

DEVELOPMENTAL LOCAL GOVERNMENT: DREAM DEFERRED?



PERSPECTIVES FROM CIVIL SOCIETY ON
LOCAL GOVERNANCE IN SOUTH AFRICA

THE STATE OF LOCAL GOVERNANCE PUBLICATION

Since 2008, the Good Governance Learning Network has produced regular commentaries on the state of local governance in South Africa in the form of its *State of Local Governance* Publication. The purpose of the publication is to present a civil society based assessment of the key challenges, debates and areas of progress with regards to governance and development at the local level in South Africa. The publication also aims to provide local government policy-makers and practitioners with practical recommendations to improve policy, guidelines, systems and interventions, where necessary, based on a sound analysis of the context and an assessment of the challenges and opportunities for improvements.

The publication has also been utilised to build awareness of, and mobilise support within civil society

and appropriate government institutions for the key advocacy positions of the Network.

The following editions of the State of Local Governance are published: Navigating Accountability and Collaboration in Local Governance (2017), (Re) Claiming Local Democratic Space (2016), In Pursuit of Responsible and Responsive Local Government (2015), Community Resilience and Vulnerability in South Africa (2014), Active Citizenship Matters (2013), Putting Participation at the Heart of Development// Putting Development at the Heart of Participation (2012), Recognising Community Voice and Dissatisfaction (2011), Ethical Leadership and Political Culture in Local Government (2010), and Local Democracy in Action: A Civil Society Perspective on Local Governance in South Africa (2008).

STATE OF LOCAL GOVERNANCE PUBLICATION CELEBRATING 10 YEARS

	<p>LOCAL DEMOCRACY IN ACTION: A CIVIL SOCIETY PERSPECTIVE ON LOCAL GOVERNANCE IN SOUTH AFRICA (2008)</p>
	<p>ETHICAL LEADERSHIP AND POLITICAL CULTURE IN LOCAL GOVERNMENT (2010)</p>
	<p>RECOGNISING COMMUNITY VOICE AND DISSATISFACTION (2011)</p>
	<p>PUTTING PARTICIPATION AT THE HEART OF DEVELOPMENT// PUTTING DEVELOPMENT AT THE HEART OF PARTICIPATION (2012)</p>
	<p>ACTIVE CITIZENSHIP MATTERS (2013)</p>
	<p>COMMUNITY RESILIENCE AND VULNERABILITY IN SOUTH AFRICA (2014)</p>
	<p>IN PURSUIT OF RESPONSIBLE AND RESPONSIVE LOCAL GOVERNMENT (2015)</p>
	<p>(RE)CLAIMING LOCAL DEMOCRATIC SPACE (2016)</p>
	<p>NAVIGATING ACCOUNTABILITY AND COLLABORATION IN LOCAL GOVERNANCE (2017)</p>



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The views expressed in this publication are those of the authors and do not necessarily represent the views of the GGLN

ABOUT THE GOOD GOVERNANCE LEARNING NETWORK

The GGLN was founded in 2003 as a national initiative to bring together civil society organisations working in the field of local governance. The network offers a platform to facilitate networking, knowledge production and sharing, peer learning, collaboration and advocacy towards the goal of strengthening local governance in South Africa.

VISION

The creation of a strong civil society network that harnesses and builds the collective expertise and energy of its members to contribute *meaningfully* to building and sustaining a system of participatory, democratic and developmental local government in South Africa.

OBJECTIVES

The objectives of the network are to:

- * Share information and learning about local governance by creating an interface for organisations working in this arena.
- * Document and disseminate best practices as well as produce information and research outputs that are of benefit to various stakeholders involved in local governance processes, including municipalities and communities.
- * Advocate for changes in policy and practice to promote participatory local governance.
- * Promote the development and replication of innovative models for participatory local governance and pro-poor development at the local level.
- * Generate partnerships between civil society organisations, and between civil society and government at various levels, to strengthen local governance processes.

VALUES

The GGLN is underpinned by the following set of values, to which all members of the network commit themselves:

- * Participatory and pro-poor governance.
- * Non-partisanship.
- * Constructive engagement with government and other stakeholders.
- * Working together in the interest of achieving the Network's objectives.
- * Sharing the benefits of membership of the Network amongst active members.
- * Building the capacity of the member organisations of the Network.

MEMBERS

Full Members:

- * Afesis-corplan
- * Black Sash
- * Built Environment Support Group
- * Community Organisation Resource Centre
- * Democracy Development Program
- * Development Action Group
- * Dullah Omar Institute
- * Isandla Institute
- * Parliamentary Monitoring Group
- * People's Environmental Planning
- * Planact
- * Social Justice Coalition
- * Socio-Economic Rights Institute of South Africa
- * Trust for Community Outreach and Education

Associate Members:

- * Community Development Resource Association
- * Grassroot
- * Ikhayalami Development Services
- * OpenUp
- * PDG
- * Sonke Gender Justice
- * University of the Western Cape, Department of Political Studies

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FOREWORD

This year marks the 20th anniversary of the White Paper on Local Government, which heralded in the current system of local government in South Africa. 2018 is also a momentous occasion for the Good Governance Learning Network (GGLN), as it celebrates its 15th anniversary and the 10th issue of 'The State of Local Governance' publication.

It is no secret that local government as we know it is a distant – and at times distorted – image of the notion of developmental local government that the White Paper envisions. Weak leadership, lack of capacity, mediocre performance, financial mismanagement, corruption, poor relationships with civic groups and communities are but some of the frequent laments about local government. Any and all of these are antithetical to the intention of local government as a democratic, inclusive, delivery-oriented sphere of government. While the principles underlying the current system of local government may have been sound, particularly at that moment in time when an exclusive and exclusionary system needed to be transformed into an inclusive and democratic one, there is no denying that many of these principles have been subverted, either intentionally or inadvertently.

The vision of the White Paper is sometimes held up as a formula, rather than an ambition. It would be more useful to think of developmental local government as a journey, rather than a destination. Some municipalities are undoubtedly further ahead on that journey than others – and are possibly more adventurous travellers, willing to embrace what comes their way in an attempt to overcome obstacles, create new pathways and find travel companions to walk with. Others, however, seem to be stuck or even moving in the wrong direction. This suggests that a sophisticated system of signposting, coaching, support, redirection and, ultimately, direct intervention (in the case of disqualification) is needed, depending on where those 'travellers' may be located.

During its lifespan, the GGLN and its members have kept a vigilant eye on the state of local government, and in particular how it 'journeys' with local communities and civic groups to improve the lived experiences of local residents. Previous 'The State of Local Governance' publications repeatedly show that the realm of public engagement and social accountability leaves a lot to be desired. As this particular issue confirms yet again, more often than not, communities are not 'travel companions of choice' as municipalities seemingly prefer to predetermine the route and end of the journey.

'The State of Local Governance' publications also attest to the commitment, perseverance and innovation civil society organisations, individually and collectively, bring to the complex terrain of local governance and development. One of the challenges faced in this regard is the issue of sustained financial resources: to ensure that successful pilot projects can be replicated and scaled up; to be able to distil lessons for policy and practice from highly diverse and contextual realities (based on the work by individual member organisations); and, to allow organisations to be resilient and focus as much on learning and networking as on 'doing'.

As the GGLN faces a critical juncture in terms of its continued existence, we offer this publication by way of both celebrating the achievements of the network and its member organisations, and as a reminder of – and renewed commitment to – the long and at times challenging journey ahead towards developmental local government.

Mirjam van Donk

Isandla Institute / Chairperson of the GGLN Reference Group

Cape Town, July 2018

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The GGLN Secretariat

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EXECUTIVE SUMMARY

The theme of this year's publication, *Developmental Local Government: Dream Deferred?* centres around three milestones – the 20-year anniversary of the White Paper on Local Government, the 15-year anniversary of the Good Governance Learning Network and the 10th *State of Local Governance* publication.

TWENTY-YEAR ANNIVERSARY OF THE WHITE PAPER ON LOCAL GOVERNMENT

The White Paper on Local Government (1998) is a landmark policy approach/framework aimed at rectifying apartheid municipal functions focused on creating and perpetuating separation and inequity at the local level. The White Paper alludes to the development and implementation of a well-functioning, innovative and independent local government system. This journey commenced after the first democratic local government elections in 2000. Over the past 18 years, however, while there have been significant accomplishments, systemic challenges such as poor governance, including poor civic engagement, have over time emerged and remained. The 20-year anniversary of the White Paper therefore represents a critical juncture for engagement with local government issues understood from a multitude of perspectives. Using the White Paper as a point of departure, the *State of Local Governance* (SoLG) 2018 fittingly aims to take stock of the past and current achievements and shortcomings of local government as well as those of civil society in the local governance space. It is further forward looking, signalling what can and needs to be done across both of these sectors.

FIFTEEN-YEAR ANNIVERSARY OF THE GOOD GOVERNANCE LEARNING NETWORK

The Good Governance Learning Network (GGLN) was established in 2003 in response to the need for strengthened and more coherent peer networking, learning and collaboration among civil society organisations (CSOs) working to strengthen local governance in South Africa. The GGLN further emerged in response to continuing institutional and sector changes and challenges experienced by CSOs working in local governance in South Africa. The networking and learning work of the GGLN has over the years specifically responded to the continued challenges in the local governance space, speaking to the role of civil society in local governance and touching on many areas of local government policy and practice. SoLG 2018 provides a warranted reflection on the work of the GGLN over the past 15 years.

THE 10TH STATE OF LOCAL GOVERNANCE PUBLICATION

The *State of Local Governance* 2018 builds on the previous nine publications. Previous SoLG's, like SoLG 2018, enabled GGLN members to speak to a range of local governance challenges but also to their role in working to address these challenges. Contributors to SoLG 2018 had a wide range of themes and topics related to the role of civil society in local governance which they could focus their papers on. Interestingly though, 'civic participation' - including its importance, the lack thereof, structures, processes, the need and mechanisms for improvement - has

emerged as a central theme running through all the contributions. As in previous years, SoLG 2018 is constituted by research papers, case studies and In Profile submissions (short summaries based on project methods/practice/insights). Given the theme of this year's publication, and that this is an anniversary year, however, SoLG 2018 offers even more.

SoLG 2018 begins with an opinion piece by Jaap de Visser of the Dullah Omar Institute. Jaap reiterates the current local government challenge, which was recently pushed more firmly into the consciousness of South Africans with the release of the latest municipal audit results, and provides five suggestions to remedy the current local government challenge. The piece serves as a fitting introduction to this year's publication.

The opinion piece is followed by four papers focused broadly on citizen participation in relation to participation structures and possible improvement mechanisms.

The first paper takes the form of an In Profile contribution from the Development Action Group. Authored by Ryan Fester, the paper reflects on the specific challenges civic organisations face when aiming to effectively engage in participatory processes, and, given these challenges, the strategies and tactics they have resorted to in an effort to hold government accountable. It also briefly proposes a new model of participation for civic organisations.

DAG's In Profile is followed by a research paper authored by Nontando Ngamlana and Sikhander Coopoo from Afesis-corplan. The paper illustrates a research project undertaken by Afesis-corplan to assess the effectiveness of the functions of ward committees, outside of the primary function of facilitating inclusive participation in local governance decision-making. The paper is based on the premise that the mandate of ward committees extends beyond that of its primary role, and that while committee performance in facilitating inclusive participation may be falling short, committees may be performing well in other functional areas. Using Buffalo City Metropolitan Municipality as a case study, the paper specifically investigates the extent to which ward committees contribute to the attainment of the developmental goals of local government.

Planact's Frederick Kusambiza-Kiingi then offers a case study using the experiences of Planact gained through the implementation of its participatory budgeting and municipal accountability tools. Using these experiences, the paper attempts to establish whether the current low level of citizen participation in local governance can be attributed to a disjuncture between the principles and policies of the White Paper on Local Government (1998). The paper further discusses the benefits of and challenges to citizen participation in local governance processes, and concludes with recommendations to improve citizen participation.

Subsequent to Planact's contribution is Isandla Institute's research paper, authored by Jens Horber. The paper draws on the work of The Integrity, Transparency, Accountability and Technology (InTAcT) Project that forms part of the Cities Support Programme of National Treasury, and which is supported by the Isandla Institute and Strategies for Change. It builds on a discussion of the contextual factors that often present complex participation, accountability and integrity challenges to good governance at the local level, with specific reference to land and infrastructure development decision-making. It also reflects on how accountable and participatory local government can be strengthened via innovative tools and mechanisms, specifically community-based monitoring and planning concordats, and how these can be supported by local government, civil society, the private sector and other stakeholders.

The following three papers focus on citizen engagement specifically within the informal settlement context.

The first of the three papers is presented by the Socio-Economic Rights Institute of South Africa (SERI). Authored by Maanda Makwarela and Tiffany Ebrahim, it takes the form of a research paper. The paper is based on research conducted as part of SERI's Informal Settlement Action Research series titled, 'Informal Settlements in South Africa: Norms, Practices and Agency'. It uses the experiences of two informal settlements to examine how local communities engage with formal community engagement channels. The paper introduces the experiences of citizens engaging in local democratic spaces in informal settlements followed by a discussion around the interaction between formal and informal engagement structures and mechanisms. It also assesses how residents engage with the state to assert their rights by examining the complexities of interactions and how politics is articulated in various arenas.

The subsequent case study by Social Justice Coalition's Dalli Weyers and Khadija Bawa aims to bring the shortcomings of government to the fore with regard to water and sanitation provision in informal settlements. The paper reflects on these shortcomings using SJC's water and sanitation campaign work over past 10 years with a specific emphasis on its Safe and Clean Campaign and Janitorial Service. It provides insight on the history and emergence of the SJC and these campaigns; on local government's response to these campaigns; and how these campaigns have evolved over time.

SJC's contribution is followed by a case study from the Community Organisation Resource Centre. Authored by Kwanda Lande and Yolande Hendler, the paper investigates the dynamics contributing to the destruction and disruption of two WaSH facilities in the Langrug informal settlement. It engages with the perceived breach of trust between public officials, non-profit organisations and community members. The paper commences by mapping the journey of the Langrug Upgrading Partnership, including its shortcomings. It then delves into the community dynamics that contributed to the challenges experienced including issues related to community ownership as well as power imbalances between community actors. The Paper finally focuses on trust building (mechanisms) in Langrug as well as the need to re-assess community representation.

The papers focused on the informal settlement context are followed by two In Profile contributions each reflecting on a specific citizen engagement tool and context.

The first is a paper by Luke Jordan and Mbalenhle Nkosi from Grassroot. The paper discusses the potential and shortfalls of technology as an enabler of meaningful citizen participation in local government decision-making. It analyses the limits of technology in the local government context, and through a reflection on the work of Grassroot, considers the impact that alternative approaches may have, and possible means to replicate or broaden that impact.

The second contribution is from the Trust for Community Outreach and Education, authored by Boyce Tom. The paper provides insights on experiences of land access struggles by small-scale farmers in Theewaterskloof Local Municipality in the Overberg district of the Western Cape Province. It reflects on the years of organisational support provided to local small-scale farmers towards securing land-based livelihood strategies.

SoLG 2018 concludes with a review of the work of the GGLN over the past 15 years, authored by Monique Damons from the GGLN Secretariat. The paper outlines the GGLN journey since 2003, highlighting in particular the value it has added to the work of its members. It indicates that, despite challenges experienced, the GGLN is a worthwhile and important endeavour in the current South African local governance and CSO contexts.



FIVE SUGGESTIONS TO FIX LOCAL GOVERNMENT

Jaap de Visser - Dullah Omar Institute

The past few weeks have brought the troubled state of local government to the fore with renewed vigour. The Auditor-General's (AG) consolidated report over the 2016/2017 financial year presented a very bleak picture of the local government financial management. The Minister of Cooperative Governance and Traditional Affairs (CoGTA), Dr Zweli Mkhize, presented a list of municipalities considered dysfunctional and in need of immediate intervention. In the weeks that followed, many analysts eagerly joined the chorus and filled social media pages with opinion pieces lambasting the poor state of local government. The AG's assessment was so grim that a mere reproduction of the AG's conclusions was enough to produce blistering opinion pieces. Very few appreciated the nuances in the AG's assessment or analysed the longer term trends in audit outcomes (such as the decline of municipalities with the worst audit outcomes). Even fewer offered any suggestions on how to arrest the overall regression.



PHOTO: MILANGA FOR ISANDLA INSTITUTE

THE new Minister of CoGTA clearly brings to the sector fresh energy and a considered approach. It is too early to assess whether his approach will make a difference. To be honest, so far it does not sound very different from previous ministers. Ever since the late

Minister Shiceka's 2009 *State of Local Government Report*, CoGTA has excelled at presenting the sorry state of affairs of the sector it regulates. The presentation of a list of 'basket cases' was also done by the then Minister of CoGTA, Gordhan, in 2014

when he pronounced that a third of municipalities are dysfunctional. CoGTA's strategies to solve the problems are also not a radical break with the past. It is a mix of deploying technical expertise in weak municipalities, closer monitoring, laced with subtle hints of restructuring in the name of financial viability. These are the ingredients that local government watchers have been getting used to over the past two decades. To be clear, these strategies, if implemented adequately, may very well help. At the same time, they have been part of 'Project Consolidate', 'Siyenza Manje' the 'Turnaround Strategy', 'Back to Basics' and various other local government support programmes over last two decades. Perhaps it's a case of doing the same thing but expecting different results.

It is thus time to also discuss new ideas and, given the fact that communities are rapidly losing patience with municipal failures, there can be no holy cows. So let me present a few ideas that I think merit further discussion.

The first suggestion is to start an honest conversation about the incentive structure for councillors. Councillors must provide political leadership to municipalities and represent communities. There is no doubt that councillors are essential to the success of the local government system. I often hear the argument that local government would be better off without politicians, i.e. by removing councillors. This suggestion is deeply problematic and ill-considered. Basic service delivery and the distribution of local government resources is a fundamentally political exercise. It cannot be done without local political representation. So councillors will and should always remain at the helm of local government. However, there are too many councillors with intentions that appear to have little to do with developmental local government. The 'political-administrative interface', as it is euphemistically called, is the Achilles Heel of local government.

The 'political-administrative interface', as it is euphemistically called, is the Achilles Heel of local government. The consequences of this blurring of the lines of accountability are disastrous.

Simply put, it is about local politicians behaving as if they are administrators and about local administrators behaving like they are councillors. The consequences of this blurring of the lines of accountability are disastrous. Leaving the quality and calibre of local administrators aside for one moment, it leads me to this central question about councillors: how many were attracted to local government because of the prospect of using their influence to make positive change, and how many were attracted mainly by the prospect of a good salary? The fact is that councillors are remunerated well, most certainly in comparison with councillors in most other countries, where being a councillor is most often an unpaid position. Full-time councillors (i.e. mayors, members of mayoral committees, members of executive committees etc.) earn very good salaries. At face value, this makes sense as the incumbents have tough and demanding jobs. Part-time councillors are also remunerated reasonably well. For part-time councillors (who don't occupy any executive office) their remuneration ranges from R 230 000 for the smallest municipalities to R 480 000 in the largest municipalities. For some of you, these may not sound as very large sums of money. However, it must be seen in the context of the assumption that these are part-time salaries, i.e. remuneration over and above an existing income. The task of a public representative at local government level is hard. Councillors are often the target of community anger for anything government fails at. For many part-time councillors, their councillor allowance is in fact the only income. Let me be clear: one cannot but wish financial wellbeing for each and every councillor. However, that is not the

The collective leadership model offers other advantages that we need now more than ever.

point. The point is a different one, namely that the substantial remuneration of councillors has added a very sharp edge to the contestation over councillor nomination. This is borne out by the often violent contestation surrounding party nomination processes preceding local government elections. Evidence presented to the Moerane Commission on the killing of councillors in KwaZulu-Natal also bears testimony to this. The SABC reported that “[e]vidence before the Commission has been that some people see being a councillor as a means to gaining income and will want to stay in the position at all cost” (@SABCNewsOnline 26 February 2018). The substantial remuneration also fortifies party discipline: falling out with the party is about more than an ideological rift: it means to risk losing a very precious income. We must not ask whether councillors should be remunerated more or less. We should rather ask whether the current remuneration scheme indeed attracts the right calibre of community activists into local government. I am not convinced that it does.

The second suggestion is to revisit the way executive leadership is structured in municipalities. We must revisit the executive mayor model. The majority of municipalities are headed by executive mayors, who are elected by their councils. Once elected, the executive mayor handpicks a number of councillors to form a mayoral committee, which

Municipalities are certainly not the only ones to blame for the parlous state of local government. Municipalities are very often at the receiving end of incoherent laws, policies and funding streams. This is a result of national and provincial departments fighting for turf, or simply not coordinating with one another.

then assists the mayor. These councillors naturally all belong to the same party or coalition as the executive mayor. It is therefore a ‘winner-takes-it-all’ system: parties that don’t govern are not part of the executive team. This executive mayor model was introduced in 2000. Before then, municipalities were governed by inclusive executive committees, a collective leadership model in which ruling and opposition parties worked together. The executive mayor model may have delivered visible leadership, direct accountability and efficiency. However, it has also delivered many executive mayors who are at odds with their caucus, retreat into the municipal administration and remain disconnected with their base. The collective leadership model offers other advantages that we need now more than ever. Let me mention two. First, the collective leadership model fosters collaboration ‘across the aisle’. Political groups that find themselves in opposing camps because of ideological (often nationally oriented) reasons are brought together to work in the interest of service delivery. Secondly, the collective executive leadership means that there is more than one party and even more than a coalition of parties that has direct insight into the municipality’s executive affairs. The opposition is included in the executive and there are thus ‘more eyes on the till’. This is something that will assist in the fight against graft. In my view, there is a need to revisit the ‘winner-takes-it-all’ model of executive governance in municipalities.

The third, fourth and fifth suggestions are for national and provincial governments because municipalities are certainly not the only ones to blame for the parlous state of local government. One critical area is the lack of policy coherence in and between national and provincial governments. Municipalities are very often at the receiving end of incoherent laws, policies and funding streams. This is a result of national and provincial departments fighting for turf,

or simply not coordinating with one another. One such example is the contestation between the National Treasury and the CoGTA over the prerogative to regulate local government administration. This contestation is as old as the local government dispensation. While the two departments try hard to coordinate their supervision of local government, the tension is palpable throughout the local government system. What is more, the two departments sometimes end up sandwiching municipalities with competing laws and initiatives. In 2007, for example, the National Treasury issued minimum competences and qualifications for senior local government officials. Inspired (or irked) by National Treasury's initiative, CoGTA proclaimed its own minimum competences and qualifications in 2014, largely covering the same senior local government officials. At the receiving end of these two overlapping laws are municipalities. They have no choice but to comply with both and to try to make sense of this awkward overlap.

When it comes to laws on disciplining officials, things don't look any better. In 2000, CoGTA legislated a Code of Conduct for municipal officials. In 2011, this was complemented with detailed regulations covering procedures to investigate and discipline senior municipal officials. In 2014, the National Treasury, perhaps dissatisfied with CoGTA's regulations, doubled up with its own regulations on how to investigate and discipline senior municipal officials. The two sets of laws have a different emphasis but essentially deal with the same issue and target the same officials. It's not easy being a municipal manager and having to choose what to apply when.

At a broader policy level, there are contradictions too. The Integrated Urban Development Framework, arguably one of the most robust and consequential policy initiatives undertaken by CoGTA of late, speaks

A fourth suggestion is for national and provincial government to implement the constitutional provisions on intervention into failing municipalities more robustly.

boldly of the need to empower cities with greater authority over housing. In doing so, it echoes the National Development Plan. However, the Department of Human Settlements will have none of it. It issued a moratorium on the accreditation of cities for housing. Municipalities, cities in particular, are not sure where to turn to or where the centre of power on this issue is. The third suggestion, therefore is for Cabinet to adopt a mechanism for much more effective coordination of laws and policies on local government.

A fourth suggestion is for national and provincial government to implement the constitutional provisions on intervention into failing municipalities more robustly. The Constitution anticipates that municipalities may fail in delivering basic services, passing a budget, paying creditors or governing itself in line with basic standards. It provides for a comprehensive set of powers for provinces to intervene in a municipality when that happens. In fact, the Constitution makes it compulsory for provinces to intervene if a municipality fails to pass a budget in time or is in clear financial crisis. Provinces (except KwaZulu-Natal, which intervenes more readily) use interventions very sparingly. They certainly don't intervene every time they are compelled to by the Constitution. If they do intervene, they often do so too late, at a time when the municipality is already on its knees and the road to recovery is long, painful and uncertain. National government is not off the hook here either. If provinces do not intervene when they ought to, the Constitution instructs national government to intervene instead of the province. Again, it doesn't leave national government a choice.

The point is that government must consider the impact that raising institutional reform questions has on those very institutions that are the subject of the debate.

However, this provision has never been used. Yet, there have been many cases of municipalities collapsing spectacularly, leaving communities bearing the brunt of all-out service delivery failures. There is a further pernicious consequence of the inadequate oversight by national and provincial governments. Bulk service providers simply pull the plug on an errant municipality and thereby punish the entire municipality, including all its residents, business and industries. In the absence of provincial and national governments putting municipalities under the 'business rescue' envisaged by the Constitution, providers of bulk services to the municipality (such as ESKOM and the Department of Water Affairs) have started reducing or disconnecting services. Therefore, instead of the errant municipality's senior leadership losing authority, all residents (including those who paid for their services) suffer service cuts. This is not what the Constitution intended when it provided for a robust intervention regime to protect communities from municipal failures.

The fifth suggestion is for national government to be more careful in managing its local government reform agenda. The argument here is that perennial restructuring debates are not good for local government. Take, for example, the debate about provinces. For as long as we have had provinces, we have been discussing whether or not to abolish them. The same applies to district municipalities, who have been on the chopping block for the past

fifteen years. Another example is the electricity restructuring debate. For at least a decade, government's clearly stated intention was to remove the electricity function from municipalities. A bill was passed and institutions created to make this happen, until eventually the idea was abandoned. The point of these examples is not to debate their merits or demerits. For each of them, there are arguments in favour and against. The point is that government must consider the impact that raising institutional reform questions has on those very institutions that are the subject of the debate. For example, it is no secret that during the years that national government was mulling over the electricity question, many municipalities stopped investing in electricity infrastructure. Why invest in a function that will be taken away from you, right? Similarly, how good is it for the institutional resilience of a district municipality when its abolition is on the agenda for more than ten years? It is suggested that national government should be intentional, clear and decisive about structural reforms. The abolition, restructuring or disempowering of institutions may be a wise policy option in given circumstances. However, they should not be made to hang endlessly above institutions as the proverbial Sword of Damocles.

The above five suggestions are by no means a silver bullet that will miraculously solve local government's problems. However, it is hoped that they represent a fresh look at some of the problems besetting municipalities. Communities across South Africa are signalling that patience is running out. Governance in municipalities must improve. At the same time, the inter-governmental system on which municipalities depend, must improve.



CAPE TOWN CIVIC ORGANISATIONS - IN SEARCH OF MEANINGFUL PARTICIPATION

Ryan Fester - Development Action Group

The South African White Paper on Local Government (1998) enshrines the principles of participation and democracy as a means to involve communities and civic organisations in the matters of local government. Since the inception of the White Paper in 1998, communities and organisations emerged as partners with local government in influencing policy and meeting key development objectives.



AS part of its work with local communities, the Development Action Group (DAG) conducted a city-wide review of developments which were being contested by civic organisations (community representative groups) in Cape Town. The review highlighted that civic organisations were unable to influence development processes and local government policies through traditional participatory mechanisms. Current methods of public participation are accused of lacking transparency and accountability on behalf of local government,

and are mere 'tick-box' exercises done in order to meet legislative requirements. The perception from civic organisations is that local government imposes but does not engage, resulting in people's heritage, livelihoods and natural environment being undermined.

This In Profile submission provides a brief overview of the difficulties citizens and civic organisations have in influencing participatory processes, the common tactics used to hold government to account, and how civic

organisations are attempting to frame a new model of participation.

THE RIGHT TO PARTICIPATE, IS NOT A RIGHT TO INFLUENCE

A city-wide review of participatory processes in Cape Town highlighted that citizens are required to participate, but this does not mean they can influence decision-making. The review included 25 cases in which civic organisations were contesting developments across the city, from the Atlantic Seaboard to the Cape Flats. Three factors limited the influence of citizens in participatory processes:

A TICK-BOX EXERCISE

Citizens feel that public participation is a 'tick-box exercise' for local government to tick legal boxes in the approval of development applications. The idea behind a 'tick-box exercise' is that a decision has been pre-made before participation takes place, and that the process is only done for government to remain compliant with legislation. In addition, civic organisations also reflected that meetings were poorly attended by community members due to poor advertising – this often meant that developments could be approved in spite of poor community representation at meetings.

LACK OF INFORMATION

Citizens shared their frustration on the limited information made available before and during a participatory process. For example, in one of the

larger development projects in Cape Town, citizens were asked to vote between two development scenarios for a 300ha land parcel outside the inner city. The two scenarios lacked important information related to building heights, building typologies, building footprints, and new road networks. This resulted in participants being unsure on what this meant for the future of the land parcel, and on the type of decision that needs to be made.

TECHNOCRACY AND EXCLUSION

Many citizens found it difficult to engage participatory processes due to the technical nature of the reports, and language used by facilitators. This situation was particularly true with regard to environmental impact assessments (EIA) where participants needed to comment on scoping reports which were often filled with engineering jargon and scientific data. Due to this technocracy, many citizens were excluded, especially in neighbourhoods where education and employment levels were low.

The three aforementioned factors limit the ability of citizens to influence decision-making in participatory processes. In addition, these processes exclude many important voices who feel they do not have the expertise or capacity to participate. Secondly, 'participation fatigue' tends to settle in, as participants begin to feel their participation will not change the outcome of the decision.

THE RIGHT TO HOLD GOVERNMENT TO ACCOUNT

In light of this frustration, many civic organisations have resorted to using a range of strategies and tactics to hold government to account, and influence decision-making. These strategies and tactics include objection, litigation, and mobilising or public awareness.

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OBJECTIONS THROUGH SUBMISSIONS

Participatory processes are often characterised by a series of meetings with interested or affected parties. There is also a space for citizens to engage with the process by providing written submissions stating their concerns and their objections to the development. Objections through written submissions is one of the primary strategies used by citizens and civic organisations, however, it is also becoming increasingly unpopular and is considered by civic groups to be ineffective and a ‘waste of time’. For example, a proposed development in Bo-Kaap in the inner city of Cape Town was open for public submissions. Over 1000 objections were made by the public, however the development was still approved. Experiences like these have left many civic organisations and citizens feeling that public participation is a pointless exercise.

LITIGATION

Litigation is a popular tactic used by civic organisations in higher-income neighbourhoods. A resident from a more affluent suburb in Cape Town mentioned that the ‘only way to stop the City is to take them to court’. While litigation is commonly used, it has largely been unsuccessful with civic groups losing large sums of money in the process. Civic organisations who have taken local government to court often complained that ‘dirty tactics’ were used by the City. One of these tactics included the unnecessary prolonging of legal procedures by the City in order to ‘wear civics organisations out’ resulting in a loss of money.

MOBILISING AND RAISING AWARENESS

Of all the tactics used by civic groups, mobilising and raising awareness appeared to be more effective. At a DAG event in 2017, a participant mentioned that ‘when civic [groups] engage and collaborate with

In light of the limitations in influencing decision-making, and the limited success of tactics, civic organisations are forming coalitions with the aim of redefining the shape and form of public participation to ensure that processes are inclusive, and people are placed at the centre of development.

one another the chances of success are greater’. The Princess Vlei Shopping Mall development is one example where heightened public awareness had a greater impact on decision-making. Through collective efforts between local communities, scientists, environmentalists, academia, and NGOs, the group managed to halt the development of the shopping mall on a land parcel which had both heritage and spiritual significance. While reasons for halting the shopping mall development is multi-faceted, mobilisation and public awareness played an important role in the final decision.

FRAMING THE PRINCIPLES OF GOOD PARTICIPATION

In light of the limitations in influencing decision-making, and the limited success of tactics, civic organisations are forming coalitions with the aim of redefining the shape and form of public participation to ensure that processes are inclusive, and people are placed at the centre of development. DAG, in partnership with a group of six civic organisations, embarked on a process to define the principles of good public participation. In 2017, the Civic Action for Public Participation (CAPP) was formed out of a collective dissatisfaction with participatory processes which they felt were ‘problematic, unproductive, and tokenist engagements’ leading to a loss of trust in public participation. The loss of trust described by CAPP can be attributed to the three reasons mentioned under the ability of citizens to influence

There is a genuine consensus from civic organisations in Cape Town that current participatory processes are ineffective in influencing decisions that ultimately affect the local community.

decision-making – participation as a tick-box exercise, lack of information, technocracy and exclusion.

As a means to frame a new form of participation, the civic-led initiative hosted a series of workshops in 2016 to co-create a manifesto for public participation which will govern engagements between local government and the community. The manifesto lays out 'principles of participation' that include transparency, information, inclusivity and accountability, and that aim to address the issue of 'problematic, unproductive and tokenist engagements'. In addition, the manifesto also includes a set of mechanisms which would ensure that public participation is successful. One of these mechanisms focused on 'capacity-building' whereby CAPP believes that in order for citizens to effectively participate in a process, their capacity should be built on the subject matter (for example municipal budgets, development applications, EIA etc.). CAPP also believes that conflict of interest should be minimised,

and that adequate budgets should be made available to ensure public participation is effective. In 2018, CAPP intends on using the manifesto principles as a tool to develop a citizen-led bylaw as a tool to lobby local government to focus on participation reform.

CONCLUSION

There is a genuine consensus from civic organisations in Cape Town that current participatory processes are ineffective in influencing decisions that ultimately affect the local community. The White Paper on Local Government (1998) positioned local communities as partners, but current trends highlight the 'loss of faith' in participatory processes, which were intended to strengthen this partnership. While it may not necessarily be the intention of local government to exclude local communities from participatory processes, the traditional participatory mechanisms which are currently in place, limit the ability of citizens to influence decisions which affect them. As citizens and civic organisations have been engaging with each other on the meaning of 'good participation', the driving vision is that participatory processes should be inclusive and place people at the centre.



DO WARD COMMITTEES ASSIST MUNICIPALITIES TO ACHIEVE DEVELOPMENTAL GOALS? A CASE STUDY OF BUFFALO CITY METROPOLITAN MUNICIPALITY

Nontando Ngamlana and Sikhander Coopoo - Afesis-corplan

A number of organisations have written about the effectiveness of ward committees as conduits for inclusive participation in local governance, arguing that ward committees are not as effective as they could be (McComas 2001; Collingwood & Reedy, 2012; Nabatchi and Amsler, 2014; Freedom House SA, 2017). These scholars, including ourselves, have largely focused on one function of ward committees, that of facilitating inclusive participation in local governance, particularly in decision-making. We argue that, in its design, a big role was crafted for ward committees that went far beyond its primary role of facilitating participatory decision-making, and that it is possible that while ward committees have dismally failed in this primary role, they may have done well in the other functional areas that are discussed below.



THIS year marks the 20th anniversary of South Africa's vision for local government. The White Paper on Local Government is regarded as a landmark policy, the purpose of which was to create a new vision for local government thereby rectifying apartheid inequities. Within this broad developmental vision, local government is tasked with an ambitious developmental objective of helping to create a better

life for all. Through the years, achievements have been made towards improving municipal service delivery and governance, however, much still needs to be done to achieve the vision of a better life for all (CoGTA, 2016). Implied in the vision for local government is the notion of inclusivity, shown through the design of local government which includes the administrative arm, the political arm and

communities (Sections 1 and 2b, Municipal Systems Act 2000).

Ward committees are a legislated participatory mechanism established to facilitate inclusivity of community groups and community structures in local governance. Furthermore, the intent and purpose with ward committees was for government to harness capacities and innovative ideas from citizens in local governance and to ensure that service delivery was targeted, addressing people's needs and aspirations.

This paper seeks to assess the effectiveness of ward committees in its other functional areas. These areas include the following: initiating projects to improve the lives of people in the ward; supporting the councillor in dispute resolution; providing information about municipal projects and municipal operations to the ward community; monitoring the performance of the municipality; and initiating and driving community awareness campaigns (DPLG, 2005)¹.

In this research, Afesis-corplan seeks to test the following hypothesis: research has shown that ward committees have failed to facilitate inclusive citizen participation, however, it could be that they are performing well in the other areas of responsibility, thereby contributing to the broad developmental goals of local government.

This research uses Buffalo City Metropolitan Municipality (BCMM) as a case study in investigating the extent to which ward committees contribute to the attainment of the developmental goals of local government. The relevance of this paper lies in that it offers input into present policy discussions around inclusive local governance² with some (including Afesis-corplan) arguing for the reform of the ward

committee system. Many have argued however, that there are other functional areas of ward committees that are less explored in research and that perhaps the ward committee may be performing well in these (Mkwanazi, 2013, Bendle and Holland, 2015, Mbhele, 2017). This paper focuses on the performance of ward committees in these other suggested areas with intent to engage these views.

This paper builds on the work that Afesis-corplan has done in the past (Ngamalana 2016, Ngamlana and Mathoho 2013, Ngamlana 2007). Afesis-corplan has largely focused on the primary role of ward committees in its research (that of facilitating inclusive participation of citizens in local governance) and did not look at other functional areas that are slightly outside of this primary mandate, i.e. to initiate projects to improve the lives of people in the ward. In this paper, Afesis-corplan will not be looking at ward committee effectiveness in the areas already written about, but rather will draw from this past work.

CONTEXTUAL BACKGROUND

South Africa has a legislative and policy framework that entrenches participatory democracy in local governance. This framework includes, amongst others, the Constitution of the Republic of South Africa (108 of 1996), the Municipal Structures Act (117 of 1998), the Municipal Systems Act (32 of 2000) and the Municipal Finance Management Act (56 of 2003). It is our view that even though there are numerous instances where implementation lags behind the ideals of legislation and policy, never before has law, policy-making and development practice been as democratic and participatory as it is presently (Patel, 2012; Habib, 2014; Freedom House, 2017). The White Paper on Local Government (1998) defined the vision and aspirations for local governance in the country and prescribed that

In addition to representing community interests within the council, municipal councillors aim to promote the involvement of citizens and community groups in the design and delivery of municipal programmes.

local governance should be participatory in nature, go deeper than representative democracy and be developmental.

Local government is regarded as the sphere of government within which citizens experience this developmental nature of government as the sphere that is 'closest to the people'. According to the White Paper, developmental local government means a local government committed to 'work with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives'. Local government should target especially marginalised members and groups within communities, such as women, disabled people and the poorest of the poor. It is also important to note here the impact local government has made with regards to gender equality and equity, environmental sustainability, poverty eradication and to further the principles of democracy (Freedom House, 2017; Report of the High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change, 2017),

Municipal councils play a central role in promoting local democracy. In addition to representing community interests within the council, municipal councillors aim to promote the involvement of citizens and community groups in the design and delivery of municipal programmes. The White Paper says that the dominant mode of interaction between local government and citizens in the past was control and regulation and as part of developmental local government, it suggests that regulation be supplemented by 'leadership, encouragement, practical support and resources for community action'. It further notes that 'municipalities can do a lot to support individual and community initiatives and to direct community energies into projects and programmes which benefit the area as a whole'. As an example of how local government

It is crucial to note that the White Paper recognises that communities are not homogenous: 'municipalities need to be aware of divisions within local communities, and seek to promote the participation of marginalised and excluded groups in community processes'

can support poverty reduction at community level, the White Paper suggests that municipalities 'could assist with the provision of support services, such as training to small business or community development organisations'.

It is crucial to note that the White Paper recognises that communities are not homogenous: 'municipalities need to be aware of divisions within local communities, and seek to promote the participation of marginalised and excluded groups in community processes'. It points out the particular barriers to equal participation encountered by women and calls for municipalities to 'adopt inclusive approaches to fostering community participation, including strategies aimed at removing obstacles to, and actively encouraging, the participation of marginalised groups in the local community'. At the same time, it cautions against participatory processes becoming obstacles to development, and of the danger of narrow interest groups 'capturing' development processes. It states that it is important for municipalities to find ways of structuring participation which enhance, rather than impede, the delivery process.

Ward committees were introduced in 2001 as the primary mechanism for community participation in municipalities. Municipalities are divided into ward boundaries with each ward having a directly elected ward councillor and a ward committee of no more than ten members. Since ward committees supposedly have the knowledge and understanding of the communities they serve, it is assumed that they make it possible to narrow the gap between the

local municipality and its communities. According to Ngamlana and Mathoho (2013), ward committees were conceived as an institutional mechanism that would contribute towards bringing about people-centred, participatory and democratic governance. These committees were meant to support the elected ward councillor in creating a bridge between ward communities and the political and administrative structures of a municipality.

As noted above, a number of research reports (Ngamlana, 2007; Ngamlana & Mathoho in GGLN 2012; Skenjana & Kimemia, 2011; Kambala et al., 2012) narrate in detail the failure of ward committees to meet the ideal of an inclusive local government. This paper argues however that there are other functions of ward committees for which the performance of ward committees is yet to be assessed. The paper focuses then on the role of ward committees in these other functional areas, as well as their contribution towards attainment of the developmental vision of a municipality, by drawing on the experiences of Buffalo City Metropolitan Municipality and its ward committees.

A BRIEF PROFILE OF BUFFALO CITY METROPOLITAN MUNICIPALITY

Named after the Buffalo River, Buffalo City is one of two relatively new metropolitan municipalities in South Africa; it is situated on the Eastern Cape's east coast covering an area of about 2,536km² (SACN, 2016) and comprises the following smaller cities: East London, Mdantsane, King William's Town and Bhisho. The municipality's population was 755,200 in 2011 and 848,000 in 2016, with a population density of 298 people per km², which is the second lowest in the country after Mangaung. Its population has grown more slowly than other South African cities. The average household income was at R103,204

per year in 2011, which is relatively lower than the other South African metros. Buffalo City's economy is growing, but unemployment and cost of living remain high. The cost of living (which is based on a bundle of staple goods) was R78.80 in 2008 and rose to R110.20 in 2014. This same bundle of goods in 2014, was R107.80 in Johannesburg and R109.40 in Cape Town; thereby indicating a higher cost of living in Buffalo City (SACN, 2016). In 2011, Buffalo City's unemployment rate at 34.8% measured lower than the Eastern Cape's unemployment rate of 37.4%. The main economic sectors in BCMM are community services, finance, manufacturing, trade, and transport. The area has a well-developed manufacturing base, with the auto industry playing a major role. The Eastern Cape had a total population of 6.9 million people in 2015 (BCM, 2017; SACN, 2016; Stats SA, 2016).

Buffalo City Metropolitan Municipality developed a long-term vision in 2015 of being 'well-governed, connected, green and innovative'. The city re-invented itself from a divided and fragmented past and through its vision, is placing itself on a path to being a successful, prosperous and dynamic modern city that is enterprising, green, connected, spatially-integrated and well-governed. In 2016, BCMM adopted its Metro Growth and Development Strategy (MGDS) which is the city's fifteen-year economic trajectory towards vision 2030. Furthermore, the municipality committed to developing its integrated development plan (IDP) in alignment with its long-term vision.

For BCMM, the goal of public participation is to assist it in the realisation of its long-term vision and its strategic goals (BCMM, 2016). The 2016 local government elections ushered in a new political leadership in BCMM along with new ward committee members; the municipality established its current ward committees in 2017 in all its 50 wards. The

strategic intent with the establishment of these ward committees was to ensure that the municipality was inclusive in its approach to local governance, and accessible and responsive to its citizens (BCMM, 2017).

As noted above, ward committees have a legislated mandate of ensuring the inclusion of communities in municipal governance, and this includes ensuring that communities participate in the development of a vision for the municipality they are part of, as well as the implementation of activities that would contribute to the attainment of that vision. Ordinarily, people who have been involved in the development of a vision become keen to participate in the implementation of activities aimed towards the attainment of that vision, as they become the custodians and co-owners of the vision (UNESCO, 2011; Nyaxo, 2015; Condie, 2015; Herman, 2016). Included in the make-up of municipalities are communities (Sections 1 and 2b, Municipal Systems Act, 2000), and a vision of a municipality therefore is also (at least should be) the vision of communities within that municipal jurisdiction. Through this research we will gain an understanding of the extent to which ward committees had been involved in the development of the vision for the municipality. If it so happens that committees have not been as involved in the visioning process, it would be unrealistic to expect that ward committees would lead the charge for mobilising communities to participate in the implementation of strategies aimed at the attainment of the municipal vision.

RESEARCH METHODOLOGY

A stratified sampling technique was used to identify key strategic people to interview. Municipal officials who had directly been involved with the development of the municipal vision and those responsible for

facilitating public participation were interviewed. The reason for selecting these people is that they had a deeper understanding of the stakeholders that were involved in the visioning process and the reasons for the inclusion of such stakeholders. The same sampling technique was used to select non-governmental organisations (NGOs) to be interviewed. These organisations were drawn from the integrated development planning stakeholder forum of the municipality. The reason for drawing only organisations that were on this particular list is because the municipality uses this list as a master list from which it invites stakeholders to participate in the IDP and other municipal processes. Only 10% of NGOs on this list were interviewed. Every tenth organisation, in order of appearance on the list, was selected until the 10% mark was reached. This method ensured relative randomness to the selection.

Furthermore, a stratified random sampling technique was used in selecting ward committees to be interviewed. Twenty percent of ward committees in Buffalo City were interviewed from wards that are relatively closest to the city (Wards 1, 2, 3, 4, 5, 9, 10, 15, 16, 18 and 19). This choice was made intentionally because in previous studies around public participation in BCMM, the municipality lamented their lack of resources for facilitating public participation. It was assumed in this study that if the municipality wanted to involve ward committees in the visioning process, even if it had limited resources, it would at least reach out to those that were closest to the municipal offices.

A questionnaire was designed to guide the interview and was administered by Afesis-corplan staff. Responses collated were analysed and a report produced. Secondary data was used to verify some of the information collected during the primary interviews and an analysis of the legislative framework and of policies regulating public participation in BCMM was

done. The views emerging from the interview process are summarised below. The key questions that the study was pondering were:

- a. To what extent were ward committees involved in the development of the long-term vision of the municipality?
- b. What role do ward committees play in the implementation of strategies aimed at the attainment of the municipality's vision?
- c. What other initiatives are ward committees and/or the municipality doing, over and above the legislated ones, to strengthen the role of ward committees in the implementation of the vision of the municipality?

As mentioned above, the broad aim of the study was to assess the extent to which ward committees are succeeding in performing other mandatory functional responsibilities other than that of facilitating public participation in municipal planning. Using BCMM as a case study, the study will shine a spotlight on the efficacy of ward committees as a mechanism for inclusive local governance.

THE ROLE OF WARD COMMITTEES IN THE DEVELOPMENT OF THE LONG-TERM VISION

Municipal officials noted that in the development of the BCMM Vision 2030, ward committees were not directly involved as key stakeholders in the process, but instead they were represented by ward councillors. The visioning process, which commenced in 2014, saw the municipality facilitate a number of meetings and consultative processes and ward committees were never invited to any of these. Local business, NGOs, representatives from higher education, government sector departments, labour and civic leaders are the stakeholders that the municipality invited to these meetings. When asked

why ward committees were not included as one of the key participants in the visioning process, the officials noted a number of issues:

- a. That ward committees were represented by ward councillors who also have a mandate of ensuring community representation and since ward councillors chair ward committee meetings, they did not deem it necessary to involve ward committees;
- b. The low levels of literacy among ward committee members would have limited these people from participating meaningfully in the process as it was a rather technical process;
- c. They were not as convinced that ward committees would add much value in the strategic thinking process that was necessary in the development of the long-term vision, the experience of these officials is that ward committees tend to politicise meetings and prioritise either their personal interests or those of their wards above the greater good of the municipality and this would have held the strategic thinking process back; and
- d. The resources available to the officials during the strategy development process were not enough to facilitate travel support for ward committee members.

A majority of ward committee members interviewed were not aware that the municipality had a long-term vision and were not even aware of what that vision is. A majority of the members did not see a direct linkage between their role and the attainment of the municipality's vision; they believed that the municipality had skilled officials whose jobs were to do things that must lead to the attainment of the vision. When asked if they understood that they had an integral role to play in ensuring that the energy and resources within their communities was mobilised and rallied towards the attainment of the vision, they

did not understand how. An overwhelming majority of ward committee members interviewed confessed that they had not been in any ward meeting where the municipality's vision was discussed or made reference to. Of greater concern were comments by some ward committee members, who claimed that their respective communities had their own vision which was not necessarily in line with that of the municipality. A respondent said: 'Attaining the vision is a ground activity. How can we then be expected to run with a vision that we were not part of crafting?' Another respondent said: 'I understand that we are the foot soldiers, but at the same time we need to be aware of what is expected of us in attaining the vision. Being part of writing the vision would have given us the heart to run with. We would have owned it'.

The majority of the NGOs sampled and interviewed were not involved in the strategic visioning process of the municipality but indicated that they may have been invited as they receive regular invites to attend consultative processes organised by the municipality. All NGOs interviewed stated that they would support activities aimed at the implementation of the municipality's vision. The majority of the organisations interviewed believed that in not involving the broader municipal community, including ward committees, in the strategy development process, the municipality had missed an opportunity to unify its entire community towards a common goal. Some advised that the municipality needed to be strategic in its attempt to mobilise its citizens and think outside ward committees in doing so, as they believed that ward committees had lost their ability to rally communities toward a common agenda. One of the respondents stated:

Gone are the days when ward committees have any meaningful influence in ward communities because they have been mired in the political factional battles and leadership battles in these

parties. They have lost their credibility as development oriented structures. It is foolhardy for the municipality to continue to work through these structures to mobilise community views and participation in development processes. If you ask me, the municipality needs to think outside of the ward committee in mobilizing community participation in development. People want to participate and to contribute, they just don't want to be dragged into dirty politics and any involvement with the ward committee or through it would probably result in that dragging of community members through the mud.

The majority of organisations interviewed believed that ward committees were ineffective and that including them in the strategic visioning exercise would have been a waste of time.

SUMMARY

It is clear from the responses of the respondents summarised above that ward committees were not involved in the municipality's visioning process. Notwithstanding the reasons shared by the municipal officials, there is an issue of great concern in the responses of the three groups that has to do with the conceptual understanding of the role of ward committees. The role of ward committees in BCMM is limited to that of assisting ward councillors with community participation in IDP and budget processes and does not go deep enough to cover the mobilisation of resources and harnessing of agency and energy within communities towards the realisation of the municipality's vision. If facilitating public participation in local governance (excluding municipal visioning) is the primary goal of ward committees, and all the other functions of ward committees (those noted in the other sections of this paper) are excluded, then municipal officials, NGOs and ward committee members of BCMM view the role

of ward committees as having a very narrow scope. In this manner, ward committees cannot contribute meaningfully to the vision of developmental local government as envisaged by the White Paper and will certainly not contribute meaningfully towards the realisation of BCMM's long-term vision.

THE ROLE OF WARD COMMITTEES IN THE IMPLEMENTATION OF THE LONG-TERM VISION

Development specialists argue that inclusive and participatory implementation and monitoring of development initiatives is critical in ensuring a lasting impact and to build resilient societies (UNDP, 2015). One of the mandates of ward committees is to ensure community participation in monitoring the performance of the municipality. The extent to which ward committees participate in monitoring the municipality's performance in the implementation of its long-term strategic goal was investigated, along with its role in initiating ward-based projects that contribute to the implementation of the vision.

The majority of municipal officials interviewed indicated that in their meetings, ward committees do discuss development projects taking place within their wards and these projects are aligned to the long-term vision of the municipality from which the IDP is derived. Some officials indicated that ward councillors engage ward committees regularly on key development initiatives within the municipality, and concerns and comments that ward committees raise with regards to these development initiatives are taken back to council by the ward councillors. It did not appear from the interviews with municipal officials that there was any other mechanism in place within the municipality to facilitate the broader participation of ward committees and others in the implementation and monitoring of the long-term vision.

An overwhelming majority of ward committee members interviewed believed that they play no significant role in monitoring the performance of the municipality in the manner envisaged in legislation. The members argued that the municipality does not give them the space to do so, and that they do not influence decisions in council in any meaningful manner and thus could not claim to monitor the implementation of the municipality's vision in a manner that strengthens implementation. Some of the ward committee members argued that the lack of meaningful opportunities to inform the municipality of the state of service delivery in their wards leads communities to view ward committees as useless and resort to protests. Some argued that they did not have regular meetings with their ward councillors as they are supposed to and even when they do have those meetings, they are not of a developmental nature, but are rather reactive engagements aimed at putting out whatever fires are there. Others claimed that their meetings with their ward councillors tend to divert towards discussing political issues.

When asked if they discussed the long-term vision of the municipality in any of their meetings and strategise on what they would do as a committee within their term of office to contribute towards its implementation, all of the ward committee members said they had not been part of such sessions. It is worth noting that two ward committee members from wards that are based in affluent parts of city said that they, as a committee, analyse the plans and reports of the municipality and in their meetings request that their councillor accounts for the things that the municipality had said it would do. Where the councillor is unable to give a detailed response to their questions, he invites municipal officials to give more clarity on the questions raised. The councillors said this was the manner in which they participate in monitoring the performance of the municipality at

least on those things it has promised to do in their ward.

All the non-governmental organisations interviewed indicated that they were not involved in monitoring the performance of the municipality in relation to its long-term strategy and they did not believe that ward committees were involved either.

SUMMARY

It is clear from the responses summarised above that ward committees are not involved in supporting the implementation of the vision of the municipality and neither do they monitor the performance of the municipality in its implementation of the same. Again, the role of the ward committee is viewed in a limited 'inside the box' manner, i.e. only as a one-way information-sharing tool. It is interesting that the ward committee members from the affluent area go over and above and collect technical reports from the municipality ahead of their meetings such that they can hold their councillor to account. Obviously, to do this would require some resources (travel or access to a printing facility maybe), and some may argue that this is partly what the stipend could contribute towards. The two said ward committee members seemed to have a greater understanding and appreciation of their role than the rest and considering that they had all undergone the same SALGA-facilitated induction training, it would appear as though there is something else in the attitude, literacy and willingness to do the job that exists in some ward committees – this research shows that this is rare and far between.

Generally, it is clear from the views expressed by the municipal officials and NGO leaders that ward committees in Buffalo City do not demonstrate any meaningful role in assisting the municipality to achieve its strategic goals. Municipal officials argue that the functionality, effectiveness, efficiency and

performance of ward committees is constrained by limitations in committees' levels of education, skills and expertise and ward committees are therefore unable to play this meaningful role. A Skills Audit Report on BCMM Ward Committees (2018) revealed that more than half of ward committee members had no matric qualification. From the views of both ward committees and municipal officials which are collated by the Skills Audit Report, it can be concluded that the low qualification levels of ward committees hamper them from participating meaningfully in technical municipal planning processes. Notwithstanding that the municipality never intentionally crafted a role for ward committees to play in its strategic planning processes, ward committees also did not claim the space to participate so that they could fulfil their mandate. It is our view that it is possible for technical concepts to be simplified if participation of people with low literacy levels is essential in a planning process. Surely, one does not need formal education to participate in a visioning exercise?

From the non-government organisations interviewed, it would appear as though ward committees had lost their legitimacy in communities as a space for community voice and deliberation, which implies therefore that the involvement of ward committees in the municipal strategic planning process would not have guaranteed or translated into a greater involvement of communities in any case. Communities in urban cities tend to find alternative ways of engaging outside of the ward committee, such as social media platforms, comments on the municipal website, petitions, etc. Interestingly, the municipality does engage with these groups through these alternative platforms, and examples include the platforms created and used by the rate payers associations, local area-based civic associations, community safety forums, etc. These alternative spaces appear to be much more effective in wielding

influence in local decision-making than the ward committee as a space for deliberation and voice.

CONCLUSION

It is clear that the ward committee system, as it stands, is ineffective in delivering on the mandate for which it was established, at least in Buffalo City Metropolitan Municipality. It can be argued that what Buffalo City is able to achieve in supporting its ward committees to function better (financially and through other resources), none of the other smaller, predominantly rural and geographically vast municipalities in the Eastern Cape would easily match. Therefore, if ward committees in BCMM – with all the support they receive and the benefit of shorter distances to travel between ward communities, municipal administrative and council offices compared to other municipalities – are ineffective in influencing municipal strategic planning and participatory implementation, committees are unlikely to be effective in achieving the same in those other municipalities.

We argue therefore, that there are many more municipalities in the country with similar features and characteristics as BCMM, who for the same reasons,

fail to involve ward committees in their visioning processes thereby rendering the ward committee system ineffective.

It cannot be said any louder: *ward committees have failed to deliver on the mandate for which they were established*. In previous articles, Afesis-corplan had discussed how the conceptual and operational design of ward committees was problematic, and this paper has not discussed this much, but rather sought to plug a gap in research which in the end, supports the broader message of Afesis-corplan and that of its partners with respect to ward committees. An alternative mechanism for ensuring developmental local governance is necessary, the kind of local governance that will deliver a better life for all. In the context where citizens are increasingly expressing their frustration through violent protests across the country, this conversation is much more urgent. It is also clear from the protests that citizens are looking for ways of engaging that encompass both institutionalised and organic forms of engaging. While government can take the lead in facilitating this conversation, it is our view that government alone cannot build the skills and capacities needed for effective, meaningful, inclusive governance which should essentially be underpinned by civic agency.

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NOTES

- 1 Ward Committee Handbook developed by the then Department of Provincial and Local Government, now Cooperative Governance and Traditional Affairs
- 2 In this paper we are talking about the practice of governance as opposed to the institution of government. Our take is that ward committees aim to improve governance as opposed to inclusive government.



IMPROVING CITIZEN PARTICIPATION IN LOCAL GOVERNMENT: EVIDENCE FROM TWO CASE STUDIES ON PARTICIPATORY BUDGETING AND MUNICIPAL ACCOUNTABILITY TOOLS

Frederick Kusambiza-Kiingi - Planact

In the current setting, citizens are not given adequate and genuine opportunities to influence or contribute to local government development plans. Where citizens are usually involved in such processes, it is to get their endorsement on development plan decisions. The lack of citizen participation does not enable council officials in correctly prioritising and including needs pertaining to citizens, and there is no conducive environment for citizens to hold their respective local governments accountable. As a result, citizens have been seen protesting against municipal actions for various reasons.



SOUTH Africa's apartheid system created an urban and rural landscape of race-based inequality that was destined to prevail long after formal apartheid was dismantled. After the inauguration of the new government in April 1994, it was evident that the biggest task was to redress the outcomes of the apartheid system through legislative frameworks that would guide the laws and regulations.

In 1998, a White Paper on Local Government was developed, which is premised on a developmental state, and therefore the newly established constitutional democracy at the time faced the task

of clarifying the ethos and principles of the new developmental state. What has proven far more difficult is ensuring the policies and principles from the White Paper (WP) are translated into effective systems and procedures across all spheres of government, through the legislative framework.

Based on the above observations made during its work in participatory governance, Planact developed tools to enable genuine and meaningful collaboration and partnership, between citizens and the state, and to eventually build trust between the two.

GLOSSARY

EMM	Ekurhuleni Metropolitan Municipality
IDP	Integrated Development Planning
LG	Local government
MFMA (2003)	Municipal Finance Management Act 56 of 2003
MLM	Makhado Local Municipality
MSA (1998)	Municipal Structures Act 117 of 1998
MSA (2000)	Municipal Systems Act 32 of 2000
NGO	Non-governmental organisation
PB	Participatory budgeting
SA	South Africa
SALGA	South African Local Government Association
WP	White Paper

This paper attempts to establish whether the low level of citizen participation has been brought about by a disjuncture between the principles and policies of the WP; this will be done by interrogating the realities of local government on participation as experienced in the two case studies. The paper further discusses the benefits of citizen participation in local governance processes, and the extent to which the shortfalls in citizen participation in local governance can be remedied by the tools that were developed and applied by Planact. Planact's hypothesis is that these tools, while outside the formal regulated systems of municipal governance, have the potential to leverage changes in local government that are more consistent with the WP. This assessment helps us to decide whether the tools were simply a 'band aid' to a failing system or a basis for policy reform to get procedures back on track.

METHODOLOGY

Planact introduced the two tools by organising communities in Makhado Local Municipality and Ekurhuleni Metropolitan Municipality into two

structures. One structure comprised the leadership representing the communities and the second structure comprised all community members that were to be involved while piloting the tools. Both pilot projects were carried out by training all members in the targeted communities on how local government works, and on the application of the tool that was going to be piloted. Surveys were carried out using both tools and then assessment of the municipal planned outputs were done. The information acquired was ascertained by the community members using focus groups. This information was crosschecked with the responsible municipal official and relevant ward councillor, and then reported back to the municipal officials during public hearings.

LEGISLATIVE AND REGULATORY CONTEXT FOR PUBLIC PARTICIPATION IN SOUTH AFRICA

The main political challenge for the WP was to show that it could overcome the race and class-based imbalances created by apartheid infrastructure development, segregated municipal services and spatial planning based on separation. Under the new democratic order, all government actions would be undertaken in consultation with participating citizens.

The WP has its stated purpose of defining a new relationship between government and citizens through:

- * Improved citizen collaboration with local councils.
- * Citizen participation in all local development processes.
- * Recognising the voters' right to hold politicians to account.
- * The rights of citizens as consumers and end-users.
- * Working with citizens as organised partners in development.

With the underpinning statements, the WP gave expression to two key constitutional principles, firstly that all citizens should be treated equally (Section 1 and 3) and secondly that as the sphere of government closest to the people, local government has a duty to provide democratic and accountable governance (Section 157). The WP also recognises that citizens' presence and participation in the on-going workings of local government will contribute to government's efficacy and legitimacy. Citizens are therefore afforded an active role in local government processes regarding formulating priorities, planning, decision making and performance assessment, working towards the developments required to overcome poverty and inequality; this posed a new responsibility to most previously disadvantaged and marginalised citizens who have never participated in any democratic system and were generally unfamiliar with the rights and obligations of full citizenship. As Habib (2014) points out, one cannot be an active confident citizen when inequality still lingers in society. He also argues that citizens and leadership need to become invested in the institutions of democracy and to actively avoid undermining them for narrow and short-term gains.

Since the rights and obligations of citizenship could not be learned overnight, it was intended that municipal legislation would spell out how this relationship between citizen and state would function.

Citizens are therefore afforded an active role in local government processes regarding formulating priorities, planning, decision making and performance assessment, working towards the developments required to overcome poverty and inequality; this posed a new responsibility to most previously disadvantaged and marginalised citizens who have never participated in any democratic system and were generally unfamiliar with the rights and obligations of full citizenship.

The assumption was that this gap would be partly resolved by legislation – the various municipal Acts that follow the WP. Statehood, formal democracy and technically proficient government were the immediate post-apartheid concerns in this case.

The WP outlined the following:

...Developmental local government is local government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives.

...The need to rebuild relations between municipalities and the local communities they serve.

...[The] ways in which municipalities can engage citizens and community groups in the affairs of the municipality in their capacities as voters... [and] end users.

The above three principles form the conceptual backdrop against which Planact sets out to test its practical experience of local government, with emphasis on citizen participation. These principles are underpinned by the legislative provisions which give procedural detail and they are listed below:

- * Municipal Structures Act 117 (1998), Chapter 4, Internal structures and functionaries, Part 4 – Ward Committees, whose object is to enhance participatory democracy in local government.
- * Municipal Systems Act 32 (2000), Chapter 4, Community Participation, Part 16 – To build a culture of participation between the state and local communities, whose object is to enable a formal representative government with a system of participatory governance with local councils.

- * Municipal Finance Management Act 56 (2003), Chapter 4 Municipal Budgets , Part 22 – Publication of annual budgets and Part 23 – Consultation on tabled budgets, whose object is to allow for community views be considered by the their respective local council.

Although the WP is meant to bring citizens close to government processes, the evidence Planact noted on the ground¹ suggests inadequate collaboration and participation in local government development processes.

BENEFITS OF CITIZEN PARTICIPATION

This paper reviews the benefits of public participation from a citizen perspective only. Although citizen participation is widely held in high esteem, it can bring about conditions that are costly and ineffective, as is pointed out by Irvin and Stansbury (2007). Good democratisation, planning and teaching citizens about local government processes and programmes is one of the key positive elements brought about by public participation.

Citizens' involvement in local government participation brings about benefit to both the citizens and the state. Participation increases trust between the citizens and state and therefore improves processes, and this is a factor perceived to promote good governance in a political system (Clark and Lee, 2001).

Peixoto (undated) quotes the study done by the Institute of Development Studies on the participatory budgeting process carried out in Porto Alegre, that citizen participation brings increased efficiency from local government and better allocation of resources. Pandeya (2015) affirms that citizen participation enables better resource allocation choices. When genuine citizen collaboration and participation

happens, this instils responsibility in local government to present to citizens all decisions taken and to account for all actions. As Peixoto states, the accountability brings about transparency and displays integrity, which increases cohesion between both parties.

DESCRIPTION OF THE TOOLS AND THE CASE STUDIES

CONTEXT IN WHICH THE TOOLS WERE CONCEPTUALISED

Since its establishment, Planact has been involved in social justice work with an emphasis on deepening democracy at the local governance level. Over the years, Planact has worked in various disadvantaged and marginalised communities.

Through its experience in working with communities, Planact developed and tested two different tools to enable the improvement of citizen collaboration and participation, and leverage transformation in local government processes. The aim was to use these tools to facilitate the inclusion of previously marginalised and disadvantaged communities. These tools are:

- * Participatory Budgeting Tool.
- * Municipal Accountability Tool.²

The Participatory Budgeting Tool was piloted in Makhado Local Municipality(MLM) within the Vhembe District (which has a population of about 25,000 people). The MLM has a population of 516,036 according to Statistics South Africa 2011, and consists of the town of Louis Trichardt largely surrounded by peri-urban and rural settings. The targeted communities were not involved in the municipal processes at all. There was lack of planning, political will and no accountability to the citizens and they were taken not to understand municipal processes. The different ward committee sessions

Given the proximity of these settlements to the council's administrative offices and to the economic hubs within the municipality, it seemed that these settlements had been 'forgotten' and fallen off the council's development agenda.

were not happening, and instead were replaced by political discussions.

The Municipal Accountability Tool was piloted in Ekurhuleni Metropolitan Municipality (EMM) in three informal settlements in Wattville Township. The EMM has a population of about 3,180,000 according to Statistics South Africa 2011. The three informal settlements in the EMM where the case study was carried out have about 3000 households in total.

It was noted that these three settlements did not interact with the EMM council, because they were not represented on any of the council's structures and therefore were not included in the council's IDP projects list. Given the proximity of these settlements to the council's administrative offices and to the economic hubs within the municipality, it seemed that these settlements had been 'forgotten' and fallen off the council's development agenda.

IMPLEMENTING THE PARTICIPATORY BUDGETING TOOL AND ITS ACHIEVEMENTS

The overall objective of the participatory budgeting pilot project in Makhado Local Municipality (MLM), was to get citizens to learn and understand how budgeting of their municipality was done and how they could be involved in the process. The process in the MLM was previously documented by Idasa (2011), in which Idasa described a situation where the MLM did little to involve citizens in its day-to-day affairs. Idasa found a top-down³ approach that was inconsistent with the essence of the WP.

In the State of Local Government publication of 2012, Planact described the first two of the three phases of the participatory budgeting (PB) tool, which it had piloted then. The case study illustrated how the PB tool adapted the Porto Alegre model that follows a decentralised bottom-up approach of bringing together communities into council budgeting processes.

As set out in the WP, and elaborated in the Municipal Systems Act, the ward committee system is one of the avenues supposed to provide an easy means for citizens to engage with local government on neighbourhood level service and governance issues, however, Idasa (2011) found that:

- * MLM did not adequately adhere to the legislative mandate in respect to citizen participation regarding their involvement in planning, budgeting and assessment.
- * There was dissatisfaction from communities who felt excluded from any kind of engagement with the council.
- * Communities were not made aware that they were entitled to be involved in key municipal processes and functions.
- * MLM did not give reports or reasons on decisions it took, and community members felt that the development priorities that MLM adopted were skewed.
- * The ward committee system was not functioning optimally.
- * Traditional leaders did not recognise the authority of the local council and did as they desired by exercising despotic authority over local rural communities.

Based on the Idasa assessment that accountability and transparency were lacking in the MLM, and that the council had used a top-down approach to budgeting, Planact's positioning of the Participatory Budgeting Tool set out to:

- * Enable citizens to be involved in the budgeting process.
- * Provide citizens with knowledge to assess whether the MLM was using funds for their intended purposes.
- * Increase transparency and accountability of the MLM by making all information pertaining to budget processes (planning, decisions and formulation) available to the public.

Using the tool, Planact set out to organise and work with three communities it targeted in the MLM jurisdiction. This tool advocated for a bottom-up process where the tool was rolled out with communities discussing their key priority needs during planning and budgeting at a village or neighbourhood level; this was then taken to area-based planning at a ward level, and to a regional level. At the regional level, the sub-sector and performance monitoring committees of the council joined the discussion process to formalise the outcome and prepare for integrated development planning (IDP). Together with community representatives, these priorities were presented to the finance committee, the councillors and the mayor, and were included in the IDP. With the acquired understanding of both the IDP process and importance of prioritising needs, the end product confirmed to community members how they had been instrumental in influencing the budget.

Furthermore, within its jurisdiction, MLM has traditional leaders, who were under the impression that the local council had no authority over them and that they could do what they desired. As pointed out by Idasa (2011), the traditional leaders were despotic in their relationship with the communities, which exacerbated the ability of all stakeholders to collaborate. Planact understood that despite the difficulties posed by traditional leadership, the WP provides for traditional leaders to be involved in

There was noticeable change within the municipality regarding its level of receptiveness to the communities' input. Communities also acquired a better understanding of the process of prioritising and planning that is required to formulate budgets, and this in turn, improved cohesion between the municipality and the communities.

discussions on issues pertaining to local development in their areas and that they are allowed to consult with their respective communities (White Paper 1998). Planact engaged with both the council and traditional leaders to develop a better understanding amongst traditional leaders, on how and where they fitted into the workings of local government on issues of community participation.

After building the capacity of the MLM to understand its obligation to involve citizens in all of its affairs, the council made all budgetary information available to communities. A proper understanding of the respective roles of the municipality, community and traditional leaders enabled better collaboration between three parties.

According to Makwela's (2012) outline on setting up of the participatory budgeting tool, after Planact completed developing capacity for the MLM on citizen collaboration and participation in 2011, there was noticeable change within the municipality regarding its level of receptiveness to the communities' input. Communities also acquired a better understanding of the process of prioritising and planning that is required to formulate budgets, and this in turn, improved cohesion between the municipality and the communities, which Bassett, (2016) emphasises as a good recipe for transparency and accountability. Planact later learnt that municipal revenue improved and communities were motivated to monitor and assess project outcomes and the extent of achievement of the intended outcomes of the projects.

IMPLEMENTING THE MUNICIPAL ACCOUNTABILITY TOOL AND ITS ACHIEVEMENTS

The pilot project set off by organising community members in small representative structures within their settlements, and then clustering the representative structures into one structure from the two wards to learn about:

- ✳ How the legislative framework enables citizens to be involved in local council processes.
- ✳ Reading and analysing council integrated development plan (IDP) documents and budgets that relate to service delivery commitments.
- ✳ Citizens' responsibilities and the overall council's responsibility.

Furthermore, community members were trained on social audit methodology as the second part to the tool, which enabled communities to carry out an objective assessment of the councils' set performance objectives and goals. The results were then discussed with the administrative and political representative of the council. The key element at this stage was to get concrete commitment from the council to rectify part or all of the issues presented to them as findings from the audits.

The Municipal Accountability Tool was carried out in a series of two phases. The first phase of the tool provided learning about the legislative framework related to local governance and the second phase dealt with assessing municipal projects' performance through applying the 'social audit' concept. The social audit is a method that beneficiary communities apply to physically assess the results of what the municipality set out to provide, using all information from the municipality pertaining to project funding, specifications, tendering and product or service standards. This type of involvement is one of the indicators of active citizenship (International Budget Partnership, 2013).

To engage with these complex procedures, citizens require information on the available funds and how local councils prioritise projects and expenditure. However, the legislative framework outlined earlier is silent on some of these matters, and it does not, for example, cover how citizens would be involved in procurement, and also does not adequately cover how performance objectives would be assessed. Therefore, Planact's Municipal Accountability Tool places more emphasis on citizens' involvement to assess procurement processes and performance against set objectives, budgets and standards of outputs by applying the social audit concept.

The piloting of this tool in the three settlements led to the council's political and administrative representative collaborating with community members in assessing the issues that were of most concern to the community. Three key results were achieved from this process. The first result was the collaboration of the council and recognising its responsibility to the three settlements, which was not happening within the existing systems. The second result was that the council accepted that the community members would carry out an assessment of the contracts on sanitation servicing and maintenance, and the results revealed that the service providers neglected some of the contractual obligations that were not monitored by the council officials at all. The third result was that council agreed to provide information on maintenance contracts, which enabled communities to carry out an assessment based on true information. Municipal officials admitted that the monitoring of service providers was unsatisfactory due to the capacity levels in the council, and this brought about the sub-standard service.

The practical outcomes were that the council improved the maintenance of the temporary sanitation in the settlements within a set period. Communities

acquired knowledge about council budgets and the role of social audits within the Municipal Accountability Tool where they prepared submissions to the 2017/2018 councils' IDP and budget allocation. Planact is exploring ways to carry this forward within communities.

FINDINGS

A disjuncture between the WP and its implementation was apparent through the example of the relocation of one community. The targeted community members in EMM said that they had not been consulted by the municipality or involved in any way about issues of development in their settlements, however, they had been informed that there was consideration to relocate them, which shows how community members were not genuinely and adequately involved in their respective local council improvement and local initiative processes. Such a process illustrates how legislation and systems were not in agreement with the WP. The informal settlement

earmarked for relocating was relocated in April 2018.

One of the manifestations of the breakdown in the relationship between local communities and the municipality before Planact's intervention, was that of community protests⁴ among many other protests that have been witnessed in the country since 2004. These protests have left many undesirable outcomes. Figure 1 below gives statistics on municipal service protests from 2004 to 2017 totalling 1377, which illustrates how citizens have felt and still feel about their respective local governments' service provision. This result could be attributed to local government not fulfilling its mandate due to poor management, or due to strained resources within the local government that do not match demand. If it is the latter, citizens would not have known it, implying that there was lack of adequate collaboration and communication between the state and citizens. In the case study areas, protests took the form of communities barricading public roads before Planact's intervention.

Figure 1: Major municipal service delivery protests, by year (2004-30th September 2017)



Source: Municipal IQ - Municipal Hotspots Monitor

The two tools Planact piloted brought about some drastic changes in the way both councils carried out their processes. Both the MLM and EMM council made provision for communities to be involved in budgeting processes. After piloting both tools, it was revealed that the objectives of citizen participation as set out in the WP were not observed or fulfilled satisfactorily. From the EMMC's IDP lists, the exclusion of these settlements was not picked up, which raises the question whether the citizen's representative structure, the ward committee, serves its purpose. The EMM council's performance and monitoring system should not have let the poor actions of the service providers take place on the service provision contract. There was no provision for the community members to raise to EMM council the condition their settlements were in, regarding sanitation, before Planact's intervention. This situation is indicative of the little space the council provides the citizens for input in the council affairs, despite the fact that one of the WP objectives is to enable citizens to work with their respective councils in exploring ways that would build and improve the citizens' livelihoods.

With the support from Planact, the three communities were given a space to engage their council officials – a space that was not created through the ward committees, which are supposed to be the official structures to link citizens and state. The case study work reveals that the ward committee system and other regulated spaces for participation need to be either reformed, or scrapped – which choice involves an on-going debate that requires careful interrogation.

CHALLENGES TO EFFECTIVE PUBLIC PARTICIPATION FROM THE CASE STUDIES

Although Planact's tools provide different and feasible ways of how citizens can be involved in the affairs

of their respective local councils, these tools do not provide ways of tackling some of the deep-seated shortcomings within the councils. One of the aspects the tools must consider is to include ways of advocating to the Department of Cooperative Governance on issues where local government has not complied according to the systems that flow from the legislative framework.

Planact noted that local authority officials were not remorseful for their failures, and they cannot carry on failing with impunity – a system of consequence management is urgently needed. Although the White Paper did not anticipate this provision, the necessary legislative amendments and supplements should not be difficult. Currently, underperformance goes largely unsanctioned and the relevant policy and legal guidelines have proven ineffective.

Reasons for failure include bureaucratic processes, lack of systematic approach, officials not keen to see processes through to the end due different understandings or objectives. Interviews held with key municipal officials and a review of local council action suggest that 'participation' to some simply meant assembling affected community members and informing them of the decisions taken or to be taken by council. The officials from the MLM pointed out that citizen participation processes drag out, resulting in delays and costing a lot of money.

It is argued that more citizen participation in council processes is likely to decrease the dissatisfaction in citizens (Morudu 2017) and therefore decrease the municipal protests currently witnessed.

Planact's observation is that the understanding and interpretation of participation amongst the parties involved differs, due to their varied exposure, training and set priorities with regard to what they are out to achieve. Usually the government authorities, citizens and practitioners have different requirements and

needs to fulfil and this leads to different priorities, resulting in trouble from the onset. Mismatched priorities could also result in local government pursuing short-term political objectives rather than sustainable development outcomes.

Without definite clear systems and credible structures, democracy is almost non-existent for most citizens in South Africa. Piper and von Lieres (2008) state that there is a poor design of public participation which leads to poor implementation through the structures meant to serve this purpose. They further attribute some of the failure of true and meaningful participation to the lack of political will. The ward committees comprise councillors and representative community members, but there seems not to be enabling procedures for public participation. Local Government Action (no date) points out that 'Ward committees are meant to encourage participation of the communities – their job is to make municipal council aware of the needs and concerns of residents and keep people informed of the activities of municipal council'.

RECOMMENDATIONS TO IMPROVED CITIZEN PARTICIPATION

To enhance public participation in local government, officials should have dedicated sessions with citizens to build and increase citizens' understanding of local government processes.

In communities where Planact has intervened with support, citizens were found to be atomised and fragmented. As is emphasised by Rowe and Frewer (2000), recognised institutional forms or structures of democracy create social cohesion between the state and citizens and within citizens' formations. In this case, ward committees are meant to be such structures, however most of them have a low level of functionality and therefore need to be reformed.

Planact's observation is that the understanding and interpretation of participation amongst the parties involved differs, due to their varied exposure, training and set priorities with regard to what they are out to achieve.

There must be an enabling environment to provide a sense of confidence to citizens that their contributions will influence decision making, and there must be feedback on each outcome of the citizens' contribution.

From the experience in MLM, local government processes should continue to draw traditional leaders in discussions and planning. As it is pointed out in the SALGA – KZN (2013) circular, there should be very clear protocols established to ensure adequate developmental governance, which will bring about harmonious relationships amongst all relevant parties, to ensure that the needs of the community are understood by the municipality.

CONCLUSION

The WP designed the system to be a representative one, however the level of this representation is not strong enough to achieve genuine involvement of citizens. The involvement of citizens in using the Municipal Accountability Tool enabled them to engage with local government development processes right from budget planning, budget formulation, procurement, and evaluating the results of the intended outcomes.

As with most outside interventions that assist local governance processes, there is always a question of whether the gains/improvements would be sustained. Planact's experience suggests that while managerial and political champions within the municipality often help to fast-track change, long-term improvement requires reform in institutionalising the new participation in the budget procedures and systems – in this case, within the budgeting cycle.

Planact has observed that development processes at the local level have always been slow. This drawn out process is mainly due to weak governance and administrative capacity, and an inadequate understanding of true citizen participation, which results in very limited or lacking participation by communities (Nyalunga2006).

The WP relies greatly on citizens to express their needs and aspirations and to become involved in issues of administration and governance. This ethos is yet to find practical expression in the daily activities and decision-making of most municipalities. The legislative framework that gave further regulatory substance to the White Paper does not adequately empower citizens to influence municipal actions. This shortfall gives local council continued impunity to do as they wish.

The space for interaction between civil society and the local government is partly shaped by the poor quality of planning, operational management and strategy formulation. Even if municipalities were trying to do the right thing, they would probably struggle. Unfortunately, the political will, integrity and willingness to uphold community interests is also questionable. Power dynamics between community and council, within council, between political and administrative leadership and even within communities plays a negative role and makes

balancing forces between the state and citizens difficult.

The reality on the ground still reflects mismanaged resources, flawed processes and inadequate skills in management. The WP was appropriate for the era and the political environment it was set in. The subsequent trajectory of local government did little justice to the ethos and principles of the WP, and now it is clear that the core issues of municipal governance are matters on which the WP is largely silent.

The intervention remedies designed and implemented by Planact have the potential to address some of the public participation shortfalls emanating from the systemic governance failures. However, these weaknesses are rooted in the institutional culture of local government and to effectively address this culture, the tools would need to be refined and improved. Locality and area-specific solutions are only worthwhile and sustainable if they can reshape policy and regulatory frameworks and thereby become institutionalised, which will contribute to translating policy into transformed behaviour and practice in local councils. Only once there is transformed behaviour can the practical meaning of the WP vision be realised for all citizens, especially the ones that have suffered the most in society.

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NOTES

- ¹ During its pilot project work with various community partners.
- ² These Tools were developed and implemented at different times and in different communities, and they were conceptualised based on the short comings Planact observed in citizen participation and collaboration with the state. The collaboration and citizen participation are also stipulated as some of the objectives in the White Paper to be achieved.
- ³ Municipal processes had very limited consultation with the citizens and most plans and decisions were undertaken with the absence of citizens' consent or even knowledge.
- ⁴ Statistics on municipal service provision protests from 2004 to 2017 are shown in Figure 1 below on page 35.



RECLAIMING SOCIAL ACCOUNTABILITY AND PARTICIPATION TO STRENGTHEN THE INTEGRITY OF LOCAL GOVERNANCE

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The Constitution of the Republic of South Africa (1996) and the White Paper on Local Government (1998) both set out the mandate for democratic and accountable participatory local government. While there have been significant achievements since the first local government elections in 2000, municipalities are plagued by allegations of corruption and mismanagement, a lack of accountability and insufficient civic engagement. While most discussion has focused on, for example, ward committees and the functioning of IDP prioritisation processes, there has been little attention paid specifically to land and infrastructure development decision making processes.



PHOTO: DEPARTMENT OF PLANNING, MONITORING AND EVALUATION

RECENT cases such as the governance crisis in Nelson Mandela Bay Municipality (Olver 2017), controversy around the Foreshore Freeway Project in Cape Town (Chambers 2018), and the land and development challenges experienced in Lephalale linked to the construction of Medupi power station (Phadi and Pearson 2018) highlight a need to address

these governance issues. In addition, when local government does engage in participatory processes, these are often accused of being formulaic.

The intention of accountable and participatory local government, as embodied in the Constitution and the White Paper, is getting lost. Specifically, with regard to spatial transformation and debates around

land and infrastructure development decision making processes, there is a need for the advantages of participatory governance to be highlighted in order to improve accountability and good governance. The Integrity, Transparency, Accountability and Technology (InTACT) Project, that forms part of the Cities Support Programme of National Treasury and which is supported by the Isandla Institute and Strategies for Change, looks to address this issue. The outcome-based orientation of the InTACT Project aims to assist in reclaiming social accountability as an important element of local government practice. This paper builds on a discussion of the contextual factors that often present complex accountability and integrity challenges to good governance; it also reflects on how accountable and participatory local government, as embodied in the Constitution and the White Paper, can be strengthened via innovative tools and mechanisms highlighted and documented by the InTACT Project, and how these can be supported by local government, civil society, the private sector and other stakeholders.

LOCAL GOVERNANCE SINCE THE WHITE PAPER

The White Paper on Local Government (1998) was an element of the drive to decentralise and democratise governance in South Africa. Its intention was to promote developmental, cooperative, participatory and democratic local government. The White Paper, together with the legislation that built upon it and defined the roles and responsibilities of the local government system, including the Municipal Systems Act (No. 32 of 2000) (MSA), the Municipal Financial Management Act (No. 56 of 2003) (MFMA) and the Spatial Planning and Land Use Management Act (No. 16 of 2013) (SPLUMA), sought to create an efficient and participatory local government system. These pieces of legislation enabled government-led,

While there have been notable achievements by local government in the twenty years since the White Paper, overall service delivery and governance has not met expectations, and a number of municipalities are plagued by allegations of corruption and mismanagement, a lack of accountability and insufficient civic engagement.

or 'invited spaces' (Cornwall 2008) of participation, such as ward committees, imbizos, public meetings, complaints systems and satisfaction surveys. Specifically, Integrated Development Plans (IDPs), set out and enabled by the MSA, were intended as prime sites for meaningful public participation in the budget and infrastructure prioritisation and strategic development decision making of local government. In fact, the MSA defines communities not merely as beneficiaries of municipal services but as a constituent part of a municipality, in conjunction with political and administrative structures.

It is important to note that the term 'public participation' can be defined in a number of ways, and Arnstein (1969) defines eight levels of public participation arranged in a ladder pattern with each rung corresponding to the extent of citizen influence. These levels range from manipulation, to informing, consultation, partnership, and on to delegated power and citizen control. The levels are, in turn, collectively grouped into three degrees of participation, namely Citizen Power, Tokenism and Non-participation. With reference to Lefebvre's (1968) concept of the Right to the City, the ideal is for an empowered citizenry, and while the spirit of the White Paper may have been to nominally create a degree of citizen power in local government decision making, the effective delegation of power and citizen control was, and remains, limited. This can assist in explaining why local government participatory processes are often accused of being formulaic. In contrast, meaningful public participation in the budget and infrastructure

prioritisation and strategic development decision making of local government would result in claims that citizens have not only been consulted, but have directly influenced these decisions; however, evidence of this remains minimal.

While there have been notable achievements by local government in the twenty years since the White Paper, overall service delivery and governance has not met expectations, and a number of municipalities are plagued by allegations of corruption and mismanagement, a lack of accountability and insufficient civic engagement. The local government legislation highlighted above, as well as other procedures, mechanisms and structures that have been put in place to promote accountable local government, strongly institutionalising a system of upward accountability, have inadvertently resulted in a culture of compliance in local government, where the form often takes precedence over the function. In addition, a number of more recent attempts by municipal governments to improve accountability have followed a 'service-user' approach, with the use of information and communications technologies (ICT) and 'e-government' initiatives to facilitate fault or issue reporting, as well as satisfaction surveys and community scorecards to gauge citizen needs and concerns.

However, questions remain around the accessibility and inclusivity of these mechanisms, with regard to existing citizen capacity and knowledge, as well as city responsiveness. There is also a growing body of evidence that these approaches may reduce local government receptiveness to community-driven and collective approaches to social accountability, with an example being the City of Cape Town's reluctance to engage with community-driven social audits (Storey 2014). This situation is also concerning as there are well-documented issues with existing formal institutional structures of participation, such

as ward committees (Smith and de Visser 2009) and IDP forums. Municipal accountability initiatives can also be affected by changes in leadership, as these initiatives often need champions in the face of internal municipal resistance. It is clear that current approaches do not meaningfully enable civic agency and co-production in decision making.

'BOTTOM-UP' COMMUNITY-FOCUSED, AND GOVERNMENT-LED ACCOUNTABILITY INITIATIVES

In this context, and given the low level of trust in local government as evidenced by a 2015 survey where 62% of citizens sampled had no trust in local government (Afrobarometer 2016), increasingly frustrated citizens are finding other ways to voice their concerns and demand accountability. Public protests, often simplistically labelled 'service delivery protests', are the most prominent, and often the last resort of citizens that have previously engaged local government in other forms (Chigwata et al. 2017). These protests can be seen as 'invented spaces' of participation (Cornwall 2008), but it can be argued that they may not be a sustainable or constructive way to ensure government accountability and responsiveness.

In response, civil society and government have introduced initiatives to strengthen existing accountability mechanisms or create new opportunities for improved transparency, participation and accountability. These initiatives include social audits, budget transparency initiatives, citizen budget capacity building and participatory budgeting, community-based monitoring, and informal settlement upgrading innovations; these are either citizen or government-led, and often focus on making information easier to access and understand, training citizens on policies and methods of engagement,

and therefore improving citizen capacity for more meaningful engagement with local government processes. Social audits have been facilitated by the Social Justice Coalition in Cape Town, Equal Education in the Western Cape and Gauteng, Planact in the City of Ekurhuleni, Afesis-Corplan in Buffalo City Municipality (BCM), and the Built Environment Support Group (BESG) in Msunduzi Municipality. These audits have mostly focussed on reviewing local service delivery and procurement issues, but have been met with varying levels of municipal receptiveness and responsiveness. Community-based monitoring has, for example, been undertaken by the Black Sash and the Social Change Assistance Trust's Community Monitoring and Advocacy Programme (CMAP) to monitor government facilities across the country, including South African Social Security Agency (SASSA) offices, Home Affairs offices, and health clinics.

Participatory planning, management and budgeting initiatives have been piloted, such as eThekweni's 'People's Budget' participatory budgeting process that ran from 2002 to 2006, which used ward committees and other participatory forums to elicit citizen priorities. However, it fell away due to administrative and political resistance within the municipality (Smith 2004). Metros such as Mangaung and Ekurhuleni, as well smaller municipalities such as Makhado (2012), have also piloted participatory budgeting programmes, but the method has yet to become sustained or institutionalised in South Africa. In addition, the HSRC notes that there is currently little learning from and dissemination of these many initiatives within and between municipalities (HSRC 2014). Particularly at project level, these tools and innovations often do not find enough institutional or strategic support, and internal fragmentation and silos within municipalities limit the potential for internal discussion and collaboration (HSRC 2014).

WHY FOCUS ON LAND AND INFRASTRUCTURE DEVELOPMENT DECISION MAKING PROCESSES?

The Integrated Urban Development Framework (IUDF) (CoGTA 2016) and the National Development Plan (NDP) (NPC 2012) identify spatial transformation as vital for the development and growth of South African cities. These, and other policies and plans, identify land and infrastructure development as key levers for moving towards inclusive, resilient, and efficient cities that ensure viable livelihoods for all urban residents. However, land and infrastructure development processes are complex and necessitate mediation between the often competing and/or conflicting needs and interests of stakeholders, as well as alignment with resources, capacity and institutional functions and structures – where these often operate in silos, and across different spheres of government. Some aspects of these processes are well legislated and regulated, while others are opaque or open to discretion, which can allow for their integrity and social accountability to be called into question. But what exactly do the concepts of land and infrastructure development entail?

The Spatial Planning and Land Use Management Act (SPLUMA) defines land development as 'the erection of buildings or structures on land, or the change of use of land, including township establishment, the subdivision or consolidation of land or any deviation from the land use or uses permitted in terms of an applicable land use scheme'. Land use

However, land and infrastructure development processes are complex and necessitate mediation between the often competing and/or conflicting needs and interests of stakeholders, as well as alignment with resources

refers to the purpose for which land is or may be used (e.g. residential, commercial, transportation, recreational, industrial, or institutional, among others), and the conditions associated with these land uses. Land use is decided upon in clearly defined approval processes, and guided and regulated by land use schemes and procedures (also known as the land use management system). However, in addition to the definition of land development contained in SPLUMA, land development can also be viewed as the decisions taken in regard to the physical development of land using public investment to facilitate, assign value to, service and construct on land in order to influence investment by the public and private sectors and to respond to city needs and imperatives, such as the demand for housing. Land development can also include land transactions such as land disposal and land acquisition.

Infrastructure development is closely related to land development. Metropolitan municipalities are responsible for infrastructure provision for household services (such as water, sanitation, electricity, storm water management, municipal roads, refuse removal and street lighting), public housing, and municipal services and facilities (such as municipal public transport, emergency services and community services). In recent years there has been more emphasis placed on strategically located catalytic projects. These aim to create mixed and intensified land uses, a mix of incomes, and require major infrastructure investment and a blend of finance, where a mix of public funds leverage private sector investment as well as unlock household investment. All municipal infrastructure projects, whether catalytic or not and regardless of the type of infrastructure development, can vary in size and complexity and involve similar decision making processes – this also applies to land development decisions.

THE INTACT PROJECT

In this context, the City Integrity, Transparency, Accountability and Technology Project (InTAcT), initiated by the National Treasury's Cities Support Programme (CSP), aims to assist cities to improve their governance performance, with a focus on land and infrastructure development. Specifically, the focus of InTAcT is on analysing their land and infrastructure development decision making processes – for example how decisions are made, ratified and communicated to relevant stakeholders, including citizens and communities – in order to identify complexities, vulnerabilities and good practices. The intention of InTAcT is also to explore the nexus between decisions made regarding land development, land use management and infrastructure projects, and to understand the extent to which these decision making processes enable integrity and social accountability outcomes, and/or how to progress towards these outcomes.

The InTAcT Project focuses on four critical areas of decision making related to land and infrastructure development: prioritisation, procurement, permissions and performance. These areas have been identified as places where unaccountable, unethical and opaque actions take place, and therefore require attention in order to improve governance. Partnerships are also an important element in land and infrastructure development, with the choice and type of partnership playing a part in the decision making process, and governed by the processes of prioritisation, procurement and permissions.

Specifically, prioritisation refers to city processes in selecting, resourcing and prioritising specific land development and/or infrastructure projects for inclusion in city plans and budgets. These processes occur at both city level as part of IDP development, as well as at local level. These decisions are captured in

IDP, BEPP, budget and Service Delivery and Budget Implementation Plan (SDBIP) documents.

Procurement refers to decisions taken through the municipal supply chain management (SCM) system to procure land, goods and services for land development-related infrastructure projects, as well as municipal land asset disposal. These processes are highly regulated and involve a number of legal requirements.

'Permissions' refers to the urban planning regulatory decision making processes, such as decisions made via planning tribunals, planning committees and delegated authorities regarding land development applications. These processes are often quasi-judicial and decisions need to be made based on clear policy and ethical judgement. Decisions include land use, infrastructure and urban planning matters such as rezoning, development contributions, building plan approvals etc.; the issuing of licenses and permits; and the levying of penalties.

Lastly, performance refers to decisions regarding the assessment of performance, the consequences of inadequate performance, and how performance is reported. This type of reporting happens annually and/or over a 5-year period, and is tied to terms of office and associated IDPs.

Why are integrity and social accountability critical for land and infrastructure development decision making processes?

Public integrity can be viewed as the application of generally accepted public values and norms in the practice of public sector organisations, so it is important to determine whether decisions in land and infrastructure development are made against these values and norms, in the public interest and with social accountability in mind. Taking socially accountable land and infrastructure development decisions means that citizen inputs are invited, acknowledged and taken into account in the

identification of public priorities, and that these inform land use, land development, and infrastructure development decisions. Thus, decision making should be accessible, inclusive and responsive to public interests. Municipalities should also account to citizens and local stakeholders for decisions made that impact on the form and direction of urban land development. In essence, socially accountable decision making should drive inclusive spatial transformation and build public trust.

Social accountability can also improve municipal performance in infrastructure development processes by recognising and supporting citizens and civic actors as important partners and co-producers. Therefore, by focusing on integrity and social accountability in land and infrastructure development decision making processes, the InTAcT Project can assist in reclaiming social accountability as an important element of local government practice, restore or reinforce public trust in the system of local government, and ensure that progress on urban spatial transformation imperatives is made.

SOCIAL ACCOUNTABILITY TOOLS

The InTAcT Project has, as one of its aims, to create an inventory of innovation and good practice within cities, supplemented by documentation of relevant global innovations and good practice. The intention of this inventory is to provide cities with ideas and tools to improve their social accountability and integrity. This paper focuses specifically on two social accountability tools, namely citizen-based monitoring in relation to IDPs, and planning concordats.

CITIZEN-BASED MONITORING IN IDP PROCESSES

Citizen-based monitoring (CBM) aims to enhance public accountability and service delivery by

The CBM process thus enhances government responsiveness as well as citizen trust in local government.

concentrating on citizens' experiences of government performance. A 'Framework for Strengthening Citizen-Government Partnerships for Monitoring Frontline Service Delivery' was approved by the Cabinet in August 2013. The approach emphasises building the capacity of both citizens and officials to: (i) monitor how citizens experience service delivery; (ii) analyse this feedback; (iii) take actions aimed at improvement; and (iv) communicate the outcomes to all stakeholders. Building on experience from CBM pilots that began in October 2013, the Department of Planning, Monitoring and Evaluation (DPME) recently developed a version of the CBM three-step method applicable to the municipal Integrated Development Planning (IDP) process. This decision was made in response to a widely held public view that IDP processes have become formulaic, as the voice and needs of citizens expressed through public consultations have not been seen to be reflected in finalised IDPs or in service delivery or land and infrastructure development.

The CBM method aims to increase participation of both communities and provincial sector departments in the development of municipal IDPs, specifically in the prioritisation of projects that are to be reflected in the IDP. Municipal performance against community-identified priorities can then be assessed, and ward-level service improvement plans that respond to the specific needs of each ward can also be developed. In 2017, the CBM method applied to the IDP process was piloted in Umsobomvu Local Municipality, centred on Colesberg, in the Pixley Ka Seme District of the Northern Cape. The project was implemented with guidance from the Northern Cape Office of the Premier and the Provincial Department of Cooperative Government.

The CBM method applied to municipal integrated development planning has the potential to strengthen citizen participation in the prioritisation of infrastructure and land development projects, as well as municipal performance monitoring. The process engages citizens on the IDP in terms of ward level needs, and through such a process, citizens can gain a stronger voice in the broader IDP process and achieve greater influence in the prioritisation decisions undertaken in their municipality. The process thus enhances government responsiveness as well as citizen trust in local government. The method also serves to link prioritisation and performance monitoring processes to ensure agreement on issues or projects that will be monitored at the ward level; doing so involves building the capacity of ward councillors, committees and residents to play an important role in monitoring service delivery. The process also has the potential to improve municipal answerability in terms of its performance in addressing the needs and priorities identified.

Finally, CBM emphasises the relationship between citizens and government, as well as the roles of different spheres of government. With the Umsobomvu pilot project, as a joint initiative led by the municipality, the Office of the Premier, the DPME, and provincial departments, building trust was an important social accountability objective of the process. Trust building includes enhanced participation of community members in the IDP process, as well as improved municipal collaboration with provincial sector departments. In terms of Arnstein's (1969) ladder of participation, CBM increases the level of public participation from one of consultation (tokenism) towards a level of partnership and delegated power (citizen power).

The method that emerged from the Umsobomvu project can be applied in other municipalities

to strengthen public participation in land and infrastructure development, and build the capacity of citizens to play a role in monitoring service delivery. The method takes advantage of existing IDP processes and ward structures, and can involve Community Development Workers (CDWs) and Community Work Programme (CWP) participants. The CBM method can also be applied more broadly to service delivery improvement plans and land and infrastructure development decision-making processes in government departments; by doing so, citizen involvement in the prioritisation of land and infrastructure development projects, as well as overall municipal performance monitoring is strengthened. The method is applicable in differing geographic contexts, including at a metro level with the inherent complexities that cities embody.

However, the method relies on the provincial sphere of government to lead the process, provide training, and coordinate with municipal leadership. Although this may limit the transferability and impact of the method if pursued by municipalities on their own, it could form part of the induction of new municipal governments. The citizen-based monitoring method is resource intensive, especially as it entails different phases (planning and monitoring) that should ideally feed into one another. Government infrastructure and resources that already exist (e.g. ward committees, CDWs, CWPs) can be utilised to manage the human resource costs, although this will still incur costs, for example catering and transport. Activities that will need to be further costed include community surveys; report production; and any operating costs – these will vary depending on the size of the municipal area and municipal wards. As an element of the project, DPME also provided support to the South African Local Government Association (SALGA) in the design of a series of knowledge-sharing workshops on how existing local

CBM emphasises the relationship between citizens and government, as well as the roles of different spheres of government.

government participation mechanisms can integrate CBM principles and tools. DPME will further refine the model in 2018, in collaboration with the Department of Cooperative Governance and Traditional Affairs.

PLANNING CONCORDATS

The Edinburgh Planning Concordat, first implemented in 2013 in the city of Edinburgh, Scotland, is a framework for enabling developers, affected citizens and the city council to work more closely together when a large-scale development is proposed. Affected citizens are represented in the process by a community council, which is an elected voluntary body that represents all residents in a loosely defined local area. The concordat is a memorandum of understanding and therefore not legally binding, but rather defines the relationship between parties in the planning application process; it specifically aims to increase discussion between developers and community councils at the pre-application stage. For clarity, the concordat process is applicable to both development proposals that are in line with the existing land use zoning rights, as well as those that trigger planning departures from existing land use rights.

The Edinburgh Planning Concordat sets out what is expected from both the public and private sectors at each stage of the planning application process, in terms of resources, skills, and processes. For any major development there are two stages: the pre-application stage, and the actual planning application and decision-making stage. In terms of the Planning (Scotland) Act of 2006, any applicant is required to carry out pre-application consultation as part of

a Proposal of Application Notice (PAN) process. The concordat aims to make this consultation more meaningful by encouraging discussion between developers and community councils during the pre-application stage.

The concordat outlines the roles of developers, community councils and the city council in this consultation process. Developers are encouraged to welcome community engagement on proposals, as community councils feel they then have an opportunity to influence the development and can make constructive suggestions on improvements. The concordat stipulates that they should arrange an early meeting with a community council to discuss how the pre-application consultation process will happen. Developers are responsible for engaging meaningfully with the local community and take all reasonable steps to amend proposals to reflect the views of the community. This engagement can give stronger voice and potential influence to community councils in development decisions at an early stage in the development planning process. The concordat suggests that to facilitate consultation, developers should assist community councils with setting up websites and distributing leaflets regarding the consultation process.

The role of community councils in the concordat is to represent the views of the community on the proposed development, and for example to raise concerns of potential impacts on roads, schools and other infrastructure. Community councils are encouraged to engage positively with developers, and to bear in mind that if a proposal is in line with the city's Development Plan (a strategic planning tool similar to a spatial development framework – SDF – in the South African context), then it is likely to be approved. If there are still areas of concern, the developer can engage with these in constructive discussion. The concordat stipulates that community

councils must ensure that they represent the views of a diverse range of residents of the area that they represent. To do this they must organise community meetings, and notify citizens via their website, emails, and leaflets. It recognises that the voluntary nature of community councils means that they may need to seek help from the developer in consulting widely with the community. It must be noted that this procedure carries the risk of developers and community councils deciding on who to involve. A Community Engagement Fund was also set up in 2013 with contributions from developers, with grants of up to £300 (approximately R5000) to assist community councils in engaging their communities more widely on major development proposals. Community councils are not expected to liaise with developers if they are fundamentally opposed to a development.

The council thus encourages developers and community councils to work together at the pre-application stage, and for developers to see communities as an equal development partner. The concordat also states that the city council needs to ensure that it assists community councils in understanding proposals and policy implications through providing training, in order to empower citizens to engage more meaningfully and have some influence on the process. Apart from training, council planning officials also assist by preparing a pre-application report to the city's Development Management Sub-committee that outlines which issues need to be addressed when the application is submitted. The council must consider if the submitted proposal has taken community opinion into account as one of the material planning considerations when taking a decision, because the Planning Act stipulates that community councils must be consulted, and it encourages the city council to better acknowledge and respond to citizen views in major development proposals. The concordat thus improves the

accessibility of planning permissions processes, as citizens are able to access more information and get clarity on major development proposals, and communicate concerns at an early stage of the permission process prior to application submission.

A planning concordat could be implemented in South African cities and link into existing development application permissions processes, which would significantly increase the level of community consultation that currently exists in planning application processes, where citizens are only consulted once a development application has been submitted. Due to the widespread view that municipal planning decisions in South African cities do not have sufficient transparency or opportunity for input (Dentlinger 2016; Theron 2016), a planning concordat could aid in addressing these concerns. As such, the planning concordat process could be particularly useful when development projects trigger planning departures from existing land use zoning rights, as this is where the greatest scope for improved citizen voice and influence can lie, and is currently the site of greatest concern by planning experts in terms of vulnerability to undue influence (National Treasury 2018).

Earlier engagements could improve the effectiveness, efficiency, accountability, transparency and inclusivity of the development permissions processes; this resonates with the principle of good administration in planning decision making, contained in the Spatial Planning and Land Use Management Act (SPLUMA) of 2013. Planning concordats could also be adapted to the context of smaller, resource-constrained cities, although Community Engagement Funds, similar to that in Edinburgh, may only be viable in large cities due to the increased administration capacity and funding involved, and the level of development needed from larger projects to finance such a fund. A direct analogue to community

councils does not exist in South African cities, but existing ward committees, Municipal Development Forums (MDFs) or community-based organisations could serve as community representatives in the pre-application consultation process. The significantly greater resources possessed by ratepayer's associations in middle and high income areas in South Africa, in terms of knowledge of the planning system as well as financial capacity, also mean that they have a better chance of engaging cities in planning and permissions processes. Yet these ratepayers' associations are seldom representative of the broader community in the area. For an initiative such as the concordat to find traction in this context, training more representative bodies such as ward committees, Municipal Development Forums (MDFs) or community-based organisations, could make a significant difference in addressing some of these imbalances. The costs of implementing a planning concordat would include the setting up of pre-application discussion sessions as well as funding community-based organisations to conduct broad community engagement on major project proposals. Additional municipal planning department funding and human resources would be needed. Similar to the CBM method, in terms of Arnstein's (1969) ladder of participation, a planning concordat increases the level of public participation in development permissions processes from one of consultation (tokenism) towards a level of partnership and delegated power (citizen power).

The concordat is a memorandum of understanding and therefore not legally binding, but rather defines the relationship between parties in the planning application process; it specifically aims to increase discussion between developers and community councils at the pre-application stage.

CONCLUSION

The social accountability tools and mechanisms surfaced through the InTAcT Project, can, with the necessary contextual and institutional support, strengthen social accountability and integrity in local government practice towards the goal of truly accountable and participatory local government, as embodied in the Constitution and the White Paper. This paper has made the case for why accountability in land and infrastructure development decision making processes is vital for driving spatial transformation.

Suggestions have been made as to how the two social accountability tools discussed in this paper can be linked into existing municipal mechanisms and processes in order to facilitate their uptake,

beyond the phase of NGO or project support. These suggestions were made considering the changes in the contextual factors relevant to municipal accountability and transparency since the dawn of the White Paper, and the various local government, civil-society, and community-led initiatives over time to provoke or enable improvements in municipal accountability and transparency and meaningful citizen engagement with local government land and infrastructure development processes. As part of a broader array of social accountability and integrity tools, citizen-based monitoring in relation to IDPs, as well as planning concordats, can assist in reclaiming social accountability as an important element of local government practice in South African cities and towns.

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LOCAL DEMOCRATIC SPACE IN INFORMAL SETTLEMENTS

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The Upgrading of Informal Settlements Programme (UISP), set out in Part 3 of the National Housing Code, was introduced in 2004 as a way to address the needs of people living in informal settlements through improving the process of informal settlement upgrading in South Africa. The UISP is premised on 'extensive and active community participation'. Municipalities are mandated under the UISP to lead and drive informal settlement upgrading with meaningful community participation, a process which must include the input of vulnerable groups and key stakeholders, as facilitated by ward committees (SERI forthcoming).



INFORMAL settlements have existed in South Africa for decades. Many people travel from rural areas to find accommodation that is closely located to work opportunities and fail to access formal housing, ending up in informal settlements (Hunter and Posel 2012: 290). The United Nations (UN) Special Rapporteur on Adequate Housing defines informal settlements as 'residential areas where inhabitants have no formal ownership or lease agreement vis-à-vis the land and/or dwellings they inhabit' (UN Rapporteur 2018). In 2011 it was estimated that

between 2.9 and 3.6 million people lived in informal settlements in South Africa.¹ However, given the tenure arrangements in informal settlements and the fluidity of residence, the number is likely to be significantly higher (SERI and ICESCR 2018). Informal settlements generally lack infrastructure and access to basic services such as water and sanitation, and the dwellings in which residents live often do not comply with formal planning and building regulations (SERI and ICESCR 2018). The precarious conditions in these settlements pose risks to the

health, safety, and security of the people who call them home.

Ward councillors play an important role in the implementation of the UISP as they assist in securing funding for upgrading, and facilitate community participation throughout the process of service delivery.

This paper uses the experiences of two informal settlements: Marikana informal settlement in Philippi, the Western Cape, and Siyanda informal settlement in KwaMashu, KwaZulu-Natal, to examine how local communities engage with formal community engagement channels to access basic services, avoid eviction, and secure tenure. The first part of the paper will introduce the experiences of the citizens engaging in local democratic spaces in informal settlements and the second part will discuss the interaction between formal and informal structures and mechanisms. This analysis will examine how community participation impacts the community itself and/or the stated goals of community members. The paper will also assess how the residents of these settlements engage with the state to assert their rights by examining the complexities of interactions within the settlements and how politics is articulated in various arenas.

METHODOLOGY

The paper relies on research conducted as part of the Socio-Economic Rights Institute (SERI)'s Informal Settlement Action Research series titled, 'Informal Settlements in South Africa: Norms, Practices and Agency'², which was conducted in the Ratanang, Marikana and Siyanda informal settlements in 2016 and 2017. The qualitative studies were conducted using semi-structured interviews framed around the themes of tenure security, basic services, sustainable livelihoods, and political space. Using a 'bottom-up' lens, derived directly from the voices of residents, the

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research aimed to document the individual and group recollections of settlement histories, perceptions of community mobilising, and actions taken against evictions and to discern, to the extent possible, layers of power and contestation that inform the complex terrain which residents of informal settlement residents navigate in the private and public spheres.

CITIZEN ENGAGEMENT IN THE INFORMAL SETTLEMENT CONTEXT

Informal settlements are 'symbolically constituted as spaces of crime, spaces of anomalous, polluting, and dangerous qualities' (Caldiera 2000:79). They are commonly viewed as criminalised spaces which translates to their residents being viewed as marginal, and suffering endless prejudices (Meth 2017: 240). The rhetoric around informal settlements has long been focused on the 'eradication' of the slums with a focus on eviction, criminalising land invasion, and encouraging security measures to prevent the formation of new settlements (Huchzermeyer forthcoming). Authorities have traditionally been resistant to recognise the residents of informal settlements and invest in developing informal settlements because they fear that investment will be perceived as a recognition of occupancy rights and serve as a tacit endorsement of informal settlements (Fox 2014). The criminalisation of informal settlements is diametrically opposed to the recognition of informal governance structures as these settlements are perceived to exist because

of unlawful occupation. Consequently, the informal local structures that represent the interest of the criminalised occupiers often strive for recognition in the formal democratic system.

Informal governance structures have developed in informal settlement settings to accommodate the needs of individuals in these communities for administrative order and recognition from formal bodies such as municipalities. These structures serve the dual purpose of representing the interests of individuals and communities and of promoting community participation, and, by extension, expressions of citizenship. Citizenship, in this context, refers to the notion of citizenship as participation, where individuals are active in the political arena and act as agents (Lister 1998: 228). Effective community participation allows community members to become active participants in the development process, where they are able to articulate their needs, identify obstacles, develop plans, and in some cases, aid in implementation (Davids 2005:12). This participation in decision-making ideally facilitates a relationship and synergy between marginalised communities and the state, to jointly improve and influence systems and processes through which basic services are delivered (Naidoo 2017).

'Invented' spaces of citizenship, are spaces 'occupied by the collective actions of the poor that directly confront authorities and challenge the status quo' (Mottiar and Bond 2014). Conversely, the 'invited' space of citizenship is legitimised by outside actors, such as government, who delineate the ways in which engagement and participation will be accepted (Miraftab 2006: 195). Community participation in informal settlements is often born in invited spaces. The ward councillor and committee system are spaces to which residents of informal settlements are regularly invited for a specific purpose but are not defined by residents themselves; these spaces

are created from 'above' rather than from 'below'. In the two informal settlements discussed in this paper, politics is articulated through both formal (invited) channels, such as ward participation, and in informal (invented) channels which include a combination of making demands, compromise, protest and resistance.

COMMUNITY PARTICIPATION IN INFORMAL SETTLEMENTS

Community participation in informal settlements is often encouraged by a failure of the state to provide for residents' basic physical needs in the form of housing and infrastructure, and to facilitate the building of social relations that empower local citizens (Zonke and Matsiliza 2015).

Manzo and Perkins (2006) foreground the role of 'place attachment' to community participation and planning, by recognising that people are embedded in a physical context that shapes the nature of people's relationships to one another and to place. This approach considers how space acquires meaning, and people's bonds with their environments impact their engagement with and desire to maintain, improve, or remain in those places (Manzo and Perkins 2006: 337). Place attachment, webs of social relations, and representative committee structures shape community participation in informal settlements.

MARIKANA INFORMAL SETTLEMENT

Marikana informal settlement in Philippi, Cape Town is comprised of three smaller informal settlements, namely Marikana I, Marikana II, and Rolihlahla which are all located on private property. The settlement was first established in 2012 with the vast majority of households settling there in 2014. In 2015, Marikana consisted of 32 000 households, had grown to more than 60 000 people in a period of less than five years,

and continued to grow as the SERI research was being conducted.³ Marikana does not have access to formal electricity and has a ratio of approximately 40-60 people per chemical latrine (which line the road servitudes) and 400-600 people per communal tap stand. Porta-portas⁴ are delivered to a central location and collected, emptied and cleaned three times a week. Residents have erratic and inadequate municipal refuse collection and have devised their own waste management systems.

The formation of Marikana was not organised in any particular way; residents converged on the area as a result of high rents, high unemployment, and the availability of space. The settlement is comprised of a wide variety of individuals from various backgrounds with a high number of residents renting dwellings for short periods of time. Few of the people that first settled there in 2012 still live there today.

SIYANDA INFORMAL SETTLEMENT

Siyanda informal settlement in KwaMashu, Durban was established in 1988 and has an estimated population of 13 393 residents in 2011. Many of the first people who moved to Siyanda in the late 1980s still live in the settlement today with their families that have expanded over three generations.

Siyanda is separated into Sections A, B, and C. In 2000, Siyanda was included in a road development plan for the Dumisani Makhaya Drive and state-subsidised housing projects. Between 2006 and 2008, Section B and C residents were relocated to Mount Moriah and Lendelani, respectively. 64 households were relocated from Section C to Richmond Farm Transit Camp. As Section A has received Reconstruction and Development Programme (RDP) housing, the study focused only on Sections B and C. The physical division of the settlements manifested as deep social divisions in the community between residents who were relocated and those who

remained in the settlement; this has also resulted in a formal division of community networks.

Siyanda informal settlement was founded with the express intention to create an Inkatha Freedom Party (IFP) support base in opposition to the United Democratic Front (UDF) and African National Congress (ANC) supporters living in the area. All incoming residents were asked to pledge allegiance to the IFP, including attending regular political meetings. The majority of residents settled in Siyanda from rural areas before and after 1994. Populating the area with residents who were aware of the political objective of forming the settlement and who had a shared history of migrating from a rural area created a unique group of residents. In interviews, some residents stated that being raised in a rural context helped them to understand the importance of a highly regulated environment.

FINDINGS

The residents of Marikana and Siyanda used various methods to expand their political space, including organisation, participation, negotiation, and protest.

ORGANISATION

Each of the sections of the Marikana informal settlement are separate territories led by their own committees. The adoption of organisational structures like street committees is common throughout townships (Adler 1994: 103), however, in this instance, Marikana formed three separate committees. Marikana I and Rolihlahla are organised under two executive committee structures, while

The residents of Marikana and Siyanda used various methods to expand their political space, including organisation, participation, negotiation, and protest.

Marikana II, the largest section, uses an executive committee and block committees. The three committees operate independently from each other.⁵ Each committee operated under its own rules and policies regarding land management, incoming residents, the construction of new shacks, and access to the settlement. Despite these differences, the committee's primary responsibility was to secure their tenure by protecting the settlement from forced evictions and to facilitate access to basic services (SERIb 2018). The committees also have similar election processes which consist of leaders being nominated, accepting their positions and agreeing to uphold their responsibilities, accepting responsibility for convening regular public meetings, and committing to engaging external stakeholders (Teo 2015).

In contrast, Siyanda was originally organised under committee structures that were based on both traditional leadership styles carried over from rural areas and political leadership styles from the influence of the Inkatha Freedom Party (IFP). More recently, community organisation in Siyanda has shifted from a top-down structure to a more representative committee structure. As a local branch committee of Abahlali baseMjondolo (AbM) since 2009, committee leadership in Siyanda comprises of a chairperson, deputy chairperson, secretary, deputy secretary, treasurer, coordinator, deputy coordinator, and four additional members (SERIc 2018). This committee is nominated and elected by residents and serves a limited term.

The format of Siyanda's leadership structure is prescribed by AbM to all of its local branch committees and therefore superseded Siyanda's former committee structure. Before joining AbM, Siyanda's committee featured a chairperson and a handful of residents loosely appointed as committee members by the chairperson. Many Siyanda residents felt that self-appointed leadership committees lacked

transparent and democratic processes. The majority of Siyanda residents supported the decision to join AbM to form a strategic partnership to strengthen the settlement's internal organisation in order to better challenge the eThekweni municipality on its neglect of Siyanda's housing and basic services needs. Joining AbM also meant joining a larger national movement, and many residents felt that membership in a larger organisation would help their claims to legitimacy. As the mandate of area committees is to take community-expressed issues forward to local government, the AbM branch committee works closely with ward councillors and ward committee structures.

GAINING RECOGNITION

Residents in Marikana struggled to gain recognition through negotiation and participation, but were able to occupy informal participatory channels by mobilising to impact claim recognition and assert their legitimacy. Residents engaged their ward councillor, the City of Cape Town, Parliament, and the legislature in writing, through marches, and protests in Philippi East and Cape Town's Central Business District (SERIb 2018). The committee attempted to engage with these external figures on behalf of the thousands of residents living in Marikana with no access to basic services and who faced immense opposition in gaining recognition from the state because the first ward councillor to whom they appealed refused to recognise them as anything other than 'land invaders'. Even though the residents had organised and mobilised to be able to engage external stakeholders on the issues of access to basic services, the councillor was able to ignore them as they did not exist within any formal space in which he felt obligated to engage.

The following ward councillor accepted them as a part of Ward 35 and did not use residents'

occupation of privately-owned land as an excuse to refuse to engage with them. The new councillor had previously worked with local leaders in the area prior to being sworn in for a five-year term in August 2016. He attributed the crime and violence in the informal settlement to divisions in leadership and worked to unite the various committees in his ward. He promoted a narrative of collaboration and working towards a common goal and prioritised working with committee members from the settlement as partners to gain improved access to services, starting with temporary electricity. Residents of Marikana and surrounding informal settlements actively supported this councillor being elected as he was viewed as a uniting force.

The new ward councillor also included Marikana in the Ward Development Forum, or Philippi Business District, which authorised and monitored development projects in the Philippi area. The Forum operated out of the councillor's office and consisted of representatives from street committees throughout Ward 35. Participation in the Forum provided residents of Marikana with employment opportunities through waste collection and cleaning services in the settlements and encouraged Marikana's committee structures to work together.

Unlike the early experience of Marikana's committees, community participation in Siyanda was often articulated by the representative committees working closely with the ward councillor and ward committee. In early engagement with the ward councillor, committee members were purposefully excluded from any discussions relating to the relocations because of the construction of the Dumisani Makay Drive project in 1998. The committee members felt that the municipality was purposefully creating divisions in the community by only inviting residents who were expected to be relocated to meetings to discuss the relocation to a new site. The

meetings were closely controlled using a ticketing system, and residents were told not to share the details of the meeting with anyone. Committee members who expressed dissatisfaction about the lack of consideration for the existing committee and the lack of consultation relating to the development plans and implementation strategies were ignored.

Circumventing the committee ultimately disadvantaged residents who were relocated under conditions to which they did not agree. Those slated to be relocated had agreed to move to fully serviced RDP housing near Siyanda and were assured by the mayor and other municipal officials that their living conditions would vastly improve after the relocation (SERIc 2018). Municipal authorities never explained to residents where they would be relocated or how the decisions on where each household was to be moved would be made. After the relocation, residents relocated from Section B to Khulula complained of a lack of proper services, including lack of access to water for the entire first year, and a lack of electricity for months. According to residents, their concerns were dismissed by the municipality.

Siyanda residents view local government engagement with the AbM local committee as an effective way to gain access to services. In 2012, the residents of 64 households in Richmond Farm Transit Camp won court proceedings which led to an order for the Mayor of eThekweni, the City Manager, and the Director of Housing to take all the necessary steps to provide permanent housing to the families, which included forming a task team of which the AbM local branch was part. After nearly two decades of no state support, the municipality provided sanitation facilities to the settlement and began installing electricity connections, communal ablution blocks and collecting refuse from the settlement in 2017. Most of the respondents SERI interviewed attributed the settlement receiving electricity to AbM's

presence and work in ward committee meetings. Their recognition by formal structures allowed them to be effective and to gain the trust of the residents of Siyanda.

COMPETING COMMITTEES

Community participation in informal settlements is inherently complicated because street committees invent their local democratic spaces, and multiple committees can emerge at the same time, claiming to represent the same groups of people. The three sections of Marikana are represented by three committees which represent the interests of the majority of its 60,000 residents. Each committee operates using its own strategies and tactics, especially regarding their approaches to the ward councillor and the use of violence in protest. The Marikana II committee, in particular, was seen by the other two committees as condoning the use of violence while the others relied on disruption. In addition, the ward councillor's refusal to engage with the committees caused internal tension and prompted the leadership to fracture and establish themselves as 'new leaders in new areas' (SERIb 2018). Inevitably, varied interests and tactics led to the formation of various committees.

In Siyanda, one AbM committee ostensibly reflects the interests of the majority of residents, especially those remaining at the original settlement site. Since 2009, AbM has been working to improve resident access to basic services, sanitation, and tenure security by building close relationships between residents and government officials to

increase community participation in the provision of services and housing. As a large, organised organisation, AbM was able to draw the attention of the Mayoral Executive Committee (MEC) of Human Settlements of eThekweni in 2009 and to become a part of a task team to upgrade Siyanda in situ which resulted in the installation of ablution facilities in 2010. AbM's strategies and tactics rely heavily on community engagement in lieu of violence. While relatively smaller than Marikana, Siyanda, at 13,393 residents in 2011, was organised under a fairly unitary voice under AbM, so much so, that it is often accused of being more akin to a political party than area committee.

SENSE OF COMMUNITY

In both Siyanda and Marikana, residents expressed their citizenship as members of the communities in which they lived. In each settlement, residents are bound together either by a shared history or by a shared goal.

Siyanda informal settlement was established as a stronghold for the IFP in 1988. By 1996, political affiliation was no longer the primary claim to the land on which the settlement was built, nor was it a criterion for granting access to new residents. The original residents had a shared identity as supporters of the same political party and have developed a sense of community by virtue of having occupied the same space for generations. This strong sense of community likely influenced Siyanda's ability to reach consensus under one committee.

In contrast, the majority of residents who settled in Marikana did not know anyone in the settlement before they arrived. There was no formal mobilisation attempt, but a common interest that brought various groups of people with overlapping identities and interests together in this one place

Even without the common history and the bonds of time that usually create a shared identity as was the case in Siyanda, residents in Marikana saw themselves as united in the defence of their land occupation and their claim to remain on the land.

(Teo 2015). In addition to coming from various townships and locations around Cape Town, this loose settling process meant that few residents had strong ties with their committee members; this created internal challenges to legitimacy as committee members did not have a history of past work on which to base their legitimacy, and many residents could not identify their committee members by name (Teo 2015: 120). Despite the lack of ties to committee members, the residents still felt a strong sense of community as residents of Marikana.

Even without the common history and the bonds of time that usually create a shared identity as was the case in Siyanda, residents in Marikana saw themselves as united in the defence of their land occupation and their claim to remain on the land. Their shared circumstances and similar experiences created a strong sense of belonging and identity as residents of Marikana, and the continued struggle to secure their homes, and for access to basic services, strengthened their relationship with other people in the settlement and the overall sense of place.

DISCUSSION

COMMUNITY PARTICIPATION IN RELATION TO COMMITTEES AND WARD COUNCILLORS.

Ward Committees are expected to facilitate community participation by promoting and ensuring the inclusion of key stakeholders in the settlement upgrading process (UISP 2009: 14). As mediating bodies between community needs and municipal responsibilities to improve access to service delivery in informal settlements, responsive and accountable ward councillors assist in improving productive channels of communication between citizens and the state (SERIa forthcoming)⁶. The UISP requires ward councillors to encourage community participation, which can facilitate or retard the upgrading process

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as it relies on the ability or willingness of ward councillors to meaningfully engage with communities.

In Siyanda, committees and ward councillors failed to engage meaningfully, either within or outside of formal channels, specifically because the ward councillor was not willing to recognise the local committee during the Dumisani Makay Drive project. The ward councillor eschewed working with organised representatives, side-lined the committees, and engaged with residents directly. By purposefully excluding the committee from community meetings at which pertinent decisions were being made and information was being shared, the ward councillor encouraged residents to bypass the committee structure, reclaimed the invented spaces created through committees, and invited residents to engage for his own purpose, in this case, the promise of housing. The community's exclusion weakened the position of the committee and of individuals who had received services from the municipality with which they were not satisfied. Siyanda's committee became a local branch of AbM with the specific intent of forging stronger relationships with local government. Committee members value their relationship with ward councillors because they are seen as the most accessible level of government, as a way to bridge the gap between the government and poor people, and ultimately achieve settlement upgrading.

By fracturing the voice of the community and by failing to encourage local politics to play out, the ward councillor inadvertently, or advertently, delayed the process of upgrading as parties were not able

to agree on a way forward. This negotiation could have been facilitated by engaging with, instead of side-lining, local committees. In Marikana, the municipality actively worked to delegitimise the committees as a voice to which authorities would listen and challenged their ability to express the preferences of the community as a unified entity. The election of a new councillor has meant a dramatic shift in approach towards committees, encouraged community participation, and improved the likelihood of development.

Ward councillors may exclude committees because they view community participation through committees as a challenge to their authority. In Siyanda, residents believed that ward councillors viewed the strength of committees as a political threat and showed a clear preference to groups that presented less of a threat. While they continued to engage the municipalities, AbM also had to rely on litigation to force the municipality to fulfil its promise to relocate 64 households from a transit camp in Richmond Farm to top-structure housing. In Marikana, the ward councillor used the fact that there was no single voice speaking for the settlement to refuse to engage, requiring the committees to unite under one committee before he would recognise them. In both cases, the community members were vulnerable to marginalisation and exclusion from local democratic space, even though ward councillors should engage with residents of the ward and act in their interests. The inability of ward councillors to separate their roles as political actors and as development facilitators constrained progress and participation.

In addition, rival committees with competing interests often develop in settlements as a result of differing opinions on tactics and strategies, complicating the role of the ward councillor, even where the will to engage committees exists. Ward councillors are faced with the challenge of weighing different perspectives and interests. In Siyanda, membership of AbM was key to recognition; any committee acting outside of the group was disregarded. In Marikana, one settlement is represented by three clear committees as well as any smaller representatives that may fragment from those. The decision to engage with one committee over another could easily be viewed as a slight by another, which complicates the picture. Interestingly, the new ward councillor in Marikana has utilised a tactic of uniting committees to ensure that they are representing the interests of the community. This tactic is welcomed by residents and seems to be having a positive impact on community participation and development overall.

The experiences in Marikana and Siyanda illustrate the fact that, ultimately, committees and communities in informal settlements can only express their citizenship as far as ward councillors are willing to recognise the invented spaces they create. In both settlements, committees continued to engage with ward councillors, regardless of the ways in which councillors viewed or treated them because they recognised the importance of access to local democratic governance structures. Community participation in upgrading, in terms of the UISP is largely determined by the openness and capacity of an individual councillor. Consequently, committees are limited in their effectiveness outside of their invented spaces unless a ward councillor is willing to invite them to engage in the formal upgrading process. Where a ward councillor is ineffective or unwilling, provincial government can prioritise top

The experiences in Marikana and Siyanda illustrate the fact that, ultimately, committees and communities in informal settlements can only express their citizenship as far as ward councillors are willing to recognise the invented spaces they create.

structure housing over in situ upgrading, essentially eliminating community participation.

THE PERCEPTION OF PARTY POLITICS IN LOCAL DEMOCRATIC SPACE

The perception of party politics played a significant role in the ways that residents in both settlements related to each other and to ward councillors. In both Siyanda and Marikana, party affiliation was blamed for lack of recognition and progress. Party membership was seen as a way to ensure service delivery that, in some cases, was perceived as being more impactful than engaging through committees.

Political divisions have been a part of the history of Siyanda since its establishment. While membership in the IFP is no longer a requirement for residency, the traditional anti-ANC and pro-IFP rhetoric continues to exist. In the early 2000s, during the relocation process, residents who expected to be relocated expressed frustration that their needs were not being taken into account when the municipality moved residents from another settlement to a relocation site called Khulula. The residents of Siyanda felt that the ward councillor disregarded them for that project because the Siyanda residents were seen as being pro-IFP; they claimed the houses in Khulula were given to ANC volunteers. In 2014, when electricity was installed, a ward committee member explained that the decision around electrifying Siyanda became political, where parties aligned with the DA and the IFP voted to oppose electrification because it was supported by the ANC. Committee members fear that Siyanda has not been developed as quickly as surrounding areas because it is viewed as an IFP ward that votes against the ANC, and they believe that ward councillors practice 'party preference or punishment'.

Residents in Marikana also feel that ward councillors are political creatures because they rely

The extent to which ward councillors, as local government actors, are proactively engaged with informal settlement residents around their needs and challenges forms a crucial component to building a solid foundation from which to launch the implementation of the UISP.

on votes to maintain influence. Residents fear the ability of party politics to derail informal settlement development because they feel that ward councillors, as political employees, must be loyal to the interests of their political party.

Whether the ward councillors are influenced by party allegiance is largely inconsequential as long as residents believed that the councillors are 'playing politics'. As ward councillors are viewed as the gatekeepers to the provision of basic services in informal settlements, even the perception of party bias is enough to influence the way community participation plays out.

CONCLUSION

'The nitty-gritty of informal settlement upgrading and bottom-up participatory planning is where a programme or project is won or lost' (SERId, 2012: 42). The UISP places communities at the centre of their own development programmes insofar as their local practices and needs shape the agenda and sequence of municipal interventions. The extent to which ward councillors, as local government actors, are proactively engaged with informal settlement residents around their needs and challenges forms a crucial component to building a solid foundation from which to launch the implementation of the UISP.

Ward councillors play a significant role in whether communities in informal settlements are able to access basic services. For the residents of informal settlements, ward councillors are the gatekeepers to in situ upgrading and eventual tenure security. A ward councillor's term can mean half a decade of progress

or frustration for residents of an informal settlement. A single five-year term is not long enough to fully implement a long-term *in situ* upgrade, and changes in ward councillors can easily frustrate progress if one newly elected to the position is not willing or able to maintain the momentum built by their predecessor. Successful community participation is more likely where the good work done by one ward councillor is not undone the moment an official is replaced at the end of their term. Consequently, ward councillors should be strongly supported in their work and encouraged to continue inherited successful projects, and they must also be capacitated to effectively engage with the communities whose interests they represent.

In addition, committees must be recognised for their ability to facilitate consensus in the community and to enable meaningful engagement between local government and residents of informal settlements.

Informal settlements are often made up of thousands and tens of thousands of people whose only shared characteristic is their attachment to the space they share and the desire for improved living conditions. Ward councillors must recognise the role committees play within the complex political structures that develop within informal settlements in order to ensure that residents are able to access channels to development.

In situ upgrading is a long-term project that requires commitment from local governments to take incremental (and often iterative) steps to holistically implement the UISP and improve the living conditions in informal settlements through local community participation processes and structures. This process requires strong local government and community engagement, which involves the strengthening of existing links and relationships that are productive.

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NOTES

- ¹ These figures are based on conservative estimates from 2011 and are therefore likely to be under representative. See Mark Napier, 'Government Policies and Programmes to Enhance Access to Housing: Experience from South Africa', a paper delivered at the Bank of Namibia Annual Symposium in Windhoek (29 September 2011); and Studies in Poverty and Inequality Institute (SPII), *Monitoring the Right of Access to Adequate Housing in South Africa*, SPII Working Paper No 16 (September 2017), p. 33, available at: www.spil.org.za/wp-content/uploads/2018/02/Right-to-Housing_2017.pdf.
- ² The full SERI ISAR series will be available in August 2018.
- ³ This estimate is based on the figures presented by the City and the property owners during litigation. See the occupiers' heads of argument in *Fischer v Unlawful Occupiers, Erf 150, Philippi and Others; Stock and Others v Persons Unlawfully Occupying Erven 145, 152, 156, 418, 3107, Philippi and Portion 0 Farm 597, Cape Rd and Others; Copper Moon Trading 203 (Pty) Ltd v Unlawful Occupiers, Remainder of Erf 149, Philippi*, Western Cape High Court, Case No. 9443/2014 and 11705/2015 (*Fischer* eviction application), para. 18. Others have estimated that the settlement could include up to 44 000 people. See, for example, Ground Up Staff, "Does Marikana really have 60,000 people?", *Ground Up* (1 September 2017): <https://www.groundup.org.za/article/does-marikana-really-have-60000-people/>.
- ⁴ "Porta-portas" or portable flush toilets (PFTs) comprise of a toilet seat and a detachable 21-litre container. Pressing on a lever below the seat flushes the waste into the sealed container, which intends to reduce odour and provide daily storage. (SERIb).
- ⁵ The three structures were formed at different points in time. The Rolihlahla Park committee was introduced in August 2014 in response to an eviction operation and became permanent when they engaged the city council for service delivery in June 2015. Marikana II began to utilise task teams in April 2015. See Teo R (2015) *The Organisation of a Land Occupation: A Case Study of Marikana, Cape Town*. MA thesis, University of Cape Town: 98
- ⁶ This SERI article is forthcoming in the South African Journal of Human Rights.



LOCAL GOVERNMENT'S RESPONSE TO 10 YEARS OF SUSTAINED ACTIVISM

Dalli Weyers and Khadija Bawa - Social Justice Coalition

The Cape Town drought and the possibility of Day Zero - the day the majority of taps could/will run dry in the City of Cape Town – means that all residents across the city can no longer take water and sanitation for granted. These events have put water and sanitation, and access to water and sanitation on the agenda and have afforded communities greater insight into how inequitable access to water and sanitation is, and how water use levels differ across communities.



THE data on water use across Cape Town (City of Cape Town 2018), made available for the first time, reveals, unsurprisingly, that residents in informal settlements are using much less water than residents in formal housing.

This difference is because people in informal settlements across the City of Cape Town have already been living through and continue to live through Day Zero – they are collecting water from shared communal taps and they are largely reliant on non-flush sanitation.

Under the shadow of Day Zero, poor access to dignified and safe sanitation and water services persists. Access, or more precisely a lack of access

to water and sanitation have long been a barometer of the state of local government.

The apartheid government ignored the voices of the black majority and seldom entertained criticism. Although progress has been made in the first 24 years of democracy, the consensus is that more work, with greater urgency, is required. Many of the fora for public participation around policy, legislation and budgetary allocation are still incapable of meaningfully engaging with the most marginalised. The result of this is diminished policy formulation, ineffective legislation and poor service delivery, which is evident in local government's unwillingness to engage and be responsive to

the sanitation challenges communities are confronting.

This case study aims to reveal these shortcomings of local government by pointing to campaigns aimed at addressing them over the last decade. Additional insight is given on how local government has responded and how these campaigns have shifted, intensified or have been resolved over time.

HISTORY OF THE SOCIAL JUSTICE COALITION (SJC)

The SJC emerged in 2008 from a coalition of progressive civil society organisations, based in part in Cape Town, that jointly responded to a wave of xenophobic violence that had erupted in informal settlements across South Africa and that had left over 60 people dead.

Having supported and assisted those displaced by the violence and after the violence had subsided, the loose coalition of organisations took time to reflect on the socio-economic drivers that might have contributed to the violence. In engaging with residents in informal settlements in Khayelitsha (the community in Cape Town most impacted), poverty, high-density, informality, poor basic service delivery and the consequent contestation over limited resources were identified as key contributing factors. The voices in the room conceded that the organisations they represented in the coalition weren't directly addressing these challenges at a local government level. As a result, the SJC emerged from the coalition as a social movement aimed at fighting spatial inequality, challenging state resource inequity, and building real power in poor and working-class areas.

The SJC achieves the objectives listed above by employing a variety of tactics including advocacy, litigation, negotiation, public protest, branch building

and education. Founded in the same year as partner organisation Equal Education (EE), and with ties to the Treatment Action Campaign (TAC) the SJC similarly emerged as a membership-based social movement enlisting similar tactics and advocacy strategies to those developed by TAC and furthered by EE.

While organising was, and is, often messy and unpredictable, the organisation challenged power from the outset, with committed leadership and purposeful and sustained advocacy. This situation is possible because, as a grassroots, community-based organisation, SJC works closely with and is mandated by community members. The campaigns over the last decade have forced the political agenda of poor and working-class people into spaces of power.

TAKING GUIDANCE FROM IMPACTED MEMBERS ON FAILURES OF LOCAL GOVERNMENT TO DELIVER SERVICES

SJC members, residents of informal settlements in Cape Town, immediately highlighted a lack of safety as a major issue that impacted their daily lives. Importantly, members highlighted how inadequate delivery of basic services to informal settlements, and of sanitation in particular, contributed to the erosion of their right to life, to dignity, to equality, safety and bodily integrity. Testimonies emerged of residents who had been assaulted, raped, or whose family members had been murdered while making use of either shared communal flush toilets, 'temporary' chemical toilets (outside of the home) or clearings to relieve themselves – these experiences persist. On 2 March 2016, Sinxolo Mafevuka's body was found naked in a communal flush toilet on the edge of Town Two in Khayelitsha. The communal toilet was located about 100 metres away from where Sinxolo

lived. Residents believed she was dragged there after having been strangled.

The drivers of violence in communities are complex and varied and require a comprehensive response addressing these multiple sources of risk. Over the last few years, development and human rights organisations have highlighted how the absence of adequate local sanitation facilities have contributed to the likelihood of physical or sexual assault against women and children, where travel to and from toilets renders them vulnerable to attack (Gonsalves et al. 2015). As a result, the SJC's major campaigns over the last decade have focused on the interconnected issues of inadequate delivery of sanitation services to informal settlements and the lack of safety and security of informal settlement residents in Cape Town.

UNDERSTANDING THAT RIGHTS ARE INDIVISIBLE AND INTERCONNECTED

The South African Constitution guarantees all people the right to life, to health, to safety, to water and to a clean and safe environment. These rights are indivisible. These rights are interconnected. The rights to life, to equality, to dignity, to health, to safety and to a clean and safe environment can only be meaningfully met if the right to water and basic sanitation are substantively met. The Constitution requires the state to progressively realise the right to water and basic sanitation.

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The National Water Act (Act no. 36 of 1998) recognises 'that while water is a natural resource that belongs to all people, the discriminatory laws and practices of the past have prevented equal access to water, and use of water resources'. Drawing on the preamble to the Constitution, the Act lists, as one of its purposes, the need to redress this racial and gender discrimination, in law and practice, of the past.

The Strategic Framework for Water (2003) lists the requirements of what basic sanitation constitutes. These requirements include safety, privacy and measures aimed at ensuring a clean environment.

Section 73 of the Municipal Systems Act further requires municipalities to deliver basic services 'in a manner that is conducive to the improvement of standards of quality over time'. In other words, not only is the state required to progressively realise access, an additional onus is placed on local government to improve the standards of quality of basic services provided over time. In short, the provision of temporary solutions as permanent fixtures indefinitely falls foul of the Municipal Systems Act.

HISTORY OF THE SJC'S CLEAN AND SAFE SANITATION CAMPAIGN

On 30 March 1983, an Apartheid Minister for Cooperation and Development, Dr Piet Koornhof, announced plans for a new settlement for Black African people in Cape Town, to be located on land to the east of Mitchell's Plain.

The first phase of the township development was to consist of 1000 plots of 170 square metres each on which a 'fletcraft' tin hut costing R1 010 would be erected for each family, *with one tap supplied for every four plots, one bucket toilet per family, high-mast street lighting, and a rubbish removal service* (Commission of Inquiry into Allegations of

Police Inefficiency and a Breakdown in Relations between SAPS and the Community in Khayelitsha 2014: 33). This township development would become Khayelitsha.

In contrast to the services provided by the apartheid government, the City of Cape Town has now set its minimum level of services to be provided to informal settlements, like those in Khayelitsha, at one tap for every 25 families, one toilet for every five families, and a weekly refuse removal service (Socio-Economic Rights Institute of South Africa 2018).

Today, Khayelitsha is home to more than 400 000 people. 65 000+ households in Khayelitsha are living in informality, while 50 000+ households live in a brick or concrete house on an individual stand. The 65 000+ households that are living in informal structures are living in 80 informal settlements or informal settlement pockets identified by the City of Cape Town. Khayelitsha is home to just under a third of all informal settlement households in Cape Town.

A lack of access to sanitation continues to be a major concern in Khayelitsha and other informal settlements and presents a serious challenge to municipalities across the country.

The immensity of the challenge has led to many municipalities resorting to the provision of short-term, and what should be temporary, measures to address the sanitation needs of many informal settlement residents. These short-term measures have now become de facto permanent measures, despite them being wholly ill-suited to long-term use and despite them failing to meet the requirement set out in the Municipal Systems Act which requires municipalities to deliver basic services 'in a manner that is conducive to the improvement of standards of quality over time'.

Given this context, the SJC launched its Clean and Safe Sanitation campaign in 2009. The history of the campaign is well placed to give insight into the

The immensity of the challenge has led to many municipalities resorting to the provision of short-term, and what should be temporary, measures to address the sanitation needs of many informal settlement residents.

state of local governance by revealing the tension between civil society and local government structures around the provision of basic services to informal settlements.

JANITORIAL SERVICE

On 27 April 2011, approximately 2500 SJC supporters marched to the Cape Town Civic Centre where a petition entitled *Memorandum on Access to Clean and Safe Sanitation Services in the City of Cape Town* (SJC 2011), signed by more than 10 000 people, was handed over to a representative from the mayor's office. The memorandum articulated the SJC's concerns with regards to sanitation provision in the City's informal settlements, and called for a two-pronged approach to improving access to and quality of services.

Firstly, the SJC asserted that more must to be done by the City to ensure that existing facilities are adequately maintained, monitored and coordinated as a matter of urgency. The SJC argued that this could be done relatively quickly and cost-effectively, as it would not require the installation of additional infrastructure or acquisition of new land, but would greatly improve the level of service and quality of life for those using toilets and water facilities in informal settlements.

Secondly, the memorandum called on the City to initiate broad-based, meaningful engagement with communities and civil society to plan for the delivery of additional clean and safe sanitation and water facilities in line with national basic sanitation norms and standards within a reasonable timeframe.

Soon after taking office, Cape Town's Executive Mayor Patricia de Lille met with the SJC on two separate occasions to discuss the memorandum. Following these meetings, Mayor de Lille released a public statement indicating a willingness from the City to work with SJC to advance the provision of 'the highest level of (sanitation) service possible'. The mayor also stated that the City wants 'the SJC to be our partners in service delivery' and that 'partnerships are models of the type of collaborative engagement we want to create between government and interested stakeholders' (De Lille 2011).

The memorandum was later discussed by approximately one hundred attendees – representing more than sixty community organisations, social movements, research institutions, religious denominations and government departments – that participated in the inaugural Cape Town Sanitation Summit hosted by the SJC on 15 September 2011. Mayor de Lille opened the Summit.

During a speech to Council on 28 September 2011, Mayor de Lille announced the planned Mayoral Special Jobs Creation Project that would include 'cleaning, maintenance of services in informal settlements, maintenance of storm water systems, and more' (SJC 2011). In subsequent correspondence, the SJC enquired whether this Jobs Creation Project would include janitorial services. The then Mayoral Chief of Staff, Mr Paul Bogey, responded to the query and confirmed that they would – the SJC welcomed this. The SJC, in response to this confirmation that a janitorial service would be rolled out, argued that in order for a janitorial service to be a success, broad-based consultation with communities

and key stakeholders, at the inception stage and throughout the process, would be necessary.

The SJC publicly undertook to be an active, engaged and constructive partner of the janitorial service. The organisation pointedly undertook to supply ongoing input and advice and to encourage communities and partner organisations and other key stakeholders to participate. The SJC also stated that it would extend its ongoing monitoring of sanitation service provision, which included equipping communities with the tools to track delivery of the new service.

In a major success for the SJC, and to the City of Cape Town's credit, a janitorial service was established in 2012.

The window of productive engagement and participation between the City and the SJC was however short-lived. After the janitorial service had been initiated, the SJC asked the City to produce an implementation plan for the janitorial service while highlighting that the absence of a plan undermined the health, dignity, and safety of janitors and communities. In a memorandum handed to the City of 25 June 2013, the SJC detailed the litany of commitments made by the mayor in relation to the service, which included a commitment to develop an implementation plan, that had not been met.

In an attempt to meet with the mayor to discuss the lack of an implementation plan for the janitorial service along with other issues in the delivery of sanitation services to residents of informal settlements across the city, 21 members of the SJC took part in an act of peaceful and organised civil disobedience outside the Civic Centre in September 2013. Ten of those SJC members have since been criminalised for having contravened the Regulation of Gatherings Act of 1993 (RGA).¹

Despite all these attempts at engagement and despite some new concessions from the City by July

The memorandum articulated the SJC's concerns with regards to sanitation provision in the City's informal settlements, and called for a two-pronged approach to improving access to and quality of services.

2014, the SJC felt it necessary to make good on its undertaking to extend its ongoing monitoring of sanitation service provision to the janitorial service. The findings of the SJC's social audit into the service revealed that the implementation of the service was inconsistent and hazardous and suffered from a severe lack of planning and consistency (SJC 2014).

Many toilets were found to be in a state of disrepair for months. Janitors, it was found, were being exposed to illnesses because not all of them had received the necessary inoculations. The social audit also found that the distribution of janitors across areas was unequal. The overall assessment was that residents were left with diminished access to toilets because many of the toilets delivered were now in a state of disrepair and posed life-threatening risks to the poorest and most vulnerable communities in the city (SJC 2014).

MSHENGU CHEMICAL TOILET SOCIAL AUDIT

On 27 April 2014, 150 people gathered in Khayelitsha to assert their fundamental and hard-fought right to hold their leaders accountable in advancing the basic rights of all people, but particularly those in historically disenfranchised communities. The purpose of the gathering was to discuss the communal toilets intended to serve thousands of households in informal settlements across the City of Cape Town.

Pointedly, those attending the gathering were asking the question: Why has the City of Cape Town paid a private service provider R126 million for a service that is not being fully delivered? The Freedom Day community meeting followed a week-long social audit in which affected residents worked in partnership with trained practitioners to assess whether Mshengu Services – a provider of more than 5000 communal toilets – was delivering on

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their obligations outlined in their contract with the City.

During the social audit, over 60 participants interviewed 270 residents of 4 informal settlements - RR-Section, Taiwan/CT, Green Point, and eMsindweni. The participants inspected all chemical toilets found across these 4 areas. The audit found that the City had paid Mshengu Services more than R126 million to provide and maintain short-term sanitation solutions, the chemical toilets, over a sustained period. On inspection, only 256 toilets intended for the 4 areas audited were found, which left 90 toilets, which were required in the service level agreement (SLA), unaccounted for. In addition, the distribution of the 256 toilets in the 4 areas audited appeared random and meant that a ratio of one toilet to every five households wasn't uniformly realised. In many cases, more than 10 families were sharing a single toilet and in one area, 26 families were sharing one toilet. Of the toilets inspected, only 68% had been serviced by a Honey Sucker in the last week, even though the SLA required this service to be undertaken three times a week. 54% of toilets were in an unusable state and 66% of toilets were damaged. None of the toilets inspected were secured to the ground and residents complained about the dangers of using a toilet that could easily topple or be pushed over. The SLA required that all toilets be safely secured to the ground, including those in sandy areas. Lastly no Community Liaison Officers (CLOs) were found on site and residents also reported that they did not know of any CLOs employed for this service. CLOs are meant to ensure

the smooth running of the service and to facilitate communication.

Overall, the findings of the social audit found that the City was failing to monitor Mshengu Services and other contractors. This lack of monitoring and enforcement of the service level agreements entered into, lead to wasteful expenditure and human rights violations (SJC 2013).

The City of Cape Town responded to the social audit results as follows (Nicholson 2013):

Our records show that the City did not always verify each toilet serviced against the invoice and delivery note.

The City acknowledges that we need to improve the monitoring of service providers for toilets to ensure that residents access the highest level possible of basic services at all times.

We have taken remedial action to address this. To this end, we have appointed 266 staff members to improve our efforts to monitor the provision and maintenance of toilets services across the City.

In addition to this, I will later this month visit different communities, including informal settlements, to engage them about the contents of our Service Level Agreements (SLAs) with different contractors.

BUDGET AND PARTICIPATION WORK

One of the biggest challenges the SJC faced in trying to improve access to sanitation was that the state treated informal settlements as 'permanently temporary' and as a result, provided short-term sanitation measures permanently. These

measures rely on a continuous operating budget for maintenance and near weekly servicing and cleaning. This situation has meant that the City's operating budget overshadows its capital budget when providing sanitation services to informal settlements.

Two issues led to the SJC's initial interest in the City's budget. First, clarity was needed regarding how much money was actually being spent on sanitation in informal settlements and to unpack the 'pro-poor' budget claims made by local government. Secondly, more information was required regarding the City's prioritisation of temporary services in lieu of long-term planning.

Towards the end of 2014, the SJC in partnership with Ndifuna Ukwazi (NU) and the International Budget Partnership (IBP) undertook an analysis of the budget documents with a specific focus on sanitation.

The analysis revealed that the capital spending on sanitation in informal settlements was extremely low – less than 2% of the water and sanitation capital spending. These numbers revealed the magnitude of the injustice and its permanence.

A twofold strategy emerged: first, was to help SJC staff members and others to understand the budget and make submissions during the budget cycle; second, to build a public campaign around the budget injustice before the budget process reached the City Council. This project called for intimate knowledge of budget systems and the public participation in this process. What became clear was that the City was ill-equipped to give substance to the processes of public participation in relation to budgets. This means that in practice it is hard for communities to hold local government accountable.

After two months of workshops and a budget camp, where 60 SJC members spent three days studying the budget, over 500 informal settlement residents from Khayelitsha wrote individual submissions, while the SJC and NU made a joint

These measures rely on a continuous operating budget for maintenance and near weekly servicing and cleaning.

submission. All these submissions were hand delivered to the City, by 150 people, on 22 April 2015. The group was met with confusion and hostility by city officials. A representative from the mayor's office argued and refused to accept the submissions. The official insisted that he would only accept a memorandum. After a tense standoff, the official capitulated and begrudgingly accepted each submission.

The SJC/NU organisational submission argued that the City was spending a disproportionately small share of the water and sanitation capital budget on informal settlements, while prioritising temporary services. The SJC demanded that the City increase the capital budget allocation to facilitate the delivery of permanent safe and dignified toilets to informal settlements (SJC and NU 2015).

When Mayor de Lille tabled her final budget on 26 May 2015, a considerable part of her speech was committed to attacking the SJC. She painted the SJC as an organisation driven by nefarious political agendas and self-enrichment. She also mocked SJC members stating that they couldn't read a budget.

By 2016, SJC staff and members had a much deeper understanding of how to engage with the budget and facilitate submissions. Through a process of education and organising, similar to that in 2015, 3 000 residents in Khayelitsha and Gugulethu wrote submissions. After threatening legal action, the City acknowledged, in writing, that the submissions would be treated individually.

From 23 public submissions in 2014, the number of submissions in 2016 had risen to over 4 000. The SJC clearly had a hand in entrenching participatory process and allowing citizens to engage meaningfully with government processes that impact their lives.

The increase in the number of submissions ultimately pushed the City to reconsider its participatory mechanisms.

SUCCESSSES AND FRUSTRATIONS ENCOUNTERED

Over the last decade, the SJC has, through sustained and principled advocacy, compelled the City of Cape Town to adopt a janitorial service for all communal full-flush toilets in informal settlements across the City. The organisation has also successfully highlighted a blind spot in the City's outsourcing of the delivery of some basic services and has revealed the need for greater monitoring and evaluation of service level agreements. Lastly, the SJC has ensured much greater meaningful participation in the budgetary processes in the City.

The SJC's social audits and budget work has revealed how citizens can work alongside government in monitoring service provision and that communities themselves can participate directly in affecting change in both monitoring service delivery and holding leaders accountable.

Despite the SJC's relative successes, the main demand of its Clean and Safe Sanitation Campaign has not been met, which was for the City to develop and implement a city-wide sanitation plan that moved away from costly temporary (now de facto permanent) sanitation services and to move decisively towards the provision of safer, more dignified long-term solutions. As a result, after several years of campaigning, the SJC, represented by the Ndifuna Ukwazi Law Centre, filed a court application in the Equality Court in July 2016 to ensure that the City of Cape Town delivers.

The court case is challenging the provision of temporary sanitation solutions in Cape Town's informal settlements, seeking an order, in the form of a structural interdict, which will compel the City of Cape Town to develop a reasonable plan and adequately budget for the provision of improved access to sanitation in the city's informal settlements. The case aims to affirm the right to equal access

to quality sanitation, and basic services in general, of Cape Town residents who reside in informal settlements.

RESPONSIVENESS TO LOCAL GOVERNMENT'S RESPONSES

In a social audit undertaken by the SJC earlier this year (a final report is forthcoming), 478 communal taps and standpipes in seven informal settlements in Khayelitsha were inspected. Of these 478 taps and standpipes inspected, only 77% were working. For 20% of the standpipes and taps inspected, all that remained was a pipe, bent and tied shut with a wire. Of the total, 72% had no drains and as a result 67% were deemed dirty or very dirty. These results indicate that in some informal settlements' access to water has been limited due to poor maintenance, a lack of additional infrastructure delivery and a lack of will to improve on existing infrastructure by allocating appropriate budgets and connecting existing taps and standpipes to proper drains. The results also underscore that the janitorial service and the 266 staff members appointed by the City, in response to SJC campaigns, are not fulfilling their mandate to monitor, fix and/or report any sanitation-related faults or poor service delivery.

While public advocacy around sanitation and public participation continues, the SJC continues to work on bolstering the existing campaigns and developing new strategies moving forward. Advocacy campaigns need to be not only responsive to the state of local government, but also to the responses of local government to advocacy campaigns.

During the ongoing litigation between the SJC and the City, the City submitted its Informal Settlement Project Pipeline (ISPP) in response to the SJC's allegation that the City has failed to develop a

plan outlining how the provision of sanitation services in Cape Town will be improved over time. The ISPP had never been made public before, and despite the City's attempt to have the ISPP pass for a sanitation plan, it doesn't. The ISPP contains no plan for the provision of sanitation for the overwhelming majority of the informal settlements in Cape Town. What has become clear, and is confirmed by the ISPP, is that the City does not have a comprehensive plan, and does not intend to develop such a plan for improved access to sanitation for the overwhelming majority of the people who live in informal settlements. The residents of 346 settlements in the City's area of jurisdiction only have the statement 'basic service delivery' next to their name. If the number of households remains the same (a highly optimistic assumption), at the current average rate of provision, it will take the City 91 years to upgrade all existing informal settlements under the Upgrading of Informal Settlements Programme (UISP).

In short, the City has essentially responded to the Clean and Safe Sanitation Campaign's biggest demand by pointing to their limited UISP, and downplaying the issue of sanitation in informal settlements. This plan is not reasonable and does not provide a comprehensive enough strategy to ensure temporary and permanent access to sanitation for all informal settlements. This response by the City has served to open another front in the SJC's work in informal settlements. Not only will the organisation continue to advocate for improved sanitation, as long as poor working class residents of informal settlements continue to live through Day Zero, but it will also now work to ensure that the City's UISP substantively confronts the housing crisis by engaging meaningfully and budgeting accordingly.

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NOTES

- ¹ On 11 September 2013, 21 SJC members and supporters were arrested and criminally charged with contravening the RGA after having staged a peaceful and organised act of civil disobedience outside the offices of Cape Town Mayor Patricia de Lille, chaining themselves to the railings of the Civic Centre. The decision to organise and attend the protest outside the offices of Mayor de Lille was not taken lightly. In February 2015, the 10 elected leaders who were identified as the convenors of the protest were convicted in the Cape Town Magistrates Court, while the other 11 participants were acquitted. The SJC and those found guilty lodged an appeal. On 24 January 2018, in the Western Cape High Court, Judge T.C. Ndita delivered a judgment. The judgment expunged the criminal charges and found Section 12 (1)(a) of the RGA unconstitutional. The South African Police Service is now appealing Judge Ndita's judgment and as a result, the criminal charges against the 10 SJC members remain in place.



DREAM DEFERRED? BROKEN TRUST AND THE UPGRADING OF LANGRUG INFORMAL SETTLEMENT

Kwanda Lande and Yolande Hendler - Community Organisation Resource Centre

‘It feels like we are standing still. How can we continue working together when we have not managed to complete existing projects?’ (Meeting 29 May 2018¹). The sense of frustration was evident as members of the Langrug Community Projects Committee (LCPC) expressed their views about informal settlement upgrading initiatives in Langrug. Although not stated explicitly, a core aspect of the LCPC’s question revolved around trust and the certainty of follow-through. These sentiments, along with the destruction and disruption of some informal settlement upgrading projects in Langrug² beg for critical reflection on our practice as the South African SDI Alliance³ and that of various actors involved in Langrug.



IN THE 2014 State of Local Governance publication, Tshabalala and Mwau (2014) highlighted the Alliance’s collaborative approach to informal settlement upgrading projects in Langrug as being instrumental in building social cohesion and resilient communities. This approach was adopted in a context where the municipality had long tried to provide services through ad hoc, top-down methods with no success (Bradlow 2015). Kumar and Robyn (2016) make a point that this new approach in Langrug was characterised by a

community-led agenda, in which decision-making was not solely located in the state but shared between all parties. The approach thereby also resonated with aspirations set out in the 1998 White Paper on Local Government, including the provision of sustainable services through partnerships between local government and CBOs/NGOs.

By April 2016, repeated incidents of vandalism had culminated in the complete destruction of an upgrading project in Langrug – the Mandela Park

Water, Sanitation, and Hygiene (WaSH) facility (du Preez and Malan 2016; Meiring 2017). The construction of a second WaSH and multi-purpose facility began in 2014. Known as the 'Innovation Centre', this facility is located in the Zwelitsha section of Langrug. By 2016, the construction of this facility had not yet been completed and, while it stood vacant, surrounding residents reported interspersed incidents of vandalism (CORC City Fund 2016⁴). This vandalism was a stark indication that 'the dream' of scaled up service delivery, an organised community and a sustainable model for upgrading, while once robust, had become brittle.

This paper investigates the dynamics contributing to the destruction and disruption of these two WaSH facilities, and engages with the perceived breach of trust as expressed by the LCPC and shares emerging responses from the SA SDI Alliance and the LCPC. While the paper recognises the inherent presence of conflict and contestation in collaborative upgrading processes (Bradlow 2015), it also seeks to uncover 'the generative potential of contestation' through which new options and alternatives can arise (Cirolia et al. 2016: 19). In this sense, this paper is a case-specific retrospective that may also have relevance for relationship building between informal settlement communities, local governments and support organisations elsewhere.

METHODOLOGY

This paper is informed by a mixed methods research approach. The research focuses on community organising and upgrading processes in Langrug since the Alliance's first engagement with the settlement in 2012 and with Stellenbosch municipality in 2010/2011. This study aims to investigate and learn from some of the setbacks that occurred in this period. The context in which this research took place was one in which the Alliance and community members affiliated to the

LCPC were engaged in a process of building trust. This process is underway because when initially approached about this research, LCPC members indicated that they would not support new projects or research without completing existing projects. In this light, the Alliance made use of the trust-building process with the LCPC as an avenue to draw insight for this study. The Alliance conducted four interviews with community-based actors (including the LCPC) who were involved with both WaSH facilities. These interviews with community members and project implementers provided valuable insight into the implementation and progression of these projects. Additional sources of data included extensive archived documentation by the Alliance, academic and policy documents, project reports, newspaper articles, and websites.

LANGRUG UPGRADING PARTNERSHIP

In the Alliance, Langrug holds a special status as a learning centre for other Federation of the Urban Poor (FEDUP) and Informal Settlement Network (ISN) affiliated communities due to the particular nature of the partnership between Langrug community, Stellenbosch municipality, and the Alliance. The partnership was initiated after the municipality approached ISN and the Community Organisation Resource Centre (CORC) in 2010/2011 to partner with its newly established Informal Settlement Management department (Kumar and Robyn 2016), as the municipality recognised that it could not deliver services alone due to challenges associated with limited resources and community mobilisation that was required to facilitate interventions (Siame 2013). The partnership was celebrated as precedent setting because of the nature of the Memorandum of Understanding (MoU) that was signed in 2012 between CORC (on behalf

of the SA SDI Alliance) and Stellenbosch municipality (Siame 2013).

The MoU provided a framework for implementing upgrading projects and enabling social facilitation to build capacity among informal settlement residents; it made provision for the establishment of an Urban Poor Fund with joint financial contributions and management by the municipality, CORC and the community. The MoU 'departed from a service delivery agreement [and made it possible] to service settlements rapidly without too much red tape' (Kumar and Robyn 2016: 224; see also Bradlow 2015). The MoU envisaged the upgrading of Langrug as encompassing settlement-based data collection, savings and capacity building of residents to manage small-scale and incremental partnership projects (Kumar and Robyn 2016). In addition to some improvements in service delivery in the community, the partnership resulted in short-term work for community members on upgrading projects (Bradlow 2015).

The challenge of the Langrug partnership, however, was the lack of a well organised, municipal-wide (Stellenbosch) and settlement-wide grassroots structures (Bradlow 2015). This scenario stood in contrast to the Alliance's experience in Cape Town, where the ISN had begun networking at settlement level before engaging the City of Cape Town for a partnership. Therefore, before partnering with the municipality, Langrug did not have a widely mobilised population, which meant that, concerning Langrug, pressure on Stellenbosch municipality was not so much exerted by Langrug residents as it was by the wider networks of ISN as a nation-wide structure, CORC, as a nation-wide NGO, and SDI, as a global network with grassroots mobilisation.

At the inception of the partnership, part of the agreement was to start a process of planning and preparation for upgrading projects, while FEDUP and

ISN were simultaneously mobilising Langrug residents to lead their community process of upgrading. In the case of the municipality, CORC acted as the initial intermediary and the assumption was that once the community was mobilised, they would lead the process and CORC would provide support (Kumar and Robyn 2016). However, due to weak community structures, in particular a weak presence of FEDUP and ISN practices in Langrug, CORC remained the Alliance's primary interlocutor with the municipality (Bradlow 2013).

LANGRUG INITIATIVES ARISING THROUGH THE MOU

One of the first partnership initiatives in Langrug was to form leadership committees, which consisted of 14 lower level street committees (Bradlow 2015). The aim was to organise the community to be able to determine community priorities, deepen leadership accountability, and manage projects (Bradlow 2015). In the same year, the people of Langrug also carried out an enumeration. The outcome of this enumeration emphasised poor service delivery in Langrug, but also opened up dialogue between Stellenbosch municipality and the community of Langrug (Kumar and Robyn 2016). Within Langrug, the impact of the enumeration became evident when the community established different portfolios to focus on crucial matters such as health, education, water and sanitation, and greywater (Kumar and Robyn 2016).

In particular, the health portfolio was of great assistance in paving the way for a partnership between a local hospice and the community (Kumar and Robyn 2016). These partners organised and facilitated different public events that were aimed at raising awareness and disseminating information about HIV/AIDS and antiretroviral therapy (Kumar and Robyn 2016). Similarly, water and sanitation, and greywater portfolios anchored the construction

of various projects, including the installation of pipes to manage greywater run-off, water taps, toilets, and internal relocations (within the settlement) to avoid flood risk (Kumar and Hendler 2014, Tshabalala, 2013, Kumar and Robyn 2016). In 2011 and early 2012, the initial Langrug partnership was expanded to involve academic and research institutions, including the Worcester Polytechnic Institute (WPI) and the University of Cape Town (UCT) (Tshabalala, 2013). According to Bradlow (2015), UCT supported the community of Langrug to develop a long-term vision for the settlement that included design and policy strategies for accessing the benefits of the Upgrading Informal Settlements Programme (UISP). The UISP is a subsidy instrument designed to deal specifically with requirements of informal settlements (Department of Human Settlements 2010). At this point in time, however, attempts to access funding for Langrug through the UISP were unsuccessful since the Western Cape Department of Human Settlements (WCDoHS) deemed the total household figure in the application inaccurate (du Preez and Malan 2016, Kumar and Robyn 2016). Meanwhile, WPI, together with CORC, Stellenbosch Municipality, and community representatives supported the process of conceptualising the Mandela Park WaSH facility, which was completed in 2013 (Tshabalala, 2013). According to Tshabalala (2013), WPI also made financial contributions by sponsoring the construction of the Mandela Park WaSH facility. In addition, the municipality, through the Expanded Public Works Programme (EPWP), created work for community members during construction and to maintain the facility (Meiring 2017). The EPWP is a government programme aimed at developing skills for community members and reducing levels of poverty and unemployment by providing temporary employment (Meiring 2017). In 2014, the construction of the Innovation Centre in Zwelitsha, an upper section of

Langrug, began. In this project the community of Langrug, WPI, Touching the Earth Lightly (TEL)⁵, CORC and Stellenbosch municipality provided financial and/or technical contributions (Kumar and Hendler, 2014). The construction of this facility was motivated by the lack of sanitation facilities in the area.

LANGRUG INITIATIVES ARISING AFTER THE MOU EXPIRED

In 2015, the MoU, which outlined the Langrug partnership and funding commitments for three years, came to an end. The Alliance began seeking alternative funding avenues to continue supporting community organising and upgrading initiatives in Langrug. Habitat for Humanity South Africa⁶ (HFHSA) and the SA SDI Alliance decided to follow up on the previous UISP application that was submitted to the WCDoHS. According to du Preez and Malan (2016), both organisations decided to approach Stellenbosch Municipality with intentions of completing and submitting another application for informal settlement upgrading in Langrug. At this time, a Professional Resource Team (PRT)⁷ was already appointed for Stellenbosch municipality to implement UISP projects (du Preez and Malan 2016). As a result, the Alliance and HFHSA started engaging with this team, and this evolved into an agreement that both the Alliance and HFHSA should complete some of the UISP project deliverables, which were initially assigned to the PRT (du Preez and Malan 2016).

In an attempt to carry out the work of completing the UISP deliverables, both the Alliance and HFHSA signed a sub-consultancy agreement which required

It became evident that many members of the community were no longer motivated to drive their identified development priority, including the additionally identified multi-purpose centre.

these organisations to work together to achieve three related goals. These goals included the development of a detailed informal settlement upgrading plan, a sustainable livelihoods framework, and to facilitate a capacity building programme. Moreover, the Alliance was also asked to facilitate another household enumeration. According to du Preez and Malan (2016), HFHSA was instrumental in supporting the formulation of a community action plan (CAP), which was the outcome of the sustainable livelihood framework developed together with community members from Langrug. In this plan, the community proposed a new multi-purpose centre, which was an addition to the Mandela Park WASH Facility and Innovation Centre (du Preez and Malan (2016).

Du Preez and Malan (2016) mention that in 2016, HFHSA made some funding available for the construction of the new multi-purpose centre. However, HFHSA had to return the funding due to numerous community issues that emerged at the time (du Preez and Malan (2016). Du Preez and Malan (2016) note that at this time, it became evident that many members of the community were no longer motivated to drive their identified development priority, including the additionally identified multi-purpose centre. In parallel, both the Mandela WASH facility and the Innovation Centre were being increasingly vandalised and misused rendering the area unsafe. In the midst of engagements by some community leaders to deal with these problems, word got out in the community that some members of the leadership intended to demolish the facility and use material to build the new multi-purpose centre (du Preez and Malan 2016). The community took it on themselves to demolish this structure and all the material disappeared into the settlement (du Preez and Malan (2016).

The latest initiative in Langrug is the Genius of Place (GOP) project, a collaboration between

BiomimicrySA, Informal South⁸ and the Western Cape Government's 110% Green initiative. This project was conceptualised in 2015 with the aim of addressing wastewater and solid waste challenges. The initiative involves the installation of drainage systems that filter water before it runs down the pipeline to prevent blockage and to treat water before it is used. In this project, the Langrug Community Projects Committee (LCPC) was established as a community structure that would drive the project (Sonxi interview 2018)⁹. According to Sonxi (Interview 2018)¹⁰, this committee has evolved to become a structure that oversees all projects in Langrug. It was elected through a general meeting and consists of community leaders affiliated to ISN, ward committee members, members of the Siyazama disabled initiative, and members of the community (Sonxi interview 2018).

RE-ENGAGING LANGRUG AT THIS POINT IN TIME

Recently, two new opportunities for collaboration around informal settlement upgrading have emerged in Stellenbosch between the Alliance and the Western Cape Department for Human Settlements. One opportunity is related to a pledge of R10 million for informal settlement upgrading that the provincial minister of Human Settlements, Bonginkosi Madikizela, had made to the Alliance after visiting a settlement in Cape Town¹¹ that had been upgraded and re-blocked with the support of the Alliance. This commitment was confirmed at a meeting held in 2015 where the minister outlined the background to the pledge agreement and introduced the Alliance to various heads of department. Since then, there have been some difficulties to unlock the R10 million pledge, in particular in the context of Cape Town.

According to Hendricks (interview 27 July 2018¹²), a first difficulty was that province had to establish how to handle procurement processes to

make the R10 million available without going out to tender. A second difficulty was that these funds required a partnership with a municipality, because that is where they were going to be implemented. The City of Cape Town, which was initially identified as a partner municipality, underwent organisational restructuring which made it difficult for the City to co-sign a partnership agreement with CORC (Hendricks interview 27 July 2018); this resulted in the Alliance identifying the Stellenbosch municipality as partner through which to implement the R10 million pledge. Additionally, the Alliance was convinced, based on discussion with the municipality, that the municipality would sign off and endorse this proposal (Hendricks interview 27 July 2018).

A second avenue of collaboration with the province emerged out of a joint and sustained advocacy initiative between urban sector NGOs in Cape Town. Together, these organisations successfully engaged the province about an increased financial allocation for intermediaries conducting social facilitation in UISP projects. The engagement culminated in an agreement whereby some of these NGOs and associated community movements (including, CORC on behalf of the Alliance) would play a key role in supporting informal settlement upgrading initiatives in various municipalities in the province. In the case of Langrug, these opportunities represent the possibility for renewed, more sustained engagement with Stellenbosch municipality and direct access to support for community-led design and informal settlement upgrading projects.

WHAT WENT WRONG IN LANGRUG?

There is a growing body of literature that critically interrogates the impact of various development interventions in Langrug (see Bradlow 2015, 2013;

Tshabalala and Mwau 2014; Meiring 2017; Siame 2013; Cirolia et al. 2016; Fieuw and Mwau 2016; Kumar and Robyn 2016; du Preez and Malan 2016). The research highlights power relations, divisions in community leadership, and community ownership as challenges that have arisen during upgrading in Langrug. One of the less developed aspects in this body of literature is a critical reflection on the role of supporting organisations. In this section, some of the engagements and projects that took place in Langrug since 2010 will be interrogated to understand 'what went wrong' in Langrug.

INCOMPLETE PROJECTS AND ACCOUNTABILITY

In Langrug, residents are convinced that most of the supporting organisations that were involved in various initiatives have disappeared and that the Alliance is one of the few organisations that is still present in the community (Meeting 21 June 2018)¹³. In addition, community members and leaders affiliated to the LCPC understand that most of the other support organisations that assisted the community were introduced to the community by the Alliance (Meeting 21 June 2018). For example, in the case of the Innovation Centre, Langrug residents indicated that they were initially not aware of most support organisations that were involved until the Alliance introduced them to the community. Additionally, these residents highlight that a working agreement that outlines the roles and responsibilities of all organisations that were involved in the construction of the facility was drawn up in their absence and that they were merely informed about it verbally (Meeting 6 June 2018)¹⁴.

Existing local realities of hierarchy, gatekeeping, and powerbrokers have worked against some of the aims of the Alliance, which include the building of social capacity.

Community residents of Langrug that attended a meeting on 6 June 2018 with the Alliance made the point that it was difficult for them to hold supporting organisations accountable, especially when some of these organisations ceased work before project completion. Hence, these residents hold the Alliance accountable since most of the organisations that were working in Langrug were introduced to the community by the Alliance. According to Glenn (interview 2018)¹⁵, some of the reasons why some projects were not completed include community politics (over who should control resources), lack of motivation, and leadership capacity to allow benefits of projects to filter down to a household level. Du Preez and Malan (2016), and Ley (2015) have also written about these challenges and the role that they play in relation to the objectives of the Alliance.

Ley (2015) argues that existing local realities of hierarchy, gatekeeping, and powerbrokers have worked against some of the aims of the Alliance, which include the building of social capacity. Du Preez and Malan (2016) write about how tensions were created with ISN coordinators once another community structure was created to oversee all processes regarding the development of a new multi-purpose centre. This feedback emerged from a meeting that the Alliance held with community leaders affiliated to the LCPC on 21 June 2018. In this meeting, community leaders mentioned that a perception was created in Langrug that the Mandela Park WaSH facility belonged to a group of five community leaders and that it was not accessible to other community members. This belief was a result of a 'handover' process that was attended by Stellenbosch municipality, which was understood by residents as 'handing over' authority of the facility to this group of leaders. This misunderstanding was a source of mistrust and conflict in the settlement, which may have played a contributing role in the

eventual demolishing of the facility since it was perceived as only benefiting a small group of community leaders (Meeting 29 May 2018)¹⁶.

CONTRADICTIONS IN BUILDING COMMUNITY 'OWNERSHIP'

It is crucial to understand what 'ownership' means in Langrug since the destruction and vandalism of some projects in this settlement is attributed to the lack of community ownership of the process and projects. Du Preez and Malan (2016: 12) write that in Langrug 'an effective leadership structure, capable to lead and take ownership of their own development could not be detected'. Du Preez and Malan (2016) further note that when HFHSA engaged with the community around some of the NUSP project deliverables (with the PRT and the Alliance), there were few committed individuals which was perceived as a divided leadership structure that struggled to take decisions and drive projects. One of the consequences of the lack of ownership was that supporting organisations began 'driving' meetings and development decisions, which is in stark contrast to the principles and approaches of many support organisations that were involved in Langrug (du Preez and Malan 2016).

In a meeting held on 21 June 2018 between the Alliance and Langrug community leaders affiliated to the LCPC, leaders explained that it was difficult to take ownership of the process since their involvement in the process was limited. For example, these leaders made the point that community members of Langrug did not participate in the budget process of most of the projects (meeting 21 June 2018); this created tensions in the community, especially when projects remained incomplete because ordinary community members started blaming their leaders, accusing them and the associated support organisations of corruption (meeting 06 June 2018).

According to Masiy (Interview 2018)¹⁷, this scenario had a detrimental impact on the credibility and legitimacy of many leaders that worked very closely with supporting organisations since they were instrumental in convincing the community to support the development process.

POWER IMBALANCES BETWEEN ACTORS IN LANGRUG

Hlatshayo (2017), writing in the context of how the EPWP has been implemented in South Africa in general, identifies issues of patronage and nepotism as major factors that prevent equal access to benefits of the programme by community members; in the context of Langrug the same challenges have been experienced. Meiring (2017) writes that community negotiation over jobs for both Mandela Park WaSH facility and Innovation Centre was driven by politics of exclusion that is territorial and gendered. It was territorial and gendered since women who had voluntarily continued maintaining the facilities (even after payment ceased), were pushed out by a group of men claiming jobs for the residents of their section in Langrug. Additionally, in the midst of constructing the Innovation Centre in Zwelitsha, a female project leader had to make way for a long-standing male community leader more aligned to the Alliance. According to Meiring (2017), this female leader believes that the reason for her removal was because another community leader used his proximity to powerful partners such as CORC to ‘backstab’ her.

Power imbalances between the state and partners in similar partnerships were also observed by Pal (2006), who writes that state actors often use a constitutional mandate argument for legitimacy, to place themselves above other partners in terms of controlling the programme and approach. In Langrug, this power imbalance became evident especially

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during the second enumeration, where contradictions in approach between the Alliance and Stellenbosch municipality arose. While conducting an enumeration under the NUSP/PRT work, budget was allocated to pay a stipend to enumerators, which is not a practice that the Alliance follows during enumerations, as broad-based enumeration is not a mere data gathering exercise for the Alliance but, perhaps more significantly, a community mobilisation tool. Therefore, one can view this particular enumeration as marking the different nature of engagement between these actors, one in which the municipality played a more dominant and arguably more powerful role. According to du Preez and Malan (2016), a consequence of this payment was that people were no longer motivated to participate in the process once payment was stopped.

EMERGING RESPONSES ON BUILDING TRUST IN LANGRUG

The SA SDI Alliance and LCPC are currently engaged in a process of building trust between each other with the aim of supporting broad-based community organising in Langrug. Both parties have agreed to complete the Innovation Centre and to use this process as a learning moment that would inform a way forward in Langrug and offer learning for community organising in other settlements in Stellenbosch municipality. Moreover, both parties have agreed to work together in interrogating new opportunities in terms of benefits and disadvantages arising from the provincial pledge and ISSP engagements.

UNDERSTANDING THE MEANING OF BUILDING TRUST IN LANGRUG

In this paper, the authors are aware that understandings of 'trust' may differ, depending on context, and that the process of building trust itself may be politicised since informal settlement upgrading and community organising involves negotiating different interests and loci of power. In the initial phases of the Stellenbosch partnership, Kumar and Robyn (2016) note that follow through on practical actions and projects was a building block of trust. When speaking about informal settlement upgrading, Cirolia *et al.* (2016) suggest that building trust is at the foundation of participation. What can the (re)building of trust therefore look like in Langrug?

For the Alliance, completing the Innovation Centre is an important building block of trust as it signals to the community and its leaders that the Alliance is committed to continue supporting Langrug to self-organise and engage the municipality. For the Alliance, a significant marker of trust expressed by community leaders affiliated to the LCPC and Langrug residents, would be a continued willingness to include the Alliance, especially FEDUP and ISN, in community mobilisation efforts and to include the Alliance in general community meetings, which are often spaces in which the legitimacy of existing community leaders becomes apparent.

Additionally, trust between the Alliance and the LCPC is being built on the basis that a broad-based representation of residents, as a whole, should own project preparation for upgrading and manage assets that arise out of upgrading projects. Over the years, the ISN has experienced a high, almost annual turnover of leadership bodies in Langrug, who were

elected in general community meetings (Meeting 03 July 2018). The LCPC is the most recent community structure elected to look after projects in Langrug. The trend was generally that after a few weeks, only a quarter of elected leaders would partake in leadership requirements. In response, the Alliance is challenging itself to reassess what 'community' and 'representation' mean in Langrug.

RE-ASSESSING REPRESENTATION AND COMMUNITY

The Alliance acknowledges the presence of diverse and conflicting interests and actors in a community, in particular that social cohesion changes over time with different groups supporting different agendas (Smit *et al.* 2016). Indeed, a definition of a community would be one that is characterised by a group of people with diverse interests but linked to one another by social ties, and who engage in joint action for mutual upliftment, which can consistently change and vary over time (MacQueen *et al.* 2001). From this view, particularly, the necessity for legitimate, broad-based and relevant representation is important. In terms of understanding who in the community is represented by a particular actor or leadership body, ISN and FEDUP have indicated the critical nature of going 'deeper than leadership structures' and taking leadership decisions back to general community meetings, where the extent of attendance by ordinary community members provides insight into the extent of support for existing leaders (Meeting 03 July 2018). Thus, a general meeting was planned, where all decisions and a way forward would be discussed with the broader community.

In a meeting held on 21 June 2018, leaders affiliated to the LCPC noted that they were given a 'mandate' by the community to take ownership of the Innovation Centre, in terms of completing and maintaining the project. The LCPC originally wanted

When speaking about informal settlement upgrading, Cirolia *et al.* (2016) suggest that building trust is at the foundation of participation.

CORC to hand over the Innovation Centre to them, not realising that they needed to seek this mandate from community members residing in Zwelitsha section of Langrug who are the rightful owners of the project and to whom the leadership is accountable (Meeting 03 July 2018). It was made clear that CORC does not own any project in Langrug and that CORC cannot be in a position to determine which actors are in charge of maintaining projects in Langrug (Meeting 03 July 2018). The Alliance has therefore challenged the LCPC to garner its legitimacy to maintain the facility from broad-based support of Zwelitsha residents. For FEDUP and ISN (Meeting 21 June 2018) it is key that community leadership structures wanting to manage community assets must do so through the endorsement of their community, whom they must be accountable to.

Another important commitment regarding the long-term management of the Innovation Centre was noted by the LCPC in a meeting held on 21 June 2018. This group of leaders mentioned that they had approached the municipality to assist with electrifying the facility and providing EPWP workers to clean the facility, which the municipality had agreed to. Of the 50 EPWP workers that will be employed in Langrug by Stellenbosch municipality, the LCPC requested three EPWP workers to clean the facility on a regular basis. Currently, proposed long-term solutions include linking the Innovation Centre to an already running solid waste programme (the Genius of Space project) in the settlement, which may assist with leveraging funds to maintain the structure. Additionally, the LCPC has indicated linking the Innovation Centre to tourism activities in the settlement.

CONCLUSION

While the Stellenbosch partnership was celebrated for its precedent-setting and creative nature, this paper has engaged with a different, and perhaps more

While the Stellenbosch partnership was celebrated for its precedent-setting and creative nature, this paper has engaged with a different, and perhaps more subtle aspect of creativity, namely that 'creativity does not only take place in the moment of "innovation" but also in the commitment to repair and rework things that did not go well'

subtle aspect of creativity, namely that 'creativity does not only take place in the moment of "innovation" but also in the commitment to repair and rework things that did not go well' (Meiring 2017:25, quoting Jackson 2004) - for the Alliance, the critical self-engagement, and retrospective approach reflected in this paper, has been such an endeavour. In addition, this process is contributing to Alliance learning on how alternatives in practice can be negotiated and adapted.

By engaging with points of tension and conflict between the Alliance and Langrug residents, in particular community leaders that are affiliated to the LCPC, some of the dynamics that contributed to the destruction of the Mandela Park WaSH facility and the discontinuation of upgrading at the Innovation Centre became evident. In addition to existing reports and research by partner organisations, writings by colleagues and academics on Langrug provided further insight into what went wrong.

In particular, this paper has looked at these dynamics through the effects of supporting NGOs in the Stellenbosch partnership, and in Langrug in particular. The Alliance recognises the detrimental effect of these dynamics, most notably that planning and meetings around projects should not be led by supporting NGOs. It needs to be emphasised that CORC is a support organisation to FEDUP and ISN who, in the set-up of the Alliance, take the role of primary actors. Further challenges in Langrug related to multiple differences in power, which include power dynamics between Langrug community members, the Alliance and the municipality.

If partnerships are indeed a 'modality for participation' (Cirolia *et al.* 2016: 9), they offer the potential to change patterns in decision-making. However, if trust is breached, the approach to participatory informal settlement upgrading in a particular context needs to be questioned. For the Alliance, the questions asked and insights gained were timely. As the Alliance finds itself in a position to offer continued support to Langrug through new opportunities for sustained engagement with Stellenbosch municipality, it has been critical to draw insights that would inform an alternative approach going forward.

These insights include, firstly, completing the Innovation Centre as a demonstration of commitment

and a stepping stone towards rebuilding trust between the Alliance, community leaders and residents of Zwelitsha section of Langrug. Secondly, the Alliance is clarifying when and in what way it is appropriate for supporting organisations (such as CORC) to step into the upgrading process. Thirdly, the Alliance is re-assessing its engagement with the notions of 'representation' and 'community', conceiving of both as containing and needing to be answerable to diverse interests and agendas. A fourth, critical insight, relates to adapting community mobilisation to the particular geographical and socio-political context of Langrug, which differs significantly to other contexts.

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MEETINGS AND INTERVIEWS

- SA SDI Alliance meeting with leaders affiliated with the LCPC, 29 May 2018, Stellenbosch.
- SA SDI Alliance meeting with leaders affiliated with LCPC, and Zwelitsha residents, in Langrug, 06 June 2018, Stellenbosch.
- SA SDI Alliance meeting with community leaders affiliated to the LCPC, 21 June 2018, Cape Town.
- Internal SA SDI Alliance Meeting on Stellenbosch municipality, 3 July 2018, Cape Town.
- Internal CORC City Fund Meeting minutes, 26 May 2016, Cape Town.
- Interview with Trevor Masiy, ISN Coordinator in Stellenbosch Municipality 06 June 2018, Cape Town.
- Interview with Solomon Sonxi, Chairperson of LCPC, 25 July 2018, Cape Town.
- Interview with Chadernmay Glenn, CORC technical support professional, 26 July 2018, Cape Town.
- Interview with Moegsien Hendricks, CORC Project Manager Informal Settlement Upgrade, 27 July 2018, Cape Town.

NOTES

- ¹ SA SDI Alliance meeting with Leaders affiliated to LCPC, 29 May 2018, Stellenbosch.
- ² In this paper, the term “Langrug” always denotes Langrug informal settlement in Stellenbosch municipality, Western Cape.
- ³ The South African SDI Alliance supports urban poor communities to find solutions to homelessness, landlessness, and poverty through building organised communities and collaborative partnerships. The Alliance includes a membership based social movement, the Federation of the Urban Poor (FEDUP) and an issue-based network of the urban poor, the Informal Settlement Network (ISN). The Community Organisation Resource Centre (CORC) supports FEDUP and ISN.
- ⁴ Internal CORC City Fund meeting minutes, 26 May 2016.
- ⁵ Touching the Earth Lightly is a green design company that combines people, design and conservation. Projects have included producing low-tech, replicable solutions that respond to fires and flooding.
- ⁶ Habitat for Humanity South Africa is a non-profit organisation that supports communities in breaking the poverty cycle through participatory advocacy and awareness initiatives.
- ⁷ The Professional Resource Team (PRT) was a team tasked, through the National Upgrading Support Programme (NUSP), to assist Stellenbosch Local Municipality with conducting participatory-based planning for informal settlement upgrading. NUSP is an implementing arm of the National Department of Human Settlements (NDoHS) tasked specifically with the roll out of the UISP.
- ⁸ Both BiomimicrySA and Informal South are organisations consisting of scientists, engineers, architects and innovators that seek to promote the study and imitation of designs that utilise nature to create sustainable technologies.
- ⁹ Interview with Solomon Sonxi, Chairperson of LCPC, 25 July 2018. Cape Town.
- ¹⁰ Interview with Solomon Sonxi, Chairperson of LCPC, 25 July 2018. Cape Town.
- ¹¹ Flamingo Crescent/Heights in Lansdowne, Cape Town
- ¹² Interview with Moegsien Hendricks, CORC Project Manager – Informal Settlement Upgrading, 27 July 2018, Cape Town
- ¹³ SA SDI Alliance and community members affiliated to the LCPC Meeting 21 June 2018.
- ¹⁴ SA SDI Alliance meeting with leaders affiliated to the LCPC, and Zwelitsha residents, in Langrug, 06 June 2018, Stellenbosch.
- ¹⁵ Interview with Chadernmay Glenn, CORC technical support professional, 26 July 2018, Cape Town.
- ¹⁶ SA SDI Alliance meeting with leaders affiliated with the LCPC, 29 May 2018, Stellenbosch.
- ¹⁷ Interview with Trevor Masiy, ISN coordinator in Stellenbosch Municipality 06 June 2018. Cape Town.



MEANINGFUL CITIZEN PARTICIPATION: THE POTENTIAL AND SHORTFALLS OF TECHNOLOGY

Luke Jordan and Mbalenhle Nkosi - Grassroot

A central tension in local governance since the White Paper on Local Government is that a detailed, highly progressive, highly participatory set of laws and formal processes has led to so much disappointment in practice. Some have advocated for technology to address this tension, even as a panacea. A common argument is that the administrative and communication burden of running highly inclusive processes is beyond local government capacity, and technology can solve precisely those burdens.



HOWEVER, institutional incentives combined with a view of citizens primarily as individual consumers have created a predictable route of failure: own-label, poorly built municipal apps that have little impact or are simply unused. The purpose of this In profile is to describe an alternative approach that emphasizes collective action instead of individual clientelism and puts communities rather than tender specifications first. It analyses the limits of technology in the context of a structurally unresponsive state, but also considers the impact

that alternative approaches may have, and possible means to replicate or broaden that impact.

FOCUSING ON COLLECTIVE ACTION

Grassroot, and the way it is used by community leaders, illustrates a different approach to this problem. Grassroot focuses on collective action, mostly offline (i.e. in person), through making it simpler and easier for community members or

leaders to engage in such action using simple mobile phones.

'Grassroot' refers to both an entity, which is half field-based and half a technology start-up, and to the mobile application it has developed and deployed. The 'app' works without a smartphone or data, using menus like recharging airtime or sending a please call me. It has reached over 100,000 users and over 1,000 actions a month are called through it. Grassroot focuses on community leaders' own practices, working with them to solve problems they identify, rather than solving problems that communities are assumed to have.

For example, to call a community meeting, instead of someone with a megaphone on the back of a bakkie, there is a thirty second set of menus on a phone, just like sending a 'please call me'. The meeting call function can work on any phone, even a non-smart phone, and even if the user has run out of data. The time and cost involved in organising a car, paying for petrol, and so on, are put back into collective action itself. For example, in Freedom Park in Soweto, those saved resources were used to buy bread for community members taking part in a march on Luthuli House to demand housing. In many communities, such a change leads to an increase in the frequency and attendance at public deliberations, in turn increasing the frequency and unity of joint action, in pursuit of action or engagement with government.

TSHEPISONG CASE

One detailed case comes from Tshepiso West, a community in the west of Johannesburg. With roughly ten thousand people, the community faces a familiar litany of issues: irregular provision of sanitation services; underutilised education resources; low-quality and insufficient housing; and a lack of formal recognition of the area as a township ('land proclamation').

Grassroot focuses on community leaders' own practices, working with them to solve problems they identify, rather than solving problems that communities are assumed to have.

In mid-2017, the community began to adopt Grassroot. Using it to repeatedly organise gatherings of different sizes, record actions, and issue alerts, the community established a semi-formal structure, built on block committees. Community-wide organising takes place through a Grassroot group of almost 2000 people, with each block and different sub-groupings mobilising on specific issues through their own groups. Using this greater coherence, community leaders have engaged on a range of issues with the state. The groups engaged with the local school to convince it to put unutilised classrooms to work to open a Grade R. They established direct contact with the outsourced service provider for removing waste from the settlement's pit toilets and arranged to alter the collection schedule.

The community also engaged the City of Johannesburg more intensively through petitions, letters and in-person visits. The group attended IDP Forums, where community leaders asked city officials, 'Do you even know that we exist?', and forced the officials to respond they did not. Moreover, the officials present could also provide no feedback on issues raised in last year's IDP meetings. Nonetheless, the community organised large petitions and submitted them to multiple levels within the City and received a formal acknowledgement from the Speaker's office. They were referred to the petitions committee and promised a response which they never received. They have now begun marches to the ward councillor's house, and other forms of direct action.

In many ways, this community exemplifies engaged citizen action. Grassroot has enabled that action, but it has been generated by the community.

Unfortunately, such action receives barely any response from local government. In a survey of 100 community members, 40-50% had tried every method of engaging government – phone calls to call centres, letter writing, petitions, and in-person visits – and over 80% of those said they had received no response. More than 80% said they would try again, but with realistic expectations of success. Any new technology that is merely about individuals reporting problems to the city must answer why it will not be simply another means for citizens to talk into a void, or it will be a waste of resources.

Table 1: Engagement in Tshepisoong

Channels to be used	% Tried	% No response	% Would try again
Made phone calls	44%	66%	64%
Written letters	24%	79%	77%
Talked to councillors	52%	76%	74%
Met with municipalities	30%	79%	78%
Tried all these options	46%	83%	79%
Contacted the province	27%	80%	76%

A second case is a community called Mzondi, in the east of Johannesburg. The settlement was established recently, in 2016, when people in the Ivory Park area occupied an unused piece of public land. They established a rudimentary organisation when they took occupation, with a committee structure and registers of occupiers. They divided up some of the tasks of constructing a basic infrastructure, such as tapping nearby electrical wires and digging trenches for water pipes. The settlement is right on the boundary of the cities of Ekurhuleni and Johannesburg, leading to disputes about which of them the community should engage. In May 2017, Ekurhuleni deployed the Red Ants to evict the community, leading to violence and the death of a community member (whose name the community adopted as their own).

Community leaders in Mzondi have adopted Grassroot to coordinate and organise, using it twice a week or more to summon meetings and record or follow up on actions. Through this organising they were able to launch a crowdfunding campaign to build their own flush toilets and used Grassroot’s LiveWire service to attract press attention for it, eventually raising over R70k. They then initiated discussions twice a week on the use of the funds, to maintain transparency and deliberation while avoiding conflict, to the greatest extent possible. They have, as might be expected, found their principal stumbling block in engaging the City of Ekurhuleni, to connect the toilets to a main line, if possible.

LOCAL GOVERNMENT’S RESPONSE AND APPROACH TO TECHNOLOGY

These two cases could be repeated several times over. In all, Grassroot has been adopted widely and grown quickly, with almost 100,000 users now and over 15,000 tasks called through the platform. Two thirds of users report that its adoption has made a significant difference to their lives, with meeting attendance more than doubling and the frequency and strength of action increasing. Much of the increase in time, resources and cohesiveness has been channelled into attempts to engage local government, through both informal and formal channels. These attempts have generally been frustrated, as in the case studies, through inertia, lack of organisation, local state capture, and lack of feedback.

Grassroot has attempted to engage local government to use the platform themselves, however, local government IT departments are often jealous of their turf, conservative, and strongly predisposed to writing tenders for their own apps. In one example, a department began using Grassroot to organise

community safety groups. Despite no software being installed on a municipal computer, when the IT department was informed of this, the department was rebuked for daring to not use a tendered, own-built app. Such an example has not been an unusual experience, for us, or for others working on similar initiatives.

When apps are built by municipalities, they tend to be focused on individuals as consumers, and presume the problem is reporting rather than accountability for responsiveness. Many communities have stories of reporting service delivery failures, receiving a text that the fault has been logged, and a day later receiving another text that the fault has been fixed, when nothing at all has been done. Such a situation is arguably the inevitable result of treating citizens as consumers, and presuming that problems are ones of information rather than of power.

There is a striking similarity in why and how local government is failing both in its ability to innovate on IT and, more seriously, on the promise of the White Paper and subsequent laws.

There is a series of deep problems in the managerial culture of local government, which might be characterised as 'if we didn't write a tender for it, we don't accept it'.

Technology can support collective action by communities seeking to realise the 'dream' of the White Paper by vigorous participation in developmental government, but unless and until those problems in local government are addressed, it will fulfil a small part of its potential, and generally tend to a proliferation of waste rather than innovation.

CONCLUSION: POSSIBILITIES FOR REPLICATION

On the one hand, this profile may sound like a counsel of despair. Local government doesn't

respond, as is known from case after case, for reasons deep in its managerial culture. Even when it approaches technology, which seems to change so much else in our society, the same old patterns and the same old failures reappear – the dream continues to be deferred.

On the other hand, the profile should not be read quite so bleakly. Some of the lessons here are the same as those learned in programmes having little to do with technology: that the viable route to durable long-term change lies in breaking out of individual 'clientelism' and emphasising collective action. Even in the technology components, the lessons only repeat what are by now widespread good practices: put the user first, which means the person acting within and with their community (not the tender specification) and solve the real problem, not what one believes the problem to be. If there is anything innovative in this case, it is only the rigor in applying such lessons.

It may then be asked how this example can be replicated, and part of the answer may be the more systematic construction of an infrastructure for collective action. While the traditions for doing so exist, in the last two decades they have been substantially defunded in favour of court and media-focused strategies. Such a situation may change, as such strategies' inadequacy in the post-Zuma era becomes increasingly apparent. At the same time, the last few years have seen the emergence of larger scale, cross-community, bottom-up organisations of the poor, such as Abahlali baseMjondolo. The possibilities of the White Paper may then depend, not on somehow convincing a lost local state to reform itself, but in the convergence of old traditions and new forms. The appropriate role of technology in that will be as a humble servant, focused on what ordinary people need to act together.



DREAMS DEFERRED: REFLECTIONS ON THE LOCAL STRUGGLE FOR INCLUSIVE LOCAL ECONOMIC DEVELOPMENT IN THE THEEWATERSKLOOF LOCAL MUNICIPALITY

Boyce Tom - Trust for Community Outreach and Education

This In Profile contribution provides insights on experiences of land access struggles by small-scale farmers in Theewaterskloof (TWK) local municipality in the Overberg district of the Western Cape Province. The Trust for Community Outreach and Education (TCOE) chose this specific municipality based on familiarity and years of experiences of organisational support to local small-scale farmers towards securing their land-based livelihood strategies.



BASED on the failure of the national land reform programme to afford the previously marginalised sectors of our society, agricultural sectors in the countryside still reflect the character of apartheid spatial segregation with large commercial farms owned by a minority of white farmers. Moreover, lack of transformation is manifested in the way local municipalities have been continuing to maintain the

legacy of apartheid in the way they manage and allocate land use rights, particularly on commonage, in favour of white commercial farmers.

The central argument derives from the view as held in the White Paper on Local Government (1998) and other policies and legislation that provides scope for local municipalities to play a meaningful role in undoing apartheid spatial segregation. The basis

of the new democratic dispensation was based on tackling the legacy of the Apartheid era, the elements of which remain a defining feature of our society. It is against this background that this paper suggests that certain municipalities are not living up to their mandate of being “developmental” in their approach, as required by the Local Government White Paper and other legislation, and especially as it relates to making use of commonage land.

THE CONTEXT: LOCAL GOVERNMENT POSITION; WHAT DOES LAND REFORM MEAN TO MUNICIPALITIES?

Theewaterskloof municipality is in the Overberg District of the Western Cape Province and was formed on the 12th of December 2000 and named after Theewaterskloof dam near Villiersdorp. The commercial agriculture sector is the backbone of the local economy and the largest employer, which has contributed to population growth, especially in towns surrounded by fruit and wine farms. However, the seasonal nature of farm employment and the extent of farm evictions places many households in the grip of poverty. The government land reform programme has not made much difference in land ownership or land use in the area. Predominantly, owing to high land values in the area, the favourable land reform route notable in the area has been in the form of farm worker Equity Schemes, which allows farm workers using government land reform subsidies to earn a share of ownership on commercial farms they are employed in. Besides this arrangement, there is little land reform that has happened in this municipal area.

Land reform opportunities that exist within state-owned land have not been fully explored despite huge potential of this route to reach the poorest of the poor and allowing municipalities to play a big role in the realisation of this aspect of land reform. According

Municipal commonage provides opportunities for land reform primarily because it is public land which does not need to be acquired.

to the Department of Land Affairs (now Department of Rural Development and Land Reform), municipal commonage provides opportunities for land reform primarily because it is public land which does not need to be acquired (DLA 1997). Local government is therefore expected to work closely with the Department of Land Affairs to ensure that land reform and restitution processes are incorporated in their Integrated Development Plans (White Paper on Local Government 1998).

The experience on the ground shows that many municipalities continue to be enclaves of the apartheid administration system in that they continue to prioritise white commercial farmers when it comes to commonage land leases. The terms of lease agreements vary significantly between white farmers and black small-scale farmers with the former category getting as long as 99 years whilst the most small-scale farmers get afforded only nine years and eleven months at most. This practice is inconsistent with the ideals of democracy and the conditions under which commonage land should be used. The White Paper acknowledges the fact that previous local governments did little to uplift those that had the greatest need and therefore the new mandate is to redress the imbalances created by previous discriminatory systems. Anderson and Pienaar (2003) noted that the commonage programme contributed to the greatest transfer of land attributed to any one programme within the greater land redistribution programme. Moreover, the Department of Land Affairs maintains that reallocation of commonage to poor residents who wish to supplement their incomes could help address local economic development and provide an inexpensive land reform option (DLA

1997). Sadly, very few municipalities have considered taking up the issue of commonage in this way. From our engagements with the TWK municipality to facilitate land access for small-scale farmers, the municipality maintains that it is not their mandate to provide land to small-scale farmers.

Contrary to this assertion, the municipality's Integrated Development Plan acknowledges a need to develop a clear strategy to unlock the opportunities for agricultural development for emerging farmers in the areas of Riviersonderend, Tesselaarsdal and Genadendal and for that to be possible, land must be made available (3rd Annual Revision 2015-2016). In the same document, the municipality further commits to prioritising making land available for small-scale farmers of Ward 7 (Botriver) and Ward 1 (Riviersonderend) as priority areas one and ten respectively.

REALITIES ON THE GROUND

This section draws on experiences of what has been happening on the ground in small rural towns in the TWK municipality. In these areas, the majority of small-scale (mainly livestock keepers) are facing huge challenges sustaining their land-based livelihoods as they are forced to overcrowd marginal pieces of land under severely insecure tenure arrangements. Despite these conditions, farming households derive reasonably fair amounts of financial returns from their activities. Several efforts made to engage the municipality for access to better and more secure pieces of commonage land have not yielded any positive results thus far. Contrary to finding meaningful ways of supporting them through making available existing commonages for use by small-scale farmers, the municipality continues to lease out its land to surrounding large-scale commercial farmers, some of whom already have more than one farm.

From 2012-2017, local small-scale farmers have been subjected to punitive livestock bylaws marked by large-scale impoundments of their animals. In some cases, such as those in Riviersonderend, members of a local golf club which exists on commonage, had been killing a lot of animals (mainly pigs and goats) that strayed onto the golf course. These circumstances have contributed to large-scale loss of livelihoods as these farmers are unable to recover from loss of livestock. Since 2012, TCOE has been supporting these farmers to access legal representation to ensure that their legitimate rights to livelihoods through farming is observed and protected. TCOE has been working together with local small-scale farmers within the forum of land rights movement to advance a position that livestock impoundments cannot be solved via the courts, but that it requires that we come together with local authorities to find sustainable solutions and secure access to land. Currently, local small-scale farmers from Caledon, Riviersonderend, Greyton and Genadendal are still hopefully waiting for the release of their animals which were impounded in April 2016. The Caledon Magistrate Court ruled for the release of the animals, however the municipality decided to file for a leave to appeal the judgment, which is an action which further dragged out the process. The burning question from the small-scale farmers is: where will their livestock graze? This question arises from the fact that the TWK municipality is busy selling land that the farmers are using. TCOE's experiences working with grassroots formations of the landless people using municipal land to pursue their livelihoods have shown a strong resistance from municipalities to recognise and support local initiatives by people who seek to uplift their economic situation through land use.

In 2016, the Theewaterskloof municipality advertised its intention to sell ERF 959 which is about 235 hectares. This land was and is currently

used by several local small-scale farmers in Greyton and Genadendal for livestock keeping. Local farmers objected to the intention and it was clear from the council minutes that no one in that chamber raised concerns about the situation of small-scale farmers. It took a sustained mobilisation of all small-scale farmers to formulate their position as to why they think the land should not be sold. Through our advocacy, the municipality has since changed its decision and allowed farmers to continue using the land. Recently, the municipality has served the Caledon local farmers with notice to vacate the piece of land (Treyntjies Rivier-No 483) they are using to keep pigs and grazing livestock. Again, this land used to be owned by Public Works and was later donated to the municipality. Several policies (Spatial Planning and Land Use Management Act) categorically affirm the role of municipalities and accordingly place responsibility on them to fulfil their role as land use planning decision makers, as per constitutional mandates and obligations. This mandate is further affirmed in the Local Government White Paper which clearly spells out new responsibilities of democratic local government. The key argument we want to advance here is that public land should prioritise the public interest and unilateral decisions to sell land out from under small-scale farmers is inconsistent with the country's Constitution Act 108 of 1998.

CONCLUSION

The paper concludes by summing up some lessons learnt, as well as further proposing and inviting some

The key argument we want to advance here is that public land should prioritise the public interest and unilateral decisions to sell land out from under small-scale farmers is inconsistent with the country's Constitution Act 108 of 1998

ideas for future intervention strategies, including policy recommendations. The lessons learnt from the above show the magnitude of the task that lies ahead to redress the imbalances of the past discriminatory regime. With a reasonably sound policy framework, which places responsibility on all spheres of government to addressing existing inequality, it seems there is a lack of coordination to enable successful implementation of development programmes. Considering the example of the Theewaterskloof municipality, it appears that selling and leasing commonage land to those who already have a lot of land could be serving to reinforce rather than undo racially-based spatial segregation. Moreover, the existing commonage policy has not been fully implemented by many municipalities, despite its huge land redistributive and developmental potential. This paper suggests that the TWK municipality needs to revisit its Area Based Planning which clearly describes opportunities for local government to make play a meaningful role in the national programme of land reform. TCOE, together with Mawubuye Land Rights Forum, finds it difficult to justify the selling of state land in the context of such a high demand for land from previously disadvantaged people.

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15 YEARS OF THE GOOD GOVERNANCE LEARNING NETWORK

Monique Damons - Good Governance Learning Network Secretariat

This paper aims to reflect on the work of the Good Governance Learning Network since its inception in 2003. It commences by outlining the local government context and the motivations behind the establishment of the Network. This is followed by insights into the value that it adds to the work of its members through reflection on its inherent characteristics, programmatic achievements and review and evaluation outcomes. The lessons that the Network has learnt is then given attention. Finally, the paper looks forward to future Network developments.



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SOUTH AFRICAN LOCAL GOVERNANCE – MILESTONES AND CHALLENGES

One of the major milestones of South Africa's democratisation process was the transformation of the local government system. The Constitution of 1996 introduced, for the first time, a comprehensive local government system with wall-to-wall municipalities, covering the entire republic. Local government became an autonomous, yet inter-dependent, sphere of government with municipalities

given the right to govern the affairs of their geographic demarcation. The transformation process was further underpinned by a comprehensive policy developed to give effect to the new constitutional vision of local government, namely, the White Paper on Local Government of 1998. The White Paper set out a framework and programme for the radical transformation of the entire local government system. The central thrust of the White Paper was the concept of developmental local government, defined as "local

government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives” (RSA 1998).

The new local government system was implemented in December 2000 and municipalities subsequently made significant development progress. Multiple gains were made, including the delivery of services, the implementation of policies around free basic services and integrated development planning, and equitable share funding (De Visser 2009; RSA 2014). However, by 2004, there were signs that the new system was not functioning properly (Nel & Dunoon-Stevens 2015) – among these signs were direct action protests against municipalities, which became a frequent occurrence (Ballard et al 2006).

According to Pieterse (2007), the major challenges local government faced at the time included:

- Weak integrated development plans and local economic development programmes.
- Inadequate intergovernmental coordination and alignment of municipal planning and service delivery.
- Unsatisfactory and weak citizen participation.
- Poor municipal capacity.

The National Department of Provincial and Local Government (2006) at the time responded to these and other challenges with a policy agenda called the Local Government Strategic Agenda 2006-2011. The agenda specifically focused on addressing institutional capacity constraints, service delivery backlogs, poor local economic development, poor financial management and governance shortcomings; it further informed Project Consolidate, a special national local government support programme initiated in 2004.

Project Consolidate involved multiple support measures to assist 136 dysfunctional municipalities to

become capable service delivery entities, prioritising those with the most serious capacity and financial management constraints and reflecting high rates of unemployment and poverty (Pieterse 2007; City Press 2011).

Despite providing hands-on support to local government, as well as a systemic local government work and reporting framework, Project Consolidate failed to live up to expectations (City Press 2011).

Project Consolidate was followed by a raft of subsequent similar local government support programmes attempting to deal with largely the same challenges albeit with different strategic approaches. These interventions included the national Department of Cooperative Governance and Traditional Affairs (CoGTA's) Local Government Turnaround Strategy (2009), which aimed to re-build and improve the basic requirements for local government, and the Back to Basics Programme (2014), which tailored support to different levels of municipal performance.

Despite these efforts, the continued dissatisfaction of the public with the performance of local government was reflected in an increasing number of violent civic protests targeted at local government. Nationally, the number of protests reached the 100 per annum mark in 2008, peaking at 204 in 2009 and remaining at more than 100 protests per annum between 2010 and 2017 (Dullah Omar Institute 2018).

In early 2018, the Auditor-General (AG), reported a decline in accountability and decisive leadership at the municipal level based on the 2016-17 municipal audit outcomes. Among other statistics, the AG reported a 75% increase in municipal irregular expenditure (Auditor-General of South Africa 2018).

The municipal audit results further headlined the 2018 CoGTA budget vote speech in May delivered by Minister Zweli Mkhize. The speech highlighted that the performance of the majority of municipalities

is below expectations with 87 priority municipalities identified by CoGTA and National Treasury as distressed or dysfunctional, requiring urgent intervention. It further noted that 27 municipalities received disclaimers from the AG in 2016/2017, 11 are currently under administration and there is an exorbitant level of municipal debt which continues to be a problem (Mkhize 2018).

Mkhize (2018) further punted an aggressive turnaround strategy, similar to past interventions such as Project Consolidate and the Turnaround Strategy, to reverse poor municipal performance and build functional municipalities. This intervention includes a comprehensive review of non-viable municipalities, as well as an intensive Recovery Programme in line with the Back to Basics Programme launched in 2014. The Recovery Programme will provide municipalities with support in three areas, namely governance, financial management and service delivery.

CoGTA, further launched a four-point plan through which this department will tackle the local government challenges (Van Rensburg 2018). The plan focuses on issues of governance, financial management, infrastructure delivery and political problems.

It remains to be seen if current interventions will yield any tangible results, particularly in the current climate of increasingly violent public protests, targeted not only at local government (Mafhokala 2018) but at broader national issues falling within the ambit of local government such as land expropriation (February 2018).

A RESPONSE TO THE LOCAL GOVERNMENT CHALLENGE

The GGLN was established in 2003 in response to the need for improved networking, peer learning, practice and partnerships among civil society organisations working to strengthen local governance in South

Africa. The GGLN emerged at a time in South Africa's local government trajectory when problems with the local government system started to emerge. The establishment of the GGLN therefore represented a much-needed strengthened response by civil society organisations in South Africa to a growing local governance challenge.

The networking and learning work of the GGLN has responded to the continued challenges experienced in the local governance space. The thematic areas of focus across all GGLN interventions are linked to the broader role of South African civil society in local governance and the Network's work has, over the years, touched on many aspects of local government policy and practice. Evidenced by a range of interventions over the years, these aspects include:

- Deepening local participatory democracy with an emphasis on active citizenship across communities and with youth.
- Public participation in local government processes including pro-poor and community-based integrated development planning, planning land access via spatial development frameworks and participatory budgeting.
- Service delivery and access to basic services, particularly community-based monitoring of local government services and related community-based activism.
- Politics and policies of local government including urban politics and policy in informal settlement upgrading, as well as local government political culture.
- Governance, specifically the role of women in local governance, professionalisation of local government, intergovernmental coordination as well as local government ethics, responsiveness and accountability.

CHALLENGES FACING CIVIL SOCIETY ORGANISATIONS

The GGLN further emerged in response to continuing institutional and sector changes and challenges experienced by CSOs working in local governance.

The advent of the democratic era in South Africa saw significant shifts in the civil society landscape, including changes in organisations' relationships with government, with a notable shift toward the "development partner" approach; the freedom to significantly contribute toward establishing a healthy democracy; and the establishment as well as closure of a number of organisations (Habib & Taylor 1999; Burger et al 2017). At the same time, South African CSOs face, among other changes and challenges, decreasing funding and stricter funding conditions at the local and international level, while human resource limitations, organisational regulation and accountability continue to be complex issues that organisations continue to grapple with (Habib & Taylor 1999; Burger et al 2017).

THE VALUE ADDED BY THE GGLN TO THE WORK OF ITS MEMBERS OVER THE PAST 15 YEARS

The value that the Network has added to the work of its members is reflected upon using three mechanisms – a mini analysis of the GGLN based on learning network theory and practice, a reflection on the programmatic achievements of the network, as well as insights from the various reviews and evaluations conducted on the work of the Network.

THEORETICAL AND PRACTICE-BASED MINI-ANALYSIS

The works of Ruggie (2002) and Downes (2007) on the theory and practice of learning networks, outlines the defining characteristics of inter-organisational learning networks. The left column in Table 1 below outlines these characteristics and the column on the

right provides an indication of whether or not the GGLN reflects these characteristics or not. A '✓' symbol indicates that the characteristic is reflected by the Network, while an '×' indicates that it is not. The results indicate that the GGLN generally meets the definitive characteristics of an inter-organisational learning network, providing its membership, from a theoretical and practice-based perspective, with a complete and robust mechanism for peer networking and learning.

Characteristic	GGLN
Voluntarily established by autonomous organisations combining their efforts to attain objective that they cannot attain effectively or at all on their own.	✓
Typically established to help their participants better understand and work through ambiguity and complexity in their work.	✓
Guided by a shared vision and common purpose.	✓
Operates as a shared conceptual system within which the participating entities perceive, understand and frame aspects of their work. Creates no new entities, but is a framework for co-ordinated behaviour to produce a new collective outcome.	✓
Loose organisational form based non-directive horizontal organising principles.	✓
Diversity. Involves or aims to involve widest possible spectrum of points of view.	✓
Is designed and organised to support/facilitate learning.	✓
Is interactive and connected. The knowledge produced by a network is the product of an interaction between the members, and an aggregation of the member perspectives.	✓
Is open. Each member is able to contribute to the network, and each member needs to be able to receive from the network.	✓

Table 1: Applying the characteristics of inter-organisational learning networks to the GGLN

PROGRAMMATIC ACHIEVEMENTS

The GGLN has reached a number of programmatic milestones over its 15-year lifespan. These include:

An active, engaged and sustained membership of organisations working across South Africa

The GGLN is a learning network driven strategically and operationally by the requirements and needs of its membership. The network is currently constituted by 21 member organisations (18 CSOs, two academic departments and one public sector consultancy). The GGLN has since its inception been subject to the shifts in the South African civil society landscape. Despite this, membership numbers have remained largely stable over the years. Starting with less than 10 organisations, membership has grown slowly but consistently. Over the years, membership numbers have been influenced by: organisational closure, the strategic re-orientation of organisations away from a focus on local governance matters, and an inability of members (one in particular) to adhere to the core values of the network resulting in membership termination.

A continued appetite among members for peer networking and learning

Face-to-face networking and learning events and activities have over the years anchored the GGLN's networking and learning offering, successfully facilitating member collaboration.

These events and activities have over time been supported by a number of communications tools including a newsletter, website and social media platforms.

Current face-to face events and activities:

Members' meetings

Members' meetings provide opportunities for members to reflect, learn and share their work and related challenges and successes. They create

important opportunities for networking, information and knowledge sharing and sector strengthening. They also provide a platform for external sector stakeholders including the national Department of Planning, Monitoring and Evaluation (DPME), the Auditor-General's office and CoGTA to share information on current affairs and developments in the local governance sector.

The Managers' Forum

The Managers' Forum has been run since 2011, and provides a regular meeting space for the leadership of GGLN member organisations. Structured as a two-day retreat, it facilitates strategic reflection, networking and peer learning.

Past face-to-face events and activities:

Local learning exchanges

Local learning exchanges facilitated capacity building by allowing members to engage with fellow members or external sector stakeholders around local governance events or interventions.

Regional learning events

Members and participants of these events focused on facilitating knowledge sharing and peer learning, indicated that they were particularly useful and valuable in terms of bringing together people from a range of organisations across civil society and the state while providing information about the different government and civil society approaches to particular issues. The events were also an important strategic opportunity for members to showcase their work and have a positive impact on current debates and discussions on a particular issue.

International exchanges

International exchanges provided an opportunity for members to learn across South Africa's borders from countries with similar development trajectories and local government contexts to South Africa.

Sustained joint knowledge production

GGLN knowledge production in support of learning has been anchored by the publication of the *State of Local Governance*. The *State of Local Governance* encompasses contributions from member organisations including peer reviewed papers and short project profiles/perspectives related to an annually identified theme. As the GGLN's flagship research project, this publication offers perspectives from civil society on the key challenges, debates and progress with governance and development at local level in South Africa. 2018 is the 10th publication year.

In the past, members were also able to access research grants in support of knowledge production. Research grants aimed to provide GGLN members with an opportunity to expand on their existing work and research initiatives, either by adding a research activity to existing work or by facilitating the production of new/additional research outputs.

An experienced Secretariat and member host coordinating all Network activities

Isandla Institute has hosted the GGLN Secretariat and managed associated funding grants since 2010. To date, the Secretariat has been able to successfully deliver against its mandate and GGLN objectives, providing evidence of the need for and value of an experienced management structure to coordinate an intervention like the GGLN.

Local governance sector networking and influencing

As evidence of the recognition of the Network by external stakeholders, the GGLN Secretariat and membership is regularly invited and well-represented at relevant, strategic local government events and on relevant bodies. The Network has been formally

represented on a number of external structures over the years including Local Government Action, the Department of Planning Monitoring and Evaluation's (DPME's) Citizen-Based Monitoring Framework Committee, the Open Government Partnership South Africa, the CoGTA Steering Committee, and the DPME's Strengthening Monitoring and Performance Management for the Poor project. 2018 participation includes Parliament and SALGA's Local Government Week 2018. The Network has also engaged in select joint advocacy through occasional policy submissions.

FINDINGS FROM REVIEWS AND EVALUATIONS

The GGLN has, since 2003, contributed significantly to creating a strong local governance civil society sector. The GGLN seeks to be reflective in nature, respond to members' needs and opportunities, and continually strengthen its offerings and influence. Various reviews and evaluations have therefore been conducted on the work of the Network over the years. This section will specifically focus on the outcomes of a 2013 evaluation, a 2017 independent strategic review and a 2018 evaluation. The outcomes of the review and outcomes indicate that despite facing constraints, the GGLN has managed, over the past five years in particular, to maintain the value it adds to the work of its members.

KEY FINDINGS FROM 2013 EVALUATION

Subsequent to the development of an impact assessment framework (Mosdell 2012), a baseline evaluation of the GGLN programme of work was conducted in 2013. 2013 marked the Network's 10th anniversary, serving as an important reflective moment on its value and functioning. The assessment was predominantly internal but did include external

elements. Overall, members reported that the GGLN added significant value to their work (Konstant 2013). The key results from the assessment (Konstant 2013), which used survey and interview methods, were:

- Overall satisfaction of the membership with the GGLN programme of work was generally very high.
- Opportunities for joint learning were generally well received by the membership, and considered to be valuable.
- Knowledge generation by the GGLN, and particularly the production of the SoLG, was considered by both internal and external respondents to meet an excellent standard, adding value to the local governance sector. It was seen as the network's 'strongest asset'. Internal and external respondents ranked it highly.
- Improvement of network profile, visibility and outreach via various communications mechanisms was deemed to be an area requiring major improvement.
- The external networking and influencing role the Network could play in the local governance sector was a point of comment, discussion and debate by internal members.
- The Secretariat was widely acknowledged to operate at a very high standard and to have provided an efficient and professional service with the execution of the GGLN programme of work.

2017 INDEPENDENT STRATEGIC REVIEW

An independent strategic review conducted at the end of 2017. The review, which formed part of a broader strategic review process which commenced in early 2017, formally confirmed and reiterated previously indicated requirements and further assessed the future needs of members. The review engaged members via interviews and indicated that

the GGLN adds value to the work of its members, albeit to varying degrees (Moolman 2018). Member perspectives ranged from those indicating that the GGLN generally performs its purpose well, to those indicating that certain aspects of the programme were useful but that there is room for improvement (Moolman 2018). The platform for the sharing of experiences and learning that the GGLN provides was considered valuable, with increased member access and collaboration leading to significant programmatic gains in certain instances (Moolman 2018).

2018 ASSESSMENT FINDINGS AND REFLECTION ON THE GGLN'S IMPACTS

As 2018 marks 15 years since the establishment of the GGLN, including the end of a programmatic phase, the GGLN Secretariat undertook a short retrospective summative evaluation in July 2018 to determine, together with other evaluation outcomes, the benefits that members have derived from the programme, and ultimately the value of the programme. The evaluation was conducted in line with aspects of the impact assessment framework developed in 2013.

The internal mini-evaluation helped to determine, through self-reported means, the extent to which the GGLN has delivered on its outcomes as well as its goal of building the capacity of its member organisations. The evaluation made use of a quantitative methodology with a survey. The survey specifically focused on member perceptions on outcomes delivered as well as if and how they think the GGLN has contributed to growing their knowledge and abilities.

Selected individual staff members representing member organisations were requested to complete an online questionnaire. The 16 respondents were a mixture of individuals based at member organisations

operating at practitioner level (37%) or senior management level (62%) within their organisations, and who have engaged with GGLN interventions. Their perceptions on outcomes delivered were assessed using the Likert scale (very poor; poor; okay; good; very good).

Overall, respondents rated outcomes to be good.

Key results were:

- 94% of respondents considered the general standard of the GGLN programme to be good.
- 68% considered the standard of face-to-face learning activities and events to be good while 31% considered it to be very good.
- 44% considered the standard of standard of knowledge production, specifically the *State of Local Governance* publication, to be good, while a further 50% considered it to be very good.
- 50% considered the standard of GGLN communications, including the website and newsletter, to be good, while 25% considered it to be very good.
- 75% considered the execution of the GGLN programme of work to be good.
- The question around the quality of relationships with and/or nature of support given to organisations in the governance sector other than GGLN members e.g. Parliament, or Open Government Partnership garnered a mixed response. More than 50% of respondents ranked this as okay to good with approximately 31% indicating that they were unable to answer the question – this is mostly attributed to their lack of awareness on these activities partially due to the level of seniority (practitioner) within the organisation.

The second part of the survey focused on the effectiveness of the GGLN. Respondents were specifically requested to reflect on the benefits they

have derived from the Network's activities. Specific results were:

- 88% indicated they know significantly more about the work undertaken by civil society organisations in the local governance sector.
- 81% indicated that they have developed at least one or more professional working relationship with other organisations in the local governance sector.
- 50% indicated that they know a little more about local government policy and practice while 50% indicated they know significantly more.
- 75% say they have improved their practice in the local government sector somewhat while 25% indicate they have improved it significantly.

Table 2 below further outlines the ways in which respondents indicated that the GGLN helped them to improve their practice, while via Box 2 members indicate in their own words what value GGLN activities have added to their work:

Practice improvements	Percentage of respondents
I have increased or am planning to increase the amount of local governance work I am doing.	25%
I am doing local governance work in a more (sector) strategic way.	25%
The effectiveness/quality of my local governance work has improved.	38%
I have embarked on a new local governance project.	25%
I am collaborating with other organisations on a local governance project.	56%
I am better able to respond to the strategic and operational issues facing my organisation.	56%

Box 2 - How the GGLN has added value to my work - quotes from members

The networking with organisations that do similar work has allowed us access to information about other programmes, methodologies and possibilities of collaboration.

Rama Naidu, CEO, Democracy Development Program

The GGLN has opened up avenues of potential collaboration and has also broadened the horizons of the work that I do within local governance...

Kevin Foster, Associate, PDG

The GGLN has created a platform where we can meet with like-minded individuals and organisations, learn from each other's work and improve our effectiveness in the local government space.

Edward Molopi, Research and Advocacy Officer, Socio-Economic Rights Institute of South Africa

Our involvement in GGLN is invaluable in placing our work in a broader policy context. It has also been instrumental in enabling the formation of a national consortium project between 2016 and 2018 in the "Accounting for Basic Services" project which has facilitated a national footprint for the project partners.

Cameron Brisbane, Executive Director, Built Environment Support Group

Being an associate member of the GGLN has significantly enriched our work in the Department of Political Studies at the University of the Western Cape. We have formed strong networks with fellow members which has led to improved analysis in our research and writing. Beyond this, these networks have contributed to the department developing new and enriched post-graduate courses, focused on local governance and community engagement.

Fiona Anciano, Senior Lecturer, Department of Political Studies, University of the Western Cape

GGLN provides a unique platform for critical engagement with others in the sector as well as an analysis of local government trends and policies. It also assists with internal reflection and strategies in dealing with common challenges which PEP and other civil society actors face.

Noah Schermbrucker, Programme Coordinator, People's Environmental Planning

The GGLN offers the Black Sash the opportunity to think strategically about the leadership and governance challenges at a national and local level that negatively impact on local service delivery. The insights gained from the work of GGLN members helped us to improve our ways of engaging effected communities and adjust our methods of engaging government. Lynette Maart, National Director, Black Sash Connectivity, spur to thought, spur to action.

Lynette Maart, National Director, Black Sash

...It's been particularly effective and impactful to work together with other GGLN organisations in the local community of practice space in Cape Town. In this way our tactics, experience and engagement can be complimented to gain more comprehensive insight and understanding of a particular issue.

Yolande Hendler, Research and Documentation, Community Organisation Resource Centre

IMPLEMENTATION CHALLENGES

Ruggie (2002) argues that the chief strength of learning networks is also their main weakness: an autonomous networks of actors, each with different interests and needs that intersect only partially. This diversity is apparent in the nature and range of commentary provided by members on the value of the GGLN as part of the 2017 independent strategic review, and while this characteristic has its advantages, it presents significant challenges. These

challenges are particularly experienced through the work of the GGLN Secretariat. In early 2018, the GGLN Secretariat partook in a strategic planning exercise with its host organisation (the Isandla Institute) where challenges and associated lessons related to the implementation of the GGLN emerged. These are discussed below.

The Network's success is dependent on the commitment and the available skills and capacity of Network members as well as the Secretariat (and by default the host organisation) and governance structures. Limited internal member capacity to effectively and efficiently engage, including their ability to take ownership and run aspects of it, and limited Secretariat capacity, has in the past hindered programme implementation. Capacity constraints present a real risk to all aspects of the programme, affecting strategic and operational processes at the programmatic level, including the quality and efficacy of deliverables.

Learning and networking activities are subject to a process of continuous change as the needs and wants of members differ and change, requiring openness, patience, flexibility and adaptability from members but also from the Secretariat and GGLN governance structures – this can be difficult to attain when a Network is comprised of autonomous actors each with different interests.

Not all members are satisfied with or willing to engage with all aspects of the Network at any particular point in time. Managing all their wants, needs and expectations with what is pragmatic and realistic is challenging. Sufficient and continual member consultation is necessary to keep the momentum going.

The GGLN is complex programme to implement in terms of its offerings, and management and governance structures. The Network is resource-heavy, requiring sustained external funding, which is

challenging to attain in the current CSO funding climate and given the inherent nature of the programme.

The challenges and lessons from the GGLN experience offer useful insights for others wishing to initiate similar networks.

THE FUTURE OF THE GGLN

As part of the 2017 independent strategic review, members expressed a desire to keep the GGLN going past 2018, with a rejuvenated mandate to enable networking and learning, knowledge production, collaboration and network promotion. The future of the GGLN was further discussed and confirmed at strategic discussions held in early 2018. Given the continued challenges faced by local government in South Africa and by South African CSOs working in local governance, the importance and value of an intervention like the GGLN cannot be overemphasised.

The GGLN's work from 2019 onwards will focus on continuing and deepening learning. The nature of the Network's offerings will, however, be somewhat of a departure from previous interventions and in some ways innovative in comparison to other similar networks. The Network will aim to offer dual (face-to-face and virtual) networking and learning interfaces as well as a range of learning opportunities, spanning thematic, technical, strategic and operational learning. It will also aim to be more responsive to the varying degrees of capacity across member organisational hierarchies and the need for more active learning interventions. Furthermore, there will be a push toward decentralised networking and learning, with member organisations (rather than, and/or in addition to, the Secretariat) taking the lead with implementing virtual thematic learning interventions. A critical mechanism to attain these objectives will be the establishment of thematic learning groups.

The purpose of learning, in the context of the GGLN, will be multi-fold and learning processes will be structured accordingly. Learning will therefore be focused on outputs related to learning for knowledge and skills enhancement, learning for practice, learning for policy and learning for action. The latter will enable formation and action processes, which could take the form of an advocacy intervention or a joint project. Thus, while the thematic learning groups will act primarily as learning mechanisms, it is also envisaged that these can act as platforms supporting formation and action by members of the learning group and other GGLN members around a particular issue or theme. In this way, the GGLN will, through its networking and learning activities, indirectly support

member advocacy, joint projects and other actions. The work of the learning groups will also thematically inform concurrent activities of the GGLN from 2019 onwards, particularly knowledge production, communications and face-to-face networking and learning activities.

The GGLN's ambitious future programme of work will require expanding the capacity and funding of the programme, particularly the Secretariat. It will need increased commitments and involvement from members for it to come to fruition. In the current challenging CSO climate where many organisations face continued capacity and funding constraints, the future work of the GGLN presents a real but exciting challenge for its membership.

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