



SEPARATING PARTY POLITICS FROM GOVERNANCE

Drawing the line

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The report by COGTA on the state of South African local government clearly identifies interference by political parties as a cause of the 'dysfunctionality' and 'instability' of municipalities. As the Local Government Turnaround Strategy states, political parties are 'undermining the integrity and functioning of municipal councils through inappropriate interference in councils and administration'.

The appointment of party office bearers to municipal administrative positions is perhaps the worst kind of improper political interference in municipal affairs. In a number of municipalities, senior managerial positions are occupied by party officials. In 2009, the Community Law Centre conducted research to examine the effects of this on service delivery. The research proved that the appointment of politicians into municipal administrations happens frequently. In one municipality, for instance, a subregional secretary of a party was a director in the speaker's office. In another municipality a regional party secretary held a director's position. Positions below section 57 appointments are also held by party office bearers.

Who's managing whom?

The holding of managerial positions by party office bearers has caused difficulties in many municipalities. Where a party official who has a more senior position in his party than the councillors holds a municipal administrative position, lines of accountability are distorted. As one mayor in the study said, 'It's a problem if the MM (municipal manager) is a political office-bearer because he would not want to account to junior councillors and other parties will see him as a partisan person.'

There are also municipalities where the municipal manager is a senior regional party official. In the words of an acting municipal manager (MM) of a municipality which participated in the study, 'The MM is a senior ANC member;

he does not want to take instructions from council.' One of the blatant examples encountered in the study was that of a mere clerk in a municipal administration who felt powerful enough to give instructions to municipal councillors because of the position he held in his political party.

Where a party official holds a position lower than that of municipal manager, the municipal manager is unable to discipline the party official. Instead, the municipal manager takes instructions from his subordinate, resulting in maladministration. As a director of a municipality in the study stated, it is difficult to discipline a senior party official in a position below municipal manager. Explaining how difficult it has become to control a deputy director who is also a senior party official, the director said:

It is very difficult to discipline the deputy director now. The MM cannot act against him. He does what he pleases. There are complaints against him but the MM is powerless ... The council cannot take on their

political senior. Other senior managers do not like this. They are getting fed up.

Moreover, party officials enjoy privileges that are not available to others. For instance when there are events at party level, political officials leave their posts in order to 'work' for the party.

The impact of these blurred lines of accountability on the municipal administration is profound. In the words of one director:

The untouchable position of such a political figure has a demoralising impact on other staff members as they see how the applicable legal rules do not work.

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Separating municipal administrative positions from party officialdom has been suggested as a way out of this predicament. For instance, COGTA, in its report on the state of local government, mentions 'delinking' the appointment of municipal administrative employees from political office bearers as a solution. Most importantly, the separation of political officialdom from municipal employment has been strongly advocated by President Zuma himself. The President, speaking in Kimberley on the 98th anniversary of the ANC, stated:

We are of the view that municipal employees should not hold leadership positions in political parties ... and we will tighten our deployment procedures to ensure that we deploy comrades with political integrity and professional competence.

According to the President, the blurred political and administrative roles have hampered service delivery at the local level.

The plan to exclude political office bearers from holding municipal appointments is seen as a clear move towards professionalising municipalities. It is also hoped that it will alleviate problems associated with political interference. However, not everyone is happy with this plan. The South African Municipal Workers Union (SAMWU), in a statement made four days after the President's speech, said it was 'disturbed' by the remark. According to SAMWU, the statement was 'worrying' as well as 'constitutionally and politically unnecessary'.

Moreover, the union argued, the plan to forbid municipal workers from holding leadership positions in political parties was 'part of a concerted effort to depoliticise and deunionise the public service, which could be disastrous for the country and the working class'. For SAMWU, the plan is perceived to be tampering with freedom of association rights.

Comments

The recognition by key decision-makers, including the President, that party political interference is one of the causes of inefficiency in municipalities is important. The plan to sever the link between political officialdom and municipal employment – which, as described above, is a major cause of maladministration, corruption, nepotism and general inefficiency in municipalities – is a choice to which there is no alternative.

SAMWU's fear that barring political office bearers from holding administrative positions in municipalities amounts to 'deunionising' and 'depoliticising' the public service seems unfounded. The plan does not affect the right of municipal workers to form and join trade unions. Neither does it affect their right to associate themselves with political parties. It only requires individuals to choose between municipal employment and a leadership position in a political party. The plan to delink political officialdom from municipal administrative positions therefore does not violate the right of freedom of association. Furthermore, it does not forbid those who choose to hold municipal administrative positions from membership of any association, including political parties.

It is hoped that this plan will be the first of many steps taken to ensure that the integrity of governance is restored at the local level.



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This article is based on a larger research project conducted by the Local Government Project for the German Agency for Technical Cooperation (GTZ) and the South African Local Government Association (SALGA). The report *Quality of local democracies: A study into the functionality of municipal governance arrangements* can be accessed at <http://www.communitylawcentre.org.za/clc-projects/local-government/publications/municipal-administration/PoliticalAdminInterface.pdf>

The latest reports on the Local Government Turnaround Strategy can be accessed at www.cogta.gov.za/index.php?option=com_content&task=view&id=598&Itemid=1