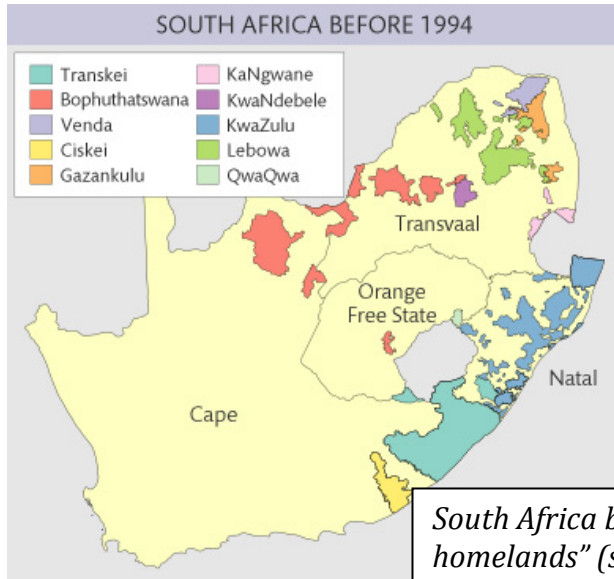**KONRAD-ADENAUER-STIFTUNG**

SOUTH AFRICA OFFICE

Decentralisation in South Africa

With the **upcoming local elections** it is pertinent to analyse the decentralisation patterns in South Africa. In order to complete its transition towards a constitutional democracy, South Africa decided to renew its local governance system after apartheid.
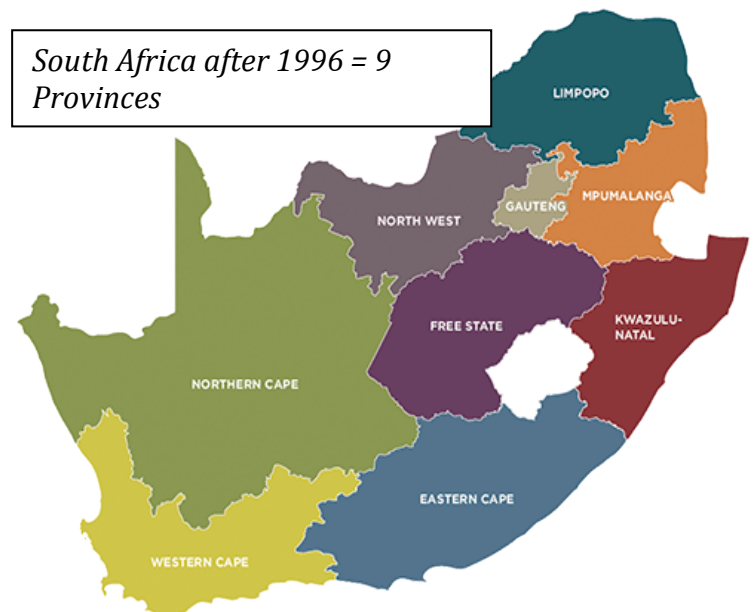
Since 1996, the Republic of South Africa is a **unitary state**. Despite this, it does however have **elements of federalism** in practice and in its Constitution, but not adequate to be the determining factor of government.

South Africa before 1996 = 4 provinces and 10 "independent homelands" (so-called "Bantustans")

The main aims of the decentralisation:

The underpinning of South Africa's decentralisation is provided by the 1996 Constitution. Diminishing the gap between democratic institutions and populations is amongst the main aims of the decentralisation policies in South Africa. The constitutional text clearly states that local governance aims **"to provide democratic and accountable government for local communities"** (CSA Section 152). The South African Constitution stipulates that there are three tiers of government and describes the responsibilities of each.

The most important functions are not clearly attributed to a tier of government; therefore, there **is overlap in the jurisdiction** between national, provincial and local tiers of government. After the municipal elections of 18 May 2011 there were eight metropolitan municipalities, 44 district municipalities and 226 local municipalities. Municipalities do, however, have exclusive power to legislate inter alia in relation to

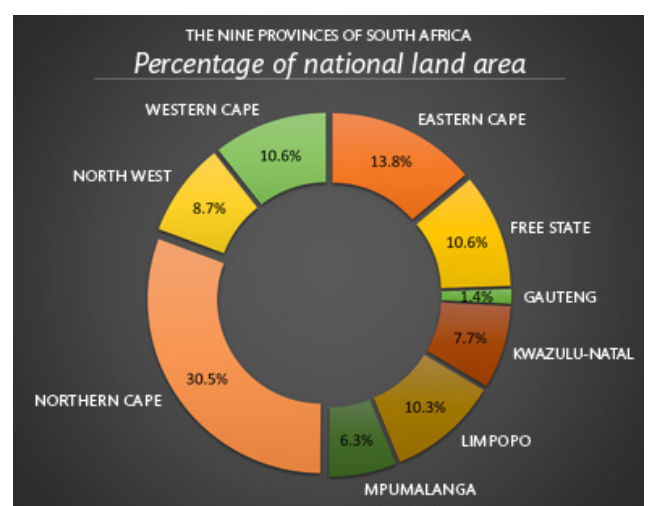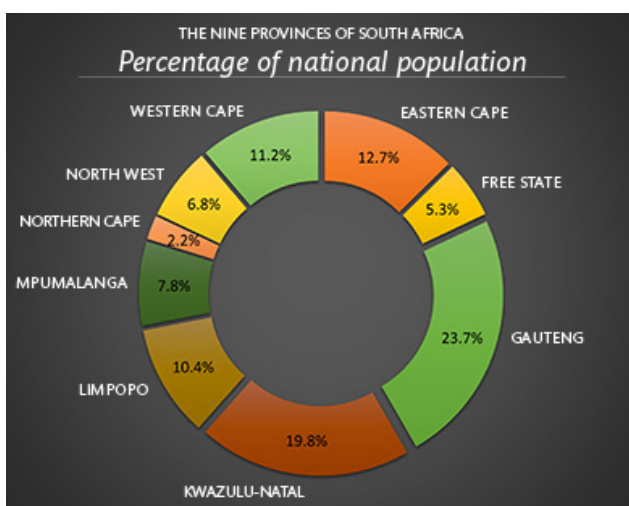*South Africa after 1996 = 9 Provinces*

minor matters such as beaches or certain types of licences. The critical importance of the Constitution for these tiers is that **central government cannot simply abolish any of them**, nor can it unilaterally change the nature of a particular province or municipality. Actions such as the conversion of elected provinces to appointed ones, as happened in 1986 are therefore no longer possible. **At least they would require a constitutional amendment,** and this in turn would be subject to review by the Constitutional Court.

The position of provinces is further entrenched by the provision that South African upper house of parliament, **the National Council of Provinces**, is **indirectly elected by the provincial legislatures**. The support of the majority of provinces is required for any legislation to be passed. Constitutional amendments require support from six provinces. The Constitution also prescribes that provincial and local government are entitled to an **"equitable share" of nationally raised revenue.**

The four tiers and their competences:

The Constitution states that government is based on national, provincial and local level; these **spheres of government are distinctive, interdependent and interrelated** rather than being formally independent states like the German *Länder*. In short, the current intergovernmental system functions with four tiers, except in the metropolitan areas where there are only three:

1. The **central government** has the overall responsibility for policy fields such as security affairs (including defence and police) and national economic policy as well as for overall direction of the social service departments.
2. The **nine provincial governments** administer the major social services such as education, health, transfer payments (e.g. social pensions and child care grants). There is a provincial executive led by a Premier and a legislative assembly for each province.

THE NINE PROVINCES OF SOUTH AFRICA
Percentage of national population

WESTERN CAPE 11.2%
EASTERN CAPE 12.7%
FREE STATE 5.3%
NORTH WEST 6.8%
NORTHERN CAPE 2.2%
MPUMALANGA 7.8%
GAUTENG 23.7%
LIMPOPO 10.4%
KWAZULU-NATAL 19.8%

THE NINE PROVINCES OF SOUTH AFRICA
Percentage of national land area

WESTERN CAPE 10.6%
EASTERN CAPE 13.8%
NORTH WEST 8.7%
FREE STATE 10.6%
GAUTENG 1.4%
KWAZULU-NATAL 7.7%
NORTHERN CAPE 30.5%
LIMPOPO 10.3%
MPUMALANGA 6.3%

3. The **district councils** in some cases organise water and sewerage reticulation and other bulk infrastructure, while in other cases they do not have a clear rationale. They act as municipal service providers of last resort, if their constituent municipalities do not have the capacity to fulfil their mandates.
4. Finally, **the 257 municipalities** have a key role in the provision of basic services, in particular. Each municipality has a municipal council. In South Africa, each municipality is by law required to make an *Integrated Development Plan (IDP)* elaborated with the participation of the entire Municipality, the community and all the stakeholders and coordinated with the plans of all the other levels of government (e.g. District, Province, and National).

Example Gauteng:

Gauteng is divided into three metropolitan municipalities: the City of Ekurhuleni (East Rand), the City of Johannesburg and the City of Tshwane (Pretoria): two district municipalities: West Rand and Sedibeng, these two are further subdivided into seven local municipalities.

Total Number of municipalities per province[1]

Provinces	Municipalities
Gauteng	12 (7 local, 2 district, 3 Metros)
KwaZulu Natal	61
Limpopo	30
Eastern Cape	45
Western Cape	30
Northern Cape	32
Mpumalanga	21
Free State	24
North West Province	23
Total	**278**

(Please note that the number per provinces has now changed because certain municipalities have been merged for the 2016 elections.)

[1] Bibliography: Wittenberg, Martin, Decentralisation in South Africa, University of Witwatersrand, 2003; Faure Wright, Jonathan Haydn, What system of government is the Republic of South Africa?, University of Stellenbosch, 2014; The White Paper on Local Government, Republic of South Africa, 1996.