



## INTRODUCTION: RECOGNISING COMMUNITY VOICE AND DISSATISFACTION

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*The South African local government sphere is in a state of rapid flux. The municipal elections in 2011 add a further degree of change and uncertainty to this already challenged and complex context, notwithstanding what the call for a single election thereafter might hold for developmental local government.*

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**The South** African local government sphere is in a state of rapid flux. The municipal elections in 2011 add a further degree of change and uncertainty to this already challenged and complex context, notwithstanding what the call for a single election thereafter might hold for developmental local government. Low fiscal reserves, poor management, service delivery backlogs, rising community protests and the pressures of a developmental local government are only some of the contestations that only

just begin to scratch the surface in terms of what local government has to urgently address. These challenges are not new, as any observer of local government politics would assert. Local municipalities inherited many of these dilemmas and predicaments from an apartheid regime and these have continued to affect the form and shape of local governance to date. But the need to deal with these issues is perhaps becoming more urgent in the face of increasing public protests, in both number and

intensity. The recurring nature of these protests brings to the fore two interconnected and glaring facts. First, the state, including local government, has not responded to the needs repeatedly raised by communities during protests and, as a minimum, failed to communicate clearly as to why these needs and concerns have not been adequately addressed. Secondly, the structures and processes to express dissent, set in place by local government legislation, are inadequate and have failed to provide space for the fair and inclusive expression of voice, particularly for the poor and marginalised of South Africa.

The problems of service delivery experienced at the local government level and the complexities of public participation raise a multitude of inter-related questions. What is 'voice'? Whose voice is heard and how is it represented? Where is voice commonly expressed? What is the outcome of these expressions? Do regulated spaces appropriately channel excluded and/or marginalised voices or do institutionalised invitations to participate in the processes of governance reproduce and maintain the existing status quo? Where, why and how do 'organic' spaces of participation operate? The answers to these questions are not simple as they open up a wide-range of debates, and the contributions in this publication provide various answers and perspectives on these debates. They highlight the fact that any analysis of public participation needs to be nuanced, and emphasise that the focus should not merely be on how the institutional and legal system and/or the policy environment should be transformed, but on what needs to transpire in the space of governance to enhance the depth and breadth of public participation.

This paper begins with problematising current thinking and practices around public participation, first from the perspective of a state response, and second from a more theoretical positioning of public participation. This discussion will particularly address

the argument of representivity of voices in 'invited' and 'invented' spaces<sup>2</sup> as nodes for public participation. The discussion then turns to consider the institutional spaces of participation and examines some of the criticism that is levelled against state-sanctioned public participation processes, especially in relation to the implications of weak institutional mechanisms of participatory democracy for marginalised people in our society. Of course, the expression of voices transcends these institutional spaces of engagement, and South Africa is no stranger to a growing trend of public protests where communities of interest mobilise outside of state-sanctioned spaces for engagement. The last section of this introduction examines community-driven protests in the most recent past.

The GGLN-member contributions in this publication approach these debates from different angles and are intended to critically enhance government and civil society's understanding of the importance of recognising community voice and dissatisfaction as a legitimate alternative to pre-defined and state-sanctioned modalities of public participation. While the contributions vary in terms of focus, emphasis and proposed way forward, they share a common concern with the technicist, procedural and instrumentalist approach that has (by and large) come to underpin public participation in South Africa – a concern also recognised in the paper by the Project for Conflict Resolution and Development (PCRD) in this publication in relation to equity and local governance. As a result, the essence (and inherent 'messiness') of public participation (and, for that matter, equity) has for the most part evaporated. Embedded in this publication, therefore, is an urgent appeal to 'put the mess back in', so to speak, and ensure that public participation, in whatever shape or form, is meaningful, rather than ritualistic.

### PROBLEMATISING CURRENT THINKING AND PRACTICE AROUND PUBLIC PARTICIPATION

#### THE STATE RESPONSE

It would be incorrect to suggest that the state has not recognised or is unwilling to address the litany of dilemmas in local government and local governance. Over the year, numerous – some more, others less successful – initiatives have been put in place, ranging from Project Consolidate, the Planning, Implementation and Management Support Programme (the deployment of technical expertise in district municipalities), and Project Viability, to mention but a few. Since 2007 there have also been a number of stop-go efforts to review local government with the intention of revisiting and revising the White Paper on Local Government, although to date this process has not been completed and seems to have been stalled indefinitely. In 2009 and 2010 especially, the state has taken measures to turn public perception of local government around. The catalyst has primarily been the growing spate of public protests, which at times have become violent in both form and consequence.

In December 2009, the Local Government Turnaround Strategy (LGTAS) was adopted by Cabinet with the broad aim of restoring the confidence of the majority of South Africans in municipal governance. Government's past failure to address problems raised by communities is explicitly recognised:

Most of the issues on which communities have resorted to protesting about, have been raised with leadership at mostly the local and to an extent, provincial spheres of government. Memoranda have been submitted, letters have been written and meetings have been held, but government has not been responsive. The LGTAS seeks to change this state of affairs on a long term and sustainable basis.<sup>3</sup>

With an overall objective of transforming the imagery of municipalities into one which drives the developmental state at the local level, the LGTAS is aimed at rebuilding and improving the basic requirements for a functional, accountable, responsive, effective and efficient developmental local government. The strategy is underpinned by objectives that include meeting basic needs of communities, improving municipal performance through professionalisation, enhancing national and provincial policy, oversight and support, and finally strengthening partnerships between local government, communities and civil society. Furthermore, one of the outputs embedded within these objectives is to 'deepen people-centred government through a refined Ward Committee Model' (LGTAS 2009:36). This includes a review of the legislative framework for ward committees to promote broader participation of various sectors and propose new responsibilities and institutional arrangements for ward committees. This was a priority for 2010, while for 2011 one of the deliverables is to improve the resourcing and funding of the work of ward committees. Finally, support measures for ensuring that at least 90 percent of all ward committees are functional by 2014 is also a key feature of the LGTAS.

Beyond the LGTAS, each municipality was tasked with developing its own Municipal Turnaround Strategy (MTAS) by March 2010, with the aim of isolating and identifying localised issues within each municipality. Combined, these strategies at localised and national level hold the alluring prospect of real change, not only in what local government does and how it does it, but ultimately in the lives of millions of people who find themselves at the margins of society.

Unfortunately, the resoluteness that characterised the launch of the LGTAS has not been matched with an equal determination to ensure its effective

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implementation. While the strategy was accompanied by an implementation plan, this was not fully implemented (for example, the proposed Ministerial Advisory Committee and Civil Society Reference Group were never established). The LGTAS further lacked a monitoring framework, one that would assist municipalities in assessing progress made towards their MTAS. Also, municipalities were expected to develop their MTAS in a very short space of time, leaving little opportunity for meaningful reflection and broad-based engagement on the key levers that would be instrumental in the required 'turnaround'.

Despite being put into place over a year ago, it is not yet clear to what extent the LGTAS signals real change, or is simply more rhetoric. What is the likelihood of real transformation in the way that local government functions as a consequence of LGTAS? Does the strategy fundamentally address the root causes of problems affecting/stemming from the system of local government which ultimately result in widespread community protests, or is this simply another tool to appease a frustrated and disgruntled public into believing that real change is forthcoming? And to what extent are the promises of LGTAS different to what the White Paper envisioned for developmental local government as far back as 1998?

To a large extent, the successful implementation of LGTAS rests on a skilled and responsible human resource base within local government and the Department for Cooperative Governance and Traditional Affairs (Cogta) is undertaking a number of steps to meet this need. In September 2010, Minister

Sicelo Shiceka called for a local government cadre of 'a special type' to provide high quality services and implement LGTAS: 'These must be skilled and competent cadres capable of delivering. It must be cadres who are servants of the people and who work selflessly and diligently'.<sup>4</sup> The Department is also enhancing its own internal capacity so that it is able to respond rapidly to communities that have or are about to embark on protest action by delving deeper into identifying and understanding the issues that underlie 'pressure points' in order to seek solutions before public protest is warranted.

Cogta is also engaging in a Legislative Review Programme (LRP). This is a process to identify provisions in laws that hinder service delivery and development. Through workshops held across all levels of government, the LRP has shown that there are provisions in a number of laws that either overlap or are contradictory. Some provisions are difficult to implement and may be inconsistent with the Constitution if passed before 1994, and there are also gaps.<sup>5</sup> According to the Deputy Minister of Cogta, Yunus Carrim, 'Post 1994, many pieces of legislation have been passed and at times they do not talk to each other, which leads to duplications and possibly over regulation, which in turn affects a speedy service delivery decision making process'.<sup>6</sup>

Parallel to Cogta's initiatives, Parliament also set up an Ad Hoc Committee on Coordinated Oversight on Service Delivery in September 2009 which was tasked with the specific role of identifying the root causes underpinning increasingly violent service delivery protests. The committee had undertaken a comprehensive programme of visits to

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all communities affected by service delivery protests across the nine provinces. In September 2010, the committee released a report which highlighted the multi-faceted and interconnected challenges that aggravate tensions and fuel violent service delivery protests, and also made a number of recommendations in this regard. Some of the hindrances to service delivery are identified as a shortage of skills within municipalities, a lack of funding for infrastructure in particular housing projects, poor financial control, perceived corruption and poor communication. While the committee noted that failures in service delivery had made local government the obvious target of citizen protest, they were representative of failures in intergovernmental processes, such as disagreements between local, provincial and national government which negatively affected the quality of delivery (Parliament of RSA, 2010:5). Overall, the committee argued for the need to address the quality of governance which aggravates tensions between communities and municipalities, which in turn, incite service delivery protests. Critics, however, argue that the report is thin on identifying the *real* weaknesses that underlie the problems and that the true obstruction is instead about how and where money is spent. They argue that unless resources are redirected, no change in the service delivery landscape is likely.<sup>7</sup>

Further evidence that the state is cognisant of some of the inhibitors to effective and efficient service delivery in South Africa and that proactive measures are being taken to address some of these problem areas is the introduction of the Municipal Systems Amendment Bill. While community protests have brought wide-spread attention to the acute gaps in delivery on basic services, the protests have also highlighted other critical weaknesses in local government, including weak leadership, lack of accountability and transparency, poorly capacitated administrative systems and a blurring of boundaries between political and administrative structures. This Bill is an attempt to deal with issues internal to the municipal administration that at the end of the day impede service delivery and raise frustrations among communities. Notwithstanding some of the limitations in the Bill which particularly relate to the extent to which legislative provisions can address matters related to political culture, the fundamental shift towards the greater professionalisation of municipalities is necessary.<sup>8</sup>

While a number of initiatives have been taken to transform and strengthen local government and to rebuild the trust and confidence among the general public, the question remains: to what extent do these initiatives address the real issues on the ground? Do they deal with the actual causes of protest action? Is the state's attention accurately directed? Is it essentially about where and how money is spent on service provision, or is there something else that needs to be considered? While material and systemic grievances are key drivers of the protests, this increasingly common trend of expressing dissent suggests that the available mechanisms to interact and raise grievances with local leadership are hugely inadequate.<sup>9</sup> As such, inventing new spaces to express their dissatisfaction may be the only effective recourse that communities have to capture the

attention of government. There is, however, little indication that the state has recognised and accepted the resilient and lasting nature of such protest activity. Instead, its focus has been on reforming the existing system of public participation – without necessarily expanding on the repertoire of existing fora and structures – rather than on constructively engaging within this alternative space. Calling for a reform of the ward committee system, for example, will not necessarily mean that the quality of interaction in this space fundamentally changes, thereby dissolving the need for public protests. The state's failure to recognise the importance and endurance of community-initiated spaces for expression of voice may be one of its most serious oversights.

### **PARTICIPATION, POWER AND VOICE**

In its simplest sense, public participation is about giving ordinary people a meaningful opportunity to exercise voice in processes that shape the outcome of development that has a direct bearing on their daily lives. According to Buccus, Hemson, Hicks and Piper (2007:3), public participation is essential in any society as it enhances development and service delivery. Participation is also necessary because it deepens the process of democracy as well as makes government more effective. As Ballard (2008:170) notes, 'where citizens themselves are able to influence decisions, the imperative of addressing suffering becomes far stronger and more direct'. Raising complaints in institutional structures and participation in decision-making, organised protest action, lobbying, and participation in elections all constitute different expressions of voice.

Hemson et al. (2007:10) describes three levels of participation in local government. The first relates to formal electoral participation in the form of voting at national and municipal elections, which achieves the highest levels of participation. The second type of

participation is via official structures or invited spaces. Izimbizo, ward committees and participation in Integrated Development Plans (IDP) are forums where this participation could potentially take place. The third type of participation is of a more informal type characterised by 'marches, memoranda and the setting up of alternative community structures'. Any of these modalities for participation offer an opportunity to exercise citizens' rights<sup>10</sup> by being part of the processes of governance (Cornwall 2002:23). Each kind of participation, however, yields varying degrees of citizen influence. Greenberg and Mathoho (2010:8), drawing on the work of Arnstein (1969), describe participation as something that ranges from manipulation and therapy (a form of tokenism which involves consultation and placation) to delegating full power and control to citizens. Somewhere in the middle of this spectrum are citizen-government partnerships which involve at least some degree of negotiation. According to the authors, in South Africa public participation vacillates between tokenism and partnership.

Cornwall (2002:3-4) argues that 'participation extends beyond making active use of invitations to participate, to autonomous forms of action through which citizens create their own opportunities and terms of action'. She adds that there are two kinds of spaces – 'invited' versus 'claimed' – which exist alongside each other and are both imbued with different sets of power relations. Drawing on the work of Lefebvre and Foucault, Cornwall (2002:8) posits that

spaces in which citizens are invited to participate, as well as those that they create for themselves, are never neutral. To make sense of participation in any given space, then, we need also to make sense of power relations that permeate and produce these and other spaces.



The paper by Afesis-Corplan in this publication elaborates further on how power dynamics infuse both formal/invited and invented/claimed spaces.

Participation within mainstream spaces, i.e. pre-determined structures and processes created by government, is often seen as a means of achieving efficiency and sustainability in development projects. This approach to public participation, however, is increasingly regarded as being constrained by a number of limitations (Sinwell, forthcoming). For example, this approach does not have the potential to transform power relations if participation is seen as only being legitimate when it is confined to parameters defined by the state. Sinwell (forthcoming) critically examines the argument put forward by Cooke and Kothari,<sup>11</sup> who advocate that participation in these terms should be abandoned altogether, mainly on the basis that mainstream participation legitimises the interests of those in power while leaving the economic and political structures largely intact because '[t]hose participating in invited spaces may have to do so within the parameters of those who have done the inviting' (Sinwell, forthcoming).

Cornwall (2002:18) concurs, noting that the structure and form of these 'bounded' spaces affects 'how issues are debated within them, how the perspectives of different kinds of participants are viewed, whose participation and contributions are regarded as legitimate, and indeed who gets to participate at all'. Cornwall adds that creating these spaces is an act of power in itself: 'The intervention of powerful actors in creating an ever-expanding number of spaces into which citizens are invited to participate may have the effect of neutralizing energy for engagement outside them and may render other spaces for voice illegitimate' (2002:8). Ballard (2008) echoes this view by suggesting that the 'danger' of formal participation spaces is that they can serve to delegitimise grassroots voices.

In contrast, 'invented' spaces

emerge more organically out of sets of common concerns or identifications . . . These may be 'sites of radical possibility' where those who are excluded find a place and a voice . . . What distinguishes them is that they are constituted by participants *themselves* rather than created for the participation of *others* (Cornwall 2002:17) (emphasis in original)

The potential of this kind of pressure should not be underestimated. A rich history of public participation through social movement activity in South Africa can be used to build an understanding of the importance of these invented spaces among citizens, civil society and government. As Friedman (2006) notes, mobilisation was critical in bringing about the democratic processes of change in the country. Cornwall (2002:20-21), however, warns that even 'alternative interfaces' are not free of power differentials. Because participating in these spaces involves some act of identification, those who do not share in the dominant identity can be further marginalised. Therefore, even though

such spaces can provide the terrain at the margins from which marginalised people can organise...[t]hey can also work to deepen the exclusion of minorities, by representing the voice of the majority or occupying space by asserting the right to speak about and for "the people" (2002:21).

One could argue that representation of voices in any space of participation is one of the key factors that drives the processes and outcomes of a particular type of engagement. This representation is further-

more embedded within unequal relations of power that serve to exclude some segments of a society; usually those who most require a fair expression of their voices.

### INVITED SPACES: INEFFECTIVE AND INADEQUATE

Examining the extent of public participation in different spaces for engagement can provide an indication of the perceived expectations and consequences of yielding power in that context. Public participation, or more particularly the lack of it in state-provided spaces, could be regarded as a demonstration of the degree of trust and confidence that citizens have in their state and its democratic processes, including its institutions of participation as well as the propensity for people to vote in elections. A nationally representative survey conducted in 2005 shows that respondents who are satisfied with their government are more likely to vote in municipal elections (HSRC 2006:14). According to Greenberg and Mathoho (2010:14), if citizens

become increasingly sceptical and distrustful of political parties and institutions, and/or view them as corrupt, there is declining political participation. This widening gap between citizens and state institutions results in 'diminished democracy' (citing Hicks 2005).

The one form of public participation that engages the highest number of participants in any country is the casting of one's vote during elections. For Williams (2007:16), local government elections - albeit a formal and regulated type of public participation - is an important form of community participation as a way to influence development strategies and to give a voice to communities.

'The importance of such elections lies not merely in terms of the specific votes cast for particular parties, but also to the extent to which specific communities, albeit through regulated participatory spaces, are allowed to debate and consider issues germane to their everyday, lived experiences in their particular communities' (Williams 2007:16).

### PATTERNS OF VOTER TURNOUT IN LOCAL ELECTIONS

Voter turnout in 2000 local government elections

PROVINCE	REGISTERED VOTERS	REGISTERED VOTERS X BALLOT TYPES	VOTES CAST FOR ALL BALLOTS	% VOTER TURNOUT
Eastern Cape	2,552,287	7,165,019	3,918,574	54.69%
Free State	1,227,578	3,682,588	1,807,228	49.07%
Gauteng	4,375,372	9,507,561	4,131,639	43.46%
KwaZulu-Natal	3,508,154	9,272,767	4,379,139	47.23%
Limpopo	1,758,593	5,272,668	2,219,643	42.10%
Mpumalanga	1,419,315	4,257,725	1,896,657	44.55%
North West	1,263,004	3,788,938	1,690,477	44.62%
Northern Cape	452,218	1,343,570	772,609	57.50%
Western Cape	1,955,454	4,576,297	2,663,008	58.19%
<b>Total</b>	<b>18,511,975</b>	<b>48,867,153</b>	<b>23,478,974</b>	<b>48.05%</b>

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## RECOGNISING COMMUNITY VOICE AND DISSATISFACTION

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### Voter turnout in 2006 local government elections

PROVINCE	REGISTERED VOTERS	REGISTERED VOTERS X BALLOT TYPES	VOTES CAST FOR ALL BALLOTS	% VOTER TURNOUT
Eastern Cape	2,903,106	8,185,243	4,588,790	56.06%
Free State	1,318,408	3,955,075	1,868,557	47.24%
Gauteng	4,785,955	10,310,355	4,379,383	42.48%
KwaZulu-Natal	3,964,817	10,498,327	5,308,650	50.57%
Limpopo	2,146,048	6,436,420	2,679,890	44.74%
Mpumalanga	1,546,728	4,637,692	2,149,802	46.35%
North West	1,554,864	4,664,592	2,128,449	45.63%
Northern Cape	528,657	1,572,467	841,485	53.51%
Western Cape	2,301,371	5,394,471	2,793,554	51.79%
<b>Total</b>	<b>18,511,975</b>	<b>48,867,153</b>	<b>23,478,974</b>	<b>48.05%</b>

Source: Independent Electoral Commission (IEC), [www.elections.org.za](http://www.elections.org.za), retrieved 28 March 2011

Participation in local government elections not only enhances development and service delivery through the election of suitably identified candidates for local office, but it also holds promise for a more effective government by holding elected representatives accountable for ensuring that the principles of good governance are adhered to. In this vein, the 2011 local municipal elections provide a critical opportunity to reinstate good governance by voting for leaders who emulate these principles and who are committed to transparency and accountability. Electoral trends serve as a sobering reality on this optimistic expectation, though, as they indicate that even in areas where service delivery protests have taken place there is a tendency to express party loyalty (Booyesen 2007). In actual fact, local elections in South Africa are generally dominated by national politics, as opposed to local issues and concerns, and the vast majority of local candidates are supported by, and ultimately accountable to, political parties and their centralising tendencies. As such, the recent call for a single election in South Africa from 2014 may simply reinforce what is already commonplace, yet it does raise profound questions

about the quality of local governance and possibly even the independence of the local government sphere in the future.

### WARD COMMITTEES

The Municipal Structures Act (1998) and the Municipal Systems Act (2000) are key pieces of legislation in the local government realm that enshrine public participation. The formal system of participation in South Africa has been criticised from a number of perspectives. Overall, the analysis points out that participatory structures installed by the legal framework are ineffective and serve more as consultative forums rather than providing real opportunities for communities to express their voices, particularly for the poor. The forms of participation created by the acts mentioned above 'are overwhelmingly forms of public consultation rather than the actual participation of civil society or local communities in decision-making or implementation' (Buccus et al, 2007:10). Sinwell concurs that participation in these terms amounts to giving consent or being informed about potential interventions, and argues that participation 'may be used to speed up consultant or state driven

development projects, but never to encourage active agency outside of the preconceived government parameters' (Sinwell, forthcoming).

Furthermore, Friedman (2006) argues that formal participation mechanisms created within the institution of the state do not engender participatory governance, partly because the participation processes do not allow for policy to be influenced in a qualitative manner, and partly because the voices of the poor, who would benefit most significantly from participating in government decision-making, are not heard. He goes on to note that 'perhaps the most significant indictment of structured participatory governance mechanisms is that they have not enabled the authorities to understand the needs of the poor' (Friedman 2006:11).

This line of argument should, however, take cognisance of factors that can impede the participation of marginalised groups in processes of participation. For example, in terms of the involvement of women in formal invited spaces of engagement, Sithole, Todes and Williamson (2007) argue that while women's voices need to be heard and represented at all levels and in all types of development initiatives such as IDP processes and Local Economic Development (LED) projects, there are some considerations to take note of in terms of what influences their participation. In under-resourced municipalities, the struggle for bread-and-butter issues can often take precedence over the need to have equitable representation of women in the relevant structures. Water, fuel and food shortages are sometimes the more immediate concerns for poor women, after which participation and equal representation can follow at a distance in terms of priorities, which is an impediment to equitable representation and responsive governance.

Another impediment to qualitative participation by poor communities is the very technocratic nature of the key participatory instruments that municipali-

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ties use. Budgeting and IDP processes are often so technical in nature and are driven by such tight time constraints that poor communities are excluded from participating in these processes from the onset.

Arguably, the centrepiece of the current system of public participation is the ward committee system, which had a great deal of promise embedded within it when installed by the Municipal Structures Act (1998). The purpose of ward committees is to encourage participation from the community to inform council decisions, to effectively communicate between the local council and the community, and to assist the ward councillor with consultation and report backs to the community.

It has turned out, however, to be a highly contested space of public engagement mainly on the basis that it lacks decision-making clout. Smith and de Visser (2009) use six case studies to provide an account of where the problems lie within the ward committee system. They argue that ward councillors are often perceived as extensions of political parties and this is a major impediment to citizen participation in these structures. Similarly, Greenberg and Mathoho (2010: 14) point out that participation may be affected by the perceived manifestation of party politics in ward committees. The restrictions of the powers of these committees, a lack of clarity of their roles, as well as a lack of training and resources and limitations in skills and expertise of ward committee members, are also some of the obstacles to an effective system of participation in this context (Buccus et al 2007, Smith and de Visser 2009).

In practical terms, these committees are flawed in their functioning in terms of sustaining ward committee members' interest and participation, high turnover of members, no clear terms of reference, and poor working relationships between councillors and committees (Smith and de Visser 2009). A lack of access to information is also a problem that hinders the effective working of ward committees as does the limited perceived influence on decision-making within the municipal council (Smith and de Visser 2009:16-22). In the first *State of Local Governance Report* by the Good Governance Learning Network (GGLN 2008:30), the lack of clarity around the roles of ward committees, the lack of resources to conduct their activities, and poor representivity are similarly identified as problems within the ward committee system. The paper by Idasa in this publication elaborates more on this, adding concerns such as the politicisation of ward committees and the tensions between ward committees and Community Development Workers (CDWs), Councillors and traditional leaders respectively. In the context of these weaknesses and shortfalls in this formal space for public participation, there is indeed little incentive for people to participate in them.

Ballard also critically questions whose agendas and voices are represented at ward level meetings, reminding us of Cornwall's warning of the embeddedness of power dynamics in these spaces. It is not only the state that determines these agendas, but local civil society that acts as the representative voice may not adequately or accurately capture the concerns of their constituencies or access the most marginalised voices. The same argument may hold true for the representivity of voices in organically derived spaces.

Similar to Ballard, Smith and de Visser (2009:22) add that 'formally created, government sanctioned 'invited' spaces such as ward committees

crowd out other spaces through which citizens prefer to participate on their own terms'. They go on to note that 'most municipalities have come to rely solely on ward committees as the only legitimate conduit for engaging community members. Ward committees have thus been set up in competition with, or even to the detriment of, a range of other structures and processes through which citizens also participate in local governance' (Smith and de Visser 2009:21). An alternative, and more positive, scenario is presented in the case study on Impendle in KwaZulu/Natal from the Built Environment Support Group (BESG) which illustrates how existing community structures can serve to support ward committees that struggle to execute their mandate in widely dispersed areas.

### TRADITIONAL AUTHORITIES

The public participation sphere recognises the importance of a parallel system of local governance in rural areas that creates a role for the co-existence and operation of both traditional authority and a democratically elected local government. Traditional leaders continue to have an influence over matters affecting their communities, such as the administration of land-related issues. As outlined in the White Paper on Local Government which sets the framework of the cooperative model for rural governance, traditional leaders are given formal representation in the Municipal Council. In this capacity, traditional leaders can potentially play an integral role in developing the local area and their communities through their influence in land allocation and the settling of land disputes, engaging with government on the development of their areas including advising Council on the needs of their communities, and promoting the participation of their communities in decisions that have a direct bearing on them.

The dualism in rural governance, however, is not without its own set of complexities and challenges.

Firstly, the overlap between the roles and responsibilities of traditional authority and municipalities can serve as a source of tension and negatively affect the momentum of service delivery. Secondly, unbalanced representivity and inequitable power relationships make it important to consider the extent to which traditional leaders fairly and equitably represent the voices of all members of their community. For example, traditional authorities can unfavourably skew the distribution of rights with respect to land access and service delivery at the expense of women in rural communities. In addition, the extent to which community voice is translated into practice in this dual system needs to be carefully examined, an issue that is further explored in the contribution from the Trust for Community Outreach and Education (TCOE) in this publication. Does it offer a real opportunity to exercise voice and agency or is it another forum that exists as a consensus-building and information sharing platform in which the balance of power in the dual rural system of governance is tipped in favour of one of its parties?

### TRANSFORMING INVITED SPACES: RECOGNISING POWER

The weaknesses in formal, 'invited', spaces of participation noted above point to the need to transform these institutional structures of participation. Sinwell (2009 and forthcoming) cautions that simply reforming the system will not lead to a qualitative or fundamental shift in the way these structures operate and adds that reform is unlikely to change the development realities on the ground or transform the power dynamics that shape the nature and purpose of these spaces. Friedman (2006:3) similarly argues that '[c]itizen participation in government – and in particular that of the poor – is more likely, therefore, not when governments create formal mechanisms to ensure it but when they develop attitudes and institutions accessible to

citizen action'. The lack of participation of the poor in formal structures is not due to the inability of the poor to represent themselves in these platforms. Instead, the problem of the inability of the poor to participate lies

in the capacities expected of participants in structured participation exercises – the ability to engage, usually in English, with technical issues in settings where the degree of technical background expected, the ambience and the way in which meetings are run, combine to make these forums at which the voice of the poor cannot be heard, even if they happen to get to the table (Friedman 2006:14).

Importantly, the poor speak with multiple voices:

If policy is to reflect grassroots preferences, these voices need to be heard in conversation with each other in open, democratic processes in which multiple voices compete to win the argument and in which the voices of the poor engage in negotiation and compromise with each other and with those who command power and wealth (Friedman 2006:14).

While there is some level of consensus about the need to transform state-provided spaces of engagement to ensure more meaningful and inclusive public participation, there is less agreement about what exactly needs to be changed and how best to achieve that. Also, while the emphasis is largely on 'fixing' or strengthening existing spaces, such as the ward committee system, much less attention is given to the need to expand the repertoire of invited spaces, through initiatives such as participatory budgeting,

citizen scorecards and community based planning, for example. The paper from the Democracy Development Programme (DDP) in this publication makes a case for expanding the space for community engagement and oversight.

Perhaps more importantly, though, the debate about the weaknesses of the ‘invited spaces’ is largely silent on a critical point alluded to by Friedman in the quote above: that participatory governance involves prioritisation, negotiation, trade-offs and compromise. The temptation to remove or minimise these tricky and complex characteristics and sidestep contestation is perhaps understandable, but not particularly helpful if the intention is to strengthen local governance, (re)build trust in local government and facilitate the expression of voice, particularly by those who are marginalised.

### COMMUNITY-INITIATED SPACES OF ENGAGEMENT

Given that the current state-provided spaces of engagement are riddled with limitations that do not allow for the effective channelling of voices or for a negotiated consensus to emerge, it is hardly surprising that communities have elected to engage the state in their own spaces and on their own terms. South Africa has a vibrant history of social mobilisation and communities draw on this legacy as they assert their claims on the (local) state.

There are a wide variety of community-initiated spaces of engagement with the state and two such examples are featured in this publication: the Community Law Centre’s contribution reviews the withholding of rates as an emerging form of protest, whereas the case study on Balfour from the Electoral Institute for the Sustainability of Democracy in Africa (EISA) shows how violence becomes a last resort for a community that perceives government as unresponsive. While some forms of community-initiated engagement are quiet and behind the scenes and

According to Municipal IQ’s Municipal Hotspot Monitor, protest action does not necessarily take place in the poorest municipalities of South Africa, nor do those municipalities with the worst service delivery records show the highest levels of protests. Instead, better performing municipalities tend to register higher levels of protest activity. Relative, rather than absolute, deprivation is regarded as one of the key drivers of the wave of protests.

others are more visible, what has captured the attention of both policy makers and the media in recent years is the rise in community protests. In particular, attention has focused on those protests that have been accompanied by public violence, although these are by far in the minority compared to other forms of expression of voice and dissatisfaction.

Importantly, the dissent that is directed at local government in these spaces can be misplaced. The Ad Hoc Committee on Co-ordinated Oversight on Service Delivery found that some of the issues raised in community protests are priorities of national and provincial government. However, since local government is the interface, this sphere of governance is an easy target to blame for inadequacies that may fall outside of its mandate. On this basis, the Committee argues that ‘municipal service delivery protests’ can therefore be a misnomer (Parliament of RSA 2010: 5). The paper by Planact in this publication picks up on this theme and explores how human settlements development involves all three spheres of government and that community dissent can be wrongly directed at one sphere, i.e. local government.

It is of interest to note where community protests have taken place and what drives them, beyond the often stated lack of service delivery. Some

of these drivers have been identified by the Ad Hoc Committee on Coordinated Oversight on Service Delivery, as highlighted earlier. According to Municipal IQ's Municipal Hotspot Monitor, protest action does not necessarily take place in the poorest municipalities of South Africa, nor do those municipalities with the worst service delivery records show the highest levels of protests. Instead, better performing municipalities tend to register higher levels of protest activity. Relative, rather than absolute, deprivation is regarded as one of the key drivers of the wave of protests. Municipalities that are perceived to have a better service delivery record also serve as attractive settlement options for migrants, who are eventually met with the stark reality of high levels of unemployment and competition for already scarce resources in mostly informal urban areas.<sup>12</sup> According to Municipal IQ, poor communication between municipalities and communities also adds fuel to the fire.<sup>13</sup> In sum, where in-migration is high and expectations remain unmet, the propensity for community based protests is heightened:

The sense of relative deprivation, and inequality within an urban context, is key to understanding why protests take place... Add to this the marginalisation and exclusion felt by communities in informal settlements and the general desperation for services in these areas, and top it all up with a lack of information from the municipality. In this environment a fast spreading rumour of mismanagement or corruption or nepotism is all the spark needed to set off a violence fuelled protest (Allan and Heese Municipal IQ).

Xenophobia rears its ugly head in these resource-constrained contexts. Competition for land, housing and employment, dissatisfaction with service delivery, and feelings of being relatively deprived, conveniently

place foreign nationals, especially African foreign communities, as the targets of dissatisfaction.<sup>14</sup> This has become particularly evident in the painful episodes of communal violence since 2008, targeted primarily at African foreign nationals. It is worth noting, though, that the warning signs had been there for quite some time, yet government had not taken those very seriously (Harris 2001, Palmary 2002). So while the violence of 2008 in particular thrust the issue of xenophobia into the spotlight, intolerance and prejudicial attitudes have been simmering under the surface of the rainbow nation and have not been adequately confronted.

The public violence that has come to accompany some, but by no means all, community based protests should be of concern to anyone concerned with the state of democracy in South Africa. While the underlying grievances and frustrations may be legitimate and public protest may be the only means to capture the attention of relevant stakeholders, the use of public violence is neither justifiable nor constructive. In any event, it is unlikely to yield a productive response from the leaders whose attention protestors are hoping to capture as their response will focus on the violence that ensues rather than the substantive issues that have set the scene for a call to protest in the first place. Also, while individuals and communities are negatively impacted by this type of engagement, other more symbolic casualties include the critical elements of social cohesion, the freedom of expression, and perhaps most unfortunately the democratic project in South Africa.

It is against this background that Deputy President Kgalema Motlanthe, commenting on violent protests, pleaded: 'In a democratic era, I urge you to use democratic institutions available to us to voice our grievances and demands'.<sup>15</sup> Unfortunately, his plea fell short of a call to review whether the institutions made available for these purposes are sufficiently accessible and responsive.



Also, on its own, a change in institutions, policies, laws and procedures is unlikely to lead to greater participation in regulated spaces. Instead, the state needs to find ways of constructively engaging with communities in these spaces, which essentially means accepting that the terms and dynamics of interaction cannot be determined by the state alone. This is imperative to (re)build trust and confidence in the state and its democratic institutions.

Violent or not, the state's initial/main response to community based protests has primarily been one of intolerance, because these protests fall outside of the parameters of the formal regulated system of public participation. While more recently the state has been pursuing efforts to better understand and respond to the dynamics at play in these spaces (by professionalising the municipal administration, for example, and by reviewing the ward committee system), there does not seem to be an explicit recognition from the state that these organic spaces of voice expression are an important feature of a vibrant local democracy. While there are undoubtedly opportunities to better facilitate the expression of voice and dissatisfaction in formal spaces of public participation by strengthening and expanding both the culture and the practice of participatory local governance, it is important to recognise that community-initiated actions outside of these 'invited spaces' are legitimate expressions of voice and agency.

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the state alone. This is imperative to (re)build trust and confidence in the state and its democratic institutions. Accepting the expression of voice in this context can in and of itself build trust since participation is 'not just a means to achieve distributive ends, but also a means to alter processes and relationships themselves' (Ballard 2008:172). An equally critical element is to capacitate especially those on the fringes of society to equally and fairly exercise their democratic rights to shape the conditions that affect their lives.

Whereas the expression of community voice and dissatisfaction should be an issue of interest to the democratic state, it should equally arouse the interest of other stakeholders in the local governance sector, in particular organised civil society. While the determination of poor communities in particular to claim spaces of engagement with the state gives much cause for celebration, it is important not to be oblivious to inherent dynamics of power and inclusion/exclusion, the possibility of exploitation and questions of durability. The contribution from Isandla Institute in this publication reflects on the implications of the inadequacy of 'invited spaces' and the emergence of more radicalised 'invented spaces' for the traditional 'intermediary sector', i.e. NGOs.

### CONCLUSION

The recurrence of community protests have brought into sharp focus the challenges pertaining to local government and, more specifically, the narrow base for meaningful and inclusive public participation in local governance and development. This paper has sought to surface a number of critical points. First, whereas the current focus on formalised spaces for public participation is both welcome and needed, more critical is the need to (re)instil a *culture of public participation*, which would find expression in a wide variety of institutional forms as well as attitudes

and relationships. Secondly, a vibrant local democracy is characterised by a combination of 'invited' and 'invented' spaces. The ability to provide inclusive 'invited' spaces is undoubtedly important in taking the edge off highly radicalised modes of social mobilisation that arise out of a deep-seated frustration with an inaccessible and unresponsive state. But ultimately, action and engagement by communities of interest on their own terms, as opposed to terms set by the state (or any other actor in local governance), is a positive trait of local governance. Thirdly, both 'invited' and 'invented'

spaces are permeated by power dynamics, which can serve to deepen exclusion of marginalised groups. Last, but by no means least, participatory local governance is ultimately a process of negotiation, deal-making, prioritisation and tradeoffs for all involved and affected. Shying away from these deeply political dimensions hollows out the essence of participatory governance, leaving in its place a formalistic and highly unsatisfactory edifice. At the dawn of the third term of democratic local government, the time has come to get real about public participation.

## BIBLIOGRAPHY

- Allan, K. and Heese, K. (no date). Understanding Why Service Delivery Protests Take Place and Who is to Blame. Municipal IQ. [http://www.municipaliq.co.za/articles/sunday\\_indep.pdf](http://www.municipaliq.co.za/articles/sunday_indep.pdf). Retrieved October 07, 2010.
- Ballard, R. 2008. Between the Community Hall and the City Hall: Five Research Questions on Participation. *Transformation*. 66/67.
- Bond, P. 2010. Parliamentarians Stick Their Heads in the Sand When Digging into Service Delivery Protests. <http://ccs.ukzn.ac.za/default.asp>. Retrieved September 23, 2010.
- Booyesen, S. 2007. With the ballot and the brick: The politics of attaining service delivery. *Progress in Development Studies* Volume 7, no 1, pp. 21–32.
- Buccus, I., Hemson, D., Hicks, J. and Piper, L. 2007. *Public Participation and Local Governance*. Research Report prepared by The Centre for Public Participation, in association with Human Sciences Research Council and the University of KwaZulu-Natal.
- Cogta. 2010. 'Minister, MECs Present Multi-pronged Local Government Intervention to Turn the Tide on Service Delivery Protests.' 4 March. [www.cogta.gov.za/index.php/news/173-press-a-media-releases/116-minister-mecs-present-multi-pronged-local-government-intervention-to-turn-the-tide-on-service-delivery-protests.html](http://www.cogta.gov.za/index.php/news/173-press-a-media-releases/116-minister-mecs-present-multi-pronged-local-government-intervention-to-turn-the-tide-on-service-delivery-protests.html). Retrieved September 21, 2010.
- Cogta. 2010. Legislative Review Programme Key to Unlocking Service Delivery Impediments. 16 August. <http://www.cogta.gov.za/index.php/news/1-latest-news/140-legislative-review-programme-key-to-unlocking-service-delivery-impediments-.html>. Retrieved September 21, 2010.
- Cogta. 2010. CoGTA Initiates Process to Identify Legislation That Impedes Service Delivery. 26 August. <http://www.dplg.gov.za/index.php/news/174-yunus-carrim/142-cogta-initiates-process-to-identify-legislation-that-impedes-service-delivery.html>. Retrieved September 21, 2010.
- Cogta. 2010. Minister Shiceka Calling for Skilled, Competent and Capable Cares for Local Government. 6 September. <http://www.cogta.gov.za/cgta/index.php/news/1-latest-news/143-minister-shiceka-calling-for-skilled-competent-and-capable-cadres-for-local-government.html>. Retrieved September 21, 2010.
- Cooke and Kothari. 2001. *Participation: The New Tyranny*. London: Zed Books
- Cornwall, A. 2002. *Making Spaces, Changing Places: Situating Participation in Development*. Institute of Development Studies. IDS Working Paper 170.

- Davids, I. (no date). "Action, Comrades, Action!: A Review of 10 years of Public Participation in Democratic Local Government with Recommendations for Future Practice.
- Friedman, S. 2006. Participatory Governance and Citizen Action in Post-apartheid South Africa. International Institute for Labour Studies. Discussion Paper /164/2006.
- GGLN (Good Governance Learning Network). 2008. *Local Democracy in Action: A Civil Society Perspective on Local Governance in South Africa*. Cape Town: GGLN.
- Greenberg, S. and Mathoho, M. 2010. *Conceptual Framework on Public Participation and Development*. Prepared for the Research Project: 'Participation and Development from the Perspective of the Poor'. Commissioned by Planact.
- Harris, B. 2001. *A Foreign Experience: Violence, Crime and Xenophobia during South Africa's transition*. Violence and Transition Series, Vol.ume 5, August.
- Hemson, D. 2007. Can Participation Make a Difference? Prospects for People's Participation in Planning. *Critical Dialogue – Public Participation in Review*. Volume 3, no 1.
- HSRC (Human Sciences Research Council). 2006. *Survey on South African Voter Participation in Elections*. Prepared for the Independent Electoral Commission.
- Municipal IQ. 2008. Service Delivery Failures and Xenophobic Attacks. *Business Day*. May 20.
- Municipal IQ. 2009. Urgent Messages in the Clattering Stones of Delivery Protests. *Business Day*. July 16.
- Municipal IQ. 2009. Reading the Figures in the Flames to Find the Future of Protests. *Business Day*. August 24.
- O'Neill, T., Foresti, M. and Hudson, A. 2007. *Evaluation of Citizens' Voice and Accountability: Review of the Literature and Donor Approaches*. London: DFID.
- Reuters. 2010. End Violent South African Protests – Deputy President. March 21
- Palmary, I. 2002. *Refugees, Safety and Xenophobia in South African Cities: The Role of Local Government*. Research report written for the Centre for the Study of Violence and Reconciliation.
- Parliament of the Republic of South Africa. 2010. *Report of the Ad Hoc Committee on Coordinated Oversight on Service Delivery*. Cape Town: Parliament.
- Sinwell, L. 2009. Undermining S'Swetla Residents Through Participation: Towards the Abandonment of Institutionalised Participatory Processes? *South African Sociological Review*. Volume 40, no 2.
- Sinwell, L. Forthcoming. 'The Alexandra Development Forum (ADF): The Tyranny of Invited Participatory Spaces'. *Transformation: Critical Perspectives on Southern Africa*.
- Sithole, P, Todes, A. and Williamson, A. 2007. Gender and Women's Participation in Municipality-driven Development: IDP and Project-level Participation in Msinga, eThekweni and Hibiscus Coast. *Critical Dialogue – Public Participation in Review*. Volume 3, no 1.
- Smith, T and DeVisser, J. 2009. *Are Ward Committees Working? Insights from Six Case Studies*. Cape Town: Creda Press.
- Williams, J.J. 2007. Local Government Elections as a Form of Public Participation: Some Critical Perspectives. *Critical Dialogue – Public Participation in Review*. Volume 3, no 1.

## ENDNOTES

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<sup>2</sup> A distinction is made between 'invited' spaces, which are formal opportunities for public participation that the state provides for, and 'invented' spaces, which originate from citizens and communities themselves, outside of the formal channels and forums of communication and engagement. While there are countless examples of communities organising themselves in 'invented' spaces, more recently community based protests have come to the fore as a key example of engaging the state outside of formal opportunities for public participation.

<sup>3</sup> Cogta. 2010. 'Minister, MECs Present Multi-pronged Local Government Intervention to Turn the Tide on Service Delivery Protests.' 4 March. www.cogta. <http://www.cogta.gov.za/index.php/news/173-press-a-media-releases/116-minister-mecs-present-multi-pronged-local-government-intervention-to-turn-the-tide-on-service-delivery-protests.html>. Retrieved September 21, 2010.

<sup>4</sup> Cogta. 2010. Minister Shiceka Calling for Skilled, Competent and Capable Cares for Local Government. 6 September. <http://www.cogta.gov.za/cgta/index.php/news/1-latest-news/143-minister-shiceka-calling-for-skilled-competent-and-capable-cadres-for-local-government.html>. Retrieved September 21, 2010.

<sup>5</sup> Cogta. 2010. CoGTA Initiates Process to Identify Legislation That Impedes Service Delivery. 26 August. <http://www.dplg.gov.za/index.php/news/174-yunus-carrim/142-cogta-initiates-process-to-identify-legislation-that-impedes-service-delivery.html>. Retrieved September 21, 2010.

<sup>6</sup> Cogta. 2010. Legislative Review Programme Key to Unlocking Service Delivery Impediments. 16 August. <http://www.cogta.gov.za/index.php/news/1-latest-news/140-legislative-review-programme-key-to-unlocking-service-delivery-impediments-.html>. Retrieved September 21, 2010.

<sup>7</sup> Bond, P. 2010. Parliamentarians Stick Their Heads in the Sand When Digging into Service Delivery Protests. Accessed from <http://ccs.ukzn.ac.za/default.asp>. Retrieved September 23, 2010.

<sup>8</sup> The GGLN submission on the Municipal Systems Amendment Bill to the Department of Cooperative Governance (14 June 2010) and to the Portfolio Committee on Cooperative Governance and Traditional Affairs (10 September 2010) elaborates further on the identified limitations and strengths of the proposed amendments.

<sup>9</sup> In 2010 the GGLN produced the report 'Ethical Leadership and Political Culture in Local Government', which highlighted the challenges pertaining to local leadership, including lack of accountability, corruption and the blurring of the political-administrative interface, amongst others.

<sup>10</sup> The notion of 'citizens' is not meant in the exclusionary sense of those holding South African citizenship, thereby excluding non-nationals who are making life and contributing to the local economy in South Africa. Rather, it is used in the broader sense of 'post-national citizenship', which involves the extension of rights to non-citizen immigrants.

<sup>11</sup> Cooke and Kothari. 2001. *Participation: The New Tyranny*. London: Zed Books.

<sup>12</sup> Municipal IQ. 2009. Reading the Figures in the Flames to Find the Future of Protests. *Business Day*. August 24.

<sup>13</sup> Municipal IQ. 2009. Urgent Messages in the Clattering Stones of Delivery Protests. *Business Day*. July 16.

<sup>14</sup> Municipal IQ. 2008. Service Delivery Failures and Xenophobic Attacks. *Business Day*. May 20.

<sup>15</sup> Reuters. 2010. End Violent South African Protests – Deputy President. March 21.