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

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

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

In 1998, a White Paper on Local Government was developed, which is premised on a developmental state, and therefore the newly established constitutional democracy at the time faced the task of clarifying the ethos and principles of the new developmental state. What has proven far more difficult is ensuring the policies and principles from the White Paper (WP) are translated into effective systems and procedures across all spheres of government, through the legislative framework.

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

GLOSSARY

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

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

METHODOLOGY

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

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

LEGISLATIVE AND REGULATORY CONTEXT FOR PUBLIC PARTICIPATION IN SOUTH AFRICA

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

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

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

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

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

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

The WP outlined the following:

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

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

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

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

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

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

Although the WP is meant to bring citizens close to government processes, the evidence Planact noted on the ground[1] suggests inadequate collaboration and participation in local government development processes.

BENEFITS OF CITIZEN PARTICIPATION

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

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

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

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

DESCRIPTION OF THE TOOLS AND THE CASE STUDIES
CONTEXT IN WHICH THE TOOLS WERE CONCEPTUALISED

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

Through its experience in working with communities, Planact developed and tested two different tools to enable the improvement of citizen collaboration and participation, and leverage transformation in local government processes. The aim was to use these tools to facilitate the inclusion of previously marginalised and disadvantaged communities. These tools are:
※ Participatory Budgeting Tool.
※ Municipal Accountability Tool.[2]

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

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

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

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

IMPLEMENTING THE PARTICIPATORY BUDGETING TOOL AND ITS ACHIEVEMENTS

The overall objective of the participatory budgeting pilot project in Makhado Local Municipality (MLM), was to get citizens to learn and understand how budgeting of their municipality was done and how they could be involved in the process. The process in the MLM was previously documented by Idasa (2011), in which Idasa described a situation where the MLM did little to involve citizens in its day-to-day affairs. Idasa found a top-down[3] approach that was inconsistent with the essence of the WP.

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

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

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

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

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

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

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

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

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

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

IMPLEMENTING THE MUNICIPAL ACCOUNTABILITY TOOL AND ITS ACHIEVEMENTS

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

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

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

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

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

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

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

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

FINDINGS

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

earmarked for relocating was relocated in April 2018.

One of the manifestations of the breakdown in the relationship between local communities and the municipality before Planact's intervention, was that of community protests[4] among many other protests that have been witnessed in the country since 2004. These protests have left many undesirable outcomes. Figure 1 below gives statistics on municipal service protests from 2004 to 2017 totalling 1377, which illustrates how citizens have felt and still feel about their respective local governments' service provision. This result could be attributed to local government not fulfilling its mandate due to poor management, or due to strained resources within the local government that do not match demand. If it is the latter, citizens would not have known it, implying that there was lack of adequate collaboration and communication between the state and citizens. In the case study areas, protests took the form of communities barricading public roads before Planact's intervention.

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

Source: Municipal IQ - Municipal Hotspots Monitor

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

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

CHALLENGES TO EFFECTIVE PUBLIC PARTICIPATION FROM THE CASE STUDIES

Although Planact's tools provide different and feasible ways of how citizens can be involved in the affairs of their respective local councils, these tools do not provide ways of tackling some of the deep-seated shortcomings within the councils. One of the aspects the tools must consider is to include ways of advocating to the Department of Cooperative Governance on issues where local government has not complied according to the systems that flow from the legislative framework.

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

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

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

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

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

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

RECOMMENDATIONS TO IMPROVED CITIZEN PARTICIPATION

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

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

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

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

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

CONCLUSION

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

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

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

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

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

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

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

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NOTES

[1] During its pilot project work with various community partners.

[2] These Tools were developed and implemented at different times and in different communities, and they were conceptualised based on the short comings Planact observed in citizen participation and collaboration with the state. The collaboration and citizen participation are also stipulated as some of the objectives in the White Paper to be achieved.

[3] Municipal processes had very limited consultation with the citizens and most plans and decisions were undertaken with the absence of citizens' consent or even knowledge.

[4] Statistics on municipal service provision protests from 2004 to 2017 are shown in Figure 1 below on page 35.