IN PURSUIT OF RESPONSIBLE AND RESPONSIVE LOCAL GOVERNANCE

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PERSPECTIVES FROM CIVIL SOCIETY ON LOCAL GOVERNANCE IN SOUTH AFRICA
The State of Local Governance Publication

Since 2008, the GGLN produces regular commentaries on the state of local governance in South Africa. The purpose of The State of Local Governance (SoLG) publication is to present a civil society based assessment of the key challenges, debates and areas of progress with regard to governance and development at the local level in South Africa. It 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 used to build awareness of, and mobilize support within civil society and appropriate government institutions for the key advocacy positions of the network.


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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 knowledge production and sharing, peer learning, and advocacy towards the goal of strengthening participatory, democratic and developmental 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 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; and
- 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 Law Centre
- Community Organisation Resource Centre
- Democracy Development Program
- Development Action Group
- Eastern Cape Communication Forum
- Eastern Cape NGO Coalition
- Electoral Institute for Sustainable Democracy in Africa
- Ethics Institute of South Africa
- Ikhayalami Development Services
- Isandla Institute
- Khanya-aicdd
- Parliamentary Monitoring Group
- Planact
- Project for Conflict Resolution and Development
- Socio-Economic Rights Institute of South Africa
- Trust for Community Outreach and Education

Associate Members:
- Habitat for Humanity
- Mbumba Development Services
- Peoples Environmental Planning
- SACBC Justice and Peace Commission

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FOREWORD

The theme of the 2015 ‘The State of Local Governance’ publication is not accidental. As the 2016 municipal elections come into view, concerted efforts are needed towards instilling responsibility and responsiveness in the pre-election period and in the next five-year cycle of municipalities. This publication is underpinned by a belief that state-centric development has to make way for deliberative democracy, whereby local communities and citizens actively inform, shape and assess the development trajectory of their neighbourhoods and municipalities. Where communities are valued as partners in development processes, responsible and responsive local governance can take root.

Most papers in the publication are deeply critical of the commitment, leadership and capability of local government to demonstrate responsibility and responsiveness. The evidence suggests that self-enrichment, patronage, incompetence and impunity are not the exception in local government, but are rather widespread. Many citizens, particularly those who are yet to have their rights fully realised, experience local government as insensitive, intolerant, even hostile and repressive. This is the real crisis of local government: citizens continuing to lose confidence in the ability and willingness of their municipality to be a champion and partner in their development.

Fortunately, there are municipalities that seem to be swimming against the tide. Their stories and experiences need to be broadcast (loudly!) to inspire other municipalities to follow suit. And there are people within municipalities who are desperately trying to turn the tanker, but need support from peers and external stakeholders to be successful.

While the onus for responsible and responsive local governance falls to a significant extent on local government and its representatives, communities, political parties, civil society organisations, private sector actors and other spheres of government also have important roles to play. At the heart of deliberative democracy is the notion of collective engagement, negotiation and decision-making, with a recognition that different actors bring particular insights, skills, resources and networks to bear.

The Good Governance Learning Network (GGLN) and its member organisations have long been at the forefront of practicing, and/or advocating for, inclusive citizen engagement in local governance. Individually and collectively, they remain committed to the pursuit of responsible and responsive governance.

Mirjam van Donk
Isandla Institute / Chairperson of the GGLN Reference Group
Cape Town, June 2015
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The GGLN Secretariat
EXECUTIVE SUMMARY

The 2015 “The State of Local Governance” Publication draws attention to the need for responsible and responsive local governance to realise the legal and developmental mandate for local government, and to transform relationships within municipalities (i.e. between all actors and structures, including municipal Councils and administrations and local communities). The papers in this publication share experiences of the manifestations of a lack of responsibility and responsiveness in local governance and provide evidence for what this means for local communities. In contrast, the papers motivate for meaningful citizen engagement in planning, implementation, monitoring and oversight of local development as a precondition for accountability and responsiveness to be institutionalised. A recurring theme in the publication is the need to instil a public service ethos, which is often seen to go hand in hand with value-driven leadership.

In the introductory paper, the GGLN Secretariat presents guiding concepts of responsible and responsive local governance and draws on a GGLN members’ meeting to enrich our understanding of what this means and how it manifests itself in practice. This discussion sets the basis for a conceptual framework of a system of governance to emerge – one that is based on the following four dimensions: values and principles; systems, procedures and practices; capability; and, leadership. The paper applies this model to a local municipality to examine the extent to which institutional mechanisms foster responsibility and responsiveness throughout the municipality. The paper argues that responsible and responsive local governance can only become a reality when core values such as accountability and integrity drive the functioning of the municipality and determine what capability the organisation needs to live out these values. Furthermore, it requires leadership that proactively pursues and safeguards these values in all aspects of municipal functioning and in personal actions. It concludes that embedding responsibility and responsiveness in local governance is, in many respects at least, akin to a change management process.

The experience of and response to the xenophobic attacks in Durban earlier this year are recorded by the Democracy Development Program (DDP). This paper describes the DDP’s response as part of a broader discussion on the civic reaction to the attacks. Comparing this to the municipality’s response to the xenophobic violence, DDP argues that the City’s response was short-sighted and inadequate, largely due to a poor relationship between the City and civil society organisations. As a result, the response was fragmented, uncoordinated, delayed and lacking in impact. DDP calls on local government to support and build active citizenship as a means to strengthen state responsibility for and its response to thorny social issues.

Afesis-corplan highlights the great potential for the Integrated Development Plan (IDP) process to enable more responsive planning to take root. Furthermore, the paper argues that systematic citizen engagement with local planning processes can deepen responsible implementation. When citizen engagement in development planning is weak or absent, development processes are undermined. The paper suggests tools and processes, which embody responsive planning and responsible implementation, and demonstrates that there is room for these tools and processes to be applied in strengthening the IDP process.

The In Profile by the Built Environment Support Group (BESG) focuses on multi-stakeholder partnerships to foster shared responsibility and proactive responses to local development challenges and opportunities. It narrates a particular experience of such a partnership as an innovative model to bring forth sustainable development.
The Socio-Economic Rights Institute (SERI) presents the struggles of four informal settlement communities in Johannesburg and the tactics these communities employ to negotiate for development and informal settlement upgrading. These communities compete with many interests on the urban development agenda and communities realise the power of protest, as a means of holding the state accountable for development, at strategic political moments. However, when poor urban communities use protest action as a last resort in their arsenal of tactics, their actions are often criminalised by the state. SERI calls for the state to recognise community-initiated modes of engagement with the state as being legitimate and for dissent and contestation to be understood as expressions of communities’ willingness to hold the state to account.

The Community Organisation Resource Centre (CORC) explores the extent to which informal settlement upgrading is informed by community knowledge and engagement. The paper argues that the shift to this new approach is motivated by a renewed political commitment to upgrading informal settlements as a means to address historical injustices as well as a failed historical housing programme. Central to the renewed approach is a commitment to capacitate and empower communities through the upgrading process, with a proportion of the budget set aside for this purpose. Reviewing informal settlement upgrading projects, the paper concludes that housing projects are often disguised as informal settlement upgrading projects and that these initiatives lack community participation, capacity building and empowerment.

Isandla Institute examines community-based monitoring as an emerging opportunity and participation tool that citizens can use to enhance accountability and responsiveness in local government. The type of community-based monitoring that the authors advocate for is embedded in citizen agency, where communities are the main agents of change. The paper explores two examples of community-based monitoring: one of a grassroots movement and the other initiated by the state. The paper argues that both communities and the state need to be well capacitated for community monitoring processes to be effective and for citizens to make use of the tool as a means to demand accountability and action from the state.

The In Profile by the Project for Conflict Resolution and Development (PCRD) advocates for the potential of audit committees and municipal public accounts committees to enhance financial oversight and accountability. These committees can advance responsible local governance through improved financial reporting and accountability to citizens, and overcome the incidence and challenges of widespread fraud, waste and irregular spending in municipalities across South Africa. An engaged citizenry is critical to the success of such innovative systems.

The Trust for Community Outreach and Education (TCOE) presents the challenges of a dual system of governance in rural areas. By focusing on rural communities in the Eastern Cape, the conflation of roles between traditional authorities and municipalities is shown to culminate in a series of contestations, which generate confusion about the point of call for service failure. This duality also results in challenges to the legitimacy of leaders and an inability of leadership to collaborate, which in turn severely hinders rural development. These outcomes of a dual system of rural local governance further limit the scope for communities to demand their rights to services, and to ensure government is accountable and responsive to their needs. The paper calls for a reassessment and realignment of traditional jurisdiction and ward boundaries to allow for responsible and responsive governance to emerge in rural areas.
The In Profile by DDP describes how citizen empowerment enables citizen-driven development. The case study of the KwaMakhutha Community Foundation shows that enabled communities build alliances with key stakeholders, identify and establish responsibilities with mutual parties, develop and hold leadership to account, and harness community commitment to its development projects. These processes inculcate a culture of active citizenry among community members and set the stage for a system of responsibility and responsiveness to develop from within the organisation.

The conclusion revisits the four dimensions of the governance system, namely: values and principles; policies, procedures, systems and practices; capability; and, leadership. It argues that concomitant changes in each dimension are important to shift towards the realisation of responsible and responsive local governance. At the heart of these changes is the need for a public service ethos, that becomes manifest in the conduct and practices of the municipality and its representatives. The 2016 municipal elections present all stakeholders with both an opportunity and a responsibility to help bring about responsible and responsive local governance.
Responsibility and responsiveness are at the heart of effective and accountable governance. Unless government acts responsibly (i.e. in accordance with its mandate and within resource and capacity constraints) and is responsive to local conditions and demands, constitutional rights remain unrealised, and trust in government and the political system is eroded. While it would be incorrect to pretend that no progress has been made since 1994, of deep concern is the fact that a large proportion of the population continues to experience socio-economic exclusion and spatial poverty, without reasonable opportunities to transform their reality.

It still manifests itself in the articulation of unrealistic targets, a deep-seated intolerance in government to different ways of seeing and doing things, an unwillingness to relinquish power, and an inability and/or aversion to communicate with integrity about real possibilities and limitations for local development. Instead, examples abound of politicians making promises that cannot be delivered upon. In a context of growing anger and frustration with the pace of development and the quality of governance relations, populism may be seen as a ‘safe’ option (and even have the appearance of being responsive) but, in the longer term, is a high risk strategy and profoundly irresponsible.

Responsible and responsive governance is defined in the next section, which is followed by a review of the current state of local government and the extent to which it exemplifies responsible and responsive governance. In deepening the understanding of what responsible and responsive
governance means, we draw on a collective process involving GGLN member organisations to articulate some of its defining features and how it would manifest in practice. We then narrate an example of a municipality that is, in some respects at least, emblematic of responsible and responsive governance in practice. The final section offers a quick overview of subsequent papers in this publication, as a roadmap for further reading.

**WHAT IS RESPONSIBLE AND RESPONSIVE GOVERNANCE?**

Like other normative concepts, responsible and responsive governance is an appealing notion and almost seems to be self-evident. It is precisely for this reason that some definitional clarity is helpful. Mair (2009) summarises different interpretations of responsibility within an organisational context. The first is accountability, which includes the act of reporting on activities and financial spending to relevant bodies, such as when political actors or government departments report to Parliament. A second interpretation focuses on consistency, which points to the need to ensure that statements and implementation are in accordance with policy guidelines. A third interpretation emphasises efficiency and effectiveness, which are important for ensuring that objectives are achieved successfully and in a timely manner, and that an institution is able to address the challenges it faces.

Mair (2009) further argues that, beyond organisational responsibility, individual dimensions and manifestations of responsibility also warrant attention. This resonates with the idea that organisational culture (such as public service ethos) needs to find expression in the practice and behaviour of representatives of the organisations (e.g. public servants). Concretely, it means that individuals act according to accepted practices and within formalised procedural and legal frameworks. It finds expression in professionalism and a sense of duty. Finally, Mair (2009) adds that responsibility embeds a sense of prudence and consistency: for leaders and government to act responsibly requires that decision-making and policy implementation adhere to accepted and established procedural norms and practices.

In turn, responsiveness can be defined as ‘the degree to which government listens to what people want and acts on it, and to which public policies and institutions respond to the needs of citizens and uphold their rights’ (DFID 2006 in Edwards and McGee 2014: 3). The authors distinguish between shallow and deep responsiveness. Shallow responsiveness refers to established, functioning and transparent communication loops. This correlates with internal reporting and accountability systems within government and external communication to communities and citizens. In contrast, deep responsiveness refers to the development, by both the state and citizens, of deliberative democracy (simply put, a democratic practice that places deliberation and negotiation at the heart of civic engagement). Its aim is for transparency that results in accountability and has outcomes that empower citizens (Edwards and McGee 2014).

While internal accountability systems and external communication systems are clearly important, responsible and responsive governance (and indeed, the system of local government, as per the White Paper on Local Government and subsequent public policy) aspires to embed this notion of deep responsiveness. Thus, to give real meaning to responsiveness, local government needs to create suitable and adequate processes for citizen engagement in local affairs. According to Vincent-Jones (1998), democratic control serves to strengthen responsiveness in local governance. This can take
the form of community forums, citizen panels and citizen charters, among others.

Whereas local government needs to be responsive to local realities and demands, by putting in place appropriate systems to institutionalise deep responsiveness, it also needs to act responsibly, i.e. in accordance with set norms, expressed policy commitments, a sense of prudence, integrity and accountability. Thus, responsiveness and responsibility can be seen as two sides of the same coin – you can’t have the one without the other.

LOCAL GOVERNANCE IN SOUTH AFRICA TODAY

The preceding section suggests that a responsible and responsive government institution reports regularly and openly on its activities and financial matters to relevant stakeholders, including local communities and residents. It implements programmes and conducts itself according to the guiding policy framework, in a manner that is efficient, effective and responsive to emerging challenges. It has an effective two-way communication system, which is designed to communicate not only to communities, but also with communities through established communication channels and feedback mechanisms. It has regular and institutionalised processes of engagement and deliberation that include all stakeholders, and guide and influence decision-making, programme initiation, implementation and monitoring. Its mandate is directed by an accountable leadership and executed by a dedicated cadre of professionals who use their expertise and skills in the interest of the public good.

These aspiring features are not novel to local government in South Africa; in fact, they resonate strongly with the objectives of local government set out in the Constitution (Box 1), the White Paper on Local Government and subsequent local government legislation.

BOX 1
Constitutional objectives and guiding principles for local government

The objectives for local government are set out in section 152 of the Constitution (1996), which include the provision of democratic and accountable government, community involvement and promotion of social and economic development, all within its financial and administrative capacity. The developmental mandate calls for local government to prioritise the basic needs of the community. In Section 195, the Constitution sets clear values and principles for public administration, which include professional ethics, development-orientation, responsive to people’s needs, and encouraging people to participate in policy-making. Transparency, accountability and good human resources management are also included as some of the guiding principles for local government.

Yet the challenges besetting municipalities demonstrate that local government is far from being a responsible and responsive institution. These challenges are well documented in a variety of official documents and, more recently, in the Medium Term Strategic Framework (MTSF) 2014–2019 and the ‘Back to Basics’ approach of the Department of Cooperative Governance and Traditional Affairs (CoGTA 2014). Issues highlighted in the National Development Plan (NDP) include the tension in the political–administrative interface, unstable administrative leadership, skills deficits, a lack of accountability and authority, poor organisational design and low staff morale (NPC 2012). The NDP recognises that these problems
do not affect municipalities equally (resulting in uneven performance across local government) and that these challenges are more pronounced in historically disadvantaged communities. The MTSF 2014–2019 notes with concern that corruption and maladministration have become deeply entrenched in some municipalities. This state of affairs is promoted by a lack of accountability and transparency in service delivery (The Presidency 2014). Communities that lack awareness and knowledge of their rights will be unable to take action and tackle the municipality over poor service delivery. As a result, a culture of ambivalence (if not impunity) in municipalities deepens, as they know they will not be challenged, since citizens are not aware of their rights and do not know which steps to take when their rights remain unmet or are abused (Mlongwa 2014).

The MTSF 2014–2019 refers explicitly to the decline in public trust in local government, as a result of poor governance and accountability (The Presidency 2014). Previous ‘The State of Local Governance’ publications produced by the GGLN have also picked up on the themes of trust, disillusionment, frustration and anger on the part of communities, who feel that their rights are not recognised, their experiences are not acknowledged and their voices are not heard (see, for example, GGLN 2011, 2012, 2013 and 2014). In some instances, government spheres other than local government may be denying communities their rights. But, as the sphere of government that is the closest to communities, local government is often expected to engage and address these challenges and is most often placed under pressure by citizens (Pieterse 2014).

In Chapter 13, the NDP notes that ‘South Africa needs to focus on building a capable and developmental state’ (NPC 2014: 410). More specifically, the NDP identifies the need for optimally functioning, coordinated institutions and skilled employees who consistently provide good services and are committed to the public good. It also specifies the need to mainstream citizen participation. The aim is to improve confidence in the state from all sectors, including communities. The notion of capability reflected in the NDP is not restricted to skills and capacity, but also includes values and a commitment to public service. One of the key actions for strengthening local government is to: ‘Take a more long-term approach to developing skills together with a professional ethos and commitment to public service’ (NPC 2014: 410). This is a particularly important shift, from the earlier concern that capacity and resources (including finances) are the key factors hindering the effective functioning of local government, to a broader focus that encompasses matters related to ethos and orientation. Without an explicit public service ethos, which informs organisational practices and the individual behaviour, there is little hope that the required shift to responsible and responsive governance will take root.

DEEPENING THE THEME: FEATURES AND PRACTICAL MANIFESTATIONS OF RESPONSIBLE AND RESPONSIVE GOVERNANCE

This section presents a deeper understanding of what responsible and responsive local governance means and what it may look like in South Africa, drawing on a process facilitated with GGLN member organisations. A conceptual model was developed that differentiates four dimensions of a governance system: values and principles; systems, procedures and practices; capability; and, leadership (Figure 1). Each dimension is briefly explained, before summarising how GGLN member organisations interpreted them from the perspective of responsive and responsible governance.
VALUES AND PRINCIPLES

According to Brooks (2014), values are both personal and organisational. For individuals, values and principles reflect what is important to us and what motivates us. Values drive our behaviour and our interactions with others, as well as our decision-making processes. Organisationally, values and principles refer to the standards of behaviour. The importance of a value-driven system of governance cannot be emphasised enough, as it gives birth to an organisational culture that finds expression in how municipal representatives relate to each other, their work and to external stakeholders. This interaction informs the experience of the municipality and, in turn, builds its public image and expectations. As values and principles determine people’s conduct, performance and relationships, they are positioned at the heart of the governance model.

In addition to accountability, consistency, efficiency and effectiveness as identified by Mair (2009), GGLN member organisations highlighted the following core values and principles that direct responsible and responsive local governance: integrity, dignity, respect, Ubuntu, empathy, compassion, honesty and respect for human rights. Mention was also made of the importance of being proactive, rather than reactive, and reflecting forward thinking. Many emphasised the importance of transparency and accountability, at both an organisational level and individual level. Accountability needs to be internal as well as outward, to the communities that local government serves. Without accountability, it was suggested, governance would be neither responsible nor responsive, in the way Edwards and McGee (2014) interpret deep responsiveness.
**SYSTEMS, PROCEDURES AND PRACTICES**

The second dimension refers to how the municipality organises itself to give effect to its core values and principles. This includes how roles and responsibilities are defined (systems), what methods are adopted to give effect to its core values and mandate (procedures), and how policies and plans are implemented (practices). Adopted methods and actions determine whether a value such as responsiveness corresponds to ‘shallow’ or ‘deep’ responsiveness, for example. At this point, a disjuncture may occur between discourse and practice (where the discourse may suggest deep responsiveness, but the practice is shallow responsiveness at best), which could point to one of two things: either the intent is getting ‘lost in translation’, or there is a level of disingenuousness in the discourse and how intent is expressed.

GGLN member organisations strongly emphasised the need for rights-based practices to realise socio-economic rights and for bottom-up initiatives, with a focus on asset-based community development. Particular emphasis was given to the need for communication and for inclusive platforms for citizen engagement. In addition, participants highlighted the importance of collaboration, partnerships and creating multi-stakeholder networked solutions. In this context, reference was made to the need for a ‘lived’ culture of participation, whereby communities can influence the design and implementation of government programmes. Furthermore, practices need to be contextual and suited to local realities. In light of the emphasis on accountability, as a core value driving responsible and responsive governance, it is not surprising that key aspects highlighted were monitoring and evaluation, ongoing reflection on practice and even consequence management (a term first mooted by the South African Local Government Association (SALGA) and subsequently adopted in CoGTA’s 2014 ‘Back to Basics’ programme).

**CAPABILITY**

The concept of capability has become more commonplace since the National Planning Commission released the NDP. Although the NDP does not explain the term clearly from the outset, a useful definition can be found in Chapter 8 on human settlements: ‘Capability is a broad concept. It includes the institutional architecture, processes and resources needed for effective … governance, as well as the required knowledge sets, skills, learning networks, innovation capacity and leadership’ (NPC 2012: 289–290). For the purpose of this paper, the conceptualisation is less broad, excluding ‘institutional architecture’ (understood as systems, procedures and practices, outlined above) and leadership (discussed below).

For GGLN member organisations, capability for responsive and responsible local governance includes skilled municipal representatives who understand the scope of work and their responsibilities, and who are able to follow through with implementation of plans and projects. Reference was made to a professional bureaucracy, implying an organisation that consists of employees with the correct qualifications and appropriate knowledge and skills to fulfil their roles and responsibilities. Key to responsive and responsible local governance is an appropriate combination of technical, financial, administrative, operational, strategic and public relations skills. Particular emphasis was placed on facilitation, communication and coordination competencies, to ensure that communities are better informed and meaningful processes for citizen engagement are put in place. These are skills and competencies that are by and large undervalued in local government currently. Strategic thinking was also valued as a
critical ability, particularly in light of the dynamic environment in which local government operates.

LEADERSHIP

Leadership is presented as the final dimension of governance in Figure 1. Quoting the Oxford English Dictionary, Brooks (2014: 200) notes that public leadership essentially is to lead the public interest, which is defined as ‘the benefit or advantage of the community as a whole; the public good’. Visser (2013) states that effective leadership is the foundation of good institutional governance, specifically leadership that encompasses accountability, transparency, fairness and ethical values of responsibility – in other words, the values and principles at the core of the governance system.

Leadership could have been presented as the second circle in Figure 1 because of its proximity to values and principles and because leadership produces policy direction, which in turns determines how the municipality organises itself and what capabilities are required. However, leadership is instead presented as something that holds and envelops the governance system.

Not surprisingly, GGLN member organisations identified value-driven leadership as of critical importance for responsible and responsive local governance. Particular reference was made to values such as honesty, integrity, accountability and commitment. At a personal level, value-driven leadership manifests in personal responsibility and discipline, in self-reflection and resilience, and in an ability/willingness to accept constructive criticism.

It also finds expression in one’s commitment to the public good, rather than personal gain, and being transparent and accessible. At a collective level, value-driven leadership is able to direct the organisation in accordance with stated values and principles, give policy guidance and facilitate the successful achievement of organisational objectives (i.e. being outcome driven), navigate technical knowledge and popular sentiment, and embrace a commitment to partnerships in planning and implementation. Equally important is an appreciation of the distinct roles and responsibilities of the political and administrative functions of the municipality. Leadership for responsible and responsive local governance will demonstrate support for competency and a public service orientation.

In conclusion, responsible and responsive local governance needs to find expression at all four dimensions identified: in values and principles; systems, procedures and practices; capability; and leadership. Responsibility and responsiveness need to be embedded in a manner that is meaningful and effective in achieving both organisational sustainability and development outcomes that are in line with community needs.

In the imaginary of GGLN member organisations, responsible and responsive local governance would manifest in effective processes for citizen engagement, improved service delivery and innovation. Municipalities would have a thorough understanding of local realities, in part mediated through structured engagements and relationships with communities and citizens. The current compliance orientation pertaining to public participation would be replaced by deep democratic practices, where local government, civil society actors and the private sector would be equal partners in processes of deliberation, negotiation, implementation and evaluation. Leadership (both political and
administrative) would be exemplary, humble and accountable to the communities it serves. The public interest would take precedence over party-political and personal interests, and competency would be valued over ideology and political affiliation. The role of intermediary organisations, such as non-governmental organisations, would be valued and, in turn, they would act to support the agency and influence of poor and marginalised communities, rather than speak on their behalf. Ultimately, while development challenges would continue to present themselves and difficult choices would still have to be made, the relationship between stakeholders in the local governance realm would have improved dramatically and public trust in local government would be restored.

This imaginary far surpasses the emphasis on communication, citizen feedback (through community satisfaction surveys) and ward-based planning (through functional ward committees) in CoGTA’s ‘Back to Basics’ programme. While these are important measures to improve the performance of local government and its relationship with local communities, the inherent danger is that the relationship between local government and citizens is cast as primarily a client- or customer-centred one, which is by and large one-directional: either by viewing citizens as passive clients of public services or as customers who interact with government when they want to raise an issue or concern (Callahan and Yang 2005).

Mossel Bay Municipality: an example of responsible and responsive local governance

Mossel Bay Municipality is presented as an example of what responsible and responsive local governance could look like. Upfront, it should be noted that this is based on a review of municipal policies and plans, complemented by various communication with the municipality, rather than an analysis of its functioning, its relationship with stakeholders (including local communities) or the extent to which its policies and plans are being implemented. Nonetheless, the approach pursued by Mossel Bay Municipality is revealing and can provide useful insights in institutionalising responsible and responsive governance. Furthermore, the intention is not to suggest that Mossel Bay Municipality is the only municipality in South Africa striving to institutionalise responsible and responsive local governance. There are undoubtedly other municipalities pursuing this goal, to a greater or lesser degree of success. Their stories also deserve to be told, in the interest of inspiring other municipalities to follow suit.

In 2011 Mossel Bay Municipality embarked on a renewed approach to the way it does its business through improved planning and feedback from engagements. Through the Integrated Development Plan (IDP) process and ward committee engagements, the municipality conducted a situation analysis and an analysis of its strengths, weaknesses, opportunities and threats in relation to its overall functioning. These findings were used to review and revise the municipal vision and mission (Box 2). The municipality subsequently developed a Marketing Plan, a Communication Policy, a Communication Plan and a Ward Committee Policy to guide the realisation of the stated vision, mission and values. In the process of realigning the municipality to the renewed vision, mission and values, the Mossel Bay Municipality has given attention to all four dimensions of the governance system described earlier.
IN PURSUIT OF RESPONSIBLE AND RESPONSIVE LOCAL GOVERNANCE

VALUES AND PRINCIPLES

Mossel Bay Municipality made a conscious choice to make its core values explicit. These values (work pride, service excellence, integrity, loyalty and accountability) drive the municipality’s interaction with all stakeholders, including citizens, in an effort to achieve its goals and objectives and instil a positive image in the public realm. The municipality values consensus-based decision-making and accountability (through regular report backs) and supports the Batho Pele principles. Furthermore, it strives for loyalty through promoting the municipality and communities of Mossel Bay at all times.

The Mossel Bay Municipality views the ward committee as the key link between the municipality and the community. Underpinning the ward committee system are good governance principles, which the municipality defines as including fundamentally the interest of the community, fostering participation and having regular and structured meetings. Specific principles that guide the functioning of the ward committee are having a sense of integrity, striving to be objective and transparent, and displaying a level of leadership toward the communities.

Most of the values articulated by the Mossel Bay Municipality resonate with the values mentioned previously. The municipality is clear that the core values need to be reflected in consistent behaviour, as well as in appropriate systems, mechanisms and processes, which are discussed next.

SYSTEMS, PROCEDURES AND PRACTICES

The municipality is committed to ensuring that its core values are translated into systems, procedures and practices, which are in turn designed to enhance responsible and responsive local governance. The Communication Policy and Plan, the Marketing Plan and the Ward Committee Policy are the main municipal documents intended to facilitate and guide this.

The Communication Policy and Plan outlines the role of communications and related information-sharing processes. It clarifies how the communication function will be executed and coordinated, and the

BOX 2
Vision, mission and values adopted by Mossel Bay Municipality

Vision
We strive to be a trend-setting, dynamic Municipality delivering quality services responsive to the demands and challenges of the community and our constitutional mandate, in which all stakeholders can participate in harmony and dignity.

Mission
- To render cost-effective and sustainable services to the entire community with diligence and empathy.
- To create mutual trust and understanding between the municipality and the community.
- To have a motivated and representative municipal workforce with high ethical standards, which is empowered to render optimal services to the community.
- To apply good and transparent corporate governance in order to promote community prosperity.

Values
The community is our inspiration and our workforce is our strength in the quest for community development and service delivery. We therefore value:
- Work pride.
- Service excellence.
- Integrity.
- Loyalty.
- Accountability.

Taken from Mossel Bay Municipality Communication Plan
different roles and responsibilities for developing content, disseminating information and processing feedback. In addition to clarifying the communication channels, the plan clearly spells out the key messages that need to inform and accompany any form of communication. The municipality is committed to communicating proactively to communities on service-related issues and municipal matters that are important to the public, and in a timeous manner. The municipality intends maintaining and updating the municipal databases for various communication tools to reach citizens directly. The Communication Policy is reviewed annually to ensure it remains effective and efficient in operationalising the communication function.

The Mossel Bay Municipality has two mechanisms that allow citizens to communicate with the municipality: written submissions and an official short message system (SMS), which is useful for service delivery-related complaints. All written communications submitted to the municipality are captured on an electronic web-based document administration system. The system provides a reference number for each item submitted and regular feedback until the matter is closed. Municipal officials have to respond to written submissions within 10 days, while the set response time for the SMS system is 48 hours. As part of institutionalising responsiveness, the municipality conducts quarterly customer satisfaction surveys at the Thusong Service Centre to remain abreast of community issues and be proactive in its response.

The Marketing Plan also provides guidance on the communication function, specifically the municipal IDP and the Service Delivery and Budget Implementation Plan. It enables ongoing communication with standardised communication information items (e.g. water, electricity, roads, local economic development). The Marketing Plan further addresses how public participation needs to be pursued and sets forward an annual Public Participation Plan for adoption by Council.

The Ward Committee Policy presents the ward committee system as the primary platform for sharing planning, financial and service delivery information with communities. Ward committee meetings have a standardised agenda, to facilitate consistency and to enable information sharing and feedback on specific municipal services. Such an agenda is a simple example of how to institutionalise communication, monitoring and responsiveness. In addition, the municipality has adopted a decision that the Mayoral Committee, Municipal Manager, Executive Directors and relevant municipal officials attend annual ward meetings (unless a risk has been identified that such a meeting may be hijacked or abused to pursue particular interests). This decision demonstrates a commitment at the leadership level to sustained citizen engagement and accountability.

The policies and plans summarised here provide municipal representatives with clear, organised and structured processes, procedures and methods for implementation. It is a systematic approach aimed at driving municipal practice towards responsible and responsive local governance. The policies and plans, if implemented as intended, also provide communities and citizens with better knowledge and opportunities to hold the municipality to account. Clear communication and structured processes for engagement with municipal processes and representatives allow for informed and involved citizens, and for the possibility of faster and more appropriate improvements in their livelihoods and living conditions.

**CAPABILITY**

The municipality recognises that appropriate skills, resources and other capabilities are essential for
achieving municipal policy goals and objectives. In particular, municipal officials can improve their public participation competencies by attending an accredited public participation course offered by the provincial government. In Mossel Bay, particular attention has been given to the role and functioning of ward committees, as the central link between local government and communities. To be able to fulfil successfully the expected intermediation role, ward committees need to understand the municipality’s objectives and functions, and administrative, planning, financial and implementation processes and related activities. Therefore, to strengthen the capability of ward committees, the municipality adopted a ward committee capacity building plan for 2014/2015. Capacity building of ward committees focuses, among others, on training to assist ward committees in understanding their roles and functions and, in particular, their oversight role in municipal planning, budgeting, performance management and legal reporting. The programme also includes a focus on departmental functions such as tourism, local economic development and regional land claims.

To expand the learning and skills development of ward committees, the municipality facilitated a service delivery tour for ward committee members. The purpose was to provide them with a real sense of how municipal service delivery systems and processes work, so that ward committee members would be better able to communicate these to their communities. The tour included visits to the Water Purification Plant, the Sewerage Purification and Treatment Plants, the Reverse Osmosis Plant and the Thusong Service Centre.

Capacity building is important for the growth and development of staff and improving financial, administrative and operational plans and processes. In the case of ward committee members, it enables them to be better equipped to respond to community concerns and to act as a community resource and source of information.

LEADERSHIP

Mossel Bay Municipality illustrates many instances of leadership for responsible and responsive local governance, starting with the vision, mission and values adopted in 2011. The adoption of the various policies and plans discussed above demonstrates commitment at leadership level to institutionalise positive and collaborative relationships with citizens and communities. The strong emphasis on value-driven governance and service delivery, linking this explicitly to a public service ethos and the Batho Pele principles, is also a sign of committed leadership.

At management level, the municipality has introduced a Functionality and Support Pledge (Box 3), which clarifies and commits members of the management team and Council to ensure that ward committees are institutionalised in a manner that supports and builds effective and functioning ward committees in line with the Batho Pele principles. The management team realises the importance of healthy working relationships, cooperation and communication.

In May 2014, the municipality hosted a pledge day at which ward committee members, senior managers and political leadership (The Speaker, Executive and Deputy Mayor and Council) publicly signed the ‘Loyalty and Integrity Pledge’ (which recognises, accepts and commits to adopt and display the values and ward committee policy) and the ‘Functionality and Support Pledge’.

The political/administrative divide is often characterised as being dysfunctional and as a stumbling block to service delivery and development in local government (NPC 2012). However, Mossel Bay Municipality shows that it is possible to
results. However, Mossel Bay Municipality’s approach confirms that improving people’s quality of life and rebuilding public trust in local government requires more than improved communication and customer satisfaction surveys. It even warrants more than establishing more varied and inclusive citizen engagement systems. Ultimately, responsible and responsive local governance can only become a reality when core values such as accountability and integrity drive the functioning of the municipality and determine what capability the organisation needs to live out these values. Furthermore, it requires leadership that proactively pursues and safeguards these values in all aspects of municipal functioning and in personal actions. A lot of work lies ahead to guide and support the change management process needed to firmly embed responsibility and responsiveness in local governance.

CONTRIBUTIONS TO THIS PUBLICATION

Contributions to this publication reflect on the theme of responsibility and responsiveness in local governance from different perspectives, ranging from xenophobia, informal settlements, rural local governance, the IDP process and community-based monitoring. The papers also highlight different dimensions of the governance system: values and principles; systems, procedures and practices; capability; and, leadership. The papers are described below according to these four dimensions rather than the order in which they appear in the publication.

The example of Mossel Bay Municipality confirms that strong value-driven leadership is at the heart of the change management process required at municipal level to gear local government towards responsibility and responsiveness.

CONCLUSION

Mossel Bay Municipality has been presented as an example of a municipality that is consciously striving towards responsible and responsive local governance. It is by no means the only municipality trying to achieve this, although by and large the system of local government is not perceived (and experienced) as such. The focus has been on the four dimensions of the governance system (values and principles; systems, procedures and practices; capability; and leadership), not on analysing the extent to which the municipality’s systematic approach has been implemented and with what
case for recognising contestation and dissent as core values of responsible and responsive governance.

The paper by Afesis-corplan echoes the importance of valuing dissent as a central tenet of local democratic practice. By focusing on the IDP and associated processes and practices for citizen engagement, the paper primarily deals with the dimension of systems, procedures and practices. Afesis-corplan calls for the IDP process to be more responsive, suggesting that this can be achieved through improved communication and the establishment of well-functioning forums and processes of citizen engagement, and for the implementation of the IDP to be more responsible.

The In Profile contribution by PCRD hones in on audit committees and municipal public account committees, as appropriate structures to enhance accountability to citizens. It argues that fiscal and financial accountability is critical for fostering mutual trust and transparency between municipalities and local communities.

The CORC paper brings insights to bear on the first (values and principles) and third (capability) dimensions of the governance system. Like the SERI paper, this paper focuses on informal settlements. It reveals the disjuncture between expressed values in national policy (more especially pertaining to citizen engagement) and the uptake and implementation at local level. This disjuncture stems from an entrenched orientation towards state-centric development, the weak value ascribed to social facilitation (evident in the lack of adequate resource allocation) and weak capability in local government to connect with deep-rooted community knowledge.

The In Profile contribution by BESG makes a compelling case for multi-stakeholder partnerships that include the public and private sectors and civil society organisations to bring about sustainable development. Partnerships are also mooted as a means to enhance the individual and collective capabilities of the organisations involved.

The DDP paper makes a strong case for local government to provide value-driven leadership in a context characterised by deep-seated animosity and division. Local government has a responsibility to safeguard the rights and livelihoods of migrants, while simultaneously addressing the socio-economic factors that fuel xenophobic (Afrophobic) violence. Local government also has a leadership role to play in coordinating an inclusive multi-stakeholder approach, not only when the crisis erupts, but also in a pre-emptive manner. In this instance, the municipality was found wanting.

The TCOE paper reflects on the dual local governance system that exists in rural areas. The resulting confusion, tension and contestation limit the scope for rural communities to demand their rights to services and hold local government to account. The roles and responsibilities of traditional leadership in local governance require urgent review, to bring about a governance system that is more responsible and responsive to rural residents.

The paper by Isandla Institute focuses on emerging practice related to community-based monitoring in South Africa. As a practice to instil routine accountability, community-based monitoring is more than just adopting new tools and techniques. To use these tools and techniques effectively may require certain skills, capacities, values and relationships. As such, community-based monitoring can be understood as a change management process.

Finally, the In Profile contribution by DDP reminds us that responsible and responsive governance is not the exclusive responsibility of local government, but requires community organisations that embody the core values of responsibility, accountability and public service. It also highlights the important role supporting organisations can play in strengthen local governance.
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NOTES

2 These include CoGTA (2009), the Local Government Budget and Expenditure reviews of National Treasury, the annual reports Local Government Audit Outcomes of the Auditor-General of South Africa, and the National Development Plan (NPC 2012), among others.
3 GGLN Members Meeting, 23 April 2015, University of the Western Cape, Bellville (Cape Town).
4 See SALGA's Municipal Audit Support Programme (MASP), launched in July 2014.
5 This section is informed by the Mossel Bay Municipality’s Marketing Plan, Communication Policy, Communication Plan, Ward Committee Policy, Questionnaire to Mr Janties (Director: Corporate Services) and personal communication.
In April 2015, South Africa was once again reeling from the shock of deep-seated animosity and violence against foreign migrants, mostly from the African continent. This followed the widespread outbreaks of xenophobic violence across South Africa in 2008, and the sporadic and more localised outbursts ever since. Xenophobia is not a new global phenomenon. It is as old as human migration, dating back to early centuries of human existence. While the phenomenon is complex, its manifestation has a context.

IN MOST CASES, it is driven by global economic forces that have exacerbated inequalities among people and nations, increased global poverty and marginalised the majority of people in both developing and developed countries. Indeed, the glaring economic and development disparities between countries globally mean that migration remains an ongoing process that cannot be stopped. However, most governments have not developed concrete responses to this global phenomenon, such as establishing mechanisms for integrating migrant communities into their local economies. Furthermore, they have not addressed adequately the issues of income inequalities, and skewed economic development and poverty, which are critical factors that fuel tensions between local hosts and foreign nationals. This has been the case in Africa, Europe and North America (between Mexico and United States of America). As a result, governments around the world have not been able
to respond proactively to xenophobic crises; instead their responses have been ad hoc, incoherent and largely out-of-touch with realities. And South Africa is no exception. For governments to demonstrate responsive and responsible governance, they need to develop policies that facilitate the integration of migrant communities into local economies while at the same time address the pressing socio-economic development challenges. This paper reflects on a particular manifestation of xenophobia that occurred in Durban in 2015 and narrates the roles played by civil society organisations and the municipality as the crisis unfolded.

THE DDP’S CONTEXT

Since its inception in 1993, the Democracy Development Program (DDP) has been actively involved in deepening democracy in South Africa. For the DDP, deepening democracy implies increasing community participation in the democratic process by creating safe spaces where civil society can engage on issues that matter to them the most. The essence of DDP is not to instruct people on how to conduct themselves but rather to use its methodology to work with different stakeholders, to advance their capacity. This is done through workshops, dialogues and information sessions, to give them workable skills to speak for themselves, as well as to enhance their voice as enshrined in the Bill of Rights.

In addition to acting as an agent of change, DDP also performs a critical activist role, by raising awareness of constitutional rights and obligations, and monitoring, analysing and responding to government policy and legislation for social transformational change. An example of the DDP’s work, principally its advocacy role, can be found in its experience and response to the recent xenophobic attacks that mocked the sense of Ubuntu in South Africa, particularly in and around Durban, KwaZulu-Natal. The attacks were marked by intimidation, physical violence, looting and murder and, in the overwhelming majority of the xenophobic attacks, the targets were mostly black, foreign nationals.

On 9 April 2015, the DDP visited a camp site in Isipingo, where foreigners from five different nations were being housed. The purpose of the visit was to speak to foreign nationals about their living conditions and their immediate needs, as well as to gather insight about the xenophobic attacks that were ravaging a number of communities within the City of Durban. Based on information gathered at this visit, the DDP formulated a response and sent an open letter, through its involvement with the KwaZulu-Natal Civil Society Organisation Coalition (KZNCSOC), to the President of South Africa, Jacob Zuma, stating its displeasure with the violence against African nationals and calling for the president to take a decisive action against the perpetrators.

This paper is a reflection on both DDP’s understanding of, and response to, the xenophobic attacks in April 2015. The paper argues that, while the City of Durban responded to the violence, there is room for the City, and indeed the state, to be more responsible and responsive when communities are faced with a crisis of this nature. The response could have been more appropriate and beneficial to foreign nationals before, during and after the attacks, through a more strategic relationship with civil society. The City was short-sighted and fragmented in its response, and the DDP believes that this type of reaction echoes the lack of a proper framework of a responsible and responsive governance found more generally in South Africa. This paper also

The response could have been more appropriate and beneficial to foreign nationals before, during and after the attacks, through a more strategic relationship with civil society.
argues that civil society organisations, such as the DDP, are important, as they campaign actively for the enforcement of civil rights, improvements at all levels of government, and maintaining sustainable democracy and good governance for the benefit all living in South Africa, as constitutionally enshrined in the Bill of Rights.

After examining definitions of xenophobia and arguing that the word encompasses both an attitude and a practice, the discussion reflects on the factors that sparked the xenophobic violence in Durban. The paper then details the DDP’s response to the xenophobic attacks through its association with the KZNCSOC, and describes its role in mobilising other organisations into action. The City of Durban’s response is also examined. The paper closes with some suggestions on the important role of civil society in enabling the state to be more responsible and responsive.

UNDERSTANDING XENOPHOBIA

One definition of xenophobia is a ‘hatred or fear of foreigners’ (Branford and Thompson 1994), whereby xenophobia is characterised by a destructive attitude towards foreigners – fear, dislike or hatred. However, defining xenophobia as an attitude includes no comment on the consequences or effects of such a mind-set. ‘This is misleading, because xenophobia in South Africa is not restricted to a fear or dislike of foreigners’ (Hook and Eagle 2002: 170).

Kollapan (1999) warns that xenophobia cannot be detached from violence and physical abuse. The term xenophobia must be reframed to include practice. Put differently, xenophobia is not just an attitude, such as a dislike or fear of foreigners, but rather an activity and a ferocious practice that has possible consequences of bodily harm and damage. More predominantly, the violent practice that encompasses xenophobia must be further developed to consist of its specific target, because, in South Africa, not all foreigners are uniformly victimised (Hook and Eagle 2002). Rather, black foreigners, particularly those from Africa, comprise the majority of victims. The forces of xenophobic attacks must also be placed in context: in South Africa, foreign nationals are a minority group with little political muscle, and so they are an easy, identifiable target of the majority of black working class citizens (Alvarez and Bachman 2014). Hook and Eagle (2002: 170) furthermore state that ‘it is also significant to explore why “the unknown” represented by, largely black, foreigners should necessarily invite repugnance, fear or aggression’.

CAUSES OF XENOPHOBIA

The causes of the violence, which injure and even in extreme cases lead to the loss of life, are multi-layered and complex. They operate at a macro, societal level as well as at a more micro, local level.

At a macro level, forces such as socio-economic reasons, pervasive inequalities, poverty, and disillusionment with government, a self-hate syndrome and the emergence of a tribal identity, play a role in exacerbating tensions between different communities. The legacy of apartheid has left many people suffering under the weight of growing unemployment and poverty. Khamango (2010) reports on the link between lack of development and xenophobia by referring to growing economic inequalities among South Africans and the lack of access to employment. Government has failed to implement policies that create jobs and grow the South African economy. There is also widespread disillusionment with a government that is unable to significantly change the lives of the marginalised and minority groups, such as African foreigners and the poor, in such a way that provides tangible evidence of better living standards (Adam and Moodley 2015).
Other socio-economic factors include the constricted housing market with residential stratification, which aggravates service delivery problems and intensifies already high levels of crime. Corruption in the Department of Home Affairs and other state agencies also contributes to the problem (Bond et al. 2010: 6–7). In fact, wealthy South Africans have set up a structure that is meant to super-exploit migrant labour, in particularly within the mining sector, from both within South Africa and the wider region for their own economic benefit (Bond et al. 2010: 8–9).

Moral values are degrading in South Africa because of the perception that wrong-doers of violence face little or no consequence. In addition, many people do not trust the criminal justice system, and believe that the courts are too lenient and/or the system takes too long to achieve results. Nevertheless, besides economic factors, the attacks on foreigners suggest the emergence of a tribal identity in which black South Africans see themselves as different to other Africans.

Additionally, a deeper phenomenon being witnessed, which is associated with violence, is that of a self-hate syndrome. This describes an attitude of envy by especially black South African citizens of foreigners (Adam and Moodley 2015). Strong retail business rivalry between local and foreign shop owners is common and is associated with the perception that foreigners are more successful at running businesses than their South African counterparts. According to Aubrey Matshiqi, a well-known political analyst, this self-hate syndrome has built up over the years, as a result of the impact of colonisation, Apartheid and the general violent history of South Africa on the psyche of the population of South Africa (Bhengu 2015). This syndrome is further exacerbated by the belief and practice that employers pay foreigners less than locals, and so foreigners are being employed in jobs that are rightfully those of South Africans.

Turning to causes of xenophobia at a micro level, discontent between local inhabitants and immigrants could spark a xenophobic attack (Anon 2015; Bond et al. 2010). The tipping point that incites violence should not be seen as a sudden event, but rather a gradual build-up of tension based on causes that operate at the level of society. The DDP believes that two incidents ignited some of the worse cases of xenophobic violence witnessed by South Africa since the xenophobic attacks of 2008.

**SPARKS THAT IGNITED THE 2015 XENOPHOBIC ATTACKS IN DURBAN**

The two sparks of violence were the remarks of the Zulu King Goodwill Zwelithini and the firing of locals at a shop in Isipingo.

In March 2015, during a moral regeneration event, the speech given by Zulu King Goodwill Zwelithini to the Pongolo community appears to have been one of the most important triggers of the violence against foreign nationals. Although the speech did not specifically speak about the violent removal of foreign nationals from the country, the message was clear: ‘foreign nationals must go home’. In fact, De Vos argues that, in terms of common law, a reasonable person would conclude that the speech by King Zwelithini – which incidentally were sentiments echoed by Edward, son of President Zuma – could be interpreted as having the intention to be hurtful, incite harm, or to promote and propagate hatred against foreigners. Even though the
The ensuing violence spread fear and panic like wildfire among migrant communities, and the attacks proliferated in a number of communities throughout the country.

King merely fulfils a symbolic and ceremonial role in a constitutional monarchy, the King regards himself as a politician who makes highly provocative and inflammatory statements. That said, the statement uttered by the Zulu King was not the only contributor to the violence, but a verbal expression of something deeper that is wrong in South Africa.

The second spark was when a shop owner in Isipingo fired local employees, and replaced his workforce with cheaper, foreign workers (Anon 201511). The shop owner’s action ignited the anger of locals who already perceived African foreigners as competition for their jobs.

The ensuing violence spread fear and panic like wildfire among migrant communities, and the attacks proliferated in a number of communities throughout the country. Foreign African nationals used social media platforms, such as WhatsApp, Facebook, and BBM, to keep updated about events happening in different areas and to forewarn each other of possible dangerous hotspots. These communication platforms were also a useful mechanism for identifying areas where the need for resources was the greatest.

However, the use of social media also had negative aspects, as incorrect information and rumours were spread. These false rumours gained momentum and created fear among the end users. One such rumour suggested that terror groups, such as Boko Haram, were threatening revenge attacks on South African nationals in Nigeria. More problematic was the circulation of these images by media houses without verification. One of the rumours was that mobs were on their way to schools in some areas in Durban. This led concerned parents to remove their children from schools.12 One could argue that the misinformation, which led to a sense of the unknown and anxiety, was intended to paralyse a population.

EXAMINING THE RESPONSES

During and in the aftermath of the xenophobic attacks, different stakeholders responded in a variety of ways, from providing humanitarian aid to condemning the attacks, from the ranks of the United Nations Secretary General, Ban Ki-Moon as well as from the African Union Chair, Dr Nkosazana Dlamini-Zuma.

THE DDP RESPONSE

The DDP believes that civil society has a significant role to play in providing a sustainable solution to a challenge where the rights of minority groups, which are protected under the Constitution of South Africa, are compromised. The DDP responded in two ways: in its capacity as KZNCSOC Secretariat, and in an organisational capacity.

The KZNCSOC, of which DDP is a founding member and Secretariat, is a coalition that represents the interests of civil society in KwaZulu-Natal. It was formed in 2014 with the aim of giving a voice to civil society. The response from the KZNCSOC could be regarded as one of the most emphatic reactions to the xenophobic attacks. Through an open letter to the President, the KZNCSOC called for more decisive action from the State and its security agencies: to provide targeted protection to the victims of the violence, to take action against the perpetrators of the violence, and to work with the media to raise awareness about the detriments of such acts, which contravened constitutional principles and the nation’s values. In reality, the response of KZNCSOC demonstrated the role of civil society in providing leadership and a process for achieving social cohesion through meaningful dialogues between the
victims of the xenophobic attacks, the state, donor as well as host communities.

The KZNCSOC letter to the President was part of a broader action plan, which was informed by the values of humanity and social justice, and contained the following aspects:

- Convene dialogues between the civil society organisations and organisations representing migrant communities, to give these communities an opportunity to tell their stories, explore possibilities and determine a course of action in collaboration with the KZNCSOC Secretariat, the DDP.
- Publicise its efforts through media outlets – including hosting radio talk shows on the subject of xenophobia, conducting radio interviews and issuing statements to local print media. The KZNCSOC participated in one SABC TV and six live radio interviews organised by the KwaZulu-Natal Community Radio Forum (KZNCRF), to inform citizens of its response to the challenge and to provide its perspectives regarding the state and media responses to the situation, among other issues.
- Bring together responses by similar organisations, as coordinated efforts give credibility to civil society interventions that engage with the victims of xenophobia attacks and relevant government agencies. In consolidating the efforts of member organisations, the KZNCSOC, through the DDP, offered its members support, through making meeting spaces available and connecting organisations with other city-wide efforts responding to the challenge.

Civil society’s role in promoting social cohesion and the establishment of safer communities cannot be underestimated. However, the hard work of civil society actors has to be coordinated, so efforts have impact on the ground and are not fragmented, especially considering that short-term responses to the crisis are not sustainable.

In its organisational response, the DDP was guided by its philosophy of community building, which enables citizens to exercise their power and voice in a way that is respected and heard by their fellow citizens. The DDP approached the crisis in a number of different ways. First, through its partnership with African Solidarity Network (ASONET), which represents the interests of foreign nationals living in South Africa, the DDP obtained first-hand information about violent hotspots and the on-the-ground needs. Second, as already mentioned, the DDP conducted site visits to camps to obtain information about conditions and to determine what humanitarian aid was needed. Third, the DDP held meetings with the refugees and convened gatherings to agree on the strategy for engaging the City of Durban. Fourth, the DDP coordinated the efforts of different organisations to speak with a single voice. Specifically, the DDP:

- Linked up with Right2Know (R2K) to bring the different community leaders together at DDP House in Durban and provided a venue for discussions. The DDP also helped facilitate a dialogue around the degree of collaboration with the City, particularly related to the planned peace march through the City.
- Brought together eight civil society organisations, including church groups and organisations that worked with refugees, to engage the City and find out exactly what their plans were, as the serious lack of coordination was obvious.
- Set up a fund for humanitarian aid, mainly for food and clothing, as many in the camps had fled with nothing except the clothes on their backs and whatever they could carry.
THE LOCAL GOVERNMENT RESPONSE

Local government, through the City of Durban, responded to the violence by arranging a peace march, which was seen as a collective response from civil society, individuals and the City. These arrangements came after an incident that occurred on 14 April 2015, when a group of foreign nationals, led by R2K obtained a permit from the City to hold a peaceful protest march to highlight the events that were unfolding at that time. On the day of the march, the permit was revoked, citing possible violence as the reason. By this time, the group had already incurred costs, for example the hiring of buses. Some members decided to march despite the ban on the event, and police subsequently used water cannons and rubber bullets to disperse the protesters.

At the same time, a Member of the Executive Council for Home Affairs in KwaZulu-Natal addressed civil society organisations and foreign national leaders saying how serious the government was about addressing the ongoing violence and invited all citizens to a citizens’ march on 16 April 2015, led by the ANC as a demonstration of solidarity with the foreign nationals. The City of Durban called a meeting to talk about this march and its logistics. Two ideas were proposed, both of which the DDP believed were not carefully thought through. First, the march was to be led by the ANC and not the City. Second, foreign nationals were to be bussed in from the camps to be a part of the march, leaving the women and children behind, unguarded in the camps.

The foreign national leaders rejected the proposed march, as they had lost faith in the ANC and feared more violence, on the basis that the police would not be able to control both the unguarded camps and the march itself. The City then revised the strategy and arranged a peace march for 16 April 2015, which was to be led by the mayor, Councillor James Nxumalo, and the Premier of the Province of KwaZulu-Natal, Senzo Mchunu.

The march itself could be classed as successful, as it brought together approximately 4000–5000 people, including DDP staff, onto the streets of Durban to voice their anger at what was happening. The heavy police presence made sure that there was no violence. It is important to note that the march did bring, graphically, to the international community the full story of what was happening in South Africa. However, on other fronts, the City of Durban’s response could be said to be lacking.

- The initial response from the police was to hesitate over arresting propagators of the violence. This inability of the state’s security operators to arrest hooligans and criminals, who had damaged homes and business properties owned by African nationals, gave the unfortunate message that these acts were not regarded as criminal and so did not warrant arrest and prosecution. The state appeared to be taking the side of the offenders of the violence. In addition, anecdotal evidence suggested that the police often arrived too late and, when they did arrive, did little to apprehend the criminals.

- The Disaster Management Unit of the City of Durban was largely ineffective in bringing together the necessary departments to ensure that the camps were well set up with sanitation, food and shelter. Food was provided mainly by local communities around the camps and organisations like Gift of the Givers and religious organisations. The City had made no provision for these types of resources. At one of the camps, showers were only installed after five days. Dr Somadoda Fikeni, a political analyst, commented that the ANC’s intervention is often delayed due internal factions within the organisation itself.¹³

- Meetings between the City of Durban and different stakeholders, including the metro police, the office
of the Zulu King, civil society organisations and the Department of Home Affairs, were haphazard and changed at the last minute without any explanation.

The scale of the attacks was underestimated and, as a consequence, national government was not approached for assistance. For instance, despite many calls from civil society, the army was not called in to help quell the violence.

Government at all levels took unilateral decisions with little consultation with civil society organisations on the ground, especially with regard to the planned peace march. The march would have been much more successful if civil society had been sufficiently mobilised and communities engaged around the issues of the violence.

No concerted effort was made to get the Zulu King to revoke his statement and to ask for an end to the violence when it first erupted. When the King did call for an Imbizo, which took place at Moses Mabhida stadium on 20 April 2015, the intervention came too late and, regrettably, was not accompanied by an open apology for his initial utterances made, calling for foreigners to leave the country.

In general, the state appeared to choose to work with any organisation that was providing humanitarian support but failed to coordinate its own programme of intervention. Its fragmented approach to the crisis undermined its capacity to interact with the victims of xenophobia. These weaknesses limited the state’s ability to be responsive and responsible. The state’s biggest short-coming in the aftermath of the violence was that it did not strongly come out in favour of the rights of a marginalised minority, both in the form of the police response to the attacks and by not holding the King to account.

CIVIL SOCIETY AND GOVERNMENT’S ROLE IN BUILDING A RESPONSIVE AND RESPONSIBLE STATE

If managed properly, the relationship between the two role players could be a beneficial one. In the face of the violence, this could have culminated in a coherent and holistic effort to urgently stop the brutality and assist those so desperately in need. But the state does not appreciate civil society as a genuine partner. Nevertheless, civil society has a significant role to play in terms of lobbying and working with the state, as well as an activist and an agent of change. DDP makes the following suggestions for strengthening the hand of civil society, as well as that of the state, to become more responsive to and responsible about handling crisis of this nature and proportion.

Civil society should actively lobby the state to develop anti-xenophobia policies coupled with other policies aimed at accelerating skills development to vulnerable segments of the population, such as the youth, so that they can be appropriately equipped to engage effectively in the economy.

Civil society’s response needs to go beyond relief and humanitarian efforts. The response has to address the pressing causes that create an environment conducive to xenophobia. Urgent attention is needed to deal with developmental challenges, such as poverty, high levels of unemployment, increased corruption by state departments responsible for basic services provision, unfair business competition between local and migrant communities and any geopolitical stresses. Civil society can engage the state, its agencies and the business community in responding to some of these challenges and collaboratively develop sustainable solutions aimed at ameliorating their effects on under-served communities. More employment opportunities and relevant skills training
for local communities need to be made available. Furthermore, regulations to encourage the upward mobility of informal traders should be accelerated, so that competition is lessened – without this, increased competition remains a catalyst for xenophobic violence.

Civil society should continue creating invented spaces for dialogue with all stakeholders, including migrant communities and their South African hosts. Transformational dialogues, based on the values of humanity, compassion and social justice, are key processes that promote social cohesion and build empathic communities. Ongoing dialogue is needed about social cohesion and what it means for individual communities in the region.

Civil society should also lobby both provincial and metro governments to improve and accelerate city housing plans. For instance, same-sex hostels should be removed, as these have turned to be breeding grounds for socio-economic discontent, as a consequence of high influx of local and foreign migrants and competition for space. Slow and improper housing development has led to overcrowding of informal settlements and townships, fuelling socio-cultural frustrations, which further exacerbate an already volatile environment.

State departments need to be strengthened in their ability to deliver its services. In the context of the xenophobic violence, the Disaster Management Unit of the City of Durban needs to be better resourced and its processes more transparent. Services at the Department of Home Affairs also need to be bolstered. In particular, immigration processes at South African borders and other entry points need to be tightened. Border porousness has been an area of concern and needs urgent attention. Furthermore, the Department of Home Affairs needs to be better resourced to process and vet applications for entry into South Africa.

Government’s role in upholding community building and active citizenship should be to facilitate processes and support citizens in communities and empower them to participate in their own development.

CONCLUSION

A variety of complex factors fuel xenophobia. The most recent xenophobic attacks in Durban demonstrate that the causes of xenophobia are profoundly complex and multifaceted and, indeed, what the response needs to be. And while civil society has a role to play in addressing the triggers and supporting marginalised and minority communities in a crisis, the state has a more fundamental and critical role to play. The state, and more particularly local government, needs to lead the response on three crucial fronts. First, it needs to be pre-emptive, by addressing the causes of xenophobia. Second, as violence rears up and displacement occurs, the state needs to have a coherent and transparent action plan to respond to xenophobic attacks. This includes having to take urgent, structured and decisive steps to stop the violence and brutality, as well as providing the right kind of support to meet immediate needs. And, third, post facto, the state needs to provide support to displaced communities to help them to reintegrate into local communities. For such a layered and multifaceted response to develop, capacities and relationships need to be strengthened. And this is where building relationships with civil society actors can be beneficial for the state. The DDP responded to the violence by mobilising a number of relevant stakeholders to provide a comprehensive and sustainable response to the xenophobic crisis. The DDP is committed to having more targeted community dialogues and constant engagement with local government to ensure that the plight of the African migrant community is protected and their human rights are upheld, so that xenophobia does not rear its ugly head time and time again.
REFERENCES


NOTES

1 This letter, as well as a subsequent one, which acknowledges efforts on the part of the state, can be found at http://www.kzncsoc.org.za/news.php.


5 Anon (2015). Informal conversation with local Non-Governmental Organisations and foreign nationals that were affected in the Isipingo area.


11 Anon (2015). Informal conversation with local Non-Governmental Organisations and foreign nationals that were affected in the Isipingo area.


South Africa is a representative, constitutional democracy whose government is based on the will of the people. The Constitution (1996) calls for mechanisms that allow citizens to participate in decisions about their own development and in debates about the laws that must govern them.

VOTING IS ONE of the mechanisms available to citizens to participate in decision-making in a democracy. In 2014, over half (53.77%) of South African eligible voters stood, often in long queues, to choose the people they felt were best placed to make decisions on their behalf (International IDEA nd). For some people, voting their favourite party into power is enough: government must just get on and do what it promised. For others, however, this is not enough. They want the opportunity to participate between elections and influence government decisions about matters that directly affect their lives and their communities, and to hold decision-makers accountable for implementing these crucial decisions.

Local government provides citizens with the best opportunity to engage with government between elections. This level of government deals with issues that most directly affect people. This paper focuses on one of the key mechanisms for citizen engagement – the Integrated Development Plan (IDP) – and explores the extent to which the IDP process can lead to good local governance. The assertion is that processes leading up to decision-making in the IDP process need to be more responsive to the needs of people and to the changes in the environment within which decisions are made and implemented. Those responsible for implementing decisions need to be held accountable and to feel the consequences of good or bad delivery.
Improved responsiveness and responsibility together contribute to good governance, which in turn leads to an improved quality of life (Atlee 2012; Gisselquist 2012; MAV et al. 2012; Goodin 2008; Liu and Hanauer 2011).

After unpacking the meaning of good governance, a brief overview of the local government IDP process is provided, and the Mthatha revitalisation case study is used to highlight issues within an IDP process. The challenges to the IDP process are considered, and then recommendations are made for making the IDP process more responsive to the needs of the citizens and making those responsible for implementation more accountable.

THE MEANING OF GOOD GOVERNANCE

Governance refers to the formal and informal arrangements that determine how public decisions are made and how public actions are carried out from the perspective of maintaining a country’s constitutional values (OECD2011: 2). McGee (2004, cited in United Nations 2007) and the European Commission (2003, cited in United Nations 2007) argue that governance is not just about how government, social organisations and citizens interact but concerns the state’s ability to serve citizens and other actors, and how public functions are carried out, public resources managed and public regulatory powers exercised.

Good governance is not a new concept in South Africa, being present in various pieces of legislation including Chapter 7 of the Constitution (Act No. 108 of 1996), the Municipal Structures Act (No.117 of 1998) and the Municipal Systems Act (No.32 of 2000).

Good governance is about decision-making and implementation processes, not about making ‘correct’ decisions, but about the best possible processes for making those decisions (MAV et al. 2012). It has seven sub-components or indicators’ (Gisselquist 2012):

- Democracy and representation.
- Respect for human rights.
- Respect for the rule of law.
- Effective and efficient public management.
- Transparency and accountability.
- Development-oriented objectives.
- A varying range of particular political and economic policies, programmes, and institutions (e.g. elections, a legislature, a free press, secure property rights) which give effect to the previous six components.

A government that follows good governance practice is one where all of the above components are in place. For the purposes of this paper, emphasis will be placed on some components over others, depending on the situation. For example, respect for democratic principles and community representation are important in the process leading up to decision-making, whereas transparency and accountability take centre stage when implementing the decisions made.

As mentioned, local government is where most people are able to influence decisions and hold decision-makers to account. The concept of good governance is explored in the context of the IDP, the tool used by municipalities to coordinate all development interventions across sectors.

GOVERNANCE AND THE IDP

The framework of the IDP process is used to unpack responsive planning and responsible implementation. The process is not described in detail, as it can be found in a number of handbooks and guides (Afesiscorplan 2013a, DDP 2014, DPL nd, ETU nd, MLGI nd).

The Municipal Systems Act gives direction to the IDP process, describing the IDP as ‘the principal strategic planning instrument which guides
and informs all planning and development, and all decisions with regard to planning, management and development in the municipality’. Communities should be encouraged to participate in municipal affairs, including preparing, implementing and reviewing the IDP. The IDP is seen as the opportunity and platform to ensure that local interests are captured and acted on. Therefore, IDPs that appear generic replicas may be an indication that the participation process has not been successful. The Act also mandates municipalities to produce five-year IDPs that must be reviewed every year. An IDP must include a long-term vision, a situational analysis, development priorities, a Spatial Development Framework, financial plans and budgets for the next three years.

In an ideal world, the municipality should use the following to inform the content of IDPs:

- Experiences gained from implementing previous rounds of the IDP.
- Promises found in the ruling party’s election manifestos.
- The content of longer-term (15–20-year) development strategies.
- The needs and aspirations negotiated through ward committee structures and other recognised citizen-representative forums.
- The needs and aspirations negotiated through sector forums and reflected in sector plans.

The municipality also reviews the IDP annually, to take into account any changes in the global, national or local ecological and socio-economic environment, emerging opportunities and lessons from implementing previous projects. Following the review, the IDP and its associated projects and budgets are modified. Where appropriate, project steering committees are established to guide project planning and implementation, with adjustments made to the implementation of these projects as a result of any changes in the environment. Communities are supposed to be able to influence the content of the IDP and hold government to account through institutional structures such as ward committees, sector forums, IDP representative forums and project steering committees. In reality, and as experience shows, and as outlined in the following case study, the process of developing and implementing IDPs is not as smooth as the ideal process outlined above.

THE MTHATHA REVITALISATION PROCESS: A CASE STUDY

The Mthatha revitalisation process, which was initiated by former President Thabo Mbeki in 2008/09, is a typical example of the complexity of planning processes at local government level. Afesis-corplan was involved in this process and gained some valuable insights (Ngamlana 2010). The municipality’s five-year IDP was already in place when the President initiated the revitalisation plan, which therefore had to be incorporated into the IDP.

The Mthatha revitalisation plan (or ‘turnaround plan’) covered only two towns (Mthatha and Mqanduli) within the broader King Sabata Dalindyebo Municipality. A team of experts drew up the plan and captured a long-term vision for Mthatha. The final revitalisation plan listed short-, medium- and long-term projects. For these projects to be undertaken, they had to be included in the IDP. Therefore, at the next annual review, the municipality revised the IDP, prioritising projects in the area covered by the revitalisation plan. Resources from both provincial and local government were allocated to the implementation of the revitalisation plan, matching the...
resources deployed by the Presidency. This resulted in contestation and unrest from communities within the broader community but outside the geographic area of the revitalisation plan. The contestation spilt over into the municipal council, where councillors representing wards outside the prioritised areas were up in arms over the process. Political infighting at the municipal level intensified in the battle for local resource allocation.

The revitalisation planning process was participatory, mobilising all the relevant stakeholders. A stakeholders’ forum, or Local Strategic Partnership (LSP), came together to deliberate on the future of Mthatha and to hold one another accountable for their role in realising the city’s vision. At the same time, the Office of the Premier of the Eastern Cape implemented a parallel process, setting up a separate provincial revitalisation task team to mobilise and coordinate investment and resources by the various provincial departments in Mthatha. However, these conversations, about the success and impact of various provincial government projects in Mthatha, happened outside the LSP. Even after finding out about the LSP, the provincial revitalisation task-team continued to hold separate meetings from the LSP and failed to hand over the monitoring functions for the implementation of provincial projects to the LSP.

The end result was that various competing interests hijacked a participatory, locally owned programme involving the citizens of Mthatha. Competing interests included those of the provincial government, individual stakeholders within the LSP and the citizens of the King Sabata Dalindyebo Municipality, of which Mthatha is only a part. No space existed (or was created) in which these competing parties could together find an amicable way forward that could best serve the interests of all.

A few years later, the revitalisation or turnaround plan is rarely talked about in Mthatha and in the Province. This is unfortunate, as the plan was responsive to the needs of the community (although it could have been more responsive to the broader Mthatha community), and a mechanism was put in place, through the LSP, to ensure that those responsible for implementation would be held accountable. The subsequent abandonment of the LSP, without creating an alternative multi-stakeholder coordinating structure involving all competing parties, has meant that there is now no responsible structure able to ensure the implementation of the turnaround plan.

CHALLENGES TO AN EFFECTIVE IDP SYSTEM

In theory, citizen participation is meant to be an integral part of local government affairs and is a common thread running through the Constitution and related legislation (such as the Municipal Structures Act), and more recent government plans. The National Development Plan (NDP) states that ‘active citizenry and social activism is necessary for democracy and development to flourish’ (NPC 2012: 37). The state cannot merely act on behalf of the people but has to act with the people, working together with other institutions to provide opportunities for the advancement of all communities. The Back to Basics document of the Department of Cooperative Governance and Traditional Affairs (CoGTA) recognises local government’s failure to connect with local citizens (CoGTA 2014) and the need to comply with legislation concerning community participation. This is a similar sentiment to the one...
transparency, which claimed that local government had become unresponsive to citizens’ needs (CoGTA 2009).

In practice, as this section highlights, the IDP process fails to adequately support active citizenry and social activism, and to promote responsive planning and responsible implementation. Some of the reasons for this failure are explained below.

**THE WARD COMMITTEE SYSTEM IS POLITICISED**

The failure of the ward committee system – the key participation instrument established by government – to facilitate citizen participation has been recorded in detail (Afesis-corplan 2013b; Ngamlana and Mathoho 2013b). Not only do municipal councils not take ward committees and their concerns seriously, but also ward committees do not receive information necessary to be able to prepare in advance for council meetings and make input on critical issues affecting the communities they represent. In addition, ward committees are highly politicised, as a result of the struggle for access to power and resources within ward committee structures (Afesis-corplan 2013b).

The consequence of this failure is a poor buy-in to the IDP by local citizens and a missed opportunity to move towards the Constitution’s vision of co-creation, where government is based on the will of the people. Continuing to base IDP processes on a participatory mechanism whose legitimacy has been widely questioned is absurd. Improved and/or alternative and creative mechanisms are needed to enable citizen participation in the IDP process.

**SECTOR-PLANNING PROCESSES ARE POORLY ALIGNED TO IDP PROCESSES**

Sector plans are another legislated mechanism for citizen participation in the IDP process. However, sector plans are often developed on an ad-hoc basis with limited community participation. Afesis-corplan’s experience of public participation in sector planning (e.g. in the agricultural, energy, local economic development, housing, and spatial sectors) is that usually municipalities only call for participation on an ad-hoc basis, when they are developing new sector plans, and very few people attend these meetings. These meetings also do not form part of any systematic and on-going planning and review process (Eglin personal communication 2015). Government itself has recognised that the weak development planning capacity in municipalities has resulted ‘in municipalities unable to develop quality sector plans which are a cornerstone for the development of quality five (5) year IDPs’ (The Presidency 2014: 6).

**IDP MULTI-SECTORAL FORUMS ARE FOR INFORMATION, NOT DEBATE**

IDP representative forum meetings, which are multi-sectoral, are also legislated. However, these meetings are usually poorly advertised and attended, and at times held with no proper preparation. The meetings are largely about municipalities informing communities of what they plan to do, without any meaningful interaction and debate (Ngamlana personal communication 2015). Government acknowledges that citizen participation processes have ‘too often become formulaic and symbolic’ (The Presidency 2014: 3), and municipalities need to be better at consulting, communicating and feeding back to communities.
Monitoring and Accountability Mechanisms for IDP Implementation are Weak

Municipalities have weak project management systems, which makes it difficult for communities to participate in monitoring the implementation of the IDP and its associated projects. As communities often do not know who is responsible for implementing what and to what standard, the municipality and other stakeholders are able to shift the blame elsewhere, with no-one taking ultimate responsibility. Projects are rolled over from year to year without anyone being held to account for poor delivery. When people are identified as being accountable, action is rarely taken against them and they seldom face censure or consequences for their poor performance (Auditor-General 2013: 35; Ngamlana personal communication March 2015).

Government has recognised the need for municipalities to pay far greater attention to ensuring that citizen engagement in IDP processes is more ‘deliberative’ (The Presidency 2014). Improved community participation in the planning process would make planning more responsive to the needs of the community. Much more needs to be done to improve community oversight and to make those responsible for implementation more accountable.

Recommendations for Improving the IDP Process

The recommendations can be summarised within two broad categories. (1) To make IDP planning more responsive, the pre-decision-making process needs to be improved, by giving more people the opportunity to participate actively in the planning process and influence decisions. (2) To make IDP implementation more responsible, the post-decision-making process needs to be improved, by putting in place systems that clarify who is responsible for implementing which aspects of the plan and at what stage of the process. Greater clarity is also needed of the consequences for failed (or successful) delivery, and what steps need to be taken to hold those responsible to account.

The following recommendations go into more detail regarding how to improve the IDP process to make planning more responsive and implementation more responsible.

Regulate and Improve Access to Information

Access to information is a crucial enabler for making decisions about development. Citizen participation in decision-making is often limited because of the lack of critical information about the issue (Irvin and Stansbury 2004). Information management and access to information has to be a priority for government. The Promotion of Access to Information Act (PAIA) (No. 2 of 2000) may exist, but using this legislation is fraught with problems, as experienced by Afesis-corplan and others. For example, not receiving any response from government to PAIA requests despite numerous follow ups (Eglin personal communication 2015). A recent study highlighted similar challenges with the processes provided for in the PAIA.

What is missing in South Africa is a regulatory framework for government institutions and municipalities that outlines minimum standards and processes for managing information. The PAIA assumes that information is available for access, but this is not always the case. In the Eastern Cape, various provincial and municipal government departments do not even have a website to facilitate ease of access to public information (Hollands nd). A website is a statutory requirement for municipalities, but failure to comply with this bears no punitive measures, and so municipalities do not prioritise keeping such sites updated (Hollands nd).
REVIEW PARTICIPATORY MECHANISMS IN LOCAL GOVERNMENT

As outlined earlier, ward committees have failed to provide meaningful opportunities for citizens and municipalities to engage. This means that the current structures are not suitable to be used as the main mechanism through which citizens participate in the IDP. However, the problems facing local government are not going to be solved using the same thinking and mechanisms that created the problems in the first place (Ngamlana and Mathoho 2013a). Civil society has made many suggestions for modifying and improving ward committee structures, and for facilitating community participation and oversight in the IDP process, but few of these suggestions have been taken on board. As stated previously, instead of solely focusing on ward committees, the broad framework of the IDP process needs to accommodate opportunities for municipalities and communities to experiment and test different innovative participatory and accountability mechanisms.8 For example, with the help of the Social Justice Coalition, residents of the City of Cape Town were mobilised to make public submissions on the 2015/6 draft city budget. The city received 600 submissions from Khayelitsha residents alone, compared to only 37 submissions from across the whole city in the previous year.9

National government has recognised the limitations of ward committees but, unfortunately, continues to resist thinking out of the ward committee ‘box’. In Outcome 9, government commits ‘to deepen participatory democracy by facilitating the establishment of ward committees and strengthening their oversight function in terms of monitoring and reporting to community progress against the IDP and SDBIP [Service Delivery and Budget Implementation Plans] and ward service improvement plans/ward operational plan (The Presidency 2014: 12).

EXPLORE HOW TO IMPROVE SECTOR FORUMS

Public participation in sector forum meetings and in developing and implementing sector plans leaves much to be desired. Government needs to significantly improve how sector forums are established and participate in developing and reviewing sector-based plans and the IDP. Government needs to develop clear guidelines and procedures for the formation and operation of sector forums, learning from and improving upon those developed for ward committee structures.

Civil society organisations (CSOs) need to pay far more attention to building sector networks, so that they are able to engage in these sector forum planning processes.10 A starting point is greater collaboration between CSOs involved in good governance work and organisations and networks involved in the health, education, welfare, paralegal, gender, agricultural and other sectors, to encourage and support them to get involved in municipal IDP and sector planning processes.11

IMPROVE IDP REVIEW PROCESSES

The annual IDP review process has become a tick-box exercise devoid of meaningful substance, rather than a strategic ‘opportunity to seize unexpected opportunities, adjust to disappointments and discover ways around apparently insuperable barriers’ (Wild et al. 2015: 46). This is understandable considering the rigorous IDP review process. Some municipal officials have noted that between one IDP review to the next, there is hardly any time for implementation and monitoring (Afesis-corporate 2014).

Municipalities need to be ‘more open to adaptive planning approaches that acknowledge limited foresight and that are responsive to contextual changes and adaptive to lessons learned from implementation’ (Hummelbrunner and Jones 2013:
For example, within the annual IDP review cycle, more attention could be given to reviewing achievements compared to objectives, before confirming the plans for the following year. Structured reflection, and learning and evaluation exercises need to be built into the planning cycle, so that lessons can be quickly incorporated into subsequent rounds of (re)planning. Municipal IDP processes could also include contingency planning exercises in the case of, for example, not securing certain funding or achieving expected economic growth (Hummelbrunner and Jones 2013: 10).

**INCLUDE PARTICIPATORY MONITORING AND EVALUATION INTO THE IDP PROCESS**

After an IDP has been developed, many stakeholders in the IDP process consider that citizens no longer need to be involved, as others will monitor IDP implementation (Ngamlana personal communication 2015). No mechanisms exist to facilitate shared responsibility in implementation (Ngamlana 2010). Shared responsibility does not imply that government shifts its statutory obligation to citizens but rather allows for the creation of spaces for citizens’ energies, experiences and knowledge to be used in IDP implementation. An example of a mechanism that could facilitate such shared responsibility is the LSP mentioned in the Mthatha case study (if it had been implemented as planned). Another example is the Social Audit methodology being implemented by the Social Justice Coalition (among others), which is a tool that communities can use to monitor the implementation of projects emerging from IDP planning processes.

For the past few years, the Presidency has been leading a process of developing a participatory monitoring and evaluation framework (DPME 2014). The post-decision-making processes of an IDP should be grounded in a similar participatory monitoring framework that appreciates the local municipal context and dynamics.

Government has already identified the need to establish an ‘integrated monitoring system’ for tracking the implementation of project pipelines (The Presidency 2013: 8). The implementation of this system needs to be monitored, and the public must be able to see what is in this system. Citizens should be able to access project management data that explains, for example, why certain projects are being stalled and who is responsible for addressing this bottleneck (Umhlaba Consulting Group 2013).

**ALIGN PERFORMANCE CONTRACTS OF SENIOR MUNICIPAL STAFF WITH IDP TARGETS**

Government should consider aligning key performance indicators and contracts of senior management staff to targets that have been set during the IDP process. Communities can then use these targets as a ‘report card’ against which to hold government officials accountable.

**IMPROVE THE PETITION POLICIES OF MUNICIPALITIES**

Section 17(2)(a) of the Municipal Systems Act requires municipalities to make provision for local communities to petition the municipality. However, currently, petition committees at various levels of government have failed to respond timeously to citizen grievances. At national level, Parliament’s petitions committee only concluded one of 60 matters...
raised by the public over a period of a year (PMG 2014). At local level, municipalities with which Afesis-corplan works often do not have a petitions policy or, if such a policy does exist, have long backlogs, and so frustrated citizens resort to using other means to raise their grievances (Ngamlana personal communication 2015). Therefore, government needs to create spaces for citizens to raise their grievances. Government’s own studies have found that the rise in service delivery protests is a result of the lack of meaningful spaces for citizens to engage with the state about their grievances (CoGTA 2009, 2014). If government cannot handle petitions as a form of participation, other mechanisms must be found.

**MAKE BETTER USE OF LOCAL MEDIA TO PROMOTE CITIZEN PARTICIPATION IN IDP PROCESSES**

We live in an information and technological era (Castells 2010), and technology is advancing ever faster and becoming more and more accessible. Government and citizens need to make better use of local community radios, newspapers, cell phones etc. to share information and to facilitate citizen participation in IDP processes. It is not enough to inform people of the venue, if people cannot meaningfully participate at the IDP consultative meeting. This requires:

- Providing the presentations in time to allow for scrutiny and analysis.
- Facilitating the meeting in a way that recognises the dynamics of the citizens in the room (e.g. in certain communities sophisticated PowerPoint presentations can be a barrier to participation).
- Appreciating the voice of dissent in the room and allowing citizens to comment freely, frankly and honestly about their own development.

**CONCLUSION**

Many CSOs are already involved in much of the work outlined in these recommendations. These CSOs need to be more proactive in publicising and raising awareness within government, communities and the public about responsive planning and responsible implementation within the IDP (and other) processes. For example, CSOs should:

- Reflect on and write up case studies on the work they have done and are doing.
- Collaborate with sector networks, sharing information and experiences, and lobbying government for changes in legislation in support of improved governance.
- Meet with and engage government to present the case study findings and proposed recommendations for improving governance.
- Make better use of all forms of media (from social to commercial) to publicise their work.

CSOs need to be bold in presenting government with alternative participatory planning processes and governance accountability mechanisms. At the same time, government needs to appreciate civil society’s creativity, experience and willingness to seek working solutions. CSOs also need to share best (and worst) practices in order to build on each other’s experience, especially where the initiatives and campaigns are aimed at holding government to account.

For government, the IDP is a very useful framework around which to create more responsive development planning and more responsible implementation. What government now needs to do is to publicly (re)commit itself to positioning the IDP process as the cornerstone of local developmental interventions. Many in government need to shift their mindset, from viewing the IDP process as another legislative requirement to be ‘ticked off’, to realising...
that an IDP should be an expression of government’s developmental interventions and investment in a local municipal area. The IDP should not be seen as a static blueprint that municipalities are implementing, but rather as a framework and process for ongoing adaptation, learning and emergence (Hummelbrunner and Jones 2013: 9).

Government needs to provide the space and opportunities for municipalities, citizens and others to test and experiment with different development planning and implementation approaches within this broad IDP framework. Role-players involved in the IDP process can also use such experiments to look at how to improve other components of good governance, ranging from intergovernmental relations, coordinated planning, the rule of law to effective and efficient public administration. Municipalities need to acknowledge that mistakes will be made and must be learned from not repeated.

To achieve truly responsive and responsible governance will require trial and error and experimentation with various integrated development planning and implementation procedures, at local level, municipality by municipality, and then collectively as a country.
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NOTES


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3 Personal communication Nontando Ngamlana, 23 March 2015, East London.

4 Personal communication Nontando Ngamlana, 23 March 2015, East London.


6 Personal communication Ronald Eglin, 23 March 2015, East London.


8 For examples see the work of members of the Good Governance Learning Network www.ggin.org.za ; and the Local Government In Action Initiative - http://www.localgovernmentaction.org/

9 Times Live, 2015, 600 Khayelitsha residents to hand over submissions on council budget. http://www.timeslive.co.za/local/article14588071.ece

10 One example of how this is being done is Afesis-corplan’s Citizen/ Sector Support Platform work which is looking at building the capacity of sectors to position themselves to gain representation in ward committee structures (Afesis-corplan nd).


12 Personal communication Nontando Ngamlana, 23 March 2015, East London.

13 See http://www.sjc.org.za/social-audit/ In terms of this methodology, citizens audit select services, such as sanitation services, at regular intervals, and provide feedback to the municipality on the quality of service delivery and progress on the roll-out of services.


15 Personal communication Nontando Ngamlana, 23 March 2015, East London.


P e r s p e c t i v e s  f r o m  C i v i l  S o c i e t y  o n  L o c a l  G o v e r n a n c e  i n  S o u t h  A f r i c a

45
IN PROFILE: CLIMATE CHANGE CONSORTIUM: AN INNOVATIVE MODEL FOR MULTI-STAKEHOLDER PARTNERSHIPS

Cameron Brisbane – Built Environment Support Group

The Built Environment Support Group (BESG) is an example of how multi-stakeholder partnerships allow shared responsibility across sectors in society and promote responsiveness to opportunities for development. All actors have a role to play in finding dynamic solutions to the challenges faced by society and, through partnerships and pooling of resources and expertise, actors can take shared responsibility and respond collaboratively.

NATIONAL TREASURY DEFINES a Public-Private Partnership (PPP) as a ‘contract between a public sector institution/municipality and a private party, in which the private party assumes substantial financial, technical and operational risk in the design, financing, building and operation of a project’.1 PPPs have been applied successfully in a number of contexts, including toll-road concessions, correctional services facilities, water services and tourism.

National Treasury has established a PPP Unit to promote these partnerships, as a means of enhancing public sector service delivery. However, locating such an enabling framework within Treasury is problematic. Its scope and focus are restricted by the fiscal regime that includes the Public Finance Management Act (No. 1 of 1999 as amended by Act 29 of 1999), the Municipal Finance Management Act (No. 56 of 2003) and, to a lesser extent, the Preferential Public Procurement Framework Act (No. 5 of 2000). The notion of ‘partnerships’ is also limited, as they are informed purely by government’s strategic plans and priorities, with significant project risk (‘financial, design, technical and operational risks’) being transferred to the private sector.

The private sector and some civil society groupings fully understand the power of partnerships in enhancing their individual capabilities to achieve greater impact. This usually manifests in the form of a consortium, where each party plays a distinct role and contributes towards a common objective that they could not achieve on their own. While the partners may not all contribute equally, all parties appreciate that being a winning team requires recognising and respecting the value that each brings to the table. State entities need to move closer to this model of ‘working partnerships’, as a beneficial tool for effective governance and service delivery.

One example of good practice in partnerships has emerged in the heart of KwaZulu-Natal (KZN), in the uMgungundlovu District Municipality (uMDM), which includes seven local municipalities. In 2010 uMDM and BESG entered into a strategic partnership, to promote public participation in the district. One of the collaborations established by uMDM (in 2011) was the broad-based Environmental Management Forum. The Forum involved government, parastatal, academic, and civil society stakeholders, all recognised as experts in their own fields and contributors to an inclusionary approach to environmental sustainability. Over the next two years, the Forum produced a Strategic Environmental Assessment of challenges facing the district, and a Strategic Environmental Management Plan that responds to those challenges. The Forum’s broad membership meant that the plans were comprehensive, multi-sectoral, well-defined.

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and refined. It also created a fertile ground for stakeholders to build relationships.

One particular area of concern that emerged from the assessment was the impact of climate change on vulnerable peri-urban and rural communities. These communities face severe and unpredictable cycles of storm damage and drought, food insecurity, property damage, and isolation from essential services when roads and bridges are washed away. Instead of the reactive approach of dealing with immediate crises and stresses through disaster management services, a more proactive approach is needed. Arriving with blankets and food parcels after a storm is not an effective response, especially if a bridge or access road has washed away and cut off a community. A more proactive approach is needed to alert vulnerable communities to the likely onset of severe weather, giving them time to prepare for its approach, and thereby minimising the loss and/or damage that may ensue.

The uMDM and its Environmental Management Forum were strategically well placed when the South African National Biodiversity Institute (SANBI) issued a call for projects to bid for a slice of funding from the United Nations Adaptation Fund. After accepting the concept plan, SANBI worked with uMDM and several Forum members to develop a joint plan of action and a detailed two-year business plan. In October 2014, the project, ‘Building Resilience in the Greater uMngeni Catchment’ secured one of 16 global awards and a grant of US$8-million over five years from the Adaptation Fund.

SANBI is the national implementing entity and uMDM the local implementing entity. Each of the sub-implementing entities has a distinct contribution to make, based on their areas of individual expertise.

The project brings together SANBI, the Department of Environmental Affairs, uMDM Disaster Management, Umgeni Water, the University of KZN Faculty of Agriculture, KZN Working on Fire, BESG and WESSA, to roll out a comprehensive strategy for climate change adaptation in three pilot project areas. SANBI is the national implementing entity and uMDM the local implementing entity. Each of the sub-implementing entities has a distinct contribution to make, based on their areas of individual expertise. Interventions will focus on establishing early warning systems in areas of high vulnerability, rehabilitating wetlands, promoting climate-smart techniques for small-scale farmers and crop replacement programmes, and ‘climate proofing’ human settlements. Most of these interventions are beyond the mandate and capabilities of local municipalities.

On 20 February 2015, the project was officially launched in the presence of the Minister of Environmental Affairs, Edna Molewa. The Building Resilience in the Greater uMngeni Catchment project shows how proactive responses and shared responsibility through partnerships can bring forth sustainable development.

NOTES

1 www.ppp.gov.za — the website of the National Treasury PPP Unit.
Since 2004, protests in poor urban areas in South Africa have continued to rise, reaching a historical high in 2014 (Powell et al. 2015). These protests are indicative of the ‘governance deficit’ (van Donk 2012) within local government, where ‘meaningful community participation in socio-economic development remains elusive’ (Tissington 2012: 51). While a rich collection of literature already exists on citizen participation in development (see for instance GGLN 2012), citizen participation also needs to be considered in the context of responsive and responsible governance for two reasons.

(1) As an area of governance that continues to be heavily contested, participation reveals vulnerabilities and trends, which responsive and responsible government must take into account. (2) The local government elections are looming in 2016 and elections significantly affect government–citizen participation, as well as the contexts of popular protest (see Municipal IQ 2012), with different stakeholders using the elections for their own ends.

Popular protests continue to be represented, especially in the media, as the flaring up of communities frustrated by a lack of basic services provision. Yet these protests are a sign of the lack of responsible and responsive governance by the state. On a conceptual and policy level¹, government accommodates protests but, in practice, increasingly represses them. This failure to recognise protests, as legitimate avenues
of democratic engagement and participation by communities, is one of the strongest indictments on local government in general, and structured participatory governance mechanisms in particular.

Democracy is strengthened when there is ‘a degree of “synergy” between the state and civil society’. Such synergy creates ‘more favourable conditions for ensuring that state and civil society resources are deployed in a developmental manner so that poverty and inequality are addressed’ (Pieterse and Oldfield 2002: 2).

This paper looks at popular protests in the struggle for development in four informal settlements: Makause (Ekurhuleni Metropolitan Municipality), Rooigrond (Mahikeng local Municipality), and Thembelihle and Joe Slovo (City of Johannesburg). The residents of all four settlements have been involved in lengthy struggles for development, and particularly for the in situ upgrading of their settlements. The Socio-Economic Rights Institute of South Africa (SERI) has been actively involved with and has litigated on behalf of the communities. 2 Foregrounding the experience of these communities, and others like them, is an important component of a discussion about responsible and responsive government. They have attempted to democratically advance inclusive local development and have held local government institutions and private developers to account. 3 Relatively resilient, locally based community-based organisations (CBOs) have been established in each of the four settlements, which are responsive to their members’ needs, mobilising around issues of housing and basic services at a settlement scale.

The paper explores the different ways in which these CBOs have organised and mobilised communities to improve development and service delivery in their areas. Through selected ‘snap-shots’ of the long and complex struggles of these four communities, the paper highlights how informal settlements are often sites of varied and contesting interests, in which protest is used as one among many methods for holding the state accountable.

After explaining responsible and responsive governance in the context of this paper, the four case studies are used to illustrate the different forms of contestation and the various avenues used by communities to have their voices heard. It also describes instances of state repression, which raises the question of just how responsible and responsive South African government is to communities living in informal settlements.

THE FOUR CASE STUDIES

Rooigrond is located in Mahikeng Local Municipality in the North West province. About 1500 people live in the settlement, which is made up mostly of shacks, with some brick and some mud houses. Farm workers, who had been dismissed from neighbouring commercial farms, established the settlement in 1993. Residents get their water from two boreholes and use self-dug pit latrines for sanitation. A third of the households have access to a formal electricity connection.

Thembelihle is located to the south-west of Johannesburg, in the suburb of Lenasia. Rural migrants and employees of a brick manufacturing company established the settlement on municipal-owned land in the mid-1980s. Currently between 7000 and 8000 households live at the settlement, and some residents have lived at the settlement for over 20 years. Thembelihle is partially regularised and serviced, and very densely populated. Despite its location relatively...
far from the economic opportunities of Johannesburg, residents are able to leverage some of the economic benefits offered by the suburb and light industrial area of Lenasia.

Slovo Park is located next to the Nancefield industrial area, between Eldorado Park and Bushkoppies in the City of Johannesburg municipality. Around 7000 people live in the 3700 households in Slovo Park. Established in the early 1990s, the settlement covers approximately 47 hectares. Most of the occupied land is publicly owned, with much of the surrounding land owned by the Gauteng provincial government. The settlement has approximately four communal standpipes per street and 1050 ventilated improved pit latrines. There is no electricity at the settlement and residents use candles for lighting and paraffin stoves for cooking, both of which pose significant fire risks.

Makause informal settlement is located in Primrose, Germiston. At least 10,000 people currently live in the densely populated settlement, which is spread over approximately 60 hectares. Residents consider the settlement to be well-located because of the economic opportunities and social amenities in the surrounding suburbs.

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
<th>History</th>
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<tr>
<td>Roogrond</td>
<td>Mahikeng Local Municipality (North West province)</td>
<td>Established in 1993 by farmworkers who had been dismissed from neighbouring commercial farms</td>
<td>1500 people living mostly in shacks, with some brick and some mud houses</td>
<td>Water from two boreholes. Self-dug pit latrines for sanitation. A third of households have access to a formal electricity connection.</td>
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<tr>
<td>Thembelihle</td>
<td>Lenasia, south-west of Johannesburg, in the City of Johannesburg municipality</td>
<td>Established on municipal land in the mid-1980s by rural migrants and employees of a brick manufacturing company</td>
<td>Very densely populated: between 7000 and 8000 households. Some residents have lived here for over 20 years</td>
<td>Partially regularised and serviced. Relatively far from the economic opportunities of Johannesburg, residents can access economic benefits offered by the suburb and light industrial area of Lenasia</td>
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<td>Slovo Park</td>
<td>Nancefield industrial area, between Eldorado Park and Bushkoppies in the City of Johannesburg municipality</td>
<td>Established in the early 1990s, covers approximately 47 hectares of mostly publicly owned. Much of the surrounding land owned by the Gauteng provincial government</td>
<td>Around 7000 people live in 3700 households</td>
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<td>Makause</td>
<td>Primrose, Germiston</td>
<td>Established in the mid-1990s after retrenched mine workers occupied the abandoned vacant site</td>
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RESPONSIBLE AND RESPONSIVE GOVERNANCE

Responsible and responsive governance may refer to any number of norms, decision-making and action-taking processes, or the production, regulation, and sustaining of those norms and processes, in government or among citizens. While being concerned with general norms such as accountability and efficiency, responsible governance implies that the state is acting in such a way that addresses current trends in governance. Therefore, responsible governance must address the governance deficit (van Donk 2012), which includes recognising the voice of citizens and the consequent politics of disagreement. For this voice and politics to emerge, government must ‘act as a catalyst’ (Friedman 2006: 21) and meaningfully engage with citizens and communities. This engagement suggests that responsiveness is an important part of responsible governance.

Responsiveness is a key factor in many understandings of good governance. For instance, good governance occurs when ‘[a] state allocates and manages resources in ways that respond to collective problems and when it efficiently provides public goods and services of sufficient quality to its citizens’ [emphasis added] (Ngamlana and Mathoho 2012: 30). This paper argues for responsiveness of a more particular kind. Engaging with citizens in invited spaces, such as ward committees, may suit politicians and administrators, but citizens (and particularly those struggling for access to housing and basic services) may be more inclined to engage outside the avenues initiated by government, including peaceful protests. Thus responsive governance implies responding to this preference and accommodating invented spaces of engagement, not only in policy (where, as noted, progressive steps have been taken) but also in practice.

CONTESTATION IN STRUGGLES FOR DEVELOPMENT

Development of informal settlements is often characterised by competing interests. While the communities living in the informal settlements are heavily invested in upgrades, the range of vested interests of private capital and local political parties also play out in the context of informal settlement upgrading in various ways. This confirms claims that urban politics are ‘embedded in local, regional, and national state processes, in party-political politics […] and the vagaries of day-to-day governance dynamics’, and that they ‘get wrapped in local intra-urban agendas and interests that are geographically specific’ (Pieterse and Oldfield 2002: 4). These competing interests often impede on communities’ access to upgrading and services, and will be unpacked below in some of the experiences of the communities living in the Makause, Thembelihle, Slovo Park and Rooigrond informal settlements.

THE ROLE OF PRIVATE INTERESTS

Rose Acres Development, the private landowner of the land on which the Makause informal settlement is situated, has obstructed the community’s access to upgrading and services on more than one occasion. After acquiring the land in September 2007, Rose Acres began the process to establish an industrial township on the property, to be zoned for light industrial and business use. In 2008, the Ekurhuleni Housing Department said that it had no objection to the establishment of an industrial township on the property but was concerned about the future of the community already occupying the land. By 2010, the Gauteng Department of Agriculture and Rural Development (GDARD) was ready to authorise the development of the land and so asked the housing department what was happening about the relocation...
of the people living at Makause. Despite no relocation plan being in place, in September 2010 GDARD authorised the establishment of an industrial township on the land owned by Rose Acres.

Since the proposed removal of residents from Makause in 2007, the Makause Community Development Forum (Macodefo) tried on numerous occasions to engage with the municipality and other stakeholders. In 2008, representatives of the Informal Settlement Network (ISN), of which Macodefo was a member, met with the Office of the Speaker of the municipality to discuss the provision of services at Makause. When the municipality refused to install services, Macodefo explored a pilot pit latrine improvement system at the settlement, with ISN and Toilet Boss Distributors, a private company. During 2009, Macodefo attended ward committee meetings, to push for various upgrades and services to be delivered. However, these engagements were largely ineffective.

In 2011, local government elections year, the Ekurhuleni Mayor visited Makause to hear the grievances of residents, and a meeting was held between the MMC for Housing, Macodefo, the ward councillor, and the landowners. However, Rose Acres rejected the municipality’s proposal to install interim services, while the relocation of Makause residents was being explored. A year later Macodefo, represented by SERI, launched an application to the South Gauteng High Court to compel upgrading of the informal settlement at Makause. Rose Acres responded by launching a counter application, as well as issuing a summons against the municipality, requesting that it pay constitutional damages and demanding that the municipality either purchase the land or relocate the Makause residents to suitable land in the area.

The Makause case study highlights the pressures faced by even long-established informal settlements from private developers, as well as the inertia of municipalities and the lack of coordination between spheres of government.

**The Role of Local Politics**

The complexities of local party politics play a central role in the struggle for development in informal settlements. Many communities chose to work from within local government structures for development, with varying degrees of success. In the 2006 local government elections, the spokesperson for the Thembehlihle Crisis Committee (TCC), Bhayi Bhayi Miya stood as an Operation Khanyisa Movement (OKM) candidate, while in the 2009 local government by-election, the chairperson of the Slovo Park Community Development Forum (SPCDF), Mohau Melani, stood as an ANC candidate. Both prospective candidates were unsuccessful.

At the 2011 local government elections, Monametsi Moeti, community leader and founder of Operation Rooigrond, became the local ward ANC councillor. Her experience gives substance to claims that the governance deficit is often framed by issues of ‘political culture’, wherein interference by political-party structures and caucuses or factions negatively affects the political–administrative interface and undermines the integrity of municipalities (van Donk 2012: 16). The stance taken by Moeti – to upgrade the settlement – was contrary to the local ANC faction’s position. The ANC-led municipality wanted to relocate the Rooigrond community, so that an upmarket housing development could be built on the land. Despite winning most of the votes in her branch’s electoral meeting, Moeti’s name
was inexplicably removed three times from the party’s list. After the Independent Electoral Commission (IEC) intervened, Moeti’s name was added to the provincial list, and she was elected as the party’s ward councillor. According to Moetsi, however, she was side-lined from decision-making processes by ANC councillors, who also attempted to turn the Rooigrond community against her. In contrast to Rooigrond, characterised by internal ANC conflicts, in Makause local tensions between the ANC and the Democratic Alliance (DA) came to the fore during the 2011 local government elections. The local ANC branch members accused Macodefo members of being paid by the DA not to vote for the ANC. When the ANC lost the Primrose ward (where Makause is located) to the DA, tensions grew worse between Macodefo and the ANC and eventually directly affected the struggle for development. The ANC established an alternative community structure in the settlement, undermining Macodefo’s various and extensive organised struggles for upgrading and services.

Dissent and Repression

Failed Engagement

Residents of informal settlements may end up engaging with government through alternative avenues, such as protests. However, protests usually occur only after a long history of failed attempts by CBOs to engage with local government, as illustrated by the TCC in Thembelihle and Macodefo in Makause. In both instances, the CBOs felt that they had exhausted all possible avenues with the municipality, but intimidation and violence marred their attempts to protest. Acknowledging and accommodating these histories is central to responsible and responsive governance in the context of informal settlement upgrading as they shape the relationships between residents of informal settlements and those mandated with the development of those settlements.

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Before organising its first protest, the TCC had attempted various formal and informal tactics to negotiate with the City of Johannesburg regarding relocations. In 2002, the municipality declared that Thembelihle was unsuitable for human habitation, and in situ upgrading was unfeasible because the settlement was located on dolomitic land of various risk categorisations (Huchzermeyer 2009), based on two geological reports from 1992 and 1998. The municipality informed the community of their relocation to the comparatively poorly serviced area of Vlakfontein, on the periphery of the municipality. The TCC resisted the relocation, questioning the legitimacy of the geotechnical surveys, and requested the municipality to undertake a more comprehensive study to properly assess the dolomite threat. Despite the TCC’s attempts to engage, the municipality sent security personnel from the Red Ants to demolish dwellings at the settlement and forcibly relocate 647 households to Vlakfontein. In response to the relocation and the City’s ‘decade-long intransigence over proclamation’ (Tselaapedi and Dugard 2013: 59), the TCC organised its first protest, which ended in violence between the Red Ants and community members.

In Makause, actions taken by Macodefo included obtaining an urgent High Court interdict in February 2007, prohibiting the municipality from unlawfully demolishing people’s shacks at the settlement, and approaching the South Gauteng High Court in June 2012 to compel upgrading at the settlement. Before organising its first protest, Macodefo had also engaged with a range of social movements and civil society organisations, lawyers, provincial government
officials and the land owners. In September 2012, Macodefo organised its first protest and notified the local police. However, the protest did not go ahead because of intimidation.

A result of these failed engagements is a mistrust of local government by residents of informal settlements. The frustration born from the long histories of struggles for development shapes the terrain on which residents of informal settlements and local government engage around issues of housing and basic services.

**DIVERSE AND DECENTRALISED TACTICS**

Protest is an important strategy for communities living in informal settlements but is also part of broader attempts to participate in processes that affect their lives. Aware of the increasing difficulty to access the spaces in which such participation is possible, communities have diversified and decentralised their efforts. CBOs are no longer willing to rely only on avenues allowed for by local government, such as ward committees or the IDP process, in their struggle for development. They are looking for other ways to garner support for their cause and to develop their settlements.

For instance, from the very start, Operation Rooigrond understood that problems could be solved by connecting people from inside and outside the community (SERI, 2014b), through the use of social media platforms, such as Twitter and Facebook. This led to engagement with academics and civil society organisations that became involved in the Rooigrond community’s struggle. Other tactics used by the community at Rooigrond included working within local government structures (election of Monametsi Moetsi as ward councillor) and putting external pressure on local government to deliver on its promises, such as marching to the Provincial Legislature in 2011, to hand over a list of the community’s grievances to the MEC for Housing, Local Government and Traditional Affairs.

Towards the end of 2010, the SPCDF collaborated with ISN and the Community Organisation Resource Centre (CORC) towards establishing a partnership with the University of Pretoria’s Department of Architecture to design and upgrade the community hall at the settlement. The project was a resounding success, utilising the various building skills of community members and donations from nearby businesses.

The tactics employed by Operation Rooigrond and the SPCDF clearly show the developmental potential of effective community organisation and mobilisation. They should be a clear indicator to municipalities of the positive role that communities can play in the development of their settlements when they are afforded the necessary assistance. However the reliance on alternatives means also highlight the gap in the responsiveness of the state in the context of informal settlements.

**THE TACTICAL VALUE OF PROTEST WITHIN BROADER POLITICAL CLIMATES**

Data referring to service delivery protests (e.g. Municipal IQ 2012) show an increase before and a decrease after elections, which indicates that communities are leveraging the political momentum they provide. The decrease in protests after elections suggests that communities have managed to make themselves visible and obtain some action from local government.

Of course, service delivery protests also occur outside election time. In June 2012, service delivery protests in the North West province attracted the attention of national media and, in turn, direct response from government. After local government
officials failed to engage with protestors, anger erupted, with roads being barricaded, a school set alight and shops looted. Following protests by the Rooigrond community, the national Portfolio Committee on Human Settlements conducted an oversight visit to the province. Surprised that no houses had been built at Rooigrond, the Committee ordered the municipality to stop the proposed plans to relocate people living at Rooigrond, and to open negotiations with them.

The protests organised by Operation Rooigrond managed to leverage the broader political climate in the province at the time. The struggle against relocation in the settlement became visible to higher spheres of government, and successfully stopped the planned relocation of the community living at Rooigrond.

REPRESSION

Despite describing protests as ‘powerful forms of civil society participation in governance and engagement in the policy processes’ (The Presidency 2008), the state’s response to community protest in informal settlements is often characterised by repression. The state uses the criminal justice system to narrow people’s access to effective participation and engagement through protest, as shown in Makause and Thembelihle with the arrest and detention of community leaders General Alfred Moyo and Bhayi Bhayi Miya.

In late 2012, South African Police Services (SAPS) officers arrived at a mass meeting convened by Macodefo and Makause residents and dispersed the peaceful crowd. They arrested Moyo and, later, two members of the Makause Community Youth Brigade (MCYB), who all appeared in court a number of times during 2013. Each time their case was postponed. After several unreasonable delays, the state decided to drop charges against the two MYCB members but pursued a charge of intimidation (under the Intimidation Act No. 72 of 1982) against Moyo. However, only a full year after his arrest was Moyo’s complete charge sheet and a docket provided (SERI 2014a).

When Thembelihle residents embarked on a large-scale, week-long protest in September 2011, SAPS responded by firing rubber bullets at protestors and making multiple arrests. Of those arrested, 13 faced charges of public violence and malicious damage to property, all related to their participation in the protest. SAPS arrested Miya, as one of the ringleaders of the protest and responsible for the protest, but later acknowledged that he had been instrumental in subduing violence. Yet, despite the police having no substantial evidence, Miya was detained for over a month, appearing in court on several occasions. The case was eventually struck from the roll, as the state was unable to provide any particulars of the charges against the accused Thembelihle residents and Miya (Clark 2014).

However, the effect of these legal proceedings following the arrests was to derail the protests in which Moyo and Miya had been involved, thereby relieving pressure on local political authorities. This pattern of repressing dissent continues: in early 2015, prominent members of the TCC and their families were harassed following protests at the settlement. Community members, including bread winners and minors, were detained for five days without being charged. While the law demands that accused people must be brought before a court within 48 hours of arrest, police used the fact that the residents were arrested late in the week to abuse the usual processes and detain them over the weekend.7

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CONCLUSION AND IMPLICATIONS

The struggle for the development of informal settlements is a heavily contested space, in which the interests and responsibilities of the communities, private land owners, and local political parties play out in different ways. Political tensions take various shapes according to tensions between parties, or the internal tensions and factions inside a party.

The case studies discussed here demonstrate, through the documentation and analysis of four lengthy struggles for development, and particularly for in situ upgrading, that responsible and responsive governance regarding engagement with and participation of citizens is still lacking. The paper foregrounds the reality that, in the contested space of informal settlement upgrading, people living in informal settlements often experience a series of failed engagement with local government, and that their struggles for development unfold over many years. These histories have important implications for community engagement and participation around issues of development, as well as for popular protests and the democratic spaces they attempt to access.

Any developmental efforts by local government should accommodate these histories in processes of engagement with the residents of informal settlements.

As a result, existing relationships between state and CBOs prior to local government interventions are often characterised by frustration, mistrust and contestation. Responsible and responsive governance in the upgrading of informal settlements should be characterised by much greater awareness of these long histories than is currently the case. Likely implications of this awareness include an emphasis on building cooperative relationships – an essential ingredient for community engagement and processes of participatory informal settlement upgrading.

Protest should be conceptualised as a component of democratic participation in political, policy and popular discourse. Diverse forms of dialogue and engagement between the state and residents of informal settlements should be institutionally valued, and room to participate above and beyond invited spaces of public participation should accordingly be encouraged. Further, the state, particularly through its public order policing functions, should immediately stop criminalising forms of dissent, and using arbitrary arrests and lengthy detentions to deter protests.

The four communities discussed in this case study experienced long histories of failed engagements with local government. As a result of these failures they have invested in decentralising their tactics, no longer relying only on the avenues allowed for by local government. These tactics are diverse, turning to litigation, social media, and engagements with civil society and social movements in order to hold government to account across a number of tactical locales. Protest is among these varied tactics, and is a part of the long and complex struggles in which communities are involved for the development of their settlements. While protests do reflect the frustration of communities, they are as much a reflection of the confidence of communities in the state to achieve development. Despite often being depicted in popular forums, like the media, as sites of disorder and chaos, protests exhibit communities’ conviction that local development remains the function of the state, as well as their willingness to openly hold the state responsible in this regard. Protests also stand for communities’ awareness of the tactical potential of highly visible forms of engagement to leverage local government during particular political moments, especially in the lead up to elections.
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SERI (Socio-Economic Rights Institute of South Africa) (2014d) Slovo Park: Twenty Years of Broken Promises (Community Practice Note). Johannesburg: SERI.


NOTES


2 For accounts of these struggles, see SERI (2014a, 2014b, 2014c and 2014d).

3 Tissington (2012), for instance, outlines the democratic processes that characterise the Slovo Park Community Development Forum (SPCDF). A high level of accountability is secured by the buy-in of the majority of the Slovo Park community to the efforts. The SPCDF accommodates various political affiliations and, despite internal power dynamics, follows its ‘mandate to improve the lives of those living at Slovo Park’.

4 Broadly speaking, the distinction between ‘invited’ and ‘invented’ spaces rests on who initiates the engagement: the state initiates invited spaces, while citizens initiate invented spaces. Invited spaces are generally ‘backed […] by legal or constitutional guarantees and regarded by state actors as their space into which citizens and their representatives are invited’, while invented spaces are those ‘conquered by civil society demands for inclusion’ (Cornwall and Coelho 2007: 1).

5 The landowners claimed that they were unable to use and enjoy their property, as outlined in Section 26 of the Constitution of the Republic of South Africa (1996), and that the municipality should pay them the resulting damages.

6 The catalyst for launching Operation Rooigrond came when the settlement’s two water pumps broke down and there was no water for drinking, washing or cooking. ‘The main aim of Operation Rooigrond is to facilitate positive change within the community, [but] the project has also taken on board other priorities of the community: to resist relocation and have the settlement upgraded, to get access to improved services, to increase the frequency of the mobile clinic visits, and to have access roads that can accommodate emergency vehicles’ (SERI, 2014b: 11)

The challenge of informal settlements can be attributed to the enduring legacy of the ineffective housing programme. In recent years, government departments are increasingly pressured to implement upgrading plans following a significant political commitment to upgrading. Delivery targets in the Medium Term Expenditure Frameworks (MTEFs) of 2010–2014 and 2014–2019 are directly related to informal settlement upgrading. A core intention of programmes and policies aimed at upgrading informal settlements is the empowerment and capacitation of communities, while providing services and tenure security.

Although this paper argues that upgrading represents a responsive and incremental strategy towards sustainable human settlements, it seeks to understand why so few upgrading projects have embraced central community participation in their conceptualisation and implementation, even when funding allocations for this function exists. In other words, the policy intention confirms a responsive state role, but the programme application does not constitute a ‘responsible state’, in the broader meaning as defined by the SoLG publication. Funding instruments for upgrading include the Upgrading of Informal Settlements Programme (UISP), Part 3 of the National Housing Code, and the more flexible Urban Settlements Development Grant (USDG). While other instruments exist, these two will become increasingly important, as government agencies re-orientate delivery mechanisms to upgrade informal settlements.
However, concerns are raised about the apparent inability to functionally integrate community needs in these structured upgrading projects.

After unpacking and explaining the key milestones of the UISP, I assess the impact of these programmes in practice, by discussing the Govan Mbeki award winners for the ‘best informal settlement upgrading project’. At metropolitan level, further insights into upgrading are gained by reviewing the eight metropolitan municipalities’ Built Environment Performance Plan (BEPP), a new planning instrument that guides, among others, the implementation of the USDG.

When reviewing commonly shared implementation issues, I argue that most upgrading projects do not honour the provisions made available in these funding instruments for community empowerment and capacity building. This is worrying, considering the scale and pace at which government departments are required to report on upgrading targets.

A POLICY SHIFT TOWARDS UPGRAADING

BREAKING NEW GROUND INTRODUCES UPGRAADING

Post-apartheid urban and housing policies have underscored the necessity of progressively integrating the poor, as a means of restructuring spatially fragmented cities and eradicating systemic social exclusion and poverty (CoGTA 2009). Post-apartheid urban policies had to redress apartheid fragmentation and segregation, and the subject of transformation in democratic South Africa has been the historically constructed uneven development of ‘islands of spatial affluence’ in a ‘sea of geographic misery’ (Williams 2000: 168).

Despite the government’s efforts since 1994, delivering more than 2.5 million housing units, the housing backlog has remained at 2.1 million units (15–17% of the urban population). While government has pursued a conventional housing programme1 that is increasingly seen as inefficient and unsustainable (Charlton and Kihato 2006), informal settlements have grown from 300 in 1994 to more than 2700, and continue to grow between 5% and 7% across different regions (NUSP 2010). Urban vulnerability has increased, juxtaposed with worsening human development indices, service delivery constraints, insecure tenure, and safety and security concerns.

A decade of unintended consequences in the delivery of housing prompted the then-Department of Housing (DoH) to re-orientate its focus, largely captured in the strategic document, Breaking New Ground (BNG): A Comprehensive Plan for the Development of Sustainable Human Settlements. BNG argued that ‘informal settlements must urgently be integrated into the broader urban fabric to overcome spatial, social and economic exclusion’ (DoH 2004: 18) and identified a need to ‘shift the official policy response to informal settlements from one of conflict or neglect, to one of integration and co-operation, leading to the stabilisation and integration of these areas into the broader urban fabric’ (DoH 2004: 24).

In Cape Town, the N2 Gateway project was initially launched as an informal settlement upgrading project that aimed to upgrade ‘incrementally’ sections of Gugulethu, Crossroads and Langa along the N2 motorway. The roll-out of the N2 Gateway project has been well documented, and many of its failures have been attributed to the implementation logics associated with a mega-scale housing development2 and upgrading aimed at ‘city beautification’ rather than addressing the needs of informal settlement dwellers (COHRE 2009; Tissington 2011). Indeed, a closer reading of the N2 Gateway project has led Robins (2008) to argue that state implementation agents used the housing project to create ‘responsibilised’ citizens...
through modernist housing schemes. Following the eviction of some 2000 people from Joe Slovo informal settlement to peripheral temporary relocation areas (TRA), such as Blikkiesdorp, residents and their legal representatives approached the Constitutional Court. The N2 Gateway case illustrates how government housing projects are often packaged as ‘upgrading’ projects, but in reality the practice of planning housing projects in an exclusionary manner has not shifted towards more participatory planning required by upgrading projects. Pithouse (2009: 8) points to the lack of adequate responses to informal settlements after the policy directives of BNG, attributing this failure to support informal settlements to ‘the housing subsidy system [that] has created a widespread view that shack settlements are temporary phenomena that will soon be replaced by formal housing’. Participatory upgrading necessitates a radical shift from the top-down implementation logics associated with conventional housing projects, but upgrading projects spurred by BNG did not adequately shift government into responsibly engaging citizens.

**DELIVERY TARGETS RELATED TO UPGRADING**

Promising signs of a political commitment to in situ upgrading was achieved in 2010, when President Zuma signed a performance contract with the then-Minister of Human Settlements, Tokyo Sexwale. This performance agreement was encapsulated in Outcome 8 of the 2010–2014 MTEF. Two notable targets were agreed upon: (1) The upgrading of 400 000 households in well-located settlements by 2014 (roughly 30% of the 1.2 million estimated households living in informal settlements), which represented a significant emphasis shift; the UISP was envisaged to be the primary instrument for upgrading. (2) The Department of Human Settlements (DHS) would support the coordinating activities of the Department of Cooperative Governance and Traditional Affairs aimed at achieving the following service standards: access to water services up from 92% to 100%, sanitation from 69% to 100%, refuse removal from 64% to 75% and electricity from 81% to 92%.

While the delivery targets are associated with the five-year cycle of the MTEF, Chapter 8 of the National Development Plan (NDP) firmly advocates for ‘developing community organisation and support participatory regularisation and upgrade programme’ (NPC 2012: 256). Yet, in the same breath, the NDP also acknowledges the ‘ambivalence across government’ about addressing the upgrading of informal settlements and the need to develop mechanisms for in situ upgrading, institutional capabilities to manage the related processes and ‘appropriate regulations, in a participatory and empowering way’ (NPC 2012: 271).

**INVESTING IN SECTORAL CAPACITY FOR UPGRADING: NATIONAL UPGRADING SUPPORT PROGRAMME**

The creation of the National Upgrading Support Programme (NUSP), which coincided with the delivery targets, meant more decisive promotion of available upgrading tools, most notably the UISP. An initiative supported by Cities Alliance and the World Bank that was subsequently adopted by the DHS, NUSP was created to fill a critical void in technical support, capacity building and sharing project learning and successes. The DHS admits that the NUSP was
created following an ‘assessment of the UISP in 2009 indicated that there were significant blockages in the upgrading of informal settlements despite the wide array of policies and programmes in place’ (DHS 2014a: 24).

Not only were projects blocked, but comprehensive informal settlement response strategies at the local and metropolitan government levels were missing in many statutory plans, such as the Integrated Development Plans (IDPs) and housing sector plans. In 2010, the Housing Development Agency (HDA) argued that only the KwaZulu-Natal province had a comprehensive informal settlement upgrading strategy, which was largely informed by the experienced work of Project Preparation Trust, a non-profit organisation based in Durban (HDA 2014: 4). NUSP support is aimed at rectifying this situation.

Having successfully secured funding in the 2010–2014 and 2014–2019 MTEFs, NUSP is a significant programme of the DHS, accounting for more than 30% of the total programme delivery support work stream (DHS 2014b: 12). In the first phase of the programme (2010–2014), NUSP technical tenders in support of 53 municipalities have focused on the rapid assessment and categorisation of informal settlements, formulation of municipal informal settlement strategies, systematic resource planning towards such strategies and, in fewer cases, detailed settlement level plans, informal economy and livelihood strategies, and protocols for engaging communities (HDA 2014).

The modalities of NUSP technical support follow conventional supply chain management protocols of the department. The programme is in full swing in its current form but experienced significant delays in years following its establishment in 2009/10 (DHS 2014b: 12). Challenges include the following:

- Technical support offered by the NUSP is conditional on the involvement and agreement of both the specific municipality and province in each tender. In some cases, ‘a total unwillingness is encountered by municipalities to cooperate with NUSP’ (DHS 2014b: 12).
- Slow procurement and approval processes by the department and a lack of sufficient human resources to manage the NUSP effectively. In order to rectify this, a Professional Resource Team (PRT) consisting of 20 companies are preferred suppliers to the department on a ‘request for proposal’ basis, and rather than issuing open tenders.

It is worth noting that NUSP technical support has been directed at fixing, strengthening and operationalising the supply of municipal services. Little attention has been given to empowering communities, civil society organisations, non-governmental organisations (NGOs) and other intermediaries who effectively represent ‘demand-side’ considerations. Although provincial NUSP forums have been effective since the launch of the programme, only some have become ‘communities of practice’ (to use the language of the NUSP), where municipal practitioners, NGOs, communities and other interest parties like universities contribute to planning, monitor implementation and share learning.

The changes in procurement policy and the appointment of a PRT have also closed the space for NGOs and intermediaries to tender for NUSP contracts. A situation therefore arises whereby one of the 20 companies, many based in Johannesburg, are appointed to provide services in a small municipality. The quality of community participation is limited to a few focus groups and/or stakeholder engagement sessions, rather than a deep and meaningful development facilitation that regional service providers could have offered.
UPGRADING OF INFORMAL SETTLEMENTS PROGRAMME (UISP)

A STRUCTURED APPROACH TO UPGRADING

The preface to the UISP makes it clear that ‘the programme is one of the Government’s prime development initiatives and that upgrading projects should be dealt with on a priority basis’ (DHS 2009: 25). The programme aims to achieve three broad objectives: (1) to institute tenure security, (2) to promote secure and healthy living environment, and (3) to address social and economic exclusion of the poor (DHS 2009). Box 1 outlines the three stages in the UISP process and the associated project level activities. Options for tenure regularisation and eventual housing consolidation in Phase 4 is briefly mentioned.

DEEP-ROOTED KNOWLEDGE: UISP AND COMMUNITY FACILITATION

The UISP recognises that a community has ‘deep rooted knowledge of its development needs and preferences’, and that this knowledge should be ‘harnessed to ensure that township design [...] is targeted at satisfying the actual needs and preferences’ (DHS 2009: 30). To this end, 3% of the total project cost is reserved for social facilitation, which includes activities such as socio-economic surveys, conflict resolution, facilitated community participation and housing support services.

A further allocation of 8% of the total project cost is reserved for project management. Although the lion share of this allocation will no doubt be taken up by professional fees, some could also be used for enhancing capacity, establishing housing support centres, resolving conflicts related to tenure and occupation rights, and constructing social and economic amenities. Although the UISP does not prescribe the modalities to be followed, it suggests

BOX 1

The UISP subsidy in effect funds the creation of serviced sites. It outlines three phases, after which (in Phase 4) qualifying beneficiaries can apply for housing construction and ownership assistance. Phase 1 provides for preliminary planning, geotechnical investigation, land acquisition and a range of community facilitation services, such as conflict resolution, socio-economic surveying, and housing support services and information sharing. In Phase 2, interim services such as water, sanitation, refuse removal and electrification are provided, while settlement planning commences. This includes detailed town planning, land surveying and pegging, contour surveying and civil engineering design. Provisions are also made for relocation and transport costs, and social service and welfare support, where needed. The UISP emphasises the provision of social and economic amenities, for which municipalities can apply for funding from the Social and Economic Amenities Programme, although funding from municipal budgets should be the first option. During Phase 3, full services are provided including land rehabilitation, final environmental impact assessment, project enrolment with the National Home Builders Registration Council, and project management and professional fees.

The UISP makes provision for incremental tenure options and suggests that tenure can start with administrative recognition (e.g. basic site plan, list of occupants, letter of occupation, rights and obligations and so on) in Phase 2. In Phase 3, preliminary legal recognition can be achieved through maintaining a register of occupants linked to stand numbers. As mentioned, housing consolidation in Phase 4 can be supported through a number of housing programmes. In order to qualify, township establishment is required and tenure options include approved layout plan, township register as per Deeds Registry Act, or individual title deeds.
facilitating participation through ward committees and involving Community Development Workers and potentially workers employed through the Expanded Public Works Programme. Whatever the process is, UISP makes it clear that ‘community participation should be undertaken within the context of a structured agreement between the municipality and the community’ (DHS 2009: 30, emphasis added).

ASSESSING PROGRESS OF UISP IN PRACTICE

Achieving the delivery targets of upgrading 400 000 well-located households, as mentioned earlier, requires a responsive strategy by government. Not only was the UISP policy unfamiliar to many officials, the approach to working with communities in difficult situations required additional capacity, for which reason the NUSP was created. All the ingredients for a responsible state was in the making. According to the DHS, the department achieved the targets (that lapsed in 2014), but concerns have been raised.

Firstly, provincial and local government departments often ‘repackage’ housing projects and report them as informal settlement upgrades. For example, the DHS’s 2013/14 annual report (DHS 2014b: 31, states that ‘101.9% of the target [was] achieved by 31 December 2013 with 407 463 households assisted utilising mainly the Upgrading of Informal Settlements Programme, the Integrated Residential Development Programme (Informal Settlements), the Enhanced People’s Housing Process Programme and the Rural Housing Programme (especially in the more rural Provinces)’. A closer reading reveals that the UISP accounts for only a small, somewhat token, portion of the upgrading target. The majority of the target is made up of conventional housing projects.

Secondly, it is becoming increasingly clear that there is no consensus on what informal settlement upgrading constitutes, which is evident in the varied interpretations of how upgrading is defined at project level. Foster and Gardner’s independent study (2014: 27) found that

“upon closer scrutiny, there are many concerns regarding the official figures. Part of this is due to the fact that the definition of informal settlements, and what upgrading entails, is still unclear. This implies that a portion of delivery claimed has not reached informal settlers, and much of what is claimed as UISP (in-situ) upgrading is in fact not achieved in-situ, or uses other methodologies such as relocation or rollover development”.

While recognising the shift towards upgrading, official figures maybe misleading, implying that government has reorientated provincial and local government departments towards city-wide upgrading initiatives, as this does not seem to be the case.

Thirdly, by the department’s own admission, ‘there have been minimal efforts to conduct real impact evaluations to measure the actual change that happen as a result of the Upgrading of Informal Settlement Programme’ (DHS 2013b: 3). In 2013 the DHS commissioned an independent review of UISP projects initiated by provincial departments, but this document could not be sourced after numerous attempts were made. More recently, the Western Cape DHS commissioned an independent impact assessment of UISP projects during 2007/08–2011/12. The assessment considered 12 projects, of which 30% were located in the City of Cape Town and the remaining 70% in five municipalities. The independent review found that, despite delivering improved access to based services such as water and sanitation, ‘the current policy focus on the settlement as basis for urban planning is not conducive for
the development of functional and thriving human settlements’ (WCG 2014: 3). On community participation, the review found that the province did not activate communities effectively in UISP projects. It is recommended that ‘a good understanding of “community politics”, [...] well-functioning project steering committees, [and] effective communication strategy’ is considered in future UISP projects’.

Assessing the progress of UISP in practice highlighted three major issues: (1) housing projects are ‘repackaged’ as upgrading projects, (2) there is definitional uncertainty, and (3) the lack of independent impact assessments obscure project-level issues. Despite the challenges identified in government’s alleged achievement of the 2014 target, the 2014–2019 MTEF includes a new upgrading target: 750,000 households in informal settlements serviced to UISP phase 2/3 (supported by grants such as the USDG) to acceptable standards of access to basic water, sanitation, and road infrastructure and services. UISP, with all its associated challenges, therefore remain a top priority for the 2014–2019 period.

UPGRADING IN PRACTICE: GOVAN MBEKI AWARD-WINNING PROJECTS

Govan Mbeki awards are awarded annually to projects that display excellence in the implementation of human settlement projects. Provincial government departments award projects in the first round, and these provincial winners compete for the prestigious national award. The ‘best informal settlement upgrading project’ is one of the nine categories assessed. It is insightful to review what government considers best practice, and the national prize-winners for the last two years (2013 and 2014) illustrate some of the challenges with the implementation and understanding of informal settlement upgrading (see Box 2).

BOX 2
2013: Eastern Cape Province for Addo Nomathamsanqa 300

A closer inspection of the Addo Nomathamsanqa 300 reveals with little uncertainty that the 2013 Govan Mbeki project is a conventional housing project. Promotional material describes this project as having an impact on the lives of informal settlement residents ‘by producing the best quality work in housing delivery’, adding that each beneficiary household received a ‘beautiful 45 square meter house, electrified with two bedrooms, a bathroom and an open plan dining room and kitchen and a vegetable garden’ (DHS 2013a: 13).

2014: Western Cape Province for Thembalethu UISP

Thembalethu is a large township south of the N2 motorway in the municipality of George. Over the years, 12 informal areas have emerged in an otherwise formalised township. A number of the informal settlements are located on land reserved for schools and have been rezoned to general residential. According to the George Municipality’s 2015 IDP, 56 informal settlements in George comprising 4230 families have been identified. The municipality has adopted an ambitious informal settlement upgrading strategy aimed at servicing 4500 sites by 2022/3. The IDP states that 751 families, or 17% of the 4230 informal households, have thus far been assisted through UISP-funded projects.

The UISP funding was insufficient to service all the sites. The project was fast-tracked by topping up the UISP subsidy with two grants from the Western Cape Government: Access to Basic Services (ABS) and the Enhanced Service Site (ESS). According to the promotional material of the Govan Mbeki awards, ‘densification and stand sizes have been negotiated with the communities’ (DHS 2014c: 6).
BEST PRACTICE AND IMPLICATIONS FOR RESPONSIVE AND RESPONSIBLE GOVERNMENT

The case studies highlight the confusion over the meaning of informal settlement upgrading in general and participatory upgrading more specifically. The case of Addo Nomathamsanqa 300 is a good illustration of upgrading meaning the provision of peripheral greenfields housing for beneficiaries living in informal settlements. The project shows how upgrading projects are often re-packaged housing projects and obscures the meaning of upgrading, much as the reporting on the 2014 delivery targets has tended to do. Such a reading does not discredit the housing project but rather shifts the focus away from upgrading.

Thembaluthu UISP project, on the other hand, has achieved part of an ambitious strategy by the George Municipality to upgrade all informal households in-situ. This project is aligned to the UISP’s ‘structured approach’. What makes this project unique is the ‘turnkey’ strategy of delivering the upgrading project. The municipality’s service provider, in this case the corporate engineering company Aurecon, was responsible for the full ambit of the project, from inception to completion. The South African Affordable Housing magazine reported that ‘Aurecon is an Implementation Agent responsible for all the multi-disciplinary professional services required for the incremental upgrading and extension of the required bulk and connection services infrastructure, as well as the development of fully serviced serviced sites and eventually the construction of top structures for qualifying beneficiaries’. The remit even included the provision of all community-based participatory planning engagements, which was facilitated through an Aurecon subsidiary company SAFE.

While the ‘turnkey’ procurement strategy adopted by the municipality has been clearly effective in delivering services, questions need to be asked about the nature of community participation in the project. This raises two important issues. Firstly, there was a time limit to engaging with communities, since this was bound to the fixed-term contract between the municipality and Aurecon. Once the deliverables have been met, Aurecon exits the project and so does the capacity for community engagement. Secondly, seen through the lens of responsive and responsible government, the project has not necessarily improved relations between the community and the municipality, as the responsibility for engaging the community was outsourced to Aurecon. Responsibility, in this case, implies accountability to communities, consistency across time and communities, efficiency and effectiveness, whereas responsive refers to the degree to which government listens to communities, responds to their needs and upholds their rights.

The role of the private sector cannot be discounted in upgrading projects. Understanding both small and large private enterprise dynamics in complex processes like informal settlement upgrading is important. Various sector-building initiatives to bolster private sector capacity have been launched, such as the Construction Industry Development Board Project Toolkits (CIDB 2011). However, as observed with NUSP technical support tenders, such initiatives remains stubbornly focused on supply dynamics and boosting private sector efficiency, while no such capacity development programmes exist to enhance participatory mechanisms that can articulate demand-side dynamics in designing, planning and implementing projects.
Alternative Funding and Planning Mechanisms for Upgrading

Urban Settlements Development Grant (USDG)

National Treasury is taking a lead role in developing new planning, monitoring and evaluation tools associated with the dual aims of boosting economic performance and achieving social goals through capital spending. Urban sector NGOs (e.g., Isandla Institute 2013) are arguing that these new tools could be modified to enhance participatory mechanisms for upgrading between municipalities and communities.

The USDG is an important capital grant available to metropolitan municipalities and is being used in many cities to finance informal settlement upgrading projects and programmes. In the preamble of the USDG’s grant conditions, National Treasury argues that the purpose of USDG is to ‘supplement the capital revenues of metropolitan municipalities in order to support the national human settlements development programme, focusing on poor households’ (National Treasury 2014: 3). In other words, the USDG can be applied to various projects aimed at realising sustainable human settlements and is more flexible than the UISP’s structured approach. For example, the UISP does not fund eThekwini’s interim and emergency services programmes (the municipality’s primary programmes for delivering services in informal settlements) because these programmes do ‘not adhere to the pre-defined UISP stages’. According to the municipality, the ‘UISP requires land acquisition and individual tenure security before the provision of services (i.e. as part of phase 1 of the UISP)’ (eThekwini 2015: 19). For this reason, USDG is preferred over the UISP.

Built Environment Performance Plans

The BEPP is a new metropolitan planning instrument required by the Division of Revenue Act and aligned to the municipal 10–15-year Spatial Development Plan and the five-year IDP, the two statutory plans required by the Municipal Systems Act (No. 32 of 2000). The BEPP is renewed annually, which makes it an agile and directive document, and brings line departments in line cooperatively.

Originally intended to be a tool for implementing and reporting on the USDG, the BEPP is ‘now a strategic planning tool to coordinate capital spending spatially in cities’ (Graham et al. 2014: 37). It guides spatially targeted capital spending, coordinating the following infrastructure grants related to the built environment:

- Integrated City Development Grant (ICDG)
- Urban Settlements Development Grant (USDG)
- Human Settlements Development Grant (HSDG)
- Public Transport Infrastructure Grant (PTIG)
- Neighbourhood Development Partnership Grant (NDPG) and the
- Integrated National Electrification Programme Grant (INEPG)

Since the BEPP has a guiding influence on the USDG and the HSDG (which is the larger basket of funding including the UISP), it is an important document to understand what provisions and measures cities are taking to ensure community participation. The eight cities’ informal settlement upgrading strategies, contained in their BEPPs$, are briefly outlined in Table 1.
Table 1: Analysis of 2015/16 Built Environment Performance Plans

<table>
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<tr>
<th>Metro</th>
<th>Informal settlements to be reached</th>
<th>Strategy</th>
<th>Provisions for community participation</th>
</tr>
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</table>
| Buffalo City   | 154 informal settlements consisting of 40 365 households (approx. 152 000 people) | 8% full in-situ upgrading 42% full relocation 50% partial relocation, partial upgrading in-situ | NUSP-supported asset-based community development (ABCD) approach  
Allows for community inputs into municipal plans  
Partnership approach: Buffalo City–community; and inter-departmental coordination (pages 39–42) |
| City of Cape Town | 378 informal settlements consisting of 143 823 households | 60% households upgraded in situ and receive serviced package: 40m² site with slab and wet core 40% households relocated to serviced site package full services to all informal households at 1:1 basis by 2030 Manageable density of 100 du/ha | Acknowledgement that ‘success will be dependent on effective partnerships and […] empowerment of all affected stakeholders to participate in their own future development’ (page 66), 1.5% of USDG reserved for internal City project management and governance (page 79). |
| Ekurhuleni     | 119 informal settlements consisting of 164 699 households | Six UISP projects Mention made of a ‘number of new [upgrading] projects in the periphery’ | Built Environment Performance Indicator (B 1.8) tracks the percentage change in the total number of informal settlement dwelling units within Integration Zones that have not benefitted from integrated upgrading programmes |
| eThekwini      | 500+ informal settlements consisting of 306 078 households | 2011 Informal Settlement Upgrading Strategy (KZN DHS 2011) Interim services programme delivered to 150 000 households by 2020. Service package: Communal ablation blocks (toilets and showers) within 200m of served households; High-mast lighting for security; emergency access roads for waste removal, fire and emergency vehicles | No reference to community participation in BEPP.  
The 2011 Upgrading Strategy refers to ‘Participation: ensuring that there is an appropriate process for the direct involvement of communities in the process of planning, prioritising and implementing developmental responses and projects’ (page 50). Warns against inexperienced facilitators and raised expectations of communities. |
| City of Johannesburg | 157 informal settlements consisting of 164 939 households | Regularisation of all informal settlements and provision of basic services. Upgrading of informal settlements along corridors identified by Sustainable Human Settlements Urbanisation Plan | Generic references to participation as the eradication of poverty and social exclusion, good governance and facilitation through ward committees |
Metro & Informal settlements to be reached | Strategy | Provisions for community participation
--- | --- | ---
Mangaung | 28 informal settlement groupings consisting of 27,735 households | 2011 Informal Settlement Upgrading Strategy (drafted by HDA) 5 areas (59%): full upgrading 15 areas (38%): incremental in-situ upgrading 8 areas (3%): relocation | Informal settlement upgrading strategy co-developed with HDA
Nelson Mandela Bay | 81 informal settlements consisting of 30,202 households | 2008 Informal Settlements Upgrading Plan 22,040 households (72%) planned upgraded in-situ | Sustainable Community Planning Guide (2007) Implementation of Sustainable Community Units (SCU) as described in the SDF and IDP Reference to “entrenching a culture of public participation in municipal planning, budgeting and decision-making processes” (page 69)
City of Tswane | (unknown number) informal settlements consisting of 155,948 households | Sustainable Human Settlements Plan No details on plans provided | Implicated in Social Development Strategy

From this brief overview of the BEPPs, it could be argued that only a few cities make explicit provision for participatory informal settlement upgrading. Vague references to community participation, facilitation and good governance are bundled together with initiatives such as social development (City of Cape Town, Tshwane and Johannesburg), partnership formation and programme alignment (Mangaung), and participation in general municipal planning (Ekurhuleni and eThekwini). The case of Buffalo City, which through the NUSP contract has only recently developed an Asset-based Community Development approach, is an example of a metro in the early stages of adopting a community planning approach. It can be argued that Nelson Mandela Bay metro, which in 2007 adopted the Sustainable Community Planning Guide, which guides municipal planning units called Sustainable Community Units (SCU), has the most comprehensive guide to community planning. The SCU is a multi-stakeholder planning forum informing local spatial plans, and consultants are required to comply with the standards set out. The municipal DHS and the Office of the Chief Operating Officer shares the responsibility of the SCUs (McCarthy interview 2015).

The BEPP represents an opportunity to develop criteria and indicators for sustainable community participation. However, a reading of the eight cities’ BEPPs indicates that mechanisms for the advancement and/or financial provision for central community participation in the roll-out of informal settlement upgrading projects is lacking. This is a concern, as it has been clearly established that upgrading is a more participatory-intensive process than (for example) housing delivery, and that the success of upgrading projects often hinges on building credible community capacity and integrating community design into project planning.
IN PURSUIT OF RESPONSIBLE AND RESPONSIVE LOCAL GOVERNANCE

THE MISSING COMPONENT IS DEEP-ROOTED COMMUNITY KNOWLEDGE

Failure to make provision for more effective community participation has had detrimental impacts on state–community relations. In many ways, a major disjuncture exists between policy intentions and planning, and the socially erosive impact of unresponsive government to basic community needs. Instead of being seen as a critical partner, organised groups in informal communities are often framed as conflictual agents to local government. For example, the Slovo Park Community Development Forum (SPCDF) and the Makause Community Development Forum (MCDF), which both have linkages to the Informal Settlement Network in Johannesburg and Ekurhuleni, have experienced the hostility of the state when not complying to the highly prescriptive nature of top-down and hard-handed government engagement. As Dennis Webster illustrates in his paper [earlier in this publication], for nearly 10 years, the MCDF has been advocating for the upgrading of their settlement via the UISP process. This settlement is home to an estimated 10,000 people and conveniently located to economic opportunities in Primrose, Germiston.

Over the years, the MCDF has taken innovative approaches, such as spatial mapping and data collection, small improvements to services such as water and sanitation, and to lighting and public space, strategic litigation towards an UISP project application, and negotiations with private land owners. However, despite these pro-active measures, the Makause community has been constantly subjected to eviction threats, unresponsive officials and non-implementation of upgrading projects (SERI 2015).

In the case of Harry Gwala, a settlement of more than 2000 households in Ekurhuleni, the lack of community engagement has resulted in the formulation of untenable upgrading plans. Consultants appointed to devise the upgrading plan proposed that a ‘very orderly and eminently upgradeable settlement’ be demolished and replaced with ‘no more than 389 residential stands under the Province’s Essential Services Programme’ (Huchzermeyer 2008: 98). This would have meant the forced relocation of most of the households and was resisted by the Harry Gwala Civic Committee.

Civil society actors are mobilising and articulating alternatives to the state-centric view of human settlements development and, in many instances, framing upgrading in more comprehensive ways than simple technocratic interventions and the scheduling of activities (Bradlow 2013). Alternative organising rationalities, practices and methodologies are emerging and changing the way in which informal settlement upgrading is conceptualised. At the same time, the challenges of marrying bottom-up and participatory practices with top-down policy making and resource flows are not unique to South Africa. The 2014 UN-Habitat (2014: 241) State of African Cities report observes that in southern African cities,

Grassroots and civil society organisations are also active, promoting community-led development strategies and advocating on behalf of marginal communities. In this respect, governance challenges revolve around integrating bottom-up and top-down priorities of development at city and local scales. The challenges also require governance to embrace more inclusive and supportive approaches towards informal sector activities rather than focusing purely on their regulation.

It appears, from recent publications commissioned by the DHS, such as Re-establishing the People’s Contract: Meaningful Participation in Building Sustainable Human Settlements (DHS 2012) that government is increasingly interested in introducing enhanced participatory devices in the implementation of projects (DHS 2014b). The BNG identified social compacts, a form of ‘people’s contract’, as one of the key aspects in changing the housing delivery
paradigm. Social compacts have been described as a ‘contract signed between the community, developer, local authority and financier before approval of projects for subsidy support’ (Khan and Thurman 2001: 4). It is envisaged that ‘every stakeholder must commit to the project and agree individual roles and responsibilities. The underlying premise of the social compact is conflict management and the creation of joint ventures between beneficiary communities and other actors’ (Khan and Thurman 2001: 4). The introduction of similar people’s contracts or social compacts is needed in upgrading projects.

CONCLUSION

Upgrading informal settlements by means of structured (UISP) and flexible (USDG) funding mechanisms represents a responsive strategy on the part of the DHS, backed up by political priorities and targets, and investments in state and private sector capacity through the NUSP. Such capacity building is being developed through a range of instruments to address the supply side of the project planning equation. This paper has maintained that, despite the allocations for social facilitation, government has been incapable of prioritising the demand side. In practice, this means that a community’s ‘deep rooted knowledge’ is most often not excavated and integrated into the planning of projects. This disjuncture between policy and practice has resulted in the erosion of state–community relations, and at times irresponsible and hard-handed action by the government.

Looking back at the failures of the N2 Gateway project shortly after the BNG introduced upgrading instruments, little seems to have changed. Upgrading is still viewed from the perspective of delivering the conventional housing product. Moreover, there appears to be no consensus on what upgrading constitutes. This is evident in the controversial claims that government reached its 400 000 target by 2014 and further illustrated by the Govan Mbeki prize-winning projects in 2013 and 2014. The policy intention of the UISP is, therefore, out of sync with the implementation dynamics, which arguably point to a lesser degree of responsibility on the part of local governments and their appointed service providers.

Some cities find the scope of the UISP too limited to address informal settlement needs and have opted to finance upgrading programmes and projects through the USDG. A review of eight metropolitan municipalities’ BEPPs, which guides the USDG among others, revealed that very little attention has been given to designing participatory mechanisms for upgrading, or such allocations are vaguely bundled under social development, partnerships and good governance initiatives. Here an opportunity exists for National Treasury to inscribe performance indicators that evaluate and monitor the quality of community participation.

It is therefore troubling that there is very little focus on developing mechanisms for effective community participation in the design, planning and implementation of in-situ upgrading projects. Even though allocations for ensuring inclusive project planning are prescribed in the UISP policy, especially the 3% for social facilitation and 8% for project management, these allocations are almost never honoured, or driven in totality by the municipality’s service provider, as demonstrated by the Thembalethu UISP project in George Municipality. This is problematic because of the temporary nature of service providers, and so such ‘turnkey’ strategies do not necessarily translate into improved governance, decision-making and participation over the long term. Understanding demand-side considerations in projects requires the proactive development of mechanisms that promote central community participation. In other words, upgrading projects require much more attention to finer community details than for conventional housing projects.
References


CoGTA (Department of Cooperative Governance and Traditional Affairs) (2009) Township transformation timeline. Pretoria: CoGTA


NOTES

1 Meeting the housing backlog with the standard BNG housing package of a 40m² house on a 250m² serviced freehold stand (including 30% land for roads and amenities) would require 40 000ha and a budget of R180 billion (NUSP 2010). There is therefore simply not enough resources – financial, land, and infrastructure – to remedy the housing crisis with the conventional package of services.

2 The project has been considered one of the largest in South Africa, initially planned for 22 000 rental and ownership units at an estimated cost of R3 billion.


4 These are the latest versions of the 2015/16 BEPPs obtained from National Treasury’s website www.mfma.treasury.gov.za. Key search terms such as participation*, involvement*, governance*, decision*, empowerment*, facilitation*, and so on, were applied to these documents in order to highlight the provisions (or lack thereof) for inclusive planning of informal settlements.

5 Interview with D McCarthy, Senior Director: Strategic Planning and Coordination, Office of the Chief Operating Officer, Nelson Mandela Bay Metro, 20 May 2015, Nelson Mandela Bay.
In South Africa, citizens are losing faith in the ability of public institutions to respond to their needs. Across the country, communities, especially those made vulnerable by precarious living conditions, struggle to gain access to basic services. Allegations of rampant corruption call into question the values of officials in all spheres of government. While formal structures for participation may be available, these do not allow citizens to have a significant voice.

PUBLIC SERVANTS ARE perceived as answering to their own self-interests rather than their constituencies. The result of the state’s lack of accountability and responsiveness is a loss of trust. Within this context, it is necessary to investigate emerging opportunities for citizens to participate directly in decision-making and monitoring processes and to exert influence over the actions of local government. In so doing, ways in which to enhance responsible and responsive local governance can begin to be explored.

One of these emerging opportunities is community-based monitoring, which allows citizens to determine the parameters for measuring local government performance and to demand action when their (reasonable) expectations are not met. After a brief contextual analysis that highlights the key accountability challenges at local government level, we consider what constitutes community-based monitoring and how the concept relates to an overarching concern with responsible and responsive governance. Then, examples of state-
and civil society-driven community-based monitoring processes are used to suggest that the transformation of local governance requires not only a capacitated citizenry, but also a capacitated state. The final section summarises some of the key lessons that the examples have to offer. We conclude with comments on how to enhance accountability and responsiveness in South Africa.

**BETWEEN RHETORIC AND REALITY**

Section 153 of the Constitution (1996) sets out the objectives of local government, which include providing democratic and accountable governance, providing basic services, promoting social and economic development, promoting safe and healthy environments, and encouraging community involvement in the matters of local governance. Schedule 4B of the Constitution stipulates the basic services – such as child care, primary health care, electricity and water and sanitation – that fall under the domain of local government. In addition, Schedule 5B suggests that municipalities are responsible for public spaces, roads, refuse removal and street trading. In 2009, the National Housing Code also introduced the notion of municipal accreditation, which provides municipalities with the authority to administer aspects of the National Housing Programme within their jurisdiction. While some critical functions remain outside municipal jurisdiction, local government is responsible for coordinating planning processes, which must (according to Section 153 of the Constitution) be structured in ways that prioritise the community’s basic needs. The White Paper on Local Government (1998) echoes the Constitution, stating that local government in the country should be developmental in nature and should, therefore, be committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs.

Given South Africa’s history of exclusion and disenfranchisement, the functioning of local government is also central to the country’s justice and transformation agenda. In line with this, the South African Local Government Association notes that because ‘poverty is experienced locally, municipalities are confronted daily with the consequences of apartheid. As a result, a large part of the burden of addressing this falls upon local government, as it is the provider of primary services which are essential to the dignity of all who live in its area of jurisdiction’. Taken together, these policy provisions suggest that local government has a critical role to play in ensuring citizens’ quality of life, through both delivering basic services and creating opportunities for citizen engagement in planning, decision-making, implementation and monitoring.

Despite progressive stipulations, however, current trends suggest that local government is not yet able to perform the functions of a developmental state and to translate policy into practice. Findings from the 2011 census indicate that 26.7% of households in South Africa do not have access to piped water inside their dwelling; 17.9% of households rely on piped water situated outside their dwelling, while 8.8% do not have access to piped water whatsoever. A report by the World Bank (2011: 67) suggests that even when access to water is secured, it is often of poor quality. Census data also shows that only 57% of households in the
country have access to flush toilets connected to sewage systems. A shocking proportion (19.3%) of households use pit toilets with no ventilation, 5.2% of households do not have access to toilet facilities at all. Statistics regarding provision can mask whether the service is accessible, affordable, in working order, deemed appropriate (according to community norms and standards) and sustainable – all of which can underlie community frustrations and anger with the service provided.5

Other services, such as housing, healthcare and education, are also performing badly in relation to indicators such as access, quality, and citizens’ experience of staff (World Bank 2011). The inadequate delivery of basic services has placed significant strain on the relationship between local governments and their constituents, and has resulted in growing antagonism and animosity. According to Powell and De Visser (2014), a record number of community-based protests (218) took place in 2014. Nearly half (45%) of these were directly related to grievances with municipal services. Recent protests have turned increasingly violent, with 80% of protests in 2014 involving violence from communities and/or authorities. These trends show clearly that citizens use community-based protest action as a way of articulating frustrations, expectations and demands. As such, these protests also indicate the inability of formal participation structures to elicit meaningful engagement with citizens in local governance.

While the language of participation is firmly enshrined in South African policy, the dichotomy between rhetoric and reality remains substantial. In relation to its ‘Back to Basics’ programme the Department of Cooperative Governance and Traditional Affairs (CoGTA) notes that ‘[s]low or inadequate responses to service delivery challenges are…linked to the breakdown of trust in the institutions and councillors by communities. Social distance by our public representative is a major cause for concern. This reflects inadequate public participation and the functionality of ward councillors and committees’ (CoGTA 2014: 5). Frustration over inadequate delivery is compounded by ‘widespread instances of rent seeking and corruption amongst public representatives, reflecting a broader breakdown in the values and principles that should be guiding the people we have elected or appointed to lead the local government system’ (CoGTA 2014: 6). Furthermore, the state’s internal monitoring processes tend to favour quantitative outcomes and have, as such, allowed form to triumph over function. As Van Thiel and Leeuw (2002) suggest, internal performance measurements may result in organisational paralysis and measure fixation. This is especially true in the case of South African, where meaningful community engagement is stifled by local officials’ compliance mentality. As the National Development Plan (NPC 2012: 437) notes, ‘participation is often a formulaic exercise … and citizens have little confidence in the value of engagement’.

This brief analysis suggests that local government in South Africa aspires to be developmental in nature but, in reality, falls short on at least two counts: (i) its failure to ensure appropriate and sustained access to basic services, and (ii) its inability to establish platforms for substantive citizen engagement. As a result of these shortcomings, citizens lose trust in the public institutions that deprive them of the ability to have some of their most fundamental rights realised. It is in this context that

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5 Frustration over inadequate delivery is compounded by ‘widespread instances of rent seeking and corruption amongst public representatives, reflecting a broader breakdown in the values and principles that should be guiding the people we have elected or appointed to lead the local government system’.
we consider how accountability and responsiveness may be enhanced.

**ACCOUNTABILITY AND RESPONSIVENESS THROUGH PARTICIPATORY MONITORING**

The steady decline of trust in public institutions is not unique to South Africa. There is ‘a growing crisis of legitimacy [that] characterises the relationship between citizens and the institutions that affect their lives. In both the North and the South, citizens speak about disillusionment with government, based on concerns about corruption, lack of responsiveness to the needs of the poor and the absence of a sense of connection with elected representatives and bureaucrats’ (Gaventa 2002: 1). In order for this crisis to be addressed, the state needs to be aware of, and responsive to, the needs of its citizens. Gaventa (2002) suggests that accountability should be understood not as a concept on its own, but rather as intrinsically linked to notions of participation and rights. On the one hand, accountability is ensured through collective decision-making processes while, on the other hand, accountability requires an ability to demand action from the state.

In response to the global concern about responsible and responsive governance, community-based monitoring emerged as a tool with which to position citizens at the heart of performance-measuring processes, and to ensure that government acts in accordance with their needs and expectations. Essentially community-based monitoring is about elucidating citizens’ everyday experiences of local government, and emphasising the importance of this data for state policy and practice. According to Holzer and Kloby (2005: 523), ‘citizen inclusion in measuring the performance of government adds value to the process and better informs policy decisions. Citizen participation in the formulation of socially relevant measures, data collection and presentation of results helps managers and elected officials design and measure services that matter to the community’.

Community-based monitoring is different from its internal governmental counterpart because it promotes horizontal accountability as well as vertical accountability (see World Bank nd). In addition to answering to higher ranking officials within the institution, community-based monitoring obliges local government to answer to its citizens. For local government in South Africa, which aspires to be developmental in nature, horizontal accountability is critical, underpinning relationships of trust and opening up opportunities for collaboration between the state and civil society. Indeed Kelly (2005) suggests that it is dangerous to assume that good government performance – measured according to internal indicators of success – equates to accountability to the people. Internal indicators need not correlate with the expectations of citizens. Indeed, the assumption that good performance is equal to accountability perpetuates the compliance mentality referred to above, and allows local government to ignore the complex everyday experiences of communities living in their jurisdiction.

Of course community-based monitoring is not only used to achieve developmental outcomes. The increased use of private sector language to describe the functioning of local government (Denhardt and Denhardt 2000; Kelly 2005) has resulted in a greater concern with the efficiency and effectiveness of the state in securing ‘customer satisfaction’. Here community-based monitoring serves as a tool with which to gather information about the quality of services delivered and staff behaviour (World Bank 2004). However, measures of efficiency and effectiveness – which describe an ability to get the highest results at the lowest costs – are insufficient for capturing the diverse needs and expectations.
of citizens in South Africa. In a country plagued by a legacy of marginalisation and disempowerment, the use of the term ‘customer’ to describe the role of citizens in relation to local government is largely problematic. First, the notion of ‘customer’ is highly individualised and, therefore, assumes that citizens only engage with the state about personal grievances. Second, the term infers passivity, as ‘customers’ are thought to consume public services instead of participating in decision-making and implementation processes. In line with this critique, Denhardt and Denhardt (2000: 552) note that ‘administrators should see citizens as citizens (rather than merely as voters, clients, or customers); they should share authority and reduce control, and they should trust in the efficacy of collaboration’.

Moving beyond the restricting discourse of citizen-as-customer, the type of community-based monitoring advocated here is grounded in citizen agency, and in the acknowledgement that transformation can only occur if communities are the driving force of development. This form of monitoring also tests the orientations of local government officials, and promotes a particular value-driven approach to governance. Such an approach is referred to as a public service ethos (Rayner et al. 2010) and positions local government as an actor committed to achieving outcomes that are in line with the public interest. While an empowered citizenry is critical for realising transformative objectives, a receptive local government – willing and able to respond to the demands of its constituents – is also necessary, if community-based monitoring processes are to exert influence over state action.

Community-based monitoring can be undertaken in a variety of ways, and by a variety of actors. Popular monitoring methods include social audits, the administration of citizen report cards, and public hearings (for a more comprehensive review, see DPME 2010). National, provincial or local government departments may initiate community-based monitoring processes. These can also be driven by non-governmental organisations, community-based organisation or informal community groups. Irrespective of the stakeholders instigating the process, and the methods used, a number of cross-cutting factors affect the success of community-based monitoring initiatives. According to the Department of Planning Monitoring and Evaluation (DPME), these include a) political will and recognition, b) capacity building, c) support to civil society organisations, d) the consideration of relationship-related issues and e) the visible use of results (DPME 2010).

These success factors suggest that community-based monitoring processes aimed at affecting tangible change require partnership, collaboration and capacity on the part of both citizens and the state. The following section explores how communities and local government can be empowered to participate in collaborative and transformative monitoring initiatives.

**Empowering Citizens through Civil Society-Driven Monitoring Processes**

As mentioned above, community-based monitoring takes citizen agency as its starting point. This particular approach to performance measurement assumes that communities are best placed to identify critical issues related to public services and infrastructure in their living environments. While that is indeed the case, the ability of citizens to articulate, monitor, and communicate these challenges may be severely limited by a lack of access to information and a shortage of skills related to data collection and analysis and performance monitoring. As the DPME (2010) notes, community capacity building is critical for implementing community-based monitoring
processes. The work of the Social Justice Coalition (SJC), in partnerships with Ndifuna Ukwazi and the International Budget Partnership, is an example of strategies for capacitating communities through and for civil society-driven monitoring processes.

In 2014, the SJC – a social movement based in Khayelitsha, Cape Town – conducted a social audit of the City of Cape Town’s janitorial service for communal flush toilets in the informal settlement. It was the result of prolonged engagement with the City over sanitation challenges. The report – entitled ‘Our Toilets Are Dirty’ (SJC and Ndifuna Ukwazi 2014) – suggests that the social audit was used to highlight the dire implications of the City’s continued lack of responsiveness, and to demand action. An accompanying documentary captures the process used by the SJC to conduct the social audit. In training sessions, community members were taught how to understand government budgets and policies, and how to collect and interpret information for the purpose of formulating questions directed at the City. Once training was completed, community auditors collected information on citizens’ experiences of the janitorial service. The data was then analysed and eventually presented to the City. The entire process emphasised community empowerment through information sharing and capacity building. Indeed, the movement recognises that social audits ‘are as much about empowering communities to understand government budgets and documents as they are about the audit findings and efforts to hold government to account. The process is as important as the end result’ (SJC and Ndifuna Ukwazi 2014: 21).

The social audit has informed SJC’s subsequent work on social accountability. In 2015 the SJC supported Khayelitsha residents in producing submissions to inform the City of Cape Town’s 2015/2016 budget, particularly in relation to the City’s capital budget for sanitation infrastructure in its 204 informal settlements. While not concluded at the time of writing, this process already illustrates that local government struggles to process and respond constructively to demands made by civil society actors.

An informed, active, empowered and capacitated community is critical for enhancing responsible and responsive governance, but efforts of civic actors may be stifled by a state that is unable to adequately respond to civil society-driven monitoring. The following section unpacks some emerging lessons that may direct our thinking about the importance of local government’s receptiveness and capacity.

**CULTIVATING STATE CAPACITY**

The DPME’s recent pilot project on community-based monitoring offers a number of lessons related to the importance of institutional design for enhancing responsible and responsive governance. While the DPME’s pilot project does not focus on municipal services, the project nevertheless speaks to the role of local government in supporting systematic processes that work towards enhanced accountability and responsiveness.

In August 2013, the DPME released ‘A Framework for Strengthening Citizen-Government Partnerships for Monitoring Frontline Service Delivery’, in which it recognises that the state’s internal monitoring processes paint an incomplete picture of government performance in the country. It suggests that public accountability may be significantly enhanced through the systematic uptake of community-based monitoring and, furthermore, promotes co-production.
and collaboration between diverse stakeholders. In September 2013, following the release of the framework, the DPME initiated a three-year, four-phase pilot project aimed at implementing a facility-focused, community-based monitoring model. The piloting team worked with four service delivery departments (South African Police Services, the South African Social Security Agency, the Department of Health, and the Department of Social Development) across nine municipalities in order to gain a better understanding of the skills, systems, resources and relationships that government officials (from all spheres) require to make service delivery work in ways that respond to the particular needs of local communities.

Subsequent reports by the DPME provide details of the various phases. First, community surveys are undertaken in order to ascertain ‘burning issues’ related to service delivery in the community. During this stage, a number of community members are trained to administer surveys. A second phase involves feedback on the findings of community surveys, discussions of the root causes of the service delivery issues, and the presentation of proposed improvement plans. Representatives from management, staff and organised community groups are invited to participate in this stage of the process. Finally, once the state has communicated its response plan, there is agreement on the actions to be implemented and the subsequent monitoring process, to ensure that agreements have been honoured. According to Jonathan Timm of the DPME, the ‘sense-making’ discussions (which formed part of the feedback and response formulation stage) were particularly valuable for challenging local officials and facility staff members to interrogate their practice, to uncover the complex issues underpinning everyday challenges related to service delivery, and to conceptualise creative and resource-efficient ways of responding to citizens’ demands. Timm noted that community surveys served as catalysts, not only for facility staff and management, but also for communities who – following the surveying process – mobilised to influence state action. Throughout these pilots, local government was recognised as a critical role player that ideally hosts the process and advocates for local priorities. Timm suggests that, through their participation in co-produced, collaborative community-based monitoring processes, local governments can enhance their capacity to address local needs by increasing their access to other spheres of government.

For the purpose of this paper, the DPME piloting process offers key insights into what is needed on the part of the state to enhance accountability and responsiveness.

**WHAT DOES THIS MEAN FOR LOCAL GOVERNMENT?**

The examples set out above are meant to be illustrative rather than definitive. The social audit conducted by the SJC presents a highly localised experience of community-based monitoring, whereas the DPME’s framework and pilot focus on public services that sit outside the local government sphere. However, despite these limitations, the cases provide meaningful lessons for enhancing responsible and responsive governance at local level. These lessons include:

1. **Citizen voices need to be heard to improve responsiveness and accountability**

The current state of local governance suggests that transformative outcomes cannot be achieved if the everyday experiences of citizens are not considered. These experiences are critical to the functioning of local government and must therefore...
be recognised and responded to. The literature and case studies cited indicate that a variety of tools and methodologies for articulating and communicating citizen experiences exist and can be used to instigate change.

2. CAPACITY ON THE PART OF BOTH COMMUNITIES AND THE STATE IS CRITICAL

The SJC’s work on social auditing illustrates the importance of capacity building at community level. Citizens who are denied accessible, affordable and quality services need to be equipped with tools that allow them to produce useful data about their settlements. Spatial and budget literacy, the ability to conduct a survey and reporting competencies empower citizens to engage as active agents with the state. The DPME’s community-based monitoring pilot project shows that an active and empowered citizenry is not enough. To be truly transformative, citizen-led monitoring must occur relative to a receptive and capacitated state. Across spheres of government, structures and systems must be put in place to ensure that service providers can process citizens’ experiences, and can work in collaboration with civil society actors to formulate and implement meaningful responses to critical challenges.

3. COMMUNITY-BASED MONITORING IS A RELATIONAL PROCESS

A range of actors have important roles to play in community-based monitoring processes, including collecting and communicating to stakeholders data that articulates experiences and demands, as well as formulating and communicating responses to these demands. Therefore, community-based monitoring is arguably a relational process, which requires cooperation: between the state and communities, within the state, and within a community.

4. INFLUENCE IS BEST ACHIEVED THROUGH COLLABORATIVE ENGAGEMENT

The examples cited above suggest that only through collaboration can significant influence over the orientations and actions of local government be achieved. While civil society actors may use the outcomes of community-based monitoring to point out the faults of local government and to demand action, their influence over existing systems and structures is limited in the absence of a receptive and responsive state. For civil society-driven monitoring initiatives to exert influence over the state, local government officials need to be drawn into the process, and roles and responsibilities established, from the outset.

5. COMMUNITY-BASED MONITORING IS A CHANGE MANAGEMENT PROCESS

While community-based monitoring may be understood as a set of tools and methodologies for articulating the experiences and expectations of citizens, it also requires a deeper understanding of the interplay between values, systems, practices and capabilities and how changes in one aspect require concomitant changes in other aspects. Put differently, community-based monitoring is not simply about adopting new tools and techniques. Certain skills, capacities, values and relationships may need to be instilled in order to use these tools and techniques effectively. As the DPME pilot process demonstrates most aptly, it is not business as usual but ‘business unusual’ that must ultimately be converted into routine accountability, at which point it becomes the norm.

6. LEARNING WITHIN AND ACROSS SECTORS

This analysis of the state of local governance indicates that South Africa still has some way to go before it can be considered a developmental state.
But, despite the country’s challenges, the examples cited in this paper suggest that progressive actors are questioning the status quo. The work of these actors, whether in civil society or the state, offers critical lessons that can inform South Africa’s transformation agenda. Therefore, opportunities for learning within and across sectors need to be systematised, so that their hard-earned insights can inspire and inform improved practices and governance relations elsewhere.

CONCLUSION

If South African citizens are to regain trust in institutions designed to uphold their rights, then they need to participate in transformation processes. This paper has shown that community-based monitoring is a means of enhancing accountability and responsiveness at local government level. Citizens who are capacitated to document the challenges faced in their communities, and to connect these to potential solutions, are empowered to demand action from the state. However, an active citizenry is not enough to ensure significant and sustainable transformation in governance relationships. Rather, capacitated communities must be met with capacitated local governments, which are willing not only to listen but also to process and respond to the demands of citizens. To address the trust deficit in South Africa, what is needed is a set of parallel processes through which communities and the state are capacitated to play their respective roles in improving the state of local governance.
REFERENCES


NOTES

1 Throughout the paper we understand citizens to be all the inhabitants of the country, irrespective of their place of origin or legal status.

2 http://www.salga.org.za/pages/Municipalities/About-Municipalities

3 See also Municipal Structures Act (No. 117 of 1998), Municipal Systems Act (No. 32 of 2000).


5 This was borne out by community anger at sanitation provision in Mhakaza (Cape Town) and Moqhaka (Free State) in the period leading up to the 2011 municipal elections (dubbed ‘the toilet elections’ at the time) and, more recently, in places like Kosovo and Khayelitsha in Cape Town.

6 https://www.youtube.com/watch?v=P_jxgKYaM

7 See http://www.thepresidency-dpme.gov.za/keyfocusareas/cbmSite/Pages/default.aspx

8 Personal correspondence (28 May 2015)
IN PROFILE: ARE AUDIT COMMITTEES AND MUNICIPAL PUBLIC ACCOUNTS COMMITTEES THE ROUTE TO RESPONSIBLE AND RESPONSIVE LOCAL GOVERNANCE?

Michael Bendle and Glenn Hollands - Project for Conflict Resolution and Development

The Project for Conflict Resolution and Development (PCRD) has been exploring the potential of audit committees and municipal public accounts committees (MPACs) to advance responsible local governance through improved reporting and accountability to citizens.

SOUTH AFRICA HAS a range of municipal laws and systems, which are a bit like state-of-the-art tools that have been forgotten in a leaky workshop – where the tools have great potential but are virtually useless from rust and neglect. A special case may be made for those tools needed to fix the creaky vehicle that is municipal financial governance, in particular the propensity to leak public finance into a bottomless pit of fraud and waste.

Year on year, close to three-quarters of all municipalities spend money that is deemed by the Auditor General to be unauthorised, irregular or fruitless and wasteful. Almost 20% of municipalities persistently award contracts to employees, councillors or other state officials (AGSA 2013a, 2014). Roughly the same proportion award contracts to close family members of employees and councillors. About 75% of municipalities buy goods and services through processes ultimately found to be unfair or uncompetitive. Since 2011 the situation has worsened in virtually all of these problem areas – less than half of the audited municipalities are able to obtain financially unqualified audit opinions.

The following is a case in point. In August 2013, a Grahamstown High Court judge found that Buffalo City Metropolitan Municipality (BCMM) had illegally awarded a tender for a Bus Rapid Transport system to a company with little in-house expertise that had simply sub-contracted the necessary expertise through a ‘loose arrangement’. The company also bid R17-million more than the losing bid of R54-million. The judge described BCMM as reckless, careless and acting with no regard to its fiduciary duties.1

Efforts to remedy this type of irregularity through interventions from National Treasury, other spheres of government and indeed private sector services, seem to have had a limited impact. Over the last decade, Operation Clean Audit or similar financial support programmes have provided significant remedial efforts. As far back as 2010/2011, professional support was provided to 68% of the 343 audited municipalities, at an average cost of R1.2-million per municipality. In the Eastern Cape, 80% of audited municipalities were assisted by financial consultants, at a cost of R63-million during 2011/2012, but the number of financially unqualified audits increased by only two municipalities (AGSA 2013b). The message is clear – technical interventions to improve financial reporting and the audit process are simply not working.

The impact of the problem is particularly pronounced in provinces such as the Eastern Cape, where government already operates with thinly stretched resources. Equality and social justice are greatly impeded in these settings when limited public finances are squandered on corruption and misuse. Whereas professional oversight bodies and audit functions can only identify and analyse the problem, civil society or community oversight can directly engage the issue and apply pressure to reduce such abuses.
Basic financial literacy and professional competency remain part of the problem of municipal governance, but less attention has been paid to giving citizens a direct hand in the controls that are meant to prevent municipal coffers from being squandered on pointless or ill-conceived expenditure. Responsive and responsible governance demands that we arrive at a point where the municipality’s annual report matches the service experiences of ordinary citizens.

**LOCAL GOVERNMENT ACCOUNTABILITY AND TRANSPARENCY PROGRAMME**

The PCRD has mounted a programme to ensure that civil society is able to use the statutory instruments of the audit process, principally audit committees and MPACs, to leverage improved public accountability. The purpose of an audit committee is to provide independent oversight of internal financial control, risk management, and governance. The MPAC performs a similar function but is more of an internal control – similar to the role of the Standing Committee on Public Accounts (SCOPA) in the national and provincial legislatures. One of the key functions is to provide an oversight report on performance claims in the annual report.

The PCRD programme is premised on the idea that community engagement with these committees can enforce transparency. Communities can then, for example, act against corrupt decisions and plans that are not in their interest. In a context of widespread municipal service protests and deep distrust of municipal spending priorities, the PCRD also seeks to re-build a sense of trust in the municipal structures and systems that should guarantee public accountability.

Unlike many other council structures, which have proved to be lame ducks, audit committees are independent (no councillors and the majority of its members may not be employed by the municipality). Furthermore, at least three members must have relevant experience. In the past, audit committees have had little impact because they were treated as necessary but minor elements of the audit process. Over the last five years, only about 35% were deemed to be effective instruments of control over financial reporting. With the backing of the Auditor-General and closer partnership with local communities, this situation can change. A recent scan of local municipality audit reports within the Sarah Baartman District Municipality suggests that audit committees are becoming more functional and influential.

The PCRD programme also looks to take advantage of the trend whereby the modern audit function extends to operational and institutional performance. According to the Auditor-General, audit committees can potentially demand evidence of the performance outcomes often claimed by management. Already there are indications that managers are more wary of spin-doctoring reported performance. Reported achievements must be comparable with pre-determined objectives and goals.

The PCRD is also exploring the accountability benefits of MPACs. The MPACs will ‘undertake

In a context of widespread municipal service protests and deep distrust of municipal spending priorities, the PCRD also seeks to re-build a sense of trust in the municipal structures and systems that should guarantee public accountability.
and manage similar functions and responsibilities for municipalities, as undertaken by the Standing Committee on Public Accounts in the national and provincial legislatures’ (CoGTA and National Treasury 2011: 5). The authenticity of the MPAC idea rests on the principle that it will help council, in its role of the legislature, to hold the executive and the municipal administration to account, to ensure the effective and efficient use of municipal resources. The SCOPA analogy is useful and suggests that the fundamental purpose is to protect the public purse by ensuring that all income and expenditure is subject to public scrutiny. Municipalities have been slow to set up functional MPACs, but PCRD has encountered a handful of cases where MPACs have produced frank and insightful oversight reports on the audit outcome. These reports advance the prospects of responsive and responsible local governance.

While an audit committee might rightly be regarded as an instrument of civil society, i.e. it functions in an independent manner to provide public scrutiny of municipal financial affairs, an MPAC is very clearly an instrument of council. However, harnessing audit committees and MPACs together could improve the effectiveness of both. Audit committees might strengthen their hand by being more transparent in their composition (necessary expertise and independence) and linking more directly with local civil society, e.g. holding their own public information events and presenting their section of the municipal annual report. The MPAC, in turn, should continue the SCOPA tradition of appointing opposition councillors as chairpersons. Perhaps more importantly, it could work closely with the audit committee to ensure that the publication of the annual report is a meaningful exercise in public engagement.

The PCRD programme in the Sarah Baartman District Municipality works with both civil society structures and local government to foster a climate of mutual trust and to ensure accountability and transparency to the local community at municipal level. The programme entails promoting an active and engaged citizenry through targeted capacitation that is informed by ongoing research of the audit and reporting functions in the municipality concerned. It also seeks to establish the necessary platforms for constructive engagement around audit and financial management outcomes. A key element is the development of accessible and innovative systems that will make annual reporting and financial accountability a trusted exercise for the targeted communities.

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NOTES

1 Judge slams BCM for flouting tender laws, Daily Dispatch, 10 August 2013.
This paper addresses the question of democratisation of rural governance, as a critical condition to ensuring responsible and responsive governance. Its focus is on the existing dualism, and often conflicting roles, of democratically elected councillors and traditional leadership institutions in the former Bantustans of the Eastern Cape. Part of the problem is the overlap of roles and responsibilities of traditional leaders with those of rural municipalities (Khunou 2009).

THE CONSTITUTION (1996) expects municipalities to provide administrative systems in the form of plans and budgets, giving priority to the basic needs of the communities (Section 153). The ultimate responsibility of municipalities is to promote socio-economic development of communities. Similarly, the National House of Traditional Leaders Act (No. 22 of 2009) stipulates that traditional leaders must promote, among others, socio-economic development and service delivery. The Traditional Leadership and Governance Framework Act (TLGFA) (No. 41 of 2003) also instructs traditional leaders to play a role in land administration, art and culture, health, welfare, economic development, etc. of rural communities (Thoaele 2009). Thus, there is a clear overlap in some roles and responsibilities of the two institutions (George and Binza 2011).

The coexistence of two governance institutions in rural areas creates confusion regarding their roles and accountabilities, thereby limiting the ability of rural communities to effectively articulate their developmental challenges. This, in turn, limits
the scope for communities to demand their rights to services, while also ensuring that government is responsive to their needs.

After outlining briefly the debates on traditional leadership in South Africa, presenting various views regarding the institution, the discussion turns to the dualism, overlaps and contradictions in the roles of the rural governance institutions. The challenges associated with this dualism are then identified and discussed, followed by a look at the impact of dualism and conflicting roles on responsible and responsive governance.

TRADITIONAL LEADERSHIP IN A DEMOCRATIC SOUTH AFRICA: FRAMING THE DEBATE

While scholars and commentators agree that the advent of South Africa’s democracy in 1994 brought significant changes to the institution of traditional leadership, they disagree on the role of this institution in a democratic dispensation (Meer and Campbell 2007). The introduction of democracy had an impact on powers of traditional leaders (Houston and Somadoda 1996; Ntsebeza 2002; George and Binza 2011). Before democracy in South Africa, traditional leaders ‘had far-reaching administrative and judicial powers in terms of the Bantu Authorities Act of 1951’ (Houston and Somadoda 1996: 948). In earlier times, before colonial rule, traditional leaders had control over political functions, safety and security, governance and economic development (Ntsebeza 2002). However, major disagreements regarding the role of traditional leaders in a democracy have ignited lively debates in South Africa.

George and Binza (2011: 961) believe that traditional leaders have a role to play in a democracy, arguing that ‘partnerships between local municipalities and traditional councils must be strengthened through legislative and other measures to improve good governance, and development in rural areas’. Sklar (1994) also sees traditional leadership as being compatible with the democratic form of governance and capable of promoting democratic norms and practices in South Africa. This view is supported by Khunou (2009: 83).

‘One of the remarkable features of the transformation of traditional leadership in South Africa is that gender equality has been progressively advanced. The inclusion of women in traditional government structures adds democratic value and credibility to the institution of traditional leadership, which for many years remained essentially male-dominated. The doctrine of transformative constitutionalism is well established in South Africa’.

However, Khunou takes the transformative nature of rural governance at face value, uncritically accepting the claimed advancement of gender equality, whereas TCOE’s experience of working in rural areas shows that the situation is far from transformative and remains male-dominated as before. This is perpetuated by the TLGFA, which prescribes that two-thirds of the 40% elected members of a traditional council must be women. This ensures that women remain the minority in traditional councils, which continue to be male-dominated.

The other side of the debate takes a negative view about the role of traditional leaders in a democratic order. Bank and Southall are sceptical that traditional leaders embrace non-sexism and gender equality, arguing that the ‘African culture is pervaded by the principle of patriarchy … the gender equality clause now threatens a thorough-going purge of customary law’ (Bank and Southhall 1996: 427). They conclude that the two institutions are incompatible, and that a fundamental transformation of the traditional leadership is required to be compatible with a democratic setup.
For Ntsebeza (2006: 15–16), the inclusion of unelected and unaccountable traditional leaders in a democratic system ‘is inconsistent and contradictory’, and such an arrangement compromises the democratisation of rural governance:

‘After years of ambivalence and prevarication, the government passed through parliament two Bills, the 2003 Traditional Leadership and Governance Framework Bill and the 2003 Communal Land Rights Bill, which make concessions to traditional authorities, effectively resuscitating the powers they enjoyed under the notorious Bantu Authorities Act of 1951 which was introduced by the apartheid regime’ (2006: 14). Giving powers to unelected and unaccountable traditional leaders, as the Bills do, implies that rural residents remain subjects. If the arrangement continues, ‘the (political) citizenship rights of rural people continue to be partial’ (Ntsebeza 2006: 299). This latter view shows that rural residents hold very little power either to remove or to bring unelected leaders to book. These unelected leaders will rarely account to rural residents and so will not be responsive or responsible to the needs and aspirations of rural residents. This raises questions about the ability of the institution of traditional leadership to provide a responsible and responsive form of governance in rural areas.

Responsible and responsive governance institutions must be able to address issues and concerns of the residents (GGLN 2008; Mbaya 2014). Such institutions have to be able to ‘deliver the goods’. They are characterised by the extent to which the leaders are accessible to residents (Bratton 2010: 1), and the inclusivity of vulnerable groups to programmes pursued by the institutions (Hyden and Samuel 2011). This also relates to the acceptability of the actions of leaders to the residents (Hyden and Samuel 2011). Yet the institution of traditional leadership is ill-equipped to be responsible and responsive. For instance, the TLGFA severely limits the participation of women, and so women will always be (and are) in the minority in traditional councils.

DUALISM AND THE CONFLICTING ROLES OF RURAL GOVERNANCE INSTITUTIONS

Rural areas fall under a dual form of governance. The Constitution enshrines ‘democratic principles in the Bill of Rights’ and recognises the principle of equality for all South African citizens, including those in rural areas (Ntsebeza 2006: 34). The whole of South Africa, including rural areas, is supposed to be under democratic governance, as the Constitution advocates a wall-to-wall system of municipalities, excluding no part of the South African soil, and municipalities are led by democratically elected political leaders.

However, in the same breath, the Constitution recognises unelected and unaccountable traditional leaders in rural areas. The institution of traditional leadership is considered legitimate and compatible with democratic institutions. Indeed, the preamble to the TLGFA states that ‘the State must respect, protect and promote the institution of traditional leadership’. Traditional leaders are also expected to play a role in respect of arts and culture; land administration; agriculture; health; welfare; the administration of justice; safety and security; the registration of births, deaths and customary marriages; the economy; environment; tourism; disaster management; the management of natural resources, etc.
As can be seen, the roles of traditional leaders overlap with those of municipalities, which are institutions of elected leaders. This creates the dualism in South Africa’s rural areas, which are governed by two systems: a democratic system with elected leaders and an undemocratic system with unelected leaders.

Although the Constitution stipulates the need for cooperative governance, this dual system presents serious challenges for rural communities. The South African Government Association (SALGA) acknowledges these challenges, describing them as tensions that cause confusion and contradictory practices in rural governance (SALGA 2012). The following case studies reflect some of the challenges resulting from this dualism.

EVIDENCE OF THE CHALLENGES OF THE DUAL RURAL GOVERNANCE SYSTEM

The case studies show that dualism in rural governance creates confusion among rural residents over where to direct their energies in lobbying for the provision of services. Despite the Constitution’s promotion of cooperative governance, turf contests between traditional authorities and municipalities often develop, creating confusion among rural communities. The imposition of unelected headmen on communities also presents legitimacy challenges, which in turn triggers resistance from residents to work through such headmen when accessing services.

Contests for jurisdiction between the municipal councillors and traditional leaders often develop, with negative effects for rural residents. Two examples in Tsengiwe, a village in the Sakhisizwe Local Municipality, illustrate the jostling for influence (jurisdiction). The first instance occurred in 2007 and 2008, when the newly appointed headmen blocked the ward councillor from holding meetings in his area. The headman wanted the ward councillor to seek permission from him before holding the community meetings. However, the ward councillor refused to seek permission, feeling that his election gave him a mandate to operate in the area. The headman’s stance was viewed as a demand for the councillor to account to the headman, an unelected leader. This led to a stand-off between the two leaders, until intervention at a higher political level. This stand-off negatively affected residents in the village who were not able to meet with the councillor to raise issues and to access municipal services, especially outside jurisdiction of traditional authorities.

The second instance of turf contestation was at the beginning of 2015, when the same headman sought to block ESKOM from entering the village to fix electricity. The ward councillor invited ESKOM to fix poles damaged by lightning that had resulted in an electricity blackout in the village. The headman questioned who had given authority to the electricity supplier to come to his village and tried to summons the councillor to account for inviting ESKOM without his permission. This disagreement between the two leaders did not have a negative effect on the community, as the headman’s actions came after the electricity had already been fixed. However, the contestation created confusion among the residents over where to demand services from and affected their ability to access government services.

These are not isolated cases. Similar cases have occurred in other parts of South Africa. For instance, in the Nkonkobe Local Municipality, disagreements between the Mgwalana Traditional Council, the
ward councillor and the ward committee member led to tensions developing. As a result of political differences between the two institutions, ‘the ward committee member of the village, together with the councillor, refused to attend meetings held at Zibi Great Place’ (George and Binza 2011: 961). The stand-off between the two governance institutions had negative effects on rural development.

The tensions highlighted above must be understood within the context of widespread concerns from traditional leaders about ‘the perceived limitation by municipal councils of the powers of traditional leaders who were previously primarily responsible for the administration and development of their respective areas’ (Knoetze undated: 161). This is supported by SALGA, which points out that ‘[s]ince its fusion into the democratic local government system, the role and place of the institution of traditional leadership in municipalities has been fraught with tension, confusion and contradictory practices’ (SALGA 2012: 1).

These examples illustrate how the contestation blurs the separation of powers between the two often competing institutions, leaving communities unclear about who to deal with in order to get their needs addressed.

Questions about the legitimacy of some headmen affect the ability of communities to articulate their needs. In Tsengiwe, the residents are currently divided, with one group refusing to recognise an unelected headman and contesting the process by which he came to power. For these residents, going to the headman for services is tantamount to accepting his legitimacy, and so they prefer to receive no services. However, the effect of taking such a position is that the headman is not taking into account the aspirations of a section of rural residents. This happened when the headman stopped the ward councillor from holding meetings in the area, unless he had given permission – but the ward councillor did not want to seek permission from the headman. As a result, the community could not participate in the municipal Integrated Development Plan (IDP), for which the councillor is responsible, and were unable to give input regarding the services they require.

Similarly, since 2013 the residents in Cala Reserve have been divided over the legitimacy of the headman. The KwaGcina Traditional Council imposed the headman on the residents, which caused a protracted struggle by the community, which wanted the right to elect their headman, rather than have one imposed. When traditional leaders refused to accede to this demand, divisions developed in the village. Residents opposed to the imposed headman have resolved to have nothing to do with him, have successfully challenged the imposition legally and boycott this meetings. The dilemma for the ward councillor is how to get all residents to attend his meetings: the pro-democracy group refuses to go the headman’s place for meetings, whereas the residents who support the headman will only attend meetings at the headman’s place. Once again, the ability of the community to express its needs is negatively affected by the divisions that result from dualism in rural governance.

Further confusion is caused by the fact that the municipal ward boundaries are not aligned to those of traditional authorities’ jurisdictions, affecting rural residents’ ability to access services. This lack of alignment often results in overlaps in the jurisdictions of the two institutions. The overlaps lead to delays...
in the approval of projects that are supposed to be benefiting communities. For example, the delay in the housing application process of Roma. Roma is a sub-village of Cala Reserve where the headman is leader but falls within Ward 3 of the Sakhisizwe Local Municipality and not Ward 6 like the rest of Cala Reserve. The headman refused to sign housing application forms of villagers from Roma, until he had met with the Ward 3 committee member, but the ward committee member refused to meet with the headman. This caused delays in the signing of the housing application forms of these residents who were not sure which leader to lobby. It is another typical example of the challenge presented by the dual system of governance that places rural residents at the mercy of un-accountable traditional leaders.

Dualism in rural governance has raised issues about the legitimacy of traditional leaders in some communities. This in turn has led to some rural residents boycotting any form of association with such leaders. These factors affect the ability of rural residents to articulate their aspirations and thus limit the emergence of responsive and responsible local governance in rural areas.

CONCLUSION

The ability of rural residents to articulate their challenges is negatively affected by a dual system of governance. Tensions often erupt between municipal structures and traditional leadership because of contests for jurisdictions, boycotts by residents of activities by headmen they consider to be illegitimate, while the lack of boundary alignment creates confusion. As a result, rural residents are confused about where to demand services from. Furthermore, if these tensions remain unresolved, ‘it is most unlikely that local government will be able to deliver on rural development’ (George and Binza 2011: 961). Indeed, rural residents are negatively affected by the tensions and differences between traditional leaders and municipal councillors.

The system of governance in rural areas needs to be aligned with the broad democratisation project that the South African government has embarked on since 1994. Rural areas cannot lag in that process. While the institution of traditional leadership cannot be scrapped entirely, as it is protected by the Constitution, at the very least ward and traditional jurisdiction boundaries need to be aligned, to avoid confusion and the impact on rural development projects. Failure to align these boundaries severely hampers the ability of rural communities to express their aspirations, rendering them voiceless and at the receiving end of contested power struggle. Furthermore, this situation has a huge potential of setting poor residents against each other, with those that are loyal to the system of tradition leadership on one side and advocates for democratic system on the other side.
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NOTES

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According to the Democracy Development Program (DDP), responsible and responsive governance assumes the following key aspects in the context of enabling communities:

a) Allows citizens to determine their own path of development, as key drivers of the process, and with government and its agencies as enablers.

b) Strengthens capacities of organisations, whether civil society or government, and their agencies to work as partners through meaningful engagement mechanisms.

c) Allows for diverse flexible organisational alliances that harness greater accountability at many levels and commitment towards any causes of their choice, whether processes or projects.

d) Upholds transparency and commitment to a cause by organisations, as core tenets of their functionality. In this case, proper accountability mechanisms are defined and consequences are spelt out for any deviations from agreed commitments.
ENABLING CHANGE IN GKFC
For the last two decades, the DDP has learnt that communities develop when citizens take ownership of their own development and growth. For a long time, communities were rendered ineffective because they depended on external sources, such as development agencies, government and donors, to define their journey. Such dependency on external sources results in communities staying subservient, weak and unproductive, unable to do anything on their own. Realising this, the DDP developed a methodology of engagement, which aims to capacitate citizens to take ownership of their individual and community growth. Citizens become more aware of their inherent potential to re-create co-owned communities where accountability is in place. Accountability refers to when individuals are held responsible for their actions and commitments they make towards a cause.

In the context of DDP’s work with communities, accountability is made visible when responsibilities are identified and established between mutual parties to harness their commitment.

The GKCF is a fairly new organisation, established in 2014, and is made up of individuals who are committed to bringing about positive change in the community of KwaMakhutha and surrounding areas. The community has more than a hundred members, including youth, women, the physically challenged, business people, African foreign nationals, community-based development practitioners and elected local political representatives. The GKCF had to develop its own constitution, register formally with the Department of Social Development as a non-profit organisation, establish its own leadership structure and recruit community members to join the organisation. These processes were put in place to ensure responsive and responsible governance as a key ingredient for long-term empowerment.

GKCF’S JOURNEY WITH THE DDP
In November 2014, the DDP and the GKCF began their journey, after months of deliberation and conceptualisation around the nature of the relationship and the responsibilities of the two partners going forward. The first step in consolidating the relation was a strategic planning workshop offered by the DDP to the GKCF. The workshop’s aim was to capacitate GKCF members through knowledge-sharing exercises on some of the following themes: how organisations function, accountability mechanisms, community development, communication skills and building leadership. Since the intervention, the GKCF has made significant steps in responding to community development challenges in KwaMakhutha and its environs. Some of the activities to date include:

- **Greening KwaMakhutha**: a tree-planting initiative that involved most community members volunteering regularly to plant trees around their neighbourhoods.
- **Convening community dialogues**: in collaboration with the DDP, three major community dialogues looked at: local economic development in townships; business–community inter-relationships; and integrated development planning processes, in particular community engagement in local development processes.

The DDP continues to support the GKCF with ongoing capacity development in terms of building the organisation’s ability to execute its vision and enhance its performance in serving the community. The DDP’s role is that of an enabler, not a determiner, of the development path GKCF chooses. Furthermore, the DDP’s understanding of responsible governance has enabled GKCF to define how it interacts with the various stakeholders, including businesses, school governing boards,
municipal departments, government departments, security agencies, traditional leadership and religious organisations. Active alliances with all these stakeholders benefit the community in many ways and strengthen relationships as partners working towards a common ideal.

**GKCF AND ITS ROLE IN BUILDING RESPONSIVE AND RESPONSIBLE GOVERNANCE**

The journey with the DDP has assisted GKCF in many ways:

Firstly, GKCF has successfully formed alliances with other organisations in the area and has initiated a number of working relationships with clear terms of reference and action plans. It has established functional links with local and provincial government, as partners in responding to community challenges and needs. For instance, GKCF recently intervened in a civil protest whereby community members were unhappy because of the ongoing demarcation process, claiming that the local government had not consulted adequately with them to explain the reasons behind the process and its impact on them as a community. As a result of the GKCF’s response to the crisis, the MEC of Transport, Community Safety and Liaison, Mr. Thembinkosi Willies Mchunu, visited the community and publicly acknowledged GKCF’s speedy intervention in quelling the protest. The MEC also committed his department to work in partnership with GKCF to organise a series of transformational dialogues to address such issues as demarcation and community safety. The MEC’s visit to KwaMakhutha was the first one by a senior government representative since the elections in May 2014. The GKCF demonstrated its capacity to demand accountability from government departments and showed leadership in responding to such a volatile crisis using non-violent means.

Secondly, GKCF has harnessed community commitment to its vision and support towards the various development projects. Thirdly, GKCF has established a leadership structure that provides clear direction towards identified tasks and projects. The core leadership gives guidance to the various commissions, which are responsible for a range of development projects in the community. Finally, regular community-led meetings are hosted by GKCF to update community members of the work done and to respond to various community concerns. These abilities, which are embedded within the GKCF, have many positive spin-offs for members of the community, including:

- Raising individual awareness of their responsibility towards sustainable development of their own community.
- Inculcating the culture of active citizenry among community members.
- Entrenching a culture of co-ownership of community development processes.
- Cultivating a servant-leadership, in which responsibilities are co-shared based on the values of accountability and respect for their own community.
- Establishing a network of alliances between grassroots community organisations and other structures in their area, such as war rooms, traditional leadership, school governing boards, business associations and religious communities.

**LESSONS LEARNT**

- Grassroots community organisations can effectively and responsibly govern their own...
development practices, with the support of external organisations acting as enablers.

- Enabling organisations should give grassroots organisations adequate space and time to chart their own path. The notion of ‘walking with’, rather than ‘being the saviour’ of any community process is key to building resilience among community organisations.

- Enabling organisations should not determine the direction to be taken by the grassroots organisations, as this approach may be disempowering, create dependency and dilute the ultimate impact of community development.

- Building alliances should not be disempowering, with partners seen as unequal and discriminative. Rather alliances should build on each other’s strengths and promote sharing of resources, such as expertise, staff and informational material to build community sustainably.

**CONCLUSION**

In its efforts to create a viable partnership with a grassroots community organisation, the DDP has provided capacity-enhancement support to the GKCF, focusing on accountability, communication, commitment and good governance as essential pillars of a sustainable organisation. The GKCF has demonstrated that community-led organisations have the capacity to re-create their own communities and harness commitment from community members to join hands in the process. The DDP remains aware of its enabling role and is committed to walking with GKCF on its journey into the future. This paper is a reflection of this process of awakening and walking with one such organisation, and the lasting impact of building a resilient, responsible and responsive system of internal governance.

**NOTES**

1 War rooms are structures established by government at the ward level to respond to community concerns and issues.
If responsiveness is associated with the act of listening, which then informs action, responsibility can be related to the act of reasoning and making sound decisions, based on available information. In local governance, you can’t have the one without the other. A popular response may not be wise, whereas taking one’s responsibility too far, without due regard for changing conditions and the partiality of available information, is likely to be experienced as a rigid and insensitive.

**CONCLUSION**

THIS PUBLICATION HAS shown that the pursuit for responsible and responsive local governance is still continuing. The introductory paper outlines how this would manifest in municipalities:

‘...a responsible and responsive government institution reports regularly and openly on its activities and financial matters to relevant stakeholders, including local communities and residents. It implements programmes and conducts itself according to the guiding policy framework, in a manner that is efficient, effective and responsive to emerging challenges. It has an effective two-way communication system, which is designed to communicate not only to communities, but also with communities through established communication channels and feedback mechanisms. It has regular and institutionalised processes of engagement and deliberation that include all stakeholders, and guide and influence decision-making, programme initiation, implementation and monitoring. Its mandate is directed by an accountable leadership and executed by a dedicated cadre of professionals who use their expertise and skills in the interest of the public good.’

Undoubtedly, there is a need to adopt more inclusive and meaningful citizen engagement tools and practices to help bring about the required transformation to community-centred development. Improved communication systems, financial accountability tools and community-based monitoring are useful examples in this respect. But as some of the contributions have shown, such tools and practices need to be adequately resourced and expertly facilitated. Unless serious attention is given to the institutional capability required to deepen (and sustain!) democratic engagement towards deliberative processes and outcomes, the shift towards responsible and responsive local governance will be nominal.

Public leadership is particularly critical, as it is the foundation of good governance. This is where the organisational and personal dimensions of responsibility and responsiveness are enacted and made visible. Thus, significant emphasis is placed on value-driven leadership, where the public interest guides decision-making and resource allocations and where integrity, transparency and accountability are put into practice. This then affirms that values and principles are at the heart of the governance system, which in turn informs not only what systems and practices are established, but also how potentially progressive systems and practices are interpreted, resourced and pursued. By firmly recommitting itself to values such as accountability, consistency, fairness,
integrity, respect, efficiency, effectiveness and compassion – and recognising dissent as a democratic value –, local government can set itself on the right path towards responsible and responsive local governance. Adopting a public service ethos is not limited to those in formal leadership positions; rather, it should drive the actions and behaviour of all those working for the state, regardless of seniority. Adopting such an ethos will act as a powerful antidote to the compliance mentality that is so pervasive in local government. It is only by living out this ethos that public trust in local government can grow.

As we approach the 2016 municipal elections, this is a particularly opportune time for all stakeholders to reflect on what responsible and responsive local governance looks like and how to effect it. While the publication has focused largely on the role of municipalities, other stakeholders in public, private and civil society sectors also have important roles to play. In particular, civil society organisations can bring valuable skills, relationships, networks and resources to bear that can help bridge the divide that so often characterises the relationship between a municipality and local communities. Ultimately, the collective consciousness of all partners in development (including citizens) needs to be tuned in towards bringing about responsive and responsible local governance.
PERSPECTIVES FROM CIVIL SOCIETY ON LOCAL GOVERNANCE IN SOUTH AFRICA

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IN PURSUIT OF RESPONSIBLE AND RESPONSIVE LOCAL GOVERNANCE

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