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## **CAREER PATTERNS OF NATIONAL, PROVINCIAL AND LOCAL POLITICIANS IN SOUTH AFRICA**

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## 1 INTRODUCTION

Section 40(1) of the South African Constitution provides that “government is constituted as national, provincial and local spheres which are distinctive, interdependent and interrelated”. Multi-party democracy is one of the founding values of the Republic<sup>1</sup> and all three spheres of government are led by democratically elected public representatives. The career patterns of these representatives are the topic of this paper.

The paper does not attempt to provide a full overview or assessment of career patterns at all three levels. It rather aims to assess the influence of the recent emergence of the third level of government on these career patterns of parliamentarians. In 2000, a new local government system came into being, creating a strong third level of government. The question asked in this paper is: what impact does the emergence of local government have on career patterns of politicians?

A brief overview is first given of the electoral systems of the three levels of government but only to the extent necessary to understand the legal background to the movements of politicians across the various levels of government.

The focus of this paper is on the ‘party political career management’: how do political parties manage the careers of their politicians and what does this say about the role, function and importance of the three levels of government in South Africa? In addition to the abovementioned focus on the emergence of the third level of government, the scope of this paper is further narrowed by focusing on the movements that affected the six metropolitan municipalities (Cape Town, Johannesburg, Tshwane, eThekweni, Ekurhuleni and Nelson Mandela). Finally, the paper is limited to the career management of the two biggest political parties, namely the African National Congress and the Democratic Alliance.

## 2 OVERVIEW OF ELECTORAL SYSTEMS

### 2.1 Electoral system for national and provincial parliaments

Members of the National Assembly (MPs) and Members of Provincial Legislatures (MPLs) are elected according to a system of proportional representation.<sup>2</sup> This system is a closed party list system. A voter casts his or her vote for a party. The electoral system has no room for independent members of parliament. The system only allows registered political parties to participate in the election. The order of appearance on the party list, which is determined by the political party, determines which candidates are elected into office. In principle, members that are removed from or resign from their political parties during a term of office lose their seat in parliament. The seat is then filled by the political party. However, a limited form of free mandate was recently introduced: during certain window periods, members of national and provincial parliaments can change party

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<sup>1</sup> S 1(d) Constitution of the Republic of South Africa, Act 108 of 1996.

<sup>2</sup> Schedule 6 of the Constitution, read with Schedule 2 of the Interim Constitution, Act 200 of 1993.

allegiance without having to vacate office.<sup>3</sup> Vacancies that arise during a term are filled by the party who nominates a candidate to fill the seat.

In other words, this electoral system provides the political parties a great amount of control over the composition of its representation in parliament. Political parties can change this composition during the term of office.

### *2.1.1 Election of the executive*

Executive authority at national level is exercised by the President together with the other members of the Cabinet.<sup>4</sup> The President is elected by the National Assembly. He or she appoints Cabinet members from among the members of the National Assembly.<sup>5</sup> The President ceases to be a member of the National Assembly but the Cabinet members retain their membership of Parliament.<sup>6</sup>

Executive authority at provincial level is exercised by the Premier together with the other Members of the Executive Council (MECs).<sup>7</sup> The Premier is elected from among the members of the Provincial Legislature and appoints the rest of the Executive Council from among the members of the Provincial Legislature. The Premier ceases to be a member of the Provincial Legislature but the Cabinet members retain their membership of the Provincial Legislature.

## **2.2 Electoral system for municipal councils**

The electoral system for local government differs from its national and provincial counterparts in that it is a mixture of constituency and proportional representation. Generally, municipal councils comprise of 50% constituency representatives (ward councillors) and 50% PR councillors.<sup>8</sup>

### *2.2.1 Ward councillors*

Ward councillors are elected according to a classical ‘winner-takes-it-all’ electoral system. There is only one round of elections and the ward candidate who receives the most votes wins the election and takes up the seat as ward councillor. Candidates for a ward election can be independent or nominated by a political party. Importantly, if a vacancy arises in a ward, a by-election must be held to elect a new ward councillor. In other words, the political parties can nominate a candidate but cannot replace a candidate without bringing the issue back to the voters.

### *2.2.2 Proportional representation councillors*

The other half of the municipal council would normally comprise of councillors elected in a proportional representation system. This is again a closed party list. Importantly, in the calculation of the seats, a political party benefits from the votes it received for its

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<sup>3</sup> Schedule 6A Constitution.

<sup>4</sup> S 85 Constitution.

<sup>5</sup> S 91 Constitution. A maximum of two Ministers may be appointed from outside the National Assembly.

<sup>6</sup> S 87 Constitution.

<sup>7</sup> S 125 Constitution.

<sup>8</sup> Outside of the six metropolitan municipalities, the ‘upper tier’ of local government (district municipalities) comprises of 60% representatives from local municipalities and 40% directly elected PR councillors.

*unsuccessful* ward candidates. This mitigates the distortions, caused by the ‘winner-takes-it-all’ system that applies to the election of ward councillors.

However, the considerations that were mentioned with regard to national and provincial representatives apply here: The political parties control the composition of the party list and control the filling of vacancies during the term of office. Councillors who change party allegiance lose their seat (unless the crossing of the floor takes place during one of the designated window periods).

Therefore, the electoral system for local government affords political parties a fair degree of control over the movements of their PR councillors: the party controls the list and the representation both before and in between elections (subject to the floor crossing legislation). However, political parties are far less in control when it comes to ward councillors. Elected ward councillors who change party allegiance are removed from office and a by-election must be held (unless it takes place during a window period for floor crossing). When an elected ward councillor is removed from his or her political party, a by-election is again necessary to fill the vacancy (unless it takes place during a window period for floor crossing).

### 2.2.3 *Election of executive*

Executive leadership at local government level is elected by the council from amongst its members. Broadly speaking, there are two types of executive leadership in local government: (1) the executive committee, which ‘mirrors’ the composition of the council and is headed by an ‘ordinary mayor’ (2) the executive mayor, a councillor with executive powers, elected from within the council who appoints his or her own local cabinet.

Importantly, five out of six metropolitan municipalities operate according to an ‘executive mayoral’ system.<sup>9</sup>

## **3 PRACTICE OF MOVEMENT OF POLITICAL REPRESENTATIVES: SOME EXAMPLES**

An overview is now given of some of the most important movements between national government, provincial government and the six metropolitan municipalities. The time span used for this very cursory overview starts in 2000 when the new local government dispensation was ushered in on the day of the 5 December 2000 elections. The first term of office of municipalities has ended and the second elections took place on 1 March 2006.

It is important to note that, prior to the 2000 local government elections, political parties would generally not position provincial or national parliamentarians to local government positions. Local government authorities were relatively small in size. Metropolitan areas were governed by multiple local government structures and not by powerful unities. Local government generally did not wield significant power making them unattractive for politicians with an established career in provincial or national politics.<sup>10</sup> Councillor and mayoral positions were filled by local politicians who would move ‘up’ to provincial and national level, rather than the reverse. In addition, the prospect of taking up position as

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<sup>9</sup> All but the eThekweni Metropolitan municipality.

<sup>10</sup> Ref [*Fedsure judgment*].

‘executive mayor’ as opposed to ordinary mayor (see above) is an important new consideration for career politicians that did not feature before 2000.

In the six metropolitan municipalities under review in this paper, the executive mayors were all PR councillors.

### **3.1 From national or provincial to local**

An overview of the short history of metropolitan mayors and their career patterns reveals some interesting career patterns from national and provincial government to local government.

#### *3.1.1 Johannesburg*

The current mayor of Johannesburg, Cllr Amos Masondo, is an example of a provincial politician who moved to local government. Cllr Masondo is currently serving his second term as mayor of Johannesburg. Before his entry into local government he was a member of the Gauteng Provincial Legislature.

#### *3.1.2 Cape Town*

Cape Town has seen a flurry of shifts and mayoral changes over the last six years. It has had four mayors<sup>11</sup> since December 2000. Its first mayor was the controversial politician Mr Peter Marais. Mr Marais’ entry into Cape Town was a move from the provincial executive to a municipal council: he was Minister for social services and poverty relief in the provincial Cabinet until he was elected as mayor of Cape Town in 2000.<sup>12</sup> In 2001, Mr. Marais got embroiled in the so-called ‘street renaming saga’,<sup>13</sup> which triggered a rift in his political party, the Democratic Alliance.<sup>14</sup> He was forced to resign.

The then Premier of the Western Cape, Mr. Gerald Morkel had to give up his position as Premier due to the abovementioned rift in his political party. Interestingly, he succeeded Mr. Marais and took up the position as mayor of Cape Town. Mr. Morkel’s entry into Cape Town was thus again a move from the provincial executive to a municipal council.

Mr Morkel did not last long as mayor of Cape Town: in 2002, floor crossers divested his Democratic Alliance of its majority and handed it to the ANC-NNP Alliance who elected Ms Nomaindia Mfeketo as mayor of Cape Town. Ms Mfeketo had been mayor before 2000 and was brought back from the private sector. She had not served at any other government level before entering into the Cape Town municipal council.

However, the recent 2006 elections again brought in a former provincial executive. The Democratic Alliance secured a narrow victory over the ANC and managed to put together a majority coalition. This coalition elected the Democratic Alliance’s candidate, Cllr Helen Zille as executive mayor of Cape Town. Cllr Zille is the former Minister of Education in the Western Cape Cabinet and former member of the National Assembly.

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<sup>11</sup> Excluding the acting mayor in 2001, Cllr Belinda Walker.

<sup>12</sup> MEC vows to dispense AZT News24.com 13/10/2000 17:57 - (SA), accessed 2 June 2006.

<sup>13</sup> The mayor launched plans to rename two major Cape Streets after former presidents De Klerk and Mandela. His efforts at obtaining public input on these plans were alleged to be fraudulent.

<sup>14</sup> This rift was to eventually culminate in the separation of the old National Party contingent from the Democratic Alliance and the forming of a new alliance between the New National Party and the ANC. Even later, the New National Party dissolved itself and its members were taken up into the ANC.

Her entry into Cape Town politics thus again represents a move from the provincial executive and national Assembly to a municipal council.

### 3.1.3 *Tshwane*

Father Smangaliso Mkhwatsha was the first executive mayor of Tshwane, formerly known as Pretoria. Before he stood for election as councillor and mayor of Tshwane in 2000, he served in the national Cabinet as Deputy Minister of Education.<sup>15</sup> Father Mkhwatsha's entry into the Tshwane City Council was thus a move from the National Executive to a municipal council.

In connection with the succession of Father Mkhwatsha in Tshwane, it is worthwhile to elaborate on the ANC's strategy concerning its mayoral candidates. Prior to the 2006 municipal elections, the ANC indicated that it will only announce its mayoral candidates *after* the local government elections.<sup>16</sup> Only after the outcome of the election had been declared, did the ANC announce the candidates that were going to stand for mayoral elections in their respective councils. In five of the six metropolitan municipalities, the ANC's mayoral candidate indeed turned out to be one of the elected councillors. However, in Tshwane Metropolitan Municipality (Pretoria) the candidate announced by the ANC was not an elected councillor. After the ANC had secured a landslide victory in the Tshwane City Council, it announced that the Provincial Minister for Health, Dr Gwen Ramakgopa, would stand for election as executive mayor of Tshwane.

As was outlined above, the electoral system permits this as far as the election of PR councillors is concerned: one of the elected PR councillors (namely Father Mkwatsha) was withdrawn to create a vacancy that could be filled by Dr Ramakgopa who could then be elected as executive mayor of Tshwane. Dr Gwen Ramakgopa, was thus moved in from the provincial executive. While Father Mkhwatsha stood for the 2006 election and was elected as PR councillor, he vacated office to make way for Dr Ramakgopa.<sup>17</sup> Inasmuch as this is entirely within the law, the move could be criticised for harming the development of local democracies. Would voters have acted differently if the mayoral candidates had been disclosed before the election? If a nomination for a mayoral position is kept under wraps until Election Day, communities are deprived of their opportunity to quiz the nominee on his or her plans and to make an informed decision.

To return to the focus of this paper, the recent leadership change in Tshwane is the fourth example of a move by a provincial executive to a municipal council.

### 3.1.4 *Ekurhuleni (East Rand)*

Ekurhuleni's mayor in the 2000-2006 term as well as in the current term is Cllr Duma Nkosi. Mr Nkosi was a senior member of Parliament for the ANC before he became mayor. He headed one of parliament's most important portfolio committees, namely minerals and energy.

## 3.2 From local to local

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<sup>15</sup> No successors for new mayors News24.com 07/12/2000 20:03 - (SA) accessed 2 June 2006.

<sup>16</sup> ANC names mayoral candidates News24.com 13/03/2006 20:08 - (SA), accessed 2 June 2006.

<sup>17</sup> Father Mkhwatsha moved on to become the President of the United Cities and Local Governments of Africa (UCLGA).

### 3.2.1 *Ethekwini (Durban)*

Ethekwini has been lead by Cllr Obed Mlaba since 2000. Cllr Mlaba had been recruited for the mayoral position from within the City Council. He had been councillor on the transitional city structures prior to the 2000 elections.

### 3.2.2 *Nelson Mandela Bay Metropolitan (Port Elizabeth)*

Nelson Mandela Bay Metropolitan municipality is another municipality in this list that has not had a mayor who 'descended' from national or provincial government. Its first mayor, Mr Nceba Faku was mayor and councillor before he assumed office in 2000. His successor, Cllr Nondumiso Maphazi was recruited from within the municipal council. She was a councillor and headed the council's energy and engineering portfolio committee.

## 3.3 From local to provincial

The abovementioned Cape Town saga produced an ironic twist of events in that the mayor Mr Peter Marais (who, as explained above, was succeeded by the former Premier, Mr Morkel) miraculously emerged as the new Premier of the Western Cape. In the turmoil after his resignation as mayor, the political landscape in the Western Cape changed to such an extent that he was elected premier of the Western Cape. In the time period and in connection with the metropolitan municipalities under review, this is the only movement that amounted to a local parliamentarian moving to become a provincial executive.

The turn of events in Cape Town practically meant that the mayor of Cape Town and the Premier of the Western Cape had 'swapped' positions.

## 3.4 From national to provincial?

A review of the positions held by the members of provincial executives prior to their entry into provincial executive, reveals a number of interesting patterns: Firstly, there are no members of provincial executives who had descended to the province executive from the national executive.<sup>18</sup> Provincial Ministers would sometimes come out of the ranks of the National Assembly but no premiers have come from the national executive.

## 4 ASSESSMENT

This limited overview of some of the most important movements of politicians between provincial, national and local levels of government can be used as an indicator for the impact of the emergence of a new system of local government on the South African polity. It appears that of the 11 mayors that have served, or are serving in one of South Africa's metropolitan municipalities:

- 3 came from the provincial executive;

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<sup>18</sup> The reverse does happen regularly. Mr Marais successor as Premier of the Western Cape was Mr. Marthinus van Schalkwyk. Mr Van Schalkwyk led his party, the New National Party into a coalition and later into a 'take over' with the ANC. He was then appointed by President Thabo Mbeki as Minister of Environmental Affairs and Tourism for South Africa, following the 2004 victory of the African National Congress in the national parliamentary elections. Another example is Rev Makhenkesi Arnold Stofile's ascension from the Premiership of the Eastern Cape into the national Cabinet. He became the country's Minister of Sports and Recreation.

- 1 came from the provincial parliament;
- 1 came from the national executive;
- 2 came from the national parliament; and
- 4 came from within the municipal council.

The review shows that the executive mayoral positions of metropolitan municipalities are very attractive positions for career politicians. A move from the national or provincial executive or parliament ‘down’ to a metropolitan municipality is not seen as a demotion. On the contrary, political parties would only elect strong provincial executives to be moved to metropolitan local level.

Second, the simple exchange of positions between a Premier of the Western Cape and an executive mayor of Cape Town shows that the two positions are interchangeable, especially given the fact that neither of the two incumbents regarded their change of positions as a demotion.

Third, in that context it is remarkable that during the period under review, not one single instance could be recorded of a national executive member, descending to provincial government level in order to become a Provincial Minister or even a Premier of a province. A move from the provincial executive level to local government is common and even a move from the national executive to local government was recorded. Yet, a move from the national executive level to the provincial executive could not be found, perhaps indicating that this would amount to a demotion, which a career politician would not prefer to an exit out of politics.

What does this indicate? To say that nobody wants to be Premier and everybody wants to be Mayor would clearly be overstating the outcome. However, it is submitted that the examples speak to South Africa’s somewhat lopsided scheme of decentralisation. Inasmuch as South Africa is made up of three distinct spheres of government, it would appear that local government, specifically its six strong metropolitan municipalities, is claiming space at the cost of provincial government. Local government’s strong institutional status, its substantial revenue generating powers and its six unities, representing XX% of the Gross Domestic Product,<sup>19</sup> has propelled local government into ‘serious politics’ as may be evidenced by this cursory overview of career patterns.

Indicative of the above is also the remark made by Peter Marais after his entry into local government politics in 2000: “I am about 20 times more effective as mayor of a unicity than I ever was as minister [in the provincial government], and during my career I had virtually all the portfolios.”<sup>20</sup>

Fiorello La Guardia, the mayor of New York City in the 1930ties asked the question: “Who wants to be president when you can be mayor of the city?”<sup>21</sup> It would seem that the emergence of a strong level of local government with powerful metropolitan cities has resulted, to some extent, in these words ringing true for South African politics.

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<sup>19</sup> [check source].

<sup>20</sup> Quoted in: “Local Government in South Africa: Entrenching decentralised government” *The Place and Role of Local Government in Federal Systems* Nico Steytler (ed.) Konrad Adenauer Stiftung 2005 at p 209.

<sup>21</sup> Quoted in “The New role of Mayors in a Changing Political Context” *Urban Age* Volume 4, Number 3, at p. 3.