

Chapter 4

Trends and Issues around Democratisation in Local Government Reform

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INTRODUCTION

Efforts to construct a democratic political system have continued in South Africa. The democratisation of local government is a principal concern for ordinary people who deal with it as their primary governmental institution. In this chapter, the reality of democratisation in South Africa has been considered by focusing on local government and its reform.

The process of democratising local government in South Africa can be divided into two stages. In the first stage, until 2000, the democratisation of local government entailed building up a democratic system of politics in order to reflect the will of the people. The second stage, after 2000, was the process whereby local governments' provision of services was improved, and the political will of the people could be reflected as an actual societal experience. Local government reform became an important political issue in democratisation in South Africa. In the apartheid regime, the black population¹ was banned from participating in conventional politics and kept separate. Therefore, in order that all the people, especially the black population, could realise democratisation, the new government supported a focus on integration rather than division. It was considered important that local government be democratised and that people could be in direct contact with their local government (ANC 2010).

Most previous research on the politics of South Africa has focused on the democratisation of the national government in order to clarify the transformation of the

¹ Here the term "black population" is intended to mean non-white, that is Colored, Asian (including Indian) and African.

entire political system, and the study of local government has tended to be limited. The most significant study on local government is Lodge's study (Lodge 2005). However, he focused on the relation between the central government and the provincial government, not on the municipal system. The study of local government in South Africa as a municipality seems to have two major trends. First are the studies from the perspective of how the local government closest to the people would democratise. Cloete (1995) and Wittenberg (2003) tried to explore the direction of an increasingly democratic local government, which had had a non-democratic character under the apartheid regime. Second have been the studies of how the traditional leaders, who hold significant influence in local politics in South Africa, were used in local politics. Sklar (1999), Williams (2010) and Oomen (2005) made a positive assessment of the role that traditional leaders played in delivering services. Conversely, Mamdani (1996), Bank and Southall (1996) and Ntsebeza (2005a; 2005b; 2008) were negative about the role of the traditional leaders who do not conform to the principle of democracy. Other studies include Parnell et al. (2002). These focus on urban planning and developmental policy by the local government. This chapter considers and analyses the trends and issues around the democratisation of local government by focusing on how municipalities deliver services to the people.

Local governments are expected to provide effective, efficient, transparent, accountable and coherent government to secure people's well-being and the progressive realization of their constitutional rights. First, this chapter clarifies the process of democratisation in local government. Second, it considers the efficiency of institutionally democratised local government in both urban and rural areas. Finally, it considers the challenges facing local governments. Based on the concern that local government should be a strong indicator of democratisation in South Africa, this chapter examines the direction shown by the democratisation of local government reform. It also discusses how this democratisation is transforming South African politics at the local level.

1. DEMOCRATISATION OF LOCAL GOVERNMENT INSTITUTIONS

1.1 Local Government under the Apartheid Regime

Since the establishment of the Union of South Africa in 1910, the governmental system in South Africa has had three spheres: the central government, the provincial government and the local government. Local government has traditionally been regarded as the third tier of government, and it has had the most direct effect on the population. Local government has its origins in early tribal village and primitive communities where it was established long before the concept of a nation state evolved (Cloete 1995: 1-2).

Under the apartheid regime, which held to the principle of divided governance, local government was divided into White areas and African areas, and the government structure in African areas was totally sub-divided. The divided individual local governments provided administrative services to residents as prescribed in the acts and on

their own responsibility. They were required to provide electricity, water, waste disposal and medical services, and to maintain roads. Financial resources to provide administrative services came from taxes, such as property taxes, and grants and subsidies from the central government and the provincial government. While local governments as a political institution were formally independent, they were forced to come under the management and monitoring of the central and provincial governments, in practice (Wittenberg 2003). The system of financing their administration was far from what might be expected of an autonomous body, and local governments were vulnerable as a result.

The local government situation differed between the white communities and the black communities, and between the urban and the rural areas. Local government in white areas was given a certain amount of autonomy, while the policy to deprive local governments of any autonomy was carried out in black areas and in rural areas. For example, blacks who lived in urban areas were forced to live in townships which were residential areas defined by the South African government. Townships, where the supply of cheap labour was required for economic activities in white areas, were allowed to be built close to residential areas and economic activities in the white areas. In the township, black authority was established by the South African government and it was strengthened so that it could manage and control the black population.

In rural areas, the South African government promoted the construction of independent states for Africans which were called Homelands from the late 1950s, and ten homelands were founded, of which four became independent. In every homeland, a government was established and given some kind of superficial autonomy². Though homeland governments were nominally a kind of independent state, they strongly and essentially were puppet governments through which the South African white minority government tried to maintain their dominance.

The most important objective in black areas, for example, in rural areas and in the townships of urban areas was to increase the management and domination by the government of the black community. In order to divide black self-governance, the administrative structure of local government was sub-divided regionally and racially. If there were a number of local governments and “independent” homelands, and their autonomy did indeed increase, every administration was still a puppet of South Africa’s white government. The autonomous and democratic nature of local government was very weak and fragile. In the post-apartheid regime, the new South African democratic government faced the challenge of how the local government was to be democratised, and how it would be able to provide administrative services efficiently.

² No government, except South Africa, recognized the Homelands as independent nations.

1.2 *Democratising the Process of Local Government*

The democratisation of local government in South Africa can be divided into two stages. The first, before 2000, was to build a democratic local government on an institutional basis, and the second, after 2000, was to achieve an operational system from which ordinary people could feel the benefits. The first stage will be discussed here.

The institutional democratisation of local government was introduced in order to integrate the units which had been divided racially under the apartheid regime, as well as to democratise legislative mechanisms and administrative structures on an institutional basis. In the urban areas, the government sought to integrate into a single administrative unit what had been divided racially and residentially. In the rural areas, the aim was to re-unify the administrative structure in the areas where Africans had been excluded from South Africa in homelands. The first step, therefore, to democratise local government was to untie and re-unify racially and geographically divided administrative institutions.

In 1993, the Local Government Negotiating Forum (LGNF) was established in order for the South African Government to launch comprehensive local government reform. With the consent of the Multi-Party Negotiation Forum, the LGNF drafted the Local Government Transition Act (Act No.209 of 1993), which determined that the ten homelands, including the four independent homelands, would be reunified into South Africa³, and that elections to transitional councils would be held, allowing for some continuity in delivery until local government reform was in place. The local elections, based on the agreement of the LGNF, were also defined in the interim constitution. Following the definitions of the interim constitution, democratic local elections in which all residents had equal voting rights were held in 1995 and 1996⁴. These local elections were held in the old administrative units of the local government as they had existed in the apartheid era. Redrawing the municipal boundaries was considered the next task after holding the local elections.

The issues concerning the role and the basic system of local government began to be discussed in earnest in the Constitutional Assembly in the course of the creation of a new constitution, after the local elections in 1995-1996. The basic system and institutions were defined by the new constitution.

Three types of local governments were defined in the Constitution of 1996, as follows. Category A, a metropolitan municipality, is a municipality that has exclusive municipal executive and legislative authority. Category B, a local municipality, is a municipality that

³ All governments of 10 homelands did not accept to be incorporated into South Africa without any resistance. There were also strong resistances. For instance, Chief Minister Buthelezi of the KwaZulu government was trying to interfere with the democratic negotiations led by the ANC and NP by various means. And Lucas Mangope had made clear that Bophuthatswana would remain independent of the new and integrated South Africa and that he would not allow the upcoming election to take place in Bophuthatswana.

⁴ In seven provinces, except for two provinces where there was a conflict over the demarcation of electoral wards, local elections were conducted on 1 November 1995. In Western Cape, the election was held on 29 March 1996. In KwaZulu-Natal, it was held on 26 June 1996.

shares municipal executive and legislative authority in its area with the category C municipality in whose area it falls. Category C, a district municipality, is a municipality that has municipal executive and legislative authority in an area that includes more than one local municipality⁵. Metropolitan municipalities were located in urban areas with large administrations. Local municipalities were located in urban and rural areas with small administrations. District municipalities were expected to coordinate and manage some local municipalities. Regarding an appropriate division of powers and functions between the local and the district municipalities, the Constitution applied in the following manner. A division of powers and functions between a category B municipality, a local municipality, and a category C municipality, a district municipality, may differ from the division of powers and functions between another category B municipality and that category C municipality⁶. Depending on the region, the relationship between a local municipality and a district municipality may differ also.

The predecessors of the district municipalities were the regional service councils, which were established in 1985 with the aims of promoting cooperation between local governments and of managing particular areas that had no municipality to govern them. District municipalities were founded to strengthen the authority and functions of the regional service council. Areas that were not managed by local authorities were known as district management areas (DMA). In order to provide an efficient delivery of services, district municipalities were expected to compensate for the lack of administrative capacity in local municipalities, which had scarce financial and human resources and operated on a smaller scale.

After the enactment of the Constitution in 1996, further discussion on the structure, function and authority of local governments was carried out in the National Assembly. In 1998, the Municipal Demarcation Act (Act No.27 of 1998) was enacted, and the Municipal Demarcation Board (MDB) was founded in order to redraw the municipal boundaries in the country. It was decided to dramatically reduce the total number of local governments, from 843 to 284, and to reduce the number of elected members. The numbers for each of the three categories were 6 metropolitan municipalities⁷, 232 local municipalities and 46 district municipalities, before the first local election under the democratic institution was held in 2000 (MDB 2000: 20). Local governments integrated black and white areas which had been divided into poor black authorities and rich white authorities during the apartheid era, and the new local governments were reorganized using indicators such as population and space.

In 1998, the White Paper on Local Government was published, and the basic policy on

⁵ According to the definitions of chapter 7 in the Constitution of the Republic of South Africa, No.108 of 1996.

⁶ See the provision of the Constitution of the Republic of South Africa, clause 155, para 3-C.

⁷ These six metropolitan municipalities in 2000 were City of Cape Town, Ekurhuleni Metropolitan Municipality (East Rand), City of eThekweni (Durban), City of Johannesburg, City of Tshwane (Pretoria) and Nelson Mandela City (Port Elizabeth). Before the local election in 2011, Buffalo City (East London) and Mangaung Municipality (Bloemfontein) became metropolitan municipalities.

local government and a vision for a new developmental local government system was set out. It was emphasized that local government was committed to working with local citizens, groups and communities to improve the quality of life and to meet the social, material and economic needs of communities in a holistic way. In 1998, the Local Government Municipal Structures Act (Act No.117 of 1998) was enacted, and in 2000, the Local Government Municipal System Act (Act No.32 of 2000) was passed. These laws specifically defined the organization, function and authority of local governments.

According to the Municipal Structure Act, regarding local government, each municipality must have a municipal council whose term is for no more than five years. Each municipal council must elect its speaker from among the councillors as a chairperson at its first sitting after an election, and the municipal council must elect a member of its executive committee as the mayor who presides at meetings of the executive committee, performs duties, including ceremonial functions, and exercises the power delegated to the mayor by the municipal council or the executive committee. The municipal council must also elect the members of its executive committee from among its members. The mayor has primary responsibility over the executive branch, but the municipal council is also closely involved in the executive.

1.3 Issues Left after the Institutional Democratisation of Local Government

Local government reform has advanced to a second stage in order to move to a democratic and efficient governmental institution from the non-democratic institution of a racially divided apartheid regime. Regarding the integration of local government, the regional integration of black and white areas in urban areas has not caused serious problems, because both black and white areas in urban areas originally had the same political economy in many cases. Although there were some problems, it was finally accepted that the wealth of white areas should be redistributed to poor black areas, in consideration of the need to help to continue to build a new democratic political system. However, there arose serious problems with regard to the integration of local governments in the rural areas.

There were two problems when attempts were made to reform local government in the rural areas⁸. First, many local governments suffered severe shortages in the financial and human resources they needed to provide services to their residents, and each local government was faced with a gap in terms of what it needed to meet local demand. Second, there was a question of how the traditional leaders were treated in the rural areas, especially in the former homelands where they have latent power and influence.

The first problem has been a central issue for rural local governments in a democratic system after 2000, when those governments began to be involved in providing efficient

⁸ Interview with Dr Mathole Motshekga, ANC Chief Whip, parliamentary caucus, and with Professor Charles Nwaila, Director of Traditional Affairs, Department of Cooperative Governance and Traditional Affairs (CoGTA), on 6 September 2011, in Pretoria. And interview with Mr. Ando Donkers, Director of Cooperative Governance, CoGTA, on 7 September 2011, in Pretoria.

administrative services. Local government is now strongly expected to fulfil the role of developing the economic and social infrastructure of the region in addition to providing services like water, electricity, garbage disposal, health services, sanitation, and roads. Especially since 2000, the ANC government has tried to promote the equal provision of services to the public efficiently from the central, provincial and local governments in order to enhance the developmental role of the state, to ensure the welfare of the people, and to realize the rights granted to the people by the Constitution (ANC 2010). It was considered especially important to strengthen the institution of local governments, which were in direct contact with residents.

Although local governments lacked both human and financial resources, they were supposed to carry out the Integrated Development Plan (IDP), which was imposed by the central and provincial governments, with the guidance and support of the provincial government. Also, in accordance with the provisions of the Municipal Finance Management Act of 2003, local governments operated under the guidance of the central and provincial governments when they developed their budgets. Local governments, whose authority was constrained, were placed under the jurisdiction of the provincial government. Without creating new financial resources, local governments had to rely on the same financial resources that they had had in the past.

In order that local government can provide services to residents efficiently, the central government has tried to integrate and reorganize the local governments. On the other hand, it has tried to increase efficiency by giving district municipalities authority and by expanding the scale of integration among local governments⁹.

2. THE EFFICIENCY OF LOCAL GOVERNMENT

2.1 Integration of Local Government and Efficiency

The democratisation process of local government after 2000 progressed toward the second phase of democratisation to provide efficient administrative services, so that the people could actually experience and feel democratisation in their lives. By the time of the 2011 local election, integration of local governments continued to be carried out in 8 metropolitan municipalities, 44 district municipalities and up to 225 local municipalities¹⁰. The central government is trying to strengthen the mechanism of a closer relationship between the central, provincial and local governments in order to improve the efficiency of local governments through integration, and to provide advice and guidance from the central and provincial governments for local government in order to improve local governments' capacity (CoGTA 2011).

There is dissent with regard to the ANC's attempt to provide efficient services to

⁹ Interview with Mr. Ando Donkers.

¹⁰ These numbers were calculated from data and information from the Independent Electoral Commission (IEC 2011).

integrate local government. The Democratic Alliance (DA) claims that the consolidation and expansion of local government, which the ANC has promoted, does not lead to an efficient allocation of services, and that it will produce corruption and spread nepotism¹¹. What is the actual situation? Here, in order to empirically verify the problem of the efficiency of local government, two district municipalities were chosen, Sedibeng District Municipality and Alfred Nzo District Municipality.

2.2 Case Study in an Urban Area: Sedibeng District Municipality

Sedibeng District Municipality is located in the southern part of Gauteng Province, south of the City of Johannesburg. Its population was about 800,000 in 2007.¹² Sedibeng District Municipality is a relatively rich urban municipality, with thriving manufacturing and commercial sectors. It has jurisdiction over three local municipalities, the Emfuleni, Midvaal and Lesedi Local Municipalities, and its office is located in Vereeniging. This area is linked by the R59, N1 and N3¹³ to Johannesburg, which is the economic centre of South Africa.

As shown in Table 1, the municipal council of Sedibeng District Municipality is composed of 19 members, who were elected by proportional representation from the entire district area, and 29 members, who were sent to represent the three local municipalities. The majority party in the municipal council of Sedibeng District Municipality is the ANC, which has the posts of Speaker of the Council and Executive Mayor. In the three local municipalities in Sedibeng District Municipality, the ANC is the majority party in Emfuleni and Lesedi Local Municipalities, where the ANC has the posts of Speaker and Executive Mayor. However, in Midvaal Local Municipality, the DA is the majority party and it has the posts of Speaker and Executive Mayor.

Emfuleni Local Municipality in Sedibeng District Municipality includes Vereeniging and Vanderbijlpark where the offices of the Emfuleni Local Municipality are located. In addition, it includes former black townships, like Sebokeng, Evaton, Boipatong, and Sharpeville. Emfuleni Local Municipality is the most populated local municipality in South Africa. It has large steel plants and a coalfield, and is vibrant. Numbers of people flow into Emfuleni Local Municipality from the rural areas of the Free State, Eastern Cape, KwaZulu-Natal and North West. The water, electricity, roads and other infrastructure supplied by the local municipalities is unable to meet the needs arising from the population increase that has resulted from this influx.

Basic infrastructure, like water, electricity and roads, is provided to residents in

¹¹ "Bigger Isn't Always Better," *Mail & Guardian*, 9 March 2011. Helen Zille, leader of DA, also stressed this point during the 2011 local election campaign.

¹² The figure for the population is based on the Community Survey in 2007, Statistics South Africa (2008).

¹³ The R59 is a Regional Route in South Africa which connects Hertzogville in Free State and Alberton near Johannesburg. The N3 is a National Route in South Africa which connects Durban and Johannesburg. Both road is a high-standard highway, is very busy highway and has a high volume of traffic.

Sharpeville and Boipatong, which are adjacent to Vanderbijlpark. However, away from Vanderbijlpark, the development of infrastructure tends to be delayed, there are often shortages of water, electricity and paved roads, and squatter camps have spread. In Evaton and Sebokeng, far away from Vanderbijlpark and Vereeniging, squatter camps continue to expand. Delays in the development of social infrastructure are clearly apparent.

When local municipalities try to develop a social infrastructure, such as water and electricity, they are deeply involved in financial issues, whether residents pay fees for such utilities as electricity and water or not. Local municipalities buy water and electricity from Eskom and water companies in bulk, and provide it to their residents. Local municipalities provide utilities to residents by adding a fee of about 10% of the purchase price, and they collect these fees from the residents. This difference becomes revenue for the municipalities. Local municipalities bear the responsibility of collecting the fees. At present, the sum of unpaid fees does not exceed the amount of fees that the municipality is able to collect. It is not the case that the municipality is not trying to develop water and electricity supplies in the regions where residents cannot afford to pay their fees. Local municipalities, like Emfuleni Local Municipality, are trying to develop infrastructure, such as water and electricity, while maintaining an overall balance between expenditure and revenues¹⁴.

When local municipalities decide an important matter, they tend to place a priority on the opinion of the local residents by holding Public Participation Meetings as defined in the Municipal System Act of 2000. Members of the local council also try to listen to the opinion of residents in each constituency. Both fora for the expression of residents' opinions have become important in the process of decision-making for local municipalities.

Local municipalities must also focus on consultation with the district municipality that has jurisdiction over them. Three local municipalities in Sedibeng District Municipality have developed and formulated IDPs with each other. At the same time, the Sedibeng District Municipality has also formulated an IDP and a Spatial Development Framework (SDF) (Sedibeng District Municipality 2011a). Because the district municipality, along with the guidelines on a development framework and constant development in consultation with the provincial and central governments, must define certain guidelines for the IDP that local municipalities are trying to develop and formulate in the region, local municipalities must consult with the district municipality on whether or not the IDPs and SDFs that the local municipalities have developed are based on the guidelines that the district municipality has developed. Therefore, the IDP of a local municipality tends to reflect the intentions of the district municipality. If there is a confrontation over policy, in accordance with the provisions of the Municipal System Act, the strategies of the higher institutions, like the central government, the provincial government and the district

¹⁴ Interview with Mr. Modse Mphalo, IDP Chief Officer of Emfuleni Local Municipality, on 21 September 2012, in Vanderbijlpark.

municipality, take priority. In the case of Sedibeng, due to the high administrative capacity of the local municipalities, there is a division of functions so that the district municipality will determine the basic policy, and local municipalities will be responsible for providing administrative services. Looking at the budgets of the district municipality and the local municipalities, the district municipality plays a small role, and local municipalities take a larger role (Sedibeng District Municipality 2011b: 48; Emfuleni Local Municipality 2011).

Not only Emfuleni Local Municipality but also the Lesedi and Midvaal Local Municipalities have acknowledged the significance of constant coordination among the local municipalities and between the local municipality and Sedibeng District Municipality, while the local municipalities have asked that the independence of each local municipality be respected. In order to facilitate the provision of administrative services for the residents, the local municipalities and the district municipality seem to consider that there should be relatively favourable relationships with one another¹⁵.

However, unfortunately, there may be a problem in Sedibeng District Municipality with policy coordination and consultation among the local and district municipalities. These problems are due to the fact that the ruling party in each municipality is different. In Midvaal, the ruling party is the DA, while in the other local municipalities and the district municipality, it is the ANC. The political conflict between the ANC and the DA has an impact on local administration and local government. As the local governmental system and structure in South Africa is so sensitive to political parties, the relationship between the political parties has an influence on local politics.

Tabel 1 Number of Councillors of Sedibeng District Municipality and Emfuleni, Lesedi and Midvaal Local Municipalities

		Sedibeng					Emfuleni			Lesedi			Midvaal		
		Population 800 thousand					650 thousand			83 thousand			66 thousand		
		Proportional	representative from each local municipality			total	proportional	constituency	total	proportional	constituency	total	proportional	constituency	total
Number		19	23	3	3	48	44	45	89	13	13	26	13	14	27
Political Party	ANC	13	16	2	1	32	28	36	64	9	10	19	6	5	11
	DA	5	6	1	2	14	12	9	21	3	3	6	6	9	15
	COPE					0	1		1			0			0
	APC					0	1		1			0			0
	PAC	1	1			2	1		1			0			0
	VF+					0	1		1	1		1	1		1
Executive Mayor		ANC					ANC			ANC			DA		
Speaker		ANC					ANC			ANC			DA		

(Source) Prepared by author according to Community Survey 2007 (<http://www.statssa.gov.za/Publications/P03011/P030112007.pdf>) and List of Councillors 2011 Municipal Election (<http://www.elections.org.za/content/DynamicDocs.aspx?id=462&Breadcrumb=331&LeftMenuId=251&name=home>, accessed 9 June 2011)

¹⁵ Interview with Thomas Mkaza, Chief Operations Officer, Sedibeng District Municipality, on 17 September 2012, in Vereeniging. Interview with Henry Human, Executive Director of Development and Planning, Midvaal Local Municipality, on 26 September 2012, in Mayerton. Interview with Ronel Vorster, Lesedi Local Municipality, on 18 September 2012, in Heidelberg. Interview with Sello Pitso, councilor of Emfuleni Local Municipality and MMC on Infrastructure, Roads, Transport and Public Works, on 26 September 2012, in Vanderbijlpark.

2.3 Case Study in a Rural Area: Alfred Nzo District Municipality

Local government in the rural areas is different from that in the urban areas. In this section, Alfred Nzo District Municipality, which is one of the poorest rural areas in South Africa (SAIRR 2012), is chosen as a case study.

Alfred Nzo District Municipality is located in the north-western part of Eastern Cape, and is bordered by KwaZulu-Natal province and the Kingdom of Lesotho. Its population was about 800,000 in 2007. It is one of six district municipalities in Eastern Cape Province. It has jurisdiction over four local municipalities: Matatiele, Umzimvubu, Mbizana and Ntabankulu local municipalities¹⁶. In Alfred Nzo District Municipality and the four local municipalities, the ANC has a majority in the municipal council, and the ANC has occupied the posts of Speaker and Executive Mayor. The territory of Alfred Nzo District Municipality is the area where there was a former Transkei Homeland under the apartheid regime. The majority ethnic group in this area is Xhosa. The ANC traditionally has a strong influence and base here, for many executive members in the ANC have been Xhosa.

In Alfred Nzo District Municipality, the grants and subsidies from the central and provincial government account for about 60% of the income of the municipality. The rest comes from fees for administrative services, such as water and electricity, which are provided by the district municipality. Some revenue comes from the municipality's own resources, such as a property tax collected from the residents¹⁷. The budget of Matatiele Local Municipality is approximately 262 million Rand. About 30% of the budget is from the municipality's own income, such as the property tax (10%) and the fee for providing administrative services (20%). The remaining 70% comes from grants and subsidies from the central and provincial governments (Matatiele Local Municipality 2011). The reason for the difference in the proportion of the subsidy is that subsidies from the central and the provincial government have been added in order to balance the budget according to the population of the local government (MPACD 1998).

In Matatiele Local Municipality, there are many areas where water and electricity is not provided. On a small budget, roads, water, sewage, and electricity, which should be expected to be provided, cannot easily be developed. The local municipality is not able to provide even minimum administrative services to the residents because there is little industry, and the financial base of the local municipality is vulnerable. Therefore, the local municipality provides administrative services, such as water, electricity, roads, and so on, with the assistance of the district municipality.

¹⁶ Although Mbizana and Ntabankulu local municipalities used to belong to OR Tambo District Municipality, which is bordered by Alfred Nzo District, both of these local municipalities was transferred to the Alfred Nzo District Municipality before the local election in 2011.

¹⁷ Data from the website of Alfred Nzo District Municipality (<http://www.andm.gov.za/site/index.php/corporate-structure/budget-and-treasury-office/>, accessed 10 January 2012).

Alfred Nzo District has a poverty rate of 83.2%, which is the highest in South Africa¹⁸. It cannot provide administrative services efficiently; 68.1% of residents cannot get access to water, and 65.9% cannot get access to electricity. The local municipality cannot provide administrative services to residents properly, because local municipalities tend to be short of financial resources and personnel, despite getting support and assistance from their district municipality and the provincial and central governments. This point is quite different from municipalities in urban areas like the relatively affluent Sedibeng District.

A critical issue facing local government, especially in the rural areas, is the lack of human resources. Posts in the municipalities require certain abilities, and human resources with the necessary capacity are not replenished; this has caused serious failures in the activities and conduct of the municipality. For example, after pointing out the need for the review and steady implementation of the IDP, Ntae Samuel Sello, the Executive Mayor of Matatiele Local Municipality, pointed out that it is necessary to first eliminate the vacancies in middle-class posts or senior staff in order to efficiently implement the IDP (Matatiele Local Municipality 2010).

As well as the problem of the lack of human resources, inadequate administrative management, called corruption and nepotism, has also been pointed out as a factor that has exacerbated the inefficiency and lack of performance of local governments. Here, one example is shown. This was reported in the *Daily Sun*.¹⁹ According to the report, Alfred Nzo District Municipality had a budget of around R200 million a year, and it spent up to 70% of the budget on wages. Compared with other municipalities, the percentage of wages in the budget was extremely high, so there was almost nothing left for the delivery of services. Inappropriate accounts management was also pointed out. In 2008, the income of Alfred Nzo District Municipality was R203 million. Only R108 million actually showed up on its statement; most of the rest of the budget disappeared. Nobody knew why the money had disappeared when the auditors came to check the books in 2008. Proper financial controls were almost non-existent. It was pointed out that one of the causes of the improper handling of accounts might have been that Alfred Nzo's financial director, an ex-Umkhonto we Sizwe soldier, was appointed, and he tended to hire his old comrades, who did not have the proper knowledge or experience. This symbolizes the bad administrative practices of corruption and nepotism in South Africa. People who are connected to someone who holds political power or is in connection with authority tend to get the administrative posts. However, because most of them do not have the knowledge or experience required for the post, they will not be able to carry out

¹⁸ According to a South African Institute of Race Relations Survey. SAIRR, *Fast Facts*, no.01, 2012.

¹⁹ "Good Governance: South African Municipalities," reported by Rian Malan, *Daily Sun*, March 2010 (<http://www.adac.co.za/news/archived/good-governance-south-african-municipalities/>). Annual Report of Alfred Nzo Municipality has also referred to the need for proper usage of the budget and the lack of skills of personnel repeatedly. See Final Draft Annual Report for 2010 and 2011 Financial Year (http://www.andm.gov.za/Documents_Download/Reports/Pages/default.aspx, accessed 15 January 2013).

the duties expected of them. As a result, the performance of the entire administration deteriorates.

The Black Economic Empowerment Policy, which was introduced in order to improve the economic status of blacks, has provided room for political intervention in government posts. It has established a kind of patron-client relationship that is prone to corruption and collusion between politicians and administrators. In fact, politics has begun to be deeply involved in appointments to executive positions in government. This trend is particularly strong in the rural areas.

The governance of local governments in many rural areas has deteriorated, and the motivation to try to positively provide administrative services to residents has fallen. Local government reform is not up to the level that the central government envisaged. This is why the central government has begun to consider trying to use traditional leaders to provide administrative services.

3. LOCAL GOVERNMENTS, POLITICAL PARTIES AND TRADITIONAL LEADERS

3.1 Local Governments and Political Parties

In South Africa, local elections are, in principle, carried out every five years. After the local election, the speaker and the executive mayor are elected from among the councillors of the municipal council. The executive mayor has the right and the authority over local government administration, and the members of the Mayoral Committee, which has jurisdiction over the particular administrative organization that assists the Mayor, are elected from the members of the municipal councils.

In Emfuleni Local Municipality, ten members of the mayoral committee are elected from among the councillors of the municipal council. Members of the ruling ANC have occupied the posts in charge of each department in the local municipality. A system and structure have been built in which a political party is deeply involved in the local administration.

According to a provision of the Municipal System Act of 2000, each municipality has to hold a Public Participation Meeting in order to communicate with the local community and to consult with the local community in cases where municipalities are trying to decide important agenda items. Public Participation Meetings are often held in each ward, which is also a constituency. In the local municipalities, half of the municipal councillors will be elected by proportional representation, while the other half are elected in single-seat constituencies. Councillors elected in the constituency will be deemed duty-bound to realize the needs of the residents in their constituency, and cannot ignore the requirements of the residents in their constituency; given that there will be another election soon. On the other hand, residents rely on the councillors of their constituency to meet their needs. As a place for the municipalities and the residents to discuss the issues, ward committees were established. In ward committees, the councillor representing

the ward in the council plays a key role in order to strengthen the interdependence between the councillor and the residents. Political parties are also trying to take advantage of the ward committees to expand their influence and power.

The ANC, as a political party, is trying to strengthen these organizations and expand their influence with an emphasis on restructuring at the ward level, in particular. In Gauteng, the ANC has five regional branches, Johannesburg, Ekurhuleni, Tshwane, West Rand and Sedibeng²⁰.

Local municipalities are trying to perform their duties in cooperation with the ruling political party, and they are strongly influenced by politics and the political parties. The political parties are deeply committed to administrative activities in order to expand their support base. Local politics may also be affected by feuds between the political parties. One example would be the tension between Midvaal Local Municipality, ruled by the DA, and the other local municipalities in Sedibeng District, which are ruled by the ANC.

3.2 Local Government and Traditional Leaders

In general, the capacity of local governments in the rural areas is fragile and weak. These local governments tend to have a low personnel and financial base, and their performance is poor. The South African government has begun to utilize traditional leaders, who still hold power and influence in the rural areas, in order to provide administrative services efficiently in the local government's place.

After establishing a local government system and structure in 2000, the South African government tried to set up administrative institutions for the installation of traditional leaders. In 2003, the Traditional Leadership and Governance Framework Act of 2003 (Act 41 of 2003) was adopted, and then the role of the traditional leaders was expanded at the local government level in the rural areas, in particular. In fact, before the local elections in 2000, traditional leaders pressed to be officially allowed to participate in the decision-making process of local governments in order to expand their influence (Ntsebeza 2005a), but this was not accepted.

In order to acknowledge the role of the traditional leaders publicly, some organizations, such as the National House of Traditional Leaders at the national level and a Provincial House of Traditional Leaders at the provincial level, were installed. Although their role is limited by law, the traditional leaders are seeking to strengthen their authority.²¹ The central government was only trying to use the traditional leaders in order to provide services efficiently. However, the traditional leaders are now gradually seeking more authority. The Traditional Court Bill is an example of this.

Traditional leaders have begun to hold real political power at the local level, because the management rights to the lands taken from the white minority government were to return

²⁰ According to *ANC Gauteng Local Government Elections 2011 Bulletin*, 11 April 2011

(<http://www.anc.org.za/docs/elecbul/2011/april11.html>, accessed 20 December 2012).

²¹ Interview with Khosi PF Kutama, President of the National House of Traditional Leaders (on 1 September 2010, in Pretoria).

to the traditional leaders as a result of the negotiations over democratisation. Control of the land is a source of real power for the traditional leaders (Ntsebeza 2005a; 2005b; 2008; Claassens and Cousins eds. 2008). The Communal Land Rights Act (Act 11 of 2004, CLaRA), enacted in 2004, allowed traditional councils to repossess or reclaim the ownership of communal lands whose ownership could not be determined. This means that communal lands belong to the traditional leaders, and thus the power and influence of traditional leaders were strengthened. Although the CLaRA was declared to be unconstitutional in 2010 by the Constitutional Court²², the traditional leaders are trying to continue, in substance, to retain their authority to allocate land. Currently, when local governments or NGOs are trying to promote development policies in rural areas, consultation with the traditional leaders is essential and cannot be ignored.

Traditional leaders have begun to ask for more authority than was originally expected. And they have begun to exercise their influence over any permission needed for land use. They may have become an obstacle to the development of an area. The ANC is trying to use traditional leaders to expand their base of support in the rural areas. As the ANC expanded its anti-apartheid movement in the urban areas, mainly in cooperation with the United Democratic Front (Ntsebeza 2008; Seekings 2000), the ANC has institutionally been vulnerable in rural areas. The ANC government continues to try to build friendly relationships with traditional leaders in order to gather support in the rural areas²³.

CONCLUSION

Before 2000, South Africa was able to carry out local government reform to democratise the local government system and structure on an institutional basis. Since 2000, South Africa has tried to implement further reforms so that people can feel and experience democratisation. The ANC and the central government have been promoting reforms by restructuring and integrating local governments in order to increase the efficiency of local governments. However, the results of the reform are inadequate, and there is also growing public discontent.

The following points should be pointed out. First, local government reform in South Africa was carried out in order to enhance democratic local government, and to provide administrative services efficiently. A decentralization perspective of trying to increase the autonomy of local governments is lacking in the perspective of local government reform. As South African society is pluralistic, a reform perspective that emphasizes an autonomy that respects the uniqueness of each region is needed.

²² Constitutional Court Case “Tongoane and Others v National Minister for Agriculture and Land Affairs and Others” (<http://www.pmg.org.za/report/20100908-department-constitutional-court-judgement-communal-lands-right-act-cl>, accessed 4 November 2011).

²³ For example, MP Phathekile Holomisa, president of the Congress of Traditional Leaders in South Africa, asked President Jacob Zuma to appoint at least two traditional leaders to his cabinet at the Mangaung Conference in December 2012, in return for his support for Zuma. An article in the *Mail & Guardian*, dated 20 December 2012.

Second, the results of democratisation are different from those that were intended. In order to adapt to reality, the various policies have been implemented in each local municipalities, and some of them have deviated significantly from the fundamental policy of the local government reform. In the urban areas, in order to respond to changing realities and to provide administrative services efficiently, there was an attempt to strengthen local governments by integrating and reorganizing the municipalities. However, the emphasis is sometimes on strengthening organizations, and the provision of services efficiently has become a secondary consideration. In the rural areas, traditional leaders are employed to provide administrative services to residents efficiently. However, these traditional leaders, rather than providing the services expected, are trying to expand their own authority, and they may become an obstacle to the development of government policy.

Third, if the ANC proceeds with its current policies, local government reform will not suffice on its own. It is also necessary to decide priorities given the limited resources to hand. There is a need to steadily advance local government reform by prioritizing. In the urban areas, it is necessary to deal with a growing population. In the rural areas, it is necessary to determine minimum requirements and to meet them.

Policy choices and how to prioritize should be important. People who try to deliver services in the field as a staff of local government or of political party are keen to provide administrative services. In order to improve their overall performance, it is necessary to focus on the policy choices that are available as well as on the autonomy of the local governments.

REFERENCES

- ANC (African National Congress). 2010. *Provincial and Local Government Review Discussion Paper, presented to the Summit on Provincial and Local Government, 2-4 December* (<http://www.anc.org.za/docs/discus/2010/summitz.pdf>, accessed 1 February 2011).
- Atkinson, Doreen. 2007. "Taking to the Streets: Has Developmental Local Government Failed in South Africa?" In *State of the Nation: South Africa 2007*, edited by Sakhela Buhlungu et al. Cape Town: HSRC Press, pp.53-77.
- Bank, Leslie, and Roger Southall. 1996. "Traditional Leaders in South Africa's New Democracy." *Journal of Legal Pluralism and Unofficial Law* No. 37-38: 407-430.
- Claassens, Aninka, and Ben Cousins, eds. 2008. *Land, Power & Custom: Controversies Generated by South Africa's Communal Land Rights Act*. Cape Town: UCT Press.
- Cloete, Fanie. 1995. *Local Government Transformation in South Africa*. Pretoria: J.L. van Schaik Publishers.
- CoGTA (Department of Cooperative Governance and Traditional Affairs). 2009. *State of Local Government in South Africa: Overview Report, National State of Local Government Assessments-Working Documents* (<http://www.pmg.org.za/files/docs/091017tas.pdf>,

- accessed 10 January 2012).
- _____. 2010a. *Minister on Department of Cooperative Governance and Traditional Affairs Annual Report 2009/2010* (<http://www.pmg.org.za/report/20101019-meeting-minister-department-cooperative-governance-and-traditional-af>, accessed 10 January 2012).
- _____. 2010b. *Report for Paramountcies, Disputes and New Kingship Claims 2* (http://www.dplg.gov.za/index.php/documents/doc_details/742-reports-for-paramountcies-disputes-and-new-kingship-claims-2.html, accessed 10 January 2012).
- _____. 2011. *Annual Performance Plan 2011/2012*. Pretoria: CoGTA.
- D'Engelbronner-Kolff, Franka Marina, Manfred O. Hinz and J.L. Sindano, eds. 1998. *Traditional Authority and Democracy in Southern Africa*. Windhoek: New Namibia Books.
- DPLG (Department of Provincial and Local Government). 2000. *A Discussion Document Towards a White Paper on Traditional Leadership and Institution* (<http://www.info.gov.za/view/DownloadFileAction?id=70345>, accessed 10 January 2012).
- Emfuleni Local Municipality. 2011. *2010/2011 MTREF Budget: Budget Details Note* (<http://www.emfuleni.gov.za/images/docs/budget1011/07.pdf>, accessed 10 January 2012).
- Englebert, Pierre. 2000. *State Legitimacy and Development in Africa*. Boulder: Lynne Rienner.
- Holomisa, Phathekile. 2009. *According to Tradition: A Cultural Perspective on Current Affairs*. Somerset West: African Minds.
- _____. 2011. *A Double-Edged Sword: A Quest for a Place in the African Sun*. Houghton: Real African Publishers.
- Independent Electoral Commission. 2011. *List of Councillors: 2011 Municipal Elections* (<http://www.elections.org.za/content/DynamicDocs.aspx?id=462&BreadCrumbId=331&LeftMenuId=251&name=home>, accessed 4 November 2011).
- Keulder, Christiaan. 1998. *Traditional Leaders and Local Government in Africa: Lessons for South Africa*. Pretoria: HSRC.
- Lodge, Tom. 1998. *South African Politics since 1994*. Cape Town and Johannesburg: David Philip.
- _____. 2003. *Politics in South Africa: From Mandela to Mbeki*. Bloomington: Indiana University Press.
- _____. 2005. "Provincial Government and State Authority in South Africa." *Journal of Southern African Studies* Vol.31, No.4: 737-753.
- Luthuli, Albert. 1967. *Let My People Go*. New York: McGraw-Hill.
- Mamdani, Mahmood. 1996. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton: Princeton University Press.
- Mandela, Nelson. 1995. *Long Walk to Freedom: The Autobiography of Nelson Mandela*. Boston: Back Way Books.
- Marais, Hein. 2011. *South Africa Pushed to the Limit: The Political Economy of Change*. London: Zed Books.
- Matatiele Local Municipality. 2010. *Annual Report 2009/2010* (<http://matatiele.org>

- /documents/annual-reports/, accessed 10 January 2012).
- _____. 2011. *Budget 2011-2012* (<http://matatiele.org/wp-content/uploads/2011/05/Budget-Documents-New-Format-2011-2012-S.pdf>, accessed 10 January 2012).
- Mbeki, Govan. 1984. *South Africa: The Peasants' Revolt*. London: International Defense and Aid Fund.
- Mbeki, Thabo. 1998. *Africa: The Time Has Come*. Goodwood: National Book Printers.
- MDB (Municipal Demarcation Board). 2000. *Annual Report 1999/2000* (<http://www.demarcation.org.za/pages/aboutus/annual%20reports/1999-2001.pdf>, accessed 10 January 2012).
- MPACD (Ministry for Provincial Affairs and Constitutional Development). 1998. *The White Paper on Local Government, 9 March 1998* (<http://mfma.treasury.gov.za/MFMA/Guidelines/whitepaper.pdf>, accessed 1 February 2011).
- Ntsebeza, Lungisile. 2005a. "Rural Governance and Citizenship in Post-1994 South Africa: Democracy Compromised?" In *State of the Nation: South Africa 2004-2005*, edited by John Daniel, Roger Southall, and Jessica Lutchman. Cape Town: HSRC, pp.58-85.
- _____. 2005b. *Democracy Compromised: Chiefs and Politics of the Land in South Africa*. Leiden: Brill Academic Publisher.
- _____. 2008. "Chiefs and the ANC in South Africa: The Reconstruction of Tradition?" In *Land, Power & Custom: Controversies Generated by South Africa's Communal Land Rights Act*, edited by Aninka Claassens and Ben Cousins. Cape Town: UCT Press, pp.238-261.
- Oomen, Barbara. 2005. *Chiefs in South Africa: Law, Power and Culture in the Post-Apartheid Era*. Oxford: James Currey.
- _____. 2006. "Walking in the Middle of the Road: People's Perspectives on the Legitimacy of Traditional Leadership in Sekhukhune, South Africa." In *Global Responsibility – Local Agenda: the Legitimacy of Modern Self-determination and African Traditional Authority*, edited by Manfred O. Hinz and F. Thomas Gatter. Berlin: Lit Verlag, pp.127-174.
- Parnell, Susan, Edgar Pieterse, Mark Swilling, and Dominique Wooldridge, eds. 2002. *Democratising Local Government: The South African Experiment*. Cape Town: University of Cape Town Press.
- Sedibeng District Municipality. 2011a. *Spatial Development Framework (SDF) 2009/10* (http://www.sedibeng.gov.za/a_keydocs/sdf_2009_10/sdf_chapters.pdf, accessed 10 January 2012).
- _____. 2011b. *Final Approved Budget 2010/2011* (http://www.sedibeng.gov.za/a_keydocs/20100610_fin_approved_budget_2010_11.pdf, accessed 10 January 2012).
- Seekings, Jeremy. 2000. *The UDF: A History of the United Democratic Front South Africa 1983-1991*. Claremont: David Philip.
- Sithole, Pearl, and Thamsanqa Mbele. 2008. *Fifteen Year Review on Traditional Leadership: A*

- Research Paper*. Cato Manor: HSRC (http://www.hsrc.ac.za/research/output/outputDocuments/5136_Sithole_Fifteenyearreviewontraditional.pdf, accessed 1 February 2011).
- Sklar, Richard L. 1999. "African Politics: the Next Generation." In *State, Conflict and Democracy in Africa*, edited by Richard Joseph. Boulder: Lynne Rienner, pp.165-177.
- Southall, Roger. 1998. "The Centralization and Fragmentation of South Africa's Dominant Party System." *African Affairs* Vol.97, No.389: 443-469.
- Spiegel, Andrew D., and Patrick A. McAllister, eds. 1991. *Tradition and Transition in Southern Africa: Festschrift for Philip and Iona Mayer*. Johannesburg: Witwatersrand University Press.
- Statistics South Africa. 2008. *Community Survey, 2007 Basic Results: Municipalities* (http://www.statssa.gov.za/community_new/content.asp, accessed 10 January 2012).
- Suttner, Raymond. 2008. *The ANC Underground in South Africa, 1950-1976*. Auckland Park: Jacana Media.
- van Rouveroy van Nieuwaal, Emile Adriaan B. 1996. "State and Chiefs: Are Chiefs Mere Puppets?" *Journal of Legal Pluralism and Unofficial Law* No.37-38: 39-78.
- Williams, J. Michael. 2010. *Chieftaincy, the State, and Democracy: Political Legitimacy in Post-Apartheid South Africa*. Bloomington: Indiana University Press.
- Wittenberg, Martin. 2003. *Decentralisation in South Africa*. Johannesburg: University of the Witwatersrand (<http://sticerd.lse.ac.uk/dps/decentralisation/SouthAfrica.pdf>, accessed 4 November 2011).