Sunlight or Window Dressing?:
Local Government Compliance with South Africa's
Promotion of Access to Information Act

Forthcoming, *Governance*

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Abstract
Institutional reforms often face challenges of poor compliance and implementation at the local level. I analyze these in a context where weak state capacity and limited enforcement make widespread compliance unlikely. South Africa's 2000 Promotion of Access to Information Act tasked the South African Human Rights Commission with monitoring and promoting compliance, but with limited resources and no authority to sanction. I argue that local political competition can generate endogenous incentives for compliance, even under conditions of weak capacity and limited external enforcement. Using data on 234 South African municipalities over ten years, I find higher levels of compliance among more politically competitive municipalities. The results are not simply a function of differences between ANC-governed municipalities and others, and are robust to numerous controls for different forms of local state capacity.

Introduction

Many countries around the world have adopted new governance reforms intended to bring about greater transparency and accountability. These reforms are motivated by arguments that transparency is "the key to better governance" (Hood and Heald 2006) or that, in the words of Justice Louis Brandeis, "sunlight is said to be the best of disinfectants." However, these policies must be implemented beyond the central government that adopted them, in individual bureaucratic agencies and, often, subnational levels of government. Poor compliance by such entities often leads new policies to end up as little more than "window dressing," impressive to international donors and media but of little use for real social or political action.

Little research has systematically studied this issue, despite the fact that successes of transparency reforms usually depend on decentralized implementation. Local actors, like national ones, are faced with decisions whether or not to comply with policies that often run against their short-term interests. Compliance with new transparency reforms is costly, requiring not just scarce resources but also new political risks from potential unwanted disclosures. While in some countries compliance is enforced by national-level authorities, this is often either absent or ineffective. Even in these cases, however, variation in compliance often remains. Why do some subnational governments nonetheless comply with transparency reforms despite the risks entailed, limited external enforcement, and often weak state capacity?

This paper contributes to the study of institutional strength and weakness in general (Levitsky and Murillo 2009), and of transparency and accountability reforms in particular. The results demonstrate the importance of local political competition in generating endogenous incentives for compliance, even under conditions of weak government capacity and limited

external enforcement, thereby furthering our understanding of where and how reforms can take root and become more than mere window dressing.

I examine local compliance in the case of South Africa's 2000 Promotion of Access to Information Act (PAIA). As a relatively new democracy with limited state capacity in many areas, South Africa is an important case. While the PAIA was hailed as an international "gold standard" for its scope, it did not create an independent information commission. It instead tasked the South African Human Rights Commission (SAHRC) with promoting and monitoring compliance at all levels of government, but with few resources and no sanctioning authority. Most local governments in South Africa have limited institutional and fiscal capacity, and are over-burdened with the challenges of improving public services. Together, the limited capacities of both local governments and the SAHRC create a "perfect storm" of challenges, and make this a useful test case. Nonetheless, some local governments have complied despite these challenges. What explains compliance in this unfavorable context?

While many have focused on government capacity or external pressure as drivers of compliance, I argue that political competition can serve as an endogenous source of incentives to comply. Political competitiveness generates three different types of incentives for political actors to comply with transparency reforms: electoral responsiveness, intra-elite monitoring, and inter-temporal benefits and costs. These incentives arise in turn, from political actors' needs to seek re-election, monitor other elite groups, and protect themselves in case they lose power. Many other scholars have also argued that political competition leads to various good governance outcomes, such as greater public goods provision (Besley and Burgess 2002; Humphreys and Bates 2005; Arvate 2013; Kroth et al. Forthcoming), civil service reforms (Grzymała-Busse 2006, Ting et al. 2013), and transparency of budget and financial information (Alt et al. 2006;

Hollyer et al. 2011; Wehner and De Renzio 2013). This study extends these arguments to a new policy area and empirical context, focusing specifically on *local* compliance in a context of weak state capacity.

I support this argument with evidence from 226 local municipalities and 8 metropolitan municipalities over the ten-year period from the 2003-2004 to 2012-2013 financial years, using annual reporting requirements as an indicator of PAIA compliance. I find that more politically competitive municipalities are more likely to comply, using three different measures of party competition in municipal councils. The results are not simply a function of differences between municipalities governed by the ANC and by opposition parties: Even among ANC-governed municipalities, those featuring greater competition are more likely to comply. The results are also not simply a function of differences in local government capacity. While capacity does substantially shape differences in compliance, I control for numerous different measures of local capacity to isolate the robust independent effects of competition.

This research contributes to the broader study of compliance with new formal institutions. Many scholars have focused on the frequent disjuncture between formal and informal, or de jure and de facto, institutions (North 1991; Helmke and Levitsky 2004; Levitsky and Murillo 2009). The potential for weak compliance and "window dressing" institutions has been a frequent concern, not only for transparency and accountability reforms (Michener 2011, Balán 2014, Kosack and Fung 2014) but also for other institutions including public sector reforms (Andrews 2014), judicial independence (Melton and Ginsburg 2014), and even elections themselves (Gandhi 2010). The study of public policy has long been concerned with the challenges of effective policy implementation (e.g. Sabatier and Mazmanian 1980; May and Burby 1996). The argument and findings of this study highlight how, even absent effective

external enforcement, local political interactions can sometimes serve as endogenous drivers of compliance.

The South African Local Government Context

Local governments in South Africa are over-burdened, under-resourced, and tasked with governing in contexts of extremely low administrative and fiscal capacity and large service delivery backlogs. Siddle and Koelble (2012, p. 10-11) characterize the "failure" of decentralized local government in South Africa as a result of "the demands placed by a complex system on institutions that have limited ability and little inclination to meet those demands." The signs of institutional weakness are myriad. Public services remain poor, having sparked a nationwide wave of 'service delivery protests.' In 2001, only 49 percent of households had a flush toilet connected to a sewer system, and by 2011 this had increased only to 57 percent (StatsSA 2012). The Municipal Demarcation Board found that in the 2010-2011 financial year, only 72 percent of municipal positions were filled across the country, often due to the inability to attract appropriately skilled staff (MDB 2012). Mattes (2008) shows that South Africans engage less with local government than – and view it as more corrupt than – other levels of government.

Municipal managers, as well as managers directly below them, are appointed by municipal councils. This can lead to political interference, such as "pressure being placed on officials, creating tensions between the dictates of good governance and party-political demands," and "party or factional loyalties becoming more important than merit as criteria for appointment" (Siddle and Koelble 2012, p. 101-102).

While the African National Congress (ANC) party remains dominant at the national level, decentralization allows for much greater local competition in many municipalities. The

ANC won sixty percent or fewer of local council seats in 40.5 percent of local and metropolitan municipalities in the 2000 local elections, 30.8 percent in 2006, and 32.5 percent in 2011. Of municipalities governed by non-ANC parties, the majority are governed by the Democratic Alliance (DA; primarily in Western Cape but also in Eastern Cape and Gauteng) and the Inkatha Freedom Party (IFP; in KwaZulu-Natal). The nature of municipal competition has also changed over time in different areas, with the DA becoming more competitive in recent years beyond Western Cape province, and the IFP losing ground in KwaZulu-Natal.

Access to Information and Local Compliance

The 2000 passage of the Promotion of Access to Information Act (PAIA) in South Africa must be understood in the context both of the end of apartheid and of the global diffusion of access-to-information (ATI) laws. Since the passage of the United States Freedom of Information Act in 1966, over 100 countries have passed similar laws. Many global actors have strongly encouraged their adoption, including financial institutions, aid agencies, foundations, and international NGOs.

In studying the spread of these laws, scholars often focus on their increasing salience as a global norm (Florini 2007), the roles of government and media structure (Michener 2011, 2015), and international organizations (Grigorescu 2003). Berliner (2014) focused on the role of political competition in explaining the timing of passage across countries, also identifying an important effect of international diffusion. However, the frequent shortcomings of implementation and compliance after passage are also well known (Hazell 1989, OSJI 2006, Roberts 2006, Darch and Underwood 2010, Michener 2011). Research on national-level compliance has emphasized a multitude of factors, often in combination with each other. These

include legal design (Berliner 2016), internal procedures and records management (Neuman and Calland 2007, Piotrowski et al. 2009, Dokeniya 2013), oversight bodies (Holsen and Pasquier 2012), public demand (Calland and Bentley 2013), weak state capacity (Szekely 2007, Roberts 2010), limited political will (Gill and Hughes 2005, Hazell and Worthy 2010), and the balance of power between executive and legislative branches (Michener 2015). To date, however, few studies have looked beyond national-level bureaucracies to examine compliance at the local or subnational level.[1] This study builds on past research by examining compliance at the subnational level, and by testing which potential explanatory factors are systematically associated with compliance.

South Africa's PAIA has its origins in the end of apartheid, as "groups opposing the apartheid regime recognized early on that access to information would be an important building block in the foundation on which to build a new South Africa" (Puddephatt 2009, p. 29). The 1996 Constitution guaranteed a "right of access to any information held by the state," but required specific legislation to be passed to operationalize this right. The drafting process took several years and numerous delays (Calland 2009), ultimately not being passed until after a new parliament was elected in 1999.

After the law was passed in 2000, it was hailed for the breadth of types of information and entities that were covered by its requirements, including even information held by private bodies. Andrew Puddephatt, then Executive Director of ARTICLE 19, said that "the South

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[1] Recent exceptions include Lorentzen et al. (2014) and Distelhorst (Forthcoming), studying China's Open Government Information reform. Given the unique political and policy context of China's transparency reforms, it is important to extend such research to other countries. Worthy's (2013) study of UK local government focused on ATI's impact, rather than government compliance. While Berliner and Erlich (2015) studied subnational ATI laws in Mexico, their study focused on adoption.

African legislation is the gold standard against which we measure other laws: we would be very disappointed were it to fall at the hurdle of implementation."[2] However, despite its strong design, many have highlighted ongoing problems with implementation and compliance of PAIA (Darch and Underwood 2005, OSJI 2006, Neuman and Calland 2007, Dimba 2009).

The Role of the South African Human Rights Commission

Whereas many access to information laws around the world created new Information Commissions tasked with promoting awareness, handling appeals, monitoring and enforcing compliance, the 2000 PAIA instead tasked the South African Human Rights Commission with promotion and monitoring. Appeals were left to use the court system, while no independent body was given authority to sanction non-compliance. The SAHRC hears complaints and can assist requesters, but is unable to issue binding decisions on their behalf. Insofar as it has the resources, it conducts capacity-building trainings when requested by public officials, as well as promoting awareness of the law among officials, NGOs, journalists, and the public. It also attempts to monitor compliance with the law by government bodies and use of the law by individuals.

The resources of the SAHRC PAIA Unit to accomplish these tasks, however, have always been extremely limited. Its annual reports frequently reference these resource constraints, for example, noting that "some of the reasons for non-compliance rest with the fact that the Commission itself has been allocated meagre resources to adequately drive compliance by public bodies" (SAHRC 2011, p. 149).

The SAHRC also lacks the power to sanction government entities for non-compliance with their annual reporting requirements, under Section 32 of PAIA, documenting the number of

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[2] See <http://www.freedominfo.org/2002/10/odac-2002-report>.

requests received and the nature of responses to each. This is also frequently noted in its annual reports, e.g.: "These problems are exacerbated by the fact that in as much as PAIA requires public bodies to submit section 32 reports to the Commission, it imposes no sanction on public bodies which do not submit reports. Submissions are therefore based largely on cooperation between the public body/entity and the Commission" (SAHRC 2010, p. 158).

Given this lack of resources and sanctioning authority, the SAHRC has numerous times called for the establishment of an actual Information Commission, or at least to be granted with power to actually sanction non-compliance with Section 32 reporting requirements. While recent legislation mandated a new "Information Regulator" office to oversee personal data protection and privacy issues, creation of the office has been delayed and it is not yet clear which duties will be transferred.

Despite these challenges, the SAHRC has consistently attempted to promote awareness of and compliance with the PAIA in general, and with Section 32 in particular, holding annual events such as the National Information Officers' Forum and the Golden Key Awards.[3] It has also, since 2007, undertaken additional monitoring efforts by conducting annual audits of PAIA implementation in samples of government agencies at different levels. However, resource constraints usually limited these audits to take place only in Gauteng province or immediately adjoining areas. The SAHRC also provides trainings and assistance in response to requests from government officials.[4]

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[3] Interview, South African Human Rights Commission, June 2012.

[4] Unfortunately, it is not possible to empirically evaluate effects of the SAHRC's attempts at promotion and capacity building. These efforts have been aimed across the country, rather than targeted at specific areas. The most targeted interventions, such as trainings of officials, are far from randomly assigned. Rather, they take place at the *request* of local government representatives, and therefore are themselves indicative of existing priorities.

Why Comply?

Compliance with the PAIA requires numerous actions by government entities, including designating an information officer, instituting records management systems and procedures for handling requests, compiling a manual of structures and functions of the organization, responding to requests within legal timelines and in full except under valid exemptions, and responding to appeals. PAIA also requires annual submission of a "Section 32" report to the SAHRC, documenting the number of requests received and the nature of responses to each. Despite the seemingly simple nature of this task, failure to comply is widespread among national, provincial, and local authorities. In fact, while Section 32 may be a simple task for municipalities that have implemented the relevant procedures and respond appropriately to requests, it is a great deal more difficult and costly for those that have not. Thus, while this study is interested in PAIA compliance in its entirety, it relies on Section 32 as a measurable indicator available across municipalities and, importantly, over time.

The variation across municipalities in PAIA reporting compliance thus represents a puzzle. Given the many constraints and burdens faced by local governments in South Africa, and the inability of the SAHRC to sanction non-compliance, it is surprising that *any* municipalities comply. But by analyzing which municipalities complied nonetheless, we can investigate the process by which reforms start to become institutionalized at the local level.

The major barriers to implementation – at the national and provincial levels as well as the local level – can be summarized as pertaining to a lack of awareness, a lack of resources and capacity, and a lack of political will or "buy-in" from senior management. Resources are a major barrier. Almost no municipalities make specific budgetary allocations for PAIA, and the officials

who handle PAIA requests and compliance are generally woefully overburdened, as "most DIOs [Deputy Information Officers] have been delegated PAIA functions over and above their key portfolios (SAHRC 2010, p. 145). High vacancy rates and staff turnover, important sources of weak administrative capacity in South African municipalities, also create hurdles (SAHRC 2013, p. 16-17).

Data on local government compliance both confirms the importance of capacity and resource constraints, but also highlights that even some low-capacity municipalities still do comply. For example, examining municipalities in the top quartile of household access to piped water in the 2001 census, 62.1 percent complied with Section 32 in at least one year of the period under study. Among municipalities in the bottom quartile – those with the least capacity to provide basic public services – the same figure stands at 22 percent. Thus, while differences in capacity clearly shape compliance, even many high-capacity municipalities *never* fulfilled their most basic reporting requirements, while even some of the lowest-capacity municipalities still did so.

Another major challenge is lack of "political will" from senior managers. Numerous SAHRC reports mention "a lack of buy-in from senior management" (SAHRC 2010, p. 153), or that "the lack of commitment on compliance results in PAIA not being accorded priority" (SAHRC 2012, p. 26). A 2009 audit concluded that "commitment by executive management and political heads within public entities is a prerequisite to attaining an organizational culture that eschews secrecy and embraces information sharing" (SAHRC 2009, p. 179). While such "political will" can arise for idiosyncratic reasons in different cases, I argue that political competition can offer an explanation. Not all political will is likely to originate in political competitiveness, but political competitiveness is systematically likely to create endogenous

political incentives, both to comply and to create the institutional procedures and infrastructures necessary for transparency to function.

The Role of Political Competition

I argue that local political competition plays a crucial role in explaining why some municipalities – even with limited resources and capacity – comply with the requirements of PAIA. Competition operates through three different types of mechanisms: *electoral responsiveness*, *intra-elite monitoring*, and *inter-temporal benefits and costs*.

First, as local councilors seek to remain in office, more competitive elections increase their incentives to be responsive to constituents and to better provide public goods. Such incentives should extend to the provision of government transparency as well, as there is substantial public awareness of and concern over the lack of local government transparency in South Africa,[5] as well as awareness of the right to information in general and the PAIA in particular.[6] Institutionalizing transparency in local government practices is one way local actors can demonstrate performance on these issues.

The partisan context of South Africa also shapes the electoral responsiveness mechanism. The opposition DA has increasingly emphasized issues of good governance and transparency in its platforms and campaigns, often emphasizing its record in Western Cape province and the municipalities where it governs (Southern 2011, Moyo 2012). The DA also uses PAIA requests

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[5] In Afrobarometer (2008) 64% and 57% of respondents respectively answered "badly" or "very badly" to the questions: how well their local councils were "providing citizens with information about the council's budget"; and how well council activities were made "known to ordinary people."

[6] In an ODAC (2011) survey, 95.3% of respondents agreed that they had a right to ask the government for information, while 35.3% had specifically heard of the PAIA.

as a frequent political tool (Dimba 2009), strongly opposed limitations on PAIA during years-long debates over a secrecy bill, and has issued reports criticizing the ANC government over their own poor PAIA compliance.[7] The DA thus has particularly strong incentives to demonstrate performance – to both local and national audiences – on transparency in municipalities where it governs. For ANC-governed municipalities, this dynamic means that where the DA could potentially take power, demonstrating performance on transparency takes on greater importance as well.

Second, greater fragmentation of political power among multiple elite groups also creates incentives for intra-elite monitoring. Where multiple parties have representation, implementing transparency reforms can help actors make more credible bargains with each other, knowing that formal avenues of information-sharing exist. Boix and Svolik (2013), for example, detail the importance of information-sharing mechanisms in electoral authoritarian regimes, while Martin and Vanberg (2004) and Michener (2015) note the importance of monitoring in multiparty coalition governments. Inter-elite monitoring is relevant not only in authoritarian or coalition governments, however, but wherever multiple elite groups must cooperate with each other. Local councilors also need to monitor their own agents, the municipal managers and staff that report to them. The possibility of "fire-alarm" monitoring (McCubbins and Schwartz 1984) is more useful in politically competitive municipalities, where partisan loyalties among staff are more likely to be mixed, rather than in municipalities where a single party dominates and informal means of monitoring are more likely to exist.

Finally, political competitiveness also generates incentives for compliance through inter-temporal benefits and costs of institutionalizing reform. These are expected benefits and costs in

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[7] See <http://www.iol.co.za/news/politics/state-s-transparency-just-a-lip-service-da-1.317337>.

the future that accrue depending on whether or not incumbent groups maintain political power. Higher competitiveness means incumbents face higher probabilities of losing power in the future. The more deeply institutionalized reforms are in local government, the more likely ruling party politicians and supporters are to be able to benefit by utilizing transparency mechanisms – as a means of accessing government information and monitoring those in power – in the future should they lose power.[8] Similar arguments have explained national-level judicial independence as "political insurance" (Ramseyer 1994; Epperly 2013; Ginsburg and Versteeg 2014). Further, if incumbents do lose power, then a greater share of the costs, risks, and constraints imposed by access to information will be borne by their opponents who took their place. While municipalities can file Section 32 reports in one year and fail to do so in the next, sustained compliance requires the creation of procedures, infrastructures, and staff to manage records and respond to requests – all of which are more likely to persist in the future, contributing to institutionalization over time.

On the other hand, there are potential reasons to expect that higher levels of political competition make compliance less likely. Resources devoted to compliance are resources diverted away from other uses potentially important in retaining voter support – whether public goods provision or patronage. Compliance with PAIA also increases the probability that members of the media, activist groups, or opposition supporters will be able to damage the reputation of the ruling group by obtaining evidence of explicit wrongdoing or poor government performance. One might expect parties in dominant positions on local councils to feel more free

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[8] Worthy (2014), for example, found that after the British Labour party lost power to the Conservative party in 2010, use of the Freedom of Information Act by Labour Members of Parliament dramatically increased, while use by Conservative members declined.

of such political constraints and more able to comply with transparency and accountability reforms. It is thus of great importance to empirically test between these different perspectives.

This argument leads to clear empirical expectations: Even taking into account the capacity of local governments, the service delivery shortfalls that they face, and the specific political parties that govern each local council, I expect more politically competitive municipalities to be more likely to comply.

Data and Models

To empirically examine the drivers of local PAIA compliance, I constructed a dataset covering South African municipalities from the 2003-2004 financial year (the first year in which the SAHRC PAIA Unit's Annual Reports were available) to the 2012-2013 financial year. South Africa's three types of municipalities include eight metropolitan, 44 district, and 226 local municipalities, with each district municipality containing between three and eight local municipalities. Local and metropolitan councilors are elected to a combination of ward and proportional representation seats, while the district municipality councils are determined partially through proportional representation elections and partially through local council appointment.

I focus on local and metropolitan municipalities only, as analysis of district municipalities is complicated by their spatial overlap with local municipalities. I use the eight metropolitan and 226 local municipalities as of the 2011 boundary changes. The 2011 South African census release re-aligned data from the previous census to the new boundaries.

Dependent Variable

The main dependent variable of this study measures whether each municipality submitted their

PAIA Section 32 report each financial year, as recorded in SAHRC annual reports. While

Section 32 reporting could be criticized as a relatively superficial measure of compliance, or as

holding municipalities to a "low bar," I consider it an informative indicator for several reasons

both empirical and theoretical.

First, the fact that so many municipalities fail to report means that for many, Section 32

reporting is *not* a simple or costless matter. While an ideal dependent variable would capture the

extent to which local governments create new procedures, systems, and staff positions to manage

records and respond to requests, as well as the extent to which requests receive legally compliant

responses, Section 32 reporting reflects the *prioritization* of these goals, even if not their

complete achievement. Tracking information requests in order to report them requires, at the

very least, systems to record and manage requests and the assignment of these tasks to specific

staff members. Where these systems and staff are in place, and where requests routinely receive

appropriate responses, Section 32 reporting may indeed be a simple matter. But where these are

not in place, reporting becomes much more difficult and costly.

Second, the SAHRC itself considers Section 32 reporting to be representative of broader

implementation, writing that "the main gauge of compliance relied on by the Commission is the

rate of submissions of Section 32 reports" (SAHRC 2007, p. 9), and that "it may therefore be

surmised that if mandatory reporting obligations are being ignored despite interventions by the

Commission to secure reports, then public bodies accord implementation the same importance as

they do reporting" (SAHRC 2010, p. 150).

Finally, an ancillary analysis of more detailed compliance measures further demonstrates

that Section 32 is a meaningful proxy for more substantial forms of compliance. Detailed

assessments conducted in 2010 and 2011 by the Open Democracy Advice Centre, for the

"Golden Key Awards," evaluated five different sub-measures of compliance for a subset of

municipal, provincial, and national entities: Timeliness of response to the evaluation, a road map

for statutory compliance, records management, internal mechanisms, and resource commitments.

While too few municipalities were evaluated to use in the main analysis, we can use these to

assess how well Section 32 reporting performs as a proxy for more substantial forms of

compliance. Across 83 entities that were evaluated in 2010, scores were over six times higher for

entities that had filed reports in the 2009-2010 reporting year than for entities that had not.[9] In

2011, across 55 entities evaluated, scores were over five times higher where Section 32 reports

had been filed in the 2010-2011 reporting year.[10] These results show that Section 32 reporting is

a highly informative indicator of more substantial forms of compliance.

Since Section 32 compliance is a binary outcome, I use logistic regression models. Since

the analysis includes repeated observations for each municipality, I employ duration-dependent

dummy variables (Beck, Katz, and Tucker 1998) reflecting the number of years since either the

start of the analysis or the last year of compliance for each municipality. I cluster all standard

errors by municipality. As an alternative approach, I also use a conditional frailty Cox

proportional hazards model that accounts for both repeated event dependence and unit

heterogeneity (Box-Steffensmeier et al. 2007).

In additional robustness checks, I also look beyond Section 32 reporting alone. For

municipalities that do file reports, further information is available in the content of the reports

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[9] Average scores of 0.366/1 (n=21) versus 0.058/1 (n=62); significantly different with p-value 0.00009. Using

reporting from the preceding year avoids any bias that might result if the assessment itself actually spurred future

compliance

[10] Average scores of 0.396/1 (n=17) versus 0.076/1 (n=38); significantly different with p-value 0.004.

themselves, on the numbers of requests received and responses to those requests. I offer some preliminary evidence using alternative dependent variables based on reported requests and responses. While limited, these offer greater assurance that the results are not artifacts of using Section 32 alone as the dependent variable.

Independent Variables

I model compliance as a function of several basic municipal characteristics, and a series of variables capturing different aspects of competition, capacity, and other important factors. I include measures of the logged municipal population, and the proportion of households in the municipality with access to piped water, both from the 2001 census. Larger municipalities may have more resources with which to comply, and may also face greater demand for access to information from their constituents. Access to piped water captures some of the enormous initial variation in public infrastructure across municipalities. I also control for the change in access to piped water between the 2001 and 2011 censuses, in order to capture different municipal trajectories in expanding public services and local government capacity. A dummy variable is included for the eight metropolitan municipalities.

Local NGOs may seek to influence local governments by demanding greater compliance. Using data from the South African NGO registry, I compiled a list of every NGO in the "Law, Advocacy, and Politics" issue category (1,005 in total), and matched their headquarters' locations to municipalities. I thus measure the logged number of advocacy NGOs based in each municipality in each year. To capture potential geographic diffusion of compliance, I measure the proportion of the twenty nearest municipalities complying in the previous year.

Local Politics

In all models, I include dummy variables for the party holding a majority of local council seats, with an additional category for municipalities where no party holds a majority, thereby requiring formation of a coalition. There is no centralized source of data on the precise nature of these coalitions, which are often between different sets of parties in different municipalities (in some cases between the ANC and the DA or IFP, and in other cases between one of the major parties and any number of smaller parties), and often frequently shifting. The "No Majority" category thus reflects those municipalities where some form of multiparty coalition will be required to govern. On one hand, some scholars have argued that divided governments or coalition governments lead to greater transparency, as transparency mechanisms allow coalition members or parties sharing power to better monitor each other's actions (Alt, Lassen, and Rose 2006; Michener 2015). On the other hand, the unstable and frequently shifting coalitions in municipalities with no majority party may reduce the capacity of municipal managers to handle requirements such as PAIA compliance.

I use several different measures of political competitiveness, each based on party seat shares in local councils. I use seat shares, rather than vote shares, since councilors are elected to a mixture of municipality-wide proportional representation seats and specific local ward seats. Each voter thus votes for both a ward representative and for a political party. As there are many different possible ways to measure competition, using three different possibilities ensures that the results are not an artifact of the particular choice of measure.

First, I measure the Effective Number of Parties in each municipality. This measure, calculated as one over the sum of squared seat shares of each party in a given council, captures the extent to which party competition is effectively absent, between two parties, or between three

or more parties. Second, I measure the Largest Party Seat Share, regardless of which party was the largest in each municipality. Where the largest party has a large majority, it can expect to face much less competition in subsequent elections compared to if it has a smaller majority. Third, I measure the ANC Seat Share, even where the ANC is not the largest party. As by far the dominant political party in post-apartheid South Africa, the local competitiveness of the ANC is a major determinant of the overall competitiveness of municipal elections. Given the frequent ability of the ANC to delegitimize its rivals and exploit divisions in the opposition (Ferree 2010), even an opposition party with a dominant majority in a given municipality may not be able to govern without concern to future defeat. Importantly, for the Effective Number of Parties measure, higher values reflect greater competition, while for the latter two political competition measures, lower values reflect greater competition.

These variables are based on the results of the 2000, 2006, and 2011 local elections.[11] I also incorporate data on intervening changes in the composition of local councils, from by-elections, held irregularly to replace councilors who have died or left office, and floor-crossings, which took place during three two-week periods in 2002, 2004, and 2007.[12] To ignore these changes would be to miss numerous important dynamics, including defections from the DA to the ANC in 2002 and 2004, the merging of several minor parties into the National People's Party in 2007, or bitterly fought by-elections between the ANC, IFP, and National Freedom Party

[11] Electoral Commission of South Africa.

[12] By-elections take place either in particular wards or municipality-wide for proportional-representation councilors, but usually feature low turnout. Floor-crossing was a controversial practice allowed for several years in the 2000s, by which politicians could switch party affiliations and keep their position, even if originally elected on a party list. Originally allowed to enable former members of the New National Party to split from the DA and join the ANC, floor-crossing was ultimately used by all major parties before being abolished in 2009.

across KwaZulu-Natal. However, to ensure that the results do not depend on this decision, I

include robustness checks using variables based on regular election outcomes alone.

I apply the results of the 2006 elections, held on March 1, to the 2006-2007 financial

year, and the results of the 2011 elections, held on May 18, to the 2011-2012 financial year.

Although the elections (and new councilors taking office shortly after the elections) fall towards

the ends of the *prior* financial years to these, this decision avoids assuming that elections at the

end of one financial year impact administrative actions and prioritizations that may have taken

place over many months beforehand.

Alternative Control Variables

In a series of alternative models, I include several additional controls that could potentially shape

compliance, including multiple measures to capture different dimensions of local government

capacity that might not already be reflected in the measures included in the main models. First, I

include the full set of official municipal types: "metropolitan," "secondary cities," "large towns,"

"small towns," and "rural" municipalities. I also include a measure of local fiscal capacity. Many

scholars have used tax revenues as a measure of state capacity, under the assumption that these

require not just institutions to actually collect taxes, but also sufficient levels of public goods

provision to inspire quasi-voluntary compliance (Lieberman 2002; Besley and Persson 2009).

Based on financial reports available beginning in 2006, I measure the average level of "own

revenue" from locally-collected property taxes, and rates for services like water and electricity.

I also include a proxy for local corruption. Not only is corruption a form of weak

capacity, it also may cause direct resistance to PAIA arising from fear of exposure by corrupt

actors. I use the proportion of total municipal expenditures identified as "unauthorized,"

"irregular," or "wasteful" in annual Municipal Financial Management Audits as an indicator of corruption. It is important to note, however, that these do not capture other forms of corruption such as bribe-taking. Unfortunately, audit reports only include these figures after 2009. I thus use the average proportion of corrupt expenditures for each municipality.

A major challenge facing municipalities is the difficulty in attracting qualified staff, especially managers. Understaffing and high turnover clearly interfere with the ability of local governments to comply with PAIA reporting requirements, and to designate information officers. I use the proportion vacant of so-called "Section 57 Managers," including municipal managers and the managers directly accountable to them, available from annual "Non-Financial Census of Municipalities" from 2005 to 2011.

Finally, I also include two additional variables from the 2001 census. One is a measure of the white proportion of population, capturing legacies of apartheid-era local government that operated for vastly different reasons and with vastly different functions in white and non-white areas of the country. The other is logged average household income, in case compliance is influenced by wealth in ways not already captured by the public services measures included in the main models.

Results

This section presents the results of logistic regression models of municipal Section 32 compliance, including duration-dependent dummy variables and standard errors clustered by municipality. Table 2 presents the main results. Model 1 is a base model, including only control variables and categories indicating which party controlled each local council. Municipalities governed by the DA were most likely to comply, followed by those with no clear majority party,

and thus requiring coalition formation. Next most likely to comply were those governed by the IFP. Of the major parties, compliance was least likely in municipalities governed by the nationally-ruling ANC. The few municipalities governed by smaller parties such as the National Freedom Party, National People's Party, or United Democratic Movement, were by far least likely to comply. Interestingly, although municipalities with no majority party are often subject to instability from frequently shifting coalitions, they are still significantly more likely to comply than the reference category of ANC-governed municipalities.

Municipalities with larger populations and greater public service provision as of 2001 are more likely to comply, as are municipalities with higher growth rates in expanding public services. Municipalities with more advocacy NGOs are not significantly more likely to comply, although the coefficient is in the expected direction. Municipalities are more likely to comply when their neighbors did so in the preceding year. Finally, metropolitan municipalities are not significantly different from others in their likelihood of complying.

Models 2 through 4 in Table 2 present results using three different measures of political competitiveness. All three are statistically significant and in the expected direction. Municipalities with higher Effective Number of Parties are more likely to comply. Municipalities where the largest party – whichever that may be – holds *more* seats (meaning less competitive) are less likely to comply. Similarly, municipalities where the ANC has a greater number of seats are also less likely to comply – whether the non-ANC seats are held by one or a combination of different opposition parties. Not only do all three ways of measuring competitiveness show statistically significant results, the results are also large in their substantive effects.

Figure 1 illustrates these relationships with simulated results for a hypothetical municipality, showing large increases in predicted probabilities of compliance as political

competitiveness increases. The predicted probability of compliance increases from 0.04 for a municipality with only one effective party, to 0.08 with two effective parties, 0.17 with three, and 0.33 with four. Using the ANC Seat Share instead, the predicted probability of compliance increases from 0.03 if the ANC holds all seats, to 0.13 if they hold fifty percent of seats, to 0.46 if they hold no seats. For comparison, increasing the hypothetical value of piped water access from the lowest to the highest observed values only increases the predicted probability of compliance from 0.02 to 0.16.

Model 5 in Table 2 uses the ANC Seat Share measure of competition, but restricts the sample to only majority-ANC municipalities. This model aims to ensure that the results for the competition variables are not simply a misleading artifact of differences between ANC-governed and non-ANC-governed municipalities. The results of Model 5 show that even *among* ANC-governed municipalities, compliance is more likely where the ANC holds fewer seats and thus faces greater competition for future control.

Table 3 includes a series of robustness checks, using the Effective Number of Parties as the measure of competition in all of these models. Model 1 uses an alternative measure of Effective Number of Parties based only on the results of 2000, 2006, and 2011 regular municipal elections, without taking into account changes from by-elections or floor-crossings, but yielding similar results. Model 2 shows no significant differences between any of the official municipality categories, despite the fact that the rural municipalities tend to face the greatest capacity challenges. Models 3 and 4 yield insignificant results for both reliance on fiscal transfers and corrupt spending. In Model 5, municipalities with higher management vacancy rates are significant less likely to comply, highlighting staff vacancies and turnover as important dimensions of weak capacity. There are no significant relationships between either white

population or average income and compliance. Model 8 includes year fixed effects in place of

duration-dependent dummy variables, yielding similar results. Finally, Model 9 uses a

conditional frailty model, with markedly similar results.

These additional results show that the main findings are robust to numerous alternative

modeling choices and additional controls. Across all models in Table 3, as well as in additional

results (available from author) using the other two competition variables, the key political

competition variable remains significant in all except for one: using the Largest Party Seat Share

variable and including average household income.

In Table 4, I take into account additional information from Section 32 reports themselves,

in cases where they were filed. In each model, I restrict the dependent variable to reflect different

higher "thresholds" for compliance: equaling one only where the municipality both filed its

report and reported at least one information request; or equaling one only where the municipality

both filed its report, received at least one request, and reported that over half of requests were

responded to with the full information requested.[13] In both cases, results show that competition is

strongly and significantly associated with compliance in more substantive reporting and

responsiveness, beyond simply filing Section 32 reports.

Conclusion

This study examines compliance with governance reforms by levels of government beyond the

central state. Many new reforms aimed at increasing transparency and accountability have spread

rapidly around the world. Central state leaders generally adopt or make commitments to these

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[13] Among municipalities that reported, 68.2% reported at least one request, and the average rate of "full response"

was 77.0%.

reforms in response to some combination of domestic demand and external pressure. However, many of these reforms are never fully implemented, often ending up as mere "window dressing," particularly at local levels. Studying variation in local compliance is thus essential both theoretically, to better understand when political actors will commit to institutional changes that go against their short-term interests, and practically, to understand how to better design and target such policies.

Local compliance with governance reforms will be a function of both national-level and reform-level factors – such as the country's political institutions and history and the specific institutional design of the reform – as well as locality-level factors. This paper studies variation across local governments within a single country and reform policy. However, the particular case of the South Africa's PAIA is one that should be particularly relevant in a broader context. The weak institutional design of the law, which tasked the SAHRC with promoting and monitoring compliance but with insufficient resources and no sanctioning authority, combined with the local government context of weak capacity and numerous pressing challenges, together create a "perfect storm" in which sustained and widespread compliance is extremely unlikely. In this context, it is a puzzle that any local governments comply at all.

I argue that political competition can serve as an endogenous driver of compliance, even where government capacity is weak and external pressure absent. I find support for this argument using data on PAIA compliance across 234 municipalities over a ten-year period. The results are not simply a function of differences between ANC- and opposition-governed municipalities, or of local government capacity. Rather, where ruling groups face greater competition from opposition parties, they must be more responsive to their constituents, have incentives to monitor other elite groups, and can value transparency as a way to protect themselves in case they lose

power. These incentives can outweigh the perceived costs of compliance, and contribute to reforms taking root at the local level.

These conclusions highlight the need for policymakers to pay attention to local political conditions, rather than simply national politics, in promoting governance reforms. Local political actors have their own interests that are often threatened by new reforms that promote greater transparency and accountability. If compliance is not locally self-enforcing, whether because of local political competition, or effective monitoring and enforcement from above, reforms are likely to be little more than window dressing.

However, these results also highlight the potential for factors within political systems themselves to generate incentives for greater transparency. While many scholars have focused on "demand-side" explanations for transparency through pressures either "bottom-up" – via citizen activism – or "top-down" – via international pressure – this study suggests the nature of competitive political interactions themselves can provide a "supply-side" force for greater transparency.

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	Min.	Max.	Mean	SD
PAIA Compliance	0.00	1.00	0.09	0.28
Effective Number of Parties	1.00	4.37	1.82	0.52
Largest Party Seat Share	0.30	1.00	0.71	0.14
ANC Seat Share	0.00	1.00	0.66	0.21
Log Population, 2001	8.81	14.99	11.45	1.09
Access to Piped Water, 2001	0.02	0.96	0.55	0.28
Δ Access to Piped Water, 2001-2011	-0.02	0.47	0.12	0.09
Log Advocacy NGOs	0.00	5.41	0.57	0.81
Compliance$_{t-1}$, 20 Nearest Munis	0.00	0.65	0.07	0.11
Metropolitan Muni.	0.00	1.00	0.03	0.18
Governing Party: ANC	0.00	1.00	0.76	0.43
Governing Party: DA	0.00	1.00	0.04	0.19
Governing Party: IFP	0.00	1.00	0.10	0.29
No Majority Party	0.00	1.00	0.11	0.31
Governing Party: Other	0.00	1.00	0.00	0.05

Table 1: Summary statistics for variables used in main models.

	Model 1	Model 2	Model 3	Model 4	Model 5
Effective Number of Parties		0.88***			
		(0.33)			
Largest Party Seat Share			−3.15**		
			(1.45)		
ANC Seat Share				−3.44***	−4.24***
				(1.27)	(1.55)
Democratic Alliance Majority	1.48***	1.24***	1.13***	0.30	
	(0.33)	(0.33)	(0.36)	(0.52)	
Inkatha Freedom Party Majority	0.28	0.02	−0.02	−1.72*	
	(0.56)	(0.59)	(0.60)	(0.97)	
No Majority	0.67***	−0.26	−0.16	−0.34	
	(0.25)	(0.39)	(0.41)	(0.41)	
Other Party Majority	−11.87***	−12.66***	−12.46***	−13.77***	
	(0.75)	(0.79)	(0.79)	(1.01)	
Log Population, 2001	0.43**	0.41**	0.46***	0.45***	0.37*
	(0.17)	(0.16)	(0.17)	(0.17)	(0.21)
Access to Piped Water, 2001	2.83***	2.32***	2.40***	2.39***	1.99***
	(0.66)	(0.59)	(0.59)	(0.60)	(0.59)
Δ Access to Piped Water, 2001-2011	3.73**	3.89**	3.88**	3.82**	3.87**
	(1.78)	(1.78)	(1.78)	(1.80)	(1.96)
Log Advocacy NGOs	0.32	0.36*	0.31	0.33	0.39
	(0.23)	(0.22)	(0.22)	(0.23)	(0.28)
Compliance$_{t-1}$, 20 Nearest Munis	1.45**	1.22*	1.22*	1.10	0.66
	(0.68)	(0.71)	(0.70)	(0.71)	(0.99)
Metropolitan Muni.	−0.03	−0.32	−0.33	−0.39	−0.40
	(0.80)	(0.74)	(0.77)	(0.78)	(0.80)
AIC	1141.10	1130.28	1133.07	1129.78	824.21
Num. obs.	2340	2340	2340	2340	1796

$^{***}p < 0.01$, $^{**}p < 0.05$, $^{*}p < 0.1$

Table 2: Results of logistic regression models of municipal PAIA compliance. Model 1 is a base model, and all other models include different measures of local political competitivenss. Model 5 includes only ANC-majority municipalities. Constant term and duration-dependent dummy variables not shown.

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7	Model 8	Model 9
Effective Number of Parties		0.87**	0.85**	0.85**	0.87***	0.88***	0.72**	0.80**	0.75***
		(0.34)	(0.35)	(0.33)	(0.33)	(0.34)	(0.34)	(0.36)	(0.25)
Effective Num. Parties (Regular Elections Only)	0.91***								
	(0.29)								
Democratic Alliance Majority	1.15***	1.20***	1.22***	1.12***	1.57***	1.23***	1.10***	1.39***	0.92***
	(0.32)	(0.32)	(0.33)	(0.34)	(0.39)	(0.38)	(0.35)	(0.36)	(0.26)
Inkatha Freedom Party Majority	0.03	0.02	0.13	−0.02	−0.57	0.02	−0.02	0.34	−0.29
	(0.58)	(0.58)	(0.60)	(0.59)	(0.70)	(0.59)	(0.59)	(0.59)	(0.58)
No Majority	−0.17	−0.26	−0.24	−0.34	−0.24	−0.26	−0.19	−0.10	−0.18
	(0.34)	(0.40)	(0.40)	(0.39)	(0.42)	(0.39)	(0.39)	(0.42)	(0.32)
Other Party Majority	−12.98***	−12.58***	−12.70***	−12.49***	−14.61***	−12.65***	−12.52***	−13.63***	−15.01***
	(0.80)	(0.78)	(0.80)	(0.79)	(0.86)	(0.79)	(0.80)	(0.80)	(0.80)
Log Population, 2001	0.38**	0.33*	0.37**	0.29	0.36**	0.41**	0.38**	0.57***	0.42***
	(0.16)	(0.19)	(0.18)	(0.18)	(0.16)	(0.16)	(0.16)	(0.18)	(0.13)
Access to Piped Water, 2001	2.27***	2.48***	1.84**	2.21***	2.18***	2.29***	1.61**	3.04***	2.24***
	(0.59)	(0.75)	(0.80)	(0.60)	(0.59)	(0.72)	(0.70)	(0.66)	(0.53)
Δ Access to Piped Water, 2001-2011	4.01**	4.11**	3.70**	4.24**	3.50*	3.91**	4.02**	3.48*	3.38**
	(1.79)	(1.78)	(1.81)	(1.82)	(1.89)	(1.79)	(1.76)	(1.92)	(1.62)
Log Advocacy NGOs	0.40*	0.35	0.34	0.39*	0.34	0.36*	0.32	0.16	0.17
	(0.22)	(0.23)	(0.22)	(0.22)	(0.22)	(0.21)	(0.22)	(0.23)	(0.15)
Compliance$_{t-1}$, 20 Nearest Munis	1.19*	1.23	1.30*	1.10	0.28	1.22*	1.19*	0.12	−0.14
	(0.70)	(0.75)	(0.70)	(0.70)	(1.22)	(0.70)	(0.70)	(1.24)	(0.56)
Metropolitan Muni.	−0.32		−0.19	−0.22	−0.26	−0.32	−0.41	−0.08	−0.20
	(0.75)		(0.75)	(0.75)	(0.74)	(0.74)	(0.76)	(0.76)	(0.53)
Muni. Type: B1 Local (Secondary Cities)		0.19							
		(0.73)							
Muni. Type: B2 Local (Large Towns)		0.15							
		(0.82)							
Muni. Type: B3 Local (Small Towns)		−0.07							
		(0.89)							
Muni. Type: B4 Local (Rural)		0.23							
		(0.96)							
Proportion Own Revenue (Taxes and Rates), Averaged			0.52						
			(0.89)						
Proportion Expenditures Corrupt, Averaged				−1.35					
				(0.89)					
Proportion Management Positions Vacant					−1.11**				
					(0.52)				
White Population, 2001						0.15			
						(2.03)			
Log Avg. Household Income, 2001							0.61		
							(0.40)		
AIC	1127.08	1135.20	1117.58	1124.86	883.84	1132.27	1128.15	1046.09	1681.34
Num. obs.	2340	2340	2210	2330	1631	2340	2340	2340	2340

$^{***}p < 0.01$, $^{**}p < 0.05$, $^{*}p < 0.1$

Table 3: Results of alternative models of municipal PAIA compliance. Models 1 through 8 are logistic regression models with duration-dependent dummy variables. Model 8 includes year fixed effects. Model 9 is a conditional frailty repeated events Cox proportional hazards model.

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Effective Number of Parties	1.11***	1.18***				
	(0.42)	(0.38)				
ANC Seat Share			−5.28***	−5.48***		
			(1.78)	(1.65)		
Largest Party Seat Share					−4.63**	−5.43**
					(2.23)	(2.13)
Democratic Alliance Majority	1.88***	1.81***	0.37	0.25	1.70***	1.58***
	(0.39)	(0.40)	(0.68)	(0.64)	(0.43)	(0.42)
Inkatha Freedom Party Majority	−0.02	0.31	−2.74**	−2.50*	−0.10	0.17
	(0.80)	(0.83)	(1.31)	(1.30)	(0.83)	(0.86)
No Majority	−0.17	−0.28	−0.50	−0.58	−0.17	−0.40
	(0.48)	(0.44)	(0.55)	(0.53)	(0.59)	(0.55)
Other Party Majority	−12.26***	−12.21***	−14.17***	−14.17***	−12.11***	−12.12***
	(0.86)	(0.84)	(1.25)	(1.20)	(0.89)	(0.88)
Log Population, 2001	1.12***	1.02***	1.18***	1.09***	1.19***	1.11***
	(0.23)	(0.20)	(0.23)	(0.20)	(0.24)	(0.21)
Access to Piped Water, 2001	3.23***	3.46***	3.24***	3.49***	3.27***	3.44***
	(0.86)	(1.02)	(0.85)	(1.00)	(0.84)	(0.99)
Δ Access to Piped Water, 2001-2011	2.00	2.23	1.70	1.95	1.89	2.14
	(2.37)	(2.37)	(2.31)	(2.29)	(2.30)	(2.29)
Log Advocacy NGOs	0.16	0.18	0.13	0.14	0.09	0.11
	(0.24)	(0.21)	(0.25)	(0.22)	(0.25)	(0.21)
Compliance$_{t-1}$, 20 Nearest Munis	1.75*	1.47	1.48	1.19	1.74*	1.44
	(0.96)	(1.04)	(0.96)	(1.05)	(0.93)	(1.01)
Metropolitan Muni.	−1.26	−1.36**	−1.48*	−1.58**	−1.34*	−1.51**
	(0.77)	(0.68)	(0.83)	(0.73)	(0.81)	(0.72)
AIC	730.54	654.22	725.21	650.25	730.95	652.58
Num. obs.	2340	2340	2340	2340	2340	2340

***$p < 0.01$, **$p < 0.05$, *$p < 0.1$

Table 4: Results of logistic regression models of municipal PAIA compliance using alternative dependent variables. Models 1, 3, and 5 set the DV=1 only where the municipality reported at least one request. Models 2, 4, and 6 set the DV=1 only where the municipality fully complied with over half of received requests.
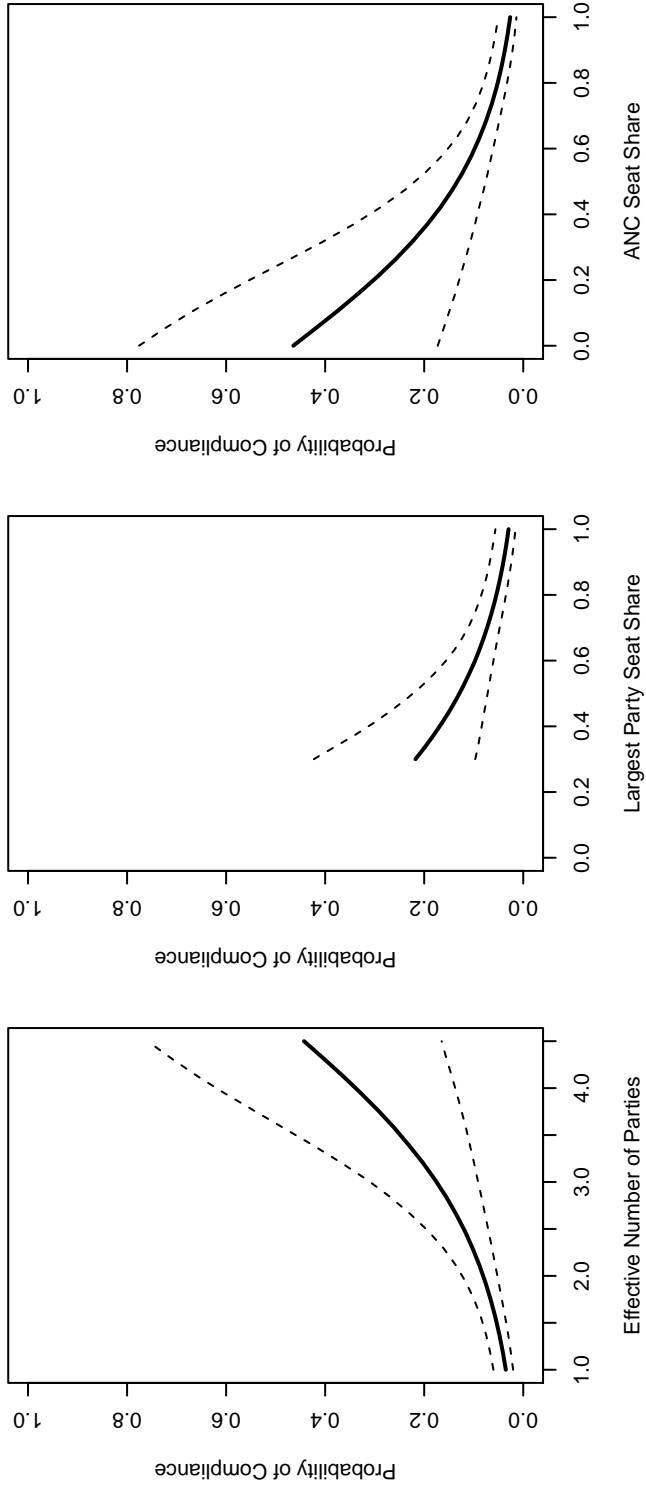
Figure 1: Predicted probabilities of compliance for otherwise hypothetical municipalities at varying levels of political competition, based on results of models 2, 3, and 4 in Table 2. Hypothetical municipality is one with ANC governing, not a metro, and having complied in the preceding year. All other control variables held at their mean values. Dashed lines show 95 percent confidence intervals.