



EXISTING MECHANISMS FOR PUBLIC PARTICIPATION AT LOCAL GOVERNMENT LEVEL



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This research examines the nature of the current public participation discourse at the local level in the rural municipalities of Amahlathi and Great Kei respectively. It also discusses the level of participatory democracy and involvement of communities in processes towards implementation of service delivery programmes and projects at the local level.

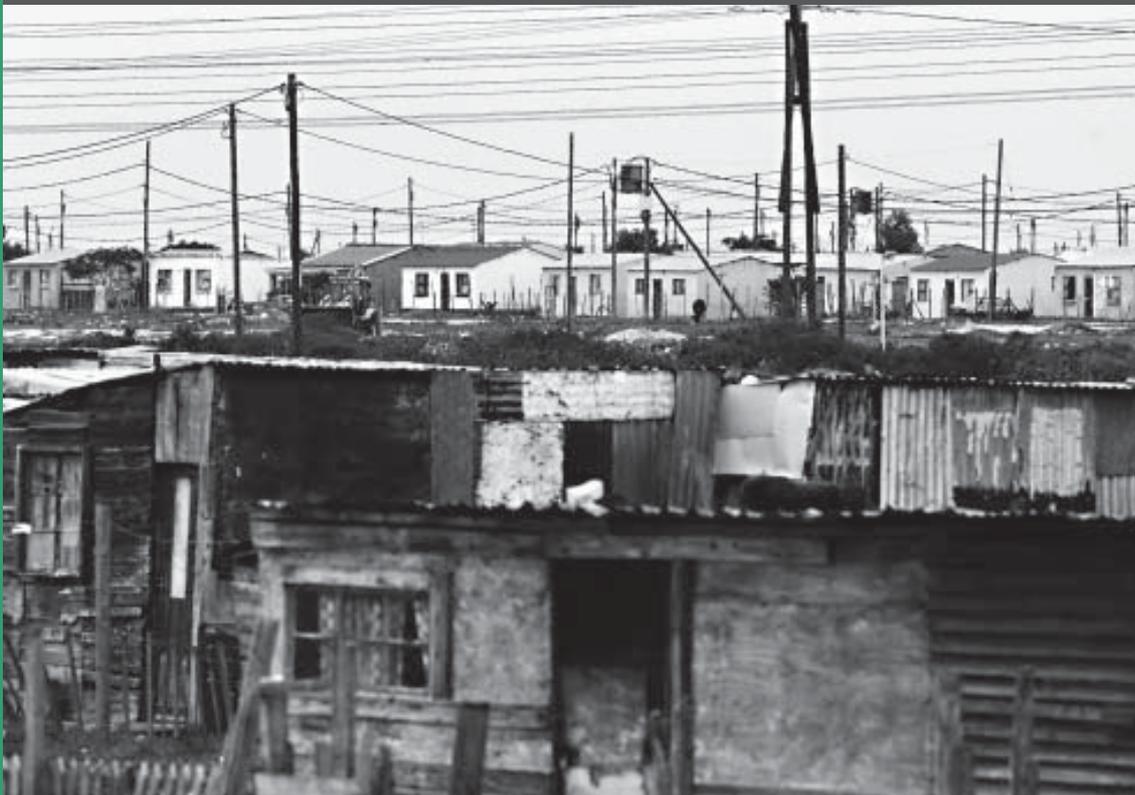


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Among the questions that this study grapples with, therefore, are; to what extent do formal, invented or invited spaces of public participation represent voices fairly and equitably on service delivery? And, what is the current status of the institutional mechanisms for participatory democracy in South Africa's local government and how inclusive and effective are they in the promotion of social citizenship?

POSITIONING SOUTH AFRICA'S PUBLIC PARTICIPATION DISCOURSE

South Africa's public participation discourse draws mainly on two ingredients: the anti-apartheid struggle and the new Constitution. The struggle against apartheid forged a highly participatory notion of democratic citizenship. Popular organisations such as trade unions and civic organisations

established models of debate, consultation and accountability that remain influential. A vision of social citizenship, reflected especially in the 1980s in mass mobilisation against the old order, was later extended in the early nineties to the consultation process which the Constitutional Assembly tried to follow in the writing of the 1996 Constitution (Republic of South Africa, 1996). Drawing on this idea of the active citizen, the Constitution provides a framework for a transformed citizen who will embrace and actively seek to sustain democratic governance. Being actively engaged in development and governance processes is what gives meaning to social citizenship. The latter concept is used as an inclusive term to capture what the South African Constitution contemplates when it defines citizenship. Moreover, in the South African context, the constitution deliberately provides for public participation in governance and development processes both in invited as well as invented spaces. The Municipal Systems Act 32 of 2000 institutionalises community participation as a core function in all the activities of the municipality. Furthermore, it specifically gives a mandate to the local council to ‘determine mechanisms, processes and procedures for interaction’ (Section 56(6) between municipal management, councillors, ward committees and the local community. More specifically, the Municipal Structures Act promulgates delegation to ward committees (Section 32) and their establishment (Section 73). However, in

practice, the hurdles that are inadvertently and sometimes deliberately erected tend to undermine public participation and in effect weaken social citizenship.

CITIZENSHIP AND PARTICIPATION

As a key concept in the context of development, citizenship is always connected to rights to space and place. Through participation, citizens connect to imaginary communities through space, particularly when engaging in the language of rights to ground desires for social betterment. Also, citizenship remains a mechanism by which people can make claims on space and place. Focusing on the relationships between individuals and the institutions of state and civil society, citizenship offers a framework for dealing with the complex issues associated with citizen rights in the city. This entails that everyone in the community is entitled to live under conditions necessary for his/her social, political, economic, cultural, and environmental fulfilment. Community participation in development processes entails the involvement of citizens, especially the disadvantaged groups, in influencing policies at the local level.

The dominant democratic discourse in the new South Africa is still premised on an active citizen who freely participates in the voting processes. The assumption is that elected officials (presumably) representing the citizenry declare the noble ideals of an inclusive society by representing their specific constituencies in all spheres of government, as opposed to the electorate participating directly at all levels of decision-making in all spheres of government. Secondly, citizenship as captured in the Constitution is based on the premise that all humans have equal access to rights. This is in contrast to the prevailing reality where only those with financial wherewithal can have their rights enforced. There are

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cases such as the Grootboom vs. SA State (1999) where socio-economic rights have been successfully defended in a Court of Law. However, this judgement was not able to ensure that the rights of the poor were enforced (Wickeri 2004). In this instance rights to adequate service delivery were not followed through by compelling local authorities to provide quality, sustainable services to affected communities in whose favour the Court ruled. This means, amongst other things, that institutional defiance militates against social citizenship and also thwarts attempts to create a meaningful everyday life for 'ordinary' people at grassroots level.

Mattes (2002) argues that there have been declining levels of political and community participation as well as lukewarm support for democratic rule over the years. This led him to argue that the constitutional commitment to a multi-party system and to inclusive rights is threatened by limited executive accountability. In spite of being internationally admired, the Constitution provides a framework that is flawed in the interaction it allows between political representatives and the social citizen. Most crucially, the system of proportional representation based on party lists, while achieving representation of all the diverse groups in the electorate, provides no direct means for the voters to communicate with, let alone exert ultimate control over, their elected representatives. Mattes refers to a set of public opinion indicators that suggest that the present political culture is insufficiently mature to ensure the consolidation of democratic practices (Mattes 2002). South Africans' support for democracy is lukewarm and has not grown in any substantial way over the past years since the advent of democracy. With increasingly tenuous connections between the voters and the government and increasing policy disaffection, trust in government and satisfaction with economic policy and political performance are declining sharply.

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If Mattes is right, indications of a weak democratic culture accompanied by an assumption that citizenship is a matter of access to socio-economic goods suggests that this popular conception is in tension with the official interpretation of active citizenship. What are the implications of this tension? The elite accommodation of the negotiated transition and of the process of framing the Constitution may be remote from the concerns of the poor. It is possible that their understanding of citizenship may be in serious tension with the official version of the poor, and that the two may lie at the extremes of the maximal–minimal continuum.

This should be a cause for concern, especially if a popular preoccupation with entitlement to goods erodes willingness to engage in active participation for the common good.

PARTICIPATION OF MARGINALISED COMMUNITIES IN THE INVITED SPACES

Findings from a research conducted by the Department of Cooperative Governance and Traditional Affairs (Cogta) on the state of local government are reported to be highlighting interference by political parties to be a major cause of instable and dysfunctional local government (Cogta 2009). It is therefore argued that invited spaces for public participation are too politically constrained to truly allow for robust and uninhibited discourse on development and governance at the local level. As a result, the promotion of social citizenship defined in terms of shared commitment to

democracy and functional municipal governments is severely compromised. Under the circumstances, although civil society needs to continue engaging with the state and to persuade the latter to create a more conducive environment for effective, apolitical ward committees, there is also need to confront the challenges that are constraining participation in the invented spaces where most civil society organisations operate.

Ward committees as the formal forums for public participation are mainly established in local municipalities to enhance participatory democracy and to serve as advisory bodies to councillors. The main functions of the ward committee member include advising the ward councillor on policy matters that affect the ward; identifying the needs and challenges that face the wards; and communicating information to communities living in those wards. Although the system is not the only mechanism for community participation at local government level, it exists as the most broadly applied and accepted model for community participation in South Africa. According to the then National Department of Provincial and Local Government (DPLG), now Cogta, more than ninety percent of the designated ward committees in the provinces of Gauteng, Eastern Cape, Free State, Mpumalanga, and Western Cape had been established by the end of 2003.

To ensure inclusive community participation through the ward committee system, the Municipal Structures Act requires that the formation of the ward committees should reflect the diversity of local interests and gender equity (Republic of South Africa 1998a). The local Government policy framework requires processes, mechanisms and procedures of public participation to take into consideration the special needs of the disadvantaged groups in society. However, the national, provincial and municipal guidelines fail to recognise marginalised members of communities in the formation of the ward committees

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despite their political vulnerability and socio-economic deprivation. Political affiliation and the desire to maintain control over ward committees take precedence over concerns of fair representation and the pursuit of the set developmental objectives. The downside to this approach is the fact that conditions that would favour the emergence of truly strong and effective ward committees are almost non-existent in the rural municipalities. The failure to adequately cater for the broad spectrum of the populace and to appreciate the various societal dynamics has resulted in the exclusion of sizable segments of the population from the invited spaces.

South African social formation and structural articulation between the politics of identity/participation and the substance of social change constitutes a problem vis-à-vis the constitutional right to equal citizenship at least for two reasons: First, whereas unequal relations of power were inherited from the past, there has not been a clean and lasting break with that past (Bond 2000). Secondly, though there had been a political rupture with the past, there has not necessarily been an institutional compliance with the new policies of the current regime. Accordingly, the structural inequities of the past continue in the present through the dominance and practices of functionaries from the (apartheid order). Those involved in promoting participatory democracy would do well to heed Ramphela's (2001:4) warning that 'for the majority of South Africans the social rights of all citizens as entrenched in the new National Constitution remains a far-off dream. The egalitarian and integrative

potential of modern citizenship as Marshall defined it remains unrealised.’

A credible vindication of this observation resides in the levels of public participation in development planning processes at the local level. For instance, the introduction of the integrated development planning system in 2001 required that all municipal councils develop strategies for community involvement. These strategies include: the Integrated Development Planning (IDP) communication strategy; the community outreach programme; and the stakeholder involvement strategy. These strategies would supposedly lead to a significant improvement in the level of community involvement in general, and in getting away from a consultant-driven approach of planning and policy-making. Cornwall (2002:38) observes that ‘achieving more public participation in municipal planning than ever before in the history of the country seems to be one of the most valuable outcomes of the IDP process’. However, Parnell, Pieterse, Swilling and Wooldridge (2002:5) argue that the current policy framework suggests that resources and capability to use them effectively will ensure that democratic practices have meaning. Furthermore, Friedman, Hlela, and Thulare (2003) relate that critics argue that the IDP processes are still far from achieving full community involvement in policy-making as stipulated in the legislation - they remain very much top-down, and communities are merely allowed to comment on proposals developed by municipal officials rather than being invited to contribute to the content before its drafting.

The community involvement strategies developed in these municipalities seek to solicit public inputs at three key points: identification of development priorities; development of strategies; and the final approval of the IDP. However, the extent of the actual community involvement in these key points is debatable. A study by Friedman et al., (2003) into

public participation found that communities do attend these mass meetings in big numbers. The limitation, however, is the lack of discussion and deliberation. The researchers found that ward meetings are usually dominated by questions about the promises that are not realised and perhaps making a list of demands for the municipality. Ward committees that represent the poor sectors of municipality face huge challenges while trying to participate fully in municipal structures. They encounter logistical and transport problems due to lack of resources, they quite often lack the ability to make sense of the legal and technical languages of the proposals; and also the capacity to compile written submissions as required (Idasa and Afesis-corplan: 2005).

These challenges tend to limit the degree to which ward committees and indeed the wider community can participate in IDP and other municipal processes. The problem as noted above is more severe in poorer communities whose ward committees are invariably disadvantaged by low levels of education and the powerlessness this can imbue in them as they try to engage with, at times, more knowledgeable councillors and even council officials. The alienation of the already dysfunctional ward committees is extended to the residents and the social citizenship project turns into an untenable dream. In many cases, the violent protests that quite often erupt in poor neighbourhoods are a function of feelings of exclusion which render social citizenship meaningless in the minds of the aggrieved. Seemingly, it starts with the failure of the local state to facilitate real participation, attempts to forge ahead with the implementation of projects in total disregard of people’s legitimate grievances, disengagement on the part of communities and eventually the devising of alternative mechanisms to make their voices heard.

THE CASES OF THE GREAT KEI AND AMAHLATHI LOCAL MUNICIPALITIES

Over the past two years prior to this study, researchers from Afesis-corplan had been working in the two municipalities. They had been involved in ward committees trainings and mentoring using a ward key performance indicators (WKPI) matrix made by Afesis-corplan. They had also been involved in the mobilisation and training of civil society formations to complement the ward committees whose success has understandably been stunted by systemic political constraints. The aim of these interventions was to promote public participation in municipal processes and contribute to the improvement of governance practices in the two local municipalities.

Great Kei and Amahlathi local municipalities are both in the Amathole District Municipality of the Eastern Cape Province. They are both rural and poor. However, in terms of governance conditions differ quite significantly. While neither of the two can stand out as pace-makers on matters of good governance, the Great Kei Local Municipality has increasingly made efforts to open up and be responsive to the resident's grievances. The municipality has demonstrated a willingness to engage with ward committees and civil society groups on issues of public participation. However, instability in management has had an adverse impact in service delivery. On the other hand, Amahlathi Local Municipality has largely been mired in political infighting resulting in an instable council. As a result, few people are privy to the council meetings timetable and when such meetings do happen, deliberate efforts are made to exclude the public. Even ward committees, the formal forum for public participation, complain about similar exclusion. Therefore, the two municipalities provide different scenarios under which social citizenship can either thrive or be constrained.

The majority of the respondents in Amahlathi reported to never attend council meetings and it was quite evident that such meetings do register very low attendance by members of the general public. This dismal attendance levels also reflect poor public participation which quite often leads to skewed decision-making on the part of the municipality particularly in the implementation of projects and prioritisation of community needs. However, in Great Kei respondents indicated that over the past two years the municipality had had a concerted drive in creating conditions conducive for effective participation through ward forums where interest groups such as women, youth, community based organisations (CBOs), ward councillor, ward committees, community development workers (CDWs) and the municipality have come together on a monthly basis to discuss and agree on issues affecting their development. Respondents felt that participation in these invited spaces had helped bridge the gap between them and the municipal leadership and also enabled them to make some contribution to municipal processes. This was also attributed to Afesis-corplan's interventions on local governance as well as the revived commitment of the municipality through a new mayor.

Among the reasons cited for the generally low levels of public participation in the two municipalities were limited finances, staff shortages as well as lack of political will by the municipalities to facilitate such participation. Where improvement has occurred, as is the case with the Great Kei, it has been slow, patchy and limited to council meetings and a few ward-based activities. An interesting finding was the observation that those public meetings that were convened by Amahlathi municipality were mainly about discussions of political infighting rather than development. While these could ordinarily attract a few curious members of the public, the more serious

ones hoping to engage on issues of service-delivery understandably opt to stay away. This disengagement from the local state undermines democratic governance and dilutes the value of social citizenship. It leads to feelings of alienation and helplessness.

Another notable development in the two local municipalities is the establishment of Civil Society Action Groups (CSAGs). These are groups constituted from numerous civil society formations with the aim of engaging with their respective municipalities in more or less the same fashion as was contemplated by legislation that provided for ward committees. As noted in numerous other works around public participation, ward committees face some unique constraints including the fact that they are so highly politicised that it would be foolhardy to suppose that they would operate as apolitical outfits that execute their mandates objectively. Owing to such constraints in this formal space, it becomes necessary for civil society to invent other mechanisms that would allow for uninhibited participation in municipal processes. Afesis-corplan helped to mobilise these groups, train them and eventually persuaded the respective municipalities to register them on their databases of key stakeholders. As a result, they are able to participate in municipal processes and engage municipal leaderships in a manner that reflects greater freedom than is possible for their counterparts in the ward committees.

Although this invented space is already showing positive signs of shoring up social citizenship in the two municipalities, there are still enormous challenges. Firstly, these two municipalities are rural and quite poor. The majority of the people are unemployed and civil society formations in these areas are very weak. Unlike in wealthier urban municipalities that have a better-educated population and stronger civil society organisations including

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rate-payers associations, rural municipalities have a serious dearth of such and the threat to democracy is so much greater. The relatively small bureaucratic and political elite in such rural municipalities is able to hold captive the majority of less informed residents and quite easily restrict their participation in municipal processes. They also, as is evident in the case of Amahlathi, are able to arrogantly ignore the more serious service-delivery backlogs that they sit with and rather focus on endless political infighting which results in frequent leadership turnovers. In the Great Kei, the regular, allegedly outright theft of public money by key officials may also be a function of not only weak oversight institutions but also inadequate public participation in development planning and the budgeting process. Under the circumstances, the non-transparent manner in which the municipality operates tempts officials into acts of impropriety in the ill-advised comfort of the belief that they are unlikely to be caught.

Secondly, closely related to the issue of weak civil society groups in poor, rural municipalities is the lack of resources to sustain robust engagement with the municipalities in the long-term. Interventions by non-governmental organisations (NGOs) such as Afesis-corplan are time-bound due to funding cycles. Therefore, whereas during the project implementation and the mentoring phases the CSAGs would work fairly well, there are concerns that their continued operation beyond the project implementation period may suffer significant setbacks associated with financial constraints. It is

unlikely that a poor civil society activist will opt to use the only R10 they may be having for taxi fare to attend a civic engagement and forgo buying a loaf of bread for his or her family. Under the circumstances, there is still need for ways to be devised through which the state facilitates the participation of such groups without necessarily trying to muzzle their freedom.

CONCLUSION

In many ways, the government has moved towards an institutionalised and legislated form of participation in which provincial and local governments must demonstrate their efforts to attract public participation, particularly from marginalised and formerly disadvantaged communities. Although this shift is commendable, it is evidently inadequate in bolstering social citizenship especially in rural municipalities. Although political constraints are in part to blame for the dysfunctional nature of the invited spaces for public participation across South Africa, the constraints are particularly severe in poor neighbourhoods whether rural or urban. In the latter areas, options are limited and in many cases participation in invented spaces almost inevitably degenerates into violent confrontations as the local state attempts to ignore voices that they perceive to be politically weak and illegitimate. Yet in many cases such voices are an expression of legitimate grievances.

As indicated above, the legacy of exclusion for the vast majority in municipal participatory discourse in particular for those in invented spaces, still exists in many municipalities and it is especially severe in those that are under-resourced. Since 1994, a holistic approach by municipalities on public

participation has been lacking. And there still exists marginalisation for many of the previously disadvantaged communities in municipal processes. There is need for a revised and more robust participatory system in both the invited and invented spaces in order to allow for real meaningful participation and imbue a sense of ownership and social citizenship. A suggestion that has variously been offered is the need for the state to allow for the emergence of truly apolitical ward committees through an electoral process that attracts persons not directly affiliated to political parties. Is it possible to achieve that? If society credibly presumes that bureaucrats across the three spheres of government are politically neutral, it is not farfetched to contemplate the emergence of ward committees and other development forums that are apolitical.

In addition, and more importantly, the state needs to give life to the constitutional imperative for the promotion of public participation in the invented spaces. Civil society formations currently face funding challenges that necessitate the states' intervention in facilitating their participation. The strengthening and acceptance of invented spaces will ensure that the participation of stakeholders and interest groups is broadened in all municipal and developmental processes in accordance with Output 5 of Outcome 9.

It is in the interest of service delivery that local government is responsive and accountable to the local communities. Shoring-up public participation in invited and invented spaces should enhance cooperation between the local state and the residents and contribute to the improvement of governance and the delivery of services as envisaged by the Municipal Systems Act.

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