



Celebrating
30
years
in South Africa

Bayerische Staatskanzlei



Africa Criminal Justice Reform
Organisation pour la Réforme de la Justice Pénale en Afrique
Organização para a Reforma da Justiça Criminal em África



Policy brief:

Local Government and crime in light of the 2021 Local Government Elections

October 2021

Introduction

In view of the local government elections scheduled for 1 November 2021, the DOI, through two of its projects, hosted a webinar on 27 October 2021 to reflect on local government and crime within the context of the elections. The panellists were Prof Jaap De Visser, Prof Lukas Muntingh, Dr Jean Redpath and Ms Kristen Petersen. The relationship between crime and local government is a complex and multifaceted one, with built-in tensions. On the one hand, national government has a monopoly on law enforcement, especially with regard to serious crimes, and on the other hand, those interventions that deal with socio-economic issues that have a crime -prevention impact are largely situated with provincial and local government. Crime impacts directly on people and frustrations with the failings of national government on crime and safety, are vented at local level and frequently directed at local government.

Community safety and local government

Prof Jaap De Visser

De Visser presented a general overview of the relationship between community safety and local government. He encouraged an approach to community safety that goes beyond seeing it as a law enforcement matter, but rather to examine the mandate of local government carefully as it contains many areas where municipalities can contribute to community safety. While the Constitution and legislation can make neat distinctions between functions and responsibilities across the three spheres of government, the ordinary person experiences personal and community safety, or the lack thereof, on an everyday basis. Regardless of who is responsible, community safety is the outcome being sought and thus a responsibility cutting across the three spheres of government.

There are, however, a range of functions falling under local government that should, if properly executed, contribute to overall safety and wellbeing. These include, but are not limited to: building regulations; child care facilities; municipal planning; municipal public transport; cleansing; control of public nuisances; control of undertakings that sell liquor to the

public; noise pollution; public places; street lighting; traffic and parking and child care facilities. The constitutional functions of local government must therefore be seen through the 'prism of community safety' and making community safety a central theme of municipal IDPs and other plans.

It remains regrettably the case that safety is not equally distributed in the sense of how local government resources are distributed. The example of street light distribution in Pinelands compared to Khayelitsha was used. The former is a middle income predominantly white suburb of Cape Town, compared to the latter that is an African township with mixed high density formal and informal housing. The number of street lights per person in Pinelands is eight and a half times higher than in Khayelitsha. Historical reasons, funding allocations and a bias towards areas that contribute to property rates all contribute to this unequal distribution.

It was proposed that national or provincial governments prescribe minimum standards for matters that have a clear link with community safety, such as the coverage of street lights. It must be viewed as a human rights-related standard, similar to the minimum standards for the delivery of potable water and the minimum infrastructure standards for basic education.

Political party manifestos

Prof Lukas Muntingh

The 2021 elections are taking place in an environment where the very importance of elections themselves may be under pressure as trust in state institutions has dwindled to its lowest levels according to Afrobarometer. Some two-thirds of Afrobarometer respondents stated that they would accept a non-elected form of government if such a government can deliver security, housing, and jobs. Nearly all evidence we look at shows a criminal justice system that is failing, if not entirely dysfunctional. There is thus increasing pressure on local government to address safety concerns, but the capacity to respond is limited. Both law enforcement and crime prevention are beset with a range of design, management, capacity and performance problems. This complexity is deepened by:

- the porous boundaries of local government mandates (*vis a vis* provincial and national government),
- what is understood to be crime prevention versus socio-economic development versus law enforcement
- what is our understanding of what works (and what does not) in preventing and reducing crime?

The manifestos of three parties were reviewed, being the ANC, DA and EFF. There is largely agreement across the three parties that LG has failed with reference to governance, service delivery and crime. The EFF manifesto is more detailed (17 priorities) than the other two with the DA's (7 priorities) and the ANC (14 priority areas), but DA manifesto covers substantial detail under the 7 priorities. When comparing the three, it is possible to categorise them in four areas, being:

- Responding to crime
- Crime prevention
- Good governance
- Municipal infrastructure.

There is little to criticise in the aspirations, but the manifestos are generally short on the detail – the “how to”. This is understandable to some extent, since a manifesto needs to be an accessible document, appealing to the needs and aspirations of the electorate. However, the complex and inter-related nature of crime in South Africa does not make for easy answers, especially not for quick fixes. It is also evident that there is no across-government strategy to deal with crime. The integrated and cross-government strategy of the National Crime Prevention Strategy was largely abandoned in 1996 and since then ‘*ad hocery*’ has largely shaped government’s response to crime. Some local governments, especially the metros and some provinces are trying to pick up the slack where national government is failing, but this is not easy and has resulted in political tensions.

A key challenge for local government is crime from within relating to supply chain management and appointments. In this regard the National Prosecuting Authority has not played its part in prosecuting crimes committed within local government such as corruption. This also raises question about oversight and accountability and the extent to which local governments take the Auditor General’s reports seriously and make a concerted effort to address concerns raised.

Law enforcement by local government needs to be done with a strategic purpose in mind. Where municipal police execute arrests, there needs to be prosecutions and this is very much dependent on the NPA and SAPS. Local government is also influential in liquor licencing and the availability of alcohol in a particular area is something that local government can influence and it should, since alcohol has a well proven link to violent crime.

Violent crime and elections - Does violent crime affect ruling party support?

Dr Jean Redpath

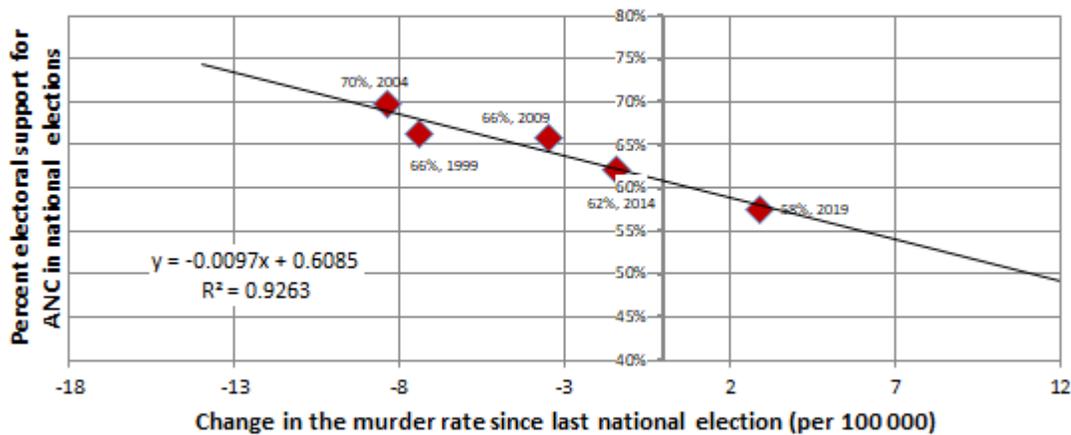
Murder is the best proxy indicator for violent crime in South Africa as it is highly likely to be reported and recorded, which is less the case with other crimes. There is considerable variation in the murder rate across different geographical areas, ranging from 0 in some policing areas to over 270 per 100 000 of the population. The median (middle value) is relatively low at 7 per 100 000 of the population, compare to 5 per 100 000 in the US and 1.2 per 100 000 in the UK. In South Africa, the best national average rate has been around 30 per 100 000, which was around the time of the FIFA World Cup in South Africa.

When looking at the 2019 elections total results per municipality and distribute the 2018/19 crime data per municipality, there is no association between political support and crime trends.

On a national level, the data presents a clearer picture. Over most of the ANC national rule the previous five years before an election were characterised by a reduction in the murder rate. The exception was the 2019 election when there was a worsening of the murder rate compared to 2014. Analysis suggests that some 93 percent of the variation in support for the ANC from one election to the next can be predicted by the change in the murder rate since the last election.

Using the equation which fits the line predictively, suggest that if in 2024, the murder rate were to have deteriorated by just over 11 per 100 000 compared to 2019 (in which it was 36 per 100 000 and it climbs to 47 per 100 000) then the ANC's support at national level will drop below 50 percent in a national election. Such a calculation assumes the line fits perfectly.

National change in murder rate and national elections

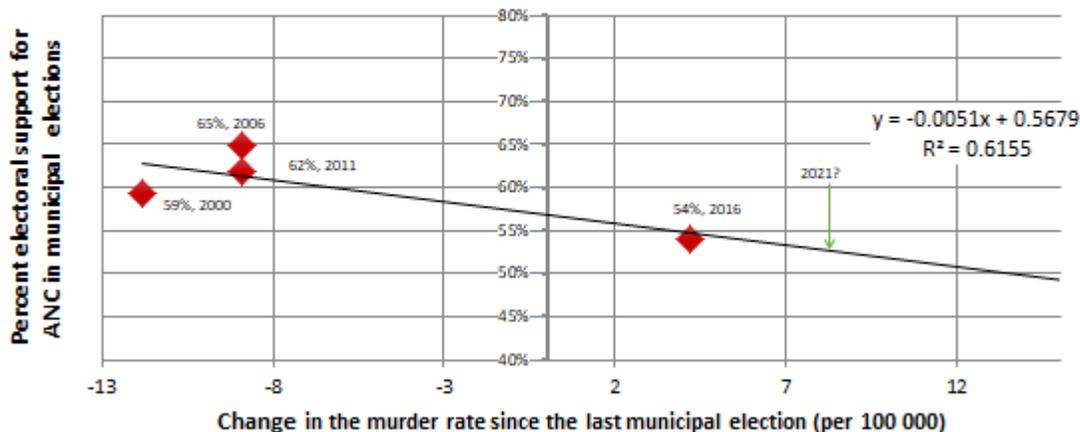


3



Looking at the data at municipal level, the association is less pronounced and it was predicted that the ANC would receive 53 per cent of the vote in 2021, but it could range from 49 to 56 per cent. This was based on SAPs figures of the number of murders in the first quarter, before the July riots. As the murder rate may be worse in the second quarter this would change the prediction.

National change in murder rate and municipal elections



4



It can thus be observed that at a national level a change over the preceding five years in the murder rate is associated with change in overall support for the ruling ANC, in both national and municipal elections. This effect is more pronounced in national elections and the correlation is negative (a higher murder rate since last election results in reduced support for the ANC).

The murder rate improved to 2012 and deteriorated from 2012-2017, but stabilised in 2018 and 2019 and saw artificially low rates during 2020 as a result of the COVID-19 restrictions. Rates in the current year (April-June 2021) compare unfavourably with 2016, 2018 and 2019, but do not take into account July 2021 riots. Reduced support for the ANC is therefore likely in 2021.

Are local government policies and practices on crime and law enforcement pro-poor?

Ms Kristen Petersen

Petersen discussed the importance of pro-poor policies and practices on crime and law enforcement at local government level. Although national government is largely responsible for security, this is not exclusively so. Provincial and local governments are largely tasked with the socio-economic, environmental, health and other responses for improved safety.

What are these pro-poor policies? These are policies and practices geared towards improving the degree to which poor people are able to take advantage of opportunities resulting in economic growth and welfare. These include, amongst other, policies that result or assist in improved opportunities for poor people, such as access to housing, water, education, job creation, improved infrastructure, etc. More specifically in the context of crime, these are crime prevention policies – policies that address the root causes of crime. Such policies result in better safety outcomes for all people.

The problem with existing local government policies is that it lacks pro-poor responses. For example, if one looks at the crime prevention strategies contained in their Integrated Development Plans (the IDP) of two major metropolitans - the City of Johannesburg and the City of Cape Town, it is clear that the authorities understand the complexities of dealing with crime and the approaches required to address it (such as dealing with the root causes of crime), however, there is an overreliance on by-laws and law enforcement to enforce municipal by-laws. These by-laws, particularly those relating to streets and public spaces, often enables the criminalisation of people performing life sustaining activities in public. There is some danger that policing interventions will be seen as the only effective solutions to crime. While municipal police services, particularly if they provide a visible police presence, will have some impact on crime and the fear of it, it is important to emphasise that this will be only a partial solution. Local government has a particular responsibility to initiate crime prevention programmes which undercut some of the social causes of crime and which would not ordinarily fall within the ambit of the South African Police Service.

We wish to acknowledge the Hanns Seidel Foundation for making this webinar possible.

ACJR is a project of the Dullah Omar Institute at the University of the Western Cape. We engage in high-quality research, teaching and advocacy on criminal justice reform and human rights in Africa. Our work supports targeted evidence-based advocacy and policy development promoting good governance and human rights in criminal justice systems. Our work is anchored in international, regional and domestic law. We promote policy, law and practice reform based on evidence. We have a particular focus on effective oversight over the criminal justice system, especially in relation to the deprivation of liberty. For more information, please visit our website at www.acjr.org.za



Through engaged research, teaching and advocacy, the Institute supports processes in South Africa and the region to build inclusive, resilient states that are accountable to citizens and responsive to human rights. It aims to be the leading think tank on multi-level governance and human rights in Africa.