the politics of local governance

Local politics and factionalism: Local government as a site of contestation

Discussion Paper and Roundtable Report

prepared by Isandla Institute

December 2011

isandla institute

Project Description

The Politics of Local Governance Project, an initiative of Isandla Institute, seeks to explore the interface between three domains: the local state, political society (more especially political parties) and civil society/ communities/citizens. More particularly, the project seeks to critically engage the four, inter-related, key problems identified as:

1. The reductionist approach that conflates institutionalised participation in the form of 'invited spaces' with meaningful expression of active citizenry (thereby showing intolerance to any other form of community engagement or 'invented spaces' by communities);
2. The dominant political culture across political parties that considers these parties as the 'rightful', if not sole, custodians of citizen's aspirations and interests (feeding into the intolerance mentioned above);
3. Relatively weak and fragmented community organisations, with implications for their ability to claim rights and act as checks and balances to political power and bureaucratic reductionism; and,
4. A general retreat by civil society organisations/ the non-profit local governance sector from what is considered 'political society', in particular the space taken up by political parties.

This project was supported by a grant from the Open Society Foundation for South Africa (OSF-SA)

OPEN SOCIETY FOUNDATION FOR SOUTH AFRICA

www.osf.org.za

the politics of local governance

Local politics and factionalism: Local government as a site of contestation

Discussion Paper

isandla institute

1. Introduction

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) revealed 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).

In short, 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)[1], we can discern different modes of contestation: 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 (e.g. about the strategic focus of a municipal council and how it spends its budget); and, 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 may be highly divisive and destabilising.

However, not all contestation (or how it gets expressed) is healthy and contributes to the smooth running of local democracy. In fact, some forms of contestation could be counterproductive for local government efficiency. Unfortunately, there has been a consistent manifestation of negative forms of contestation in many South African municipalities.

The absence (by and large) of strong and resilient local government institutions means that these institutions are unable to manage any form of contestation effectively. These manifestations also serve to erode the trust between communities, the elected leadership and the (local) state institutions. While there is generally an observable decline of trust in public institutions and elected leadership, even more concerning is the fact that local government ranks lowest compared to other spheres of government.[2] Similarly, COGTA's 2009 report which informed the Local Government Turnaround Strategy, notes that the lack of citizen confidence and trust in the system has been publicly evidenced in the spate of community protests, which may be seen as a symptom of the alienation of citizens from local government (State of Local Government in South Africa, 2009:11). National Treasury's report

highlights the fact that the lack of trust in local government is reflected not only through public opinion surveys, increased public protests but by very militant ratepayers association (Local Government Budgets and Expenditure Review, 2011: 22). COGTA's report further reveals that local government is in distress. The report highlights the following as the causal reasons for distress in municipal governance:

a) Tensions between the political and administrative interface;
b) Poor ability of many councillors to deal with the demands of local government;
c) Insufficient separation of powers between political parties and municipal councils;
d) Lack of clear separation between the legislative and executive;
e) Inadequate accountability measures and support systems and resources for local democracy; and
f) Poor compliance with the legislative and regulatory frameworks for municipalities (COGTA, 2009: 4; 10).

Determined to remedy some of the causes of weak local government mentioned above, the Local Government: Municipal Systems Amendment Act (MSAA) was passed in 2011. The Act sets out mechanisms in order to enable the professionalisation of local government. The intention of the Act is to fend off undue influence of political officials or political parties over the administrative function of a municipality. The Act has been welcomed by many different stakeholders as a necessary intervention to professionalise local government, although many of these concur that the Act has not gone far enough (SALGA submission, 2010; GGLN submission, 2010). Equally, it has been noted that there are limitations to the extent to which legislative provisions can address matters related to political culture and behaviour and that complementary approaches are needed to address these underlying factors (GGLN submission, 2010).

This paper describes negative forms or manifestations of contestation which profoundly (and in many instances negatively) affect local government and democratic local governance in South Africa. These include: 1. Factionalism; 2. Patronage, corruption and maladministration; 3. Cadre deployment; 4. Role confusion and undue political interference. The paper then proceeds to review current responses to these forms/ manifestations of problematic contestation in the political and policy domain. The paper concludes by highlighting gaps and opportunities, particularly focusing beyond legislative interventions.

2. *Factors eroding democratic, accountable and effective local government*

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. Interestingly, the usage of the term 'factionalism' denotes different interpretations, ranging from a neutral assessment of different power blocs within a party

or organisation to a value-laden interpretation that associates factions with patronage and even self-interest (if not self-enrichment). An example of the first is found in Wikipedia, which defines a political faction as "a group of people connected by a shared belief or opinion within a larger group".[3] A faction may include fragmented sub-factions, "parties within a party", which may be referred to as power blocs or voting blocs. "The aims of a political faction are as diverse as the different types of bodies within which they appear. Typically, however, they include: advancing a particular policy or policy agenda, preventing the adoption of alternative policies and supporting given individuals to positions of power within the organisation or in the wider political world".[4]

An example of a normative interpretation of factionalism can be found in Lodge (2003), who defines factionalism as the "conflict between informal groupings within the party constituted around particular leaders, as the party's capacity to control public appointments and direct state contracting becomes ever more deeply entrenched and hence the power of party notables as patrons more pronounced" (Lodge, 2003:2). He adds that factionalism is "wholly and singularly caused by corruption ... the scramble for power, state resources" and a tendency for comrades to regard local structures as "their own fiefdoms" (Lodge 2003:33). According to Lodge, political parties that remain in office for lengthy periods often become more subject to factionalism. "Once in power over time the main party is likely to lose many of the attributes of strength. Successive overwhelming electoral victories reduce the importance of the party's activists and hence the influence of membership over leaders" (Lodge, 2003:2). It is also worth noting that ethnicity, belonging to a linguistic group or to the same region/province/clan is sometimes a key factor in alignment with a particular bloc.

Defined in a normative sense, the notion of factionalism can be used in anti-democratic and exclusionary terms in order to stifle internal debate and contestation in political parties and also to discredit dissenting voices (Butler, 2010). Because of the negative connotations attached to it, few politicians are likely to voluntary disclose themselves as belonging to a particular faction, nor do factions announce their existence publicly. Mantashe, Secretary General of the ANC, recently spoke against growing factionalism in the movement and announced that the Political Education Sub-Committee of the party will draft new guidelines to limit factional competence for office. Butler notes however that Mantashe fails to regard himself as a member of a faction, as it effectively took a faction to vote his group into power in Polokwane. Butler also notes that Mbeki's faction used to claim to speak on behalf of the ANC, while dissenting voices were silenced as factionalist.[5]

In the South African political scene, factionalism has seemingly become a defining trait of the ruling party. Factionalism is also mirrored in ruling parties in other countries in the region that share a similar history with the ANC. In Namibia, the South West Africa People's Organisation (SWAPO) for example is said to be suffering from factionalism. Recently, the

country's Minister of Lands and Resettlement, Alpheus !Naruseb cautioned against the phenomenon while addressing the central committee meeting of the Women's Council of SWAPO.[6] The Zimbabwe African National Union-Patriotic Front (ZANU-PF) is also reported to be facing the same situation. President Mugabe recently confirmed rumours of factionalism in the party.[7] The history of the Mozambican National Resistance (RENAMO) in Mozambique is equally full of the tale of factionalism (Sumich & Honwana, 2007: 6). The same could be said of Angola's People's Movement for the Liberation of Angola (MPLA). These manifestations seem to suggest that the transformation of mass-based liberation movements into ruling parties lays bare internal fissures and divides, yet the dominant political culture is one where dissent is overridden and deference to centralised leadership (styled on politico-military structures) is expected. The legacy of liberation movements on the understanding of factionalism seems to "reflect a common view that factions deal in the politics of personal rivalries and individual or small group claims for status and position, with less regard for the making of policy or representing broadly based interests"(Dominguez, 1989).

The ANC through its 100 year existence has had instances of factionalism that resulted in the expulsion of some of its members.[8] The party however acknowledges that factionalism assumes a new dimension once the party is in power. "Different factions contend over party leadership using the instruments of the state to tilt the balance of power in their favour, including using patronage to reward those who are loyal to a faction in power and punishing opponents in all manner of ways".[9]

The ANC's Leadership Renewal, Discipline and Organizational Culture document tabled at the 2010 National General Council (NGC) details eloquently the challenges that the organisation has to confront if it is to adequately deal with issues of leadership renewal, restoring discipline and rejuvenating the organisations' democratic organisational culture.[10] Also, Mantashe's report to the 2010 NGC states that "infighting and destructive contestation in the structures of the ANC remains one of the many challenges facing the movement. The influence of money in our processes has the biggest potential to change the character of the movement from being people-centred and people-driven in all the processes, to one where power is wielded by a narrow circle of those who own and/or control resources. This is at the centre of the resurgence of factionalism in the movement where contestation in neither political nor ideological but driven by narrow interests".[11]

While contestation for leadership and/or policy positions in a democracy is common practice, the contestation in the ruling party is increasingly becoming destructive and has recently compelled Zwelinzima Vavi, the General Secretary of COSATU, to note that "factionalism, patronage networks, and the political relations cemented by money and business ties in our movement today, and the blatant corruption committed by some of our public representatives and servants can no longer be hidden away". [12]

Factionalism, in the negative sense of the word, is clearly detrimental to government and

governance in South Africa. As the 2009 *State of Local Government in South Africa* report notes, "...party political factionalism and polarization of interests over the last few years, and the subsequent creation of new political alliances and elites, have indeed contributed to the progressive deterioration of municipal functionality."[13] To name just a few examples, the political infighting, assassination plots and corruption were blamed for the 'collapse' of the King Sabatha Dalindyebo municipality in the Eastern Cape. The town and its surrounds was said to be regularly hit by power blackouts and water shortages, while piles of uncollected rubbish and rubble line the edge of the town's potholed streets.[14] In 2006, the Executive Committee of the uMgungundlovu and Msunduzi municipalities in KwaZulu-Natal (KZN) was dissolved due to the intense infighting over the nomination of the mayoral candidates.[15] Also, recent revelations and allegations are that the murders of ANC leaders in Mpumalanga, KZN and North West provinces are linked to political infighting and factionalism within the party that have spiralled into state institutions.

Patronage, corruption and maladministration

As already mentioned, the system of local governance is undermined by detrimental contestations playing out in municipalities. As the 2009 *State of Local Government in South* Africa report notes, patronage and corruption, whether real or perceived, have served to undermine confidence and trust in the local government system. The report further notes with concern that "...there are officials and public representatives for whom public service is not a concern, but accruing wealth at the expense of poor communities is their priority" (COGTA, 2009:30). The report attributes this to a lack of values, principles and ethics.

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 through municipalities, has become an avenue of amassing economic gains in South Africa. Also, as the provision of service delivery and public goods by the (local) state is largely 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 for example. Rudin (2011) explains that in such a case the tendency is to "draw on the political power to use the business opportunities created by the outsourcing of municipal services to promote black business".[16] The ANC argues also that divisive leadership battles over access to resources and patronage are becoming the norm and allegations about corruption and business interests of leadership and deployed cadres abound.[17]

Therefore, patronage politics and clientelism operates effectively in municipalities as powerful forces within these dispense lucrative jobs and tenders effectively to their networks while closing access of such opportunities to political opponents. Arguably, underneath or part of the squabbles and contestation within political parties about party lists prior to the 2011 municipal elections was fuelled by the tensions around this

'battle for the control of municipalities' in order to satisfy personal interests.

The ANC claims that it recognises the challenges and 'sins of incumbency' (patronage, bureaucratic indifference, arrogance of power, corruption) and suggests approaches to the management of relations within the organization. The party argues that its ability to manage this minefield will "determine our future survival as a principled leader of the process of fundamental change, an organization respected and cherished by the mass of people for what it represents and how it conducts itself in actual practice."[18]

Thus far, the analysis on municipal dysfunction has largely been focused on the ANC as the party has dominated the political scene for the past 17 years. However, with the emergence of municipalities controlled by the opposition parties in the Western Cape and in KwaZulu-Natal, there seems to be room for a comparative analysis. The sense is that similar patterns emerge in some municipalities where opposition parties are in power.

A recent example of this is contained in the South African Public Protector's recently released report titled "It Can't Be Right: Remedying Self-Interest in Midvaal" where evidence of maladministration and irregularities in the Democratic Alliance (DA) controlled Midvaal Municipality were exposed. The Special Investigations Unit of South Africa has since confirmed that it is also conducting a criminal investigation. This came after several allegations against André Odendaal, former DA Constituency Chairperson in Midvaal who for about 30 years "acted as the legal advisor, attorney, debt collector, auctioneer and conveyancer for the municipality had been encouraging people to donate their property to the municipality to settle miniscule municipal debts and then hijacking the properties, buying them for himself and then selling them at a huge profit. The complaints also included an allegation that the person in question would buy those properties in the context where his role was to transfer these already donated properties, to the municipality as the municipality's conveyancer".[19]

The DA has since reacted to the report. James Selfe MP, the Chairman of the party's Federal Executive was quoted saying that following the Protector's report the DA will be reviewing the rules that govern the actions of its public office-bearers. Selfe also announced that in the weeks ahead, the party will take steps to prohibit DA office-bearers from doing business with DA governments in line with the Business Interests of Employees Act passed by the party in the Western Cape.[20]

Cadre deployment

Cadre deployment, regarded as the practice of deploying party cadres and loyalists into the public administration, is practised worldwide. While there are examples of a form of cadre deployment that threatens to destroy development and governance in South Africa, as quoted by Isaacs (2010), there are also international examples where this practice had been used 'appropriately':

- Trevor Phillips who chaired the United Kingdom's Equality and Human Rights Commission (EHRC). Phillips is a known friend

of former Prime Minister Tony Blair and was also the Labour Party's candidate for Deputy Mayor of London in 1999, after which until 2003 he became chairperson of the London Assembly –the City Council- until 2003.

- Margaret Prosser, the Deputy to Trevor Phillips at the EHRC who was appointed in 2006, was the Treasurer of the Labour Party from 1996 until 2001.
- Elena Kagan, a new Associate Justice of the United States of America Supreme Court. She served as Associate White House Counsel and later as Policy Adviser under then President Bill Clinton. President Barack Obama appointed her Solicitor General, the person who represents the government before the Supreme Court before nominating her to the Supreme Court in May 2010. [21]

Generally, these examples illustrate that what matters is the character, expertise, ethics and professionalism of the person deployed and "not the act of deployment itself".[22]

In South Africa, cadre deployment is evident across political parties, especially in the ANC and the DA, although only the ANC defends it. The ANC for example claims that it uses cadre deployment as a bold attempt "to transform the state by extending the power of the National Liberation Movement (NLM) to control all 'levers of power': the army, the police, the bureaucracy, intelligence structures, the judiciary, parastatals, and agencies such as regulatory bodies, the public broadcaster, the central bank and so on" (Umrabulo No. 5, 1998). The party argues that the deployment of its loyalists to senior posts within state institutions was needed in order to counter the influence of the Apartheid loyalists in the state and create a 'new' state that would be the antithesis to the Apartheid state, by serving the interests of the overwhelming majority through the use of public resources to better the lives of the majority, especially the poor. The party also claims that cadre deployment is not in contradiction to the provisions of the Constitution which characterise state institutions as independent and non-partisan. The ANC claims that "control by democratic forces means that these institutions should operate on the basis of the precepts of the Constitution; they should be guided by new doctrines; they should reflect in their composition the demographics of the country; and they should owe allegiance to the new order" (Umrabulo No. 5, 1998). Cadre deployment in the ANC is also further escalated due to the size of the party and the need to appease party loyalists.

Critics however argue that the ANC uses cadre deployment to appoint unqualified and subservient ANC loyalists in positions of great importance in the public service. To them, cadre deployment is a synonym for incompetence, nepotism, cronyism and all other ills that play out in public administration. The DA appears to be uncomfortable to defend the practise; although claims are that the party is also not immune to cadre deployment.[23]

There is clearly a problem with cadre deployment that places party allegiance as the key qualifier before qualifications, skills and competencies, with the resultant risk that deployed cadres show loyalty to the party at the

expense of the state, community development and service delivery. Inappropriate deployment 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.[24] This has rendered many municipalities ineffective in delivering on their developmental mandate.

A recent example of cadre deployment gone wrong is detailed in the Mlokoti v Amathole District Municipality judgement of the High Court of South Africa (Eastern Cape) in 2008, in which constitutional provisions clashed with political aspirations.[25] In brief, Vuyo Mlokoti and Mlamli Zenzile were short listed for the post of Municipal Manager for the Amathole District Municipality. A selection panel, using guidelines for appointments based on merit, found Mlokoti to be the stronger candidate and recommended that he be appointed for the post. However, Zenzile was appointed as a result of the ANC's Regional Executive Committee's instruction to the ANC members in the Council. Aggrieved by the decision, Mlokoti applied successfully to the High Court to overrule the appointment of Zenzile. While delivering the judgement, Judge Pickering found the appointment of Zenzile by the municipality violated provisions set out in Section 195 of the Constitution, which state the basic values and principles governing public administration. In essence, the judgement of the High Court found cadre deployment to be in violation of Sections 195 and 197(3) & (4) of the Constitution as these clarify the basic values and principles governing public administration, i.e. that the recruitment process of public servants should be made in a non-partisan manner.[26]

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. A useful distinction is provided by Wooldridge (2008:471):

1. "The relationship between politics and administration- in particular, the desire to ensure that partisan political concerns do not compromise the management of the administration (i.e. to ensure that Councillors do not exert pressure on officials to act in the interest of particular constituencies); and
2. The relationship between policy and administration- in particular, the desire to ensure that policy formulation is controlled by elected Councillors (who are mandated by local constituencies to represent their interest)" (Wooldridge, 2008: 471).

This distinction helps in clarifying that political representatives and structures have a mandate to develop policy, yet ought to steer clear from compromising the professional integrity of the administration. However, it seems to presuppose a rather simplistic notion that policy making is a political, normative process, whereas the administration is seen as a value-free implementer of politically determined policies (Wooldridge, 2008: 471). The reality is undoubtedly much less

clear-cut. Also, the distinction does not bring sufficiently into view the role of a political party and how it interfaces with the political and administrative parts of a municipality.

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 municipal council 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?

It is imperative to stress, however, that municipalities, by their own nature, are political structures made up of political parties with different interests. Political parties are generally characterised by various forms of contestation as they consist of people with different interests, ideas, skills, ambitions. The logical manifestation of which is the contest for political office amongst others. However, only political parties (can) 'govern' how politics play out in state institutions like municipalities.

A number of critical factors contribute to the issue of role confusion and undue political interference in a municipality. These include a lack of appreciation by Councils of the professionalism of the administration and a lack of understanding for the distinctive roles that political and administrative structures ought to play. Equally, there is a lack of appreciation of the integrity of municipalities and the distinctive roles and responsibilities of Councils and municipal administrations among political parties.[27] Added to this is the inappropriate deployment of loyal cadres into municipalities and the negative values and mindsets (as described in this paper) underpinning the politics of the day.

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. A recent example involves the Mangaung Municipality in the Free State and the ANC's Centenary celebrations due to be held in January 2012. It is reported that the party plans to tap into national, provincial and municipal budgets to fund its centenary celebrations. Reports are that the costs for celebrations continue to soar as more than 60 heads of states and their entourage are expected to attend the main functions.[28] The ANC National Spokesperson, Keith Khoza, justified the ANC tapping into government resources for its celebration. He argued that the ANC is a national heritage, "It is 100 years old and it liberated the country. The ANC should be treated as part of our collective heritage as a nation".[29] He went further and claimed that the party will secure bulk of the costs".

The conflation of party-state as in this case is a clear example of abuse of state resources through the use of political power. The act on its own is highly irregular as funds otherwise allocated for service delivery and provision will now be diverted for political interests. Another

example of this is contained in the Public Protector's July 2011 report titled "Touting for a Donation" where she found, Christopher Taute, the former Executive Mayor of Hessequa Municipality, guilty of abusing his position by soliciting donations for the ANC. Taute had sent letters in his capacity as Executive Mayor to local businesses on official letterheads of the municipality soliciting donations on behalf of the ANC in the run-up to the 2011 municipal elections. Taute told the local businesses that their contracts with the municipality were made possible by the ANC-run municipality and donating to the ANC would allow them to continue building on their good relations with the party.[30]

Municipal appointments have been another critical area where undue political interference has manifested itself. Furthermore, the practice of replacing senior municipal representatives with loyalists to the new party and/or faction in power of the Council has been highly destabilising for affected municipalities. The recent MSAA has sought to address this, at least in part, but many stakeholders have argued that its provisions do not go far enough.[31] SALGA's submission to Parliament for example, argued that, based on many court judgements that depict inaccuracies in appointment processes by Council, "the appointment of the Municipal Manager be left to the Mayor upon recommendation from an interview panel" (SALGA, 2010). SALGA argued that the recent situation where a Municipal Manager's (MM) appointment was set aside by a High Court (referring to the Mlokoti v Amathole case), not only renders people (staff) vulnerable, but may render faster and more stable recruitment practices impossible (SALGA, 2010).

The appointment of Section 57 employees by the Council – a provision in the MSAA – is an example of an undue interference of the political onto the administrative. The GGLN and SALGA in their respective submissions to Parliament in 2010, argue that this blurs the lines of accountability and authority in a municipality where political parties represented in Council appoint people to the administration but these people must then report to the MM. The GGLN cautions against this and argues that the "balance of power should not lie in the political domain if the overall agenda is to try and professionalise the municipal structure" (GGLN, 2010). Equally, SALGA argued that the MM, as head of administration, should appoint the Manager or Acting Managers directly accountable to him or her. The issue of the MM appointing staff, upon proper processes, is founded also in the practice in the Public Service where the Directors-General as the Head of Department and accounting officer, appoints the rest of staff.

Another example of undue political interference is where the Council (and/or political party) engages in practices that undermine the independence of the administration, and in particular the office of the MM. As the head of the administration, the MM's position is undoubtedly of vital interest to the majority party in a municipal Council, as it will seek to ensure that this public representative will, as a minimum, be loyal to the party's political agenda.

Evidence suggests that effective municipalities are those that show strong levels of cohesion and

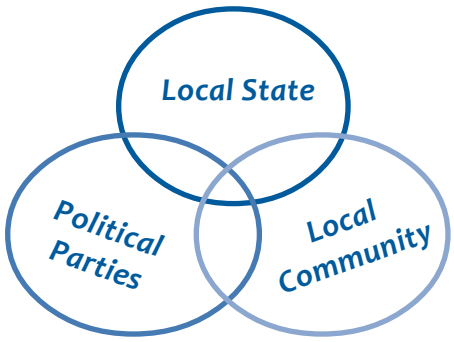
trust between political leadership and senior officials (Schmidt, 2011: p36). The key point to reiterate here is that although the MM is 'effectively' a political appointee, one still expects that s/he would be of different calibre appointed based on professionalism, skills, experience and ethical leadership. The MM has to ensure that the credibility of the administration is not dented through his or her actions. The work of the MM should be judged on merit and not political affiliation. The Auditor General's audit reports, municipal budget and (under)spending reports, performance appraisal should be the tools used to assess performance, as also stressed by the MSAA. At the end of the day, "structures are not going to save local government: the quality of people in local government is".[32]

3. Local institutional context

This paper has argued that contestation is inherent to local democracy, and that we should not feel alarmed by contestation per se. What should concern us, though, is how contestation is manifested, for what purpose/what drives it (e.g. self interest versus public interest), and whether local institutions are able to withstand and manage contestation (through clear and transparent rules, procedures and mechanisms for management of contestation and recourse). The paper has focused primarily on 'unhealthy' forms and manifestations of contestation playing itself out at local government level. The implications of such forms and manifestations of contestation, as highlighted here, are highly disconcerting and problematic, as it leads to dysfunctional municipalities, eroded public confidence and trust in local government and public representatives, and stalled and/or unequal service delivery.

As noted, a key prerequisite to effectively manage, withstand and hold back the eroding effects of contestation is the presence of robust and resilient institutions. This section will review three institutions at the local level. This is not to say that other institutional dynamics are not important, or that local institutions are insulated from factors and dynamics elsewhere. In fact, COGTA's 2009 *State of Local Government in South Africa* report highlights a host of institutional weaknesses at provincial and national level that at best are not helping the situation, and at worst contribute to the state of affairs at the local level.

The three key local institutional domains focused on are: the local state, political parties and the community.



Weak local state

As already mentioned, a number of recent government reports have highlighted that local government is in distress, if not dysfunctional in some respects. The reality is that for most municipalities there is a severe mismatch between policy imperatives and expectations on the one hand, and capacity (including leadership capacity) and resource base on the other. Municipalities tend to be ill-prepared and ill-equipped to take

on the roles and responsibilities expected, including the responsibility to manage competing (and often conflicting) interests for limited resources and opportunities. Many of the factors discussed in this paper contribute to this state of affairs, leading to the further erosion of already weak local government institutions. This, in turn, leaves the door open for undue political interference and exploitation, whether for personal, factional or party gain.

The institutional design of local government also 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"[33], 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. KZN for example, is a case in point where the tension between the district/local municipalities is credited for fuelling tensions (Moodley, 2007).

All-pervading political parties

In contrast to the local state, political parties may, on the surface at least, appear strong and coherent. As a result, ruling parties in particular are able to exert undue political influence on weak municipalities. However, it is clear that the fissures and cracks that emerge in political parties equally play themselves out in state institutions, most notably in local government. This is particularly obvious in the ANC, which by virtue of its size embodies a wide variety of interests, power blocs and personalities.

The nature of community politics

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 is both a contentious and contested process. 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. It is by no means uncommon for community representatives to wear 'multiple hats' inside political, community and/or state structures.[34] This can lead to role conflation and role confusion, which in turn can create tension and contestation within local communities and local institutions. At times, the conflation of roles has also led to distortion of reporting lines within the municipal administration. For example, a person who is a member of the Ward Committee, a Chairperson of the ANC/SACP/SANCO branch, a Chairperson of the Community Development Forum and also works in the municipality as a junior official is in effect, a senior political leader of senior officials in a municipality. As the GGLN submission parliament noted, this "can exercise an equal or potentially greater political influence over other officials within the municipal administration" (GGLN, 2010). Unfortunately, the MSAA failed to address this issue as it only precludes Senior Managers (Section 57 managers) from holding political office. The conflation of

roles at local level not only distorts reporting lines within a municipality, it also adds to the risk of (perceived) bias, favouritism, nepotism, gate keeping and patronage in municipalities.

4. Where to from here?

The MSAA is an important first step towards professionalising local government and curbing eroding political tendencies. It responds to some of the political tendencies like cadre deployment and the encroachment of the political onto administration. But, it does not go far enough.

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.

Political parties, the ANC and the DA in particular, have responded to some of the dysfunction in municipalities. The DA for example, has indicated the party will be reviewing the rules that govern the actions of its public office-bearers and will take steps to prohibit DA office-bearers from doing business with DA governments in line with the Business Interests of Employees Act passed by the party in the Western Cape. Further to this, the DA has created the Governance Support Unit; a structure dedicated to replicate best practice in DA- led municipalities.

According to Mantashe for example, the ANC's Political Education Sub-Committee will propose new guidelines to limit factional competition for office. The party threatens to introduce disciplinary measures against members whose actions causes instability in local governance. The ANC has also indicated that it wants to ensure deployment to governance is based on competency and commitment to the vision of transformation, instead of deployment based on factional interests or for accessing resources. The party aims to prevent the channelling of public resources to party structures, leaders or members; avoid the shaping of political and economic institutions to benefit narrow interest groups and prevent undue influence of those with money, connections and resources to influence elections, lobbying and access, in the process seeking to shape the national agenda.[35]

These measures both by the ANC and the DA are welcomed. Political parties must therefore make an honest assessment of their practice and devise ways of professionalising themselves i.e. by bringing integrity and ethics in the forefront for the benefit of state institutions and citizens.

Undoubtedly, other solutions to the problems at local government lie with citizens especially that the legal definition of a municipality includes the political structures, the administration and the local community of the municipality. What South Africa needs more now is strong and vigilant communities who must fight to realise the vision of a 'people must govern'.

References

Department of Cooperative Governance and Traditional Affairs (2009). Local Government Turnaround Strategy. Pretoria: Government Printer.

Department of Cooperative Governance and Traditional Affairs (2009). State of Local Government in South Africa: Overview Report. Pretoria: Government Printer.

Department of National Treasury (2011). Local Government Budgets and Expenditure Review 2006-2013. Formeset Printers Cape (Pty) Ltd.

Department of Political Education and Training (1998), "The state, property relations and social transformation", Umrabulo, No. 5, 1998, African National Congress.

Department of the Presidency (1996). Constitution of the Republic of South Africa, Act 108 of 1996. Pretoria: Government Printer.

Department of the Presidency (1998). Local Government: Municipal Structures Act 117 of 1998. Pretoria: Government Printer.Department of the Presidency (2011). Local Government: Municipal Systems Amendment Act 17 of 2011. Pretoria: Government Printer.

Department of Provincial and Local Government (1998). White Paper on Local Government. Pretoria: Government Printer.

Dominguez, J (1989). Leadership changes, factionalism and organizational politics in Cuba since 1960. Leadership change in communist states edited by Taras, R. Boston: Unwin Hyman.

Good Governance Learning Network (2010). Submission on the Local Government: Municipal Systems Amendment Bill (2010) to the Portfolio Committee on Cooperative Governance and Traditional Affairs.

Lodge T. (2004). The ANC and the development of party politics in modern South Africa. The Journal of Modern African Studies. Cambridge University Press.

Moodley, N (2007). District IGR Forum and Shared Services Best Practices: Ilembe District Municipality Case Study Findings. Palmer Development Group, Cape Town.

Schmidt, D (2011). Managing the political-administrative relationship. Article published in Delivery: The Magazine for Local Government. September – November 2011.

South African Local Government Association (2010). Submission on the Local Government: Municipal Systems Amendment Bill (2010) to the Portfolio Committee on Cooperative Governance and Traditional Affairs

Sumich, J & Honwana, J (2007). Strong Party, Weak State? Frelimo and state survival through the Mozambican civil war: an analytical narrative on state-making. Crisis States Research Centre, Working Paper No. 23. DESTIN, LSE, London.

Wooldridge. D (2008). Political systems and capacity issues, in Consolidating developmental Local Government: Lessons from the South African Experience. UCT Press. Cape Town, South Africa.

Endnotes

1 See, Local Government: Municipal Systems Act, 32 of 2000.

2 IEC Voter participation Survey 2010/2011: An Overview of Results. Accessed, 23 November 2011.

3 Wikipedia, http://en.wikipedia.org/wiki/Political_faction

4 Idem

5 What may hide in ANC 'factionalism' crackdown, Business Day, 08 February 2010. Accessed, 28 October 2011.

http://allafrica.com/stories/201002080573.html, see also: Mantashe warns against factionalism in ANC, SABC, October 2011 http://www.sabc.co.za/news/a/1b04508048c165318d52fd2cff2b23ef/Mantashe-warns-against-factionalism-in-ANC—20111020

6 !Naruseb warns against factionalism, The Namibian, 14 November 2011. Accessed, 21 November 2011. http://www.namibian.com.na/news/full-story/archive/2011/november/article/naruseb-warns-against-factionalism/

7 Mugabe confirms ZANU-PF is rocked by factionalism. The Zimbabwe Mail, 14 November 2011. Accessed, 21 November 2011. http://www.thezimbabwemail.com/zimbabwe/9644-mugabe-confirms-zanu-pf-is-rocked-by-factionalism.html

8 Joining the ANC's out-of-favour list, Mail & Guardian, 11 November 2011. Accessed, 28 November 2011. http://mg.co.za/article/2011-11-11-joining-the-ancs-outoffavour-list

9 African National Congress National General Council (2010). Tasks of Organisation-Building and Renewal: Forward to the Centenary of the ANC, discussion document. http://www.anc.org.za/docs/discus/2010/organisationalrenewals.pdf

10 African National Congress National General Council (2010). Leadership Renewal, Discipline and Organizational Culture, report. http://www.anc.org.za/docs/discus/2010/leadershipn.pdf

11 African National Congress National General Council (2010). Report on the State of the Organisation by ANC Secretary General, Gwede Mantashe. http://www.anc.org.za/show.php?id=5946

12 Vavi Z. (2011). Address to the SADTU KwaZulu-Natal Provincial Congress, 20 October 2011. http://www.cosatu.org.za/show.php?ID=5588

13 See COGTA's 2009 State of Local Government in South Africa report.

14 Mthatha has collapsed, NEWS 24, 11 May 2011. Accessed, 14 November 2011. http://www.news24.com/SouthAfrica/Local-Elections-2011/Mthatha-has-collapsed-20110510

15 ANC dissolves party Exco after infighting, IOL news, 21 March 2006. Accessed, 14 November 2011. http://www.iol.co.za/news/politics/anc-dissolves-party-exco-after-infighting-1.270170

16 Rudin J. (2011) Municipal dysfunction can be cured. Article published in the Mail & Guardian, 11 October 2011.

17 African National Congress (2002). Organisational Report to the Stellenbosch Conference, 2002, quoted in Leadership Renewal, Discipline and Organizational Culture, National General Council discussion document, (2010). http://www.anc.org.za/docs/discus/2010/leadership.pdf

18 African National Congress (2007). Strategy and Tactics, quoted in the 2010 National General Council discussion document, 'Leadership Renewal, Discipline and Organizational Culture'. http://www.anc.org.za/docs/discus/2010/leadershipn.pdf

19 See, report of the Public Protector on an investigation into complaints of maladministration against Midvaal Local Municipality titled "It can't be right: Remedying self-interest in Midvaal". http://www.pprotect.org/library/investigation_report/2011/Midvaal%20Report.pdf

20 Public Protector finds DA municipality guilty, New Age, 09 November 2011. Accessed, 30 November 2011. http://www.google.co.za/search?sourceid=navclient&ie=UTF8&rlz=1T4ACAW_enZA392ZA393&q=DA+governments+in+line+with+the+Business+Interests+of+Employees+Act+passed+by+the+party+in+the+Western+Cape

21 Jobs for pals are sometimes okay, Mail & Guardian, 12 November 2010. Accessed, 14 November 2011. http://mg.co.za/article/2010-11-12-jobs-for-pals-are-sometimes-okay

22 This comment is attributed to Doron Isaacs by Gavin Davis in his article published in the Mail & Guardian, 'An independent cadre is a contradiction in terms amid party loyalty', 9 November 2010. http://mg.co.za/article/2010-11-19-an-independent-cadre-is-a-contradiction-in-terms-amid-party-loyalty

23 The DA has recently been singled out for using this very practice in the Western Cape municipalities it controls (although the party denies this). The DA for example, removed from office a number of public servants from office in the Western Cape government and in municipalities where it gained control. The party claims to abhor cadre deployment but it acknowledges that it is necessary to rid its administration of ANC cadres. Opposition parties in this case have equally accused the DA of lining public administration with its own loyalists. See following links: http://www.iol.co.za/news/south-africa/western-cape/role-of-zille-advisers-in-tender-revealed-1.1150370; AND, DA Garden Route plan 'is a purge of Blacks', Business Day, 07 October 2011. Accessed, 14 October 2011. http://www.businessday.co.za/articles/Content.aspx?id=155429

24 See COGTA's 2009 State of Local Government in South Africa report.

25 See also, *de Havilland, N (2008).* The deployment of cadres in public service. Centre for Constitutional Rights. http://www.fwdeklerk.org/cgibin/giga.cgi?cmd=cause_dir_news_item&news_id=72552&cause_id=2137

26 Ruling by Pickering J on Mlokoti v Amathole Disctrict Municipality case concerning cadre deployment in the Eastern Cape (2008), AND; de *Havilland, N (2008).* The deployment of cadres in public service. Centre for Constitutional Rights. http://www.fwdeklerk.org/cgibin/giga.cgi?cmd=cause_dir_news_item&news_id=72552&cause_id=2137

27 See COGTA's 2009 State of Local Government in South Africa report.

28 ANC Taps govt funds for centenary, Mail & Guardian, 18 November 2011. Accessed, 28 November 2011. http://mg.co.za/article/2011-11-18-anc-taps-govt-funds-for-centenary

29 Idem

30 Report of the South African Public Protector (2011). "Touting for a donation". Report No. 8 of 2011/2012. http://www.pprotect.org/library/investigation_report/REPORT_NO.8.pdf

31 See, amongst others, South African Local Government Association (2010). Submission on the Local Government: Municipal Systems Amendment Bill (2010) to the Portfolio Committee on Cooperative Governance and Traditional Affairs; Good Governance Learning Network (2010). Submission on the Local Government: Municipal Systems Amendment Bill (2010) to the Portfolio Committee on Cooperative Governance and Traditional Affairs.

32 David Everatt, Executive Director of the Gauteng City-Region Observatory (GCRO). Everatt made this comment while a panellist at a Roundtable titled "Making Local Government Work". See- http://www.hsf.org.za/past-events/quarterly-roundtable-series/making-local-government-work"http://www.hsf.org.za/past-events/quarterly-roundtable-series/making-local-government-work

33 See National Planning Commission's National Development Plan: Vision 30: Chapter 13,' Building a Capable State'.

34 For an insightful narrative on this, see Harber, A (2011). *Diepsloot*.

35 African National Congress (ANC) Discussion Document, National General Council (NGC) (2010). Leadership Renewal, Discipline and Organizational Culture. http://www.anc.org.za/docs/discus/2010/leadershipn.pdf

the politics of local governance

Local politics and factionalism: Local government as a site of contestation

Report of the Roundtable dialogue, Cape Town

1 December 2011

isandla institute

Programme for the Roundtable dialogue - 1 December 2011

09.00-09.30	**Registration (Tea & Coffee)**
09.30-10.15	**OPENING:** Welcome, Mirjam van Donk, Director, Isandla Institute Presentation of Discussion Paper: Local politics and factionalism: Local government as a site of contestation, Pamela Masiko-Kambala, Policy Researcher, Isandla Institute
10.15-11.30	**SESSION ONE: THE NATURE OF LOCAL POLITICS, FACTIONALISM AND ITS IMPACT ON LOCAL GOVERNMENT:** Professor Anton Harber, Director: Journalism and Media Studies Programme, University of Witwatersrand Mr. Aubrey Matshiqi, Political Analyst and Research Fellow, Helen Suzman Foundation **DISCUSSION**
11.30-11.50	**TEA**
11.50-13.00	**SESSION TWO: IMPLICATIONS AND LIMITATIONS OF THE LOCAL GOVERNMENT:** Municipal Systems Amendment Act (2011): Jaap de Visser, Project Co-ordinator, Community Law Centre **DISCUSSION**
13.00-14.00	**LUNCH**
14.00-15.00	**SESSION THREE: OTHER MEASURES AND MECHANISMS NEEDED TO ADDRESS/ CURB UNHEALTHY CONTESTATION?** Participants: Open discussion
15.00-16.00	**SESSION FOUR: PERSPECTIVES FROM POLITICAL PARTIES:** Xolani Sotashe, Chief Whip: City of Cape Town Municipality, African National Congress Leonard Ramatlakane, Member of Parliament, Congress of the People **DISCUSSION**
16.00- 16.30	**WRAP UP AND CLOSE**

About the Roundtable

On 1 December 2011 Isandla Institute hosted a Roundtable dialogue titled "Local politics and factionalism: Local government as a site of contestation". The Roundtable reflected on the interface between communities, the local state and political parties, and in particular how local politics and factionalism affect local government and municipal service delivery. While recent legislation (Local Government: Municipal Systems Amendment Act, 2011) has been passed to address the professionalisation of local government, a critical question that underpinned the Roundtable was: What other measures need to be put in place to avoid any undue encroachment of 'the political' onto administrative matters? The Roundtable dialogue deliberated broadly on the following questions:

- Does the Municipal Systems Amendment Act (2011) go far enough in professionalising local government?
- How can a ruling party give leadership to effect its policy mandate (manifesto) in a municipality without trespassing on managerial and administrative matters?
- What is the impact of factionalism on the functioning of the local state and how can this be mitigated or overcome? What is the role of political parties in strengthening local decision making and local governance?

Opening

Mirjam van Donk, Director of Isandla Institute, opened the meeting and welcomed the participants.

She commented that there is widespread concern about the state of local government, its governance and the nature of (some) politics in South Africa. The 2009 State of Local Government Report by COGTA, which informed the Local Government Turnaround Strategy, and the National Treasury's recent Local Government Review eloquently highlight these concerns and what seemingly lies at the root of municipal dysfunctionality. The Municipal Systems Amendment Act of 2011 is also a clear attempt to address some of the concerns that the Roundtable will focus on. Ms van Donk added that while many stakeholders argue that the legislative amendments have not gone far enough, there are also limitations to what legislation can and ought to do. Moreover, while much of the attention is on how to achieve/strengthen the professionalisation of local government's administrative sphere, an as yet unexplored question is: What about the professionalisation of political parties? What needs to be done within and by political parties to root out certain mindsets, ethics and practices that are highly damaging to government in general, and local government in particular? Ms van Donk expressed hope that the Roundtable would address this question.

Pamela Masiko-Kambala, Policy Researcher in Isandla Institute's Politics of Local Governance Project, presented Isandla Institute's discussion paper 'Local politics and factionalism: Local government as a site of contestation' (See part A of this report or www.isandla.org.za).

The nature of local politics, factionalism and its impact on local government

Presenters in this session included Anton Harber, the Caxton Professor of Journalism at the University of the Witwatersrand, and Chairperson of the Freedom of Expression Institute, and Aubrey Matshiqi, Political Analyst and Research Fellow at the Helen Suzman Foundation.

Harber's presentation focused on his experiences and findings that informed his recent book titled "Diepsloot" and in particular what his findings tell about the state of politics and factionalism at the local level. He began his presentation with an ethnographic account of Diepsloot, which is located at the heart of the triangle linking Johannesburg, Midrand and Pretoria. He reflected on how the leadership of the ANC/SACP/SANCO/ANCYL in this community were not united and how these were sometimes 'gatekeepers' to access of resources. The contestations and tensions within and between these structures revolved around access to resources whether in the form of who gets elected as a Councillors or who is elected to the Branch Executive Committee of the alliance structures.

He talked about how rumour was cleverly used by local politicians to fuel tensions and/or discredit opponents in this community. According to him, the fact that there was an absence of credible community media in such a vast area further complicated matters as there was no place to 'verify' floating information.

Matshiqi started by noting that it was a common cause that local government is in distress due to political factors like factionalism, corruption, clientelism, conflation of party-state, etc. He further argued that local government is also in distress due to objective factors beyond municipal control, for example, lack of access to finances and a weak tax/revenue raising base, skills shortage, inequality, structural problems within the system, etc.

He cautioned against equating the ANC with the Khmer Rouge as the current discourse playing itself out in the media seems to suggest. He argued that if one views the country as being in a democratic reversal, then that will affect how one views relations at local government. He also noted that how one views the single party dominance will also affect how we reflect on local government. Matshiqi stated that while he was an activist in the United Democratic Front (UDF), factionalism and clientelism were discussed in negative terms in their Political Education classes. He also clarified that liberation movements generally regard factionalism as a 'bad thing' that undermines unity and uniformity in all levels of thought.

He argued that since 1994, access to resources has been dispensed through the ANC-led government while the party has been used as the means to access political resources. He argued therefore that different interests also attach themselves in the same manner.

Matshiqi cautioned against idolising communities as the DNA of human relations at local government has yet to be analysed. He argued that perceptions of political realities at the local level are seldom not interesting to communities, in fact, he argued, communities almost always attach themselves to political

structures and 'bigger' politics. Matshiqi went on to state that not all forms of contestation at local government are about access to state resources. For example, in Duncan Village (Eastern Cape) the community was told (dictated) not to use a free telecommunications and Internet facility funded by the state due to factional differences within the community. As a result, people had to take public transport to town (at their expense) in order to access the Internet. He argued that portraying community members as 'helpless' people is wrong. He claimed community members often have a sense of 'agency' although it does not always manifest itself positively or neutrally. He ended his input by cautioning against exaggerating possible threats against the local democratic project (even at national level).

Discussion

Participants argued that local government is a fertile ground for contestation, not only by political parties but also by the corporate sector working with municipalities. Hence it was argued that it is not a coincidence that a person in charge of Procurement is normally the first casualty after there has been a change of power in a municipality.

The participants also noted that the contests at local government are sometimes a continuum of contests at provincial and national level. Therefore contextualising local government and the course it has taken since inception will give an accurate reflection of the state of local government. Views were shared that the transition to a post-Apartheid local government dictated the type of (cadre) deployment that took place. It was argued for example that if at the time of establishing the new local government system the ANC had required minimum competencies for all positions, almost no African candidates would have been employed in key strategic positions. It was also acknowledged that perhaps it is now time to curb cadre deployment (which disregards skills, experience and competencies).

Part of the discussion also pointed to the need of a thorough reflection on what features of the local government system contribute to negative contestation. For example, it was argued that the two-tier system (district/local) fuels factionalism as this creates another site of contestation within/between political parties and their factions governing the district and local municipality respectively.

There was caution not to moralise the debate about politics in general as it was argued that, patronage is not always bad and not the real problem per-se as the support for political parties in general is largely based on it. For example, the party's promise to build houses, give land, etc is a form of patronage. The real problem with factionalism in political parties, it was suggested, is the failure to disburse patronage evenly, where access to resources is blocked for those who are voted out in an election.

Lastly, there was consensus that the responsibility lies with political parties, especially the ANC, in managing the forms of contestation that come with contradictions of a growing society. Political parties therefore have to discuss the 'thin line' between politics and administration

as it leads to problems. While it was also indicated that other solutions to the problems at local government lie with citizens, there is need for continued engagement and vigilance so as to develop 'agency'.

Implications and limitations of the Local Government: Municipal Systems Amendment Act (2011)

The discussion in this session was led by Professor Jaap de Visser, Project Coordinator at the Community Law Centre (CLC), based at the University of the Western Cape (UWC). His input focused on how factionalism manifests itself in municipalities. He claimed that it is reflected in three areas:

1. The appointment of senior officials by Council (politicians) as reflected by the Mlokoti vs. Amathole Municipality example
2. Procurement
3. Allocation of housing benefits to communities

He argued that unlike at the national level, factionalism at local government level presents more immediate effects on communities especially in a context where the municipality is 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. He provided numerous examples of these based on previous assessments conducted by the CLC.

He then proceeded to reflect on how the Local Government: Municipal Systems Amendment Act (2011) 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. He noted that there were still challenges with the implementation of the provisions set out in the Act by some municipalities, but he was content with the fact that the MSAA makes provisions for punitive measures against officials who do not follow correct processes.

Discussion

The participants acknowledged that the passing of the MSAA has as a highly symbolic political value, as it was met with significant resistance from within the ruling party and other stakeholders (mainly SAMWU). It was also clarified that the MSAA was 'work-in-progress' and that more regulations to professionalise local government will be tabled in 2012, which includes provisions for capping salaries for example.

The discussion then moved to how best to clarify the 'thin line' between the administration and party in a context where it is eventually the politicians (Council) that appoint senior managers in a municipality. An argument was made that it is unlikely that a ruling party in a municipality will appoint a non-partisan Municipal Manager who will not 'toe the party line'. It was further noted that political interference is promoted by the system by insisting that Section 57 employees be employed by politicians instead of Municipal Manager. This in effect, it was argued, results in "politics influencing implementation", which is a recipe for undue political interference and conflation of the party-state.

There were calls to caution against suggesting that the 'rot' is only based at municipal level whereas politicians at provincial and national levels also appoint Directors-General for example. The argument was that reforms should not be lop-sided and focus merely at the local level as this would undoubtedly lead to conflict. Municipal reforms should determine or clarify the difference between intervention and interference. The consensus in the room was that deployment cannot be done away with but that it should be based (more) on competencies as this would pave the way for further professionalising the spheres of local government. It was also noted that this may be difficult to do as municipalities struggle to compete with the private sector in terms of remuneration, skills development and staff retention. But there was a general view that political parties, in addressing the skills question, should consider using the PR-list to draw-in people with skills and expertise when deploying leaders to positions in the public service.

Other measures and mechanisms needed to address/curb unhealthy contestation

This was an open session to allow participants to deliberate more on additional measures and mechanism to curb unhealthy contestation at the local level.

There was a discussion about the need for the development of strong community based structures and organisations to realise the vision of a 'people must govern'. It was noted that there is a lack of political will to build and support CBOs and CSOs by the state hence the lack of robustness from communities. Instead, the state is proposing to pay stipends for attendance of meetings to members of Ward Committees instead of channelling these resources to CBOs and CSOs. This, it was argued, will effectively create another layer of contestation at the local level. Generally, there was consensus that the state has to support civil society (independent of political parties); for example in Brazil, there is a state policy to fund think-tanks as it realises that the state's ability to drive a coherent developmental agenda is dependent on expertise from both inside and outside political structures.

It was argued that the solutions to most problems highlighted in Isandla Institute's discussion document 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, it was noted, is about 'politics of the stomach' and fundamentally about how the state addresses issues of economic redress in a 'sea of unemployment'.

Lastly, it was argued that citizens generally have 'agency' witnessed by the increasing number of 'stay away voters' and the rise of independent candidates, amongst other factors. This, it was argued, is a good sign and shows that people are increasingly opposed to "wrongs" in the current political system.

Perspectives from political parties

Xolani Sotashe Cllr, Chief Whip of the ANC in the City of Cape Town municipality and Leonard Ramatlakane, Member of Parliament for COPE, led

the discussion in this session. The UDM was represented by Nqabayomzi Kwankwa. The DA was unable to attend the event as James Lorimer MP had to attend the Strategic Planning workshop of the PC on COGTA. The party was unable to send another representative from its structures.

Sotashe argued that the ANC has acknowledged that the political system at local government is not without fault. He emphasised that the MSAA was the ANC's contribution to the professionalisation of local government. The ANC's Leadership Renewal, Discipline and Organizational Culture document tabled at the 2010 National General Council (NGC) also contains proposals on how to curb some of the unhealthy contestation within the party, which will then be extended to apply to state institutions. The party is therefore reviewing guidelines on lobbying and other internal practices and plans to revive political education classes for its members. Sotashe argued that the review of the list process (not withstanding its imperfections) is a bold attempt by the ANC to be transparent by giving the people an opportunity to interact with the elected leaders. ANC councillors are now obliged, through ANC policy, to account to community members by holding at least 4 meetings per year. Also the performance of Councillors will be evaluated yearly.

Ramatlakane noted that political parties are sometimes 'teachers' in the society and the society mimics them at times. The call for professionalisation of political parties in essence boils down to the need for quality leadership. He also argued that the incorruptibility of people is very important, political parties therefore need to address issues of principles and integrity in order to professionalise themselves. He cautioned against what he considered as 'further distortions to the country's political structure where factionalism with sectarian interests manifests itself in state agencies, e.g. the intelligence, police, etc.

Discussion

Following the inputs by political party representatives, a detailed discussion ensued. The consensus at the end of the Roundtable was that quality leadership is about transcending narrow interests where one becomes a leader for everyone in a society rather than a leader of a faction. It was also clarified that education is not always an indicator of good leadership. Leadership is essentially about the character, ethics and integrity of the individual. Lastly, there was a call for political parties to make an honest assessment of their practice and find ways of professionalising themselves.

List of Participants

NAME	SURNAME	POSITION	ORGANISATION	CITY	TELEPHONE	EMAIL
Mvuyisi	April	Provincial Manager: Capacity Development for Local Governance, Mpumalanga	IDASA	Pretoria	012 392 0519	mapril@idasa.org.za
Mohammed	Bhabha	Advisor to the Deputy Minister of COGTA	Development Bank of South Africa/ COGTA	Johannesburg	011 313 3869	mohammedbh@dbsa.org
Jaap	de Visser	Project Co-ordinator	Community Law Centre	Cape Town	021 959 2950	jdevisser@uwc.ac.za
Ebrahim	Fakir	Manager of Governance Institutions and Processes	EISA	Pretoria	011 381 6000	ebrahim@eisa.org.za
Anton	Harber	Professor of Journalism and Media Studies	Wits Journalism, University of Witwatersrand	Johannesburg	011 646 4478	anton@harber.co.za
Alan	Jackson	Portfolio Chair: Housing	Greater CPT Civic Alliance	Cape Town	021 683 1793	npocoach@intekom.co.za
Seraj	Johaar	Director: Municipal Governance	Provincial Government WC Department of Local Government	Cape Town	021 483 5058	Seraj.Johaar@pgwc.gov.za
Nqabayomzi	Kwankwa	Deputy Secretary General	UDM	Cape Town	021 403 3926	kwankwa@udm.org.za
Heinrich	Magerman	Chief Director: Department Local Government	Provincial Government WC Department of Local Government	Cape Town	021 483 2865	heinrich.magermann@pgwc.gov.za
Letitia	Manter	Senior Administrator	Isandla Institute	Cape Town	021 683 7903	admin@isandla.org.za
Pamela	Masiko-Kambala	Policy Researcher	Isandla Institute	Cape Town	021 683 7903	pamela@isandla.org.za
Ignatius	Matanyaire	Intern	Isandla Institute	Cape Town	021 683 7903	intern@isandla.org.za
Malachia	Mathoho	Project Coordinator	Afesis-Corplan	East London	043 743 3830	malachia@afesis.org.za

List of Participants continued

NAME	SURNAME	POSITION	ORGANISATION	CITY	TELEPHONE	EMAIL
Aubrey	Matshiqi	Political Analyst	Helen Suzman Foundation	Johannesburg	072 535 0630	matshiqi@yahoo.com
Sithembile	Mbete	Assistant Researcher: Institutions and Governance Unit	National Planning Commission Secretariat	Pretoria	012 308 1462	sithembilem@po.gov.za
Katharine	McKenzie	Director/Publisher	String Communication	Cape Town	021 461 9692	kath@string.co.za
Nishendra	Moodley	Managing Director	Palmer Development Group	Cape Town	021 671 1402	nishendra@pdg.co.za
Ronald	Mukanya	GGLN Coordinator	GGLN-Isandla Institute	Cape Town	021 683 7903	ggln@isandla.org.za
Khalil	Mullagie	Provincial Executive Officer	SALGA	Cape Town	021 469 9800	kmullagie@salga.org.za
Mcebisi	Ndletyana	Head: Political Economy Faculty	MISTRA	Johannesburg	084 582 5721	mcebisin@mistra.org.za
Phindile	Ntliziywana	Reseacher	Community Law Centre	Cape Town	021 959 2950	pntliziywana@gmail.com/ pntliziywana@uwc.ac.za
Leonard	Ramatlakane	Member of Parliament	COPE	Cape Town	021 403 8864	lenie12@gmail.com
Lynne	Smit	Journalist	Hippo Communications	Cape Town	083 299 7383	lynne@hippocommunications.com
Xolani	Sotashe	ANC Chief Whip	City of Cape Town	Cape Town	084 629 0809	
Justin	Sylvester	Programme Director: Human Rights & Governance	OSFSA	Cape Town	021 511 1679	sylvester@ct.osf.org.za
Mirjam	van Donk	Director	Isandla Institute	Cape Town	021 683 7903	mirjam@isandla.org.za
Anthea	Whitaker	Acting Director: Community Development Workers Management Programme	WC Department of Local Government	Cape Town	021 483 2586	anthea.whitaker@pgwc.gov.za

Isandla Institute
Ubunye House
70 Rosmead Avenue
Kenilworth
7708
Tel: +27 21 683 7903
Fax: +27 21 683 7956
Email: admin@isandla.org.za

www.isandla.org.za