

# REPORT ON THE State of local government

This is a shortened version of the address by Yunus Carrim, Deputy Minister of Cooperative Governance and Traditional Leadership, to the Institute of Local Government Managers' annual conference on 18 November 2009.



We have gone a significant way towards the promise of developmental local government, but we are clear that we are facing severe problems and complex challenges. The Ministry recently undertook a national assessment of all municipalities to determine the extent of the problems. The *State of Local Government in South Africa Report* presents the findings of this country-wide assessment of the current state of local government.

The report provides a balanced assessment of the strengths and weakness in local government, but, of course, it highlights many problems. Some of them are structural and caused by social and economic forces outside the control of municipalities.

Many of our municipalities in former homelands and rural areas are deeply impoverished places, where people are mostly too poor to pay for services, and local government is generally struggling and often dysfunctional. In many of these areas, no local government had ever existed before, and thus took a long time just to get established.

Other problems are the result of failures by the other two spheres. For example, some policies are over-ambitious relative to the actual capacity of municipalities. In other words, unwittingly, we may have created expectations that local government cannot fulfil, or placed a burden on municipalities that perhaps only the strongest amongst them can carry. We have also failed to devise a sustainable long-term strategy for supporting municipalities that are inherently different and confronting unique problems that are linked to their location in a distorted spatial economy.

But many of our problems are the result of failures by municipalities themselves.

The report lays the basis for a turnaround strategy for local government, which is presently being developed.

Because local government is the first door of government citizens can reach, doing things differently means we must also ask whether current institutional arrangements help municipalities to keep that door open to citizens and whether some of our policy frameworks and systems are not perhaps too ambitious or burdensome. For instance, surely, we need a more realistic approach, a differentiated model, to local government rather than the 'one-size-fits-all' model we have at present?

National government and provinces should improve the quality of their regulation, oversight and support of local government.

As the first door, local government must work in ways that reconnect citizens to the state so that we overcome the distance and estrangement that has crept into the relationship between state and citizen as seen in many of these public protests.

## Being accountable

Citizens of our country expect clean, effective and accountable government in every municipality in our country, big or small.

Developmental local government cannot work without skilled, capable and ethical people serving the citizens of this country to the best of their abilities. That is what citizens expect from their elected local leaders. That is what citizens expect from the managers and staff that administer local services.

Among other issues, the legislation provides a wide range of transparency measures – such as annual and in-year reports, reportbacks to communities and audit documents. This is to ensure that those with authority actually provide full disclosure of all information that is essential to empower citizens and independent bodies to call them to answer for their actions.

The *State of Local Government in South Africa Report* shows that there are serious weaknesses in our system of public accountability.

In some municipalities, accountability and the rule of law are in a state of near collapse due to corruption, patronage, and

factionalism. In these cases, the rules of accountability don't apply: they are superseded by informal rules that promote patronage and personal loyalty, not service and accountability to the citizen. In these places, you end up with the wrong people in municipal office, the wrong culture taking root, and little hope for a professionally run administration. We must uproot corruption.



Photo: Shanti Coetzer: CGTA

## Relationship between councillors and politicians

Uncertainty in the roles of the various municipal organs is common and widespread, in particular between politicians and managers. In some cases, the cause of the problem is that there is no proper delegation of roles between, for example, mayors, speakers, chief whips and municipal managers, which results in overlapping or confused responsibilities, and often conflict.

It appears that in far too many cases the problem is caused by political interference in the appointment or suspension of municipal managers. For example, there are cases of municipalities in which municipal managers or other managers below the level of municipal manager are politically senior to the Mayor! Effective management, leadership and oversight are not possible under these circumstances.

There are clearly problems at the political-administrative interface, and they are showing in the consistently high number of vacancies in management, suspensions of managers, and acting appointments.

The suspension of several municipal managers shows clearly that if municipal managers are to perform their statutory functions as professionals, additional measures are needed to insulate them from suspension for frivolous reasons or improper motives, and to equip them with the skills to be able to do their jobs professionally in a pressurised political milieu.

When local government policy was being developed, we thought that appointing senior managers under contract would be in the best interests of transformation. But with the benefit of learned experience perhaps it is time to revisit some aspects of the current arrangements:

- How can we ensure that senior managers appointed on contracts are not vulnerable to being dismissed for political and other reasons that have nothing to do with their performance?

- Should an external authority – such as the MEC and the minister – have some say in the appointment and suspension of managers to ensure that these decisions are shielded from inappropriate considerations and are procedurally correct?
- What steps must political parties take to ensure that political appointments do not undermine the effectiveness and accountability of local government? Should there, for example, be a prohibition on the appointment of administrators who are senior political party office-bearers?
- Do we need an independent body to evaluate the performance of senior managers to guide councillors on decisions about managers and also provide a measure of protection for managers against arbitrary decisions about them?

The government is very concerned about the high turnover of senior municipal managers and the spiraling trend in the suspension of managers. Often senior managers are suspended for long periods on pay, and municipalities are very tardy in processing allegations against senior managers. Proper procedures are not followed. Most municipalities do not have clear policies on how to manage suspensions and dismissals of senior managers. Many cases end up in court needlessly, with huge financial consequences for municipalities. Sometimes managers receive unjustified huge pay-outs. All of this is quite wrong. And, as national government, we are fed up! So too, indeed, is the public!

As part of an attempt to address these problems, our Department will within the next 10 days or so gazette for public comment draft regulations on a disciplinary code and procedures for senior municipal managers. We also intend to amend the Municipal Systems Act to allow the Minister to

regulate the performance of municipal managers and managers directly accountable to the municipal managers.

There is clearly a need to review the relationship between political party structures and municipal structures. From the mid-90s until the Polokwane Conference the state structures increasingly took over the responsibilities of the party. That was wrong! But we must also guard against the opposite extreme: the party assuming the responsibilities of the state.

Of course, the party must provide the framework for restructuring the state and for the policies of government. But the party should not substitute for the state, any more than the state should substitute for the party.

At municipal level, a mutually destructive relationship is emerging between the ANC Regional Executive Committees (RECs) (and, to a lesser extent Branch Executive Committees) and municipal structures. This affects the role of senior managers in municipalities. Power struggles within the party are translated to municipalities and serve to undermine good governance and service delivery in municipalities. But, also, power struggles within municipalities get transferred to party structures and serve to weaken the party. There is a need to develop a relationship between party structures and municipalities that recognises both the inter-relatedness and distinctiveness of these respective structures and that serves to ensure a mutually reinforcing relationship that strengthens these respective structures.

The party decides on the election manifesto and other policies. It also chooses the candidates for election to councils. The party must, of course, provide political and strategic oversight over the councillors. Obviously, councillors must be accountable to their political parties. And given the tendency of some councillors to be lax or errant, it is important that the party monitors councillors. But it is not for the party structures to micro-manage councillors – especially as this has sometimes less to do with ensuring that councillors perform effectively and more to do with influencing tenders and narrowly interfering in appointment of managers and staff. Why should party structures nominate councillors to serve in municipalities if they do not have confidence in them? If a councillor undermines the principles, values or policies of a party, or fails to perform, or is in other ways errant, the party should recall the councillor. Municipal structures should not be treated almost like sub-committees of party structures.


Part of the oversight that RECs have over councillors should include providing a broad policy framework for the appointment of senior municipal managers that is consistent

with municipal legislation. RECs should feel free to nominate a pool of candidates. But should RECs actually decide who exactly should be appointed to these posts? And should managers then feel that they are more accountable to the REC Chairperson or Secretary rather than the Mayor and other councillors? This needs to be fully discussed within the ranks of the ANC and Alliance and a policy framework needs to be developed that clearly defines the relationship between ANC structures and municipal structures

## Contribute to the turnaround strategy

This turnaround strategy is about doing things differently, not about laying blame for what is not working. The turnaround strategy will be taken to Cabinet in early December. It will then be taken to municipalities between January and March next year. Each municipality will develop its own municipal-specific turnaround plan within the context of the National Framework Strategy, following the fullest consultation of all the key stakeholders in a municipality. The provinces will assist municipalities to develop their specific turnaround plans. Committees at national, provincial and municipal levels will be established, comprising the widest range of stakeholders, to monitor progress on the implementation of the turnaround strategy and plans.

In closing, I want to leave you with a challenge, in the form of three questions that you are in the best position to answer:

1. What are the two most important areas of municipal administration where we need to do things differently to improve effectiveness and accountability?
2. How can we better use the collective expertise of professional associations such as ILGM to build our capacity for effective and accountable local government?
3. What are the two or three most important things that national government and provinces can do differently that will make your work as managers easier and more effective? 



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