



Local Government Overview

1. Introduction

There are 278 municipalities in South Africa. Of these, eight are metropolitan, 44 are district, and 226 are local. Metropolitans run the largest cities – Johannesburg, Cape Town, eThekweni (Durban), Tshwane (Pretoria), Ekurhuleni (East Rand), Nelson Mandela Bay (Port Elizabeth), Mangaung (Bloemfontein) and Buffalo City (East London).

The rest of the country, including large and small towns and the rural areas, is served by district municipalities which, in turn, are made up of a number of local municipalities. For example, the Eden District Council in the Western Cape consists of the local municipalities of George, Knysna, Mossel Bay, Oudtshoorn, Bitou (Plettenberg Bay), Kannaland (Ladismith), and Hessequa (Riversdale). District municipalities exist to carry out functions which may be beyond the resources of a local council, and to ensure that regional interests such as tourism and development are attended to. Local municipalities can be seen as subdivisions of district municipalities.

At present, the African National Congress (ANC) controls all of the metropolitan municipalities except Cape Town, where the Democratic Alliance (DA) is in the majority, and the ANC also dominates the district municipalities with 38 out of the 44. The DA controls four district municipalities in the Western Cape, and the ANC is in coalition with the National Freedom Party (NFP) in two districts in KwaZulu-Natal.

When it comes to local municipalities, the DA controls 16 (only two of which, Midvaal in Gauteng and Baviaans in the Eastern Cape, are outside the Western Cape); the Inkatha Freedom Party five; and the National Freedom Party two. Coalitions of two or more parties run eight local municipalities, six of which are in the Western Cape; and eight

local councils are currently under direct management by their respective provinces, due to dysfunction or political impasse. Of these, four are in North-West Province, two in KwaZulu-Natal, and one each in the Eastern and Western Cape. The remaining 187 local municipalities are under the control of the ANC.

2. The State of Municipalities

It is pointless, and misleading, to make generalisations about the state of municipal government in South Africa. Someone whose refuse is not collected, or whose streets are full of potholes, or who cannot get a response from their councillor, will perceive municipal performance as bad, no matter that other indicators, such as the number of councils that receive clean audits, are improving. Likewise, some councils that have come under scrutiny for alleged corruption or mismanagement nevertheless seem able to provide their residents with a decent standard of services.

A number of NGOs publish assessments of municipal performance, but perhaps the most accessible is that provided by Good Governance Africa. GGA have developed a Government Performance Index which uses three categories of indicators: administration (including legal compliance, financial soundness and municipal capacity); economic development (poverty, unemployment rate, income levels); and service delivery (including health facilities, water and electricity provision, refuse removal, and sanitation).¹

Based on this index, GGA found that of the 20 best-performing local municipalities, 15 are in the Western Cape (eight DA controlled, four ANC controlled, and three coalitions), three are in the

Northern Cape (two coalitions and one ANC controlled), and two are in the Free State (both ANC controlled). Conversely, the bottom ranked 20 are split between the Eastern Cape (12), KwaZulu-Natal (6), and one each in Limpopo and the North West. All of these are ANC controlled, and all of them are in areas which previously fell under the Transkei, Bophuthatswana, Venda or KwaZulu 'homelands.'

By definition, a ranking system allows for a relative assessment of performance, but not for an absolute one. The top and bottom 20 lists may tell us something about the Western Cape and about the former homeland territories, but they don't tell us how happy or unhappy the residents of these municipalities are with the services they receive. This requires research and data that is not as readily available, or as easy to summarise in a short overview.²

It does seem, though, that there is widespread dissatisfaction and even anger among residents countrywide. Levels of protest, including violent incidents, burning of infrastructure, and blockading of roads, have been on the increase recently. And such outbursts are by no means limited to the worst-performing municipalities; quite a few of the top 20 have experienced militant protest as well.

3. Misplaced Expectations

Without wishing to excuse poor municipal government, it must be noted that in many cases people expect things from municipalities that they simply cannot deliver. For instance, at a recent CPLO roundtable addressed by representatives of the three largest parties, community activists insisted that city councils should do more to combat crime, clamp down on drug-lords, 'fix' education and build more hospitals. Explanations by the speakers to the effect that we have a three sphere system of government, and that these issues fall under provincial and national areas of competence, not local, fell largely on deaf ears.³

People who have suffered from high unemployment levels for decades, who endure gangsterism and drug crime every day, and who cannot afford to travel long distances to the nearest hospital, are understandably frustrated, and it is no surprise that they are not impressed with what appear to be excuses from the political elite. Their attitude is simply: things are in a mess, let them be fixed, and don't bother us with talk about spheres and competences. This is perhaps

especially true in smaller towns and rural areas, where the only 'government' that people can engage with is their local municipality, mayor or ward councillor.

Sadly, unless the present system is significantly changed, municipalities are not going to meet these demands, and this is likely to add to communities' levels of frustration in years to come.

4. Local and Provincial Government

This year's elections have once again given rise to the debate over the respective roles of provincial and local government. In particular, some voices are suggesting that local government, especially the metropolitan councils, should take over such present provincial responsibilities as education, housing, social welfare payments, and health. Thabo Manyoni, the Chairperson of the SA Local Government Association (SALGA) and Mayor of the Mangaung metropolitan municipality, for example, has argued that provinces will eventually become obsolete as more and more of their functions are transferred to local government.⁴

It is probably true that some of the bigger municipalities have the expertise, infrastructure and capacity to undertake some or all of the provincial functions in their areas, but this is certainly not the case for the vast majority of district and local councils. Many of these, as we have seen, cannot deliver basic municipal services, so it is beyond unlikely to think that they would be in a position to take responsibility for education and health as well.

In any event, rejigging the areas of competence to allow, say, Johannesburg, Cape Town and eThekweni to run public schools and administer social grants would further deepen the divide between the relatively well-run, professional and competent cities and the less capable, more dysfunctional rural and peri-urban areas. Arguably, the emphasis should rather be on finding ways to share and spread the local government skills that exist in the metros so as to improve the overall performance of district and local councils.

Lastly, in some provinces, especially Gauteng, but also the Western and Eastern Cape, and perhaps the Free State, if the main provincial competences were transferred to the metropolitan councils, their provincial governments would be reduced to

a kind of glorified rural government, with jurisdiction and responsibility only outside the cities. This is certainly not what our constitutional vision of devolved provincial government entails.

5. Local Elections As Proxy for National Issues

It is routinely claimed that the issues at stake in a local government election differ from those in a national general election. In the latter, far-reaching matters of foreign policy, economic direction, defence and security, regional imperatives and so on, take centre stage, while local elections are about roads, streetlights, refuse-removal and the like.

Maybe in some countries this is the case, but certainly not in South Africa. For the opposition, Nkandla is an issue; so are 'Guptagate' and 'Nenagate' and other perceived instances of maladministration at national or presidential level. Likewise, the narrative of the DA as a party of the rich, seeking to protect white interests, plays itself out as much in local campaigning as it does in the run-up to our national elections. At street level, there is very little to distinguish this election from the national election of two years ago; a Martian could be excused for thinking that Jacob Zuma, Mmusi Maimane and Julius Malema were standing for election in every council across the country. Only now, in the last couple of weeks before the polls, are the faces and names of aspirant ward councillors – not just national party leaders – beginning to appear on lampposts.

The danger in all of this is that pressing local issues stand to be lost sight of as the parties concentrate on the national contest. Many local issues are beyond ideological contestation. Whether you favour socialism or a free-market, you want drinkable water to flow through your taps, and you want the traffic lights to work; you want adequate recreation spaces for your children, and you want your residential area to be clean and tidy. You also want to be represented by a councillor who understands your needs and who is well-versed in the challenges and opportunities of your suburb or township.

Municipal elections should primarily be about these immediate, limited, quotidian matters; instead, we are effectively asked to vote for parties first, and for individual councillors second. It is probably naïve to think that it would be possible to 'de-party politicise' local government to the point where an individual's expertise and standing in the local community, rather than his or

her party affiliation, was the deciding factor. However, measured against the principle of subsidiarity, there is certainly an argument to be made against the excessive intrusion of national politics and party rivalries. Decisions affecting people in their neighbourhoods, their towns and their villages should ideally be made by them, not by people sitting far away in a party head office.

6. Pre-election Tensions

Many countries manage to hold elections without any violence; in others, violent outbursts occur between parties. In South Africa, electoral violence is almost exclusively intra-party. There have been a few reports of supporters of one party attacking or threatening those of another (EFF leaders were threatened by ANC supporters in Thembisa a few weeks ago) but by far the most common manifestation of violence in this electoral period has been within the ANC. This is not new: according to the Mail & Guardian, in the period 2010–2012 (in other words around the 2011 municipal elections), 38 ANC members were assassinated in KwaZulu Natal. The situation is similar today, though fortunately the numbers are not yet so high; in the last few months six 'political killings' have been reported in that province.⁵

In the same period five years ago, 12 members of the Inkhatha Freedom Party and the National Freedom Party were assassinated. This coincided with the emergence of the NFP as a breakaway from the IFP, which means that the killings were essentially intra-party, rather than inter-party.

Internal dissatisfaction in ANC ranks was also behind the violence seen recently in Tshwane, which led to five deaths, and it has also manifested itself in Kwazakhele in the Nelson Mandela Bay Metro, where unhappiness about the nomination of candidates prevented senior ANC leaders from canvassing in early July.

Dissatisfaction about candidates seems to be the chief cause of this kind of violence, and it can be both personal and factional. Thus, some individual councillors who have not made it back onto electoral lists have allegedly instigated violence against those who have; while in KwaZulu-Natal especially, broader factional considerations may be at work. The Premier of the Province, Senzo Mchunu, was replaced in May by the ANC's provincial chairperson, who was said to be closer to the 'Zuma camp'.⁶

There are also more material considerations. For many councillors, their seat is an opportunity to earn a salary well in excess of what they might otherwise earn. To be 'de-selected' can be a far more serious matter, than simply a setback to one's political aspirations. Political office also gives access to material gain of a more dubious kind, through influencing tenders or using inside knowledge for commercial benefit; as we know all too well, such activities are sadly not uncommon in local government circles.

Whether the pre-election violence we have come to expect is motivated by personal, factional or commercial considerations, it remains a worrying aspect of our politics, and one which seems to persist from one election to another, despite calls from the leaders of all parties and from civil society. Until political office comes to be seen primarily as a public service, and less as a step on the ladder to status, wealth and influence, the situation is unlikely to improve.

7. Electoral Prospects

Some commentators are calling these elections the most significant since 1994⁷, although this is a label that has been applied before. This time round, however, there is a sense that a few significant shifts could take place. Firstly, the opposition could take control of one, possibly two, metros apart from Cape Town; secondly, some metros and a number of district and local municipalities, could be run by coalitions; thirdly, the prospect exists that EFF could win control of a municipality here and there, which would give it its first taste of governing; and fourthly, the ANC could experience a sharp decline in overall support.

7.1. The Metros

To get the obvious out of the way first, the ANC will comfortably retain control of Mangaung, Buffalo City, Ekurhuleni and eThekweni, although it will probably see its percentage decline in all four. In the 2011 local elections the ANC won 66%, 70%, 62% and 61% respectively in these four metros.⁸ In the 2014 national election, the votes cast in these cities for the ANC were 64%, 68%, 56.5% and 65% respectively (the ANC having picked up a large number of votes in Durban at the expense of the IFP)⁹. Even if the ANC's decline in support in the first three of these metros was to double, it would still easily win Mangaung and Buffalo City, and it would remain by far the largest party in Ekurhuleni. It must also be borne in mind that the

DA saw a decline in its share of the vote in these three municipalities between 2011 and 2014, from 27% to 21.5% in Mangaung; 20.5% to 19% in Buffalo City; and 30% to 27% in Ekurhuleni. In eThekweni the DA improved from 21% to 23%, so even if it doubles that rate it will still only reach 30% this time around.

The situation is potentially more fluid in Tshwane and Johannesburg, and Nelson Mandela Bay is on the cusp of falling to the opposition. The ANC's share of the Johannesburg vote declined from 58.5% in 2011 to 53.5% in 2014; in Tshwane, it fell from 55% to 51% in the same period. This might seem good news for the DA, except that its share also declined, from 35% to 30% in Johannesburg, and from 39% to 31% in Tshwane. In both cities the EFF seems to have been the main beneficiary, as it came in with 10% in Johannesburg and 11.5% in Tshwane in 2014. It seems more than likely that the ANC will remain the largest party in both these metros, but if its support falls by the same percentage as it did between 2011 and 2014, it will cease to have an outright majority. Some opinion polls suggest that the fall is going to be considerably greater than the roughly 8% decline between 2011 and 2014, in which case both these metros could be in for hung councils.

An IPSOS poll released on 7th July paints an even bleaker picture for the ANC in these metros. It has the DA ahead in all three: 36% to 31% in Johannesburg (EFF 10%); 39% to 26% in Tshwane (EFF 12%); and 42% to 21% in Nelson Mandela Bay (EFF 10%).¹⁰ This poll includes quite a high number of undecided voters, enough to make a considerable difference in both Johannesburg and Tshwane, but not enough to secure Nelson Mandela Bay for the ANC. So, unless the poll is wildly inaccurate for some other reason, it appears on the cards that the DA, with the assistance of a few minor parties, will be able to take control of Port Elizabeth and environs. Interestingly, the 42% that the IPSOS poll gives the DA is not much higher than the 40% which the party achieved in both 2011 and 2014; what has changed is that the ANC's support has plummeted (according to the poll) from 52% in 2011 and 49% in 2014, to a predicted 21% in 2016.¹¹

The last of the metros is Cape Town. The city is not being covered by the polling companies, which may be due to the fact that no-one seems to think that there is the remotest chance that the DA will lose it. The two interesting questions are whether the DA will improve on its 61% in 2011, which it

ought to do if its boast of being the best-run metro in the country is a valid one; and whether the ANC, which has been beset by leadership crises in the Western Cape for some years, will drop below 25% of the vote.

7.2. Coalitions

As noted in the Introduction, we already have a few coalitions in municipalities in the Western Cape, Northern Cape and KwaZulu-Natal, but these are all relatively small local councils in rural areas. Also, in all of them, either the DA or the ANC is the dominant party, but in none of them is the coalition between these two parties. This could change in August.

Both the ANC and the DA have said that they will consider going into coalitions on a case-by-case basis. The EFF has so far rejected the idea of a coalition with the ANC. When it comes to the contested metros (Johannesburg, Tshwane and Nelson Mandela Bay, and just possibly Ekurhuleni) if we assume that neither the ANC nor the DA will achieve an outright majority, the question will be whether either of them will be able to attract enough support from the smaller parties to reach 50% plus one. In these equations the EFF will undoubtedly be in the most powerful position. It is possible, though, that if either the DA or the ANC reaches 45% or so, it might gain the missing 5% from a coalition with the IFP, the United Democratic Movement (UDM), the African Christian Democratic Party (ACDP), the Congress of the People (COPE) or the Freedom Front Plus (FF+), all of which are likely to come in with around 0.5% - 1.5% of the vote, depending on the metro in question.

From an ideological and historical point of view the EFF would seem to fit more naturally in coalition with the ANC than with the DA but, as we have noted, the EFF has rejected a coalition with the ANC. Is there then a possibility that the EFF and the DA could enter into coalition in, say, Tshwane or Johannesburg? It is not impossible, but it is hard to see how the two parties would be able to agree on crucial policies around property rights, rates, budget allocations, etc. Such a coalition would be inherently unstable. The other possibility is that the ANC and the DA could go into coalition, but this too would be fraught with difficulty: the parties would have to co-operate at metro level while fighting tooth and nail at provincial and national level.

In short, the ongoing decline in the ANC's support, coupled with the growth in the DA's numbers, will not be enough to bring about a complete transfer of power in many of the important councils, but is likely to throw up some intriguing and challenging opportunities for the politics of compromise; which will be a new experience in post-1994 South Africa.

7.3. The EFF in power

Since it was formed after the last local government elections, the EFF has yet to experience municipal government. Although it has maintained a very high national profile, with a charismatic and media-savvy leader and a militant stance in Parliament, it has not had to put its policies into effect. The emphasis in its present campaign is on delivery – of free water and electricity to the poor; of land to the landless; of 'spacious housing'; of jobs through the insourcing of municipal functions and the eradication of the tender system; and of many more desirable social goods. How all this will be paid for is not spelt out. Neither is it clear how the party intends to circumvent important legal and constitutional requirements. For example, the idea of expropriating or confiscating land without compensation is unconstitutional; and no matter how much municipalities would like to provide mass housing, this is a provincial and national function.

As long as the EFF remains in opposition it will be able to claim the delivery 'high ground' without actually having to put its plans into action. The real test will come if it manages to win at local or even district council level. Even if it doubles its 6.35% showing in the 2014 national election, which would be a great achievement for the party, it would seem that this would be insufficient to win any given municipality. However, there are indications that it may do very well in some parts of the country, including areas of North West Province and Limpopo. It is not impossible that, like the IFP and the NFP in a few areas of KwaZulu-Natal, the EFF could win sufficient votes in one or two local municipalities to become the biggest party; and then it would have to set about delivering on its delivery promises.

7.4. An ANC decline?

There seems to be a general expectation that the governing party is going to experience a much greater decline in its overall support this time around than in previous elections, be they national or local. Numerous commentators in the media

make this assumption and, to be fair, the few opinion polls that have been published do indicate a drastic decline in some of the metros (as discussed above). But it would be a mistake to extrapolate too generally from the ANC's anticipated poor performance in three metros; it is a party with deep-seated support all over the country, with the possible exception of the Western Cape.

Much of the justification for pundits' negative predictions for the ANC centres on President Zuma and his perceived unpopularity as a result of numerous scandals and questionable decisions – Nkandla, the Guptas, the firing of Minister Nene. There is little doubt that this is counting strongly against the party in Gauteng; it is noteworthy that the provincial ANC leadership is using former leaders such as Kgalema Motlanthe and Thabo Mbeki to front its campaign, rather than Mr Zuma. In Port Elizabeth, the decline seems more attributable to years of municipal mismanagement and incompetence. However, in the rural areas and especially in our most populous province, KwaZulu-Natal, there is little sign of a serious drop-off in ANC support.

Between the local government elections of 2006 and 2011 the ANC's share of the vote dropped from 66.3% to 63.65%, a decline of 4%. Between the national polls of 2009 and 2014 it went from 65.9% to 62.15%, a drop of 5.7%. Its decline between the 2011 local election and the 2014 national election was a small one of only 2.35%. And it should be borne in mind that many of the factors that are now being identified as negative for the ANC were present in 2014: the emergence of the EFF; the Nkandla scandal; the perception of Mr Zuma as corrupt and susceptible to commercial influence; the split in COSATU; and the weakened state of the ANC's Youth and Women's Leagues.

Nevertheless, it seems that dissatisfaction with Mr Zuma is indeed growing, and that this will have an effect on his party's performance. We may be virtually certain that its overall share of the vote will drop below 60% for the first time; and it may go as low as 56% or 57%.

If this happens, the DA and the EFF will be the main, probably exclusive, beneficiaries. It is hard to see any of the other parties winning more than 1.5%, and most will be lucky to reach 1%. The EFF will climb to at least 10%, and has a realistic chance of doubling its 2014 share, which would put it at around 12%. That would leave it in a

distant third place nationally, but would still be a significant achievement.

The DA's vote grew hugely by over 33% between the 2009 and 2014 national elections, and by 48% between the 2006 and 2011 local elections. Its growth between 2011 and 2014, however, was a paltry 1.2%. Since then it has undergone a change of leadership and has set its sights on making a real breakthrough into the ANC's traditional township support-base. Given the ANC's vulnerability, as discussed, and the high-profile campaigns the DA has waged in the three metros, the party will be disappointed with anything less than 15% growth (from 2014), which would put it at around 25% to 26% nationally.

A possible outcome, then, could be: ANC – 58%; DA – 25%; EFF – 11%; with 6% shared between the rest.

8. Conclusion

These elections will be our ninth in the democratic era; our fourth local, to go with the five national elections. All of them so far have been well-run, and with minor exceptions, free and fair. Despite a few questions being raised about the Independent Electoral Commission's performance of late (especially regarding the issue of capturing voters' addresses, but also its less than professional conduct of the Tlokwe by-elections in 2013), and despite the fact that the SABC, on which most of the electorate relies primarily for information, has become partisan in its editorial decisions, only the EFF has seriously suggested that the August 3rd polls are likely to be any exception to the rule. All other parties, and civil society watchdogs, seem to be reasonably satisfied that the electorate will once again have the opportunity to make a free and informed choice about who it wishes to see in charge of our villages, towns and cities.

Will the electorate take advantage of this opportunity? In 2011, only 57.6% of registered voters cast a ballot. In 2014, the figure was much higher, at 73.5%, but in both cases around one out of every five people eligible to vote failed to register. Thus, in 2014 less than 60% of those with a right to vote did so, and in 2011 only 46% did so. It would be a travesty if either figure were to be repeated this year.

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¹ See <http://www.gga.org/research-knowledge/research-outputs-library/> for more details.

² By way of example, the complexity of the matter is illustrated in a study on district municipalities conducted by the Palmer Development Group: <http://pdg.co.za/wp-content/uploads/2012/04/Assessment-of-the-performance-of-district-municipalities.pdf>

³ In fairness to the EFF, its election manifesto includes commitments to address these issues and more, although it is not clear how it will do so without amending the Constitution (which sets out the competences of each sphere); and it is also unclear where the bulk of municipalities outside of the richest metros will find the money for such interventions. The EFF also advocates for the abolition of provinces and for their functions to be taken over by municipalities.

⁴ <http://www.timeslive.co.za/thetimes/2016/07/04/Replace-provinces-with-big-metros>

⁵ For an overview of politically-motivated murders, see <http://mg.co.za/article/2016-05-27-00-killings-signal-the-start-of-the-battle-for-power>

⁶ <http://www.timeslive.co.za/politics/2016/05/23/Hes-gone-Senzo-Mchunu-loses-political-battle-with-Zikhalala>

⁷ <http://www.news24.com/elections/news/upcoming-elections-most-important-since-1994-tony-leon-20160706> ; <http://www.biznews.com/leadership/2016/06/22/sell-august-biggest-election-since-1994-no-ting-wasted-vote/>

⁸ All the electoral statistics for past polls mentioned in this paper can be found on the Independent Electoral Commission's website <http://www.elections.org.za/content/>

⁹ It is often said that it is inaccurate to compare voting for municipalities with voting in municipalities for national structures. However, given the deeply politicised nature of local government in South Africa, and given that all our councils are effectively contested by the main national parties, the comparison is probably fairly reliable.

¹⁰ http://www.enca.com/elections2016/?utm_source=encaDesktop_PollsNavBar&utm_medium=NavbarBanner&utm_campaign=PollsNavBar

¹¹ The figures predicted by opinion polls should be considered with caution. Even in countries where polling is far more common than it is here, such as the USA and the UK, they have recently failed to reflect actual voter choices with much accuracy.

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