Further from the people – bipartisan 'nationalisation' thwarting the electoral system

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This chapter argues that local government elections offer a unique opportunity in South Africa's political system for voters to practice forms of democracy that are more local, plural and accountable in character than at provincial or national level. A key reason for this is the mixed electoral system where half of all councillors are directly elected from the wards in which they live. The 2011 election supplied significant evidence of voters attempting to make use of this opportunity, particularly around the candidate selection process of the major parties, and through the accountability talk that dominated public debate. However, analysis of both 'supply' (party behaviour) and 'demand' (voter choice) suggests that this democratic potential was outweighed by bipartisan politics between the ANC and DA which affirmed the national over the local, a choice between two parties over many, and reinforced identity-based political loyalties over the direct accountability of politicians. In short, the 2011 elections were rendered a proxy for a national competition, frustrating much of the unique democratic potential that local government elections offer, effectively taking local politics further from the people. The proposal to hold national, provincial and local elections simultaneously in the future will further impede the democratic potential of the local electoral system.

INTRODUCTION

In some ways the local government elections of 2011 demonstrated the unique potential inherent in the local government electoral system for more localised, plural

and direct forms of representation and accountability. First, it is only at local level that certain parties can exist in the political system, endemic to particular constituencies in a few areas, offering choice to voters that otherwise would not exist (see Schmitz, Chapter 12). Second, the scale of the election allows for more forms of political representation as local and provincial parties can contest alongside national ones. Also, the requirement that 50 percent of councillors must be elected directly from ward level allows for independent candidates to contest seats. Third, the direct election of ward councillors allows for the scrutiny by voters of particular individuals' suitability for office, and introduces unique and personal forms of accountability by politicians to the constituencies amongst whom they live.

Currently, at a point in South Africa's history where the poor performance, corruption and unresponsiveness of local government are foremost in the public debate, these three factors combine to offer a unique opportunity for locally-specific, plural and more personal forms of representation and accountability. They do so in a political system widely recognised for dominance by a few national political parties in a proportional representation (PR) system where politicians account to the party, not the people. The 2011 election brought the opportunity for alternative democratic political contests, yet this opportunity was largely undermined by the dominant politics that affirmed national, bipartisan and party-centric politics over the local, plural and constituency-based forms of accountability. The democratic promise entailed in the local electoral system was largely over-ridden by the 'business as usual' that comes with nationally framed, bipartisan and party-centred politics. In this respect election 2011 was similar to its predecessor local elections, including local government elections of the apartheid era, despite the fact that in 2011 conditions were riper for the expression of diversity.

In making this case, the chapter outlines briefly local government institutional design, and especially the electoral system in the light of the relevant theory, before examining the contests over local elections from both party ('supply') and popular ('demand') points of view.

SPATIAL AND INSTITUTIONAL UNIQUENESS OF LOCAL GOVERNMENT IN SOUTH AFRICA

Of the three spheres of government in South Africa, the local level was the last to be designed in the transition to democracy, taking final form only from 2000 onwards, more than five years after the other spheres. Notably, it was also the sphere that had the most consociational process of institutional design, as it was relatively

independent of close party attention and, therefore, contest. The delay in design was due to the complicated nature of the negotiation processes, the need for new demarcations of local boundaries, and a sense that setting up elected national and provincial governments should logically occur before establishing democratic local government (Barichievy, Piper & Parker, 2005:372). As former President Thabo Mbeki admitted 'the primary focus has been on national government as 'absolutely important', provincial government as 'important' and local government as 'well, it exists' (*The Witness*, 20 May 2011).

Further, prior to 1994 urban local government was elected in 'whites only' suburbs and business precincts; had segregated, subordinate boards in Coloured and Indian group areas; and direct national control, sometimes with subordinate 'Urban Bantu Councils', in the black locations of townships. Many black rural areas had forms of indirect 'traditional rule' in so-called 'tribal' areas. In addition, the powers and functions of various city governments varied significantly until a standardisation of power occurred through the empowerment of provincial authority over local during the apartheid era.

As a consequence of these idiosyncrasies, the institutional transformation of the local state from 1993 to 2000 was the most dramatic of all the spheres. Not only was local government now established 'wall-to-wall' across the country for the first time, but also it was bequeathed a suite of developmental responsibilities that no municipality had enjoyed previously (Powell, Chapter 2). Local government was now democratic in the sense that decision-making was universally overseen by an elected council. Half of all councillors were to be elected by the same PR party list system that exists at provincial and national level, and half were to be elected directly from constituencies within the municipalities, organised as 'wards'. A key rationale for this was to encourage greater accountability of councillors to local communities and in this way bring government 'closer to the people' (Mottiar, 2005:8-9). While there are real limitations on the efficacy of these 'invited spaces' of public participation in local governance (Piper & Nadvi, 2010), this reinforces rather than nullifies the democratic intention.

In addition to this mixed-member electoral system, local government was also required to be democratic in the way it operated between elections. The Municipal Systems Act No. 32 of 2000 committed local municipalities to forms of 'participatory governance' that included a new set of elected local committees to assist ward councillors (called ward committees), and a lengthy set of requirements for consultation with the

public around the budget, integrated development plan, performance management system and the like. This commitment to public participation grew out of the anti-apartheid civics movement and the ideological tradition of 'people power' that was a key strain in anti-apartheid politics in the 1980s (Barichievy *et al.*, 2005).

In sum, the design of local government, both in the form of the electoral system and in the extraordinary requirements for public participation, reflects a rich notion of local democracy. It includes commitments to accountability and participation that are more substantive than for other spheres of government. It is this democratic intent that current practice is frustrating.

ELECTORAL SYSTEMS THEORY AND LOCAL ELECTION 2011

The theory of electoral systems affirms the accountability dividends of constituency-based systems over PR systems, especially PR closed party-list systems as in South Africa. The reason is that constituencies – amongst whom they usually live, and to whom they arguably must account to, be re-elected – directly elect these local politicians. In addition, it is assumed that politicians live amongst the people and are, therefore, presumably in some way of the people, they will better know the local issues, and be more responsive to their constituents. Conversely, the costs of the constituency system are linked to its exclusionary character that results from the tendency to produce a two-party system that effectively marginalises smaller parties and the minority constituencies they often represent (Duverger, 1972). This is because the system creates a plurality or manufactured majority according to the number of votes received (Golder, 2005). This claim is redeemed by experience from around the world, but also from South Africa where Reynolds (1994:215) estimated that in the 1994 election, under a hypothetical constituency system, the ANC would have won between 80-90 percent of the seats instead of 64 percent.

Conversely, the strength of the PR system is its inclusiveness as the proportion of parties indirectly reflects the vote, and the closed list system enhances the representation of smaller parties and constituencies such as ethnic minorities and women (Balinski & Young, 1977; Zybrands, 2006). It is for this reason that PR systems have been preferred in most states that are 'deeply divided' by ethic or forms of identity-based conflicts, including most post-independence African states. As Hassim and Smith (Chapter 15) point out, the PR system greatly increases the numbers of women in municipal councils. The costs, however, come in the form of weaker accountability to constituencies as, especially in party-list version of PR, parties choose politicians rather

than voters (Strom, 2007). Consequently politicians are accountable directly to parties, more specifically party leaders, and parties are accountable to voters. In this way personal forms of upward accountability by politicians to parties are strengthened while downward accountability by politicians to voters is significantly weakened (Munro, 2001; also see Masiko-Kambala, 2008).

In South Africa the party list system exacerbates these tendencies such that groups that would otherwise be marginalised, such as women, are much better represented in the party lists and thus legislatures than would otherwise be the case. The same applies for racial minorities who featured disproportionately well in ANC lists after 1994. Conversely, the accountability of politicians is clearly to the party rather than the people, and not least as this is enforced by 'redeploying' or even expelling politicians who challenge the party line on key issues. The examples of Bantu Holomisa and Trevor Ngwane illustrate this.

In the rest of the chapter, the 2011 elections are explored in terms of the contest between those looking to take the opportunities presented in the local electoral system and those looking to use the elections as a proxy for a national referendum on the ANC. This is done starting with the actions of parties on the 'supply' side of the electoral relationship, before moving to voters on the 'demand' side.

NATIONAL OVER-SUPPLY: BIPARTISAN PARTY INTERESTS OUTWEIGH LOCAL PLURALISM AND ACCOUNTABILITY

The politics of the 2011 local government elections demonstrates that whilst some parties and voters did attempt to make use of the unique democratic potential of the local electoral system, their efforts were generally outweighed by more familiar national, bipartisan and party-centric political practices. There are three elements to this. The first concerns the selection of local candidates where party leadership trumped local choice; the second concerns the discursive framing of the 2011 elections; and the third concerns the relative disempowerment of ward councillors in respect of PR councillors. Taken together, these three practices demonstrate how the major political parties turned the opportunity provided for local pluralism and accountability into a proxy for a national election and 'politics as usual'.

Candidate selection

2011 saw the ANC make real attempts to involve communities in candidate selection, only for provincial and national leadership to intervene and supplant community

choices in many cases. The DA eschewed any such bottom-up process in favour of an executively driven selection process. Similar practices of top-down selection were evident in the smaller parties too, reinforcing the ultimate preference for national interests over local.

As Ntliziywana and De Visser (2011) observe, the ANC's nomination process has traditionally been a combination of branch-level nomination with a higher-level oversight by the National Executive Committee (NEC), which also decides the criteria for the list. Notably, at the Polokwane Conference in 2007, one of the resolutions was to strengthen processes for nomination of public representatives to enhance community participation (ANC, 2007:sec. 59): it resolved to ensure 'we select and deploy the best cadres for public office' the broader community had to be involved in the candidate selection processes. However, according to Ntliziywana and De Visser (2011) the inclusion of communities in the nomination of candidates for election 2011 backfired by creating 'the expectation that communities, and not the ANC, are the arbiters in selecting candidates', and as observed by Cherry (Chapter 4) resulted in 'chaotic processes' and 'candidate revolts' (see Booysen, Chapter 17).

These events illustrate both the popular desire by communities to make use of the local accountability opportunities inherent in the system, and the significance of other, party-centred imperatives that drive ANC leadership to resist some of these opportunities. It also confirms Booysen's argument (Chapter 17) of how direct engagement with communities by the ANC is coming to substitute for the failings of the formal mechanisms of representation and accountability in the political system. Lastly, the overall number of independent candidates rose in 2011, and is to some extent linked to the disgruntlement around ANC nomination processes (Africa & Van Rooyen, Chapter 11).

In respect of the DA, the discourse of 'fit for purpose' saw the party pursue a differently framed process of candidate selection, one less focused on community endorsement, and more orientated towards qualification for office. Candidates were thus required to submit detailed applications to the higher echelons of the party, and undergo an assessment of their record in power (Haskin, 2011). The emphasis of candidate selection was more on governance competencies than democratic credentials, and was not in itself a form of popular endorsement that reinforced local accountability.

The other parties' processes varied. The ACDP followed a process similar to the DA's, although with more of an emphasis on the moral character of candidates rather

than only performance (Haskin, 2011). The UDM and COPE followed processes similar to the ANC – driven by branch nominations followed by vetting by more senior party structures. The smaller community-based parties by contrast rely on personality-based networks to secure candidates for office (Haskin, 2011).

Election campaigning

However significant the role of national party leaders in the local nomination process (undermining the local, plural and accountability dividends of the 2011 local government elections), the national framing given to the elections in the media was probably even more important (see Krüger, Chapter 13). It was both the DA's attempts to position itself as a real challenge to the ANC (Jolobe, Chapter 8) and the defensiveness of key ANC leaders in response to such politics that drove the phenomenon. A further contributing factor was the role of the print media itself in national framing of local government elections, linked to the relative weakness of local media, and national media as a consequence 'representing' the country as a whole. In launching its manifesto the DA stated (Zille, 2011):

We made it clear that this election will not be a racial contest. This election offers voters a choice between two political parties, each with a different track record in government.

The emphasis on the election being about a national race between two parties, and one framed in terms of competence rather than race was repeated consistently by the DA (Blake, 2011), and even reinforced negatively by comments by ANC leaders. Thus ANC secretary general Gwede Mantashe appeared in photos with Helen Zille arm wrestling at the elections results centre, reinforcing the notion of a two-horse race and a national race for that matter. In racially-framed comments government spokesperson, Jimmy Manyi, declared on television that there was an 'overconcentration of coloureds in the Western Cape' (Mail & Guardian, 24 February 2011). ANC Youth League Chair, Julius Malema, referring to Helen Zille as a 'madam' who 'moves around doing a monkey dance looking for votes' (iAfrica.com, 16 May 2011) reinforced rather than refuted the DA's claims.

The DA pounced on these opportunities to paint the ANC as racialising politics to defend incompetence. Hence Zille stated, 'Julius Malema has painted the ANC as a racial, nationalised, sexist party' (*Mail & Guardian*, 20 May 2011). Conversely, ANC attempts to paint the DA as indifferent to the plight of poor people by exposing the installation of unenclosed toilets in Khayelitsha were undermined by the discovery of the 600 open toilets in the ANC-controlled municipality of Moqhaka in the Free State

(*Mail & Guardian*, 13 May 2011). The consequence was a debate in the media, driven and framed by national actors and concerns rather than local ones.

While arguably the DA won the media battle in the lead-up to the 2011 local government elections by successfully setting the media agenda, the more important consequence was the effective nationalisation of the 2011 elections by making them about a country-wide struggle for power rather than one dominated by issues relevant to each municipality. This framing had the effect of de facto invalidating local concerns, instead turning the local election into a mid-term referendum on national ANC governance. A phenomenon common to many local government elections around the world¹ (Rallings & Thrasher, 1999), the idea of local elections as about national issues nevertheless has the effect of removing locally specific reasons for choosing parties and representatives.

While this national framing is clearly in the interests of the DA as it attempts to project itself as the main alternative to the ANC, it is also in the interests of the ANC. This is because it effectively shields local politicians from being held accountable for poor governance, as voter choice is framed in terms of a national party-struggle rather than local governance. Indeed, given the long-standing associations between the DA and ANC, and white and black South Africans respectively, this national level party politics reaffirms apartheid-era social identities in ways that shore up voter loyalties on both sides as black people are invoked to rally behind the ANC and whites and others largely rally behind the DA. In this context it is not hard to see why the ANC would much rather go into the 2014 national elections with the 'white' DA as its main rival as compared to a 'black' rival like the once promising COPE.

In also affirming apartheid-era social divisions, the nationalisation of the local elections means that the prospects for improving local governance and transcending these divisions are undermined. Exacerbated by current poor levels of economic growth, increasing unemployment and inequality, the politics of the 2011 election shifted South African politics in a more zero-sum direction. It also coincides with increasing partisanship in voter choice (Schulz Herzenberg, Chapter 6).

The dominance of PR councillors over ward councillors

The partisan nationalisation of local politics has further nefarious effects on the peculiar institutional character of local government in South Africa in the sense that it undermines the ward councillor in comparison to the PR councillor. As shown by the data in Tables 1 and 2, ward councillors are regarded as of lower standing in the party

compared to PR councillors, judged by top level mayoral and speaker appointments. In a survey conducted by the author in 2010 of the top political positions in each municipality that had an executive structure, it was found that 70 percent of mayors were PR councillors, 60 percent of Speakers were PR councillors, and 63 percent of executive structure members were PR. Based on this 'supremacy' of the PR representatives, municipal office can thus be argued to follow party position rather than local community standing. This reinforces the argument that party interests dominate local politics, to the detriment of a focus on the specifics of local concerns. The data for 2011 appear to confirm the 2010 results.

Table 1. Numbers and percentage of ward councillors in key municipal positions, 2010

| Province | Ward mayor (number) | Ward mayor percentage (%) | Ward speaker (number) | Ward speaker percentage (%) | Total municipalities with executive structures |
|------------------------|------------------------|---------------------------------|--------------------------|-----------------------------------|---|
| Eastern Cape | 2 | 11.7 | 4 | 23.5 | 17 |
| Western Cape | 9 | 40.9 | 13 | 59 | 22 |
| Mpumalanga | 0 | 0 | 4 | 40 | 10 |
| Limpopo | 0 | 0 | 4 | 23.5 | 17 |
| Northern Cape | 3 | 60 | 3 | 60 | 5 |
| North West | 3 | 33.3 | 4 | 44.4 | 9 |
| KwaZulu-Natal | 21 | 50 | 23 | 54.7 | 42 |
| Free State | 5 | 35.7 | 1 | 7.1 | 14 |
| Gauteng | 0 | 0 | 3 | 30 | 10 |
| Total national figures | 43 | 29.4 | 59 | 40.4 | 146 |

Note: The figures are based on 2010 research conducted by the author.

LIMITING DEMAND: POPULAR CHOICE AFFIRMS NATIONAL BIPARTY IDENTITIES OVER LOCAL

The success of the national bipartisan framing of the 2011 election is revealed in voter behaviour too, consistent with Booysen's argument (Chapter 17) of fragile faith in government, but not necessarily in the ANC. Two sets of evidence demonstrate this. The first concerns the shrinkage rather than growth in the support for local and endemic parties in 2011 compared to 2006 and 2001 (see Africa & Van Rooyen, Chapter 11) despite some enduring examples (see Buccus, Chapter 14). Most of previous local election's supporters of small opposition parties chose the DA in local

election 2011. In this way the pluralism of local politics was denuded. The second concerns the difference between voter choices on the PR ballot and the ward ballot. In a context where the system allows for differentiation between *the best party to run a municipality and the best individual to represent a ward*, it is reasonable to expect that different cognitive processes are associated with each choice. However, the difference between these two choices nationally was small. It suggested that an overwhelming majority of voters made their choices using the same logic on the two ballots, namely the logic of choosing between two parties in a national competition for power.

Table 2. Executive structure members by PR and ward councillor, 2010

| Province | PR executive committee members (numbers) | PR executive committee members percentage (%) | Ward councillor executive committee members (numbers) | Ward councillor executive committee members percentage (%) |
|------------------------|---|---|---|--|
| Eastern Cape | 119 | 75.3 | 39 | 24.7 |
| Western Cape | 65 | 50.8 | 63 | 49.2 |
| Mpumalanga | 51 | 70.8 | 21 | 29.2 |
| Limpopo | 124 | 79.5 | 32 | 21.5 |
| Northern Cape | 13 | 44.8 | 16 | 55.2 |
| North West | 41 | 58.6 | 29 | 41.4 |
| KwaZulu-Natal | 139 | 53.7 | 120 | 46.3 |
| Free State | 55 | 61.1 | 35 | 38.9 |
| Gauteng | 51 | 61.4 | 32 | 38.6 |
| Total national figures | 658 | 63 | 387 | 37 |

Source: The figures are based on 2010 research conducted by the author.

The argument about the rise of the DA at the expense of the smaller and more localised parties is made elsewhere in this volume (Africa & Van Rooyen, Chapter 11; Jolobe, Chapter 8). The argument about the depersonalisation of ward level choice is illustrated in the Schulz Herzenberg's chapter (Table 9). A couple of things are notable from this table. The first is that the number of votes for independent candidates is roughly equal to the difference between the ward and PR vote for the ANC, suggesting that many of the people who won votes as independents, did from the ANC, and may well have been alternative candidates to those endorsed officially by the party. The other point is that many of the parties that picked up more ward than PR support

were the smaller political parties that are not significant in national politics. Most importantly, the difference between vote splitting between ward and PR in 2011 was relatively small with some 26 percent of voters splitting their vote. This compares almost exactly with 2006 (24.6 percent – author's calculations²) revealing that levels of strategic voting between ward and PR ballots remain at roughly the same levels. Thus, the majority of voters continue choosing ward candidates on a party basis rather than individual-candidate basis, thereby compromising a unique opportunity offered by the local electoral system to choose specific individuals that will be likely to prioritise accountability to constituents over party political expediency.

A notable feature of local government since the elections in 2000, has been that all of the 23 incompetent or corrupt governments that have been exposed in the media and/or placed under administration have been returned to office in the next election (Dube, 2011). A recent example includes the Msunduzi municipality that was placed under administration in 2010 for corruption and poor governance, and yet the ANC returned with an increased majority on a similar poll (*The Witness*, 20 May 2011). While there are a number of other ANC-led municipalities that have endured a similar fate, the pathology extends to some IFP-run municipalities. Similarly, reports in *Noseweek* (e.g. 1 March 2011) allege corruption in the DA controlled Overstrand municipality when valuable municipal land was sold cheaply to a property developer, contrary to regulations.

Personal anecdote on the politics of the local

As a relatively new migrant to Cape Town I also had a direct personal experience of the depersonalisation of the ward candidate election. I was interested to experience local electoral campaigning, and looked forward to attending debates between the local candidates, the swathes of partisan literature that was sure to come my way and perhaps even a personal visit from a campaign team or two. After all, I had experience all of the above in previous cities of choice. There were, however, no election debates, no phone calls, no literature in the post box (other than the DA national pamphlet). Most candidates put up their posters just two weeks before Election Day – and just one week earlier in the case of the DA candidate.

Frustrated with the lack of communication I researched our candidates online. I found almost nothing on any of them aside from very brief blurbs in the local community papers. The one exception was the ANC ward candidate who had his own website, with his CV on it. He made the effort to offer a vision for the ward, particularly

the development of the ward. As for the rest of the candidates, I had little idea who they were. I decided to vote for the ANC candidate as at least he had made an effort, and therefore, looked the most likely to do *something* should I have a grievance or two about life in my ward.

The DA candidate won with an overwhelming majority. The lesson seemed clear, the DA was going to win the ward regardless of the candidate – such was the success of the DA's national politics in the run-up to local election 2011. After the election a friend, a long-time resident of the ward, responded to my tale of having voted for the ANC candidate: 'Well, he's okay, but the problem with him is that he is an alcoholic.' 'What about the DA councillor?' I asked. 'Well, he's okay except that he's old and takes no initiative and doesn't really like black people.'

The point is that only during local government elections do we have an opportunity to elect an individual to represent our ward, and hold her or him accountable in ways otherwise unavailable in our political system. The evidence from local election 2011 is that much of the time this opportunity is not being taken, with the consequence that our politicians are not being made to earn our votes and account for what they do in office. Even candidates that some may argue are incompetent bigots can get elected, as long as they stand for the 'right party' in the 'right ward'.

CONCLUSION

The chapter argues that the design of the local government electoral system offers unique opportunities for locally specific, more plural and direct forms of representation and accountability in South Africa's political system. Further, there is evidence that communities do make *some* use of these opportunities, as evidenced in the nomination of ANC candidates. However, local government election 2011, as is perhaps the case all over the world as well as historically in South Africa, demonstrated that the larger political parties and the overwhelming majority of voters treated the event more as a mid-term referendum on national governance than as a plebiscite on their municipality and ward. The upshot is that the local was nationalised as the PR vote became perceived as national party competition. Meaningful choice was reduced to a polarity, and the personal was made partisan, as the ward vote overwhelmingly became about party identity too. One conclusion to draw is that electoral system design is only as important as the contest and history of political practice in which it is located.

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NOTES

- For example, in elections for regional parliaments such as the European Parliament voters elect their MEP on how they view that party performing in their home country, not in the EU as a whole.
- The calculation is done by identifying the difference in the votes for a party between the PR and ward votes, on the assumption that a loss means voters having chosen another party, or a gain meaning voters having deserted another party. This figure is then added to all the other differences to reach a grand positive sum, divided by two as the loss for one party is a gain for another, and then divided by the total number of voters to work out the percentage of voters who have switched their vote between party and ward candidates.