

## **ROLE OF DISTRICT MUNICIPALITIES IN WASTE MANAGEMENT IN SOUTH AFRICA**

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January 2010

## **ABSTARCT**

*Service delivery has become a source of much tension and protests in South Africa (Delivery, 2009) with fifty two major service delivery protests reported for the period January to August 2009 (COGTA, 2009). Failing waste management services, is a reality in South Africa and the magnitude of the problem is emphasized by newspaper headlines including: “SA’s Rubbish Capital: Big stink continues as piles of garbage dumped in streets hit crisis levels” (Pretoria News, 13 May 08); “Waste Companies dump death on our doorstep” (Sunday Times, 2 December ’08), and “Rubbish piles up as strike set to worsen” (Pretoria News, 9 January 2010). Poor governance has been blamed for the protests, citing Councils not meeting for prolonged periods of time and the delay in approving key documentation intended to guide service delivery as some of the key problems (Botes et al. 2007). The recent recurring community protests and municipal workers’ strikes only worsen the situation as services are disrupted and the protesters themselves leave a trail of waste strewn across streets.*

*These turn of events have resulted in questions being raised around the ability of municipalities to delivery effective sustainable services and the different roles and responsibilities of local and district municipalities in service delivery. This study therefore looks at the roles and responsibilities of local and district municipalities in waste management. This is done by first understanding the local government structure, the legal mandates for both local and district municipalities and ultimately how these are understood and implemented, with specific reference to waste management.*

## **1. INTRODUCTION AND BACKGROUND**

Service delivery has become a source of much tension and protests in South Africa (Delivery, 2009) with fifty two major service delivery protests reported for the period January to August 2009 (COGTA, 2009). The 2009 state of Local government assessment has revealed that municipal functionality and performance has been hindered by party political factionalism and polarization of interests over the last few years, as well as the subsequent creation of new political alliances and elites (COGTA, 2009).

Failing waste management services, is a reality in South Africa and the magnitude of the problem is emphasized by newspaper headlines including: “SA’s Rubbish Capital: Big stink continues as piles of garbage dumped in streets hit crisis levels” (Pretoria News, 13 May 08); “Waste Companies dump death on our doorstep” (Sunday Times, 2 December ’08), and “Rubbish piles up as strike set to worsen” (Pretoria News, 9 January 2010). Poor governance has been blamed for the protests, citing Councils not meeting for prolonged periods of time and the delay in approving key documentation intended to guide service delivery as some of the key problems (Botes et al. 2007). The recent recurring community protests and municipal workers’ strikes only worsen the situation as services are disrupted and the protesters themselves leave a trail of waste strewn across streets.

## **1.1: Local Government Structure**

The Constitution of the Republic of South Africa, 1996 (RSA, 1996) not only recognises the three spheres of government (National, Provincial and Local government), but also establishes in clause 155 three categories of municipalities. These are Metropolitan municipalities (Category A), Local municipalities (Category B) and District municipalities (Category C). Metropolitan municipalities are autonomous local authorities while non-metro municipalities are served by two local authorities, the local municipality and the district municipality (Vennekens and Govender, 2005). Vennekens and Govender (2005) further explain the three assumptions which motivated this division of local government into local and district municipalities. The first assumption is that certain services are better provided at larger scale due to scale of economies; these would be assigned to district municipalities. Secondly, it is argued that improved co-ordination of planning can be achieved at district scale. Lastly, it has been assumed that opportunities for re-distribution exist at the district scale.

District and local municipalities are intended to have differing but complementing roles and responsibilities. District municipalities must be concerned with macro level functions such as the planning and promotion of integrated development planning, land, economic and environmental development. Local municipalities on the other hand are must be concerned with the provision of specific services, such as health, housing, water, electricity and waste removal and disposal services (DPLG, 2007).

## **1.2: Legal Mandate**

Section 24 of the Constitution places a burden on all government spheres to ensure a safe and clean environment to all the citizens of South Africa. It further advocates for the prevention of pollution and ecological degradation, conservation as well as ecologically sustainable development (RSA, 1996). Although schedule 4A of the Constitution lists 'environment' as a concurrent function between national and provincial government, local government is further given specific functions relating to the environment as contained in schedules 4B and 5B. These include among others cleansing and refuse and solid waste disposal (RSA, 1996). Further requirements on environmental matters including waste management, are placed on local government through sectoral legislation such as the National Environment Management: Waste Act, 2008 (RSA, 2008).

In order for these functions to be effectively and efficiently implemented, there is a need to distinguish between the roles and responsibilities of district and local municipalities in this regard. The Municipal Structures Act, 1998 (RSA, 1998) outlines these specific functions. In terms of this Act, district municipalities have powers and functions relating to the integrated, sustainable and equitable social and economic development of the district. This role should be performed by ensuring integrated development planning for the district as a whole, building the capacity of local municipalities to perform their functions, exercising local municipal powers where capacity is lacking, and promoting the equitable distribution of resources between the local municipalities in its area.

In as far as waste management is concerned, functions and powers of district municipalities as outlined in Section 84(1) of the Municipal Structures Act (RSA, 1998) include solid waste disposal sites, for the district as a whole or more than one local municipality within the district. Local municipalities on the other hand are responsible for providing waste management services including waste disposal facilities (RSA, 1998). Specific functions include compilation and implementation of general waste management plans; implementation of public awareness

campaigns; collection of data for the Waste Information System; provision of waste collection services and the management of waste disposal facilities within their area of jurisdiction; and implementation and enforcement of appropriate waste minimisation and recycling initiatives, i.e. voluntary partnerships with industry and waste minimisation clubs (RSA, 1998, Atkinson et al. 2003 and Vennekens and Govender, 2005).

The Municipal Structures Amendment Act, 2000 (RSA, 2000), placed more responsibilities on district municipalities. Firstly, district municipalities are required to develop Integrated Development Plan (IDP) frameworks to be used by local municipalities for the development of IDPs as opposed to the previous requirement which alluded to the development of the district IDPs based on the local municipal IDPs (Atkinson et al. 2003). Secondly district municipalities are now also responsible for the development of a waste disposal strategy; the regulation of waste disposal; and the establishment, operation and control of waste disposal and the control of waste disposal sites, bulk waste transfers facilities and waste disposal facilities for more than one local municipality in the district.

On the 13 January 2003, the Minister of Provincial and Local Government reallocated some functions back to local municipalities in certain parts of the country (Atkinson et al. 2003). This however did not affect waste management. Subsequent to this, the Minister made another proclamation on the 13 June 2003 repealing the afore mentioned notice. This notice further included the reallocation of the environmental health function, to districts throughout the country as from the 1<sup>st</sup> July 2004 (Atkinson et al. 2003).

The purpose of this research was to establish the current status of district municipality involvement in waste management functions as mandated through legislation.

## **2. METHODOLOGY**

A questionnaire that focused on the role of district municipalities in waste management issues was developed and forwarded to all 46 District municipalities and 6 Metropolitan municipalities. This was followed by telephone interviews with non-responsive municipalities to ensure the highest response rate possible. A response rate of 85% was achieved.

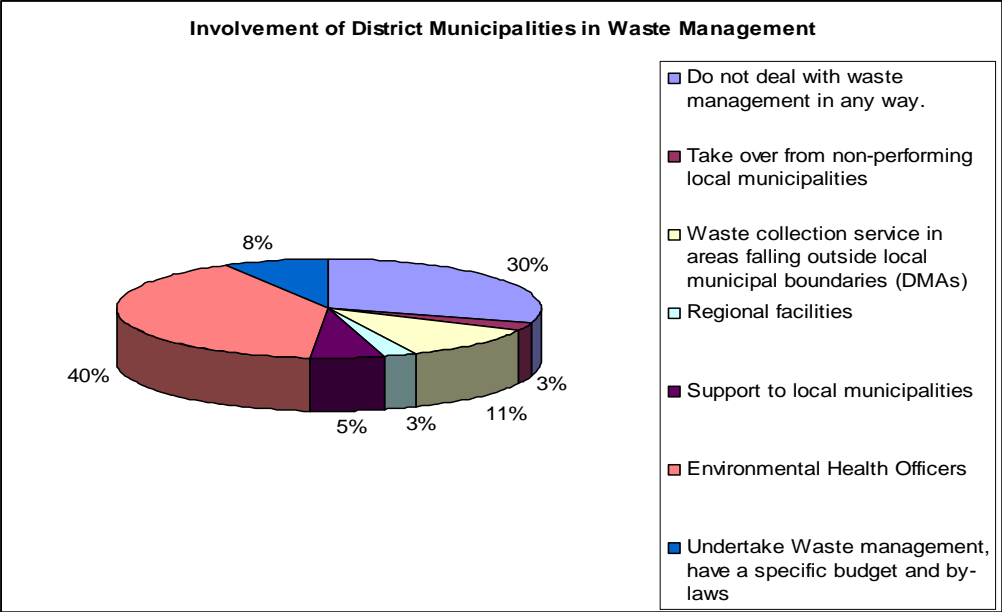
The questionnaire focused on the role of district municipalities in waste management in general. This was followed by more specific questions around regionalisation of waste facilities as well as the existence of any awareness strategies relating to waste management. This enabled an understanding of what the districts perceive waste management to be and as such their involvement without being guided by the questions. The more specific questions followed to probe further to ensure a full understanding of the operations of the districts in relation to waste management.

## **3. RESULTS AND DISCUSSION**

The results obtained from the questionnaires and as illustrated in Figure 1, clearly indicate that district municipalities are not as involved in waste management as is required in terms of legislation (RSA, 1998) with 30% of district municipalities not involved in waste management in any way while 11% are providing a waste collection service in areas that falls outside local municipality boundaries. Only 3% of district municipalities have taken over the functions of non-performing local municipalities and a further 5% provides financial support to local

municipalities, especially for the development of Integrated Waste Management Plans (IWMPs). Only 8% of district municipalities reported having a specific budget allocation for waste management.

A total of 40% of district municipalities reported that environmental health officers are responsible for waste management in their districts. Their functions relating to waste management are however reported as being mainly complaints driven.



**Figure 1: The role of district municipalities in waste management**

Although the roles and responsibilities of local and district municipalities have been clearly defined in relevant pieces of legislation, the situation is more complex due to certain realities. Atkinson et al, (2003) argue that three phenomena cloud the implementation of these functions and roles as outlined in legislation. Firstly they argue that many local municipalities are frail and do not cope with their mandates and hence need the assistance of district municipalities in relation to capacity building and guidance. Secondly, Atkinson et al, (2003) state that the majority of district municipalities themselves lack the capacity to assist local municipalities. Lastly political dynamism between local and district municipalities has affected how these two operate. The relations between these vary from cordial and co-operative to conflictual and unproductive (Atkinson et al, 2003).

The majority of district municipalities included in the survey regard waste management as the responsibility of local municipalities only. Only three out of 37 respondents indicated a more involved role citing having specific By-laws and budget for waste management. A large proportion of district municipalities apparently view waste management as part of the Environmental Health Officers' mandate. In such cases the environmental health officers are assigned responsibility for all environmental functions without clear guidance on specific waste management responsibilities. The demand on these officials is high, resulting in their involvement in waste management being reactive and complaints driven. Environmental Health Officers will respond to cases of illegal dumping, overgrown stands and animal carcasses to name a few. Fifteen of the thirty eight district municipalities that responded are at this level of involvement in waste related matters though at varying degrees. The supporting role of districts to local municipalities was viewed in terms of financial support, especially for the development

of IWMPs. Technical and capacity building support from the district officials themselves is limited to paying an external service provider to provide these services, especially the development of IWMPs.

District municipalities further get involved in waste management in cases where the planned activity is of a regional nature. Only one district indicated that they have an operating regional landfill site with additional two indicating that they are at varying stages of the planning/EIA processes for such facilities. An additional three district municipalities indicated that past plans for regional facilities could not materialise due to financial reasons. There are other operational and/or planned regional sites which, in most cases belong to Metropolitan and Local municipalities. These sites are regional in that they serve more than one town in the same local municipality as opposed to every town within the municipality having their own disposal site. In this case regionalisation has been used in the context of the local municipality not at district level.

Furthermore, district municipalities get involved in waste management issues in cases where certain areas do not fall in any local municipal boundary. Four districts indicated that they do offer collection and disposal of waste for areas which do not fall under any Local municipality. These areas are referred to as District Municipal Areas (DMAs). These areas are remotely located from any of the nearby municipalities; hence it is thought that service delivery to those areas is best delivered by the district.

Lastly, district municipalities undertake the waste management functions in situations where the local municipality is not coping in performing the function. One district municipality indicated that they are busy with a status quo analysis for some of their local municipalities as per the MEC's directive for the district municipality to take over the functions from those municipalities due to non-performance. This district will enter into service level agreements with the respective municipalities. Figure 1 below pictorially shows this breakdown of district municipal involvement in waste management.

### **3.1: Support Mechanisms**

In order for district municipalities to play the role of coordinating planning within the district, offering local municipalities the support required as well as undertake its obligations as far as waste management is concerned, proper support mechanisms need to be in place. Information was thus collated on the existing support mechanism for district municipalities to perform their functions in relation to waste management. District Municipalities cited a couple of stumbling blocks in delivering their waste management functions. These can be broadly grouped into three themes, institutional arrangements, political buy-in and resource allocation.

Waste management is seen as the function of Environmental Health Officers hence the transition relating to the placement of Environmental Health at district level was seen as the main problem. The minister's proclamation to reallocate Environmental health to districts came into effect from the 1<sup>st</sup> July 2004. This has however been implemented on an *ad hoc* basis throughout the country, leaving some district municipalities and their related local municipalities operating in a vacuum. In some instances these officials are still at local municipalities whereas in certain instances the provincial health department has undertaken the coordination of this function. Other districts acknowledged that Environmental Health Officers have too wide a scope to be able to undertake the waste management function beyond the current reactive mode. Suggestions

for environmental components which would deal with the broader issues would be beneficial to ensure the required level of coordination and support to local municipalities.

Political buy-in and allocation of resources was identified as key aspects which could ensure the establishment and sustenance of such structures. It was argued that waste management relates to waste collection and disposal only and hence the mandate of local municipalities. This would therefore not support the formation of a dedicated section for waste management and certainly no resources would be allocated for that function at district municipality level. In addition, even in cases where the waste management function is recognised and undertaken, it was not regarded as priority hence not given the required support.

The limited view of waste management together with the understanding that waste management is limited to waste collection and disposal and as such are the mandate of local municipalities has resulted in many districts not planning for waste management services in any way (not in terms of the structure or budget). Furthermore, the relegation of waste management as not as important as other services as well as the limited view thereof has resulted in insufficient resources being allocated to this function even within those districts involved in waste management.

### **3.2: Regionalisation**

Section 7(2) of the National Environment Management: Waste Act, 2008 (RSA, 2008) allows the Minister of Environmental Affairs to set standards and norms for the regionalisation of waste management services among others. This is further endorsed in the National Waste Management Strategy currently being developed (DEAT, 2009). While regionalisation holds the prospect of reducing unit overhead costs (e.g. through shared disposal facilities, and reduced management costs), as well as general environmental protection, it may pose significant transport costs which need to be properly evaluated. The potential for reduced local accountability for service delivery due to the greater scale at which decisions are taken is also a concern. It is therefore imperative for district municipalities to be more engaged and involved in waste management in order to explore the potential for regionalisation in their respective areas and develop strategies which will ensure its successful implementation.

Only one out of the 37 district municipalities that responded, indicated that they have a operating regional landfill site (uThungulu landfill site in Empangeni, KZN). A further six indicated having plans for regional landfill sites. Two of those have already undergone the EIA process and another one reported that they are undertaking a feasibility study. The remaining three seem to be having problems in taking these plans forward due to financial constraints.

### **3.3: Awareness raising**

Awareness raising seems to be one of the common activities for district municipalities. This however may not be specific to waste management as it would be focused on other issues related to environmental health. Clean-up campaigns seem to be the most common focus. With the exception of three district municipalities, all stated that they have awareness raising strategies in place. Other districts do not have such strategies but have other documentation (Environmental Health Strategy and IWMP) which they feel is sufficient to cover waste management issues.

## **4. CONCLUSIONS**

Legislation clearly places waste management services at local government level with local and district municipalities having different but complimentary roles to play. Although local

municipalities are mandated to provide waste collection, disposal and street cleansing services, district municipalities are expected to play a coordination role for the entire district. They are also expected to offer support to local municipalities. Furthermore, district municipalities are expected to be actively involved in waste disposal in cases where it is desirable to develop regional landfill sites to service more than one local municipality in the same district municipality. In cases where a local municipality is not coping with providing the service, the district is expected to provide support or even take over the provisioning of the service from such a municipality.

However, a lot of confusion has been created relating to the functions of local and district municipalities due to the changes in legislation between 2000 and 2004. In this situation responsibilities and relationships between the two levels of municipalities have been on an *ad hoc* bases further influenced by political dynamisms and personalities (Atkinson et al, 2003).

There is a common understanding in district municipalities that waste management is the function of local municipalities exclusively. The role of district municipalities in relation to waste is only limited to wastewater or in as far as addressing complaints received from the public relating to waste management. Most district municipalities as such do not have the capacity to deal with waste management. This limits their support to local municipalities to financial support only. Lack of involvement also limits the coordination role districts are supposed to play and hence the potential of regionalisation of waste disposal facilities is also compromised and not fully explored. The ability of the district municipalities to provide waste management services in cases where one of their local municipalities is deemed unable to continue rendering the service is also compromised. The limited view of waste management by the districts also limits their ability for integrated regional planning. It is commonly believed that waste management falls under the functions of environmental health officers and that there is no need for a dedicated waste management section at district municipality level. This however, limits the involvement of environmental health officers to responding to complaints only as they have a wide range of issue to deal with.

Although it is the mandate of local municipalities to provide waste management services, it is evident that district municipalities have an important a role to play. By virtue of having the mandate to ensure integrated planning, provide capacity building, offer both technical and financial support to municipalities as well as undertaking those local municipal functions which a particular local municipality may not be able to perform, district municipalities would therefore be expected to have a more involved role in waste management. Furthermore, specific to waste management, district municipalities are required to be even more actively involved in waste disposal issues, especially in cases where there is potential for regionalisation. Being expected to operate at this level would imply that district municipalities should therefore be coordinating and facilitating integrated waste management within the district to enable them to identify the need for cases where regionalisation may be required. This will also ensure that when such a need arises, district municipalities have the capacity to undertake that responsibility.



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