

Isandla Institute Policy Brief¹

Living in contested spaces: The role of factionalism in local government

Introduction

For many citizens, local government is failing to carry out its basic functions and to deliver on its developmental mandate envisioned in the 1998 White Paper on Local Government. The service delivery protests that take place across the country each year bear witness to the frustration and dissatisfaction of ordinary citizens with their local government representatives. Also, divisions within (and between) political parties are overflowing into the life of municipalities, rendering some of these dysfunctional. As a result, service delivery is hindered and the community is negatively affected.

Assessments conducted by the department of Cooperative Governance and Traditional Affairs (COGTA) reveal that political factionalism and polarisation of interests and the subsequent creation of new political alliances and elites have contributed to the progressive deterioration of municipal functionality (State of Local Government in South Africa, 2009: 10). Also, National Treasury directly attributes failures in municipal performance to failures in local political leadership rather than a lack of capacity in municipalities (Local Government Budgets and Expenditure Review, 2011: 24).

Undeniably, South Africa's municipalities are contested terrain. Arguably, contestation is a positive sign of vibrant local democracy and as such should be nurtured. Within a municipality (which, according to the legal definition includes the political structures, the administration and the local community of the municipality)², different modes of contestation can be discerned as follows:

- between citizens and/or communities of interest in a particular locality (for example, related to which services a municipality should prioritise);
- between and/or within political parties;
- between structures or formations inside the state.

While contestation in and of itself need not be an issue of concern, any form of contestation clearly needs to be managed and as such at least two prerequisites need to be in place. First, it presupposes robust and resilient institutions that can withstand the potentially eroding effects of contestation. Secondly, it warrants neutral, clear and transparent mechanisms to manage contestation and to allow recourse for those who feel that their issues, concerns, complaints are not attended to. In the absence of either (or both) of these, contestation will most likely be highly divisive and destabilising.

The absence (by and large) of strong and resilient local government institutions in South Africa means that these institutions are unable to manage any form of contestation effectively. As a result trust between communities, the elected leadership and the (local) state institutions is severely eroded. While there is generally an observable decline of trust in public institutions and elected leadership, even more concerning is the fact that the level of trust in local government ranks lowest compared to other spheres of government.³

It is for this reason that Isandla Institute hosted a Roundtable dialogue in December 2011 to deliberate on the interface between communities, the local state

and political parties, and in particular, to discuss how local politics and factionalism affect local government and impact on or hinder municipal service delivery. While recent legislation (Local Government: Municipal Systems Amendment Act, 2011) was passed to address the professionalisation of local government, a critical question underpinning the Roundtable was what other measures need to be put in place to avoid any undue encroachment of 'the political' onto administrative matters.

Factors Eroding Democratic, Accountable and Effective Local Government

The Roundtable identified the following as factors that contribute to the erosion of democratic, accountable and effective local government in some municipalities, while hindering service delivery provision in others:

1. Factionalism

In recent times, there has been growing concern with the phenomenon of 'factionalism' and its destructive implications for governance and development more broadly, and local governance and development more specifically. While contestation for leadership and/or policy positions in a democracy is common practice, the contestation within political parties (especially in the ruling party) is increasingly becoming destructive. The Roundtable noted that factionalism manifests itself in municipalities in three areas:

- The appointment of senior officials by Council/ politicians (as reflected by the Mlokoti vs. Amathole Municipality case)
- Procurement
- Allocation of housing benefits to communities

Intra-party contests at local level are often not isolated incidents, but connected to power struggles and contestation at provincial and national level. However, unlike at the national level, factionalism at local government level presents more immediate effects on communities especially in a context where the municipality is pretty much the only employer in town. As political parties continue to be involved in official appointments of staff, this negates the separation of party-state resulting in power revolving around individuals who hold senior political and administrative positions.

2. Patronage, corruption and maladministration

The 'battle for the control of municipalities' has also been a result of resource competition, especially in cases where a municipality is the only 'game in town' and therefore the only source of economic and employment activity in the area. It is not excessive to state that the control of state institutions, notably municipalities, has become an avenue of amassing economic gains in South Africa. Also, where the provision of service delivery and public goods by the (local) state is privatised, this offers opportunities for local and aspiring business people to try to seek control of the (local) state with the objective to securing tenders and this has resulted in highly irregular conduct in some municipalities for example. It is then not surprising that local government is a fertile ground for contestation, not only by political parties but also by the corporate sector working with municipalities.

3. Cadre deployment

Cadre deployment, regarded as the practice of deploying party cadres and loyalists into the public administration, is practised worldwide. In South Africa, cadre deployment is evident across political parties, especially in the African national Congress (ANC) and the Democratic Alliance (DA), although only the ANC defends it. The concern with cadre deployment however is when it places party allegiance as the key qualifier before qualifications, skills and competencies, with the resultant risk being that deployed cadres show loyalty to the party at the expense of the state, community development and service delivery. The inappropriate deployment of people has led to a myriad of problems in local government, including undue political interference, tensions between the political and administrative interface and insufficient separation of powers between political parties and municipal councils.⁴ This has rendered many municipalities ineffective in delivering on their developmental mandate.

4. Role confusion and undue political interference

The interface between political parties and the municipality on the one hand, and between the political and administrative parts of the municipality on the other hand is a complex matter. The 'marrying' of political objectives with state priorities gives rise to some of the chronic problems in municipal

councils. In practice, this means that the administration in a municipality has the difficult task of pushing a governmental agenda while also advancing a political agenda in the form of translating the municipal budget in line with the priorities of the majority political party in a municipality. The key issue here is that any dominant political party in a municipality is bound to use that power to its advantage. What other way of doing so other than ensuring that the municipal budget (drawn by the administration) mirrors or addresses the political objectives of the majority party? Role confusion can lead to, and is in turn evidenced by, the abuse of state power and/or resources to pursue political/party/factional interests.

The factors that contribute to the role confusion and undue political interference in municipalities can be summed up as follows:

- Lack of appreciation by Councils of the need to have an independent administration;
- Lack of understanding for the distinctive roles that political and administrative structures ought to play;
- Lack of appreciation for the integrity of municipalities among political parties.⁵

Where to from here?

The Local Government: Municipal Systems Amendment Act (2011) is an important first step towards professionalising local government and curbing eroding political tendencies. It aims to professionalise the local government system by fending off undue influence of political officials or political parties over the administrative function of a municipality and it also responds to some of the political tendencies like cadre deployment and the encroachment of the political onto administration. However, it remains to be seen whether the Act is effective in this regard, which depends on whether the legislative provisions are adhered to, how this is monitored and what the repercussions are for non-compliance.

Furthermore, the Act does not go far enough. The MSAA needs further revisions, at least to deal with two important issues:

- The appointment of the Municipal Manager should be left to the Council upon recommendation from an interview panel, in

order to fend off inaccurate and politically motivated appointment processes done by the Council.

- The appointment of Section 57 employees should be made by the Municipal Manager instead of politicians (Council) as it promotes political interference. The current practice with regards to this, in fact, results in “politics influencing implementation”, which is a recipe for undue political interference and conflation of the party-state.

These recommendations are also echoed in the submissions of the South African Local Government Association and the Good Governance Learning Network’s on the Local Government: Municipal Systems Amendment Bill (2010) to Parliament’s Portfolio Committee on COGTA.⁶

If the past 15 years of local government transformation have taught us anything, it is that there is a limit to what legislation can achieve. There is a need for other interventions and incentives to safeguard the integrity of the administrative and political structures in local government. Some of these are in the realm of role clarification, awareness raising and capacity building whereas others fall within the domain of political education.

If we really want to curb any undue encroachment of the political onto administrative matters, the following issues need to be addressed. These are in the realm of the (local) state, political parties and communities:

The (local) state

There is a need for thorough reflection on what features of the local government system contribute to negative contestation. For example, the institutional design of local government needs be assessed, to interrogate whether it does not contribute to or exacerbate negative contestation. For example, while the general view is that the two-tier system (district/local) at local government “remains relevant in many parts of the country where local municipalities lack the capacity to carry out key functions and are unable to recruit the necessary technical skills”⁷, there is a concern that the two-tier system fuels factionalism at times where political dynamics (between the district/local) play themselves out in municipalities.

Political parties

Some of the weaknesses in the institutional design of local government, coupled with other factors like weak capacity, allow political parties to exert undue political influence on weak municipalities. Political parties, especially the ANC, have a responsibility to manage the forms of contestation that come with contradictions of a growing society. Political parties must respect the integrity of Council; they must also respect the independence and non-partisan nature of administration. After all, parties are the only ones that (can) 'govern' how politics play out in state institutions like municipalities.

There is also a need for political parties to make an honest assessment of their practice and find ways of professionalising themselves. This calls for political education that promotes strong leadership values in parties, which is essentially about the character, ethics and integrity of the individuals in leadership roles.

Communities

Communities are highly heterogeneous and as such prone to division and contestation. Against the backdrop of high levels of poverty, inequality and unemployment, local service delivery and development are contentious and contested

processes. Community politics clearly mirror 'bigger politics' at national, provincial and local level. At the same time, community politics informs what is deemed permissible with respect to politics at other levels.

There is a need to invest in the development of community activism in the country, as solutions to some of the municipal problems highlighted in this policy lie outside the realm of local government as most of the political tensions are exacerbated by issues of unemployment, inequality, lack of education, transformation imperatives, etc. Factionalism, for example, is about 'politics of the stomach' and fundamentally about how the state addresses issues of economic redress in a sea of unemployment. What is more evident now is that South Africa needs strong and vigilant communities who must guard against 'wrongs' in the political system and eventually realise the vision of a 'people must govern'. Therefore, government needs to show political will to build and support independent community based organisations and other civil society organisations. There is also a need to build strong local community leadership outside of partisan structures and the local state, through initiatives like a Civic Academy for example.

Notes

- 1 Isandla Institute hosted a Roundtable dialogue titled "Local politics and factionalism: Local government as a site of contestation" on 01 December 2011. The Roundtable report and discussion document can be accessed at www.isandla.org.za.
- 2 See, Local Government: Municipal Systems Act, 32 of 2000.
- 3 IEC/HSRC Voter Participation Survey 2010/2011: An overview of results.
- 4 See, COGTA's 2009 State of Local Government in South Africa report.
- 5 This is echoed in COGTA's 2009 State of Local Government in South Africa report.
- 6 See, National Planning Commission's National Development Plan: Vision 2030: Chapter 13, 'Building a Capable State'.
- 7 See, 2010 SALGA and GGLN's submissions on the Local Government: Municipal Systems Amendment Bill (2010) to the Portfolio Committee on Cooperative Governance and Traditional Affairs.

FOR MORE INFORMATION:



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Isandla Institute's "The Politics of Local Governance" project aims to deepen and enhance current perspectives and debates on local governance in South Africa.

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