

Political office ban for municipal officials will be a victory against cadre deployment

By Cilliers Brink MP - DA Shadow Deputy Minister of Cooperative Governance & Traditional Affairs

If passed into law this Municipal Systems Amendment Bill will prohibit all municipal employees from holding elected or appointed office in a political party.

To the Democratic Alliance (DA) this is the most important provision of the bill, and a victory in the battle against cadre deployment.

The 2011 Amendment Act, which this Bill will replace, had a similar political office ban. But the ban only applied to municipal managers and their direct reports.

Section 71B of this bill goes much farther, and credit is due to the SA Local Government Association (SALGA) for advocating the extended ban. This bill also has a clearer definition of political office.

So, if you are a member of any decision-making body a political party - locally, provincially or nationally, elected or coopted - then you cannot be employed as an engineer, planner, plumber or even a general worker in a municipality.

While the Minister of Cooperative Governance & Traditional Affairs, Dr Nkosazana Dlamini-Zuma, recently told municipalities to *"appoint the right cadres for the job"*, this Bill says that you can either be a politician or a municipal official but you can't be both.

The DA believes that this limitation of political rights is reasonable and justifiable in the open society envisaged by our Constitution. A professional, apolitical public service is not a nice to have, it is a constitutional imperative.

Competent municipal officials - people appointed and promoted based on ability, who stay out of politics - often make the difference between a boom town and a backwater town. Or to use a practical example, the difference between neighbouring Midvaal and Emfuleni.

Municipalities will have a year to ensure compliance with the political office ban, but the provision also has indirect legal consequences for political parties.

The policy of cadre deployment, of appointing agents of the ANC into technical and managerial positions in the public service, has destroyed the service delivery capacity of many of the country's municipalities.

There is no way that municipalities can meet the needs of communities if they can only draw their officials from the members of the ANC, or any other political party for that matter.

Restrictive employment practices such as cadre deployment, as well as race-based employment equity, have shrunk the pool of talent available to municipalities.

In 2007 a third of municipalities did not have a single civil engineer on their payroll and a decade later little had changed. After spending decades repelling qualified professionals, municipalities now struggle to fill even well-paying jobs.

To change this will require bold reforms. Local government needs all the technical and managerial talent it can recruit, regardless of politics or colour. All the talent, because the development needs faced by local communities are too big to be a factional project.

This Bill is but one such bold reform, and the result of cross-party agreement. It will not end cadre deployment in municipalities overnight. But it can help to delegitimise the practice, and to nudge parties and municipalities in the right direction. It sets a precedent that should be followed in the rest of the public service.

The DA supported the 2011 version of this Amendment Act with reservations. We were worried about the wide-ranging regulatory power given to the national minister, and that it could be used to undermine the constitutional autonomy of local government.

As this bill revives most of the provisions of the 2011 law, our concern remains. But we also have to note how strikingly ineffective CoGTA and a series of ministers have been in using their powers to improve governance and services in local communities.

How, for example, were officials involved in VBS deposits allowed to resign their jobs in order to land jobs at other municipalities, despite the power and duty of the Minister in terms of Section 57A of the Municipal Systems Act to keep a watchlist of such officials?

What CoGTA lacks is not ministerial power, but political will. In many ways the department responsible for holding up the mirror to provinces and municipalities has itself become dysfunctional, distracted by projects outside its mandate like cash-burning and corrupt Community Works Programme.

Our sincere advice to the Minister is that before she rolls out another grand local government turnaround scheme, she gets her own department in order.

The DA supports this Bill.