

Political and Administrative Dichotomy in South Africa: The Principle of Separation of Powers at Local Government Level

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Abstract: The study of political and administrative dichotomy in the discipline of public administration has always been about the differences that occur within the framework of government institutions. These differences have always trigger the aspect of the principle of separation of powers that guide the functionality of these institutions. This study focused on analysing the principle of separation of powers at local government level, while navigating through the political and administrative dichotomy in South Africa. To ascertain the challenges facing municipalities on the basis of the effects of political and administrative structures. Therefore, this study focused on the analysis of the principle of separation of powers vis-à-vis political and administrative structures at local government level. Using qualitative research approach, this study suggests that there a legal structure through which monitoring and safeguarding the harmony and wellbeing of the principle of separation of powers is guaranteed.

Keywords: Apartheid; Administrative; Dichotomy; Political power; Local government

1. Introduction

The concept of political and administrative dichotomy has always been a resurfacing issue in the discipline of public administration at an international milieu therefore making South Africa susceptible to it. Differentiation of political and administrative roles at local government level has proved to be a serious concern when considering the operational system of municipalities. Therefore, to comprehend local government dynamics, this paper focuses on the problems of this sphere at grassroots

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level caused by the presence and application of the principle of separation of powers while navigating through the political and administrative dichotomy.

The debate on political and administrative dichotomy has triggered much perception among scholars such as Akindele (1994) and Svara (2001). From different standing points, some view that politics and administration are inseparable while some perceive that the two are separable and should always remain like that. Although municipalities have uniform goals that are directed to benefit the public but political and administrative functions and powers must remain different (Yawa, 2016). The view is founded on the basis of having to consider that the work of the political sphere in a municipality will never be the work of the administration, likewise, the work of the administrative sphere will never be the work of politicians. Political and administrative dichotomy is a guide towards the two spheres in a municipality to focus on their own spaces of functionality and powers while trying to eliminate mischievous acts such as corruption that are faced by local government (Naidoo, 2017).

Equally so, the perception that political and administrative spheres in municipalities should be collaborative is also deemed as positive to the local government sphere. For the appropriate functionality of municipalities which are directed to meeting South African local government objectives, it is important that the political and administrative spheres work on a collaborative mode including the mixture of functions (Carlan, 2013). This suggests that the mixture of functions in municipalities would then work for the benefit of the governed local communities. From Shazi (2016) the political and administrative spheres in municipalities are inseparable because the political will in municipalities will always prevail over the jurisdiction of the administration. Therefore, the political and administrative spheres in local government are interchangeable because of the much influence brought by the political will.

This paper considers that there is a serious scourge absorbed towards the efficient and effective operational of South African local government. To then try and resolve the matter, it is only appropriate to understand the challenges in the local government system through having to uphold the analysis of the principle of separation of powers between the political and administrative spheres present in every South African municipality.

2. Methods

Onwuegbuzie and Leech (2005) state that in every study that involve the social behaviour of people, often the choice of appropriate research method becomes a bit difficult and very dynamic. Research is generally based on some underlying philosophical assumptions about what constitutes a good research. Therefore, research method is connected to how data is collected and interpreted for a particular study in any discipline.

This study therefore adopted a qualitative approach and analysis of secondary data which involves acquiring information from scholarly articles, journals, books, published and unpublished research dissertations and thesis. This further compliment the use of primary data collected and gathered from the respondents (the political and administrative representatives of the municipality) through the use of semi-structured questions.

3. Theoretical Explanation

The conceptualization of political and administrative dichotomy as a theory explains the distinguishability as well as the collaboration of both political and administrative domains in the public service or governance. The very essence of this theory stresses that in public management there should be powers and responsibilities of both political and administrative sphere without conflicting each sphere's jurisdiction.

Therefore, aligning the political and administrative dichotomy with the local government sphere, according to Grant (2014) political and administrative spheres are different in nature and possess different mandates as per governance matters. The suggestion is that matters of the political sphere should not be considered as matters of the administrative sphere since the powers of these sphere differ. Thus, when looking at the creation and existence of each sphere it possesses unique features which are meant to advance the performance of municipalities. It further encapsulates the idea that the dichotomy simplifies the administrative work as strictly limited to the administrative sphere since the political sphere lacks the expertise of doing such work (Svara, 2001).

From Magashoa (2006) the introduction of the local government sphere in South Africa encouraged the convention of powers through application of the political and administrative dichotomy. The convention of powers encapsulates that administrative powers and functions do not belong to the convention of political

powers and functions as they are so different. This helps in the curb of conflicting powers and functions within the local government context. Mehlape (2018) asserted that the political and administrative dichotomy alerts about the intermingling of powers and functions which may in many cases disturb the development and delivering pace of municipalities. Therefore, this theory suggests that for a proper functionality of the local government sphere there should be separation of powers.

Beyers (2016) states that the separation of powers through the application of the political and administrative dichotomy has been victimized by the political strength that hovers above administrative affairs. Since the political sphere holds much power in terms of who should be appointed in key positions of the municipality that tends to disturb the proper operational of the administrative sphere. Cameron (2010) regards the dichotomy as a guide to avoid and curb municipal ills that exists in municipalities. Matters such as corruption, cadre deployment and poor performance are a serious threat to the local government wellbeing. It therefore calls upon strict measures and protection of the separation of powers in municipalities founded upon the political and administrative dichotomy for this can limit political enforcements in administrative work (Naidoo, 2017).

Local government according to Ntliziywana (2017) administrative functionality depends on the political sphere for the approval of most municipal matters in order to realize the work of the municipality. In most cases, this is where the gap is because the administrative sphere operates as a subordinate body to the political sphere, hence creating loopholes of corruption, fruitless expenditure and all other ills. It therefore necessitates that in as much as the municipal council as the governing body of municipalities tends to approve much work in the municipality, however, there should be limitations which will safeguard the harmony and operational of the municipality.

However, the greatest debate about this theory revolves around if whether the political and administrative work in municipalities should be intermingled or separated. Carlan (2013) believes that for the proper functionality of municipalities that are aligned with the local government objectives there has to be collaboration of political and administrative work. Shazi (2016) supports that the political and administrative work in municipalities is inseparable but tend to complement each other. The understanding of the existence of the dichotomy as per the legislative guides is that if these spheres collaborate then such would jeopardize the work of municipalities as entrusted to deliver to the people. There is interrelation between

the political and administrative sphere, however, these spheres are unique and different in nature (Smith, 2016).

4. Literature Review

4.1. Relevance of the Principle of Separation Powers in Municipalities

The principle of separation of powers as in connection to the South African post-apartheid regime, connotes a political system where the three arms of government (legislature, executive and the judiciary) act independently but subject to control of one another. However, the application of the principle is not only limited to the three arms of government but also applicable to all government institutions, hence the consideration of its application in municipalities. Through the presence of the principle of separation of powers, the internal structures of municipalities are separated into two spheres that also possess different powers in the essence of municipal governance.

Municipalities consist of two internal spheres which are the political and administrative spheres that purely govern the entire municipal setting. Grant (2014) stated that the political and administrative spheres are different in nature and also have different mandates in relation to matters of governance. Matters of the political sphere have powers that govern them and therefore separates the powers of the political from those of the administrative sphere. Powers belonging to the political sphere are only limited to this sphere and cannot afford the administration a chance to apply its powers on matters of the political sphere. The application of the principle of separation of powers is founded in the Local Government Systems Act (2000) whereby powers are categorized as some belonging to the municipal council, office of the mayor and office of the municipal manager.

The political and administrative spheres have different powers and to some extent most powers cannot be delegated to any sphere or person (De Visser, 2001). Through the notion of separation of powers, it can be best inferred that this principle necessitates respect over its application because if it is not respected then it can lead towards it being jettisoned and therefore hampering the essence of a developmentally oriented local government. Local government sphere requires a properly structured approach towards governance affairs in order to fulfill its mandate of taking care of the local inhabitants. Therefore, such can be made possible through respect of the principle and assurance of its application in the local government system.

Svara (2001) infers that the capabilities of the political and administrative spheres in municipalities are distinct therefore making these spheres totally different in their functioning. Municipalities in their vastness come with many dynamics that require certain strengths and competences. Therefore, the presence of the principle of separation of powers makes it possible for both spheres within municipalities to deal with the current developments that are faced by the municipalities. Municipalities according to Mathebula (2018) are structurally formed almost making the administrative sphere to be the receiver of decisions taken by the political sphere. However, this does not suggest that the local government legislative framework inculcates much power to the political sphere to the point that the work and jurisdiction of the administration is disturbed. Power is accordingly distributed between the two spheres in relation to the work that needs to be performed by each sphere.

4.2. Powers in Local Government Setting

The presence of power in an institution presents the opportunity of resolute directives. The kind of directives which will bring about change are therefore vested in the right application of power. Likewise, in local government there are different powers which are intended to advance the socio-political and economic interest of the general populace. Power in municipalities according to Maloba (2015) is sometimes misused therefore the available pieces of legislation like the South African Constitution are directed towards the distribution and preservation of power. It is therefore imperative that municipal stakeholders do not violate power to the extent that such power limits the growth of municipalities and advancement of the peoples' lives.

Yawa (2016) hints that municipalities are unclear of the application and respect of the principle of separation of powers. The suggestion is that it has been noted that municipal structures tend to do as they please. Power that belongs to each sphere in a municipality is not appropriately applied therefore obstructing proper application of the principle. Sometimes the one sphere ends up encroaching itself towards the other sphere and its functions. Decisions which ought to be taken by each sphere in a municipality end up being considered as being collaborative in nature whereas it is against the law. The inappropriate application of power in municipalities leads to having these institutions in dilemma. Local government does not have a

developmentally orientated government hence the poor municipal governance as well as political and administrative strife (Govender & Reddy, 2015).

Municipalities exist under two territories of power. There is political power that is controlled by elected politicians into office of power and administrative power that belongs to the professionals' sphere in the municipality. These powers are different in nature and in their operational. The political power is vested in the municipal councils of municipalities and then some delegated powers to the office of the mayor. Political power entails the creation and approval of by-laws, budget approval, oversight functions and formulation of policies. Whereas the administrative power is mostly controlled by the municipal manager and some delegated powers to senior administrative officials. Administrative power then involves financial control, policy implementation and stakeholders' management. However, if these spheres fail to properly execute their functions then the department of Cooperative Governance and Traditional Affairs (Cogta) may intervene and even end up placing a municipality under administration.

Scheepers (2016) states that municipalities have much distinction of spheres related to having a sphere of elected officials into power (politicians) and a sphere of those employed into power due to competencies (administrators). The appropriate municipal setting ought to function in this manner as per the local government designs. However, local government developments give that there is mixture of powers in municipalities hence this affects the idea of a government closer to the local inhabitants so as to advance their well-being. Political will has taken over the control of municipalities therefore resulting into political interference in administrative affairs. Siddle and Koelble (2016) cautioned that there are cumbersome relations between politicians and administration. This is because of having the administration's powers being capitulated to the political sphere. In most cases the capitulation occurs under compulsion, threat and fear of losing their jobs.

The separation of powers entails the protection of each sphere's functionality in municipalities. However, local government dynamics show that the principle is not properly in action because the political sphere and its will triumphs over the jurisdiction of the administration. When this occurs then the whole essence of local government is doomed since the sphere that ought to guide and guard the political sphere into rightly exercising its powers is captured by the political will.

From Masuku and Jili (2019), politicians that are elected into office of power have control of the municipality therefore the two sphere are inseparable. This gives that

almost the entire functionality of municipalities is under the realm of politicians. Therefore, the administration sphere has to work on decisions which have been taken by the politicians regardless of whether they are according to the law or not due to fear of losing their jobs. Sekautu (2015) supports the notion that political influence is much stronger over administrative functions leaving the administration almost out of control in its affairs. But Munzhedzi (2016) contend that the administration sphere in municipalities have been captured by the political sphere all in the name of oversight functions.

4.3. Political and Administrative Interface

In local government, political and administrative interface revolves around two functions that mostly governs the everyday work of the municipality namely: formulation and implementation of policies. These functions belong to the political and administrative spheres respectively. The formulation function belongs to the political sphere where it formulates policies of the municipality. Whereas the implementation function belongs to the administrative sphere where it implements the policies established by the political sphere. The political and administrative interface gives suggestion that these spheres in the municipality are distinct and functions are different from each other.

A relevant local government system that is directed to achieving the rationale of having a developmentally orientated government requires strict separation of powers and functions between the political and administrative spheres (Masuku & Jili, 2019). The functions of these spheres must not be intermingled together because such disturbs the work of each function and no sphere should assume functions that belong to each other. Municipalities are faced by the challenge of having the political sphere enforcing itself over the functions of the administration. This is not only limited to policy formulation, however, even in decision making by the head of administration. Municipalities are therefore vulnerable to the political willpower that controls the municipal operative.

Franks (2014) informs that some policies are not relevant to the local government objectives due to failure of formulating appropriate policies and that also harms the implementation phase. Local government trends reveal that municipalities are not directed to meeting most of the local communities needs as expected to. The cause of this is encouraged by the behavior of politicians who do not consider the challenges faced by the local communities but choose to enrich themselves with state

resources. Sometimes policies get delayed in being realized because of municipalities which have become almost operating in deficit. Factors such as municipal capacity, municipal finance and not having proper community participation affect policies formulated into being realized (Meyer, 2014).

Mthethwa (2012) hints that factors contributing to challenges in the implementation processes are not only caused by the administration structure, where the manager gives instructions to functionaries of the municipality. On the contrary, failure in the policy implementation phase rests among the political and administrative section. Likewise, taking into cognizance that failure and success of policy formulation lies in politicians and administrators. Signe (2017) believes that policy implementation under the top-down approach has been a great failure because those who formulate policies perceive that they can also give directives of how these policies should be implemented. Whereas Khan and Khandaker (2016) infers that successful implementation of policies in municipalities mostly depends in the administrative sphere since it mostly holds interactions with the public. However, this is not true since politicians are mostly the ones having interactions with the local communities and if the administrative sphere would have interactions with the public then it would be encroaching itself in political affairs.

4.4. Jurisdiction Tensions

Municipalities operate under the realm of scramble for power between the political and administrative spheres. In most cases, the political and administrative sphere are faced with jurisdiction tensions whereby each to the others power end up being compromised. From Franks (2014) municipalities operate between two forces which on the one side is to have a politically free organization while on the other to maintain a politicized organization. The challenge is that it is almost difficult to separate politics when dealing with municipalities because the political sphere is an integral part in governance. Hence Maape (2017) hits that to have an apolitical municipality is impossible since politics in municipalities have created uneven structural powers due to much political interference in administrative affairs.

Having clear explanation and understanding of power according to Fakoya (2014) remains the greatest issue in municipalities and often leads these institutions into disrepute. Tensions occurring in municipalities are brought by the idea of hegemonic role assumed by the political sphere inter alia forcing the administrative sphere to succumb to the directives of politicians. Undeniably so, the administrative sphere is

the receiver of decisions from the political power and is therefore left with no alternative but to capitulate to its will. The administrative sphere in most municipalities remains vulnerable due to being controlled by the political power and factors such as succumbing to the appointment of unqualified cadres in municipalities are almost inevitable (Managa, 2012).

Although local government legislatures give some powers to the administrative sphere, however, most of those powers it cannot freely exercise. Powers such as the appointment of administrative personnel belong to the head of administrative sphere but in some instances the political sphere forces that there be cadre deployments in some positions due to the loyalty of those people to the political party in power. Again, on matters such as municipal financial control, the administration in some municipalities is forced to be involved in corrupt acts performed by politicians. If the administration can try to refuse the orders given be it they are legal or illegal then occupations of the administrative personnel would be at stake especially when dealing with senior officials.

Mdlongwa (2014) cautions that political interference in municipalities is overly blamed whereas senior officials and office bearers from both spheres are the cause of the occurrence of malicious acts. This suggests that both political and administrative spheres in some municipalities work collaboratively in acts which harm the organization in return. It is therefore overrated to suggest that most of the improper actions taken by the administrative sphere where under political interference. In some municipalities, both politicians and municipal officials expose themselves to unethical conduct as a consequence then trigger corruption and maladministration (Disoloane, 2012). Ethical conduct among the political and administrative spheres in municipalities remain a challenge due to having people who are not dedicated to the ideas espoused by the presence and necessitation of the local government sphere (Manyaka and Nkuna, 2012).

5. Challenges of Non-Adherence to the Principle of Separation of Powers

Issues relating to non-adherence to the principle of separation of powers in municipalities are associated with poor service delivery and public participation. The basic concerns surrounding poor service delivery in South African municipalities according to Twala (2014) are triggered by issues such as unfaithful politicians and unskilled personnel, later resulting to a vulnerable local government. Service delivery depends upon the political structure and the administrative structure for its

success. Therefore, when services delivered to the people by municipalities turn out to be poor as expected to bettering the standards of living, the political and administrative structures are to be blamed. Politicians should build local communities other than enriching themselves and personnel needs to be properly trained for the performing of tasks. Municipalities' weaknesses such as lack of municipal resources for the delivery of better services to the people, are often used to shield poor service delivery, whereas factors such political and administrative interface should take the blame (Financial and fiscal commission, 2012).

Thornhill (2014) also believes that better service delivery can be made possible through the functioning of a well-established administration which will set out its municipality's objectives and later achieve them, without any political interference. Political structures have to always stick to their role of formulating policies and respect the function of the administration to implement them without any interventions. This will help assist in curbing the looting of municipal resources which are mostly blamed on the political elites. There is little to suggest that the administration is part of such looting of municipal resources. It will also assist in terms of having the trained personnel so as to realize local government objectives. Henry (2013) proposes the idea that the two structures (political and administrative) were conceived for the purpose of bringing together the different functions so as to protect the local community. Service delivery needs be properly attended to by the administration without any sense of political manipulation or interference.

The level of seriousness and professionalism in municipalities "key actors" has an important role in terms of making service delivery talk to the needs that the local community expect them to be met (Nkomo, 2017). How municipal actors dedicate their all and interests into service delivery is vivid in the level of life that the local community is exposed to. Thus, to deduce that the municipalities are failing in having to provide good service delivery to the people is easily notable through the lenses of but an ineffectual institution. Therefore, those forming part of the municipal governance should thrive that the needs of the people are addressed through good service delivery. To look at the existence of the concept of politics-administration dichotomy, it was solely founded on the basis of the belief that politics disrupts the practice of an efficient administration in the municipalities (Madumo, 2017). In as much as the municipal actors are concerned with regard to the level of service delivery, however, politics tends to hamper most of the things that the administration had planned to address service delivery.

For the assurance of a fair and democratic local government, Bob (2018) believes that local communities should be part and parcel of governance through having being included in the decision making body. Local government system involves different functions of key stakeholders and as far as the stakeholders are concerned, the local community is one of the stakeholders in the system. Ordinary citizens should be included in decisions which affect the communities they belong to. Bureaucrats and politicians should not make decisions without keeping the public aware and part of any decisions taken. However, the process of keeping citizens part of the decision making body remains a mystery, especially in municipalities. Agora (2000) believes that having the local community as the relevant stakeholder should make it become active in the decisions taken over the resources and within the institution as responses towards the communities' everyday issues, such is deemed as fair governance. The greatest concern in municipalities is that most of the decisions taken remain blurred to the community for it was probably side-lined and never informed of the decisions to be taken.

Political decisions should be founded on the basis of proper community discussions and debates that occur in the community (Eagan, 2010). Through understanding and serving the principle of separation of powers, the community also holds power to being made aware and also being part of the decisions taken. Political power in the decision making processes is rather portrayed as self-directed and excludes the inclusion of other relevant stakeholders. Therefore, practice and respect of the functionality of principle of separation of powers in the South African local government system seems jettison. The power to control government decisions by the public shows how exactly democracy and developmental orientated local government is (van der Walt, 2014). Government through politicians and administrators should not be the kind that dictates all government actions but rather inclusive of other stakeholders' beliefs.

The notion of how municipal officials and politicians conduct themselves with regard to the daily functionality of municipalities remains a difficult challenge. The functioning of the municipality is caught-up between how the administrative and political structures assume their responsibilities and power. Thebe (2017) looks at ethical conduct as an ideal which those who are in senior management or power should be responsible for. Consequently, initiatives such as personnel integrity and honesty in municipalities should be promoted. Ethical conduct tends to work in a reciprocal format. Therefore, to give suggestions about having the senior power responsible for the ethical conduct of the staff creates nothing other than a gap in the

conduct of the whole municipality. For although personnel are introduced into initiatives of good ethical conduct, however, there is vacuum of good ethical conduct at the senior levels. Manyaka and Nkuna (2012) realized that ethical initiatives are a challenge since even those in power also fail to comply with the legislations in place and to respect the law. The challenge of ethical conduct is one that exists right from the top leadership structures of the municipality, pivoting to every municipal structure and departments. Therefore, to address such an ideal of good ethical conduct, would suggest starting from the senior management of municipalities.

The cause of unethical conduct in municipalities is triggered by the existence of lopsided political and administrative structures. However, such is mostly motivated by the influence of the political structure over the administrative structure (Maape, 2017). Municipalities are captured by politics, in particular; politics of the ruling party within any municipality. The existence of politics in municipalities gives the *modus operandi* for a municipality's entire administration. Therefore, the administrative structure may want to fight against the unethical conduct occurring in the municipality but it is caught-up under the influence of politics and the fear of losing power through means of unlawful dismissals.

6. Suggestions and Conclusion

The essence of the principle of separation of powers proves to be the main factor that adversely affects local government. This is because there are tensions of conflicting powers between the political and administrative sphere. It therefore necessitates that there be clear explanation and understanding of roles between these two sphere in order to protect and enhance the reputation of municipalities in all the three categories. Not only limited to that, however, the unethical conduct of both politicians and administrative staff need to be attended to through means of prosecution. This will help redeem municipalities from the animosity of improper conduct that also enables acts of corruption and fruitless expenditures. The appointment of officials into the administrative sphere should only be done through skills and qualifications that enable every individual to perform the expected work. Therefore, this nullifies cadre deployment done by politicians through appointing people without the consideration of qualifications necessitating the appointment.

It is vivid that the principle of separation of powers at the local government level is not adhered to. Therefore, municipalities are faced with the scourge of political and administrative powers intermingling. The mixture of powers in municipalities create

confusion of roles and responsibilities between the two spheres. It further leads to the disturbance of the administrative sphere's functions which are directed to ensure adequate service delivery, good governance and high-level municipal performance. It is imperative that the political sphere does not impinge its power over the administrative jurisdiction. Above that, ethical conduct from both political and administrative spheres would encourage the kind of municipalities that are directed to meeting the local government objectives inter alia benefiting the local communities governed.

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