulness in this sense, their tendency to produce benefit, advantage, pleasure, good, or happiness. According to utilitarianism, an action is right if and only if it conforms to the principle of utility, that is, it will be more productive for pleasure or happiness or it better prevent pain or unhappiness than an alternative (Broome, 1991:12). Kant believed that morality rarely had anything to do with happiness. Thus, a moral action is one, which is done from a sense of duty. Ethics is about what this duty is. Kant’s position is known as a deontological one. In deontology, the emphasis is on the individual’s duty such as to tell the truth, act justly or to keep promises. The teleological and deontological theories of ethics are usually classified as normative theories of ethics. Although they are very different, they both classify actions as right or wrong and seek to establish the standards of rightness or wrongness. Thus, they are concerned with the norms of behaviour (Gaffkin, 2007:4).

Organisation theory and business policy have been strongly influenced by the agency theory, which depicts top managers in large modern corporations as agents whose interests may diverge from those of their principals, or the shareholders where both

parties are utility maximisers. According to the agency theory, the losses to the principal resulting from interest divergence may be curbed by imposing control structures upon the agent (Davis, Schoorman & Donaldson, 1997:20). Although the agency theory addresses a manager-principal interest of divergence, an additional theory is needed to explain if anything causes interests to be aligned. The stewardship theory has been introduced as a means of defining relationships based on other behavioural premises (Donaldson & Davis, 1991:49). This gap is filled by the stewardship theory. Abdullah and Valentine (2009:3) posit that in this perspective, the stewards are company executives and managers who are working for the shareholders, and those who protect and make profits for the shareholders. Unlike the agency theory, the stewardship theory stresses not the perspective of individualism (Donaldson & Davis, 1991:52), but rather the role of top management being stewards, who integrate their goals as part of the organisation. The stewardship perspective suggests that the stewards are satisfied and motivated when organisational success is attained.

The implications of the stewardship theory are profound and far-reaching. The technocrats and the executives who embrace this theory are set to have much higher productivity levels, ownership, and congruence with the organisations they lead. The stewardship theory logic is well suited for the long-term sustainability of organisations as it also seeks to integrate all the stakeholders with the common goal of ensuring its long-term survival in the interest of everyone. Block (1993: xx) writes that, “stewardship is the umbrella idea which promises the means of achieving fundamental change in the way we govern our institutions. Stewardship is to hold something in trust for another. Historically, stewardship means to protect the kingdom while those rightfully in charge were away, or more often, to govern for the sake of the underage king. The underage king for us is the next generation. We choose service over self-interest most powerfully when we build the capacity of the next generation to govern themselves. Stewardship is the willingness to be accountable for the well-being of the larger organisation by operating in service, rather than in control of those around us”.

The long-term impact of the failure of humanity to be good stewards is well captured by White (1954:17) when she writes, “If men would do their duty as faithful stewards of their Lord’s goods, there would be no cry for bread, none suffering in destitution, not naked

and in want. It is the unfaithfulness of men that brings about the state of suffering into which humanity is plunged. If those whom God has made stewards would but appropriate their Lord's goods to the object for which He gave to them, this state of suffering would not exist". Recently, governance was brought into sharp focus in the South African political space. This was due to the numerous cases of corruption that have been widely reported by the Auditor General (AG) as well as the revelations of the Nugent, PIC and Zondo Commissions of Enquiry. Given some of the startling revelations made at these three Commissions of Enquiry, it is little wonder that so much attention is being received by the concept of governance, ethics, and morality.

Etymologically, governance can be traced to Plato's use of the Greek verbs *kubernân* and *gubernare*. The former implies creating a system of rules. The latter has connotations of piloting and rulemaking. This system of rule will entail having self-governing inter-organisational networks with a goal oriented and goal-directed system of rules cutting across all human activity (Kjaer, 2004:3). Kanyane (2006:252) sees the concept of governance being intrinsically linked to ethics, accountability, performance, and risk management. The author posits that these concepts (governance, ethics, and accountability; risk and performance management) are indispensably interwoven into a corporate governance framework that if applied would obviate the conflict of interest in the public sector. The same point is reaffirmed by van Niekerk and Dalton-Brits (2016:118) when they state that effective accountability and oversight result in improved good corporate governance, effective management of public finances and the promotion of effective service delivery. Accountability is an obligation to expose, explain and justify the actions of public functionaries in the three spheres of government (Van der Waldt, 2015:51). All the public sector managers are accountable for the resources entrusted to them by the Accounting Officer (AO) and for ensuring that the programmes and services are administered effectively and efficiently (Sewrathan, 2016:2). Accountability, therefore, promotes and aids service delivery to the benefit of all the citizens and the stakeholders.

Kraai, Holtzhaouzen and Malan (2017:62-63) maintain that the term oversight is used to define many activities that are executed by legislatures about the executive. Oversight can be defined as the active interface between a legislature with the executive and

administrative structures that improve the delivery of the predetermined objectives of the government priorities. Griffin in Kraai, Holtzhausen and Malan (2017:63) argue that legislatures efficiently position themselves as overseers of the executive and act as protectors of morality on behalf of the residents. As such, an oversight is a constitutionally assigned function of the legislative structures to analyse and evaluate the work of the executive organ of the state. Furthermore, oversight entails overseeing the work of the executive in the quest to enhance service delivery to achieve improved living conditions for all the residents. Sadly, the Twenty-Year Review Report of Local Government 2004–2014 (2014:34) points out that there are accountability challenges that persist in the local government. The AG's Consolidated Report on the Audit Outcomes 2013 of Local Government (2013:28–29) states that the main root causes of the poor audit outcomes in municipalities can be contributed to a slow response of political leadership to embracing their responsibility to guide and direct development performance; to promote accountability and oversight, demonstrating effective leadership; and to capacitate the municipal public accounts committee and other oversight and reporting mechanisms (van Niekerk & Dalton-Brits, 2016: 118). More is said on this in the discussion of the research findings and recommendations.

2.10. African Context of Morality, Governance and Ethics

In his seminal work, Professor W.E. Abraham, the Ghanaian African scholar, and philosopher, has provided an account of what he calls the “typical range of African cultures” whose “central feature” is a particular “worldview to which can be related all other central concepts, including ... morality and organization” (2015: 45). It must be put, upfront, that by this he does not mean to suggest that “all African cultures, or even the majority of them, share a certain identity of principles ...”.

Central to the typical African worldview is the belief that the essence of being human is in the human spirit. To the Akan people –Abrahams uses a typical African paradigm of reason “a human being was for them an encapsulated spirit” more than a mere body. “Living men are “essentially spirit” (ibid, p.51). It is this very worldview that earns a cruel, corrupt and a callous person the accolade of being called in isiXhosa, the main language of communication at the Eastern Cape and the BCM, “*le nto*” meaning “this thing”. Such

a person has been voided of the spirituality of his Maker, known by the name “Nyame”, which is a derivative of “a noun, and a cognate adjective, “onyam” meaning dignity, majesty, glory” (ibid, 53). These very concepts about the Maker, are shared in words such as “uMdali” the “Master Designer” of all life in isiXhosa. These names of the African God are of no “European import”, argues Abrahams. The Akan people’s concept of God, like that of amaXhosa, is indelibly written in the “immemorial prologue” to their “ceremonial drumming” and God “was well-known in the deepest vastness of the forest where missionary zeal had not been”. So “intuitive and immediate” the knowledge of God to the African Akan, it is captured by their age-old adage: *‘Obi nkyere abofra Nyame’* ‘No-one teaches a child God’ (ibid; 55).

By way of contrast, against the Hobbesian philosophy of human rationality expressed in self-centeredness, as already articulated above, being human “umntu” rather than a thing, “le nto” in isiXhosa culture, is about possessing, as indicated, the attributes of God. Interestingly, in the Akan paradigm, that is, mindset, too, many other spiritual properties of God are in names such as Onyankopon, which means “one-who-bears-the-weight-of-others-without-crooking”. God is also called “Otumfuo”: the most powerful; “Onyankopon Kwame”: whose day is Saturday; God is so “full of love” He takes the time to make “fufu”, porridge, “for the cripple”.

Of huge importance to this study regarding morality is the African concept of “Okra”: which literally refers to each person’s individual reason for existence, a person’s life mission, for which the person has been directly and exclusively appointed by, and is accountable for, to God. Each man fits into his society with a particular mission to perform. This idea of mission, in the African Akan conceptualization, is not used to argue about the inevitability of inequalities among people in society. This “view of destiny was simply consonant with their idea of the perfectly integrated and cohesive society in which men have a place somewhat comparable to the parts of a machine. Their place is appointed in it, and in that place, they function for the total harmony and well-being” (ibid, 52).

This, harmonizing notion, of individual agency, is not uniquely African. It is also reflected in the writings of the Apostle Paul in the Scriptures as he advises new converts in his

first letter to the church in the metropolitan city of Corinth (1 Corinthians 12:6), that “there are diversities of activities: flowing from the individual gifts each person has; but each person has been endowed with a particular gift, not for self-interest, but “for the profit of all”. This Pauline view of individual talents being harnessed into social capital to benefit the more vulnerable in society is expressed in a well-known African proverb, “It takes a village to raise a child” (Mohamed, 2013:57), (Otero, 2019:325). This Pauline concept of collaboration is well established in the field of education. According to Townsend (2019:7,10) this village unites to instil moral education in its children.

This notion fits well with the African concept of Ubuntu as another African-centred indigenous knowledge-based social system and philosophy that can be adopted to buttress morality and governance against corruption and maladministration in the South African civil service.

2.10.1 Ubuntu as a Societal Bulwark against Corruption

Ubuntu can be viewed as both a theoretical anchor and a template for instilling a better moral code in South African societies. Politicians and civil servants can both benefit from embracing ubuntu. Fully understood ubuntu can serve as a bulwark against rampant corruption, self-serving accumulation, and crass materialism. Mugumbate and Nyanguru, (2013:82) define Ubuntu as “being self through others”. It is a form of humanism which can be expressed in the phrases “I am because of who we all are” and “umuntu ngumuntu ngabantu” in Nguni languages.

The African philosophical concept that embodies ethical norms and behaviour can best be described as “Ubuntu”. No English equivalent can fully capture the totality and embodiment of this concept except to try and describe it. In African societies, a human being is referred to as “umntu”. This is also the case that human beings exhibit virtuous spiritual propensities such as selflessness, compassion, kindness, care, empathy, and love towards fellowmen. According to West (2012:48), most scholars explain “Ubuntu” as a communitarian ethic by referring to an African aphorism: ‘umuntu ngumuntu ngabantu’ (or slight variations thereof), which itself can be translated in various ways, such as “I am, because we are; and since we are, therefore I am” (Mbiti, 1989:110), or

“persons depend on persons to be persons” (Shutte, 2001:8). The notion of communal interdependence, bolstered by the notion of individual agency, as articulated above in Abraham’s work, is inherent in the African philosophy of “ubuntu”. West (2012:57) alludes to the concept of the ‘common good’ in line with the Aristotelian ethics. In the same way, African philosophy regards vices such as greed, selfishness, self-centredness, heartlessness, and theft as undesirable.

Thieves and witches are banned from society. Stealing and witchcraft go against the African regard for the sanctity of property and life. Those who evince such moral deficiencies and self-centredness, create barriers to harmony in society and will be, accordingly, labelled as lacking in “humaneness”, “ubuntu” and “being human”. Their behaviour is seen as undermining social harmony and as a threat to social cohesion. As such, they are relegated to the status of animals, and are banned or driven out of these communities to preserve the common good. Sadly, with industrialisation came the breakdown of these cohesive principles such as “Ubuntu”. Africa has become notorious for corrupt leadership. The ascent to power has become a path to wealth. This tends to be the case across the continent of Africa. Time and space will not allow a country-by-country analysis. However, a brief overview of the situation will follow.

Kanyane,(2022:349-350) traces the demise of ubuntu with the loss of identity in Africans that was because of colonisation of the African. He posits that the “colonisation project specifically worked to uproot the essence of black African culture and lifestyle and transform it into a European identity in areas where the colonisers declared themselves as rulers of a land that belonged to others.” He continues to assert that this evisceration respected no boundaries as it went beyond the land, its resources, culture, lifestyle, and institutions. Kanyane, (ibid.) asserts that this included the “destruction of African achievements and damaged the Africans’ sense of self-esteem and moral worth” and laments that “the most significant consequence of colonisation has been the colonisation of African minds.”

Greed is a universal problem for all human beings. As a result, all governments, even in Western democracies, will have a measure of corruption that they have to deal with in their governments. Transparency International publishes annual surveys of the extent

of such corruption globally. In the United States of America for instance, it was estimated that more than a trillion U.S dollars were lost in bribes and other forms of corruption around the world. A trillion U.S dollars would be enough to feed 44 million starving people for 27 years. (Biegelman & Biegelman, 2010:3). Africa seems to be having a particularly huge problem of corruption. In countries such as Nigeria, Ghana, Sierra Leone, Zaire, and the Central African Republic, corruption is so extensive that it is viewed as a way of life. Making or receiving bribes in most African countries is considered a practical tactic to look after one's needs and interests, thereby achieving incomes and security far greater than those that are provided by one's monthly salary. Because of an absence of effective structures with autonomy and strength to check corruption, the governing elites of most African countries have engaged in high and sometimes egregious levels of corruption, increasingly diverting state resources for personal gain. In Zaire, for example, one participant mentioned that corruption has been termed as a structural fact, with as much as 60% of the annual budget misappropriated by the governing elite (Kpundeh, 1998:38).

The former State President of South Africa, Thabo Mbeki sums the state of Africa as follows "A struggle for political power is dragging the Kingdom of Lesotho towards the abyss of a violent conflict. I have heard the stories of how those who had access to power, or access to those who had access to power, how have robbed and pillaged and broken all laws and all ethical norms and with great abandon, to acquire wealth, all of them tied by an invisible thread which they hope will connect them to Morningside and Borrowdale and Victoria Island and Kabulonga. Their object in life is to acquire personal wealth by means both foul and fair. Thus, they seek access to power or access to those who have access to power so that they can corrupt the political order for personal gain at all costs" (Mbeki, 1998:1).

Mbeki (1998:1) concludes by saying, "It is out of this pungent mixture of greed, dehumanising poverty, obscene wealth and endemic public and private corrupt practice, that many of Africa's coups d'état, civil wars and situations of instability are born and entrenched. The time has come that we call a halt to the seemingly socially approved deification of the acquisition of material wealth and the abuse of state power to impoverish the people and deny our Continent the possibility to achieve sustainable

economic development”. The post-colonial era in Africa has seen billions of U.S dollars being usurped by dictators such as the former Democratic Republic of Congo (DRC) Mobuto Sese Seko. During his reign (1965 – 1997), he syphoned more than the US \$5 billion in offshore accounts. One Swiss banking source has estimated that more than US\$420 billion is held in that country's banks by African heads of the state alone (Doig & Theobald, 2013:1-4).

Matabeni and Kanyane ,2017 as cited by Kanyane, (2022:348) postulate that “the racial subjugation of black African people, and, by implication, their dehumanisation, has triggered questions of identity that are related to questions of ontology. The nexus between ontology and identity is captured impeccably by the assertion that the consequences of a questioned and denied humanness, of being treated as sub-human, a sub-person, or an animal, invariably leads to the profound experience of existential dread and anguish which in turn generates the problem of identity.”

In his seminal and groundbreaking work, *Apartheid, Democracy and (De)coloniality at the Crossroad*, Kanyane (2022:349-350) posits that Colonialism is a historical fact. He propounds that its painful legacy continues to permeate every sphere of the South African reality. This point is crystalised as depicting a sordid and degrading picture of colonisation and asserts that these effects of colonialism are manifest in the Post-Apartheid South Africa. Evidence abounds all around in colonial education system, the culture, crass materialism, dysfunctional institutions, and the absence of ubuntu.”

The foregoing sheds some light at why Africa ranks the worst in all human development indices as well as perceptions by Westerners. According to Poncian (2015:72) perceptions and representations such as civil wars, hunger, corruption, disease, poverty and the like have been the defining characters of Africa in the minds of many Western people.” Fanon, 1967 in Kanyane (2022:354) puts the blame on post-colonial bourgeoisie who failed to expand a vision of humanity and thus replicated the evils of their racist colonial masters.

“A very important requirement for decoloniality is about reviving African humanism, which in this case is ubuntu. It is necessary to revive ubuntu to take South Africans out

of the historical experience of colonialism, discrimination and racism. The values found in ubuntu should be revived because the post-colonial national culture is also based on the values that inspired the struggle for freedom, i.e., the values that gave rise to a new humanism that is beyond white and black distinctions. Ubuntu does not know race, colour or creed. It recognises people as human beings and not as black and white, inferior and superior, but equals.” (Kanyane,2022:357-358) This view by Kanyane fosters the Pan African view of race. If embraced, it will contribute towards social cohesion in South Africa. Furthermore, ubuntu is seen as a tool for decoloniality and restoration of the African culture and values in the Africans. (Gibson, 2011 in Kanyane,2022:357-358).

Swartz (2010:284) provides an expanded definition of ubuntu when postulating that “a person does not become a person through others but fulfils his personhood by acting in love towards others.” Furthermore, he posits that, An African can claim to be a genuine human being, “umntu” / “motho” / “vuthu” /“umuntu”, only to the degree that he or she is able to display graciousness, generosity, mercy and a host of other values towards other people and other entities in the environment that owe their being to creation.”

The African leaders need to realise that their corruption has a high price that will be borne by future generations. Corruption has a very high price tag that might not be quantifiable in real financial terms. Armstrong (2005:5-7) posits that unethical practices, bribery, and fraud have a very real human cost, whether it be in the lives and health of people who are robbed of quality health care and medicines or in children who are not properly educated. The financial and even public safety costs of corruption are astounding. Transparency International (TI)’s concept of a national integrity system describes the key institutions that are integral to combating corruption. The nine “pillars” of the system include the executive, civil society, private sector, champion of reform, judiciary, enforcement agencies, media, watchdog agencies, and the parliament. They affect the three spheres of rule of law, sustainable development, and quality of life.

The African leaders must enforce integrity and accountability if they are serious about developing the continent to be an equal player on the global stage. Continental cooperation among the African Union (AU) member states as well as with the United

Nations and other like-minded agencies must be enforced. The latest Africa Governance Report (AGR), cited in Chapter 1, is encouraging in the way that it outlines the steps that are being taken by the AU to strengthen accountability and governance in the member states. According to the former Secretary General of the United Nations Kofi Annan, economic development in Africa 'implies good governance, competent elites, and above all, the disappearance of corruption' (Doig and Theobald, 2013:1).

The system of apartheid was so deplorable and inhumane that it was declared a crime against humanity by the United Nations (UN) (van Vuuren,2017:9). Apartheid violated the United Nations Declaration of Human Rights (1948). The Charter recognised that the disregard and contempt for human rights resulted in barbarous acts that outraged the conscience of humankind. The United Nations General Assembly responded to this barbaric system of oppression and racial subjugation by imposing a voluntary arms embargo in 1963. In the aftermath of the Soweto uprisings in 1976 and after the death of Steve Biko in 1977, the UN Security Council imposed mandatory arms sanctions on South Africa. Underpinning this was a 1973 decision by the UN General Assembly that declared apartheid as a crime against humanity (van Vuuren, 2017:9).

The adoption of the Constitution and the Bill of Rights committed the country to openness and transparency. As a result, the democratic government, unlike its predecessor cannot hide behind a veil of secrecy in the execution of its duties. Various pieces of legislation and constitutional guidelines compel the state to be transparent in all it does. It comes as no surprise then that even minority groups, including the former oppressors can use these statutory and legislative tools to fight for their protection. Under these conditions, the media has the freedom of reporting on anyone and anything that they view as being in the public's interest. "All are equal before the law". This new dispensation has seen unprecedented reporting being done on high-state-sponsored sponsored corruption. An example of this is the exposure of the whitewash that was being done by the state on the commission of enquiry into the arms deal. The Seriti Commission was a state-sponsored cover-up to bury the truth about the true events around the arms deal. A non-profit civic organisation Right to Know went to court to have the findings of the Seriti Commission to be set aside. They succeeded in doing that and all those implicated in the arms deal will now be open to prosecution.

South African cities and townships as well as in the corridors of power across the civil service are defined by the absence of empathy and humaneness. One can rightly claim that God has long abandoned the country. African indigenous knowledge systems that are embodied in “Ubuntu” and “It takes a village to raise a child” hold real possibilities for moral and ethical regeneration in South Africa.

Kanyane, (2022:347) holds the view that the dysfunctional state and the unsavoury race relations and lack of social cohesion that characterise South African life are manifestations of colonial residue. Further, decoloniality and the inculcation of ubuntu is what is needed to restore African values in the citizens and states that the country needs, “policies aimed at reversing the effects of centuries of colonialism, including land expropriation without compensation and stricter application of programmes to bring about racial equity, among others, as well as the broad adoption of the values in the African humanist philosophy of ubuntu by South Africans to promote the reconciliation and unity that is necessary for the creation of a non-racial South Africa.”

2.11 The Place of Morality and Ethics: A Systems Thinking Approach To Obstruction-Opportunity Analysis

The foregoing discussion seeks to remind the nation that greater good is possible when the community works together to leverage social capital. In academia, however, it has come to influence the study and application of Systems Thinking. This is a “discipline”, observes Tate (2009: 4) “based on the belief that the parts of a system (especially including leadership) can best be understood in the context of relationships with other parts of the system and other systems rather than in isolation”. In his work, the Systems Thinker, and organizational design consultant, Professor Jamshid Gharajedaghi, in collaboration with another Systems Thinker, Professor Russell Ackoff, have suggested that every nation must be conceptualized and made functional, as a social system with essential and nonessential (but important) parts. “The essential parts of a system are those that, when removed, preclude the system’s functioning as intended. ... Government is an essential part of a nation;” by contrast “athletic associations, however desirable, are not” (1982: 4). Given the three types of systems: the first being “mindless

(or mechanistic)" is where the parts are "purposeless and choiceless"; the second being the "uniminded (or organismic)" like the human body with one mind but its parts, the eyes, the lungs or the feet do not have a mind of their own; the third type is "multiminded (or social), constituted of various parts, each with a mind of its own; their purpose.

Organizations of government like local municipalities are not only social subsystems of a larger social system, society, they are constituted of individual parts such as councillors and officials, each with a purpose of their own, a mind of their own. It is the incongruency of these various minds that give the organization or institution the qualification of dysfunctionality.

Living with moral rectitude, as indicated above, is essentially about the reduction of conflict and deepening harmony through collaborative efforts in society. The implications of this observation are profound for society as a whole and its parts: homes, schools, churches, business companies, local municipalities, provincial and national administrations etc. There is therefore no wisdom in efforts of societal transformation, prioritising, and diving into making policies, laws and regulations before ensuring that moral transformation has taken place or there is some consensus in society regarding the rectitude of that policy, law, by-law or regulation that will affect the entire social system and its components.

The consensus, or broad system-wide agreement across the system as a whole and its components, in other words the "social contract" requires the participation of all to be affected by the policy, law or regulation, to have their voice heard in the process of decision-making. This is a simple matter of respect. Such as realization in the process of decision-making helps in understanding why, despite the existence of sound instruments of good governance such as the "Batho Pele Principles", politicians and civil servants who developed them are the very first to ignore them.

South Africans, in their overwhelming majority, know through their very own experience with the immoral Apartheid system that permeated the entire social system that the legal reforms in society, the democracy, etc, were the outcomes of a morality-grounded "struggle" against iniquity. It is the morality base of the struggle against Apartheid that

successfully resulted in all the policies, laws and regulations of reform in South African society.

This perspective regarding the essentiality, foundationality and necessity of “moral conversion” before or simultaneously with regulatory reforms explains why the conflict has remained the order of life, even under democracy. The moral transformation the foundation of all other kinds of transformations. Whenever this order in living is ignored, moral poverty becomes an obstruction to transformation.

In their study of “obstructions to and opportunities for” national development Gharajedaghi and Ackoff (1982: 80) have studied those dimensions of government that either obstruct or add to the prosperity of nations through the way it is governed, yet without losing sight of the understanding that structures of governance live in an environment that contains a multiplicity of other social systems and their subsystems. As illustrated in the findings to be dealt with later, the poverty of ethics and morality that has been detected is regarded as an “obstruction” to development.

Very often obstructions are perceived as external barriers to progress; objects or behaviours by other people that make it difficult for “us” to develop and prosper. This is a defeatist approach that magnifies externalities and surrenders power and control to “others” out there. If the scarcity in morals is detected in “others”, resulting in “us” being unable to develop and prosper, there is an alternative, more effective approach to dealing with that obstruction, according to Gharajedaghi and Ackoff: it is by focusing attention not on the obstruction or barrier but on “our ability” as the affected to deal with it and minimize its effects on “us”, as citizens, inside the whole system of society, affected by the poverty of morals seen in councillors and managers of municipality structures and programmes of service delivery. This perspective turns obstructions to societal development into opportunities for development. So, development is conceptualized as the process of increasing the people’s abilities to satisfy their own needs and those of others, obstructions help the affected to look at their own deficiencies, and their weaknesses in dealing with the obstruction.

The term corruption, itself as only a detail in the sea of unethical behaviours, originates from the Latin verb *corruptus* which means to break, but as a concept, it is a form of behaviour which departs from the ethics, morality, tradition, law, and civic value (Dube, 2011 as cited in Mkhize & Nel, 2018: 41). The misuse of a public position or office for direct or indirect personal gain is the most popular way of referring to corruption in the public sector (Mkhize & Nel, 2018:41). Corruption and bribery are the insidious elements of the dark side of the business. The crimes of official corruption threaten the integrity of the global marketplace and undermine the rule of law in the host countries. Like at no other time before, there is a growing global crackdown on corruption. Sadly, corruption is pervasive, and it is still entrenched on a global scale. A culture of corruption is still embraced as a way of doing business in many countries of the world including but not limited to Nigeria, Rwanda, Egypt, South Korea, and Iraq. Sadly, corruption fuels poverty, hunger, disease, illiteracy, contempt, and disillusion. Corruption enables corrupt officials to accumulate wealth while the very poor live in abject poverty (Biegelman & Biegelman, 2010:3-5).

2.13 Existing Gap

To this end, the literature review has revealed the gap that there is insufficient evidence that exist to ensure that existing legislative provisions are adequately exploited to address malfeasance in the country. This has been revealed at two levels. The first is the reluctance to prosecute the politicians and the connected when incidents of corruption surface. The second is the failure to fully implement the Performance Management System (PMS) in achieving the objectives of the IDP as well as accountability for service delivery. Current literature reveals little or no accountability for politicians and political office bearers' participation in the performance management process in the municipality. This is non-enforcement of Section 38 of the Municipal Systems Act 2000 (No. 32 of 2000).

2.12. Conclusion

This chapter reviewed the conceptual and theoretical foundations that informed the evolution of ethics, morality, and governance. It is clear how these concepts shaped the

organisations as they stand today. Ethics, morality, and governance are at the epicentre of the character of successful nations and organisations the world over. The countries in the industrialised north have done much to combat corruption in their societies. Transparency makes it possible for civic formations including the media to be a watchdog of the state. The countries that limit freedom of speech and the role of the media tend to have higher incidents of state-led corruption. This has been the case in the East, in South America, and in Africa. Free media is a necessary part of a healthy democracy.

Africa has been unfortunate in suffering double jeopardy. Firstly, multinationals and foreign governments who would not tolerate corruption in their own countries somehow find it easy to engage in corrupt activities in Africa. Secondly, the African leaders engage in corrupt activities almost without batting an eyelid. This has retarded progress and development in Africa. Billions of dollars that are intended for development end up in the pockets of corrupt leaders. Meeting the Millennium Development Goals (MDGs) is being negated by corruption and the lack of governance and morality in Africa's leaders. Leaders such as Thabo Mbeki and Paul Kagame are lone voices that speak up against corruption in Africa.

South Africa has also had its fair share of corrupt leaders since the days of apartheid. A closer examination of the history of corruption in South Africa dispels the narrative that corruption and mismanagement have colour and that it is black. Historical records defy the conventional wisdom that corruption began with the new democratic dispensation. What is palpably and demonstrably clear is that the main problem affecting the gains of democracy and development in South Africa today is greed which is fuelled by mammon and materialism. The unethical and corrupt nature of our society has left an indelible mark on the faces of poverty-stricken families across the nation. The underdevelopment that confronts everyone travelling around the country is evidence of the ingrained corruption that has taken hold of this nation. South Africa today continues to face the triple challenges of inequality, poverty, and unemployment. The extent of these challenges would be far less had successive governments been led by men of integrity rather than thieves who get into politics to loot and enrich themselves.

The depth of malfeasance that is being laid bare in the four commissions of inquiry taking place in South Africa reveals the extent of moral bankruptcy that exists in the country. With better leaders, there would be less poverty, unemployment, and inequality. What is missing in society is leaders and managers who are morally astute and have ethically grounded character. These kinds of managers will do well, not for the applause but for the satisfaction of knowing that they have contributed to doing well for society. The application of the systems theory with its counterparts in African indigenous knowledge systems embodied by Ubuntu and “ It takes a village to raise a child” philosophies will go a long way in engendering morality and ethics.

CHAPTER 3

RESEARCH METHODOLOGY AND DESIGN

3.1 Introduction

It is important to briefly restate the study's reasons and background. Chapter 7 (1996:74-81) of the Constitution of South Africa outlines the local government's specific developmental responsibilities. The Constitution further states that the local government needs to achieve a certain level of capability to fulfil these responsibilities. In Chapter 1, it was stated that this work is made harder by the unequal history that is evinced by underinvestment in previously disadvantaged communities. This makes the role of local government so important. This work is restorative in nature. It restores not just the enormous backlogs in infrastructure but also the human dignity and faith of the citizens in their state.

Against this backdrop, this chapter gives an outline of the research methods that were followed in this study. The research design that was chosen for this study was described. This includes the geographical area where the study was conducted, the study design and the population sample as well as the instrument that was used to collect the data and the methods that were employed in the collection of data. The primary and secondary data sources were identified. This chapter also provides information on the participants, that is, the criteria for inclusion in the study, who the participants were and how they were sampled.

This research had timelines which were set back by almost 12 months due to the COVID-19 hard lockdown that was imposed in South Africa in 2020. The impact of the lockdown is also discussed in detail in this chapter. The ethical considerations that were followed in executing this research are also highlighted in this chapter.

3.2. Research Design

According to Phaswana (2018:2), the research design serves as a blueprint that guides the collection, measurement, and analysis of data. Millan & Schumacher (1993 as cited

in Raophala,2013:22) this will include even the timing of conducting research. This is a qualitative research project. According to Hammarberg, Kirkman and de Lacey (2016:498), 'qualitative' methods are used to answer questions about experience, meaning as well as perspective, and most often this is from the standpoint of the participant. This data is usually not amenable to counting or measuring. Qualitative research techniques include 'small-group discussions' for investigating beliefs, attitudes and concepts of normative behaviour; 'semi-structured interviews' to seek views on a focused topic or, with key informants for background information or an institutional perspective; 'in-depth interviews' to understand a condition, experience, or event from a personal perspective; and an 'analysis of texts and documents', such as government reports, media articles, websites or diaries, to learn about distributed or private knowledge.

An Interpretivist approach was followed to conduct this research project. Interpretivists argue that to understand human action we need to achieve 'verstehen, 'or empathetic understanding – we need to see the world through the eyes of the actors doing the acting. Understanding the meaning of human action requires grasping the subjective consciousness of the actor from the inside (Chowdhury, 2014:435). Furthermore, interpretive researchers assume that access to reality (given or socially constructed) is only through social constructions such as language, consciousness, shared meanings, and instruments. Many social scientists claim that the social scientist does not stand, as it were, outside the subject matter by looking in; rather the only way they can understand a particular social or cultural phenomenon is to look at it from the 'inside'. In other words, a social researcher must already speak the same language as the people being studied (or, at the very least, be able to understand an interpretation or translation of what has been said) if they are to understand any data at all. The 'raw data' for a social scientist include words that have already been meaningfully pre-structured by a group of fellow human beings (Myers, 2008:67-68).

The AGSA has released various reports on the conduct of the political office bearers at the Metro as well as the officials. These were key participants in the interviews. Some politicians represented the opposition parties. These were able to share their personal experiences of these reported infractions as well as the experiences of their

constituencies. This approach proved particularly useful in getting feedback and data from the members of the community. In this instance the Chief of Imidushane Tribal authority's input was particularly invaluable in its contribution to the collected data. This approach has proven to be appropriate in this research. The key interview participants were able to respond based on their actual lived experiences. They all narrated their daily experiences either as employees, community leaders, or service delivery beneficiaries within the Metro. Furthermore, qualitative research by its very nature assisted the researcher to have continuous interaction with the participants to discover the participants' meaning of their world according to Mashego (2000:149).

3.3 Research Universe

This is a diagnostic study on institutional dislocation and the collapse of morality and governance at the Buffalo City Metropolitan Municipality. This means that the Metro was the primary site for the diagnostic investigation. The researcher had to obtain permission from the City Manager to conduct the research at the Metro (See Annexure 03). The Metro has a process of applications for external parties who want to conduct research at their premises. As part of that application process, the researcher had to provide proof of registration with Da Vinci as well as approval from the university to conduct the research (See Annexures 01 and Annexure 02). The approval from the City Manager was then attached to all the requests for appointments with the various key interview participants within the Metro. The approval was to gain access to both the politicians and the officials at the Metro as gatekeepers.

The second group of the targeted participants was the external stakeholders. These include the Provincial COGTA, Eastern Cape Socio Economic Consultative Council (ECSECC), the Border-Kei Chamber of Business, the Auditor General South Africa (AGSA) and the South African National Civics Organization (SANCO).

The rationale was to ensure that the collected data from the internal key interview participants were tested against the data from the external parties. Mostly, these represented the stakeholders and or the Metro's customers. In other words, the second

group provided the means of testing and validating the data that was collected from the Metro.

3.4 Research Methods

A research method is a way of finding empirical data about the world. Each research method builds on a set of underlying philosophical assumptions, and the choice of research method influences how the researcher collects data. Specific research methods also imply different skills and research practices (Myers, 2008:47).

The qualitative analysis used in this study is about the analysis of qualitative data such as text data from the interview transcripts. Unlike quantitative analysis, which is statistics driven and is largely independent of the researcher, qualitative analysis is heavily dependent on the researcher's analytic and integrative skills and personal knowledge of the social context where the data is collected. The emphasis in qualitative analysis is "sense making" or understanding a phenomenon, rather than predicting or explaining. A creative and investigative mindset is needed for qualitative analysis, based on an ethically enlightened and participant-in-context attitude, and a set of analytic strategies (Bhattacharjee, 2012:122).

According to Emmel (2013:45), interpretive research employs a theoretical sampling strategy, where study sites, respondents, or cases are selected based on theoretical considerations such as whether they fit the phenomenon being studied, or whether they possess certain characteristics that make them uniquely suited for the study. In contrast, positivist research employs random sampling (or a variation of this technique), where cases are chosen randomly from a population, for the purposes of generalisability. Hence, convenience samples and small samples are considered acceptable in interpretive research if they fit the nature and purpose of the study, but not in positivist research.

This method was viewed as suitable because it gave the researcher the ability to determine who the key interview participants are, based on the AGSA report, Motlanthe High Panel Report and other internal documents that spoke to certain individuals. The key interview participants could speak directly to the issues raised as they were either

the incumbent officials of the relevant departments or political office bearers with the relevant information.

3.5. Data Collection Techniques and Procedures

There are a variety of methods of data collection in qualitative research, including observations, textual or visual analysis and interviews. However, the most used methods are interviews and focus groups. Semi-structured interviews consist of several key questions that help to define the areas to be explored, and they also allow the interviewer or the interviewee to diverge to pursue an idea or response in more detail. The flexibility of this approach also allows for the discovery or elaboration of information that is important to the participants but may not have been previously thought of as pertinent by the research team (Gill, Stewart, Treasure & Chadwick, 2008:291).

According to Kerlinger (1986:379), the best survey research uses the personal interview as the principal method of gathering information. This is not hard to figure out when the descriptive design relies heavily on case studies and interviews. The interviews will provide an opportunity to probe deeper into the contents of the case studies. This was particularly true in this research where the focus was on the empirical investigation of the acts of corruption that were committed by councillors. To be effective as a method of research, the interview must be well planned and executed. According to Kerlinger (1986:379) that is accomplished by careful and laborious construction of the interview schedule or questionnaire.

For this research, the researcher adopted the view of Kanyane (2006:55) that, the unstructured interview is the best interview method over a structured questionnaire. The reason for this is that an unstructured interview allows the interviewer to probe and ask follow-up questions. Furthermore, qualitative methods, such as interviews according to Gill, Stewart, Treasure and Chadwick (2008:292) are believed to provide a “deeper” understanding of social phenomena than would be obtained from purely quantitative methods, such as questionnaires. This guidance proved invaluable for the researcher.

As indicated earlier, the primary data collection tool (See Annexure 04) that was used in this research was the unstructured interview. This allowed for more empirical data provided by the key interview participants. Each interview had six questions that the key interview participants had to answer. The follow up questions provided an opportunity for more information and data to come through. This enabled the key interview participants to supply more details and elaborate on their answers in ways that enriched their contributions.

The semi-structured interviews are best suited for this research design as indicated earlier. This data collection method has its own disadvantages. The main of this is fear of incrimination. The Metro is politically charged environment. Politicians want to present a particular picture about their own parties. Officials also need to be careful about what they say and guard speaking against their political principals. This can affect the quality of the data. However, that was mitigated by comparing data with objective sources. Furthermore, Alamri (2019:66) proffers that this method can consume a lot of time in planning and transcribing the data.

The interview questions were emailed ahead of time to the key interview participants. This was meant to give them time to familiarise themselves with the questions ahead of time. They were advised that they could make notes in preparation for the interview. The intention was to make the key interview participants feel as comfortable as possible. The questions were accompanied by a small write up that gave the background to the study as well as the two major resources for the study. These are the 2018 AGSA Report as well as the Motlanthe High Panel Report of 2017, Annual Reports and the MPAC Reports of the Metro including various newspaper reports. The interviews were recorded, and the researcher made notes as well. All these helped in keeping a more complete scientific record of the interviews. This helped a great deal in transcribing as where the speaker is not audible enough the notes would complement the transcriptions.

3.6 Participants and Response Rate

South Africa went through a COVID-19 hard lockdown from 26 March 2020 at midnight based on the announcement by President Cyril Ramaphosa. It is also important to state that this research project was undertaken during that difficult period of the COVID-19 lockdown restrictions. This impacted the proposed timelines that were initially proposed to conduct this research. Consequently, this had an impact on the number of participants who were available and willing to take part in the research. Many people had developed what has been referred to as psychotic disorders including schizophrenia (Smith, et al, 2020:13).

Many key interview participants withdrew due to the fear of being infected and were under pressure from the new normal of working from home. Contrary to what one would have expected; the employees were more productive while working from home during the lockdown. These online interviews were seen by some as a distraction from the work that they were doing from home. As a result, fewer than expected key interview participants participated in the actual research despite having agreed to do so initially.

The initial number of proposed key interview participants was reviewed and reduced as it reflected a duplication rather than an opportunity for adding value and depth to the research project. It was regrettable though not to secure the key interview participant from the Eastern Cape Socio Economic Consultative Council (ECSEC) as initially planned. ECSEC is the research arm and economic think-tank of the Eastern Cape government. They would have shared valuable insights on the Metro. Unfortunately, they are part of the entities the researcher had to give up on due to being non-responsive to all the communications expressed. After many thoughts and consultations with the supervisor, it was agreed that the number of respondents had to be reduced to the organisations as reflected in Table 1 below without compromising representativity.

Table 1: Proposed and Actual Key Interview Participants

SECTOR	ORGANIZATION	TARGETED PARTICIPANTS	AGREED TO PARTICIPATE	ACTUAL PARTICIPANTS	GENDER		PERCENTAGE PARTICIPATION
LOCAL GOVT	BUFFALO CITY	10	8	5	4	1	63%
AGSA	AGSA	1	1	1	0	1	100%
PROVINCIAL GOVERNMENT	COGTA	1	1	0	0	0	0%
	EC SOCIO ECONOMIC CONSULTATIVE COUNCIL	1	1	0	0	0	0%
CIVIL SOCIETY	IMIDUSHANE CHIEFTAINCY	1	1	1	1	0	100%
BUSINESS	BORDER-KEI CHAMBER OF BUSINESS	1	1	1	1	0	100%
	TOTAL	15	13	9	7	2	60,5%

The Buffalo City Metropolitan Municipality was the research site. The research investigated the extent of relapse of morality and ethical behaviour at the Metro. From the initial 80% who agreed to participate in the interviews, 63% of the key interview participants were ultimately interviewed. that three more important sectors agreed to participate in the interviews. These are the Auditor General South Africa (AGSA), traditional leadership and Organized Business. The total number of participants represented 60,5% of those who had agreed to participate in the research project. Despite the circumstances and the factors that have been outlined already; this represents a representative sample size for the study.

What is concerning though is the reluctance from officials to agree to be interviewed for research purposes. The researcher experienced difficulties in securing appointments

from Metro officials long before the onset of COVID-19. The Buffalo City Metro has a separate department which is Knowledge Management, that is responsible for research. This is where the coordination of all research from external parties is coordinated from. The situation got so bad that the one official confessed that there was nothing more that she could do to assist as nobody seemed willing to participate in the research interviews.

The researcher had to appeal for the intervention of the Executive Mayor to encourage the targeted participants to cooperate with the research project. The Chief Operations Officer (COO) then coordinated the securing of appointments with the targeted key interview participants. It is not clear whether the Metro officials refused to assist the researchers or whether they were discouraged by the sensitive topic under investigation in this research project. Either way, the officials must realise that they must assist the public in whatever way that they need to be assisted as they are state employees. They are also paid by public funds. They cannot choose when to or when not to cooperate with researchers.

All such research is intended to improve operations and service delivery. Officials must welcome and cooperate with researchers. They also stand to benefit from any research if they want to improve the level of service delivery in the Metro. The current climate in the country is one of intolerance towards any unethical behaviour. Any reluctance to participate in an investigation into maleficence in the Metro might be easily interpreted as an attempt to cover up. The researcher was met with a range of attitudinal barriers from the city's executive managers. The outgoing Head of Audit and Governance refused to participate in the interviews. She shifted that responsibility to the recently appointed Head of Audit despite the interview looking at the previous five-year period. As a result, the Head of Audit and Governance was not too keen to participate in the interview. The researcher values the immense contribution made by the Head of Audit and Governance to this project through her input. The Head of Corporate Services made it clear that he would not make career-limiting statements. That sadly, shaped his contributions as he tended to make excuses for the way things are at the Metro. The COO offered the most balanced contribution and confronted the problems more objectively.

Sadly, the Municipal Public Accounts Committee (MPAC) Head did not avail herself for the interview despite many emails requesting an appointment. Her contribution would have added value to the role that is being played by MPAC in its oversight responsibilities. This attitude was not only observed at the administrative level but the political level. The responses from the interviewed politicians display outright hostility to being questioned or called to account for their behaviour or the unethical relapse of morality happening on their watch. More will be said on this when the actual interview data is reportedly analysed in Chapter 4.

The researcher considered changing the research site due to lack of cooperation. This was averted by the mayor's intervention. It was the Democratic Alliance (DA) within Council, who were enthusiastic to participate in the research. The research contributes toward better governance and functioning of the organs of state. Every research project cumulatively adds value to the improvement of public institutions which are run by a public purse.

3.7 Sampling

The Metro employs 3290 staff members according to the BCMM¹ Stats with nine being senior managers, also known as Section 57 employees. Probability sampling uses random selection of the sample from the population. This means that every member of the population has an equal chance of being included in the sample. As a result, samples tend to be larger to be able to draw representative conclusions that will reflect the characteristics of the population.

This is not the case with non-probability studies. Sample size is determined by the existence of predetermined characteristics that are relevant to the study based on the nature of the study and the research question being studied. It was for that reason that the researcher opted for purposive sampling. This allowed the researcher to target specific individuals who would be able to make relevant contributions into the subject matter.

¹ <https://www.buffalocity.gov.za/CM/uploads/documents/6801075534430.pdf>

Guest, Bunce, and Johnson (2006:79) conducted an experiment to explore the relationship between sample size and data saturation in qualitative research and found that data saturation could be achieved with as few as 12 participants in some cases, but in other cases, more than 50 participants may be needed. Fugard and Potts (2015:671) report that a similar study has suggested saturation at 17, although some have reached saturation at higher numbers of 63.

Concerns with sampling in qualitative research focus on discovering the scope and the nature of the universe to be sampled. Qualitative researchers ask, "What are the components of the system or universe that must be included to provide a valid representation of it?" (Luborsky & Rubinstein,1995:90). Sampling in this research project was purposeful and was guided by the research questions and objectives of the study to select participants who decision makers are. According to Patton (1990,169), when the researcher has a clear image of what they are aiming to find out, they employ purposeful sampling.

Therefore, the researcher had to be circumspect and meticulous in the selection of the key interview participants. Purposeful sampling is a technique that is widely used in qualitative research for the identification and selection of information-rich cases for the most effective use of limited resources (Patton, 1990:169). This involves identifying and selecting individuals or groups of individuals that are especially knowledgeable about or experienced in the phenomenon of interest (Creswell, Klassen & Clark, 2011:541-545).

The AGSA various annual reports, the Montlanthe High Level Panel Report, the MPAC reports and various media and HSRC reports on the performance of the Metro and the high levels of corruption are specific. They do not speak to every citizen of the Metro. They point fingers at the leadership of the Metro. Therefore, in keeping with purposive sampling the population had to be the senior officials of the Metro as well as the political leadership within council.

Palinkas, Horwitz, Green, Wisdom, Duan, and Hoagwood (2015:534) make an important observation. They maintain that in addition to knowledge and experience, the targeted interview participants must be available and willing to participate. They

continue to stress the importance of the ability to communicate experiences and opinions in an articulate, expressive, and reflective manner.

The researcher met with a lot of resistance from both the politicians and the officials to participate in the study. There was minimal willingness across the board from the Metro to participate in the study. This lack of willingness made the work of the researcher extremely difficult. There is general reluctance to discuss the relapse of morality and collapse of governance on record. One wonders whether this reflects how endemic the problem is in society in general or if it is just the fear of implicating others. To overcome these mammoth challenges, the researcher made various representations to the Executive Mayor via email and telephone calls. The Mayor, the MPAC Chairperson and the City Manager did not avail themselves for interviews. The researcher had to settle for the COO, as the next level manager, who was designated by the mayor to be representing him and the city manager. The researcher had to give up on the MPAC Chairperson. Applying any further pressure would have been compulsion on the part of the researcher. This would go against the principle of voluntarism which underpins the ethics of this project.

According to Scheer and Luborsky (1991:1173), “responses have contexts and carry referential meaning. Thus, questions about events, activities, or other categories of experience cannot be understood without some consideration of how these events implicate other similar or contrasting events in a person's life”. The attitude displayed by all the key interview participants reflected the experience and attitude they take against the relapse of morality and ethics at the Metro. All these reflections added more meaning to the findings of the research in Chapter 4.

3.8 Analysis of Data

The research data consisted of recorded interviews, scribbled notes, zoom recordings, council reports and media reports which were analysed into meaningful data by the researcher. This section will detail the process that was undertaken to retrieve meaning from the data and the various council reports.

This research project collected a huge amount of data that had to be synthesised and processed to make sense. Williaman (2011:132) makes the same observation and provides a solution by saying “Our minds are not good at processing large amounts of information, preferring to simplify complex information into patterns and easily understood configurations. Therefore, data reduction through coding, clustering, and summarizing provides the first step to simplification, followed by arranging the compacted data into diagrams and tables which can display the data in a way that enables one to explore relationships and gauge the relative significances of different factors”.

The researcher followed this advice of using the thematic and coding strategy to sift through the chunks of empirical data that were generated through the research interviews. Additional secondary data was also analysed through the same process. The topic under research is a dynamic study with new information coming up even during the time of consolidating the research report. The ongoing Zondo Commission of Enquiry as well as the ongoing cases about the councillors that were implicated in various scandals continue to provide fresh data.

The researcher was greatly aided in the process of thematic analysis and the coding of the data by using Atlas.ti™ a web-based solution. This tool proved to be quite helpful in data management and analysis. The researcher still had the responsibility to come up with the themes and codes to input into the system. These are system-generated. Therefore, the researcher still decided on what is relevant and what is not. The instrument only assists in identifying where the codes have been used and the frequency of use. This makes the work of the researcher easier in linking the codes with the key interview participants.

The diagram on the next page shows the five themes that came out of the research. The diagram also shows the codes that were prominent under each theme. The themes have many areas of overlap and interrelatedness. As such, the codes also tended to overlap, and the same codes were repeated in other themes. The researcher had to eliminate repeated codes in the process of cleaning out. Great care was taken to ensure

that the meaning and impact of the outcomes were not diluted by that cleaning-out process. The data analysis process brought several issues to the fore as areas for ongoing and future investigation. However, the scope of the study did not allow such areas and topics to be explored any further than just citing them in the report. More is said under the, “Delimitations of the Study” Section.

Table 2: List of Themes and Codes

THEMES	CODES
Theme 1 - LEADERSHIP	Competence Ethical Qualification Skills Maintenance of morals standards Consequence management Exemplary (being) Productivity and training Working smarter
Theme 2 - GOVERNANCE	Accountability Transparency Effectiveness Efficiency Responsiveness Community engagement Competence Capacity Ethical conduct
Theme 3 – OVERSIGHT	Oversight structure Executive management structure Council Section 87 Committees Internal Audit

	Effective Heads of Departments (HoDs), managers and supervisors
Theme 4 - LEGISLATION & BUREAUCRACY	Internal processes and systems Legislative Reforms on PFMA and related laws Reform of collective agreements/procedures
Theme 5 - ETHICS & FRAUD TRIANGLE	Cultivation of ethical culture Intolerance of wrongdoing Opportunity Pressure Rationalisation

Thematic analysis and coding helped to show which key interview participants were most vocal in which themes. This assisted a great deal in data analysis. The data showed the different postures that were adopted by the various key interview participants. These ranged from wanting to avoid being interviewed, being a defensive, outright denial of reality and objectively dealing with the situation at the Metro. More will be said on that in Chapter 4 and Chapter 5 under “Conclusions and Recommendations.

3.9 Ensuring Validity and Reliability

Every research project must stand up to academic scrutiny in terms of its reliability and validity constructs. Would someone else conducting the same research be able to arrive at the same results as you have arrived at and make the same conclusions? This is the question that must be answered by every researcher if their project is to be considered scientific. In other words, how trustworthy are your research design and methods? In addressing this question Anney (2014:272) posits that quantitative researchers put into consideration reliability, objectivity, and validity (i.e., internal and external) as means of ensuring the trustworthiness of the inquiry. In contrast qualitative researchers consider dependability, credibility, transferability and confirmability as trustworthiness criteria for qualitative investigation. Guba (1981 as cited in Anney,2014:6) raised four

trustworthiness concerns that any researcher needs to address irrespective of his/her research paradigm: This question is:

- i. How can a researcher establish confidence in his/her findings or how do we know if the findings presented are genuine? (Truth value concern)
- ii. How do we know or determine the applicability of the findings of the inquiry in other settings or with other respondents? (Applicability concern)
- iii. How can one know if the findings would be repeated consistently with similar (same) participants in the same context? (Consistency concern)
- iv. How do we know if the findings are solely from participants and the investigation was not influenced by biases, motivations or interests of the researchers? (Neutrality concerns).
- v. How do we know if the findings are not false information from the study participants? (Integrity concern) (Wallendorf and Belk,1989 as cited in Anney,2014:6)

While seeking to address these questions Gunawan (2015:10) warns that “trustworthiness becomes a matter of persuasion” and that “a study is trustworthy if and only if the reader of the research report judges it to be so.” However, Guba and Lincoln (1989 as cited in Gunawan,2015:10) regarded member checks as ‘the single most critical technique for establishing credibility” This research has followed the advice of ensuring that the interview instrument is verified for correctness by the Supervisor.

According to Lincoln & Guba, and Wallendorf & Belk, (1985,1989 as cited in Anney, 2014:6-7) positivist researchers have developed a set of criteria for answering the four questions they proposed and the answers fit the ontological and epistemological assumptions of the positivist perspective. The positivist criteria include internal validity, external validity, reliability, and objectivity. These positivist criteria are not relevant for assessing the rigor of naturalistic inquiry because naturalistic inquiry has different ontological and epistemological assumptions.

In its determination of trustworthiness this research was guided by the research of Lincoln and Guba (1985 as cited in Anney,2014:7). This outlines the differences between the positivist approach to trustworthiness versus the naturalist approach. To that end the following comparison becomes noteworthy:

- i. **Internal validity** - which assumes a single reality and inquiry findings are based on the single reality, while naturalists do consider multiple reality and alternative explanations for the social reality.
- ii. **External validity** - assumes that research “be conducted in ways that make chronological and situational variations irrelevant to the findings” (Guba, 1981, p. 80 as cited in Aneey:2014:7), and generalization is permanent or not affected by time, while post-positivists assume that generalization is unbearable because phenomena change with time and context.
- iii. **Reliability** - it assumes that research instruments must produce unchanging if those results were to be considered significant; and any convergence in results is considered an instrumental error because the strand a is single reality. In contrast, positivist assumes that deviation in results is not because of the error of instruments but because the of existence of multiple realities and using human as an instrument there is evolving intuitions and feeling that affects the results.
- iv. **Objectivity** - assumes the knower and known are independent (Wallendorf & Belk, 1989 as cited in Anney,2014:7), and objectivity ensured the methodology of the inquiry. In contrast naturalist assumes that knower and known are not solely independent.

Given the foregoing it is important to state that this research has internal validity in that those the key interview participants, although coming from different political persuasions and backgrounds and notwithstanding their different ranks and positions, were consistent in their responses. The internal factors confronting the Metro came out sharply from internal and external key interview participants. Despite the positivists assertion that “reality is multiple and created” if this research were to be repeated there would not be significant deviation from these findings. However, Gunawen (2015:11) warns against the expectation for “either expert researchers or respondents to arrive at the same themes and categories as the researcher. Put simply, any attempt to increase reliability involves a forced or artificial consensus and conformity in the analysis of the data, which is usually at the expense of the validity or meaningfulness of the findings. As a result, Sandelowski, (1993 as cited by Gunawen,2015:11) therefore, rejected reliability as a useful measure of quality in qualitative research in favour of validity or

trustworthiness. At will follow is a summary of the steps that the research has followed in ensuring that the research findings are valid and trustworthy.

3.9.1 Credibility

Credibility establishes whether the research findings represent plausible information drawn from the participants' original data and is a correct interpretation of the participants' original views. (Anney,2014:8). The researcher conducted the research using online platforms. Where the interviews were conducted in person the interviews were recorded. Furthermore, the transcription and analysis of the research data were done with the assistance of ATLAS.ti™ qualitative data analysis tool. This is a powerful tool that ensures that all research data including text, audio, pdf, video recordings, online and social media data and bibliographic references are thoroughly analysed and examined. It helps to answer complex questions, reveals meanings and patterns. It also churns out graphs, codes, themes and sub themes. The existence of the interview records and the copies of transcripts backed by audio recordings should give sufficient confidence that the research has indeed used original untampered data. The use of ATLA.ti™ should provide an additional layer of confidence that the research findings are indeed credible. Sample transcripts are attached in Appendix E.

Furthermore, according to Bitsch, (2005 as cited in Anney,2015:8) immersion into the environment is a necessary factor to increase the credibility of the results. The researcher maintains that as a citizen of the Metro who has lived in this Metro for a greater part of his adult life the principle of "immersion" is more than met for purposes of giving credibility to the research. Furthermore, the researcher has used the guidance given by Onwuegbuzie & Leech, (2007, as cited in Anney,2015:10) to use "triangulation" a process that "involves the use of multiple and different methods, investigators, sources, and theories to obtain corroborating evidence." As a citizen of the Metro one is exposed to many forums and platforms where the situation of BCMM is discussed and debated. These gave the researcher better insight into the subject matter as well as the area of research.

3.9.2 Transferability

The caution of Gunawan (2015:10) should be repeated here that, "any attempt to increase reliability (that) involves a forced or artificial consensus and conformity in the analysis of the data, which is usually at the expense of the validity or meaningfulness of the findings" should be avoided. Rather, according to Bitsch (2005 as cited in Anney,2014:12), the "researcher facilitates the transferability judgment by a potential user through 'thick description' and purposeful sampling." (This is what the researcher opted for as outlined on page 76 of this report.)

3.9.3 Purposive Sampling

Purposive sampling is the technique mainly used in naturalistic inquiry studies, and is defined "as selecting units (e.g., individuals, groups of individuals, institutions) based on specific purposes associated with answering a research study's questions" It helps the researcher to focus on key informants, who are particularly knowledgeable about the issues under investigation. (Teddlie & Yu, 2007 as cited in Anney,2014:13).

3.9.4 Dependability

Earlier the researcher stated that there was consistency in the data that was collected from all the key interview participants on the situation at the BCMM. The message was consistent across party political lines as well as from the senior officials of the Metro. These were confirmed by various other sources that were used in the triangulation process. According to Bitsch (2005 as cited in Anney,2014:13), dependability refers to "the stability of findings over time". Dependability involves participants' evaluation of the findings, interpretation, and recommendations of the study such that all are supported by the data as received from informants of the study.

3.10. Delimitations of the Study

The research proposal alluded to the factors that were anticipated to have a negative impact on the study. The research process has proven these to be correct. Fieldwork

has been hampered to the point where the researcher was tempted to abandon the project. What follows is a brief discussion of these factors.

3.10.1 Fear of Self-incrimination

The researcher anticipated that the councillors who were implicated in the Motlanthe High Level Panel Report could still be working for the Metro. It was anticipated that they would not be willing to participate in the research. This could be because of fear of self-incrimination or embarrassment to have to discuss issues in which they have been implicated. Fieldwork revealed that this fear of self-incrimination was much wider than initially anticipated. The councillors who were implicated in corruption and maleficence are councillors who have access to resources. These are from the governing party, which is the ANC. When one is implicated, the whole party is implicated. The natural reaction has been for the councillors to deny any wrongdoing and to defend one another even to the point of denying facts and reports such as the AGSA report. This became evident in the interview with the ANC Chief Whip. He defended the entire caucus from the AGSA Report as well as from negative media coverage.

Attempts to cover up corruption and underperformance were sadly displayed by the executive as well. This was evinced by the attempts to mislead MPAC and the AGSA on actual performance as reported in Chapter 4.

3.10.2 Resistance from Political Leadership

The Buffalo City Metropolitan Municipality is under the African National Congress leadership. It was under the ANC since the first democratic elections. All the reports of underperformance and mismanagement are actions of the ANC. The political leadership of the ANC at the Metro are aware of that. The actions of individual councillors reflect the entire state of the organisation. The ANC is not able to distance itself from the veracious acts of corruption and the breakdown of governance taking place at the Metro. It happens with the full knowledge of political leadership. The fierce political contestation

that takes place during elections is explained within that background. Being elected as a councillor means access to power, money, and patronage.

So, despite their internal differences, the political leadership chooses “not to hang their dirty linen in public”. This point is aptly demonstrated by the confession of the ANC Chief Whip. He confessed to having strongarmed the Daily Dispatch reporter who was reporting on the divisions and factions within the ANC caucus. Even if this was an act to close ranks within the party, what it shows is confirmation of the relapse in governance and ethics within the Metro. Surely, what is good for the Party is not necessarily good for the country. Some politicians such as the Chairperson of MPAC chose to stay away rather than speak out on any maleficence taking place at the Metro. This is the contrast that the researcher observed between the political parties. The DA Chief Whip was keen to participate in the research. He even brought the DA Councillor responsible for governance and compliance to sit in on the interview. On the ANC side, the picture that emerges is opposite to that of the DA. The ANC was unwilling to participate and the reasons for this reluctance are not hard to find. The ANC as the governing Party, is the one mired in corruption. The reluctance is an attempt to save face and avoid self-incrimination.

The Daily Dispatch of 23 April 2021 reported that the Eastern Cape AGSA tabled the latest findings on the Metro to the full Council. This report was scathing as it painted a picture of a Metro on the verge of collapse. The AGSA painted a picture of a “litany of near-fatal errors and failures”. These include attempts by officials to hide R2.4billion irregular expenditure, R295 million losses in electricity and R126 million in water revenue. This included failure to spend an R223 million grant in urban settlement development, and R78.4m for public transport network. No steps were taken by management to prevent an unauthorised expenditure that amounted to R17.6 million. All these led to the Metro obtaining a fourth qualified audit in four years (Nini, 2021:5).

What is interesting in this media report is the reaction from the politicians. The ANC Chief Whip participated in the research interview five months ago. In that interview he denied any corruption and breakdown in oversight at the Metro. He is, however, reported on 23 April 2021, at Council to have reacted with shock at the same report that was

tabled by the AGSA. He is reported to have said, “It is clear to all of us that we are in a crisis in this institution. Something needs to be done. We need to see how we can save this Council from the brink of collapse. What we are doing is like (learners) repeating the same class without passing”. Later, he is reported to have questioned the wisdom of retaining the same executive if they keep failing in producing better results. The Speaker is reported to have said the failure is for both the politicians and the executives (Nini, 2021:5).

As a researcher who has had an in-depth interview with both politicians and the executives at the Metro it is not hard to see what is at play here. What is happening at the Metro is not new. These results are the same results that have been plaguing the Metro for the last three years. The same speeches that are being made here will be made again next year and for as long as no concrete and decisive steps are taken to bring about change.

3.11. Ethical Considerations

Academic research is not immune to the violation of the rights of the participants in the study. For that reason, both academic institutions, as well as researchers, need to take steps in ensuring that research is conducted under the highest and most strict ethical guidelines. The researcher has also endeavoured to maintain ethics in the administration of this research project.

3.11.1 Voluntariness and Informed Consent

The research participants must participate voluntarily and with full consent to do so (Dongre & Sankaran, 2016). Da Vinci assisted in ensuring that this was done by requesting proof of agreement from the gatekeepers. The Metro provided a letter agreeing to give the researcher access to the site as well as meeting the targeted key interview participants. It was clear that despite that letter from the City Manager, some officials and politicians would have refused to participate in the interviews.

There was nothing more that the researcher could do to force them to agree to the interview. The option of badgering was there but it seemed less ethical and was not followed. The whole aim was to ensure that the researcher acted within the bounds of ethics. At the beginning of each interview, the participants were read the interview guidelines (See Annexure 04) which included their right to be treated with dignity or ending the interview at any time should they feel it was justified to do so. All this was part of ensuring that they knew that they were not under any obligation to participate if they were not willing or comfortable to do so.

3.11.2 Privacy and Confidentiality

All the participants were given an express undertaking that they have a right to anonymity and confidentiality. That is why no person's real name appears anywhere in this report. The need to keep the identity of the key interview participants confidential was when one of them spoke about fear to make career limiting statements. The researcher has undertaken to maintain the confidentiality and privacy of the key interview participants. Some participants have consented to have their names made known but that was not done to protect their privacy and confidentiality.

3.11.3 Respondent-Related Issues

These would be issues that are unearthed during the interview that affect the interviewee. Fortunately, there were no such issues that arose during these interviews. If they would have arisen the researcher would have followed the guidelines that are contained in the approved Research Proposal in addressing them.

3.11.4 Interviewer-Related Issues

The interview can also be a potential source of unethical behaviour. That is why the interview questions were carefully framed. Great care was taken in ensuring that even

the follow up questions were carefully framed to only seek clarity without annoying or making the participants feel uncomfortable. Follow up questions were only asked where it was necessary to use them. Where there was visible hostility, the follow up questions were also kept to the minimal. All care was taken to avoid making the key interview participants to feel under any stress.

3.11.5. Publication Issues

Dongre and Sankaran (2016:4) argue that there is always the danger of publishing potentially stigmatising personal and sensitive information. It has been suggested to avoid the reporting of personal details or to change the context if required. Fortunately, this type of research does not deal with any personal information. The researcher has promised all key interview participants to get a copy of the research findings for their records.

3.12. Conclusion

The researcher walked away from the field research with three lessons. The first lesson is that well-planned field research prepares one for what lies ahead in the actual research. The second lesson is that nothing can prepare one enough for what will happen in the field. The third lesson is that no amount of reading about a topic exceeds the value of rolling up one's sleeves and being part of the research. One learns more in the trenches than any textbook can teach them. Some nuances and dynamics can only be appreciated when one undertakes fieldwork. The researcher is appreciative of these lessons and the opportunity to be part of this project which demanded lots of patience under all trying circumstances.

To this end, the field research laid bare the true state of this democracy. The reconstruction and statehood rebuilding project faces imminent collapse unless something drastic is done to rescue it. Sadly, the people need rescuing from the very people who were meant to bring them freedom. The shepherds have turned on the flock

and the heavens must intervene. More is said on this in the next two last chapters of this study.

CHAPTER 4

RESEARCH FINDINGS AND DISCUSSION

4.1 Introduction

The work undertaken during this research was executed during the period the country was undergoing the COVID-19 rough patch under hard lockdown. Therefore, some modifications to the originally planned face-to-face interviews were undertaken under the stringent COVID-19 lockdown restrictions. Another challenge that was experienced because of the COVID-19 pandemic was that the Buffalo City Metro which is the subject of analysis in this research was declared one of the COVID-19 hotspots in South Africa. Scores of people succumbed to the lethal pandemic and in the Buffalo City Metro. This included the Speaker of Council, Honourable (Hon), Alfred Mtsi, who passed away on 12 July 2020. Close to five months later, the Deputy Mayor Hon. Zoliswa Matana, passed away on 9 December 2020. In a Media Statement released on 07 February 2021, the Metro announced that a total of 2 299 lives had been lost to Covid -19, within the Metro (BCMM, 2021:1). These events, coupled with many employees who also fell victim to the devastating virus, led to a prolonged shutdown of the Metro offices. This made it exceedingly difficult to get interviews with the targeted individuals within the Metro.

Due to COVID-19 national protocols, these interviews, save for one, were conducted via social media platforms. This chapter provides an analysis of the responses to the interviews that were conducted. The results are presented and discussed methodically. This study focused attention on the dislocation of morality as exhibited in the collapse of governance, leadership, and oversight within the Buffalo City Metropolitan Municipality. It is informed by a theoretical framework in Chapter 2 as well as the research methodology in Chapter 3. The period under review was the five years between 2014-2019. The major reference documents for the participants as well as the researcher were the 2017 Motlanthe High Panel Report, the 2018-2019 Auditor General South Africa (AGSA) Report on the Buffalo City Metro, the BCMM's annual reports as well as media reports about the relapse of morality at the Metro. The main issues of corruption and malfeasance that are addressed in all these documents, took centre

stage during the Zondo Commission on State Capture. The impact of this Commission on the participants' views have been demonstrably evident. Furthermore, the subsequent AGSA Report of 2019-2020 have painted a worse picture than the previous year. All these eventualities brought an even sharper focus on the study itself and the issues that are highlighted therein.

4.2. Findings from Interview Data – Emerging Thematic Issues

The qualitative data derived from the interviews of key stakeholders in this study is informed by empirical analysis. The participants' voices feature prominently in the description of the themes as discussed in Chapter 3. These added more depth and value to the research project.

The way the research topic has been formulated has proven to be invaluable to this part of the research project. Empirically, the study followed thematic thrusts to inform the presentation and analysis of the chapter. The AGSA for example had made clear statements as to what all municipalities and state organs needed to do to improve service delivery. These were to strengthen leadership, governance, and oversight.

The complaints from the Motlanthe High Level Panel indicate the areas of civic life that are affected by a dysfunctional local government. Without a strong and effective local government, complaints arise. Furthermore, addressing these complaints would assist in enhancing social cohesion and the realisation of a truly developmental and democratic state. On the other hand, the AGSA maintains that a functional institution will enhance leadership, governance, and oversight.

The content and thematic analysis that was performed on the interview manuscripts yielded 41 codes and five themes. There are overlaps between some of the themes in the way that they relate to the codes. The researcher initially wanted to discuss the themes under each respondent but decided against that as the themes are the subject of the research and not the individual respondents. The preferred approach analysed the data under the following five themes as per Table 3 hereunder.

Table 3: List of Themes and Codes (See also Chapter Three)

THEMES	CODES
Theme 1 LEADERSHIP	Competence Ethical Qualification Skills Maintenance of morals standards Consequence management Exemplary (being) Productivity and training Working smarter
Theme 2 GOVERNANCE	Accountability, Transparency Effectiveness Efficiency Responsiveness Community engagement Competence Capacity Ethical conduct
Theme 3 OVERSIGHT	Oversight Structure Executive Management Structure Council Section 87 Committees Internal Audit Effective HoD's, managers and supervisors
Theme 4 LEGISLATION & BUREAUCRACY	Internal processes and systems Legislative Reforms on PFMA and related laws Reform of collective agreements/procedures
Theme 5 ETHICS & FRAUD TRIANGLE	Cultivation of ethical culture Intolerance of wrongdoing Opportunity

	Pressure Rationalisation
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4.2.1 Theme 1 – Leadership

The collected data on leadership came out explicitly on the importance and the role of leadership. This is the first point raised by the AGSA in all his reports on the importance of the role of leadership. In his overview of the latest AGSA Report, the AGSA makes the following remark, “The safe and clean hands that can be relied upon to look after the public’s finances in local government are few and far in between” (AGSA, 2020:10). This is a reflection on the true state of leadership at the local government across the country. This paints a worrisome picture of the state of local government. Without the right leadership, the dream of optimum functioning and developmental local government continues to be deferred.

One question of the interview was asked after citing both the Motlanthe High Panel Report of 2017 as well as the 2018-2019 AGSA Reports to him. The question was, “Why is there the revelation of high levels of corruption, collapse of ethical conduct, lack of leadership, governance and oversight within the Buffalo City Metropolitan Municipality (BCMM)”. The Chief Whip’s response was an outright denial that there is any evidence of corruption, collapse of ethical conduct, and lack of leadership, governance, and oversight within the Metro. The researcher politely asked if he disputed the cited reports, and he answered in the affirmative. This was the direct response of the Chief Whip:

“Okay, well, I’m not aware of any corrupt activity within the Metro. I am not aware of that, but I am aware of the AG[SA]’s Report, which highlights several shortcomings inclusive of leadership, oversight, as well as governance. But when it comes to corruption, I have nothing to say regarding that. I have never heard of any kind of corruption within the Metro”.

This stance is contradicted by three key interview participants from the same municipality. The Chief Operations Officer (COO), the Head of Corporate Services as well as, and the Head of Audit acknowledged that the Metro is beset by the scourge of corruption as reported by the AGSA and the media.

The COO's response to the same question was as follows:

“A direct response to your question would be lack of consequence management could be one of the contributing factors on the high level of corruption or collapse of ethical conduct as indicated in your question”.

Another senior key interview participant, the Head of Corporate Services, was equally direct in his response to the same question.

“We are not denying, or I'm not denying that there are allegations of fraud, corruption, and collapse of ethical behaviour, and as you say, leadership and governance challenges”.

Another key interview participant was the Head of Governance and Internal Audit. At the time of the interview, she was newly appointed to the position. She was only six months in the position, the bulk of which was during the hard lockdown. She was reluctant to offer a direct Buffalo City specific response based on the foregoing facts. However, her comments were extremely insightful. She said:

“There are many regulations that govern the local government space. They have a lot of regulations that talk to leadership, that talk to governance and oversight. So, I do not think the problem is a lack of structure or guidance on how to overcome those three issues that you have highlighted. I think the issue is much deeper than that”.

According to her, the issues that confront the local government run much deeper than many care to address. She continued:

“There are psychological effects of racism that are not spoken about. For me it boils down to that black people were taught self-hatred, that translates into lack of confidence in themselves”.

It became explicitly clear that the ANC Chief Whip was alone in denying the existence and revelation of high levels of corruption, the collapse of ethical conduct, and the lack of leadership, governance, and oversight within the Buffalo City Metropolitan Municipality. The key interview participant from the AGSA Office as well as the Executive Director of the Border Kei Chamber of Commerce, also lamented the state of corruption that permeates the Metro. The data that was drawn from the Chief of Imidushane Tribal Authority also echoed the same sentiments.

During the interview with the Chief Operations Officer (COO), he made profound comments that went beyond the confines of the Metro.

“We cannot talk about this moral outside, of the community norms from which our employees come from. I don't use it as a defence mechanism kind of sorts to say that. We cannot rule out the fact that you have the rotten potatoes within the good people, you know, within the municipality. You can't rule out the fact that if the moral fibre out there, where I stay in Mdantsane or Ziphunzana is what it is, and you think that when I joined the municipality, I'll overnight, change, but as management with a responsibility to ensure that we kind of drilled those people, you know, to understand the responsibility and the ethical conduct they must display. And through several training that we do, we try our best, but you will find that some will continue, you know, acting in ways that are not at all ethical, you know, that that display, that lack of ethics, you know, and so on”.

In other words, the COO seems to be saying that the employees mirror the moral status of society. The breakdown in societal norms influences the behaviour of the members of the society wherever they might be. The politicians openly practice what Burgess et al. (2010:3) call the patronage hypothesis, where the leaders target public spending to reward their loyal backers. This is accompanied by the incumbency effect, where votes

are bought using state funds. The politicians have normalised this corrupt behaviour. Self-interest, as identified by the Head of Audit and Governance is, consequently, not frowned upon, as unethical or immoral conduct.

The Chief Operating Officer (COO) during the interview also attributed this high level of corruption to the lack of consequence management as well as some grey areas in legislation. He also cited the labour legislation that allows for the payment of salaries while employees are on suspension. The employees and their representatives are crafty in finding ways of delaying cases for years. The collective agreements on the other hand stipulate that all disciplinary cases must be concluded within three months. If three months pass, then the employee should be allowed to return to his position. These are the gaps and inconsistencies that allow charged individuals to return to work before consequence management can be fully implemented. This sends the wrong message to the other employees. They see that an employee can engage in acts of corruption and be able to get away with it. The COO was very forthright in admitting that the Metro has many “rotten apples” that needed to be dealt with.

The Head of Corporate Services was also upfront in acknowledging that, “managing people is a difficult task”. He, however, used a different tact in responding to the questions. He was well prepared as he had made copious notes to refer to during the interview. He also commented that he did not want to “make career-limiting statements” during the interview. One deeply appreciates the limitations his position places on him. So, his responses were carefully crafted to steer away from trouble and contentious issues. His data calls for careful analysis with that backdrop in mind.

Nevertheless, the Head of Corporate Services made valuable inputs to the research. He made it clear that the statement about the state of corruption in the Metro is indeed bad. His emphasis was, however, on what the Metro is doing to deal with the corruption. He acknowledged that bureaucracy is a huge limiting factor in rooting maleficence in the Metro. This is the same point that was made by the COO. The Head of Corporate Services mentioned all the council structures that are dealing with corruption and maleficence. These include the MPAC, the Fraud Hotline, the External Audit Committee, and the External Disciplinary Committee. He also mentioned senior people who have

been fired for corruption as well as cases that were currently underway that were dealing with corruption. These included the former mayor, the former city manager, and the current head of Supply Chain Management (SCM).

Noticeably, no mention was made of any committees or structures within the purview and the control of the management. These would include, inter alia, the training of supervisors and managers in chairing internal disciplinary hearings. The role of the managers and the supervisors is about ensuring that corrective steps are being taken to correct employee behaviour. Primarily, the act of management and the control of staff lies with managers and supervisors, not with the council or any other oversight structure. Those structures are meant to ensure that the management has done or is doing what they are employed to do. The managers cannot upwardly delegate discipline.

The Head of Audit and Governance might have provided a clue as to this apparent upward delegation of discipline at the Metro. She stated that the Metro does not have a functional performance management system. An important role of performance management is that it regulates behaviour. If the performance of the employees is not being managed, the ability of the Metro to deliver on its mandate is being systematically numbed and it limits the ability to deliver on its mandate. Performance management is an invaluable tool to meet departmental and municipal performance targets.

The Democratic Alliance (DA)'s Chief Whip gave ten reasons for the state of corruption at the Metro. Of particular significance at this point are two points that he made. These are the inability to admit to mistakes, the lack of political leadership, no accountability, and the lack of performance management. Performance management seems to be a recurring theme in the reasons given for the rise in corruption and the lack of ethical conduct at the Metro.

It seems from the data that performance management, if it happens, is limited to the executive managers. Sadly, that is not where the rubber meets the tarmac in service delivery. The executive managers are not directly in charge of service delivery on the ground. Service delivery happens at the operational level. If one does not manage performance at that level, they are doomed to fall short of performance targets.

Performance management also instils discipline in the workforce. The employees learn that any kind of behaviour has consequences. If a municipality does not have a performance management system in place, for everyone, it is denying its employees that valuable lesson.

The view of the Executive Director (ED) of the Border Kei Chamber of Business (BKCOB), was very forthright in addressing this question head-on. He did not mince his words in offering the reason for the corruption that is taking place at the Metro. He distilled the reason for corruption to the lack of moral, ethical, and incorruptible leadership. He made an example of former President J. G. Zuma. He pointed to the oxymoron of appointing a person who had admitted to having unprotected sex with a child of his friend to head up the moral regeneration initiative. The former President Zuma continued to be implicated in wrongdoing at the Zondo Commission beyond his tenure as the State President. According to the Executive Director of the BKCOB, the moral collapse and the onset of corruption in post-apartheid South Africa can be traced back to the period when the former President J. G. Zuma was in power. He makes the point that, "Society takes a tune from leadership".

This same point was made by another key interview participant, a Chief of one of the Tribal Authorities within the Buffalo City Metro. In response to the question posed about the high level of corruption in the Metro, the Chief lamented inadequate service delivery in the villages under his chieftaincy. He blamed the leaders for the corruption that deprives them of service delivery by saying that:

"We might think that corruption is limited to the Eastern Cape but it's all over the country and it has a source. Someone is encouraging it. Now this corruption goes beyond the Eastern Cape or even the municipality you are referring to. But this corruption comes from the top. If you can't say "no" to your child, you will end up losing control. Here, we see that corruption comes right from the national level. The rot starts from the head. This corruption is known by the leaders. Nothing happens in a man's home without him knowing. If he claims ignorance, then he is not worthy to be a leader. Everyone can also

see that there are no consequences for those who engage in corrupt activities. Imagine a clinic, the very place that promotes hygiene to be without water and having to rely on river water for their daily needs. How do you teach patients and the community to observe hygiene and yet the very place is without water? All this then is my answer to your question about our leadership. Given our daily experience with the current leadership I have no hope for the future at all”.

This response from the chief is about blaming corruption squarely at the door of the leaders, at whatever level they are operating from. As the DA Chief Whip said:

“Leaders need to own up to their faults and they need to address them. There is no reason for deviation from the rule of law. They know what is right. Service delivery has stalled because of a lack of leadership. There is no consequence management. The AGSA raises these matters, but nothing gets done about it in Council. MPAC makes findings against employees. Council endorses these into resolutions, yet nothing happens to the employees. Employees are deployed. Audit Improvement Plans never go anywhere because there is no will. The SCM and LED departments were spotted as being dysfunctional as early as 2017 yet nothing has yet been done about it”.

The response from the chief is straightforward. Those who call themselves leaders, must rise to the challenges of leadership and lead. Implicit in that challenge is the need to clean out the state, at all levels, from corruption. Under the theme of leadership, several other codes came up repeatedly. These include training, quality of leadership, choosing and selecting leaders on merit, productivity, working smarter as well as qualifications of leaders. More on these will be said in the last Chapter about the conclusion and the recommendations.

A lot of data came out regarding how leaders are chosen at the municipal level. The concept of meritocracy as practiced by the Chinese Communist Party came up on many

occasions. Even the ANC Chief Whip acknowledged that the quality of leadership from the councillors was shallow and lacked depth. He agreed that the leaders cannot be chosen based on populism. This gives rise to populists whose goal is to appease the crowds without addressing the pressing societal needs of the community. There was consensus across the board that leadership is a serious business that needs to be carefully considered. Qualifications, experience, skills, and morality need to be some of the factors to be considered when electing and appointing leaders.

No army can be expected to be victorious under the leadership of an incompetent general with no proven track record of competency. Nor will anyone allow themselves to be operated upon by an impostor claiming to be a medical doctor, yet without the necessary qualifications and the ethical conduct that constitute the soul of the medical profession. No one in their right mind would even allow a gardener to build their dream house, as to do so, is to trigger potential health and environmental hazard. How then, are communities tolerant when they are led by incompetent and corrupt leaders? How can nation building be entrusted to morally bankrupt and untrained hands?

4.2.2 Theme 2 – Governance

Theme 2 is the second theme that is addressed by the AGSA in his various reports on the state of state organs. Under this theme, various codes came up through the data analysis exercise. These include accountability, transparency, effectiveness, efficiency, responsiveness, community engagement, competence, capacity, and ethical conduct.

In analysing data under this theme, it would assist in first looking at the question that seeks to address this theme. The other question was formulated to generate reasons and inquire about the state of governance at the Metro. The question reads as follows: “In the midst of the provision of the rule of law in South Africa, especially Municipal Finance Management Act, Municipal Structures Act and Municipal System Act as well as supply chain policies and institutional oversight structures such as Municipal Council and Municipal Public Accounts Committee among others, why there is a relapse of morality in governance in Buffalo City Metropolitan Municipality?”

The question about the relapse of morality in governance at the Buffalo City Metro recognises that governance has to do with following policies such as the SCM policies, revenue collection, billing, budgeting cycles, maintaining assets registers, and performance management. All these processes, policies and structures were put in place to ensure law and order within the municipalities. The question then is how the municipalities' finances deteriorate despite the existence of all these measures?

This question was put to all the interviewed participants. The answers vary in the identification of what dysfunctional looks like and not in its existence. Of all the interviewed participants, it was the Chief Whip who denied any existence of collapse and dysfunctionality within the Metro as he said:

“But my view is that there are many regulations that govern the local government space – a lot of regulations that talk to leadership, that talk to governance and that talk to oversight. So, I do not think the problem is a lack of structure or guidance as to how one could overcome those three highlighted issues. There's a structure in there's guidance as to how to lead how to have good governance and how to exercise oversight responsibilities in terms of the legislation, regulation and even circulars from National Treasury. The issue is deeper than that. And I think that's what we're not talking about as public servants and as a country. But then as I said, for me that is my own personal perspective”.

The notion of self-interest was echoed by AGSA's key interview participants. She said the local government employees know that their stay at the Metro is short lived. They only have five years to be in those positions. After five years, they will face the uncertainty of future employment. The AGSA key interview participant had this to say:

“I think firstly, I would suggest that there should be permanent employment of officials and get away with the issue of the five-year contracts because those that are the reason people want to commit fraud, and this impacts negatively on service delivery. The short-term

contracts do not take into consideration the long-term commitments that these employees have. Secondly, the MFMA and SCM regulations should be reviewed. They must set a price schedule and do away with the issue of the lowest quotations of the true price quotations or the issue of not looking at the lowest price. This opens the entities to fraud and corruption. So, there must be a price schedule, so that we get the value for money, because current situation, the issue of three quotations, and we chose the lowest quote, does not do justice to service delivery”.

These two contributions show that linking the contracts for senior managers and directors to the political term of office contributes to looting and instability within the local government. This can be attributed to what the Head of Audit calls self-interest. The desperation that is brought about by the insecurity of tenure at the top opens the door to the flaunting of procedures and corruption in local government. This situation was aggravated by the fact that both the officials and the politicians know that their return to the municipality is not guaranteed (Nini:2021,5).

A walk down Oxford Street, the main street in East London, brings one face to face with the reality of the collapse of governance and service delivery. As echoed by the Head of Audit and Governance:

“The filth of litre strewn in the streets with no management of street pavement trading by hawkers tells you that the Metro is not ready for being a Mega City”.

The DA Chief Whip was even more scathing in his observations. He laments the erosion of the Metro’s financial instability. He speaks of the “low collection rate and the depletion of the Metro’s cash reserves”. According to him, “it is a matter of time before the metro is declared a going concern”.

The AGSA key interview participant was very forthright in indicating that the “collapse of governance is reflected by the low levels of service delivery within the Metro”. She

also pointed out, “the inability of a municipality that is a Metro to have a Civic Centre to house its staff”. The City of Cape Town for example houses all its staff at its headquarters which are in the City Centre. That is a strong indication of governance. Operating from a municipal owned building is always desirable for institutions. It engenders pride to the staff. It helps in building confidence and trust into the brand. It also saves the organisation from paying rent to a landlord and thus strengthens the balance sheet of the organisation.

The interview data from the AGSA key interview participant scoffed at the BCMM 2030 Strategy of becoming a Mega City. She was questioning the feasibility of that goal when they could not manage basic stuff of being a landlord than a tenant. The question she posed was, “how are you going to build a mega city when you cannot build your own offices?”.

The DA Chief Whip painted a dire picture of service delivery in the Metro. He lamented the “parlous state of service delivery within the Metro occasioned by political infighting and lack of competent leadership”. The citizens of the Metro must contend with poor service delivery levels despite the claims to the contrary by the ANC Chief Whip. This same point was made by the AGSA in the following finding:

“The delivery of infrastructure projects in Buffalo City Metro was of great concern as some of the projects had been delayed between three and four years. On one housing and human settlements project, the village houses had been complete for over a year but at the time of our site visit had not been occupied by the beneficiaries, which exposed the houses to the risk of vandalism. In another instance, the work on a housing development project had come to a standstill, with the metro incurring standing costs as a result”.

Sadly, all the African townships have remained mired in the same state of under-development, for the entire period of close to three decades of democracy in South Africa. Duncan Village and Ziphunzana, for example, both, citadels of the legacy of poverty left behind by the Apartheid system in the BCM, have regressed into a state of

hopelessness. The same can be said about Zwelitsha, Ginsberg and Dimbaza, the literal dumping ground for the “surplus people” who suffered forced removals through the inhuman machinations of the National Party government (Platzky and Walker: 1985). The residents of these townships have not seen any service delivery improvements in their experiences with their municipalities. The civil unrest and road closure protests that have now become a normal part of life in the Metro are used as the last resort for the citizens to voice their complaints.

Regrettably, the inner-city rot is moving from the dirty streets of East London into the building. Almost all the buildings in the city are in a state of poor maintenance. You see peeling paint on the buildings in the city centre. Some buildings have gaping cracks and trees are starting to grow in the cracks. A building on Currie Street caught fire to the point that the integrity of the building was seriously compromised. That building has now been occupied by what appears to be homeless people. More than six months later, the Metro has not done anything to evict these people from that building. Scenes like this are scary and they undermine any effort that is being made by the Metro to deliver service to the citizens of this Metro. They are havens of crime and are prone to harbour crime and violence in the Metro and its surroundings.

The rot and collapse are creeping everywhere and sooner than later the Metro will degenerate into a sinkhole if it is not one already. The Head of Audit and Governance’s interview data keeps standing out regarding the non-delivery of services and the collapse of morality and governance. The more one reviews the transcribed data, it is difficult to ignore her reasoning. According to her:

“Both officials and politicians know what the law says. They all know what is right and what is wrong. They know the Systems Act and the MFMA”.

Yet, despite that knowledge they continue to drive to the cliff. Her reasons are that they are driven by ulterior motives rather than the desire to see service delivery reaching the poor. They are not acting in good faith for the poor and the marginalised citizens of the Metro to see the light of the day.

This can be interpreted in two ways. Firstly, the officials misled those who interviewed them if they said they applied for these positions to ensure that there is a change in the lives of the poor. Secondly, the politicians lied to the electorate when they said they are the ones who can bring about change in their material conditions. This is seen from the saddening, governance situation in the Metro, what it is observed is their turn to eat or line up their pockets. They campaigned hard even to the point of being ready and willing to kill anyone in their way of being the preferred candidate, not because they were driven by their love for the people but by narcissism and selfish interests.

This puts into proper perspective the input by the COO that there was, “political meddling that interferes with consequence management”. The same point was made by the Head of Corporate Services that he did “not want to make career-limiting statements”. From the Head of Corporate Services, the political meddling happens when MPAC reports must be tabled and debated. The COO said:

“One report goes through no less than eight committees before any action is taken. This undermines governance and oversight. In the process a report that was meaning well (sic.) ends up being highly politicized and loses meaning”.

Mega projects are known to grind to a halt or even be abandoned in some municipalities if they will not be implemented by companies that are preferred by certain politicians. Again, if officials that are colluding with politicians are being disciplined those cases never go anywhere because of political meddling. How do you not provide political cover for people who were carrying out instructions from politicians?

4.2.3 Theme 3 Oversight

Theme 3 has more to do with the effectiveness of the oversight systems and the structures that are designed to address any egregious activities within the Metro. These structures and functionaries are clearly defined within Section 53 of the Municipal Systems Act of 2000. Section 53 requires that a municipality define the specific role and

area of responsibility of each political structure and office bearer of the municipality, as well as that of the municipal manager. This must be done by the Municipal Structures Act of 1998 and any other applicable legislation and Chapter 7 of the Constitution of the Republic of South Africa, Act 26 of 1996 which provides clear objectives for the establishment of the local government.

The ANC Chief Whip of Council spared no pain in trying to hide the point that the ANC caucus is heavily fragmented and divided. He cited an instance where he confronted a reporter of the Daily Dispatch. The Daily Dispatch is a daily newspaper in East London. He confronted this reporter after sustained negative reporting on the factional nature of the ANC caucus. Strangely, he continued to cite instances where it was justifiable for the various factions within the ANC to fight openly in council. This is when a member of the ANC opposes an ANC caucus position. On the face of it, that seems reasonable. What he does not say is that such a division only arises from opposing factions within the ANC caucus. That faction could be counting on the sympathies of the opposition parties.

Contrary to the ANC Chief Whip, the DA Chief Whip made several points that refer to the inability of the Metro Council to perform its mandate and these are:

“Lack of political leadership, Role of Council usurped by Mayco. The oversight role of the Council is compromised by tabling reports for consideration without due notice being given to councillors. The 20/21 budget was passed without a Council majority. MPAC makes findings against employees. Council endorses these into resolutions, yet nothing ever happens to the employees. The Finance Oversight Committee sat only three times in 10 months in 2020. Inability to distinguish between party and state as demonstrated by the refusal of Council to discipline three councillors until COGTA intervened. The Low qualification bar on becoming a councillor allows incompetent and underqualified individuals to ascend to the Council. These qualifications are SA citizenship, clean criminal record and rehabilitated. No need to change the law, change the councillors.

Corrupt Officials always know that they will be protected by corrupt councillors”.

These points expressed by the DA Chief Whip are a clear indication that the Metro Council has a propensity to ignore its oversight responsibility. The interference of politics in the running of the Metro does not augur well for the Council to play its constitutional role of oversight. The 2018/19 AGSA Report confirms the data that has been collected which points to the failure of the Metro Council to exercise its constitutionally mandated oversight role. The assertion by the HoD Corporate Services that all oversight structures are in place may well be true. However, evidence from the interview data shows that the Council is extremely compromised to fulfil that role. The DA Chief Whip put it as follows:

“Lack of political leadership, the role of Council usurped by Mayco. The oversight role of the Council is compromised by tabling reports for consideration without due notice being given to councillors. The AGSA raises these matters, but nothing gets done about it at Council. MPAC makes findings against employees. Council endorses these into resolutions, yet nothing ever happens to the employees”.

The Head of Internal Audit and Governance also made the point that the officials do not lack education on what is right or wrong in terms of legislation by saying:

“Both officials and politicians know what the law says. They all know what is right and what is wrong. They know the Systems Act and the MFMA”.

Another sign of the lack of oversight is the absence of, or in the case of Buffalo City, the limited implementation of the Performance Management System. The Head of Corporate Services made the following admission:

“Performance management is only for Senior Managers. Support of all oversight institutions is needed. Council needs to be firm and close loopholes”.

The COO in response to this theme made three significant points. The first was the overregulation of local government. The second point was the competence of the politicians in comparison to the officials. The third point was the politicisation of the process for narrow political interests. All said:

“In my view, there is leadership. There is governance and there's an oversight. That is being played by the structures that are prescribed by law. In my view the problem is over regulation. Yes, the reason is over regulation of the local government sector. A simple thing is a quarterly performance report of all departments in the Metro. It goes to the management responsible for performance management. It moves there, goes to the top management. It moves (and) goes the, it goes to the audit and performance management committee. It moves (from) there it goes to the portfolio committee responsible for that department – it goes to the Mayoral Committee – to Council. Tell me will it not have lost meaning and impact by the time it has gone through all these [structures]. Remember this report has been through the top management including Internal Audit. Won't all this process distort the document or water it down?”.

All these accounts are a clear indication that there is unanimity on the part of all the players at the Metro that oversight is lacking. During most of the interview, the ANC Chief Whip tried to play down the factions within the ANC caucus. He also tried to dismiss the reports that the Metro is failing in its mandate. In April 2021, the AGSA tabled the interim report on the performance of the Metro. The ANC Chief Whip was the first one to stand up in Council and admit that the Metro was facing ruin.

“Something needs to be done. We need to look at how best we can save this Council from the brink of collapse. What we are doing is like (learners) repeating the same class without passing to the next Grade. It is clear to all of us that we are in a crisis in this institution. This is the fourth qualification in a row and that tells me there is something wrong here. There is no excuse for further regression” (Nini, 2021:5).

At this point, it will help to look at the MPAC's Oversight Report of the 2018/2019 Annual Report for the Metro. Section 121(1) of the Local Government: Municipal Finance Management Act 56 of 2003 (MFMA) stipulates that every municipality and the municipal entity must for each financial year prepare an annual report in accordance with its guidelines. The purpose of the annual report is to provide a record of the activities for that year and to report on performance against the budget of the Buffalo City Metro. To promote accountability about the decisions made throughout the year, the annual reports are the key reporting instruments for municipalities to report against the performance targets and budgets outlined in their strategic plans, namely the Integrated Development Plan (IDP). The annual reports demonstrate how the budget was implemented and they have the results of service delivery operations for that financial year.

According to the MFMA, this Report should include:

- i. The annual financial statements of the Municipality, and consolidated annual financial statements, submitted to the Auditor-General for audit in terms of Section 126 (1) of the MFMA;
- ii. The Auditor-General's audit report in terms of Section 126 (3) of the MFMA and by S45 (b) of the Municipal Structures Act (MSA); on the financial statements;
- iii. The annual performance report of the municipality as prepared by the Buffalo City Metro in terms of section 45(b) of the Local Government: Municipal Systems Act 32 of 2000 (MSA);
- iv. An assessment of the arrears on municipal taxes and service charges;
- v. An assessment of the municipality's performance against the measurable performance objectives referred to in Section 17 (3)(b) of the MFMA for revenue collection from each revenue source and each vote in the municipality's approved budget for the financial year;
- vi. Corrective action was taken in response to issues raised in the audit reports referred to in paragraphs (b) and (d); and
- vii. Recommendations of the Municipality's Audit Committee.

The 2019 MPAC report on its comments on the MFMA report confirms this view. An abstract from that report reads, “The Municipality has put measures in place to ensure that those causing SCM transgressions are being dealt with through consequence management. However, there is a regression in the implementation of SCM related controls which resulted in material non-compliance being reported in the audit report” (MPAC, 2019:10).

Furthermore, MPAC made the following observations:

- i. There were instances where financial information was not consistently reported on;
- ii. It could also not be established whether all the aspects of financial reporting are consistent with the audited Annual Financial Statements for the 2017/2018 financial year, and the fact that the Annual Financial Statements remained unsigned in the Annual Report;
- iii. The Buffalo City Metropolitan Municipality has regressed to a qualified audit outcome for 2017/18 from the unqualified audit outcome for the 2016-17 financial year;
- iv. The leadership has not ensured that there is credibility in year reporting on the financial and performance management;
- v. The leadership demonstrated a slow response to the AGSA messages and failed to implement the audit intervention plan to address the root causes of the prior year’s audit findings. As a result, there were several repeat findings;
- vi. The information technology remains an area of concern as the municipal systems are still not fully utilised and not integrated;
- vii. The municipality has put measures in place to ensure that those causing SCM transgressions are being dealt with through consequence management; However, there is a regression in the implementation of SCM related controls which resulted in material non-compliance being reported in the audit report;
- viii. The control environment concerning the monitoring and reporting of predetermined objectives has not improved from the prior period;
- ix. As reported in the prior fiscal year, the unit responsible for this area does have an adequate system to collate and report on their performance;

- x. In addition, the unit does not work in an integrated manner with other directorates and as a result, there were numerous material misstatements identified within the reported Annual Performance Report.

The management and the executive mayor's response to these findings is quite interesting. They have indicated in their submissions that they are unable to justify the reasons for the Metro having regressed in the audit opinion and that the audit qualification was a new finding. They further suggest that the strategies they had adopted were effective and that none of the previous findings had recurred as they had been addressed by the Annual Improvement Plan (AIP). The MPAC has found this to be misleading in that should the strategies referred to have been effective, the Auditor General would not have identified 51% of repeat findings and the Metro would not have received the qualified audit opinion (MPAC, 2019:11).

Furthermore, the Annual Report had serious omissions that would conceal the nature of service delivery to the citizens of the Buffalo City Metropolitan Municipality. Notably these are:

- i. "The adequacy of the repairs and maintenance expenditure;
- ii. The implications of the proportion of operating budget spend on repairs and maintenance over the past four years".
- iii. "Paragraph 2: 5.8, Water and Sanitation Services-The paragraph is not factual, needs to be removed".
- iv. Details of financial interests of councillors not disclosed.

(MPAC, 2019:17-20)

The data contained in the afore Annual Report is a cause for great concern. Firstly, MPAC is calling out the management and the mayor for misleading the Metro Council and the public. The 51% of repeat findings is indisputable evidence that at best the purported control measures were not effective. At worst, the management and the mayor were not honest with the Metro Council and the citizens of the Metro and in a normal society that should have attracted serious consequences. The effectiveness of

the management and the executive in exercising their daily oversight is one of the important codes under this theme. It is concerning to have MPAC confirming that the management sought to be less transparent in their dealings with the AGSA, the MPAC and the council. This further gives credence to the collapse of oversight within the Buffalo City Metropolitan Council.

Secondly, the data as reflected in the cited afore-cited Annual Report relates to the basic service delivery output. The repairs and maintenance as well as the provision of water and sanitation is a big component of basic needs for civilised living. If the Metro was performing well in these categories, there would be no need to embellish or hide the real figures. As stated earlier in this chapter, the face of poor service delivery and the state of despair of roads and buildings hits one in the face as they walk past the City Hall.

“The Metro seem to be still locked in the 2010 state when conditions were aptly described in the Human Sciences Research Council Report². Glass (2010,5) said: “the City has been brought to its knees by intrigue between the politicians and senior managers. The Municipality had become paralyzed by politics. The politicians were treating the Municipality as their fiefdom. Every area of service delivery was falling behind whether in housing, roads, water and sanitation and electricity”.

The Metro Council is made up of councillors from all the parties that are represented. The strength and effectiveness of the Metro Council pivot on the quality of each councillor. There is a saying that says a chain is as strong as its weakest link. What does one do when most, or all the links are weak? The DA Chief Whip submitted that the quality of ANC Councillors left a lot to be desired. This same point was supported by the ANC Chief Whip when he acknowledged that the ANC needs to come up with a

² Buffalo City Municipality Report Mid-Term Review of Municipal Performance, Dr Humphrey Glass. <http://www.hsrc.ac.za/en/research-outputs/mtree-doc/8356>

better system of selecting leaders. The ANC Chief Whip lamented the appointment of populists and factionalists as councillors and said:

“I think the ANC needs to be more hands on. If we can put it together and use that more hands on in this sense. In this sense, you’ve got people who are elected to the council to serve as a representative of people, but those people use their populism and their popularity in that area without looking at the skills [and] quality. You can be a good howler but when it comes to the actual job in council – those are two different things then at the end of the day that impacts negatively [on] the quality of employees within. So, if we can improve on those minor things is the ANC thing, we can be a very strong Party. The other thing is close association within a certain grouping and faction. If we’re going to do away with such things ANC can be strong”.

It has been stated earlier in this Chapter that currently the standard to become a councillor is extremely low. Everyone that was interviewed encouraged the raising of the standards and the qualifications for becoming a councillor. This it is hoped, will improve the quality of outputs at the Council. According to the DA Chief Whip, the process currently used by the ANC and the DA needs to be reviewed. Currently, people stumble along and learn on the job. Often when they have the necessary confidence, they never want to vacate their positions.

The resultant fights lead to the formation of factions and assassinations that have been widely reported in the media. The New York Times, on 30 October 2018, reported that with 90 ANC members assassinated in KZN, the ANC was looking more like a crime syndicate. These crimes are all perpetrated within the list process period which is a time when the ANC across the country decides who their candidates would be for the upcoming elections. According to Kanyane et al. (2020:2) there are material incentives that exist for group-mediated planning and the orchestration of the assassination of high-profile local leaders and officials. Kanyane et al. (2020:2) further point out that although this, the phenomenon can be observed across the country, KwaZulu-Natal stands out as the province where councillors are particularly under siege.

The situation got so bad in KwaZulu Natal (KZN) that Premier Mchunu had to appoint a commission of enquiry. The terms of reference of the Moerane Commission were to investigate all the political killings that took place in KwaZulu-Natal (KZN) from 2011 to 2016 (Moerane; 2018:3). According to Moerane (2018:27), these political killings continued to happen even when the Commission of Enquiry was underway. The Commission heard oral evidence from the families of the victims of violence in KZN as well as evidence from various organisations and civil society in that Province. It contains brutal accounts of the cold-blooded killings that took place in KZN.

One such account is the brutal murder of a Deputy Principal, Mr Ntombela, in front of his learners at Nquthu. Ntombela, the man also served as a Speaker at Umzinyathi District Municipality. His only sin was to oppose the corruption led by the mayor and to refuse to approve illegal contracts. He was called to a meeting where he was told to resign from the council. When he refused to resign, he was assassinated by the opposing faction. His brother told the Commission that, "Vusumuzi hated corruption and entered politics to be a servant of the people" (Moerane, 2018:27).

Kanyane *et al.* (2020:2) report that 89 councillors were assassinated from 2000 to 2018. These assassinations increased over time and peaked in 2016/17, when 24 incidents of assassinations and attempted assassinations were recorded. The high numbers of killings in 2016/17 coincided with the period around the local government elections in 2016 and their aftermath. According to Moerane (2018:213-214), the link of the assassinations with the election period was made repeatedly by several people who gave evidence at the Commission. One of them was Thabiso Zulu, the first ANC Youth League Secretary at the Harry Gwala Sub Region. He had this to say about the assassinations in KZN, "These are targeted, calculated, cold blooded, ruthless assassinations of comrades by thugs who are hired by their own comrades in the ANC. Comrades are killing each other because they want tenders and are contesting positions".

This point was echoed by many others including the SACP and the former Premier of KZN Mr Willie Mchunu. He made several noteworthy points. These are the following: "Political killings surge during general and local government elections". "The

phenomenon is within and around the ANC. Local politicians are the victims and this is on the increase. In the main, people who have been targets are councillors and potential councillors, branch leaders of the ANC, including those in sub-regions” (Moerane, 2018:223-224).

Kanyane *et al.* (2020,2-3) see this political violence as a threat to democracy that undermines service delivery and one that will end up plunging the country and the province further into a circle of endless violence. Mchunu cited in Moerane (2018:230) warns that, “there is a need for strong leadership in the ANC at all levels. In these manipulations, leaders often get compromised by factions. You shift from principles traditions, fairness and objectivity and you get compromised and begin to try and justify these wrongs. As the leadership, in turn you succumb to these wrongs and become the underlying cause of the violence yourself”.

Citing the complicity of leaders in violence, Siyanda Richard Mhlongo, noted a statement attributed to the former Secretary General (SG) of the ANC, Gwede Mantashe. He says Mantashe made a bizarre statement when he said, “The ANC cannot stop the abuse of state resources to fight ANC battles”. He believes the killings impact on good governance and paralyse the state in the fight against corruption and the ills of incumbency (Moerane, 2018:239-240).

South Africans need to take the work of a councillor seriously. South Africans have a joint responsibility to ensure that the country’s moral compass is reset. It is the responsibility of every citizen, in their private homes, associations and communal organizations as parts of the nation as the whole social system, to ensure that the country is back on track. When that happens, they will no longer allow unqualified candidates to ascend to such critical positions of leadership.

It is observed that the many decades of abuse that arise from the history of colonization and apartheid has produced a generation that takes abuse as normal. Buffalo City Metropolitan residents somehow think the abusive relationship they are engaged in with successive BCMM administrations and councillors is normal. The Motlanthe High Panel Report lists a litany of abuses visited upon the BCMM citizens by their Councillors.

These range from payment of bribes to receive a Reconstruction and Development Program (RDP) house to living in areas without any basic services. BCMM citizens think it is normal to live in an area where grey water and raw sewerage flows in the streets. Where housing equates to living in shacks. A city with inoperative traffic lights, litter strewn all over the main road in the city centre. A central business district with derelict buildings with peeling facades. The abuse escalates to the point where citizens negotiate the city centre between potholes and uncontrolled taxis. Eskom has now become party to the same abuse with no respite in view for the abused citizens.

Glass (2010:9) reports about the infighting within the mayoral committee in the Buffalo City in 2010 at the Metro. He reports about an interview he had with two councillors after the council removed errant politicians. These councillors said, "The removal of the errant politicians has not decreased the political jockeying for power in the municipality". To this day that factional infighting continues unabated.

According to SALGA (2011:22-25), the speaker is the guardian of the integrity of the council as well as the members' interests. The speaker should be impartial and fair in the role that he plays. He should be non-partisan in enforcing discipline and in ensuring that all the council meetings are in terms of the applicable rules and legislation. Furthermore, the speaker chairs the Rules Committee of the Council. The speaker must protect the "checks and balances" between the legislature and the executive. Overall, the speaker is the guardian of the oversight that the council must have over the executive.

The chief who was interviewed as one of the key interview participants related his frustration with the Speaker of the Buffalo City Metro Council. He did not come to his assistance for service delivery in his village. His request was for the provision of the necessities that support rudimentary living such as water for the people to drink so that they stop drinking the same water as animals from the wells or dams. The second basic request was for the maintenance of the gravel roads to ensure easy access for ambulances and police vehicles. These are so basic that no citizen should be made to ask for them. Being a free citizen in a democratic state should be defined by having access to these basic services and facilities. The chief said:

“In this government, you need to have connections for you to get anything done! This happens with all government departments. If you do not have any connections, you won't get anything done for you. Even we as Chiefs we stand in those long queues with everyone else. If you do not have connections, forget. The second matter is the issue of roads. Our roads are bad. I escalated this problem to the Speaker and Mayor of both Buffalo City and Peddie Local Municipality. The Mayor [and] Speaker of the Peddie Municipality were both here and they promised me and the Tribal Council that they [will] fix this road. Until today nothing has been done. You can see the state of the road that comes to the homestead. It is in a terrible state. I have been asking the Speakers of both municipalities to assist to just scrap the top to make the road even. Nothing has happened to date. All my requests have fallen on deaf ears. This stretch is so important because besides leading to the great place it also goes to the clinic. How are ambulances supposed to move with speed when people have medical emergencies? I made my request in December [in 2020]. All you hear about is the new Corona Virus excuse. Offices are either being fumigated or closed, or staff is not there to assist. Strange thing is that they are all being paid their salaries although there is no service delivery. What you find out is that offices are not closed. The pandemic has now become a convenient excuse to evade responsibility. This leaves us in deep pain as we find ourselves in a helpless position. Therefore, you hear many people now saying things were better during the time of segregation than what is currently happening. At least then these services were available and there was service delivery”.

The Constitution of the Republic of South Africa, 1996 enshrines the rights of every citizen under the Bill of Rights. It enshrines and guarantees their rights to freedom and dignity. The chief lamented the fact that their basic human rights and dignity were being violated by the Metro and said:

“There is] total disregard of the nation when decisions are being made. The other thing that I have been complaining about is water. This village has huge problems with water supply. I raised this with the officials of Buffalo City, and they keep making promises, but nothing gets fixed. We get our water from Sandile Dam, but water is not always available at the taps. We go for days without drinking water. Even on days when there is water some taps are always dry. Things can get very desperate here when the taps are dry, and my wife ends up inviting the people of the village to come and get water from our household. Because we cannot let people go and drink water from the rivers with animals. There is all so lack of maintenance when taps break. This further exacerbates an already desperate situation”.

The chief, in responding to the question of why there is so much corruption in local government, had this to say, “rot starts from the top.” He added that what is being observed at provincial, local, and administrative levels are manifestations of a deeper rot that is country wide. This observation, when applied to the Buffalo City explains why the research data reveals corruption and at all governance and oversight levels at the Metro. This means that all the structures of the Metro Council were infected by the same virus. As such, no single oversight structure can be expected to perform independently until the entire system is overhauled and fixed.

By all accounts, the current Buffalo City Mayor, is an accomplished politician with refined leadership skills. His track record within the trade union movement saw him rise to become the first Deputy President of the South African Transport and Allied Workers Union (SATAWU). Before becoming mayor, he served as the deputy mayor. Under his leadership as the mayor, he developed the City’s 2030 vision. Before that he had served in the provincial legislature where he was the Chairperson of the Economic Development, Tourism and Environmental Affairs Portfolio Committee. He has also been the provincial secretary of the Congress of South African Trade Unions (BCMM, 2019:1)³. In terms of his experience and qualification, nobody can fault him. However,

³ <https://www.buffalocity.gov.za/mayorprofile.php>, Accessed on 10 May 2021

the current state of decline within the Metro calls for much more to be done to lift the Metro out of its abysmal state.

According to the DA Chief Whip, when interviewed, he said the following:

“The Council’s finances have been on a gradual decline since 2015 – 2016 when its cash reserves were R2.3 billion, and collection rate was at 92%. By January 2018, this figure had dropped to R1,143bn. The following year the reserves dropped to R553m. The collection rate has now dropped to 85%. The intervention by Treasury did not help in [resolving] the decline”.

The Metro’s desperate attempt to increase its collection rate has had mixed outcomes. In Mdantsane township, the residents have been incorrectly and erroneously billed. Some have complained about receiving the rates of previous tenants and being held responsible for those accounts. The residents marched in protest, claiming that even the council officials cannot explain these erroneous accounts to them. Incorrect billing is another sign of panic at the City Hall indicating a desperate financial state or a sign of administrative misnomer. Whichever it may be, it does not bode well to increase the citizen’s confidence in the council’s ability to serve them (Jacob & Gosa, 2021:1).

4.2.4 Theme 4 – Legislation and Bureaucracy

The theme of legislative reform came up on numerous occasions from the research participants. Four participants came out extraordinarily strong on the need to reform the legislation to allow the Buffalo City Metro to exercise SCM reforms and to implement consequence management with errant staff members.

The first time this idea was mentioned was by the Head of the Corporate Services Department. He said the following:

“We have evidence where people have been suspended, disciplinary cases have been conducted in terms of the collective agreement, you know, be in an environment where we have collective agreements

between the employer and employee. So, we belong to the bargaining council responsible for local government, we must comply”.

The collective agreement to which the Metro Council is a signatory allows for three months within which cases should be concluded. The Head of the Corporate Services Department further said:

I think if I can touch on this, too. We work in a very bureaucratic environment. There are laws [and] are policies –we must comply. Number two is with the bureaucracy comes several collective agreements that we are bound by in terms of how, for example, if I deal with a disciplinary matter, it sets out the procedures to be time consuming. For example, if I give you an idea, if I suspend that person for financial misconduct, they cannot be on suspension for more than three months. Now, there might be situations where I am unable to complete the investigation within the three months, it means I must bring those people back. In the eyes of the community that might seem like now here's someone [with] an allegation of misconduct back in the environment. And so that might create... [not audible].

The reality is that cases take a long to investigate. Even when the investigation has been concluded, the disciplinary hearing dates must be acceptable to all the parties. Normally, the first seating is for the preliminaries and the case takes place a month later. The witnesses are not always available. So, the three months period is too short a period to resolve any misconduct case.

The COO put it this way:

“It's important for me to also mention that it has much to do with an enabling legislation in dealing with issues of consequence management, but you will realise that the enabling legislation, in

dealing with those issues at some point, does have some grey areas that I think we need to jointly look at”.

The COO spoke about the need to reform the disciplinary code to align with legislation. The legislation requires that the suspended individuals be paid while on suspension. Sometimes, these suspensions can be longer than three months, for those employees who are outside the bargaining forum. The other change that the COO alluded to be the misalignment between the AGSA audit cycle and the Metro’s financial year end. The AGSA audits projects before the Metro’s year end. This leads to the AGSA evaluating performance before the Metro’s year end. This misalignment gives a skewed picture of actual performance.

The interesting point though about these points is the fact that they are within the purview of the Metro Council. The Metro Council has the power and authority to implement these policy changes and align them as it wishes. One wonders what prevents the Metro Council from amending its own policy. This will include the term of office contracts for senior managers and directors. Buffalo City has, according to the Head of Corporate Services, decided to make all contracts of employment permanent within the Buffalo City. This step is highly commended as it will go a long way in stabilising the administrative arm of the Metro Council. Linking contracts to the political term of office is destabilising the administration. This point is further elaborated in the next section, under Theme 5.

The other person to talk about the need for legislative reform was the Executive Director of the Border Kei Chamber of Business (BKCOB). He said the PFMA needs urgent reform. He cited that the one glaring anomaly about the PFMA is its insistence on the lowest price for procuring goods and services without stating the range of those prices. This allows for a 500ml bottle of bottled water to be procured at a ridiculous price of R50, in compliance with the Act, if that was the lowest price. The BKCOB Executive Director further said that:

“The PFMA says you must put it out to tender and you must call for submission and all that. For Pete’s sake, you know what you paid for

water the last time you bought water and if you believe that it was competitive because we all go to the supermarket, and we all know what water is worth and what its value is.”

This according to the BKCOB Executive Director is a gaping loophole that promotes inefficiency and corruption. This amendment must be corrected to save billions of taxpayers’ public funds from being illegally syphoned. The same point was made by the AGSA key interview participant. She said there is a need to have a price schedule for selected goods and services. The SCM officials need to know what the catalogue price range is and to make sure that they always stay within that price range. This will save South Africa billions of public monies. Currently, the PFMA has some shortcomings whereby the “middlemen” who are suppliers of goods to state organs pitch high mark up prices without adding any value to the system.

4.2.5 Theme 5 - Ethics and The Fraud Triangle

The legislators of the constitutional democracy anticipated that the political actors will be faced with huge ethical conflict within the government environment. To discourage unethical conduct, they conceived a code of conduct for all civil servants including councillors. For the local government, the Local Government Municipal Systems Act 32 of 2000 contains a code of conduct to guide and regulate the behaviour of councillors. For council employees there is the code of conduct and the disciplinary code.

The following question was put to all the respondents. “What is the cause of the institutional dislocation of morality in governance, leadership and oversight in the last five years (2014-2019) of the 25 years review of local government?”

The AGSA key interview participant had an invaluable contribution to make on the underlying anatomy of corruption and the relapse of ethics, leadership, and governance in the Buffalo City Metro. The explanation given may well apply to any state institution in South Africa today. She first decried the collapse and erosion of ethics in the institutions. She went on to discuss what she called the fraud triangle as her explanation

of why the wave of corruption and unethical conduct seems to be unstoppable. The concept of the “Fraud Triangle Theory” (FTT) was developed by Cressey (1950). This theory consists of three elements that are necessary for fraud to occur: (i) Perceived pressure, (ii) opportunity, and (iii) rationalisation (Abdullahi, Mansor & Nuhu, 2015:30) (See Figure 4.1).

The AGSA key interview participant made this observation about the Metro:

“The Municipality has weak internal controls, I mean, there is no supervision, there is no monitoring, there is lack of documentation, poor documentation, and then the employees and even senior management see an opportunity that they can conduct fraud, through those weak internal controls, again, the poor tone at the top, when you see that the management or the directors are also being unethical, and they lack integrity and honesty, people say that it's an opportunity to conduct fraud, because they see that other people are also conducting fraud”.

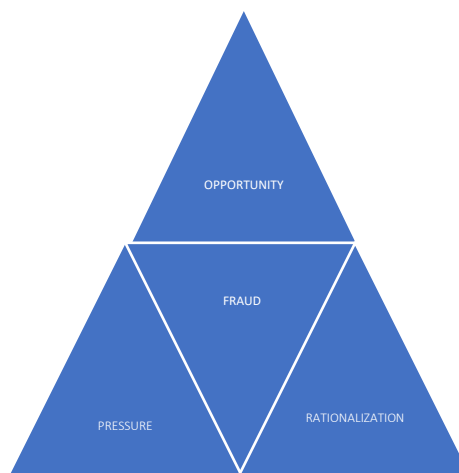
In the first instance, the AGSA key interview participant confirmed that there is a general collapse of ethics across the government structures. The Zondo Commission on State Capture is but a small window into the state of collapse of ethics, leadership, governance, and oversight in the state organs. Corruption is uncurbed to the point that the politicians and the officials unashamedly flaunt their loot in daylight. A new culture needs to be embedded into the state organs to bring about the needed change. The cash reserves of Buffalo City are running fast-running dry. Soon the Metro will not be able to pay its debtors and contractors. That will lead to a shutdown of the Metro. The citizens of the Metro have seen this happen to the Amathole District Municipality (ADM). The ADM could not pay service providers and its own employees. The provincial government had to step in to bail out the ADM with funds to pay salaries.

The changes and reforms that should be implemented by the ruling party can never be over emphasised. The ANC as the governing party has a huge responsibility to lead by example. The collapse and rot are happening on its watch. It can never be able to shift

the blame to anybody else. It needs to undertake these reforms if there is to be a glimmer of hope for the future of the state. Something drastic more than the current purging of factions and parading their opponents in courts needs to be done to bring about real change in South Africa. This is tinkering as a timebomb at the edges of corruption, and it is not solving the corruption problem.

AGSA's key interview participant explains that three conditions must be met for fraud to happen based on the fraud triangle depicted in Figure 5.1 herein.

Figure 3.: Fraud Triangle



Adapted from Cressey (1950) as quoted by Sujeewa et al. (2018:53)

In terms of this model, the first condition that must be satisfied is an opportunity. The opportunity could be the lack of control or supervision. If the employees see loopholes in the system or in the process that creates an opportunity to commit fraud. This can also be the lack of supervision. Unsupervised employees have a lot of opportunities to commit fraud. This opportunity will meet an existing need.

Then there must be a motive or pressure as the second condition. This motive might be necessitated or created by employee specific conditions. The AGSA key interview participant said that these conditions normally relate to the over indebtedness of the concerned employee. It can also arise from family circumstances where the employee is overburdened by family responsibilities. Another critical point that she raised was the short, fixed-term contracts of senior and executive managers. She says this pressure of short contracts and term of office for politicians has the same impact on politicians as

well as officials. Although the employees might be on fixed term contracts, they know that they will still have 20-year bonds to service after the contract has ended. So that serves as a motive or pressure to commit fraud.

The last condition of the triangle that was raised by the AGSA key interview participant is rationalisation. This rationalisation could take many forms. It could be that everyone is doing it anyway why should I not do it? It can also be that it stems from the nature of their contracts. An employee or politician could rationalise that the system is forcing them to secure their future by the short term of the contract. So, they could rationalise that they do not have a choice in the matter.

4.3. Conclusion

The interviews with all the key interview participants were quite instructive and informative. The data derived from the thematic analysis is depressing. It reveals several issues that need serious introspection to look at the soul and conscience of the nation. The unmitigated looting of state resources puts into question not only the integrity of the looters but also those who do nothing about it. This silence condemns everyone for being complicit in the corruption that is engulfing the whole nation. After engaging with the interview data, the questions that beg for answers arise. Who are we? What has become of us as a nation? What happened to ubuntu?

The Buffalo City Metropolitan Municipality is well positioned to change the lives of so many people. It is the only Metro that covers the former two homelands of Ciskei and Transkei. It has two areas with legacies of underdevelopment. Yet, instead of the councillors competing to make a difference in the lives of the poor, they guard against their ambitious selfish interest. Hence, the ANC has become a vehicle for self-aggrandisement and self-enrichment. The interests of the poor play second fiddle to self-interest. The loyalty of the politicians and self-driven interests are put ahead of merit and public course. The analysed data points to a conscious undermining of oversight and governance structures by the unethical leadership to achieve their own goals.

The data from the MPAC Oversight Report of 2019 is a clear indictment of the executive team from the Metro. The report is unequivocal in exposing their attempts to mislead the Metro Council and the AGSA. The assessment of the DA on the parlous state of the Metro Council can only be ignored at the peril of reform. The same empirical data came from the key interview participants who are from outside the Metro. The message is clear, the ship is sinking, and the fish is rotting from the head as the empirical data is pointing at the collapse of leadership, governance, and oversight. These are symptoms of actual malaise, the deficiency in moral rectitude.

The data that was gleaned from Theme 1 gives two major reasons for the collapse of leadership at the Metro. The first is how leaders are chosen. The process of selecting leaders is primarily responsible for the current crop of leaders in the local government. If the selection process is not designed to guarantee quality the nation will be forced to settle for chaff and scum.

The second reason is a direct outcome of the first one. The quality of leadership. The Chief Whips of both the ANC and the DA agree on this point. They are both calling for more qualified councillors. They both recognise that the quality of the council output is directly affected by the quality and calibre of the councillors. South Africa needs to raise the bar on the qualifications to become a councillor and it cannot expect a Grade 11 drop-out for example to meaningfully engage in economic development strategies for a metro. How is he going to interpret the financial statements of a multi-billion entity such as the Buffalo City Metro? The ability to organise a strike or a social uprising cannot and should not be the sole qualification to become a councillor.

If ever there was a time to raise the qualification and set more stringent standards to become a councillor, it is now. Professionalising the work of councillors will force them to subscribe to a code of ethics. That will go a long way in promoting morality, integrity, and service delivery. In the main, the ANC as the leader of government and society must take full responsibility for the relapse of morality and ethics in leadership, governance, and oversight at Buffalo City Metropolitan Municipality. That on its own, will be a positive step in the right direction towards reform and the professionalisation of the

local sphere of government or the entire government structures in all the spheres.
Hence, the conclusions and recommendations are made in the next last chapter.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

From the effort expended, thus far, beginning with the documented history of “rogues and villains” which graced our shores from 1652 to the modern versions of the post-1994 epoch, we can see how corruption has been part of the South African story. In tandem with that side of the story of South African history it has been laid bare how these unscrupulous men disrupted and eviscerated African life through colonization. As it has been outlined by, inter alia, Peires (1979:51-61) in Chapter 2, colonisation was calculated, decisive, swift, and brutal in nature. This study has memorialised how that disruption left an indelible mark on the psyche and persona of the Africans as well as fundamentally changed their way of life. Chapter 1 showed how it then became the responsibility of the democratic government to undo, ameliorate and reverse the legacy of apartheid and colonialism. Sadly, both Chapter 2 and Chapter 4 reveal that the subsequent democratic government has done no better than its predecessors. Politicians and officials in the democratic dispensation turned institutions of the state into dens of corruption. The contextualization of morality in the African worldview through the work of Abrahams (2015) and how morality and ethics are foundational to transformation and sustainability in governance and other components of society through Systems Thinking as demonstrated in the work of Gharajedaghu and Ackoff (1982) and the recent work of Systems Thinkers such as Scholtes (1999) and Tate (2009) ; all of these, tied with the findings of this research, lead this work to arrive at a wide ranging variety of conclusions and recommendations about the problem at hand. The research findings, undeniably suggest that the onset of the democratic dispensation has hardly addressed the roots of the disintegration of black African societal life to restore it to the typical African worldview that now finds support in recent theoretical advances as are seen in Systems Thinking.

Post-colonial [template](#) was not interrupted in any meaningful way by the Bantustans self-rule nor by the democratic dispensation. The change in the lives of the Africans has been, at best, marginal to insignificant; in many respects post-apartheid Black lives, seem not to matter. This research sought to investigate the reasons for the post democratic state of the Buffalo City Metropolitan Municipality. The condition that seems to be the hallmark of the democratic state institutions, shows a collapse of ethics in governance and this is where corruption thrives.

Therefore, the study attempted to answer the research questions about (a) *To what extent BCMM has the ability to deliver on its mandate been impacted on by lapses in morality in governance emanated from leadership and oversight in the last five years (2014-2019) of the 25 years review of local government and (b) what could be done about the institutional dislocation of morality in governance, leadership, and oversight to reclaim ethics and integrity in the Metro as the two primary objectives of the study.* In doing so, the objectives of the study were met, firstly as the study diagnosed the extent of institutional dislocation of morality in governance in the last five years (2014-2019) of the 25 years review of local government (see Chapter 2), secondly as inquired about the corroboration of morality and governance, leadership, and oversight as a basis to reclaim ethics and improve service delivery performance in the Metro (see Chapters 2 and 4) and lastly the study proposed the ways to improve the quality and competence of the leadership at the BCMM through a performance matrix to inform service delivery at the Metro (see recommendations proposed in this Chapter).

This investigation was motivated by the revelation of high incidences of dislocation of morality and governance within the Buffalo City Metropolitan. Furthermore, the AGSA has been releasing reports lamenting the financial and governance failures within the local government across the country. The failures of the Buffalo City of Metro are well documented in Chapters 1 and 4 of this report. During the fieldwork stage, the Chief Whip of the Council tried to deny and evade responsibility for the calamitous situation within the Metro. However, after the tabling of the fourth consecutive disclaimer by the AGSA, it became palpably and demonstrably clear that the council failed to discharge its responsibilities.

All the AGSA reports on the municipalities made a consistent call for municipalities to strengthen leadership, governance, and oversight. These three areas have always been identified as the cause of underperformance and the collapse of morality and governance within the municipalities and the state organs. Sadly, this underperformance and collapse in leadership, governance and oversight led to low service delivery. The poorest of the poor who have been waiting for service delivery continue to wait for the promise of a better life, but this hope is gradually fading away.

Another report that instigated this research project was former President Motlanthe's High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change Report of 2017. This report has a litany of egregious acts of corruption that were levelled against the councillors by the people of the Buffalo City Metro. These were primarily, the lack of service delivery to the citizens and the plunder of resources by the councillors. This report chronicles the impunity with which the councillors are self-serving at the expense of the poor and the vulnerable. The Motlanthe Report revealed that the poorest of the poor are hardest hit by corruption. Sadly, these are the people who need government assistance much more than their more affluent counterparts.

MPAC reports in the Metro's Annual Report were another source of data as demonstrated in the preceding Chapter 4. MAPC made damning findings against the BCMM City Manager and his team. The report made adverse findings against the Metro for concealing information, not signing off financial statements before being included in the Annual Report, not responding to AGSA as well as having repeat findings. The MPAC report bemoans the regression in the AGSA's audit outcomes of the Metro. The first early signs that the metro was heading for a precipice were highlighted by various MPAC reports and were sadly ignored.

These are some of the major MPAC findings as recorded in the Oversight Report 2018?2019.

- i. There were instances where financial information was not consistently reported on.

- ii. It could also not be established whether all the aspects of financial reporting are consistent with the audited Annual Financial Statements for the 2017/2018 financial year, and the fact that the Annual Financial Statements remained unsigned in the Annual Report.
- iii. The Buffalo City Metropolitan Municipality has regressed to a qualified audit outcome for 2017/18 from the unqualified audit outcome for the 2016-17 financial year.
- iv. The leadership has not ensured that there is credibility in year reporting on the financial and performance management.
- v. The leadership demonstrated a slow response to the AGSA messages and failed to implement the audit intervention plan to address the root causes of the prior year's audit findings. As a result, there were several repeat findings; (MPAC,2019:10-11)

The fears that were expressed by the DA Chief Whip during the interviews, that the state of finances in the metro would lead to bankruptcy, were confirmed by the AGSA in the 2021/2022 MFMA Report. The Daily Dispatch reported on 22 September 2022 that the Metro had put on hold all its projects because it is broken. (Velaphi, 2022:1) This situation was not sudden, but it was gradual. It is a result of misrepresentation of financial records, ignoring the AGSA directives, collapse of governance, morality, and leadership at the Metro.

A third report that was referenced in this research is the Moerane Commission of Enquiry into the underlying causes of the murder of politicians in KwaZulu-Natal. It was followed up by the report of the Human Sciences Research Council on the same issue. The Commission Report was set up to investigate the reasons why the ANC in KwaZulu-Natal had to turn against its own members and kill each other in what has been labelled as intra political fighting that resembled a criminal cartel. The Report revealed the nexus between politics, ambition, greed, and crime. Many of these assassinations in KZN happened around the local government elections period. This strengthened the notion that these assassinations were being fuelled by selfish ambition and the jostling for political office.

Willis Mchunu's testimony at the commission laid bare the inhumanity and raw savagery to which "comrades" were prepared to sink to, just to ensure that they will ascend to political office. The Moerane Report detailed instances and evidence of complicity and or condonement of these crimes by the regional, provincial and national leadership of the ANC. All the complaints of political wrongdoing and criminality were lost in a web of criminal complicity and cover-up involving political leadership, law enforcement agencies and the courts. The complaints of wrongdoing were determined along factional lines within the ANC.

All these reports expose how the ascent to political office is seen as a means for self-enrichment rather than an opportunity to serve the interest of the public. Even more depressing is the depths to which ANC members are prepared to go to achieve their political ambitions. Being a politician has become a symbol of crass materialism that is fuelled by greed and corruption. This attitude is sadly becoming entrenched as the dominant culture within the ANC. Political power has become a key to accessing state resources and a means of dispensing patronage. The display of opulence that characterises the ANC campaigns and conferences entrenches these attitudes even to their rank and file. Thus, ordinary members who see this open display of ill-gotten wealth and money, are conditioned to use the same means to enrich themselves. The politics of patronage have embedded themselves in the body politics of South Africa such that it has now become an intractable feature of the political landscape. The longer it takes for the ANC and its government to dislodge this culture, the more difficult it will be to cleanse itself of it.

The violence with which political contestations take place within the ANC must be seen within this backdrop. As the former Premier of Kwa Zulu Natal testified at the Moerane Commission, the lives of ordinary politicians changed instantaneously after being elected to positions of leadership. For that reason, the political contestations become so brutal and violent to the point that the competing factions' resort to the use of hitmen to eliminate their opponents. All this bloodletting happens to ensure unfettered access to tenders and state resources. The open brandishing of firearms by the bodyguards is also intended to send a message to the competition that they must have a stronger army with bigger guns if they seek to dislodge the incumbent from their positions.

This creates a culture that is contrary to the democratic ethos of the pre-eminence of the ballot over the bullet.

This research report exposes the extent to which the prevailing ANC culture has perverted the democratic nature of the state from being a democratic state into becoming a militia and mafia style state. This use of force and power is embedded in the way the nomination process is conducted at ANC branches as well as at the regional and provincial conferences. It has become common place to collapse meetings and conferences when one faction perceives that it does not have enough votes on the floor. This is a negation of the very ethos and principles of a democratic process of contestation.

The Zondo Commission of Enquiry into the allegations of state capture has shocked the nation. It has laid bare, the depth of corruption and malfeasance that is taking place in the corridors of power. The Zondo Commission has revealed the extent of meddling and abuse of power at most public institutions including public entities. This abuse of state power has been reported at the Commission to have affected all the levels of government. Private individuals such as the Guptas were actively involved in keeping the politicians under check to exchange favours. Many competent officials were driven out of the system because they were not pliable to corruption practices. These revelations in the Zondo Commission mirror the testimony that was given by the witnesses at the Moerane Commission. Premier Willies Mchunu attributed the killings to the quest for political power and patronage.

The country will be going through another round of local government elections in October 2021. The process of contestation is again expected to be violent and disruptive. The hallmark of a democratic contestation for power presupposes a “free and fair” elections process. Any form of violence distracts from the fairness of elections. This fairness does not just start on election day, but it includes the processes leading up to the elections. (Yende, 2021:1; Mbuli, 2021:1; Bonani, 2021:1). Indeed, most of the intraparty violence has been seen in the process leading up to the elections. This is one of the areas where the ruling party needs to reform its internal processes.

5.2 Research Conclusion

This research project has tried to trace the problem of corruption and malfeasance to the earliest recorded history in South Africa. The record has shown that corruption is a human problem. It is both moral and spiritual. The evidence that has been discussed shows that the true source of corruption and immorality transcends racial or religious boundaries. The conclusion then should be a search for solutions to address this multifaceted problem that seems ready to drive the whole country off a precipice. The next chapter will explore possible solutions and recommendations that will reduce the incentive and raise the price of corruption.

Furthermore, Chapter 1 sketched the advent of the democratic dispensation as the glimmer of hope that signalled a change of fortunes for the oppressed. This study contributed to chronicling the origins and the events that have led to the current disintegration and how the hopes and aspirations of the oppressed have turned into a nightmare. The following abstract from the proposal of the study captured this in essence:

The last 25 years chronicle attempts that have been made by the African National Congress (ANC) government and the people of South Africa to reconstruct lives that have been destroyed for over 300 years by the advent of the settlers on our shores. Life under colonial rule has been characterised by slavery, hardship, poverty, landlessness, and loss of humanity and dignity. There has been a systematic dehumanization of African people through social engineering. The inter-racial conflict and tribal strife in recent history have led to even more social polarization. The gap between the rich and poor has not assisted in creating a coherent society with a common vision and identity. Instead, we have seen that this gap has been increasing at an alarming rate that outpaced all attempts at poverty alleviation. South Africa under apartheid became the proverbial tale of the two cities. With one section of the population

living in opulence and affluence while the other lives in abject poverty and lack of freedom and basic services (Research Proposal, 2019:4).

The Auditor General of South Africa has been conducting performance audits of all the state organs including the municipalities. The reason for these audits has been to determine to what extent the local government, as the interface of service delivery at the local level, has been able to fulfil its mandate. The promise of a better life can best be brought about through an effective local government. The examination of effective service delivery is therefore incomplete if it does not include the developmental role of the local government. The local government is, therefore, central in-service delivery to the communities at the local level.

According to Ndletyana (2015:96-97), the ANC has, since the 2000 National General Councils (NGC) lamented the creeping trend of careerism, corruption, and opportunism in the organisation. Over and above this, the ANC has had to deal with the sins of incumbency which manifest themselves in different forms. These range from factional fights to siphoning state resources and patronage politics. Patronage became the tool: firstly, to build a party machinery that can mount an effective election campaign; and, secondly, to canvass and turn-out voters on election-day to cast their votes in favour of the party. Ndletyana (2015) elucidates this point by citing Sorauf (1960:28) who defines patronage as an incentive system, a political currency with which to purchase political activity and political responses”.

Chapter 1 was an attempt to set out the scene of the study being undertaken. Furthermore, Chapter 1 set out the historical overview of the socio-political conditions that have led to the majority in this country finding themselves as being the most disadvantaged class in South Africa. The majority have continued to face the triple challenges of poverty, unemployment, and inequality. It also contextualised the reason why there have been such high expectations on the African National Congress to address these challenges. The inability of the ANC to decisively address and bring about effective change has led to the formation of more radical formations within and outside of the ANC. Chapter 1 outlined the problem statement, the research questions as well

as the study's aims and objectives. The problem statement is worth repeating as it captures the essence of the study.

The following statement, from Chapter 1, further explicates the problem statement. "The biggest test for the effectiveness of the African National Congress government has always been its ability to bring solutions to address the triple challenges facing the ordinary South Africans". Chapters 2 and 3 shed more light on the verdict as captured by the problem statement.

The research question asked in Chapter 1 went to the core of this study by asking, "To what extent BCMM has ability to deliver on its mandate been impacted on by lapses in morality in governance emanated from leadership and oversight in the last five years (2014-2019) of the 25 years review of local government?" This Chapter attempted to respond to this question by using the empirical data that has been collected through this study.

Chapter 2 looked at the theoretical framework of morality, ethics, and governance. This Chapter brought the fundamental importance of morality and ethics, in governance, the critical nature of morality in the promotion of harmony and the reduction of conflict in society as a social system, to the fore as well as their relevance and role in guiding the behaviour justification and authority of the state over its subjects. Furthermore, it brought guidance, context, precision, and relevance to current debates on political renewal in South Africa. The current debate on corruption, one of the symptoms or manifestations of the lapse of morality in governance is timely. This is all part of the attempt to assist the efforts to reshape the state, as a part of society through the foundational exercise of restoring morality and ethics in governance.

The discussion in Chapter 2 came with several noteworthy warnings. Firstly, Socrates says, the discussion of morality within the state warrants serious attention. Socrates posits, "we are discussing no small matter, but how we ought to live" (Zanetti, 2004:134). Secondly, the research also states in the same chapter that the failure to heed the foregoing advice might have catastrophic consequences for the country.

Kanyane (2014:3-8) is more direct in raising the same warning by positing that the failure to address what he calls the cancer of corruption creates a life of its own. According to Kanyane (2014), the failure to deal with it reinforces its beneficiaries, becomes a way of life, and this will ultimately lead to the defeat of justice within the state. In other words, the failure to deal decisively with the lack of morality and the collapse of ethics will eventually lead to a failed state.

Thirdly, Chapter 2 introduces the issue of moral rectitude as espoused by Rousseau (1973:17-18) describing it as it relates to one's predisposition of character to think and act morally. "Can it be denied that rectitude of morals is essential to the duration of empires?" (Johnson,1964:11). Lastly, Chapter 2 also introduced the concept of stewardship and moral excellence, not as an act but a habit. The first concept of stewardship is a reminder to the present generation that what they have has been bequeathed to them by past generations. It is also a reminder that what they have will be inherited by future generations. Stewardship calls for the sobriety of habits and behaviour, moral rectitude, as well as ethical responsibility on the part of the current political leadership. The chapter expanded on the concept of stewardship as holding something valuable on behalf of the other. Stewardship was linked to productivity and governance to ensure sustainability. As opposed to what seems to be a prevalent culture in the continent of Africa, it was noted that what is currently happening in Africa is reminiscent of what happens when those who run the state do not see themselves as custodians on behalf of future generations. Corruption if not curbed will replace any considerations of others including future generations.

Another critical point that arose out of literature review, under Section 2.5, was the centrality of colonization in today's South African socio-political and economic landscape. Various writers agree that you any search for solutions that exclude colonization, and the land will prove to be an exercise in futility. The following extract has been lifted from Section 2.5 of this report, and it reads as follows:

Poverty, hunger, food insecurity, inequality, homelessness, the lack of basic services and crime are markers of African life because of the apartheid past. These are historical

legacies that are brought upon the Africans, through colonial conquest, apartheid, and a combination of contiguous pieces of legislation that eviscerated the Africans. Landlessness equates to poverty and powerlessness

According to Terreblanche (2002:46) none of these socio-economic problems is incidental or temporary in nature. All of them are closely interlinked, and deeply rooted in South Africa's extended colonial history.

This view was further propounded by Kanyane (2022:349) where he proffered that the aim of colonialism was to cause the African to reject the African template and, in its place, adopt eurocentrism which produces black Europeans colloquially known as coconuts.

The former ANC Chief Whip in parliament Dr Mathole Motsega, citing Sol Plaatjie, called land dispossession the “original sin” of the British and Dutch colonialists (Moran,2021: ix). This was on the vote on the EFF sponsored bill for expropriation without compensation. He went on to say that “without land our challenges of unemployment and inequality will continue” (Masungwini, 2022:1)

“There is no colonization of the land without the colonisation of the minds of the people. A very important requirement for decoloniality is about reviving African humanism, which in this case is ubuntu.” If this is accompanied by the intensification of reversing the “original sin” of land dispossession, then all would have reason for optimism in the future of South Africa (Gibson, 2011 in Kanyane,2022:357-358).

A very important requirement for decoloniality is reviving African humanism of ubuntu. If this is accompanied by the intensification of efforts to reverse the “original sin” of land dispossession, then South Africans would have reason for optimism in the future of the country.

Chapter 3 outlined how the study was conducted by using a qualitative research design to inform the findings of the study in Chapter 4 within the ethical protocols outlined in

the Da Vinci guidelines. This was so to ensure that the Da Vinci guidelines for ethical research are complied with and to ensure that the rights and privacy of the key interview participants are safeguarded and protected.

In Chapter 4, the findings of the study formed the basis of this study. These results show that in South Africa in general and especially at the local government level, the levels of competence are incredibly low. It revealed the low qualification levels of the councillors. Both the Minister of Public Service and Administration (PSA) and the Chief Executive Officer (CEO) of the South African Local Government Association (SALGA) continue to decry inadequate qualifications and competence in the local sphere of government. One wonders what role South Africans attach to the work and role of the local government. SALGA revealed that 30% of the councillors did not complete with 69% having a matric qualification or less. A total of 35% of the senior government officials were not qualified for the jobs that they are doing (Ndenze, 2021:1).

The local government is supposed to be the vehicle for nation building, social cohesion, and moral restoration. Instead of being all that, it has become a theatre of iniquitous living, the display of men's darkest instincts and behaviour. The fierce and brutal competition for political office has led to factionalism within the ANC. This preoccupation with power has relegated community interests to the backburner. The access to state resources and self-enrichment occasioned by the crass display of ill-gotten wealth has become the goal of the councillors. It is no longer about the needs of the community in advancing the radical economic transformation.

This diversion of the goals of local government is what the study confirmed that there is a collapse of ethics and morality within the local government, especially in the Buffalo City Metro. This is what has led to the regression of the communities of the previously disadvantaged. This explains why poverty has continued to increase amongst the poor in the Eastern Cape and other parts of South Africa. Therefore, the triple challenges of inequality, unemployment and poverty have been rising undeterred over the last 25 years in South Africa. The councillors have lost their moral compass. Self-enrichment and personal aggrandizements have become the order of the day and they have replaced community service. The people are no longer the objects of service delivery.

The dysfunctional moral compass must be urgently recalibrated before South Africa is plunged into a failed state.

5.3 Research Recommendations

Towards proffering practical answers to the second research question, this study puts forward its recommendations in three segments, (a) Leadership, (b) governance and (c) oversight. These recommendations are driven by the Da Vinci TIPS™ Management Framework and informed by the logic of Systems Thinking across all these parts of systems, their subsystems and other systems in their environment.

5.3.1 Leadership

Leadership, according to the Systems Thinker and organizational management teacher, Scholtes (1997: 372) is the “presence and spirit” of the one who leads “and the relationship created with those who are led; ... a network of relationships ...” among many other things in this art. This stance about leadership finds support across the discipline as evidenced by the quotation already cited above from William Tate (2009: 4): “The discipline of Systems Thinking is based on the belief that parts of a system (especially including leadership) can be best understood in the context of relationships with other parts of the system and other systems rather than in isolation”.

The spiritual nature of leadership is evinced by the presence of a clear purpose in the mind of the one that practises it; it is maintaining a system that ensures that the entire organization, as a social system itself, is kept knowledgeable on the latest information and technological skills available for the sustainability of the organization in its environment.

Work is improved by engaging with people, listening and interacting with them whether as individual workers, or with the communities that surround the organization. Leadership is ensuring that these relationships are kept alive, continuously. In a local municipality setting, this point makes the participation of those who are led in the

process of making the decisions (about policies; laws and by-laws; strategies and plans for growth and development) that affect their lives, a moral imperative by listening, showing appreciation for, and respecting their voices. Leadership therefore is making space for relationships and interactions between the system one functions in and the other systems in the same environment, to thrive.

According to the TIPS™ Model of Management this calls for a much closer Management of People (MOP) at the BCMM. The spirit of “ubuntu” must be engendered in all managers. They must be encouraged to take a keen interest in the lives of their employees. One senior interview participant, the COO mentioned that the municipality is staffed by employees from diverse backgrounds. He made an example of the township of Iziphunzana. He referenced this to demonstrate that the values that are held by the employees might lead them to behave in ways that are not compatible with the organisational standards of behaviour.

Culture alignment is one of the programs that must be adopted by Metro to ensure that its employees get periodic orientation. The content of this culture alignment training must include:

- i. People skills training for managers and supervisors
- ii. Targeted sensitivity training for all staff to raise awareness of self and the other
- iii. Code of conduct for the municipality (for employees and politicians)
- iv. Anti-corruption awareness training (for employees and politicians)
- v. Ethics awareness training (for employees and politicians)
- vi. Governance and oversight training (for employees and politicians)
- vii. Understanding service delivery legislation
- viii. Performance management at local government

Furthermore, it is recommended that each municipality keep a register of all its employees and politicians that have been found guilty of corrupt activities. This will serve as a deterrent to many who would contemplate being engaged in corrupt activities. Municipalities should be compelled to publish these names quarterly as well as include them in their annual reports. Furthermore, these individuals should as part of municipal policy forfeit any incentive payments that are due to them.

These interventions should be entrenched within the entire system rather than being isolated intervention that depends on being implemented by an individual manager or functionary. That will be achieved if council policy is accordingly amended to include this intervention. In that way this intervention becomes a way of improving the current municipal ecosystem. To give this intervention legal force it requires the Local Government: Municipal Systems Act 32 of 2000 will need to be amended to require the council to make the policy amendment.

From the above it can be logically concluded that no single person could facilitate all the above requirements of leadership. Therefore, leadership must be a system of knowledge-driven relations and interactions put in place in organization, much more than a reliance on the heroics of individual managers or actors. Even in the absence of the “hero”, the system must continue working.

The evidence collected from Chapter 4 makes leadership the one attribute which determines the rise and fall of organisations. Even the Auditor General was cited in Chapter 4 as bemoaning the lack of true and knowledgeable leadership in the civil service. He lamented the dearth of “safe and clean hands that can be relied upon to look after the public’s finances in local government” (AGSA, 2020:10). The SALGA CEO has also decried the lack of competent leadership at the local government level with almost 30% of councillors who did not complete school and approximately 69% of the councillors with either matric or less (Ndenze, 2021:1). This picture led to the researcher concluding that the South Africans need to take the work of a councillor seriously. South Africans have a joint responsibility to ensure that the country’s moral compass is reset. It is the responsibility of every citizen to ensure that the country is back on track. When that happens, they will no longer allow unqualified candidates to ascend to such critical positions of leadership. To use the words of Kanyane *et al.*, (2020:3), if this situation is left unattended, it poses an existential “threat to democracy”.

The above Systems Thinking based notion of leadership lead the researcher to a two-fold recommendation to address the lack of leadership in local government. Firstly, if the political system in South Africa determines that the entity that wins elections, like the African National Congress has, over structures of societal government, that entity

needs to stop 'fishing for talent in a pond when it has a sea of talent' available to it outside the party. Just to illustrate this point: the ANC's latest membership figures stand at 1,4 million yet more than 10 million South Africans voted for it (Haffajee, 2020:1; Elections, 2019:1). The leadership culture and system must be adopted as articulated above so that the necessary talent of any voter that subscribes to the moral principles of the governing entity need to be considered to address the leadership talent deficit in key state organs and entities.

Secondly, and more empirically, the researcher recommends the development of a training curriculum in leadership, both as a system and process to be experienced at home by parents, children and their relatives in their interactions and relationship with other homes in their community. Such a curriculum must also be introduced in the form of civic studies at the secondary school level from Grade 8 or be re-written into a revised Life Orientation that is currently offered at South African schools, as a compulsory subject like languages. Provision should also be made to provide adults who have already left schooling, access to leadership systems training. Such a curriculum will include an introduction to the role of the local government and its relationship with other parts of society in society. All this training will be underpinned by the Pan African philosophy of ubuntu. This will ensure that all the new crop of civil servants is mentally liberated and operate on a new dynamic of ubuntu. This will instil pride and empathy in the decolonised mentality of the new civil servants and politicians. The learners may thus be introduced to the local government at an early age. Furthermore, this subject will continue as an introduction to public administration at NQF Level 5 or first-year studies at the university with the inclusion of ethics and accountability as compulsory modules. Municipal Recruitment and Selection Policy must be amended to reflect the following recommended entry requirements.

- i. An NQF Level 6 or a Diploma must be made to be the minimum entry requirement for being a councillor or a Proportional Representative (PR) at the local government level.
- ii. To qualify to be a member of the mayoral committee or a Section 80 and Section 79 the committees must have a minimum requirement of a degree.

- iii. To be a mayor or a council speaker, the minimum requirement should be a postgraduate degree. Furthermore, professionalising the work of a councillor will add more dignity and enforce the adherence to ethical standards that will be set by the profession.

The foregoing recommendations become clearer if it is seen against the type of leadership that is envisaged by the constitution. Chapter 7 of the Constitution of South Africa empowers local government to “address past injustices as well as to meet future needs” of their citizens. (1996:74-81). The current crop of leadership is failing dismally to meet current needs of the citizens. What hope is there for the current crop of leadership in local government to be able to even comprehend what the “future needs” of the citizens might be?

That is why the bar must be raised much higher for anyone to be a councillor in any municipality. The country needs to take drastic and decisive actions to ensure that the quality of leadership at local government is raised to the requisite levels. It is the researcher’s firm view that this recommendation will go a long way in doing that. Leaders should know when to go. They should not cling to power at all costs. Maturity is an important aspect of leadership. Internal wrangles at the Metro can only serve as a distraction to the business at hand – service delivery and improving the quality of life of the citizens. Reported incidents of power struggle at the top echelons at the BCMM will not be in the interest of its citizens. current tensions and squabbles between the Mayor Cllr. Xola Pakati and his Deputy Cllr. Princess Faku can only “cripple the BCM” especially given the current state of bankruptcy that is faced by the Metro. (Sangotsha,2022:4)

5.3.2 Governance

When this theme was addressed in Chapter 4, many other related topics came up for discussion. These included related topics such as accountability, transparency, effectiveness, efficiency, responsiveness, community engagement, competence, capacity, and ethical conduct. From just this list of topics, it is clear to see that task of

governance, just like leadership, is fundamentally relational in nature. Governance in the local government setting has to do with the existence and maintenance of a governance framework within the local government. It is this framework that ensures the existence of policies such as SCM policies, revenue collection, billing, budgeting cycles, maintaining assets registers, and performance management. All these processes, policies and structures were put in place to ensure law and order within the municipalities. One key finding that was made in Chapter 4 was that when governance is undertaken to advance self-interest and personal gain by both the officials and the councillors rot becomes embedded therein. When this happens, no harmonious, collaborative existence with the citizens, the governed is possible; hopelessness sets in as they hardly have any avenue of appeal; a situation that invites the now common service delivery protests, then sets in.

The recommendation here is that a governance system, informed by the practice of the leadership features already articulated must be researched and taught to those who enter any of the four levels of institutionalized governance in the country: traditional authorities; local and district municipalities; provincial and national. The government system must be supported by the creation of a local government ombudsman. This office will address the issues of governance lapses by the local government. Furthermore, this office will assist the members of the public in getting prosecutions for violations of the amended Systems Act and the Structures Act by the officials and the councillors.

Currently, the members of the public can only report councillors to their political principals. This recommendation will ensure that the members of the public can, through the Office of the Ombudsman, take legal action against the councillors and the officials. In 2020, the AGSA reported that irregular expenditure amounted to R32 billion. These should be some potential savings and investments to the fiscus to be realised by strengthening governance at the local government against this irregular expenditure. The irregular expenditure must be criminalised to strengthen the creation of the local government ombudsman. Along with the criminalisation of irregular expenditure to minimise supply chain corruption, it is recommended that a price threshold must be developed to avoid the abuse of the three-quote system. This price threshold must

indicate the maximum prices that can be charged by the government via the three-quota system.

5.3.3 Oversight

The oversight function responsibility defines a relationship between those who legislate by adopting policies, laws, by-laws, rules, and regulations and those who executed such decisions. This function as it is led by the lawmakers, is essentially moral in nature according to Griffin (2010:345). Through the oversight function legislators position themselves as guardians of morality “who must be prepared to take a stand”, to ensure that the “correlative obligations” are being carried out by those who must implement the laws rules and obligations, he posits. (Ibid).

At the level of service delivery, the notion of oversight has to do with managers performing the essential function of monitoring the execution of policies adopted by the legislators.

The lack of oversight at the Buffalo City Metro is nothing less than a clear symptom of the failure to appreciate and uphold ethical conduct in the municipality. This failure was succinctly captured in Chapter 4 by the following statement from the DA Chief Whip; “Oversight role of Council is compromised by tabling reports for consideration without due notice being given to councillors. The AGSA raises these matters, but nothing gets done about it at the Council level. The Municipal Accounts Committee makes findings against employees. Council endorses these into resolutions, yet nothing ever happens to the employees”. In the same chapter, this was captured as a lack of consequence management. The Head of Audit and Governance put it this way, “Both officials and politicians know what the law says. They all know what is right and what is wrong. They know the Systems Act and the MFMA”.

First, all municipalities must ensure that municipalities must take steps to ensure that the legislative function and the executive functions in the municipality are clearly separated and that councillors, members of provincial legislatures and members of

parliament, ministers and the administrators of service delivery across all the levels of government are appropriately schooled in these separated function as part of their orientation when entering the government space. Secondly, it is recommended that the failure to exercise oversight must be criminalised by having a minimum sentence for the officials and a higher minimum sentence for the councillors. This will serve, both as a deterrent from allowing politics to interfere in their specific oversight roles and as enforcers of accountability in service delivery. Secondly, the councillors and the officials who have been found guilty by a tribunal will not be legible for becoming councillors again for a set period of 10 years. This period will allow for rehabilitation, cooling off and re-education. The same will apply to the officials who fail to exercise their oversight responsibilities.

Table 5.1 is a schematic representation of the three statements. The first is the consistent lamentation by the AGSA for the lack of service delivery performance in the local sphere of government based on the three imperatives or comparators: leadership, governance, and oversight marked out as “Performance Drivers”. They can be cross analysed. It is recommended that the matrix should serve as a dashboard through which municipalities measure themselves and apply necessary precautions and interventions as an early warning system.

Table 5.1: Local Government Service Delivery Matrix

LOCAL GOVERNMENT GOALS	PERFORMANCE DRIVERS		
	LEADERSHIP	OVERSIGHT	GOVERNANCE
DEMOCRACY	Moral and ethical leadership will promote democracy by safeguarding democratic practices and institutions.	Effective oversight will address any deviations from any performance standards and thus secure and protect democracy.	Good governance and transparency will promote the effectiveness and performance of democratic institutions.

GROWTH	Competent and qualified leadership at the local government level will drive growth at local government level.	An effective oversight role ensures that there is no departure from the growth goals and objectives.	Governance at the local level ensures high levels of service delivery and performance which in turn promotes economic growth.
DEVELOPMENT	Competent and qualified leaders will drive socio-economic development in local government	Effective oversight structures and functions will ensure that developmental goals and objectives are achieved. Any deviation will be identified and addressed timeously.	Good governance practices and protocols at local government will facilitate development at the local government level.
COOPERATIVE GOVERNANCE	Strategic leaders will value, support, and promote cooperative governance.	Effective oversight will ensure that cooperative governance is maintained.	Cooperative governance is outlined in legislation. Embracing cooperative governance is part of governance at local level.

Source: Matrix (self-authored supported by the AGSA Audit Reports).

5.4. Local Government Service Delivery Matrix

This diagram is an attempt to reduce what the AGSA has been saying to the local government for decades. The AGSA has been consistent in saying there will be a visible improvement in the way that municipalities go about their mandate if they were to focus on the three imperatives. These are identified here as performance drivers for service delivery. These are:

- i. Leadership
- ii. Oversight and
- iii. Governance

The first comparator that has been identified in the matrix is leadership. Without competent and meritorious leadership no organisation can be able to attain its goals and objectives. Leaders are often equated to heads. A headless body is doomed for failure. That truism holds for municipalities as well. A lot has been said about leadership in this research. The same will not be repeated here.

The second comparator that is identified in the model is an oversight. Without robust oversight there will be no compliance filters/standards against which to measure the activities and the output of the metro. Oversight ensures accountability. Without accountability any organization becomes a free for all. Oversight ensures compliance. It ensures that all actions meet the legal policy standards of performance that have been set by the municipality. These standards could comply with recruitment activities, revenue collection, procurement of goods and services or keeping of records of the municipality.

The third comparator is Governance. The concept of governance has been thoroughly addressed in Chapter 2. This concept is best understood when it is linked to corporate governance. It implies the existence of a set of policies, rules and guidelines that that pilot or direct the activities of the members of that organisation. This is in the same way that a government will make policies and laws that direct the conduct and business of its citizens. Governance is therefore, understood to be the existence of those laws within a country. In the same way within a municipality there needs must be policies that direct the actions of its employees and functionaries. The existence of such policies is referred to as governance.

All these three comparators impact the achievement of local government goals which are outlined in Chapter 7 of the Constitution. These are the attainment of Democracy, Growth, Development and Co-operative Governance. The achievement of each of these goals will be impacted by the existence of each of these comparators at the local

government level. Take the first comparator by way of example. To have healthy democracy at local government you need dynamic leadership to lead all democratic initiatives. Public participation by the citizens is one of the ways of ensuring a thriving democracy. The Mayor and Speaker of Council need to lead in this regard. They must ensure that the IDP process is followed and that public hearings are held. They need to be visible at Imbizos and other stakeholder engagement forums.

Secondly, oversight of the Mayor will ensure that officials meet their obligations in fulfilling all the promises that have been made during these engagements. That they send out prescribed notices and information that will enable the communities to have meaningful participation in the process. These might, in some instances be to ensure that venues are booked, and that transport and other logistical arrangements have been taken care of. Knowing that without these being in place, the public participation will not be complete.

Lastly, Governance also will ensure that democracy is protected and promoted within the municipality. Governance in this case will relate to statutory timelines that are set for elections. Maintenance of the voters' roll, registration of unregistered voters, sticking to public participation time frames etc.

So, the three comparators can be applied to each of the local government goals, and it will be seen how they support each one of them. The matrix, when introduced to the municipalities it will assist both politicians and officials to appreciate their actions on the attainment of the goals of the municipality. This is a mirror that every government official and politician in the local sphere of government should be gauging themselves against. This matrix should be used as a standard of performance to measure every palm of the government officials and politicians using automated Fourth industrial revolution (4iR) technologies to access it.

5.5 Performance Management for Political Structures and Office Bearers

During the participant interviews there has been a recurrent theme of performance management coming through. Although this was about the employees at the Metro, the importance of performance management can never be over emphasised. The value of performance management in improving service delivery has already been established. What has not been done before is the put all political leaders at the municipal level through the same process. The White Paper on Local Government (1998) was the first to introduce performance management at local government level. Although it lucidly expounds on the importance of this practice in improving service delivery, it only addresses it in relation to officials at the exclusion of political office bearers.

Section 38 of the Municipal Systems Act, Act 32 of (2000) enjoins the Municipality to, inter alia, “promote a culture of performance management among its political structures, political office bearers and councillors and in its administration.”

Furthermore, Section 39 addresses the responsibility to develop the performance management system to the executive mayor or a committee appointed by Council. Furthermore, it assigns the responsibility to manage and develop the performance management system to the municipal manager. That system must then be presented to Council for adoption.

Despite the unambiguity of the Municipal Systems Act in its inclusion of “political structures, political office bearers and councillors” the politicians continue to be excluded from the performance management system of the municipality. This in part explains why councillors at the BCM have not been forthcoming in ensuring that the performance management system is applied across the board including junior officials.

It is recommended that the Municipal Systems Act, Act 32 of 2000 be amended to include a process that must be followed to develop and implement a performance management system for political structures and political office bearers. It is recommended that these political office bearers and political structures be evaluated through multistakeholder committees. The multistakeholder committees will reflect, as far as possible, all the affected formations within Council as well as outside of Council.

PROPOSED PERFORMANCE MANAGEMENT FRAMEWORK FOR POLITICAL OFFICE BEARERS AND POLITICAL STRUCTURES.

POLITICAL OFFICE BEARER/STRUCTURE	PERFORMANCE EVALUATION STRUCTURE/BODY
1. Mayor	Multistakeholder Committee chaired by the head of Audit Committee. At least two Civil Society Organizations and one Business Chamber/Forum to be represented on the committee.
2. Mayoral Committee	Multistakeholder Committee chaired by the Mayor. Proportional representation from all political parties must be provided for.
3. Council Speaker	Multistakeholder Committee with proportional representation from all parties represented in Council. This Committee to be co-chaired by Audit Committee Chairperson and representative of the MEC of COGTA
4. Councillors	Multistakeholder Committee chaired by the Party Chief Whip. Ward Committee representation to be a key component of the Committee.
5. Council Committees	Multistakeholder Committee chaired by Speaker

(Source: self-authored Sections 4, 6, and 8. Section 11(3) of the Municipal Systems Act, 2000)

The culture of performance management, which is so critical in engendering higher levels of performance, will gain more traction if politicians are also subjected to it. Currently no municipality in the country subjects its political office bearers to any performance management regime. At Buffalo City, junior staff are refusing to participate in any form of performance management. All this will come to an end as soon as politicians are subjected to performance management.

5.5.1 Proposed Performance Management Process for Political Office Bearers and Political Structures

As indicated earlier Performance Management (PM) is a critical component of service delivery. Performance levels increase when they are measured continuously. It is 22 years since the promulgation of the Systems Act, 2000 (Act 32 of 2000). Yet in all these years neither the councils of municipalities the Department of Cooperative Governance,

nor SALGA has been calling for the enforcement of the provisions of Sections 4, 6, and 8. Section 11(3) of the Municipal Systems Act, 2000 (Act 32 of 2000). In keeping with the TIPS™ Framework and the systems approach, this PM component of the system must work for the whole system to function.

What follows is a brief discussion of the recommendation.

5.5.1.1 Executive Mayor/Mayor

Currently the Executive Mayor is responsible for the performance evaluation of the City Manager/Municipal Manager. The Mayor is assisted by the members of the Audit Committee to do so. This format can serve as a valuable template for the performance management of the Mayor. The recommendation here is that a multistakeholder committee must be set up for this purpose. This multistakeholder committee will be chaired by the head of the Audit Committee. At least two Civil Society Organizations and one Business Chamber/Forum are to be represented on the committee. The objective of the municipality is to promote Democracy, Economic Growth, Development (Social and economic) as well as to foster Cooperative governance. So, all stakeholders that are affected by the Mayor's score card will have to be represented on the multistakeholder committee.

5.5.1.2 Mayoral Committee

The evaluation of the Mayoral Committee (MAYCO) will be chaired by the Mayor as this is the Mayor's committee. Even here there will be a need to have a multistakeholder committee albeit chaired by the Mayor. Proportional representation from all political parties must be provided so that there is transparency and accountability. The members of MAYCO will be evaluated as individuals not as a group as each member is responsible for a distinct portfolio.

5.5.1.3 Council Speaker

Speaker is the head of the Council and therefore should be able to account for the performance of the Council. A multistakeholder call parties represented in Council should be the one that assesses the performance of the Speaker. This Committee to be co-chaired by the Audit Committee Chairperson and representative of the MEC of COGTA.

5.5.1.4 Councillors

Councillors are from the various parties that are represented in Council. They report to the Chief Whip of the party who is also responsible for disciplinary matters. It makes sense then that the councillors be evaluated by a multistakeholder committee chaired by the Party Chief Whip. Ward Committee representation is a key component of the Committee as the Councillor also chairs the Ward Committee where that is applicable. So, the community which the Councillor represents must be represented on the panel.

5.5.1.5 Council Committees

Council committees are committees that are appointed by Council. It might help that no structure be left out of the process. This will promote accountability at Council. The Speaker as head of the Council might elect to have the members of these committees be evaluated at the Ward level if the Council has the ward committee system or as members of these Council Committees or as members of their party by the party chief whip. This is to avoid having the same councillor subjected to multiple performance evaluations.

5.6. Municipal Sustainability Model

The possibility of South Africa becoming a failed State has been sufficiently canvassed in this research. Evidence has been advanced to show that the corruption of the Colonial State had driven it to the brink of collapse. The *Zuid-Afrikaanse Republiek*, (ZAR) of Paul Kruger also stared bankruptcy in the eye due to State sponsored corruption. The

same was true with the Apartheid government where billions of Rands of taxpayer money was siphoned out of State coffers for the benefit of the elite ruling class. The same cycle is now being repeated by the post-apartheid democratically elected government.

Research evidence has shown how the current government has become, in the words of President Ramaphosa, accused of number one in the State capture court. Buffalo City Metropolitan Municipality continues to be mired in corruption that threatens the very existence of the Metro. Currently all projects at the Metro have been put on hold because the Metro is bankrupt. Now the Metro wants to raise tariffs so that the ratepayers can foot the bill for repairing broken sewage and water pipes. (Loewe, Bonani and Field,2022:1)

The latest AGSA report has this to say about municipalities in the Eastern Cape, “Overall, the audit outcomes in the province regressed over the term of the previous administration. Management did not adequately promote transparency and accountability or safeguard the public purse against all possible abuses. As a result, we notified municipal managers of 27 material irregularities with an estimated financial loss of R254 million to date. Efforts to institutionalise preventative controls have not yielded the desired outcomes.” The report goes on to note that where improvements have been noted over the last two years of the five-year term, these were, regrettably “not sustainable.” (AGSA,2022:65)

This, therefore, raises the question of sustainability in local government and begs an appropriate solution. From an adaptation of the seminal Systems Thinking grounded work by Gharajedaghi and Ackoff (1982) the researcher proposes the adoption and application of the Local Government Sustainability Toolbox.

Chapter 2 deals with the Theoretical framework of morality, ethics and governance. Morality, rectitude, uprightness, and sustainability were linked to stewardship. The topic is addressing the current state of relapse of morality within the BCMM. Therefore, this model will lay out the conditions for attaining both moral rectitude and sustainability at local government. Furthermore, it will propose and advance the necessary conditions

that must exist to achieve the type of local government that is envisaged by the White Paper on Local Government, Chapter Seven of the Constitution and the NDP.

This model proposes six pillars of local government sustainability. These are economic sustainability, environmental sustainability, social sustainability, institutional sustainability, political sustainability and moral sustainability. All of them depend on and are anchored on political sustainability. Political sustainability presupposes political freedom and independence based on democratic principles. Moral rectitude must permeate all these pillars if the true benefits of local government are to seamlessly reach all the beneficiaries.

LOCAL GOVERNMENT SUSTAINABILITY TOOLBOX



(Source: Own adaptation of the Gharajedaghi and Ackoff systems theory.) Figure 4

Earlier the point was made that the restoration work that needs to be undertaken to restore service delivery-oriented work ethic in the consciousness of officials and politicians is a multi-dimensional task. The Local Government Sustainability Model (LGSM) depicts the multi-dimensional nature of a working municipality.

What follows is a brief overview of the pillars of a sustainable municipality based on the proposed model.

5.6.1 INSTITUTIONAL SUSTAINABILITY

This pillar speaks to institutional arrangements within the municipality. Here we will be looking at issues of organisational design and arrangement. The legal framework that undergirds the institution must be viable and unambiguous. Chapter 1 referred to the policy, legislative, legal, and administrative framework to address the apartheid legacy. The various pieces of legislation that define the structures and systems that must be followed in setting up a municipality have been thoroughly addressed in this research. I sought to identify existing gaps in the legislation itself as well as to make recommendations on how to close those gaps in Chapter 6.

Cardillo and Longo, (2:2020) maintain that local government is a territorial public institution since the territory represents one of its constitutive elements and its sphere of implementation of the institutional choices. In South Africa this institution called local government was set out to achieve certain specific objectives as outlined in the Constitution.

One of the key responsibilities of a municipality is to manage competing interests within its stakeholders. That is why the Municipal Systems Act, 2000 (Act 32 of 2000) compels every municipality to compile an Integrated Development Plan (IDP). This plan contains a list of priorities for the municipality. Furthermore, the Act outlines a democratic process of compiling the IDP which must include a public engagement process. Public engagement of various stakeholders is designed to ensure that this process is both transparent and democratic. It is this participatory democracy which enables all stakeholders to inform, negotiate and comment on decisions during the IDP planning process.

The IDP is ideally meant to reflect a convergence of competing for social priorities of the community within a specific municipal territory. In pursuing the interests of the community, the relative actions are based on a convergence between social actors and public administrators to guide the development of a territory.

5.6.2 SOCIAL SUSTAINABILITY

In South Africa social sustainability has a very important angle that is informed by its history of colonization and apartheid. A big part of apartheid was social engineering characterised by segregated special planning. The current suburbs and townships are a product of that segregated special planning. The first step though toward building socially sustainable municipalities is to engender social cohesion. Colonization and apartheid have built walls between the various races in South Africa. True social cohesion goes beyond attending a Springbok rugby match or attending social events as different races.

Local government has a mammoth task of creating new communities that bring all races together. There must be reverse engineering to undo all the damage that was caused by apartheid.

5.6.3 ECONOMIC SUSTAINABILITY

Chapter 1 of the thesis addresses the mandate and purpose of local government. Chapter 7 of the Constitution of the Republic of South Africa (1996:74-81) outlines the municipalities' roles and responsibilities. It is generally accepted that South African municipalities perform below the expected levels. Various Auditor General South Africa (AGSA) reports bear testimony to this underperformance of the municipalities. Subsection 152 is very explicit about the municipalities' economic developmental role. The role is to "promote social and economic development" Subsection 152 goes further by compelling the municipalities to structure and manage their administration, budgeting and planning processes in a way that gives priority to the basic needs of the community. It also promotes the community's social and economic development. The subsection goes further to compel the municipalities to participate in national and provincial development programmes.

Chapter 1 also makes the point that a failed municipality is that which is unable to meet the economic and developmental needs of its citizens. Chapter 7 (1996:74-81) is very

clear in that regard. Local government must, “address past injustices as well as meet the citizens’ future needs.”

The economic sustainability of the municipality must include its financial sustainability. Across the country we have seen municipalities being placed under administration for issues relating to their financial viability. Financial viability needs particular focus because it can impact other pillars of the model. Municipalities that are not financially stable will have reduced capacity to implement their programs or sustain other pillars of the model.

During the interviews that were conducted the DA interview participants expressed reservations about the financial viability of BCMM. These participants raised alarm about the depleted cash reserves of the municipality. They expressed concern that this will impact the ability of the Metro to conduct its business. This highlights the importance of including financial sustainability when considering economic sustainability.

5.6.4 ENVIRONMENTAL SUSTAINABILITY

Environmental sustainability is pivotal in the survival, of not only the citizens of a municipality, but impacts the survival of the human race as a whole. It is for that reason that the UN Conference on Human Settlements (Habitat II) extended its focus, originally on housing only, to sustainable human settlements. (Brugmann, 1996:363).

This action raised the awareness of the centrality of cities in environmental sustainability.

BCMM is located on the wild coast of the Eastern Cape. This makes it one of the major tourist attractions in the area. Added to it being the only Metro on the eastern side of the Eastern Cape, BCMM experiences high levels of migration. People come from all over the province looking for employment and economic opportunities. For these reasons issues of environmental sustainability are bound to take centre stage. Issues of importance will range from housing, waste management, water use, electricity agriculture and industrialization to name a few.

These issues must find expression in the municipal IDP. The municipality must have a plan to outline its plan to ensure that the BCMM remains environmentally sustainable.

5.6.5 MORAL RECTITUDE

Chapter 3 of the thesis addresses the concept of moral rectitude extensively. This concept is also addressed in one of the basic documents that motivated this research, the Motlanthe High Panel Report. The one interview participant that brought out in the open the absence of moral rectitude was Chief Siwani. He managed to capture in one interview the plight of the citizens of BCMM, especially those who live in the villages. Within the sustainability model moral rectitude is depicted as the glue that keeps the metro together. Moral rectitude relates to the predisposition of the person's character. In this sense, morality speaks to morally correct behaviour or thinking. (Rousseau, 1973: 7-18).

This research makes pointed reference to the lapse of moral rectitude within BCMM. This lapse is demonstrated by both officials and councillors. This is the crux of this research and the main subject for investigation. It is the conclusion of this study that its absence has historical roots.

Chapter 3 makes a theoretical analysis of morality ethics and governance. Mbiti, (1989:110) define "Ubuntu" as a communitarian ethic by referring to an African aphorism: 'umuntu ngumuntu ngabantu' (or slight variations thereof), which itself can be translated in various ways, such as "I am, because we are and since we are, therefore I am" West (2012:48). Ubuntu has also been presented as a bulwark against corruption, an antidote for coloniality and a toll to liberate the minds of the colonised.

Corruption is a clear indicator of a state devoid of moral rectitude. Both van Vuuren, (2017:10-34) and Kanyane (2014:55-59) paint a horrid picture of the grand corruption that was happening under the apartheid state. Like van Vuuren (2017;8) Kanyane (2014:59) also traces the current corruption in the democratic government back to the apartheid state. Kanyane (1996:108) points out that, "the reason the homelands still

emit the foul stench of corruption” is colossal because “many of the actors that were corrupt under apartheid rapidly ingratiated themselves into the new order” (van Vuuren, 2017:8). Goodson (2014:13) takes this point even further by positing that the SARB was essentially a criminal organisation.

5.6.6 POLITICAL SUSTAINABILITY

Cloete, (2002:282) defines political sustainability as a “predictable, open, transparent policy making process; and a culture of acceptance of the rule of law.... popular sovereignty, separation of powers, representation, and democracy.” Political sustainability pertains to some inbuilt guarantees within the political universe for continuity. Notions of democratic elections and the guarantees of a franchise come into play. Political sustainability will also speak to issues of policy certainty and stability. All these constitutional guarantees are based on the South African constitutional democracy model.

Within the context of this study, however, political sustainability can be better understood if it is located within the discussion of the legacy of colonialism and apartheid. In chapter 2 the impact of colonisation was fully discussed. Its brutality and impact on the lives of the people who encountered the British colonisers was laid bare. Similarly, the impact of the apartheid regime, which intensified what was started by the Dutch and British colonisers was outlined. The country was racially and tribally balkanized into tribal enclaves with the larger part being reserved for the whites. That nomenclature was neither financially nor politically sustainable. This model proposes the same about the post-apartheid state. A growing number of South Africans are awakening to the true nature of the settlement that ushered in the current dispensation. With each passing day it is becoming clear that South Africans were sold a lie. Everyone can see that power lies in politics and being politically connected. Land is still in the hands of the colonizers. The land theft has been legitimised by the current state. The dice is loaded against the African child. In this unsustainable political environment how can anyone hope for a sustainable government? Which politicians and officials will be committed to a fraud state that was designed to benefit a few at the expense of the

majority? How can people who come from the dusty townships and villages of BCMM have a moral connection with a fraudulent state?

The initiatives that are being initiated at the national level by parties like the EFF and the African Transformation Movement (ATM) must be seen as activities that will complement the recommendations that are set out in this report. While the bulk of this report focuses largely on the implementation of Chapter 7 of the constitution to enable local government to address issues of poverty, unemployment and inequality, these are largely symptoms of a long-standing problem of colonialism.

Like in the rest of Africa, the process decolonisation and the post-apartheid epoch was “not translated into socio-economic equality, and respect for civil and human rights, democratic principles, and other individual freedoms. Instead, the post-colonial bourgeoisie failed to expand a vision of humanity and thus replicated the evils of their racist colonial masters. Eze, (2015) and Fanon (1967) (as cited by Kanyane, 2022:354).

The #FeesMustFall movement was another manifestation that the fruits of the post-apartheid dispensation remain an exclusive monopoly of the few “bourgeoisies”. For the majority “freedom remains incomplete and elusive. The lived reality of racialised poverty and inequality had not necessarily disappeared like the proverbial mist when democracy dawned in South Africa.” (Steyn, 2022:298)

The amendment of Section 25(4)(b) of the constitution will go a long way in reversing the legacy of colonisation and apartheid. By extension the reduction of the triple challenge of poverty, inequality and unemployment. The government has, at the same time produce a White Paper on Decolonisation of all institutions, both public and private. The government will have to lead by example championing the decolonisation project. The decolonisation of the education system will go a long way in decolonising the mind. The inculcation of all citizens with the Pan-African ideology of ubuntu will heal the nation and give birth to a new united nation.

Kanyane (2022:353-354) postulates that “coloniality, outlasts colonialism and perpetuates patterns of power in social, economic, cultural, and educational relations

that were established as a result of colonialism.” He goes on to “define decoloniality as the opposite of coloniality. He sees it as the outcome of a process of unmasking and stripping the African world of all that is colonial; about undoing imperial domination in all its manifestations. One of the critical stances of a decoloniality project is to reverse the many ways in which Western imperial powers have dominated and shaped the colonised world and to reject or resist those forms of domination.”

South Africa needs to eradicate the triple challenges of inequality, poverty and unemployment and to create a truly egalitarian society. The tools that the country has are decoloniality, return of the dispossessed land and creating a common national identity through the Pan-African philosophy of ubuntu. (Kanyane,2022:362). It is the firm belief of the researcher that these recommendations, if adopted by the BCMM and other municipalities, can go a long way in arresting the moral relapse in morality in local government. This will assist, it is hoped, in reconfiguring the moral compass of the officials and politicians. The application of these recommendations will reset the template and restore ubuntu to local government.

5.7. Possible Challenges of Implementation

The recommendation on improving governance is threefold. Firstly, It focuses on the establishment of the Local Government Ombudsman. Currently, there is no provision in any legislation that governs Local Government for an Ombudsman. Therefore, new legislation will have to be promulgated to this end. This office is envisaged to be an independent office in the fashion of the Public Protector. This will instil and restore confidence to disgruntled citizens of not only the BCMM but across the country. This office will address the issues of governance lapses by the local government. It should also recommend amendments to the Systems Act and thirdly the amendment of the Structures Act. The intention is to attach penalties to violations of these Acts. This will give more teeth to these pieces of legislation and serve as a deterrent of corruptors and corrupted. Furthermore, these proposed amendments will enable the Local Government Ombud’s Office to be better able to assist the members of the public in getting

prosecutions for violations of the amended Systems Act and the Structures Act by the officials and the councillors.

It is anticipated that there will be a huge political backlash from current and future councillors as well as the politicians. The main reason for such resistance would be that this would be closing the tap. It is common cause that the public purse is being used to further party-political agendas as well as for self-enrichment. The biggest implication of this recommendation is that they must find new ways to finance their campaigns and for self-enrichment. The recommended “Local Government Sustainability Model” has among its five pillars the pillar of Social Sustainability and the pillar of Moral Rectitude that cuts across all the others.

Under the pillar of Social Sustainability, the building of Social Cohesion may pose a practical stumbling block. There are, however, practical steps that can be taken by municipalities to overcome the challenge. One of them is about municipalities embarking on integrated human settlements, already recognised in national policies, as a long-term solution. The attainment of Moral Sustainability is essentially going to take mindset transformation. Like decoloniality, the restoration of Ubuntu principles and practices is going to pose difficulties in practical implementation as it may be met with resistance. This will amount to undoing generational miseducation that was visited upon the African mind through colonialisation, apartheid as well as post-apartheid epochs. Furthermore, this reconstruction process will meet with intense opposition from entrenched interests and privilege. But this is where the training of children, in these values, while they are young, cannot be ignored. The words of Kohlberg and Hersh (1977:53) ring true that, “education is a moral enterprise.”

5.8 Conclusion

A constant critique of the local government from the current and former AGSA has been and continues to be the failure of leadership, governance, and oversight. Any attempt to improve the local government’s performance should start on these three areas or pillars. The recommendations that have been put forward here might not bring about the desired changes in totality in a short term. However, they will form a solid base for

any future efforts to turn around the local government outcomes through a theory of change. The introduction of civic studies will also assist to catch the youth when they are young and to instil the right values and principles in them at an early age. It is hoped that these measures will herald the social transformation that is sorely needed in government especially in the local sphere of government.

5.9. Areas for Further Research

The deterioration of service delivery levels and general governance at Buffalo City Metropolitan Municipality has been on a steady decline over the period under review. This steady decline has led to the current state of bankruptcy which the Metro is currently facing. The problem of corruption and collapse of ethics is a complex one that is impacted upon by a range of factors. The models and solutions that are being proposed can hardly be presented as the silver bullet for all the problems that confront the Metro. However, if they are tested and applied in a real-life work situation their efficacy can be measured and commented upon.

The researcher would propose further research on the application of the three tools that have been presented in this research viz. Local Government Service Delivery Matrix, the Performance Management Framework for Political Structures and Political Office Bearers and the Local Government Sustainability Toolbox Model. The latter will then measure the extent to which Buffalo City Metro measures up to the model. Furthermore, templates and metrics will have to be developed to measure each component of the sustainability model. That can be done during further research of the model itself. The acceptability and effectiveness of these models will depend on their application and further research at the local government level.

The development of the White Paper on decolonisation will show the government commitment to bring about social healing and social cohesion. This process will right the wrongs of the past and will incorporate reorientation of long held attitudes from both sides of the political and historical divide. This process will also replace the illusive

rainbow nation and birth one united and cohesive South Africa that will rally around a common national agenda of nation building.

Despite the current challenges that face BCMM, and the rest of the municipalities in South Africa, there is still hope. This hope is based on the general goodwill that exists amongst all races in South Africa. All South Africans, regardless of their divided past, are bound by the same future. All will inherit the country that they create today. A precursor to that better future is justice and reconciliation. Peace and cohesion will be a natural outflow of that process.

In that future South Africa where all its citizens are bound together by destiny corruption will be outlawed. No longer will crass materialism coexist with stark poverty. Service delivery will be a norm not an exception. The quality of life will be the one espoused by the NDP and Chapter 7 of the Constitution. Like China and Korea, politicians and officials who are fingered in corruption will hang their heads in shame. Unlike today where politicians mired in corruption still contest elections. With the right leadership, that future is within reach.

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EMPLOYABILITY_SKILLS/links/6368eda154eb5f547cafc15b/THE-NATURE-OF-INTERFACES-BETWEEN-TVET-STAKEHOLDERS-TO-DETERMINE-GRADUATES-REQUIRED-EMPLOYABILITY-SKILLS.pdf#page=1519

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2023

Appendices

Appendix A: Letter of Ethics Approval from Da Vinci

The Da Vinci Institute for Technology Management (Pty) Ltd
PO Box 185, Modderfontein, 1645, South Africa
Tel + 27 11 608 1331 Fax +27 11 608 1332
www.davinci.ac.za



Ethical Declaration

I, the undersigned, hereby declare that the Doctorate Research of the student named below has received ethical clearance from The Da Vinci Institute Ethics Committee. The student and supervisor will be expected to continue to uphold the Da Vinci Institute's Research Ethics Policy as indicated during the application.

Proposed Title: Institutional Dislocation of Morality in Governance: A Diagnostic Study of Buffalo City Metropolitan Municipality (2014-2019)

Student Name: Mthuthuzeli Swartz

Student number: 9989

Supervisor: Prof Modimowabarwa Kanyane

Co-Supervisor: n/a

Period: Ethics approval is granted from 2019/11/26 to 2023/05/08

Chairperson: Ethics Committee

Krishna Govender
Dean: Research

Signature:  _____

Date: 26 November 2019

Directors: EC Kieswetter (President), B Anderson (Vice-President and Chief Executive Officer)
Registration No. 2001/009271/07
Registered with the Department of Higher Education and Training as a private higher education institution under the Higher Education Act, 1997.
Accreditation No. 2004/HE07/003

RESEARCH • DESIGN • EDUCATION

The Da Vinci Institute for Technology Management (Pty) Ltd
PO Box 185, Modderfontein, 1645, South Africa
Tel + 27 11 608 1331 Fax +27 11 608 1380
www.davinci.ac.za



09 October 2019

TO WHOM IT MAY CONCERN

RE: Confirmation of Studies

Student: Mthuthuzeli Swartz

Programme: Doctor of Philosophy in Management of Technology and Innovation

ID number: 6002286105085

Student no: 9989

This is to confirm that the above student is registered for the Doctor of Philosophy qualification with The Da Vinci Institute for Technology Management (Pty) Ltd. The student was registered on 10 May 2017 and has six years in which to complete the qualification.

The Doctorate qualification is offered on NQF Level 10 (SAQA ID number: 59489) and carries 360 credits.

The Da Vinci Institute for Technology Management (Pty) Ltd is registered with the Department of Higher Education and Training as a private higher education institution under the Higher Education Act, 1997, Certificate No. 2004/HE07/003.

Should you have any further queries, please feel free to contact me.

Kind regards,

A handwritten signature in black ink, appearing to be "L Fuller".

Louise Fuller
Registrar

The Da Vinci Institute for Technology Management

Tel: +27 11 579 4422

E-mail: louise@davinci.ac.za

Appendix B: Letter of Permission to Conduct the Study from BCM

1

Buffalo City Metropolitan Municipality

East London | Bisho | King Williams Town
Province of the Eastern Cape
South Africa

Website: www.buffalocity.gov.za



**BUFFALO CITY
METROPOLITAN MUNICIPALITY**

Office of the City Manager
10th Floor Trust Centre
Cnr Oxford and North street
East London
5201

Tel: 043 705 1045
Email: Kholekas@buffalocity.gov.za

Date: 14 OCTOBER 2019

TO WHOM IT MAY CONCERN

**RE: REQUEST FOR PERMISSION TO CONDUCT RESEARCH IN BCMM:
MR. MTHUTHUZELI SWARTZ**

Dear Sir/Madam

It is hereby acknowledged that **Mr. Swartz**, a student at the **Da Vinci Institute** completing **PhD in Management of Technology and Innovation**, has met the prerequisites for conducting data collection at Buffalo City Metropolitan Municipality (BCMM) for partial fulfillment of his degree. He has provided us with all the necessary documentation as per the BCMM Policy on External Students conducting research at the institution.

With reference to the letter to the City Manager dated 10 October 2019, permission was requested to conduct research at BCMM for his Research Report, entitled **"INSTITUTIONAL DISLOCATION OF MORALITY IN GOVERNANCE: A DIAGNOSTIC STUDY OF BUFFALO CITY METROPOLITAN MUNICIPALITY (2014-2019)"** This request was scrutinised by the Information and Knowledge Management, Research and Policy Unit for further assistance, and approved in accordance with national and international research ethical and legal norms, standards and guidelines. **Mr. Swartz** was asked to provide the Unit with the necessary documentation, which he subsequently did.



BUFFALOCITYMETROPOLITANMUNICIPALITY



The relevant Officials to assist in the research were identified and will duly be informed about the research, and the fact that **Mr. Swartz** has met all the prerequisites. Their contact details will also be provided to him and he will be informed to contact them directly for assistance.

We wish **Mr. Swartz** good luck in his studies.

MS. AMANDA QWEDE



.....
ACTING HEAD: IKM, RESEARCH AND POLICY

MR A SIHLAHLA



.....
CITY MANAGER

APPROVED

~~NOT APPROVED~~



BUFFALOCITYMETROPOLITANMUNICIPALITY

A city growing with you!



EAST LONDON
5204

Date: 10 October 2019

THE CITY MANAGER
BUFFALO CITY METROPOLITAN MUNICIPALITY
PO BOX 134
EAST LONDON
5200

Dear Sir,

**RE: REQUEST FOR PERMISSION BY STUDENTS TO CONDUCT RESEARCH
STUDY AT BCMM**

I am a student at the Da Vinci Institute, completing my PhD. I am sure you are aware that any post graduate study involves completion of a Treatise or Dissertation or Thesis. It is for this reason that I request your personal and professional permission to partake in my research in directorates and departments within BCMM.

The title of my research Thesis is INSTITUTIONAL DISLOCATION OF MORALITY IN GOVERNANCE: A DIAGNOSTIC STUDY OF BUFFALO CITY METROPOLITAN MUNICIPALITY (2014-2019) , and is being undertaken under the Supervision of Professor Modimowabarwa Hendrick Kanyane. Kanyane@yahoo.com (012) 3022 809 or cell 082 324 1338

The objectives and aims of this research are:

- a) Diagnose the extent of institutional dislocation of morality in governance in the last five years (2014-2019) of the 25 years review of local government
- b) Inquire about corroboration of morality and governance, leadership and oversight as a basis to reclaim ethics and improve service delivery performance in the Metro

-
- c) Propose ways to improve quality and competence of leadership, governance and oversight at the BCMM through performance matrix to inform service delivery at the Metro.

The research study shall make use of semi-structured interviews with key selected potential participants or respondents, chosen through purposeful and criterion-based sampling. The potential participants or respondents would thus include:

1. Executive Mayor
2. City Manager
3. Opposition Party Chief Whip
4. Chief Whip of the ANC
5. Chairperson of MPAC
6. Audit Committee Chair
7. CFO
8. Internal Auditor
9. COO
10. ED Corporate Services (HR)
11. CEO - Buffalo City Metropolitan Development Agency

The study will be beneficial to BCMM in the following ways:

- ❖ Corruption thrives where leadership, governance and oversight are weak. This research project will add value in empowering the councillors and municipal officials to discharge their duties with a sense of loyalty and integrity. Corruption is what stands between the poorest of the poor and service delivery.
- ❖ The study could be used to enhance anti-corruption measures of the metro against corruption in all its manifestations. Ultimately, when

corruption has been dealt with and governance restored, service delivery to the poor communities will be enhanced.

- ❖ The study will assist the Metro in identifying Service Delivery Capabilities that it can leverage to enhance service delivery.
- ❖ The Metro will benefit from the use of the service delivery performance matrix that the study hopes to develop as a performance measurement tool.

The ethical research principles will be strictly adhered to throughout the research process so as to maintain a high standard of work and a high quality of the research study. The information obtained will be used only for purposes of this study, and will ensure anonymity and confidentiality of potential research participants or respondents. A copy of the full research report, once approved by the University will be handed to BCMM.

I thus request granting of permission to collect the necessary data/information from relevant officials (and Councillors) at BCMM for the purposes of completion of my Thesis

Your kind assistance in granting me permission will be highly appreciated and thank you for taking the time in allowing your staff to be part of this research study as I am sure it will not only be of benefit to me but to them as well.

Yours faithfully,

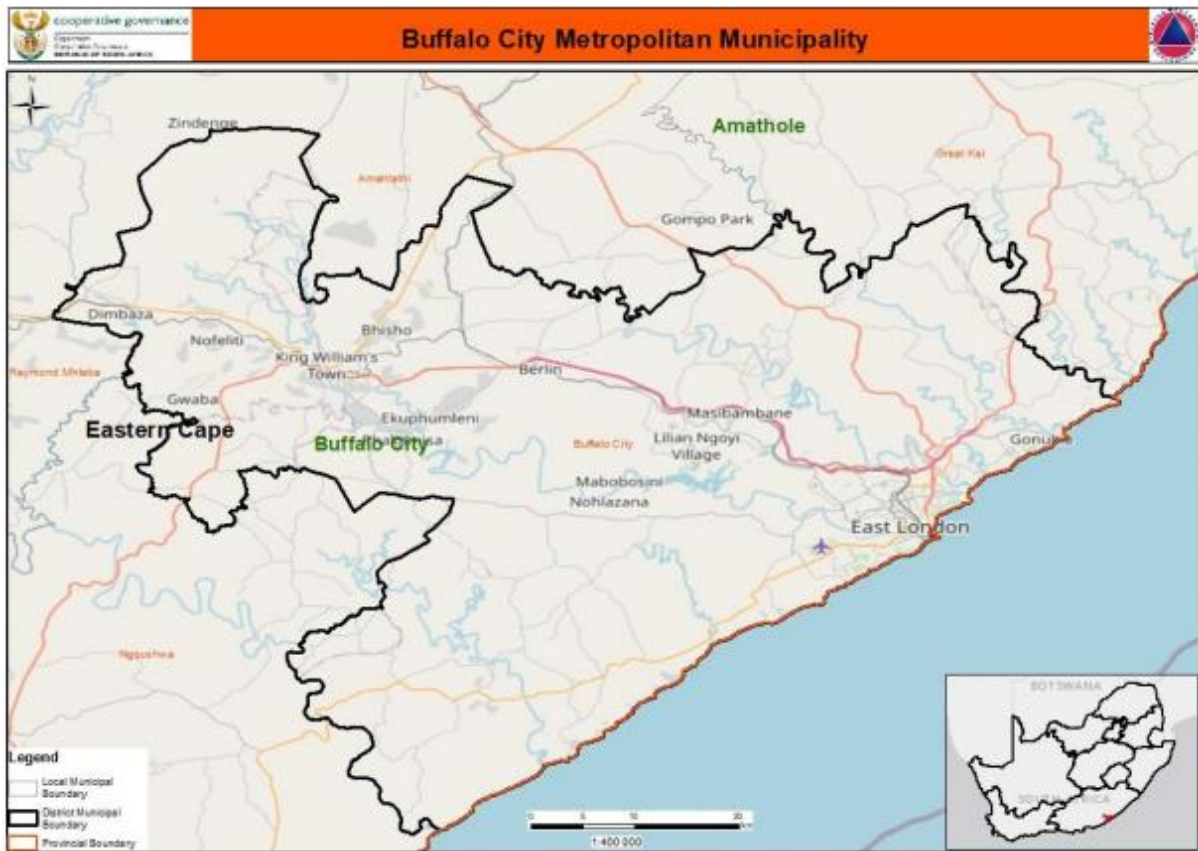


Mthuthuzeli Swartz

E-mail address: Mthuras@hotmail.com, Mthurathesis@gmail.com

Cellphone: 082 457 1573

Appendix C: Maps and Transcriptions



Buffalo City Metro Map courtesy of COGTA https://www.cogta.gov.za/ddm/wp-content/uploads/2020/08/DistrictProfile_BUFFALOCITY07072020-1.pdf (Accessed July 2021)

Appendix D: Data Collection Instruments, supplementary notes, and target group

INSTITUTIONAL DISLOCATION OF MORALITY IN GOVERNANCE: A DIAGNOSTIC STUDY OF BUFFALO CITY METROPOLITAN MUNICIPALITY (2014-2019)

**Mthuthuzeli Swartz
(Student no.: 9989)**

INTERVIEW GUIDE

Overview

The study focuses on the Buffalo City Metropolitan Municipality (BCMM) within the Amatole Region of the Eastern Cape Province. This project is embedded within the theoretical framework leadership, ethics, morality, and accountability. The study is framed within the approved research proposal by the Da Vinci Institute. Both the AGSA and the Motlanthe High Level Panel Public Hearings have released various reports on the BCMM. These reports reveal high levels of corruption, collapse of ethical conduct, and lack of leadership, governance, and oversight within the Metro. You are therefore invited to participate in this research project. The information you give in response to this study will provide the researcher with valuable information and insight to effectively respond to leadership, governance, and ethical challenges in the BCMM.

Respondents

These individual interviews have been prepared for the participation of the selected target group:

- a) Selected Metro Officials
 - I. Executive Mayor
 - II. Deputy Mayor/Chief Whip
 - III. Opposition Chief Whip

- IV. Chair of MPAC
- V. City Manager
- VI. Strategic Manager
- VII. CFO/Internal Auditor
- VIII. COO/ED Corporate Services (HR)
- b) Selected Metro entities
 - I. Buffalo City Development Agency CEO
- c) Organised Business
 - I. Border Kei Chamber of Business
 - II. Eastern Cape African Chamber of Business
 - III. NAFCOOC - EC
- d) COGTA Developmental Funding Institutions
 - I. DDG Local Government
 - II. Eastern Cape Socio Economic Consultative Council (ECSECC)
 - III. Eastern Cape Development Agency
- e) Civil society – Selected Traditional Leaders within the Metro
 - I. Chief of Imidushane – Chief Siwani
 - II. Chief Sandile
 - III. SANCO
- f) Institutions of Higher Learning Institutions in the Metro Community
 - I. Walter Sisulu University
 - II. University of Fort Hare

Guidelines

Please note that the information gathered during this research will be handled in a responsible manner within the confines of research ethics of the Da Vinci Institute. As such, anonymity, confidentiality, and your dignity will be carefully protected.

Process

The researcher will administer the Interview in the manner that is acceptable to the key respondents

Communication

Where possible, the researcher will communicate with the key informants in English or in their language. However, all responses will be captured in English.

Disclaimer

This Interview has been prepared for a research project for the PhD Degree at Da Vinci Institute and cannot be used for other purposes other than the one intended. Your participation will be greatly appreciated.

Important notes to the respondent

- This interview should take you approximately **45 minutes** to complete.
- All responses to this interview will be treated with the strict confidence and anonymity.
- Please complete this interview as honestly and comprehensively as possible.
- There is declaration form at the end of this interview questions to fill in to protect your integrity.
- You are welcome to contact Mthuthuzeli Swartz at mthuras@hotmail.com or 0824571573 or Professor Modimowabarwa Kanyane if you have any questions.

Q#	Questions	Prompts/Follow Ups
1	Why there is revelation of high levels of corruption, collapse of ethical conduct, lack of leadership, governance, and oversight within the Buffalo City Metropolitan Municipality (BCMM)	Probe more about leadership in driving the BCMM as a mega city.
2	During the provision of the rule of law in South Africa, especially Municipal Finance Management Act, Municipal Structures Act and Municipal System Act as well as supply chain policies and institutional oversight structures such as Municipal Council and Municipal Public Accounts Committee among others, why there is a relapse of morality in governance in BCMM?	Probe more about the resource capacity, ethics, and accountability of the BCMM
3	What impact has the leadership, governance and oversight structures made on Metro's service delivery performance during the period 2014 – 2019?	<ul style="list-style-type: none"> • Probe more about governance and oversight structures that exist in the Buffalo City Metropolitan Municipality (BCMM) and how effective are they. • Also probe more about the outcome and consequences of the BCMM especially about service delivery performance
4	To what extent BCMM has ability to deliver on its mandate of service delivery and development while it has been affected by the lapses in morality in governance emanated from leadership and oversight in the last five years	<ul style="list-style-type: none"> • Probe more about how the service delivery ability of BCMM has been affected by the effectiveness or non-effectiveness of these governance and oversight structures

	(2014-2019) of the 25 years review of local government?	<ul style="list-style-type: none"> • Probe more about how the BCMM can meet the standard of the mega city that is responsive
5	What is the cause of the institutional dislocation of morality in governance, leadership, and oversight in the last five years (2014-2019) of the 25 years review of local government?	Probe more about the ethical conduct of the metro officials in discharging their duties.
6	What could be the possible ways and mechanisms to improve the quality and competence of leadership at the BCMM through the ugh performance matrix to inform service delivery at the Metro to the level of the megacity?	<ul style="list-style-type: none"> • Probe more about how the BCMM can become an ideal mega city. • What models can be learned regionally and internationally to improve the situation in the BCMM? • • What measures can be implemented to strengthen governance, leadership, and oversight to reaffirm/reclaim ethics and integrity in the Metro.

THANK YOU FOR YOUR PARTICIPATION IN THIS IMPORTANT STUDY, GOD BLESS!!

SUPPLEMENTARY NOTES TO THE STUDY

1. The Motlanthe High Level Panel Report, 2017

https://www.parliament.gov.za/storage/app/media/Pages/2017/october/High_Level_Panel/HLP_Report/HLP_report.pdf

https://www.parliament.gov.za/storage/app/media/Pages/2017/october/High_Level_Panel/transcripts/Eastern_Cape_High_Level_Panel_Public_Hearings-FINAL_Formatted_13Oct201700090018.pdf

<https://www.businesslive.co.za/bd/national/2016-08-19-buffalo-city-pleads-with-kgalema-motlanthe-to-remove-corrupt-councillors/>

The BCMM morality question in the governance of local affairs was raised in the Motlanthe High Level Panel Report, 2017. The Motlanthe High Level Report lamented the councillors and municipal officials of the BCMM involved in maleficence. The Report paints a sordid picture of the state of integrity and governance in the Metro which pointed to prevalent disdain and institutional dislocation of morality and ethical behaviour within the Metro and its entities.

2. ASGSA Report, 2018

On 23 May 2018 the AGSA Kimi Makwetu reported an overall deterioration in the audit results of South Africa's municipalities for 2016-17. Makwetu lamented that despite his office's constant and insistent advice and caution to those charged with governance and oversight about administrative lapses since 2013, their counsel has largely not been heeded. "As a result, there has been no significant positive change towards credible results; instead, we are witnessing a reversal in audit outcomes," (AGSA:2018:1)

As early as 2013 the AG had pointed out glaring governance, leadership and oversight lapses that have contributed to the 2018 undesirable audit report. These were a direct result of municipalities ignoring the AG's caution to firm up on reported weaknesses in

internal control and the risks that needed attention in local government in the 2013 AG Report. (AGSA: 2018: 2)

Various media reports including AG Audit Reports have covered scandals that have rocked the Buffalo City Metropolitan Municipality (BCMM). These will include a thorough academic investigation of corruption within the BCMM by Basopu (2016: 97-212). Here he was analysing the extent of corruption in the BCMM.

Kanyane (2006:252) sees the concept of governance as being intrinsically linked to ethics, accountability, performance, and risk management. Kanyane posits that these concepts (Governance; Ethics and Accountability; Risk and Performance Management) is indispensably interwoven into a corporate governance framework that if applied would obviate conflict of interest in the public sector. The same point is reaffirmed by van Niekerk and Dalton-Brits (2016: 118) when they state that effective accountability and oversight result in improved good corporate governance, effective management of public finances and promotion of effective service delivery.

This research takes the view that good governance is anchored on ethics and morality. Any institution that values governance needs to ensure that ethics and morality are values that are enshrined in its operations.

Initial Unit of Analysis		
Target Group	Stakeholder	Motivation
Metro	Executive Mayor	Has intimate knowledge of the situation at the Buffalo City
	CFO	Has knowledge of financial affairs and any misuse of funds
	COO	As head of operations this person will offer valuable operational data
	HRD	Has intimate knowledge of the skills set available in the Metro. Will also be able to indicate any skills gap that exists.
	Internal Auditor	This role is responsible for internal oversight, Will be able to comment on audit findings and what steps are being taken to prevent repeat findings.
	Chief Whip of Governing Party – ANC	Sheds light on the state of play in the political landscape as well as what actions, if any are being considered to remedy the politics in the ANC
	Chief Whip of the Official Opposition - DA	Offers info that the ruling party would prefer to keep out of the public
	MPAC Chair	This role has an overall oversight role in the municipality
	Audit Committee Chair	This committee is entrusted with various roles including financial control, audit, accounting

		policies, risk, performance management and compliance with the MFMA
Selected Metro entities	Buffalo City Metropolitan Development Agency	This is the developmental arm of the Metro. The CEO is well positioned to identify opportunities for development as well as any obstacles to development
COGTA	MEC/D. G	As political/Administrative Head will be able to comment on oversight responsibilities as well as possible reforms on the use and application of Sections 139 and 154 as well as any political support that might be offered to support the municipality further.
Developmental Funding Institutions	Eastern Cape Development Agency	This is the major funding agency in the Eastern Cape with offices within the Metro. There's sufficient motivation for them to want to be involved in major development and upgrade initiatives of the Metro.
	Small Enterprise Development Agency	This agency has a presence in the BCMM, and it plays a key role in the development of small businesses.
Organised business	National African Federated Chamber of Commerce (NAFCOC)	An African-focused business interest group that will surely have views on the needs of their members in the metro.
	EC Chamber of Business	An Eastern Cape based African focused lobby group that has the ear of the political leadership in the Eastern Cape

	Border-Kei Chamber of Business	A based white-based commercial business interest group. This is the biggest of all the chambers in the Metro.
	Buffalo City Metropolitan Development Agency	This Metro-owned Agency is a key player that can influence the development of economic infrastructure development in the city.
	Eastern Cape Socio-Economic Consultative Council (ECSECC)	Provincial Government entity is responsible for a multi-stakeholder centre of excellence in applied policy research, development planning and facilitation. They will have research data that will support the economic turnaround plan for the city
Community-Based Organizations (CBOs)	SANCO	SANCO is a key stakeholder on issues that affect the communities of the communities living within the Metro.
	COSATU	A key stakeholder both in the alliance as well as having members deployed in the Metro. COSATU always develops an alternative budget for consideration by the government. Their views on the Metro would be instructive.
	Corruption Watch Eastern Cape	This group has a lot of material and data relating to corruption in all municipalities across the country. They will provide more insight from their decades of research and monitoring activities.
Institutions of Higher Learning in the Metro	University of Fort Hare	Fort Hare and the other two universities have a developmental role to play in contributing to the enhancement of organizational

		performance and capacity building of key institutions like municipalities.
	Walter Sisulu University	Together with UFH, WSU can collaborate to create a performance-enhancing unit that should conduct research and provide opportunities for their graduates to do some kind of “practical academic community service” at municipalities around the Eastern Cape as a way of contributing to the growth and development of these municipalities. This will enhance the Service Delivery Capability (SDC) within these municipalities.
Selected Traditional Leaders within the Metro	Imidushane Tribal Authority- Chief Siwani	This Chief has 25 villages in his tribal authority. He leads a council that has a developmental mandate for his subjects. He can speak authoritatively on issues of development as well as obstacles to these aspirations
	Chief of AmaBhele	This Chief has the area of Dimbaza and Alice under his area of jurisdiction. Dimbaza was once a thriving industrial area. Since the collapse of the Apartheid government, it declined. Many jobs were lost as a result.

Appendix E: Sample of Transcriptions



AGSA Interview 02

Mon, 4/5 7:49PM 29:16

SUMMARY KEYWORDS

municipality, people, fraud, service delivery, metro, leadership, performance, issue, conduct, question, assist, appointed, senior management, consultants, perform, oversight, ethics, miscibility, employees, governance

SPEAKERS

Mthuthuzeli Swartz

M Mthuthuzeli Swartz 00:01

All right, thank you very much. The The topic for our investigation is institutional dislocation of morality and governance, a diagnostic study of the buffalo City metropolitan municipality for the period 2014 to 2019, the participant identity is going to be withheld. So we're not going to make an introduction of the interview we, I will then just the first question of our interview, which is, why is there a revelation of high levels of corruption, conduct of ethical conduct, lack of leadership, governance and oversight with the buffalo City metro.

i 01:05

Thank you, thank you very much, Mr. Science. And I think one of the most important issues that have contributed to fraud and corruption in this municipality, I would like to discuss it under three topics that I hate. The first one is opportunity. What I mean by that is they they when they municipality officials, they see an opportunity to, to do fraud. This is your to the weak internal controls that the municipality have a weak internal controls, I mean, there is no supervision, there is no monitoring, there is lack of documentation, poor documentation, and then the employees and evenness senior management see an opportunity that they can conduct fraud, to to those weak internal controls, again, the poor tone at the top, when you see that the management or the directors are also being

ANC CHIEF WHIP CLLR MARATA

Sun, 4/4 2:05PM 58:59

SUMMARY KEYWORDS

metro, anc, chief whip, terms, caucus, governance, people, question, oversight, report, leadership, council, performance, city, service delivery, structures, improve, municipality, action, implement

SPEAKERS


Mthuthuzeli Swartz, Cllr Marata


M Mthuthuzeli Swartz 00:03
Mr. Chan, where I want


C Cllr Marata 00:08
to be long division, last series on setting up things to manage sort of all right.

M Mthuthuzeli Swartz 01:38
Counselor, thank you very much for affording us that we can quickly just the background of the study. The study is based on your reports that have been published by the AG over the last seven years, right since 2013, I did not want to go further beyond 2013. What has happened is that the AG has on various occasions published various reports about the performance of the metro and journal about all other municipalities, but zooming in on the Metro itself. And these were preceded by a 2017 report of the Motlanthe, high Panel, High Level Panel Report, which was also published in 2017. Now, you know, that report, the highlights of that report, they revealed the level of malfeasance that was taking place at the Ward Level, what. Not so much within the metro itself, but you cannot divorce the Councillors from the Metro itself, right. I mean, issues of housing, you would remember without getting into detail of all of those things. Now, the problem is that if one then looks at that Report, and you compare it with a AG's report for AG this period, right, from 2013, where the AG has pointed out a glaring Governance, Leadership and Oversight as the

Speaker

 M Mthuthuzeli Swartz 00:00
I'm grateful to you for having made it possible and you were able to, you know, to have this interview. You know, I don't want to take a lot of your time. Mr. Naidoo, I trust that you have received the preliminary questions that I had sent through.

 00:15
Yes, I did receive, I think there's about six questions and the correct.

 M Mthuthuzeli Swartz 00:20
That's correct. It's just the six questions that I want us to, you know, get through. Now, what is also happening is that from my side, I would be recording also via, via this platform. And this would always be available for you should you want to have a look at it. But, but I think it's important for me, the guidelines, which are there, for me to just go through them with you guys is that the information that you've gathered during this research will be handled in the most responsible manner, within the confines of research of the da Vinci Institute, as such, the anonymity confidentiality and your dignity will be carefully protected. And what that also implies is that should you then elect that your name does not appear anywhere in the final document, we will do so. And you would then have to give us Express permission. If you you don't have a problem with your name appearing as part of the people who were interviewed, but an enormity and the information will be definitely secured, right. And the researcher will administer the interview that is acceptable to you as the respondents, we will conduct the interview in English, which I take we are both comfortable with. And this interview has been prepared for a research project towards my studies towards my PhD at the DaVinci Institute and will not be used for any other people's either than what it is intended for. So your participation is highly appreciated.

Appendix F: Overall Similarity Index (Turnitin Report)

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Appendix G: Language Editor Proof



You Write. We Edit. You Love it.

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TO WHOM IT MAY CONCERN



RE: CONFIRMATION OF LANGUAGE EDITING SERVICES

I confirm that I have done language editing for Mthuthuzeli Swartz's thesis:

INSTITUTIONAL DISLOCATION OF MORALITY IN GOVERNANCE: A DIAGNOSTIC STUDY OF BUFFALO CITY METROPOLITAN MUNICIPALITY (2014-2019)

The thesis now conforms to the Da Vinci Institute's language editing standards.



Yours sincerely

Moyo

Nontokozi L. Sibanda Moyo

Tel: 011 050 0376

Mobile: 071 989 0983

Email: lynn@lovetoedit.co.za



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