

**Community Participation and Development in South Africa: The case
study of Ward Committees as an effective vehicle for public participation
in Ba-Phalaborwa Municipality**

by

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DECLARATION

I, Mzilela Conride Mhlari, solemnly declare that this dissertation is my work and original and that I am the owner of the copyright thereof (unless to the extent explicitly otherwise stated) and that I have not previously in its entirety or in part submitted it to any university.

Mzilela Conride Mhlari

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ABSTRACT

This study examines the role of Ward Committees in facilitating “authentic” public participation, with particular reference to Ba-Phalaborwa Municipality. The key question of the study is whether Ward Committees serve as effective mechanisms to promote public participation in the local sphere of government in South Africa.

To answer this question, this research project focuses on the composition, functioning and responsibilities of Ward Committees, and how these contribute to effective public participation. This is important because one of the mandates of local government in the post-apartheid era in South Africa is to promote local democracy through the participation of communities.

The empirical findings of this research project reveal that Ward Committees are confronted with a multitude of challenges where their functioning tends to be compromised. This has led this research to recommend the improvement of capacity among Ward Committees as a way of enhancing public participation.

ABBREVIATIONS

ANC	African National Congress
CBO	Community Based Organisation
CDW	Community Development Worker
COGTA	Cooperative Governance and Traditional Affairs
DA	Democratic Alliance
DFA	Development Facilitation Act
IDP	Integrated Development Plan
DPLG	Department of Provincial and Local Government
LGTA	Local Government Transition Act
MEC	Member of Executive Council
NGO	Non-Governmental Organisation
PR Councillor	Proportional Representative Councillor
RDP	Reconstruction and Development Programme
RSA	Republic of South Africa
SALGA	South African Local Government Association
SANCO	South African National Civic Organisation
WC	Ward Committee

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Chapter One

Introduction and background of the study

1.1 Introduction

This study investigates the effectiveness of Ward Committees in facilitating authentic public participation processes at local government levels in Ba-Phalaborwa Municipality. This is important, because authentic public participation is an active process by which the public influences the direction and execution of a developmental programme or project, with a view to enhancing people's well-being in terms of income, personal growth, self-reliance, and any other values that are cherished (Theron 2009a: 117). This chapter presents a background to the study, the problem statement, the objective of the study, the rationale, and the research methodology.

1.2 Background of the study

The birth of the new democratic South Africa in 1994 was met with great enthusiasm and great expectations by the majority of South Africans, who were disadvantaged by the colonial and apartheid systems. To the black communities of South Africa, the emergence of the new political dispensation meant the elimination of such developmental challenges as poverty and poor service delivery, among others. It also meant that development processes were expected to incorporate the voices and imaginations of previously disadvantaged communities, through various democratic participatory mechanisms.

Indeed, the post-apartheid government in South Africa committed itself to instituting a wide range of participatory processes in different spheres of government across the country. However, in order to introduce authentic public participation within the context of 'direct democracy', it became crucial for the post-apartheid government to focus on local government structures close to the spaces where the intended beneficiaries of development were located. Municipal authorities, for example, became legally obliged to involve community organisations in formulating budgets and planning developmental priorities, through Integrated Development Planning (IDP). In addition to these initiatives, the idea of Ward Committees came to be conceived, as a community participatory structure in the South African governance system.

The Ward Committee system was promulgated through the Local Government Municipal Structures Act 1998 (Act 117 of 1998). The purpose of Ward Committees was to create an enabling environment for meaningful community participation in local government, thereby enhancing service delivery in general. This was done within the

context of producing a developmental local government system. Thus, the White Paper on Local Government which was endorsed in 1998, defines the developmental local government as one that is committed to working with citizens and groups within the community, so as to find sustainable ways of meeting the social, economic and material needs of those communities. This was in line with the Constitution of South Africa (Act no.108 of 1996) that mandates a democratic and accountable local government, by encouraging the involvement of communities and community organisations in matters of local government.

The above background to the advent of the idea of participatory democracy in the South African local government system, with an objective of improving service delivery, is quite important to understand, because it leads one to question why, in spite of all these legislative mechanisms, we are still confronted with the situation of poor service delivery. This thesis is written at a time when service delivery protests are spontaneously happening across a variety of local government spheres in South Africa. Hence one is bound to ask critical questions about whether a mechanism of participatory democracy in local government, such as the Ward Committee system, is really serving its purpose. I particularly chose to focus on the Ward Committee system, because it serves as the primary link between communities and the government, within the hierarchically-arranged communication structure of the local governance system.

1.3 Problem statement

As already articulated in the section above, the South African government has provided for a legal framework that necessitates the establishment and institutionalisation of Ward Committees as vehicles to entrench participatory development and governance at the grass-roots level. However, in spite of the clarity of the legislative framework on the idea of enhancing participatory democracy and service delivery, the performance of the South African local government is under severe scrutiny from the very communities that are meant to be the beneficiaries of participatory democracy. The question, therefore, becomes that of whether the structures and mechanisms that are supposed to facilitate local democracy, particularly the idea of participation, are really functional.

Indeed, one of the structures and mechanisms that need urgent interrogation is that of the Ward Committee system. The question is why, in spite of the presence of Ward Committees, service delivery protests are still a challenge within local spheres of governance in South Africa. This question is important to interrogate, because the local government legislations of the post-apartheid era in South Africa made provision for local authorities to establish a system of participatory democracy at the local level through the system of Ward Committees (Houston, *et al* 2001:206). These Ward Committees were introduced in municipalities as community structures which would play a critical role in linking and informing the municipalities about the needs, aspirations, potentials and problems of the communities. Thus, the Ward Committees

were established to act as a bridge between local municipalities and communities by facilitating proper communication. Through working directly with municipalities, Ward Committees are meant to serve as a channel that articulates the new system of local government to the majority of the people, especially to previously disadvantaged communities, and to provide feedback to the government as to what 'the people' want. If the above is really the role of Ward Committees within the discourse of 'the people shall govern', why then do service delivery protests continue to be prevalent? This is the question that not only motivates this study but also guides its objective.

1.4 Objectives of the study

The purpose of conducting this study is to analyse the current system of Ward Committees in local government, with the objective of establishing whether it is fully effective as far as it relates to public participation. Thus, the key question of the research project is that of whether the Ward Committee System effectively involves communities in the decision-making processes of municipalities, and to what extent the municipalities are receptive to the development aspirations, interests and imaginations of communities. The empirical focus of the research is on the Ward Committee System of Ba-Phalaborwa Municipality, situated in Limpopo province. The choice of the area of study is motivated by, apart from accessibility, the fact that Ba-Phalaborwa Municipality in Limpopo is one of the geographical areas that is commonly hit by the phenomenon of service delivery protests.

1.5 Rationale

The rationale of this research is to contribute knowledge on how the Ward Committee system enhances and/or constrains public participation at the local level of governance in South Africa. This is important, because the question of how the *system* of Ward Committees functions as an instrument of participatory democracy is currently one of the under-researched themes within the developmental discourses of South Africa.

1.6 Research methodology

According to Neuman (2006:151) there are two approaches to research, namely the qualitative and quantitative data collection methods. Qualitative researchers often rely on interpretive or critical social science, and emphasise conducting detailed examinations of cases that arise from the natural flow of life. Quantitative researchers rely on a positivist approach to social science, and emphasise measuring variables and testing hypotheses that are linked to general casual explanations.

For the purposes of this study, both qualitative and quantitative research approaches was applied. This was intended to provide a 'thick' description of how the Ward Committee system facilitates and/or constrains public participation within the local sphere of governance in South Africa. Thus, the research deployed the data collection instruments of in-depth interviews and participant observation, in order to generate an understanding of how the Ward Committee system operates within the local sphere of governance in the Ba-Phalaborwa Municipality. Among the research participants who were targeted for in-depth interviews were municipal officials, ward councillors, tribal authorities, Ward Committee members within particular wards, and members of the public who are intended beneficiaries of the Ward Committee system.

Quantitative measurement is about assigning numbers to the perceived qualities of things (Babbie and Mouton 2003:49). This methodology is applied by relying upon measurement and uses various scales and numbers from a coding system by which different cases and different variables may be compared. Systematic changes in scores are interpreted or given meaning in terms of the actual world that they represent. Numbers have the advantage of being exact. For example, three means exactly the same thing to every human being who knows the concept, and will mean exactly the same thing in different social, cultural and linguistic contexts. Another advantage of numbers is that they can be analysed using descriptive and inferential statistics (Bless and Higson-Smith 2000:38). The quantitative research method was chosen because it is concerned with measurement using numbers that are capable of being analysed in a controlled manner according to criteria identified in advance. This is to say that quantitative research is concerned with measurable variables and it is furthermore also susceptible to statistical analysis

Ba-Phalaborwa Municipality has eighteen (18) wards with ten (10) Ward Committee members in each ward. Sixteen of the wards are controlled by the African National Congress (ANC), and two (2) by the Democratic Alliance (DA). This research sampled eight (8) wards controlled by the ANC, and two (2) wards under the DA's control. A combination of rural, semi-rural and urban systems was considered when selecting wards for research, thus ensuring that the research project is not biased towards certain sectors of society. Sampling the Ward Committee members, ward councillors, traditional authorities and members of the community was necessary in order to get their views, and find out whether they perceived the Ward Committee system as an effective public participation tool.

The choice of a method of collecting data depends on the practical applicability of the research. Utilising the primary sources, data was collected through interviews, which assisted the researcher in acquiring data from members of council, Ward Committees, ward councillors, traditional authorities, and members of the community. The process of interviewing as a method of data collection was based on interview schedules to collect data from the participants. A simple, random selection of participants was conducted on

the focus group, in order to ensure that women, youth, and people with disabilities participated in the research project.

The observation method of collecting data was utilised. The rationale of selecting this method, among others, was based on the perception that through the attendance of Ward Committee meetings, interaction among Ward Committee members could be observed. The process assisted in ensuring that the proceedings of meetings, that is, the way in which Ward Committee members conduct themselves during meetings, are carefully studied. Observation could be done either through the researcher taking part in the affairs of the study group, or the researcher being a passive observer (Kumar, 2005: 120).

Non-participant observation was applied throughout the empirical research field work, where the researcher only attended the Ward Committee meetings to take note of meeting procedures and subsequently interview the members. As a method of data collection, interviewing processes involved an interaction between two or more individuals for a specific purpose. Therefore, the types of interviews can be identified as structured and unstructured interviews.

Self-reporting, which entails personal and group face-to-face interviewing through telephone interviewing, mail, and electronic survey, was also applied. In achieving its objectives, the research was conducted through interviews as this was of primary importance because of its qualitative nature. The nature of the research project allows for face-to-face interaction between the informants and the researcher, in an attempt to comprehend the views and perspectives of the informants, in particular those who have extensively participated in Ward Committees.

1.7 Chapter outline

The study will consist of five chapters:

Chapter one has briefly focused on the introduction of the research topic, and explained the rationale for selecting it. This included the description of the presentation of the research methodology and its limitations, as well as the problem statement.

Chapter two provides a theoretical framework for public participation, and how governance systems can effectively be utilised in order to ensure meaningful participation.

Chapter three is an assessment of international experience of public participation and democracy. It also provides a comparative analysis of the systems in terms of international debates, how scholars define public participation, and the gaps which need to be filled in the existing literature.

Chapter four maps out the context in which the system of Ward Committees came into being in South Africa. The context is the transition from apartheid to the post-apartheid period.

Chapter five maps out the legislative framework of the Ward Committee system in South Africa, and how it constrains and/or facilitates public participation within the local government system. The chapter also discusses in detail the governance and regulatory processes which govern the Ward Committee system.

Chapter six provides an analysis of the data collected during the field work, and also reflects on the challenges facing Ward Committees.

Chapter seven is the final chapter, which recommends solutions to the problems identified in the research. These recommendations are aimed at enhancing public participation through the system of Ward Committees.

1.8 Conclusion

Public participation, with specific reference to the role of ward committees, stems from documents that are both published and unpublished, including the legislative framework governing local government. The key policy document for South Africa, which is the Constitution of South Africa Act (no.108 of 1996), stipulate the object of local government, as amongst others, to involve communities in matters of local governance. The Constitution resulted in the promulgation of various pieces of legislation to serve as policy documents that will guide municipalities in enhancing public participation.

Chapter Two

The idea of public participation

2.1 Introduction

The idea of public participation in the context of development is quite a contested one. Thus, the meanings and the methods of participation always vary across space and time, as well as in accordance with the context. But, in spite of the complexity of the idea of public participation, it needs to be emphasised that some of its meanings remain useful to our understanding of the role that participatory democracy plays in enhancing and/or inhibiting development within a particular space and time. However, to understand whether participatory democracy inhibits or enhances development, there is a need to examine the idea of participation itself. This chapter, therefore, is a presentation of the theoretical framework of the thesis, that interrogates different meanings of public participation and how these meanings can help in analysing the role that the Ward Committee system plays in enhancing and/or constraining public participation within the Ba-Phalaborwa Municipality in the Limpopo Province of South Africa.

2.2 Public participation and the concept of democracy

The idea of public participation is quite popular within the discourse of democracy in general. However, in spite of its popularity, the idea of public participation cannot be reduced to a single definition. Thus, the meanings of public participation vary across time, space, and people. Of interest among a number of definitions of the idea of public participation is that which links it with the idea of citizen power or participation. Thus, according to Arnstein (2003: 246), citizen participation is another term for citizen power. The idea of power within the discourse of public participation is quite important to examine, because it means that the process of participation is not an end in itself, but is meant to transfer power to those who are underdeveloped. This, therefore, leads us to develop the idea of active participation vis-à-vis passive participation. Thus, the question is, under what circumstances are citizens said to be participating actively or passively? This question is quite an important one in a thesis such as this one, because there is a need to examine whether the system of Ward Committees in the local governance sphere in South Africa facilitates or constrains the active participation of citizens in development. This is particularly important within the context of service delivery protests, which can be a sign of a missing link within the participatory discourse of the Ward Committee system.

Pearce (2010:232) has identified two forms of public participation in development. One is direct citizen participation, and the second is participation through associations.

Direct citizen participation is the process where all members of the society in their individual capacity participate in the decision-making processes. The latter is participation through representation, where a representative is elected or appointed to participate in a decision-making process, wherein they represent the views of and are accountable to those who elected or appointed them. The above is important to understand, because it leads one to think of whether the Ward Committee as a representative structure can really carry the voices of all the people that it represents. This enables the researcher to think deeply about the question of whose voice counts in a situation where power dynamics within the Ward Committees are not level. Thus, Creighton (2005:7) has argued that public participation is a two-way communication and interaction process by which public concerns, needs and values are made known and incorporated into governmental decision-making. The question is whether it is possible for the community to hold a homogenous worldview about what development is. If it is not possible, the question that becomes important is, whose voices are upheld and whose discarded at the Ward Committee level of participation within the local governance structure of government in South Africa?

To scholars such as Arnstein (2003:246), what is important to understand within the discourse of public participation is not only the question of active participation versus passive participation, but also that of participation versus non-participation. Thus, according to Arnstein, the idea of non-participation embodies aspects on a continuum, from manipulation and therapy, to tokenism, to delegated power and citizen control. This means that in a situation where there is non-participation, citizens are not given the leverage to promulgate their views and ideas on the issues that are of concern to them. As such, non-participation serves as a one-way stream of communication that intends to 'educate' participants. Arnstein (2003:248) argues that manipulation is a salient feature in non-participation and, as a result, it is mostly visible in meetings where the officials or the power-holders educate, persuade and ultimately advise citizens, and not vice-versa. This is a situation where the power-holders aim to set the agenda, so as to control all processes of participation. It follows the top-down approach, where a few elite make decisions on behalf of the citizens, without considering their views and input. More often than not, when citizens find themselves susceptible to this category of participation, they lose interest in participating in these activities.

Activities that include informing, consultation and placation, form the process called tokenism. Tokenism is a stage where the power-holders inform the citizens and acknowledge their patronage. This is seen where participation exists, but with the power of setting the agenda residing with the influential power-holders. The challenge at this level is that citizens do not have enough power to ensure that their views are taken into consideration by the decision makers (Arnstein, 2003: 246). The placation process better describes the intention of the legislation on the establishment of Ward Committees, with section 74 of the Municipal Structures Act, 1998, acknowledging that the Ward Committees may advise municipal council on the issues that affect the

respective wards. However, Ward Committees have no legislative or executive power to make decisions upon such issues.

At the highest form of tokenism, through placation, some municipal councillors are able to protect themselves, by establishing the Ward Committees only to satisfy Section 73 of the Municipal Structures Act, 1998 and not for the promotion of genuine public participation. It should be understood that placation is an advanced level of tokenism, which is applied to the Ward Committees and, as such, the municipal councils still hold the legislative power to make decisions, in spite of the discretionary powers of the Ward Committees. This tokenism is characterised by the mere acknowledgement of the existing structures, that is, Ward Committees, as per the legal requirement.

By and large, citizen power is the ultimate or ideal category of participation, where both the citizens and the power-holders engage each other in an attempt to find solutions to a particular problem. This kind of participation is underpinned by dynamic processes such as negotiation and dialogue, as opposed to domination. As a category, it comprises three levels, namely, partnership, delegated power and citizen control. Citizen power is characterised by the distribution of power, through a process of negotiation, and is mostly defined by the compromise made by the power-holders in an attempt to reach consensus on issues of common interest. Consensus-building is important in public participation, because it builds a solid understanding between the parties involved and further leads to improved decision-making (Creighton, 2005:19).

Citizen participation is mostly driven by the needs of the people, i.e. where the citizen regulates the processes that involve participation. As a result, citizen control could be seen as a significant component of direct democracy. Participation is also featured in representative democracy, where citizens elect their representatives and subsequently hold them accountable for the decisions made on their behalf (Creighton, 2005:14). This means that all decisions made by elected representatives should reflect the views of the general public they represent. Thus, those decisions must be made in the public's interests.

In understanding the concept of citizen power, it is important to briefly refer to the definition of democracy. "Rule by the people", as an accepted definition, means that the citizen has sufficient power to control and make decisions on the matters that are of concern to them. More clearly, citizen power could be related to the 1864 address by Abraham Lincoln, which simplified democracy as, "the government of the people, by the people and for the people" (Heywood, 2007:72). This means that the people are significant elements in the operation of the state's affairs. As such, all decisions made must be orchestrated by them, or at least involve them. After all, extensive citizen power will promote democracy, where everyone will be in a position to communicate their concerns, for a decision to be made.

Having provided some insight into the classification of the categories of participation above, it is also important to briefly highlight the approaches of participation, that is, structured participation, open participation and informal participation, as simplified by Brynard (1996:46-47). The structured participation approach is mostly defined by its legitimacy to pursue and promote public participation. Ward Committees are established by an act of Parliament to encourage and promote participation. As a result of this formality, it is apparent that Ward Committees follow this approach of participation. More often, structures following this approach possess substantial decision-making authority. Through representation and collective responsibility, structures following this approach are empowered to make decisions.

Informal public participation is a combination of both the structured participation and the open participation approach. This means that the identified public representatives, as well as the people acting in their individual capacities, are afforded platforms to raise their concerns with authorities. For instance, during an integrated development plan (IDP) of a local municipality, communities would be invited to make submissions, irrespective of their representation. Ward Committees, as legitimate structures, with the assistance of the relevant stakeholders, make it possible for the residents to make worthwhile contributions in solving particular local government problems.

2.3 Public participation and community development

The notion of public participation is originally centred in the theme of community problem solving. The advocates of public participation are of the view that the provision of public services is critical and fundamental for community development, arguing that service provision is centralised, mostly in the national government, and that its administration is bureaucratic (Midgley, 1986:8). As such, communities are responsible for their own development, that is, they need to devise mechanisms that will assist them in improving the quality of life within their own communities (Brynard, 1996: 39). The significance of public participation can be realised in its contribution towards well-grounded decision-making and planning, as well as the proliferation of democratic ideals. However, Brynard (1996: 44) argues that throughout the participation process, the masses are not afforded real involvement, as a result of representation by interest and pressure groups. It should be noted that the *processes* of public participation in different municipalities and wards differ substantially due the nature of the political settings, as well as the demands of their jurisdictions. As Midgley (1986a: 23) contends, ideal public participation must entail the direct involvement of ordinary people in decision-making in local government affairs.

It is important to highlight that decision-making and planning cannot be left completely to the elected councillors. This is evident in situations where members of the public often complain that the authorities forced decisions on them and that they were not afforded representation in the planning and decision-making processes (Brynard, 1996a:

135). In the case of the Bus Rapid Transit System (BRT), Froschauer (2010), conducted a rigorous study into the implementation of the BRT system, and some of the findings were that, in the initial phase of the implementation, the public transport operators could not reach an agreement with the government agencies on the business model for future operations and, as a result, that phase was characterised by high levels of conflict. As a result of this study, one can deduce that public participation and stakeholder consultation forums had not been explored well by government.

2.4 Advantages and disadvantages of public participation

Advantages of public participation

The idea of deploying a conceptual tool of public participation in order to understand a social phenomena such as that of the role of a Ward Committee system in enhancing participatory democracy requires one to examine the advantages of the idea of public participation in the first place.

According to Creighton (2005: 18-19), the following are identified as advantages of public participation:

- **Improved quality of decisions**

Through the input of ordinary citizens in decisions, ambiguity can be cleared in terms of the needs and requirements of the citizens, and the synergy thereof could ensure the achievement of efficiency in the provision of services. Making decisions by involving citizens in participation would imply that even the unpopular decisions made would, by default, be supported by the people, as they would believe themselves to be responsible for them.

- **Minimising cost and delay**

Uncertainty regarding the services required by the public could lead to the authorities' investing money in research on what the public requires, as well as the method of dispensing such services. Instead, public participation ensures direct contact between the public and the decision makers.

- **Consensus building**

Public participation has the potential to synthesise the divergent views from the two parties, i.e. the authorities and the ordinary people, thus ensuring long term commitment thereto. In a local municipality, consensus building is promoted by an integrated development plan, where a framework initiated by the local municipality and the residents is established to deliver services within the expected period of time.

- **Increased ease of implementation**

Once a decision has been made through the consultation and the involvement of people, the implementation may be easier. Thus, it is unlikely for the public to reject a policy and/or legislation to which they have significantly contributed. For instance, during the apartheid era, the marginalised communities revolted against the government's policies, on the basis that their interests had not been afforded representation, e.g. the student uprisings of 1976, where the policy of Bantu Education was violently rejected by the marginalised.

- **Avoiding worst-case confrontations**

Public participation provides a platform for both the authorities and the people to appreciate the opportunity given to express their needs, expectations and responsibilities, in an amicable environment. As such, public participation creates a sense of ownership among both parties. For example, even if policies do not turn out to be as expected upon implementation, the public would consider it their responsibility to help improve them as opposed to rejecting them.

- **Maintaining credibility and legitimacy**

The perception the members of the public have about public institutions serves as a driving force of the confidence that the people have in those institutions. As such, confidence could be instilled through the involvement of the ordinary people in matters that are of public interest in those institutions. This is particularly important as it could result in the public viewing them as being credible and legitimate, and hence promoting democratic values and principles.

- **Anticipating public concerns and attitudes**

From previous experience, the authorities can utilise the precedent set by the public in relation to the method that is used in undertaking particular processes. However, this can only happen if a similar challenge has been encountered before. Through this anticipation, municipalities could develop models that they use in dealing with different residents requiring different services, e.g. municipalities must be able to predict and distinguish the behaviour of residents who are in dire straits regarding access to water, from those who require electricity, and work out a model to meet those challenges with acceptable programmes of action.

- **Developing civil society**

One of the unintended effects of public participation is the creation of an educated society. Through public participation processes, the people familiarise themselves with,

inter alia, government policies, legislation and institutional processes, resulting in their being articulate in expressing their needs in terms of matters of public interest. For example, the Independent Electoral Commission (IEC) takes into consideration the level of illiteracy among adults in South Africa, hence the promotion of public participation in voter education before the elections every five years.

Disadvantages of public participation

Public participation is often a protracted process that involves people and their governing institutions and, as such, tends to create the potential for conflict because of cumbersome governmental processes. It is inevitable that it will be tedious. It is important to acknowledge that the members of a particular society are not homogeneous. As human beings, people are not all the same, even in terms of the views they possess on particular issues and, as a result, when people participate in the government's activities the emergence of conflict should be anticipated. Hence they often reach consensus through a compromise. However, such mutual concessions may ultimately prove not to be the most effective solutions. They may therefore, still require the governing body to exercise its discretionary authority.

2.5 Conclusion

The purpose of this chapter was to conceptualise the importance of public participation and how it is defined within the context of community participation, involvement and decision-making. The literature consulted has indicated that public participation is a concept that could symbolise any process in the relationship between governors and the governed. As a result, the chapter highlighted the importance of using a combination of participatory democratic models, to gain maximum public participation in the affairs of a local municipality. A conceptual framework of public participation was engaged in, in an attempt to investigate the role of the public in the participation processes.

Chapter Three

The international experience of public participation and democracy

3.1 Introduction

The idea of public participation is not something new within the development discourse in general. Thus, the idea of public participation has always been part of the development discourse in both the Western world and the non-Western world. This, therefore, makes it imperative that before examining the role of the Ward Committee system in enhancing public participation in South Africa, the researcher makes a brief survey of the international experience of the idea of public participation. This is important because it enables the researcher to question whether the South African case of Ward Committees is a unique experience, or is just part and parcel of what is happening elsewhere. Thus, through an insight into the international experience of public participation, the research is able to map out parallels and differences between the South African experience of public participation and that of other countries.

3.2 Public participation: an international experience

In general, democracy originated in Greece, whereby cities such as Athens were typically controlled by the clan or tribal hierarchies (Held, 2006: 11). Public participation as a democratic model is practised in most contemporary democratic states, and further juxtaposes the different systems of democracy, i.e. direct democracy versus representative democracy. Examples of the practices of participatory democracy are provided in the following section as exhibited by Mumbai, (India) and St Helens (England) in promoting effective local democracy.

3.2.1 Tanzania

The United Republic of Tanzania is made up of two formerly independent countries, Tanganyika and Zanzibar, which united in 1964 to form the new nation of Tanzania. The two halves of the republic have different systems of local government. The mainland Tanzania has a long history of functioning local government, starting with the Native Authorities Ordinance in 1926. There was a ten year break, as in 1972 the Local Government was abolished and replaced with direct central government rule. The reintroduction of the Local Government occurred in the beginning of the 1980s, when the rural councils and rural authorities were re-established. Local Government elections took place in 1983 and the establishment of functioning councils in 1984. In 1993 the one-party

political system was abandoned and replaced with a multi-party system of government, the first multi-party elections taking place in 1995. Following the liberalisation of the political field was a major public sector reform, which included a Local Government Reform Programme (LGRP). The LGRP covered four areas: political decentralisation, financial decentralisation, administrative decentralisation and changed central local relations, with the mainland government having overriding powers within the framework of the Constitution. In the case of Zanzibar, the 1964 revolution not only abolished the Monarchy but also did away with the separation of the legislature, the executive and the judiciary, fusing all their functions into a revolutionary council. Since the promulgation of Zanzibar's first post-revolution constitution in 1979, Zanzibar has, however, passed various pieces of legislation on local government. At the moment, Zanzibar is developing a programme for local government with the assistance of the United Nations.

Local government is a non-union matter. It is nonetheless enshrined in the union constitution as well as in the constitutions of the mainland and Zanzibar. In mainland Tanzania, the Constitution of the United Republic 1977, Articles 145 and 146, states that the National Assembly or the House of Representatives must provide for local government through legislation. Article 146 states that one of the objectives of the local government is: "to enhance the democratic process within its area of jurisdiction and to apply the democracy for facilitating the expeditious and faster development of the people." In relation to the local government in the mainland, the main legislative texts are:

- Government (Urban Authorities) Act 1982
- Local Government Finance Act 1982
- Urban Authorities (Rating) Act 1983
- Regional Administration Act 1997
- Local Government Laws (Miscellaneous Amendments) Act 1999

The principal local government acts have been amended from 1999 as a part of the LGRP. In the process, the Local Government Services Act 1982 has been repealed. The sector-specific legislation (especially education), affecting the local government is also being amended. In Zanzibar, the relevant part of the Constitution 1984 is Article 128. The main legislation regarding local government is:-

- Zanzibar Municipal Council Act 1993
- District and Town Councils Act 1995

The minister of state in the President's Office Regional Administration and Local Governments (PORALG) is responsible for the administration of this legislation.

The government of the United Republic of Tanzania is a unitary republic, administratively divided into 26 regions, 21 on the mainland and five in Zanzibar. Regions are divided into districts, which are then further subdivided into divisions. The local government is divided into urban and rural authorities, both on the mainland and in Zanzibar. On mainland Tanzania, urban authorities consist of city councils, municipal councils and town councils, whereas included in the rural authorities are the district councils, with township council and village council authorities. The district and urban councils have autonomy in their geographic areas. District councils co-ordinate the activities of the township authorities and village councils, which are accountable to the district for all revenues received for day-to-day administration. The village and township councils are responsible for formulating plans for their areas. All together, the mainland hosts 22 urban councils, 92 rural councils and 97 district councils. On Zanzibar, urban authorities are made up of town councils and municipalities, while rural authorities are comprised of district councils. In both locations, below the local authorities there are a number of democratic bodies to debate local development needs. In the rural system, the Vitongoji, the smallest unit of a village, is composed of an elected chairperson who appoints a secretary and three further members, all of whom serve on an advisory committee. In the urban areas the Mtaa (a small urban area or geographical division of a ward) is the smallest unit within the ward of an urban authority. Unlike the Vitongojis, the Mtaa committees have a fully elected membership comprised of a chairperson, six members and an executive officer.

The most important intended links between the local government and the residents of a given area are the Vitongojis in the rural areas, and the urban Mtaa committees, which are designed to mobilise citizen participation in local development. Priorities for local service delivery and development projects are brought to the Mtaa committees for discussion before being forwarded to the Ward Development Committee (WDC). In the rural system, proposals reach the WDC via the village council. In addition to the above, citizen participation in local government decision-making is encouraged by the amendments to the Local Government (District Authorities) Act 1982, which provides for councils to organise public hearings for people to question political leaders and staff. Councils have also been empowered to establish special kinds of service boards, open to all citizens in the area, and providing an opportunity to influence service provision. Participatory budget making has also become a means to increase resident participation. It is currently enabled by bottom-up budgeting through the ward development committees, and the democratic structures above them.

The Association of Local Authorities of Tanzania (ALAT) represents local government on the mainland of Tanzania. It is a voluntary organisation with a membership of 114 urban and district councils. Its function is to provide a forum for exchanging views and experiences among members of local government

authorities, provide advocacy on policy and legislative matters likely to affect local government authorities, disseminate information, provide expert advice, make representation and proposals to government, and represent local government authorities and their views at international forums. The funding for the ALAT comes mainly from the membership subscriptions. ALAT is affiliated to CLGF, UCLG and AULA.

3.2.2 Mumbai

India utilises the Gram Sabha as a means of promoting public participation. The Gram Sabha is an institution that promotes direct democracy, where all adults living in an area regulated by the system of *panchayat raj*, come together to discuss communal issues (Namiar, 2001: 3114). The system of the *panchayat raj* is a traditional system where an assembly constituted by wise and respected elders is chosen and approved by community members. It can be concluded that the Gram Sabha is legitimate, and can be tantamount to the Ward Committee system in South Africa, as they are both established by legislation, i.e. Article 243 of the Constitution of India, and Section 73 of the Municipal Structures Act, 1998, respectively (Namiar, 2001: 3115). Gram Sabha is tasked with the role of, *inter alia*, giving approval for development plans, prioritising, identifying beneficiaries, and promoting active participation of people in implementing development programmes.

The government of India provides autonomy to the respective states on the regulation of such basic government units. In response to this, Mumbai, as a capital of Maharashtra state, with a population of over 16,4 million people, coined the 'invited spaces' initiative in an attempt to promote participation of the residents in the delivery of basic services (Baud and Nainan, 2008: 486). Thus, the 'invited spaces' belong to the executive and the political wing of the Municipal Corporation of Greater Mumbai. On one hand, the political wing comprises the councillors and the major and, on the other hand, the executive wing is composed of commissioners and employees of the Municipal Corporation of Greater Mumbai.

3.2.3 St. Helens

St. Helens is a large town in Merseyside, England, and accommodates a population of over 100 000 people. As a metropolitan area, the Borough of St. Helens consists of Ward Committees, whose main aim is firstly to allow residents to put their views directly to the councillors and, secondly, influence the development within their area (St. Helens Council, 2010). Thus, Ward Committee members are regarded as community advocates who pursue development by

assisting the council and its partners when delivering services to the community. Contrary to the South African system, Ward Committees in St. Helens Council are relatively formalised and comprise:

- three ward councillors
- representatives from Merseyside police
- representatives from St. Helens housing
- representatives from the community empowerment network
- tenants and residents' association
- parish councillor
- faith representative, and
- registered social landlords (St. Helens Council, 2010).

Through the establishment of St. Helens' Ward Committees, it is clear that the Ward Committees in this municipality provide more of a formalised consultation forum, utilising the consultation toolkit as developed by the Metropolitan Borough of St. Helens. The toolkit provides a comprehensive mechanism through which participatory democracy is encouraged for the effective provision of services. The consultation toolkit provides, *inter alia*, advice and guidance on planning consultation, and information on ensuring diversity in engagement (St. Helens Council, 2010). The Ward Committees in St. Helens:

- provide a framework with partners to facilitate the meaningful participation of residents in local decision-making with a view to improving local accountability, quality of service, and quality of life
- consider the development, monitoring and review of Neighbourhood Action Plans
- monitor the quality and performance of services provided by council and its partners
- advise the council on budget and policy frameworks as well as other municipal initiatives, and
- identify potential sponsors of community-based initiatives, in enhancing the quality of life and environment for the local community (Ward Committee Terms of Reference, 2010).

From the above two cases, namely Mumbai and St. Helens, it is clear that the primary objective of establishing institutions such as Ward Committees at the local government level is to promote participatory democracy, in pursuit of effective service delivery. Thus, an analysis of the composition, functions and powers of the Gram Sabha (Mumbai) and the Ward Committee (St. Helens) can culminate in the creation of best practices that will ensure the enhancement of an effective Ward Committee system, from which South Africa can draw lessons for improvement.

The lessons that can be drawn from the above two case studies are, firstly, that St. Helens Ward Committee recruits professional people who are knowledgeable and familiar with the functioning and structures of their local government system. Secondly, the Gram Sabha provides an ideal model of governance. The two cities display a significant margin on the degree of development among them, i.e. St. Helens in England being relatively developed compared to Ba-Phalaborwa Municipality in South Africa, and Mumbai being significantly less developed than Ba-Phalaborwa Municipality, as a result of poverty in the Mumbai area.

Mumbai and St. Helens were chosen on the basis that they are both administrative capitals with dense populations, and produce a reasonable gross domestic product (GDP) in the regions within which they exist. As such, they were deployed as they both have an outlook that is closely similar to that of Ba-Phalaborwa Municipality, and face similar challenges (St. Helens, Merseyside, 2011 and Mumbai 2011).

3.3 Conclusion

The purpose of this chapter is to reflect public participation processes within the international context, and how these democratic systems function. As a democratic principle, Ward Committees are used for the representation of the concerns of the inhabitants of a specific area. Ward Committees are therefore established to achieve the purpose of inclusion of the ordinary citizens in the making of decisions and subsequently of policy that would regulate and restrict some aspects of their lives. Legislation within which the establishment of Ward Committees rests must ensure that they function effectively, so as to reach their full potential, which is to promote local participatory democracy in pursuit of effective service delivery.

Chapter Four

The changing decision-making environment in South Africa

4.1 Introduction

By and large, the question of whether the Ward Committee system can enhance public participation in South Africa cannot be completely answered without first having an insight into the history of public participation within South Africa. However, the history of the idea of public participation cannot be fully understood outside the context of the advent of the democratic era in South Africa, and its effect on the culture of decision-making on issues of development. This chapter, therefore, is a documentation of the history of public participation in general, and the decision-making mechanism of the Ward Committee system in particular.

4.2 The advent of the post-apartheid era and a new decision-making culture

According to Lodge (1999: 22), the decision-making environment in South Africa has gone through a number of dramatic changes since the beginning of the 1990s. The unbanning of the liberation movement in February 1990 ushered in an era of negotiation and bargaining for a social contract and institutional choices which previously eluded South Africa. After many years of resistance against apartheid, the nature of politics swung towards a negotiated settlement (Houston, 2001: 12). The resulting political environment led to the introduction of a variety of new processes and practices as a consequence of a radically different political culture from that which existed previously. The main element of this process was inclusivity (Lodge, 1999: 22). Furthermore, Lodge (1999: 35) states that the new approach to decision-making was aimed at introducing participatory democracy, accountability and transparency, bringing about fundamental changes in the policy environment in South Africa.

The general definition of participatory democracy is that it reflects tendencies of 'pure' or 'direct' democracy, i.e. involving the citizenry to a greater degree in decision-making than representative democracy (*ibid.*). Houston (2001: 12) mentions that "the new process of policy-making was to be substantially more open to public input than under the apartheid state". According to Boaden (1982: 17), "perhaps one of the most significant features of the new decision-making process is the proliferation of statutory and other consultative bodies that aim at involving civil society in decision-making". Not only do these bodies reflect the government's intention to extend participatory democracy, to make policy formulation as inclusive as possible, and to encourage transparency, but they also reflect civil society's expectation of participation, consultation and transparency, in decision-making processes on issues which affect

them. What these changes demonstrate is an attempt to transform decision-making from a top-down process to a process driven from the bottom (Broaden, 1982: 17 and Lodge, 1999: 17).

It is expected of the public to enhance the concept of local democracy through participation, irrespective of its level or degree. The social contract theory is a model that is being used in most democratic government, thereby allowing the governed to provide an input into local government affairs, in an attempt to satisfy their needs and expectations. It is virtually impossible for a model that propagates direct democracy to flourish in the 21st century, as the population grows at a rapid rate, and it would also be challenging to co-ordinate participation platforms. Hence representation is the most favourable model. Communities are represented through interest groups, including non-governmental organisations (NGOs), community based organisations (CBOs), political parties, and various other civil society movements and pressure groups.

Cloete and Meyer (2006: 113) argue that the interest groups exist as long as particular issues are not formally on the government's agenda, or issues are featured but not prioritised. As such, it could be determined that the role of interest groups is to advocate and lobby for policies to be featured and prioritised on the government's agenda. As a result, participation could be seen as augmenting the capacity for policy advocacy in communities, and subsequently serving as an aid in decision-making.

In the South African context, the South African National Civic Organisation (SANCO) is the most notable civil society movement. It plays a pivotal role, in an attempt to influence local, provincial and national government policies. This is done through the mobilisation of communities, as was seen in the 1980s. SANCO was used as a vehicle through which policy was advocated by addressing the basic needs, aspirations and expectations of members of society. Furthermore, it serves as a complimentary organisation to the ruling African National Congress (ANC), as these two organisations have the same vision, as contained in the freedom charter (SANCO Constitution, 2001). According to Houston (2001: 2), policy-making, budget formulating, and legislative and planning processes in South Africa have gone through a number of drastic changes since the beginning of the 1990s. The key feature of these changes is the trend towards participatory and direct democracy. This is evident in the increasing participation of a variety of interest groups in various processes, as well as the establishment of numerous consultative bodies and other mechanisms for public participation at all levels of the political structure (Lodge, 1999: 20). These include mechanisms for public participation, for example, through integrated development planning processes, petitions, public hearings, policy-making discussion conferences, and Green and White Paper processes (*ibid.*). This wide variety of new processes and structures demonstrates that commitment is evident in the statutory and constitutional obligations that certain government structures have, to facilitate public participation in their processes. Thus, "democracy is defined as ongoing and regular interaction between citizens and their popularly elected institutions" (*ibid.*).

Lodge (1999: 17) notes that the notion of the role of the public in democratic governance at all levels of the political system in South Africa was recognised by the ANC in its policy document, the Reconstruction and Development Programme (RDP) in 1994. The RDP refers *inter alia* to the development of “strong and stable democratic institutions and practices characterised by representativeness and participation” (Houston, 2001: 2). The policy advocates two very important principles or values of democracy – participation and representation – that are interlinked and interdependent. This implies not only direct political representation and participation through the political process, but also indirect representation through interest groups. Lodge argues that “reconstruction and development requires a population that is empowered through expanded rights, meaningful information and education, and an institutional network fostering participatory and direct democracy” (1999: 20). It is widely accepted among scholars that public participation in political processes is a virtue in its own right. A healthy democracy is generally seen as one in which the citizens participate regularly in formal development and political activities. Since 1994 the ANC-led government in South Africa has committed itself to creating a political system which includes “an institutional network fostering ... participatory and direct democracy” (Houston, 2001: 2). The goals set out in the ANC’s policy document before the elections were carried into the new democracy. These became policy and, in many cases, statutory mechanisms aimed at fostering participatory and direct democracy (*ibid.*). The consolidation of democracy in South Africa thus entails achieving higher and higher levels of public participation in the political process, and the development of institutional channels that enable effective public participation. The reason for this is derived from the simple fact that a democracy as a form of government refers to “government for the people, by the people” (Houston, 2001: 2).

Bond (2005: 30) and Edward (2004: 26) argue that, during apartheid, South African public budgets were a secret affair. This reflected a Second World War statute that required the government to account for every cent spent without disclosing where a cent was spent. Without power to change the budget and with limited time to assess the budget, parliament amounted to a rubber stamp (Edward, 2004: 25). Public hearings were rare, and consistently reflected private sector interests only. The structure of governance in the country also looked rather different from that of current governance. SA comprised four provinces and ten quasi-independent homelands. Provinces in ‘white’ SA were merely spending agents of the national departments. Public budgets were primarily designed to meet the needs of white SA (Bond, 2005: 32). In addition, the demands of maintaining apartheid and counteracting the perceived military threat led to a huge build-up of government debt that currently consumes approximately 20% of total government expenditure (*ibid.*). Further, in the past, government carried on many activities with fiscal implications through public sector entities, the so-called parastatals. Transformation in SA has led to greater attention to budgets, transparency and participation. This is reflected in the Constitution, parliamentary procedure, and

government policy. It has produced greater transparency and the participation of NGOs in budget issues (Rai and Fine, 1997: 65).

Edward (2004: 24) argues that civil society participation in the budget has been growing steadily, but more slowly than improvements in budget transparency. This is not necessarily cause for concern: it takes several years to build analytical capacity in a process not known for broad participation. Prior to 1994, the participation of civil society organisations in parliamentary budget debates was restricted to a small number of private sector interests who regularly presented their case to parliamentary committee hearings (Bond, 2005: 30). This situation is changing. In 1997, three civil society groupings, articulating the priorities of low-income people and women, participated in the hearings of the National Assembly's Portfolio Committee on finance. By 1998, this number had grown to six civil society presentations (Bond, 2005: 28). In 1999, 14 civil society presentations were made at the hearings, and presented a broad spectrum of macro-economic, poverty alleviation and sectoral interest issues (Edward, 2004: 24).

According to Reddy (1996: 202), it is generally accepted that local government is an integral part of the broader issues of governance, transition and development in the South African context. The political events at the local government level contributed in many ways to some of the fundamental political and social changes experienced in the country in recent years. Many local authorities and other stakeholders started negotiations at the local level during the 1980s and the early 1990s. By 1993, the Local Government Negotiating Forum had been established, providing the context for negotiations between the major stakeholders in local government. The Multiparty Negotiating Forum had, at about the same time, also addressed local government as part of the broader institutional programme. Evolving from these processes was the Local Government Transition Act. This Act provided for numerous issues, such as pre-interim and interim phases for the restructuring of local government, and the establishment of local forums for negotiating the restructuring of local government in each area for the pre-interim period.

According to Cloete (1997: 30) there were attempts during the apartheid regime to construct local government systems for Africans, coloureds and Indians, separate from the system for whites. However, these attempts were unsuccessful because the local authorities which were established were not accepted by the coloureds, the Africans and, to some extent, the Indians. Manona (1997: 105) states that, in the end, the inhabitants of the African urban areas established civic associations which demanded unified non-racial local authorities for the adjoining urban areas populated by the various population groups. The pressure for unified urban areas and local authorities became significant, particularly after the South African National Civic Organisation (SANCO) was established in 1991 (*ibid.*).

According to Rich (1996: 16), the advent of union in South Africa in 1910 marked the beginning of a new era in which white settler rule became consolidated under the ideology of segregation. Rich further mentions that the new South African state passed legislation such as the 1913 Native Land Act, limiting the rights of Africans to own land and undermining their claims to equal citizenship.

Cloete (1997: 14) argues that the Republic of South Africa underwent fundamental constitutional transformation in terms of the provisions of the Constitution of the Republic of South Africa, 1993, which repealed the Republic of South Africa Constitution Act, 1983. Act 200 of 1993 came into effect on May 10, 1994, and was repealed by the Constitution of the Republic of South Africa, 1996. The new constitution recognised the values and importance of local government in South Africa as a sphere of government, a government that is closer to the people. The constitution also outlined the functions, roles and the establishment of municipalities. For example, Chapter 7 of the Constitution Act of 1996, under the heading Local Government, provides for municipal institutions headed by legislatures known as municipal councils consisting of elected members. Sections 151 and 153 of the Constitution provide for the status of municipalities, objects of local government and development duties of municipalities (*ibid.*: 24).

The local government transformation led to a new local government system for all nine provinces. The new system started coming into effect after members of the transformed local councils were elected in 1995 and 1996 (Cloete, 1997: 31-32). According to Lodge (2002: 86), initially considerable effort was invested in participatory development procedures in which local projects such as water reticulation, housing construction or improving local roads would be inspired and managed by locally representative bodies. The adoption of the RDP was accompanied by the assembly of hundreds of local development forums, which were supposed to function in partnership with state agencies in conceiving and funding such projects (Cloete, 1997: 14). However, Lodge argues that the absence of responsive and legitimate local government until its election in 1995 and 1996 also posed an obstacle for the 'people-driven' progress of the RDP. In addition, the ANC's own lack of preparation for municipal politics meant that even after their entry into town halls many ANC councillors were ineffectual, and often corrupt (Lodge, 2002: 88).

According to Manona (1997: 105), the collapse of the development forums in many neighbourhoods and the evident weakness of community-based organisations make it all the more difficult to engage citizens in development projects. NGOs that might have provided the specialised skills to enable communities to plan their own projects were incapacitated as they lost staff to state institutions: as many as 60% had left by 1997 (*ibid.*). However, different initiatives were introduced by the government in order to address the crisis. For example, former President Thabo Mbeki introduced Community Development Workers (CDWs) as a channel of relaying messages to and from the government. However, different opinions were raised concerning these structures, in

that some people viewed them as 'Mbeki propaganda', while others perceived them as 'true' developmental strategies (Lodge, 2002: 86). In addition, Ward Committees were introduced in South Africa in 2001, and these were aimed at enhancing participatory democracy, and functioning as an interface between the government and civil society (Ward Committee Resource Book, 2005:14). It is against this background that this chapter aims at studying the nature of Ward Committees, and to understand their objectives, duties and establishment. In the Resource Book (2005: 1) it is stated that the Ward Committee System is a formal part of local government and is not an option, but a constitutional requirement to which all municipalities should adhere. This requirement is promulgated in various documents, including The Local Government: Municipal Structures Act (Part 4 sections 72-78). The Act provides a powerful legal framework for participatory local democracy and for Ward Committees in particular. For example, the Ward Committee Resource Book (2005: 14) states that: Chapter 2 (section 19) of the Act requires a local municipality to strive, within its capacity, to achieve the objectives set out in Section 152 of the Constitution, namely to:

- Develop mechanisms to consult the community and community organizations in performance of its functions and exercising its powers; and
- Annually review the needs of the community, and municipal priorities and strategies for meeting those needs and involving the community in municipal processes.

The Resource Book further states that Chapter 4 (Part 4) is the section of the Act that requires the establishment of Ward Committees. The objective is to enhance participatory democracy in local government. This chapter also provides that a ward councillor shall be the chairperson of the Ward Committee, and obliges the municipal council to make rules regulating the procedure to elect members of Ward Committees. South African President Thabo Mbeki argued that, "We must engage one another in a similar manner on a whole range of important specific issues such as improving service delivery and strengthening local government, including the Ward Committees. The Committees, whose members are ordinary workers, play a critical role in ensuring the necessary contact between the people and our institution of government".

According to the Resource Book (2005: 1) the idea of Ward Committees started in 2001, during which time there was a change in local government in South Africa, after the local government elections which took place in December 2000. The idea of Ward Committees was to bridge the gap which existed between ordinary citizens and their government. For example, in the past, especially during the apartheid regime, ordinary citizens had no say in things which affected them directly. However, the government of unity, which came into power in 1994, established the Ward Committees in 2001. The Resource Book (2005: 1) states that "we correctly positioned this as the sphere of government that is best placed to give practical meaning and substance to the basic political commitment that the people shall govern". Therefore, one can see that the Ward Committee system aims primarily at having a representative structure, servicing

the primary functions in different wards: this primary function is about people receiving information about the council's decisions and plans that affect the communities.

The Handbook for Ward Committees (2005: 4) mentions that "each ward will have a Ward Committee, made up of not more than 10 members". This means that these 10 members of the Ward Committees should be the voice going out to the council, i.e. getting the information in, and getting information out, and reporting the information to their communities. Mhotsha (2005: 72) outlines the duties of the Ward Committees as, but not limited to, identifying and discussing local needs, helping communities to prioritise their needs, formulating proposals for the solution of identified local needs, determining the extent to which the people can satisfy their needs on a self-help basis, and developing a plan of action for their community areas. Through council, Ward Committees can solicit the assistance of donors and other development agencies. The Ward Committees also formulate, implement, monitor and evaluate community action plans.

Wards were first introduced in South Africa in the Cape of Good Hope, when the burgers pressed for a greater share in the government of the Colony. These wards were governed by the wardmasters. In 1786 a committee of the high court was established in the Cape of Good Hope, which was subsequently given municipal and policing functions in 1793 (Craythorne, 1997: 126). Initially, the idea was that the 23 wards in the Cape should each be provided with two wardmasters. Their functions were to firstly keep a register of the persons in their wards, and secondly to report on particular municipal or criminal matters to the committee of the high court. However, it later became evident that the role of the wardmaster evolved into a particular relation, where contact between the people and the municipal commissioners was promoted (Craythorne, 1997: 127). From the above historical background, it is clear that Ward Committees are regarded as the mechanisms through which public participation in local government is made possible. Ward Committees should serve the purpose of representation, i.e. promoting local participatory democracy. As a result, they are established to ensure the necessary contact between the communities and government institutions, and further provide the support to the elected councillors to represent a specific sector in a municipal council in terms of Part 4 of the Municipal Structures Act, 1998.

Currently, South Africa has 3895 demarcated wards within the 283 municipalities. As shown in Table 4.1, these wards have established Ward Committees to pursue the ideal of a participatory democracy (CoGTA, 2009: 13). In spite of the complexities associated with the local government system in South Africa, it is important to highlight the ratio of the number of municipalities in relation to the population within each specific province, to explain the importance of participatory democracy, as detailed in the table:

Table 4.1 The establishment of Ward Committees according to province

Province	Population	Number of metropolitan municipalities	Number of local municipalities	Number of wards	Number of established Ward Committees
Eastern Cape	6 527 747	1	38	636	636
Free State	2 773 059	-	20	300	300
Gauteng	10 451 713	3	8	423	423
Kwazulu-Natal	10 259 230	1	50	771	771
Limpopo	5 238 286	-	25	513	513
Mpumalanga	3 643 435	-	18	365	365
Northern Cape	1 058 060	-	27	174	174
North West	3 271 948	-	21	365	365
Western Cape	5 278 585	1	24	348	248
Total	48 502 063	6	231	3 895	3 790

Adapted: CoGTA (2009: 14)

Local government plays an important role in enforcing municipal, provincial and national government policies within municipalities, to ensure effective and accountable service delivery in a relatively smaller jurisdiction. It is through this approach that wards are established. Ward Committees are area-based committees, whose boundaries coincide with the jurisdiction of the ward (White Paper on Local Government, 1998: 64). Through public participation, which should be initiated by the local municipality, via the Ward Committee, the local municipality should be in a better position to deliver the required goods and services, as expected by the municipal community. Section 72 (1) of the Municipal Structures Act, 1998 determines that in a local government sphere, Ward Committees can only be established within the metropolitan and local municipalities of a special type. These are the municipalities in category A as well as category B (Section 8 and 9 of the Municipal Structures Act, 1998). Ward Committees do not have original legislative and executive powers, however they play an important role as consultants and advisors to the councils through ward councillors (White Paper on Local Government 1998: 64). Furthermore, Section 72 (3) of the Municipal Structures Act, 1998, declares that the objective of the Ward Committees is the enhancement of participatory democracy in local government.

For a local municipality to effectively involve the public in determining the required public need, Ward Committees should be able to facilitate public participation. This will

assist municipalities in identifying the goods and services required by municipal communities. As such, the need for the formulation of an integrated development plan arises, so as to effectively develop a mechanism to identify community needs and priorities, and design administrative and managerial practices to fill these needs.

4.3 Conclusion

The purpose of this chapter was to bring about an understanding of the emergence and development of the idea of public participation within the South African decision-making context of the post-apartheid era. This is viewed as important because it enables one to understand the uniqueness and/or lack of uniqueness of the South African environment within the context of the global discourse.

Chapter Five

The Ward Committee system in South Africa: legislative framework

5.1 Introduction

In order to have an in-depth understanding of the Ward Committee system in South Africa and how it enhances or diminishes public participation within local levels of governance, there is a need to understand the tapestry of legislative framework that underpins the role and powers of Ward Committees in the first place. The purpose of this chapter, therefore, is to map out in detail the legislative framework and the local governance structure within which the Ward Committee system operates as a mechanism of public participation.

5.2 Legislative imperatives

It would be virtually impossible for public participation to take place in society without a policy framework. For as long as citizen participation exists, it is inevitable that policies as well as relevant legislation will be utilised as the main enforcers controlling the local government system. As a result, this section will focus on the legislation that relates to local government. The Constitution of the Republic of South Africa, 1996, serves as the cornerstone that transforms the society which operates within it. *Firstly*, it states in its founding provisions that “the Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and obligations imposed by it must be fulfilled”. This (Section 2) emphasises the significance and the supremacy of the Constitution, 1996, as it serves as a guideline that regulates the functions that institutional structures of the state perform. *Secondly*, the Constitution, 1996, establishes local government as a separate and independent sphere of government, mandated to deliver services through the support of the provincial and national spheres of government as outlined in Section 40 (1). The emphasis on the structured support provided by the provincial government to municipalities in case of incapacity is promulgated by Section 139 of the Constitution, 1996. *Thirdly*, in promoting democracy, Section 152 of the Constitution, 1996 addresses the objectives of local government as a requirement for local development. Consequently, it reflects the functional role of local government in facilitating public participation, through the utilisation of various legally established municipal structures. Lastly, Section 195 (e) of the Constitution, 1996, identifies public participation as one of the principles of public administration, thereby encouraging citizens to proactively engage in the affairs of government.

The White Paper on Local Government is the focal point for a developmental local government system, to obtain co-operation with the citizens in their social formations,

to realize citizens' ambitions of creating sustainable human settlements to ensure a decent quality of life, and striving to meet the needs of their communities (White Paper on Local Government, 1998: ix). However, the White Paper on Local Government is not the legislation, but a policy framework which provides the intentions as well as the direction in as far as the development of local government is concerned. The establishment of this policy was the result of efforts to attain the objectives of the local government as set out in Section 152 of the Constitution, 1996.

Having issued a policy document which focuses specifically on the sphere of local government, municipalities are encouraged to promote local democracy by developing strategies and mechanisms that continually engage with citizens across all social formations (Putu, 2006: 16). The Municipal Structures Act, 1998, provides for the appropriate division as well as devolution of power, as regulated by the functioning of the appropriate category of municipality, in ensuring a proper governing structure, which culminates in the election of municipal councils. More importantly, the legislation enables a municipality to establish Ward Committees to enhance participatory democracy in local government (Cloete and Thornhill, 2005: 102). The Municipal Systems Act, 2000, authorises the establishment of the internal systems of municipalities which serve as the mechanisms to obtain appropriate municipal administration, guaranteeing efficiency and effectiveness in the delivery of services. Putu (2006: 18) states that "the Municipal Systems Act provides the core principles, mechanisms and processes that are necessary for the municipalities to fulfill their objectives"; as a result, the legislation turns out to be the regulatory framework, in as far as the functioning of municipalities is concerned.

Chapter 4 of the Municipal Systems Act (no. 32 of 2000) stipulates that a municipality must develop a culture of community participation and must encourage and create conditions for the local community to participate in the affairs of the municipality. The Systems Act further elaborates on the municipal affairs as:

- Preparation, implementation and review of the municipality's integrated development plans (IDPs)
- The establishment, implementation and review of the municipality's performance management system (PMS)
- The monitoring and review of its performance, including the outcomes and impact of such performance
- The preparation of its budget
- Strategic decisions relating to the provisioning of municipal services.

Putu (2006:8) notes that for the last twenty years, the concept of public participation has been largely used in the discourse of development. For much of this period, the concept has referred to participation in the social arena, in the community or development projects. Development has a diversity of meanings. For example, public participation is often viewed as ownership of the development process, bottom up

planning, grassroots planning, and collaborative planning (Putu 2006:8). Brayson (1993:3) is of the opinion that public participation is a means for local officials to obtain information about local conditions, needs, desires and attitudes. Public participation therefore enables public officials to address the real needs of communities in the most appropriate way. Participation helps to build an informed and responsible citizenry with a sense of ownership of government's developments and projects. It further allows municipalities to get buy-in, and to develop partnerships with stakeholders.

The *Draft Policy Framework by the Department of Provincial Local Government (DPLG 2005:5)* regards public participation as an open, accountable process through which individuals and groups within selected communities can exchange views and influence decision-making. The *Draft Policy Framework by DPLG (2005)* further states that public participation is a democratic process of engaging people, deciding, planning, and playing an active part in the development and operation of services that affect lives. Public participation is an important cornerstone of democracy, in that it is said to make government transparent and accountable, act on its electoral promises, and also act within the law and the constitution in particular. Houston (2001:8) is of the opinion that participatory democracy reflects tendencies of "pure" or "direct" democracy, i.e. involving the citizenry to a greater degree in decision-making than representative democracy. Bekker (1996:17) is of the view that democracy at a local level is concerned with the political system based on aspects such as citizen participation, majority rule, consultation and discussion, as well as the responsibility of leaders to give guidance. In a democratic society, citizens can express their democratic rights in a number of ways, such as voting in elections, participating in party politics, holding public demonstrations, petitioning local or national leaders, lobbying decision-makers, making written or verbal submissions to committees, printing and distributing leaflets, using local radio and TV shows to cover their issues of interest, and referring their complaints to appropriate commissions such as the South African Human Rights Commission, the Public Protector and the Independent Directorate of Complaints (*DPLG, 2005:7*).

South Africa is characterised as promoting participatory democracy. The goal is to include the public in most of the operations of the government through their participation, and this can be seen in mechanisms such as the integrated development plan, public hearings (*Izimbizo*) and consultations, as well as policy discussion conferences. Consequently, local democracy is promoted through the improvement of public participation in municipal government. To accomplish this, the Municipal Structures Act, 1998, provides for the establishment of Ward Committees.

Public participation is essentially a process in which communities are engaged, from planning, to implementation, through to the evaluation phases of a particular activity or project (Draai and Taylor, 2009: 114). From this statement, it can be understood that in every municipal development plan, consultation of the community is of importance. As a result of this, the establishment of Ward Committees should enable communities to take charge of the participation process and, according to Draai and Taylor (200:114),

this will result in the transfer of skills, knowledge and ownership of the process of planning and implementation in accordance with the needs of the community. Nzimakwe and Reddy (2008: 670) state that due to the challenges of service delivery, considerable emphasis has been placed on Ward Committees as mechanisms to facilitate community participation. Further, the close regulation and strict control of Ward Committees should be emphasised with regard to a municipality's objectives.

5.3 The nature of the local government system in South Africa

According to Section 40 (1) of the Constitution, 1996, the South African government is constituted as national, provincial and local spheres of government. The Constitution, 1996, obliges these spheres to be distinct, yet interdependent and interrelated. As an imperative of good government, all spheres of government are required by Section 41 to apply the principles of co-operative government and intergovernmental approach when performing their duties. Though these principles, effective government is inevitable, and as such it is important for the three spheres of government and all organs of the state to co-ordinate their actions and legislation in accordance with the provisions and requirements of the Constitution, 1996 (Cloete and Thornhill, 2005: 115).

After the first democratic elections in 1994, the South African government required a total transformation of its institutions. Transformation of such institutions was to be facilitated through a process of strengthening their capacities (Thornhill, 2008a: 59). Given their superior institutional capacity to govern, municipalities have the potential to effectively, efficiently and economically render excellent services to their communities. This implies that local government is the only sphere of government where a platform can be set up through the usage of municipal structures, for the citizens to collectively organise themselves so as to enhance participatory democracy, and consequently influence the programmes of the municipality. Furthermore, this highlights the importance of bridging the gap between government and the people. The system of Ward Committees serves as one of the mechanisms to enhance direct participatory democracy in the South African local government system.

Ismael *et al* (1997:2) define local government as a sphere of government that is centralised, a representative institution with specific powers delegated to it by a high level of government to deal with issues that are local in nature. Within the South African context, Chapter 7 of the Constitution Act (no. 108 of 1996) sets out a clear description of the structure of local government and its legal status in exercising both legislative and executive authority. The nature and structure of local government is designed in such a manner that there is close co-operation and integration between the council, comprised of councillors, communities who influence municipal policies and programmes for planning purposes, and the administration whose responsibility it is to legally advise the council and implement council decisions. For communities to participate meaningfully on issues of local governance, it is imperative that councils design a structured system of

participation. This system allows for the establishment of Ward Committees, through which communities are enabled to participate meaningfully on matters affecting them in the system of government. Whilst Ward Committees are designed to be the link between communities and council, it is clear that the system has its shortcomings, due to the wide-spread perception that municipalities do not consult enough, resulting in the limited influence of communities on issues of governance.

Ward Committees are supposed to play a critical role in ensuring that national challenges such as poverty, underdevelopment and unemployment are reduced. Section 152 of the Constitution establishes representative and participatory democracy as two objects of local government. These objects are, *inter alia*, to provide a democratic and accountable government for local communities and to encourage the involvement of communities in matters of local government. Matters of local government are those issues relating to the development of municipal Integrated Development Plans (IDPs), municipal budgets, performance management systems, and by-laws. These are critical issues upon which municipalities are obliged to consult, thereby enhancing participatory democracy through an effective Ward Committee system. According to Gildenhuys & Knipe (2000:247) the structure of local government is the framework within which local public policy is made and implemented. In organising local government, emphasis should be placed on contrasting, but not mutually exclusive, matters such as individual liberty and corporate authority, local political initiative, citizen participation, and professional management. The executive and legislative authority vested in municipalities by the various pieces of legislation does not absolve council of its responsibility to involve communities in participating in matters of local government, and ensuring inclusiveness through consultation. Local public policies that regulate how municipalities operate would normally undergo a public participation process before adoption, in order to ensure community buy-in and efficiency. This is a way of confirming the critical nature of public participation, since it forms part of the solutions for good governance.

5.4 Participatory democracy

The transformation of local government subsequently positioned local government as a sphere of government with its own powers, separate from those of national or provincial government (RSA 1996). With this repositioning, local government was given a new role; that of developmental local government (RSA 1996; RSA 1998a). The White Paper on Local Government (RSA 1998) sets the vision for the new role of local government, which “*centres on working with local communities to find sustainable ways to meet their needs and improve the quality of their lives*” (RSA 1998a). The involvement of local citizens and communities in meeting the needs of communities is thus key for the new developmental local government (*ibid.*). This approach to a developmental local government is indeed a shift from the way the previous government operated, with a

top-down approach to policy and development (Karlsson, Pampallis and Sithole 1996: 116).

Piper and Deacon (2006: 2-3) refer to “participatory governance” as taking the views and interests of those affected by government more seriously than in the past. This means that municipalities should promote local democracy, as the local community makes up not only the electorate that voted them into power, but the most important stakeholders in local governance. In the South African local government sphere, participatory democracy is effected through the structure of Ward Committees. For Ward Committees to be able to fulfil their mandate, they need to be sufficiently resourced and capacitated. Mathekga and Buccus (2009: 12) argue that technical capacity has been overrated as the main ingredient to improved service delivery at the expense of substantive democracy and active citizenship. In support of the above statement, by implication Zimmerman (1986: 3) argues that from the government’s standpoint, citizens who share responsibility for decision-making with elected officers, may have the advantage of facilitating the implementation of plans and programmes. In the first instance, the main beneficiary of service delivery is the community. Therefore, if involved, they would ensure that services are kick-started at the earliest convenience.

5.5 The benefits of public participation

Deacon and Piper (2006: 2) argue that throughout the world, municipalities have come to appreciate that the relationship between government and the governed, is as important as government itself. They refer to a shift from government to governance. This is the latest form of democracy, overtaking the old representative democracy. This paradigm shift is marked by consultation, involvement and serious consideration of the views of those being governed. Many writers and acts propose similar benefits of public participation. The National Treasury Guide to Municipal Finance Management for Councillors (2006: 12) states that: Effective community consultation, or participatory democracy, and developing mechanisms to better engage with communities, is a central theme of the Municipal Finance Management Act. The aim is to create greater community awareness and promote more accountable decision-making processes by government in line with good financial governance principles.

The Municipal Finance Management Act (No. 56 of 2003) promotes a participatory, consultative approach to municipal decision-making, and prescribes very specific matters in which a council must formally engage its community. This approach is intended to engender a greater understanding of community needs, and promote a system of accountability that will lead to a more autonomous, empowered and responsive council. Based on the provisions of the Municipal Finance Management Act (No. 56 of 2003), communities are supposed to participate in the municipal budgeting processes and decisions regarding capital projects for the period in question. This is envisaged to not only foster a better understanding of the community needs by the

municipality, but to fulfil the constitutional mandate of a transparent and accountable public administration.

The Draft National Policy Framework for Public Participation (2005: 1) states why public participation is good for both the community and democracy:

- It is designed to promote the values of good governance and human rights. One of the principles that encapsulates good governance is accountability. The monies and the services rendered by the public sector not only belong to the public in the form of tax, but the public are the consumers of government services. So services delivered must meet with the expectations of the consumers. Values of good governance enshrined in the constitution can only be realised if the affected communities are part of the governance. All over the world, governments are expected to provide their citizens with services that form part of human rights.
- Public participation narrows the social distance between those who govern and those who are being governed. At local government level, Ward Committee structures are meant to bridge the gaps between government and communities.
- It increases trust. The more the community is aware of and involved in the affairs of government or the municipality, the more it will develop trust in the people they have elected. This trust will be translated into goodwill between the parties. They will then work together on many issues and ensure buy-in by the community on difficult and sensitive issues. Zimmerman (1986: 3) argues that the following are benefits of participatory democracy:
 - It creates awareness of government programmes like the IDP. Not only should the community be aware of major government programmes and projects, it should also be involved in the planning of service delivery programmes.
 - The input of the community must never be underestimated. Within communities, there are seasoned, retired and practising experts, with a wealth of skills and experience. Some can offer their time, manpower and even resources, if requested. However, community members must be fully involved from the planning stages up to the end of programmes and not be called upon as a 'damage control' measure when things go wrong. The relationship of the parties involved must be based on good faith and nothing else.
 - Citizens will facilitate the implementation of plans and programmes. Government is of the view that, if citizens take part in decision-making, there is a greater chance that they may also take part in ensuring that programmes and projects get started and why they delay or fail, if they do.
 - This has a democratic value. It's easier to hold those elected accountable. By being fully involved in government programmes and processes, the

community is able to monitor the work of government and subsequently hold them accountable.

Ngoma (2004: 286) contends that the above-mentioned benefits overemphasise the results of service delivery, rather than the process or the means by which it is achieved. Again, a lack of technical skills is being forwarded as the cause of poor service delivery, rather than the lack of fundamental processes that pave the way for efficiency, effectiveness and accountable government enterprise. Buccus and Mathekga (2009: 11) contend that while the evident problem at local government level can be explained as a matter of poor service delivery, the problem is also perpetuated by the lack of community participation and engagement at local government level. If community members can participate meaningfully in the affairs of local government, they will be the first to know where the stumbling blocks are and work with the local municipality rather than fighting it.

5.6 Local government and structures of the municipality

The Constitution of South Africa Act (no.108 of 1996) allows for the existence of three spheres of government, namely, national, provincial and local government. Section 151 stipulates that local government consists of municipalities whose executive and legislative authority is vested in their municipal councils. This section further stipulates that a municipality has the right to govern on its own initiative, and to the local government of the affairs of its community, subject to national and provincial legislation. The Municipal Demarcation Act (no. 27 of 1998) provides for the criteria and procedures for the determination of municipal boundaries, and matters connected thereto, by the demarcation board. One criterion which is used by the demarcation board in determining municipal boundaries is to determine the number of wards against the population in a municipal area to inform the type and categories of municipalities. Chapter 4 of the Municipal Systems Act (no. 32 of 2000) stipulates that a municipality must develop a culture of community participation and must encourage and create conditions for the local community to participate in the affairs of the municipality.

The Systems Act further elaborates on municipal affairs as:

- Preparation, implementation and review of the municipality's integrated development plans (IDPs)
- The establishment, implementation and the review of the municipality's performance management system (PMS)
- The monitoring and review of its performance, including the outcomes and impact of such performance
- The preparation of its budget, and
- Strategic decisions relating to the provisioning of municipal services.

The democratic dispensation has brought about some changes in the South African local sphere of government. Section 152 (1) of the Constitution of the Republic of South Africa, 1996, mandates local government to encourage the participation of local communities in their governance. The Municipal Structures Act (No. 11 of 1998) states that Category A and B municipalities are to be demarcated into wards, and have Ward Committees to facilitate the participation of local communities. According to Smith (2008: 14) several factors inhibit the effectiveness and the ability of Ward Committees to fulfil their mandate. These factors include, *inter alia*, ward councillors' low levels of education, skills and expertise; functionality problems; political dynamics and the relationships of Ward Committees with other structures.

The White Paper on Local Government (RSA 1998a) urges municipalities to develop mechanisms to ensure community participation, including:

- Forums to influence policy formulation both from within and outside local government.
- Structured stakeholder involvement in certain council committees. This is particularly for issue-oriented committees that have a short lifespan, rather than for permanent structures.
- Participatory budgeting initiatives to ensure that community priorities are aligned to capital investment programmes.
- Focus group participatory action research to gather information on specific needs and values of communities. The requirement is that this function should be carried out together with NGOs and community-based organisations.
- Providing support to associations to enhance their organisational development. The White Paper (RSA 1998a) suggests that this is particularly important for poor, marginalised areas, where there might be a lack of skills and resources for participation. Its reasoning for this position is that, in these areas, "citizens tend to participate via associations rather than as individuals".

The Local Government Transition Act (RSA 1993) prescribes that membership in a forum must promote "the principle of inclusivity and representativity". In this regard, Schedule 1 of the Local Government Transition Act (RSA 1993) requires representation from the main sectors that exist in the community in the negotiating forums. It suggests that members of institutions such as the "local chamber of commerce and industry" may apply for observer status in these forums (*ibid.*). Other legislation that sought to promote public participation at local government level is the Development Facilitation Act (DFA) (RSA 1995). One of the objectives of this Act (RSA 1995: section 3) is to set "*general principles governing land development throughout the Republic*". The Act (RSA 1995: section (d)) requires the encouragement of participation of "*all sectors of the economy (government and non-government) to land development so as to maximise the Republic's capacity to undertake land development*". This Act not only requires the participation and involvement of "members of communities affected by land development", but also capacity-building for the underprivileged members of the

community who are affected by land development (RSA 1995: section 3(d) and (e)). To allow public participation by those involved, section 3(1)(g) of the Development Facilitation Act (RSA 1995) requires access to legislation and procedures by those that may be affected by the development of land. This section also requires that these laws and procedures must be clear and should offer information to those people on whom land development has an effect (*ibid.*).

Another legislation that concerns public participation at local government level is the Local Government Transition Act (LGTA) (RSA 1993). This was the first Act that was established to make temporary provisions to reform local government (RSA 1993). According to Hart (1998:13), literature review is the selection of *available documents*, both published and unpublished, on the topic, which contain information, ideas, data and evidence written from a particular standpoint, to fulfill certain aims. The Ward Committee system emanates from Section 8 of the Municipal Structures Act (no.117 of 1998) which outlines the types of category B municipalities whose system of local government has been promulgated in the government gazette to have adopted such a system.

5.6.1 The role of local government

As alluded before, local government is assigned with the task of ensuring that the administration of goods and services will result in a collective effort to pursue the endeavors that the municipal community deems fit and proper. In local government, the relationship between the governors and the governed must flourish, thereby achieving the concept of self-governance. This can be achieved by taking the following aspects into consideration, as outlined by Hanekom (1988b: 18):

- Local government should ensure essential links between citizenry and the government.
- Local government should serve as an instrument that provides for the mechanisms that promote greater community participation; and
- Local government should serve as the building-block of a democratic political system.

5.6.2 The role of the municipal council

Section 152 of the Constitution of South Africa Act (no. 108 of 1996) outlines the objects of local government as, amongst others, to provide democratic and accountable government for local communities and to encourage the involvement of communities in the matters of local government. Section 19 (2) of the Municipal Structures Act (no.118 of 1998) further stipulates that a

municipal council must review the needs of the community annually, its priorities being to meet those needs and the processes for involving the community. These statements, as outlined in the various pieces of legislation, place the obligation on municipalities to develop mechanisms for public participation.

A municipal council is the political structure in a municipality and possesses legislative authority and the executive authority in so far as the management of a municipality is concerned. A municipal council is composed of the councillors (either party representatives or independent), normally elected in accordance with schedule 1 and 2 of Act 1998. Both category A and B municipalities may apply proportional and ward representation. Section 20 (1) of the Municipal Structures Act, 1998, states that a district or local municipality should have no less than three and no more than 90 councillors in their council. It further states that in a metropolitan municipality, the number of councillors should not be more than 270. Consequently, this serves as a guideline used to determine the number of councillors representing communities in municipal councils. A municipality, through its council, has functions and powers as provided for by Section 156 and 229 of the Constitution, 1996 within which the basic responsibility is to make municipal decisions.

A municipal council must strive, within its capacity, to achieve the objectives of local government as set out in Section 152 of the Constitution. Furthermore, on an annual basis, Section 19 (2) of the Municipal Structures Act, 1998, obliges a municipal council to review:

- the needs of the community;
- its priorities in terms of meeting those needs;
- its processes for involving community;
- its organisational and delivery mechanisms for meeting the needs of the community; and
- its overall performance in achieving the objectives of local government as set out in Section 152 of the Constitution, 1996.

The type and category of the Ba-Phalaborwa Municipality gives a clear indication in terms of what the role of the council is as far as it relates to Ward Committees. Municipalities have both executive and legislative authority to govern and manage their own affairs effectively and therefore, the establishment of Ward Committees is a competency of municipal councils. Council must also provide Ward Committees with the necessary administrative support to enable them to perform their functions effectively.

5.6.3 Role of the executive committee and executive mayor

Section 44 (1) of the Municipal Structures Act, 1998, defines an executive committee as the principal committee of the municipal council. Only municipalities specified in Section 54 of Act 117 Of 1998, may establish an executive mayor system. The executive committee and the executive mayor system are responsible for analysing the reports received from the other committees of the council and, as a result, they should make recommendations to the municipal council in any case where they are not permitted to make a decision in terms of its delegated powers. In accordance with Section 44 (2) and Section 56 (2) of the Municipal Act, 1998, the executive committee and executive mayor are empowered to:

- identify the needs of the municipality;
- review and evaluate those needs in order of priority;
- recommend strategies to the municipal council; and
- recommend or determine the best methods to deliver the identified strategies.

Section 56 (2) of the Municipal Structures Act (no.117 of 1998) outlines the functions and powers of the executive mayor as, amongst others, to identify the needs of the community and recommend strategies to the council to address priority needs through the IDP processes. The mayor must ensure that recognition is given to the public's views, and report on the effect of consultation on the decisions of Council. The mayor plays the final political role in ensuring that the public is consulted on the programmes of the council. The institutional arrangements in the Ba-Phalaborwa Municipality are designed in such a way that, whilst the mayor must ensure that the public is consulted, this should be as far as it relates to the processes of the IDP and the assessment of the needs and priorities of the communities. The Office of the Speaker is charged with the responsibility of ensuring that the municipality conforms to the legal framework governing public participation. This is in the form of ensuring that the public participation policy and communication are in place, including the yearly plans for public participation. The speaker must ensure that the Ward Committee system is effective, so that the Ward Committees perform their functions effectively.

5.6.4 The role of ward councillors

Ward councillors are the elected public representatives of their specific wards in a municipality. They are ideally placed to be a link between the communities and the municipality, and they are ideally suited to bring the needs of communities to the attention of the council. They report back to their constituencies on any

progress regarding service delivery. As chairpersons of Ward Committees, they must work in close co-operation with the Office of the Speaker to ensure that elections are held for the appointment of Ward Committee members. They also need to ensure that training is provided for them, in order to enable them to understand their roles and responsibilities. The ward councillor, as a public representative who has a responsibility to his constituency, must develop a year planner of activities in his or her ward, including both public meetings and meetings with the Ward Committee. He or she must keep records of meetings as proof of efficiency, and for accountability purposes. The ward councillor should be in possession of the ward profile that indicates the strengths and shortcomings of the ward. When opportunities arise, communities within the ward should be the first to be considered as beneficiaries. The municipality has a responsibility to ensure that monitoring is in place to assess the performance of ward councillors because they are remunerated in terms of the Remuneration for Political Office Bearers Act, which is promulgated on a yearly basis to indicate the salary scales of councillors according to the level and grading of a municipality, considering financial affordability. In terms of remuneration, it is expected that they have responsibilities to fulfil in their constituencies, to Ward Committees and to the council as well. The work of the ward councillors is made easier when the relationships between the ward councillor, the Ward Committee, communities in the ward councillor's constituency, and the administration, are strengthened.

The ward councillor is the chairperson of the Ward Committee and, as such, is an essential member of the committee. Wards are also assigned a Proportional Representation (PR) councillor by the council, to play a role in supporting the ward councillor in a ward. The ward councillor is therefore responsible for:-

- Convening the constituency meeting to elect Ward Committee members
- Calling Ward Committee meetings
- Ensuring that a schedule of meetings is prepared, including Ward Committee meetings, constituency meetings, and special meetings
- Working with the Ward Committee to ensure that there is an annual plan of activities
- Ensuring that the Ward Committee does what the municipality expects regarding reporting procedures
- Handling queries and complaints in the Ward
- Resolving disputes and referrals of unresolved disputes to the municipality
- Being fully involved in all community activities that the Ward Committee is engaged in within the area
- Communicating the activity and meeting schedules to the PR councillor.

5.6.5 Ward Committee system

The Ward Committee system was introduced in South Africa in 2000 by former state president, Thabo Mbeki, and was aimed at strengthening community participation (Ward Committee Resource Book) and also as a tool to bring government closer to the people and to enhance participatory democracy. Previous research on local government indicates that these structures have not been effective due to the lack of resources to sustain them. The involvement of community members through the Ward Committee in choosing their own collective destiny falls within the ambit of what is referred to as participatory democracy. Therefore, participation in the context of local governance means that people are involving themselves in decision-making about implementation of local governance and development programmes. The role of the Ward Committees should have evolved over the past ten years to become an effective vehicle of both service delivery and participatory democracy. Ward Committees are structures which are supposed to be democratically elected by the community members. Through the ward councillors who chair these structures, Ward Committees represent the citizens in the municipal council. Constitutionally, Ward Committees are required to account to their communities, and inform them about the decisions taken at council meetings.

Ward Committees are structures which are aimed at bringing the government closer to the people. Policies and legislation governing the Ward Committees stipulate that “such process thus reinforces two of the fundamental mechanisms of sustainable democracy, which is participation of the people and accountability of the local government” (Ward Committee Resource Book, 2005: 39). The roles of the Ward Committee members include organising Ward Committee meetings and community meetings, drafting community proposals and many other administrative duties. Although Ward Committee members are mandated to carry out these duties, the municipalities do not remunerate Ward Committee members. The Ward Committee Resource Book (2005) stipulates that the legislation for local government obliges municipalities to provide support to the Ward Committees and to build their capacities. The training directed to the Ward Committees must be in the form of formal training by government or government appointed service providers. Municipalities should also conduct a careful and participatory review of Ward Committees’ experiences and local knowledge bases.

South Africa is a democratic country and is committed to public participation as a measure to ensure that people have a say on issues of government. The Organisation for Economic Co-operation and Development Handbook (2001:16) defines active participation as a means through which citizens themselves take a role in the exchange on policy-making by proposing policy options, even though the final decision rests with government. Engaging citizens in policy-making is an

advanced two-way relationship between government and, in this case, local government, and communities, based on a principle of partnership. Specifically for municipalities, the only form for structured participation is through Ward Committees. Ward Committees are legal structures which are best suited to ensuring wide citizen participation, thereby enhancing public participation as outlined by the various pieces of legislation. The institution of Ward Committees has a legislative responsibility in enhancing public participation, with specific reference in local government policy-making processes. In an effort to ensure their efficiency, the Department of Provincial and Local Government developed guidelines for their establishment and operations, (Notice no. 27699 of 2005).

The following are some of the characteristics outlined in the gazette:

- It is an advisory body, in the sense that it is in a position to submit the needs of communities, through the ward councillor, to the council, for consideration. This is somehow the way of exercising the participation of the public, thereby influencing the decision-making processes of the council.
- Ward Committees are a representative structure, consisting of communities from all sectors of society. These sectors include religious groupings, health and education, the youth, business, ratepayers associations, and people living with disabilities, to mention a few. The representative nature of Ward Committees is an endeavour to ensure that the diverse needs of communities are attended to, since people will not all need the same thing at the same time.
- A Ward Committee is an independent structure. This is so because communities always exercise their constitutional rights to freedom of association, including belonging to political parties of their choice. Whilst people exercise their rights in terms of political affiliation, Ward Committees must be sensitive, and not be biased towards one party and forget the needs expressed by other political groupings. It goes without saying that they must perform their functions without fear or intimidation.

5.7 Enhancing public participation through local government

Public participation affords citizens an opportunity to identify problems which are peculiar to a particular jurisdiction, i.e. a relevant municipality, and to subsequently endeavor to solve them. Bekink (2006: 476) emphasizes that the local sphere of government is ideal for the pursuit of the true principles of democracy, thereby ensuring that local residents are afforded the opportunity to participate directly or indirectly in policy-making that concerns them. Public participation in the local government sphere is a feature which drives action and ensures transparency and accountability in the processes involved. The participation of the community could play a vital role in the delivery of services. From the local government's point of view, this could become a

consultative process where the responsibilities assumed by the municipalities require to be permanently kept abreast.

5.8 Conclusion

In most of the literature consulted, it was found that the authors acknowledge the importance of the establishment and functioning of Ward Committees in facilitating public participation in the local sphere of government. However, the particular authors omitted to make an analysis of the effectiveness of Ward Committees in promoting local democracy through public participation, which would ultimately yield the efficient provision of services by the municipalities. In this regard, participation would confirm that the municipal council is subject to the genuine needs of the citizens and this would ensure that the council would apply reasonable judgement before taking decisions.

Chapter Six

Presentation and analysis of data

6.1 Introduction

This section provides an analysis of the information which was gathered during the interviews with research participants. The research participants included municipal officials, ward councillors, members of the Ward Committee, representatives of tribal authorities (traditional leadership), and members of the public. This was an important exercise because the answer to the question of whether the Ward Committee system enhances public participation within the local spheres of governance in South Africa also depends on the views, feelings and perspectives of those who are directly involved in both the process and implementation of the system.

Prior to the interviewing process, the participants were informed that they would be participating on a voluntary basis and, as such, could withdraw from the interview process at any stage. Furthermore, it was emphasised that participation would be anonymous, the names of the participants would not be recorded, and, as a result, the information obtained would be confidential and used only by the interviewer. The intention of acquiring information was based on the assumption that the respondents are the people who are directly involved in the operational processes within the Ward Committee. The interview process developed particular themes that aimed to clarify pertinent subjects involving the Ward Committee. This research used open-ended questions, aimed at acquiring the necessary information for the research.

6.2 Interviews and observations

6.2.1 Composition of Ward Committees

Since 2001, Ward Committees have emerged as a key institutional mechanism, intended to contribute towards bringing about people-centred, participatory and democratic local governance. The rationale for Ward Committees is to supplement the role of elected councillors by creating a bridge between communities and the political and administrative structures of municipalities. These Committees have been set up in the vast majority of wards in municipalities across the country, and Ba-Phalaborwa Municipality is not an exception.

Ba-Phalaborwa Municipality is semi-rural and is divided into eighteen (18) wards, with ten (10) members in each ward, which implies that there are one hundred

and eighty (180) Ward Committee members within the municipality. Eighty percent (80%) of the members of the Ward Committee participated in the research, and were randomly selected. However gender, age and disabilities were considered in order to ensure that the research was fair and did not prejudice other groupings.

Ba-Phalaborwa Municipality has established Ward Committees in all the wards within the jurisdiction of the municipality. Among the one-hundred and eighty (180) members of the Ward Committee, forty percent (40%) are women, sixty percent (60%) youth, and two percent (2%) are representatives of people with disabilities. The findings illustrate that the Ward Committee does conform to the stipulations set out in *Section 17 (2) of the Municipal Systems Act*, which obliges community advisory structures to increase their representation of women, and people with disabilities. Thus, according to a member of the focus group:

We have maximum participation of women, youth and people with disabilities in our Ward Committee system. Even though this is voluntary work and people do not get paid for the service they do, the members chose to volunteer their service to the community. (Focus group participant: 10 September 2013)

Based on this observation, it can therefore be concluded that the Committees are gender balanced and representative of youth and people with disabilities, as reflected by Ward Committee members. Non-involvement of such individuals in the Ward Committee may impact negatively on youth and community members who are physically challenged, as their interests and needs may not receive priority. For example, all public places, including official buildings, must be accessible to every member of the public, including the physically challenged. Ward Committee members' responses indicate that all age categories used in the study are represented on the Ward Committee. The responses further reveals that sixty percent (60%) of the members of the Ward Committee fall between the ages of 31 and 50. Therefore, there is a strong voice of young people in the Ward Committee.

6.2.2 Functioning and attendance of meetings

Seventy percent (70%) of the members of the Ward Committees that were sampled understand the roles and functions of the Ward Committee. Ward Committee members also understand their term of office, which is five years, and this is in line with the council's term of office. Ward Committees are elected by the community and therefore have some form of accountability to the people who elected them. The ward councillor is the chairperson of the Ward Committee, and therefore calls for Ward Committee and community meetings

and sets the agenda for the meetings. As many as seventy percent (70%) of the respondents felt that they were functioning and accountable, in the sense that they had some form of mechanism to account to the local constituency for their actions and responsibilities.

One of the problems affecting the Ward Committee system in Ba-Phalaborwa Municipality is that of poor attendance of crucial meetings. Thus, according to a committee member who was present at the focus group meetings:

The community has lost interests in these meetings. The ward councillor and Ward Committee members come to us to rubber-stamp their decisions. They consult with the Committee when it suits them and for compliance purposes. We cannot participate because the ward councillor and his team set the agenda for us; it is very difficult. (Focus group participant: 10 September 2013)

Based on this observation, it can be deduced that community members attend meetings depending on the nature of issues intended to be discussed in such meetings and, as a result, the attendance of a public meeting is proportional to the agenda of that particular meeting. Based on this observation, it is evident that community members attend meetings when the matters on the agenda address their needs, such as housing, water, electricity and employment opportunities.

6.2.3 Understanding the work and duties of the Ward Committee

The Ward Committee is a consultative structure which acts as a link between the municipality and the community. Therefore, in terms of its constitutional mandate, the committee should be involved in the planning and implementation of programmes within the municipality. More importantly, Ward Committees are made up of members of the community. Therefore, when elected into office, they should represent the community, not the political parties that nominated them.

Eighty percent (80%) of the Ward Committee members have knowledge and understanding of, and insight into, the role of Ward Committees. However, the struggle for power and positions paralyses the relationships between ward councillors and Ward Committee members. Powerful Ward Committee members challenge ward councillors and want the ward councillors to account to the Ward Committee. Ward councillors often accuse them of pursuing a different agenda from that of the Committee. This situation manifests itself mainly where the ward councillor is not the branch chairperson of the party in the ward. This was confirmed by a focus group participant who stated that:

Ward Committee members want to tell me what to do; I am elected to serve the interests of the people in this ward and I know what the community's priorities are in terms of development; the Ward Committee is pushing a vendetta to have me removed. (Focus group participant: 10 September 2013).

Ward Committees consist of members of the community and, therefore, cannot drive a parallel agenda to that of the ward councillor and the community. However, personal vendettas are being pursued at the expense of the community's needs and aspirations. Ward councillors are driving public participation within their wards, and are therefore required to facilitate Ward Committee and community meetings, and report to the Office of the Speaker. Quite often, the activities of the ward councillors are negatively affected by the poor relationship between ward councillors and Ward Committees.

Sixty percent (60%) of the community members perceived Ward Committee members' roles as confusing and unclear. Therefore, members view their roles differently and, as a result, the delegation of members to perform tasks is difficult. A clear majority (67%) of the respondents indicated that no powers had been delegated to Ward Committees, only 18% disagreed with this view, while 15% were unsure. Thus, according to a focus group participant:

We report water and electricity problems to the Ward Committee, who report to the ward councillor. The matter is then reported to the municipality, and we receive feedback. (Focus group participant: 11 September 2013).

A full one hundred percent (100%) of the respondents understand the Ward Committee policy and indicated that the municipality had adopted a policy on how Ward Committees should carry out their roles and functions. However, all the respondents felt that more attention should be paid to the full implementation of the policy. Ward Committee members felt that decision-making processes within the municipality resided within the council, and that they were unable to influence the process. Ward Committee members feel that they have been relegated to being labour desk officers. Thus, according to a focus group participant:

The municipality informs us of the programmes which they are implementing, and tells us to communicate the information to our communities. We are therefore told of the recruitment criteria, and we then engage the community. We are not involved in the planning and implementation of projects. (Focus group participant: 11 September 2013).

This observation is dependent on relationships between the ward councillors and the Ward Committee, and where policy and procedures are well known, this situation should not be playing itself out.

6.2.4 Knowledge of accountability to communities

The other challenge facing the Ward Committee system in Ba-Phalaborwa Municipality is accounting processes to the communities. The first point to arise was the fact that ward councillors are elected representatives of the people, therefore ward councillors should consult and engage with the community across the political spectrum. The Ward Committee system promotes an apolitical system, where communities from the various political parties would nominate candidates to represent them in council. Once that process has been formalised, elections are then conducted in the ward for the appointment of Ward Committees to assist the ward councillor.

Ward councillors have a responsibility to ensure that they submit their ward action plans to the Office of the Speaker. They are also responsible for issuing the invitations to meetings of the Ward Committee, and constituency meetings. Some ward councillors account to their constituency, while others account to the political parties that nominated them for councillor positions. It must be acknowledged that some councillors are chairpersons of branches of their political parties, therefore accountability changes depending on the powers and influence of the Branch Executive Committee. According to a research participant:

I develop the plan of action with the Branch Executive Committee (BEC), we engage the Ward Committee and community, and submit the priority plan to the municipality..... I account to the party which elected me; I pursue the party programme of action, therefore the Ward Committee and the community must buy in into the programmes. (Focus group participant: 11 September 2013).

The party is in charge of community programmes, therefore a top-down approach applies, which is a recipe for conflict. It is also important to note that Branch Executive Committee members dominate the Ward Committee. Therefore, discussion which happens at the party structures is taken through the processes for rubber-stamping. Based on this observation, it is evident that ward councillors have varying understandings with regard to municipal processes and procedures.

6.2.5 Perceptions of municipal support to Ward Committees

With specific reference to Ba-Phalaborwa Municipality, the speaker has been assigned the responsibility of dealing with public participation, hence the establishment of Ward Committees. A full time municipal official has been appointed to facilitate public participation, and report to the Office of the Speaker.

Sixty percent (60%) of the ward councillors believe that they are not responsible for the planning of developmental projects in their areas. The municipality facilitate the IDP process, prioritise the needs of the municipality, and allocate budgets. The municipality budgets according to priority areas, not per ward, and as a result ward councillors are always at loggerheads with communities because they cannot explain the lack of developmental projects in their areas. This was disclosed by a member of the focus group who argued that:

The municipality allocate a budget based on council priorities which are unknown to us as ward councillors; the process is not transparent and favours connected politicians, while communities are being disadvantaged. Influential politicians and connected business people have hijacked the process; the ward which I represent does not have a budget for the current financial year; we have submitted the IDP for the ward, but no project has been allocated; how do I explain this to the community? (Focus group participant: 11 September 2013)

Based on this observation, it is evident that political influence by powerful politicians prejudices municipal programmes. This observation implies that the IDP process is either not owned by the communities, or the budgeting processes are not transparent. This therefore raises questions around the level of participation of ward councillors and Ward Committees in these processes. However, according to Sydney, (focus group: September 2013), the situation is different in his ward:

The IDP process is more consultative; the community has identified projects which are at the top of the list of municipal programmes; a budget has been allocated for the implementation of three of our projects. (Focus group participant: 11 September 2013)

Based on this observation, it is evident that communication and consultation processes are being observed. However, this observation differs between wards, depending on the relationships between ward councillors and Ward Committees.

The community hold the same view: sixty percent (60%) of the respondents indicated that the municipality imposed programmes and projects without following the necessary processes. The respondents claimed that there is a general lack of commitment from people to participate in municipal programmes. In this regard, the respondents stated that people are tired of empty promises from the municipality with regards to service delivery. All the respondents answered that they report back on municipal plans and programmes to their respective communities. This helps to trigger community participation. Interest groups like business and religious formations are also invited to participate in such meetings. Youth development programmes initiated by the municipality are also reported on, so as to attract the youth to be involved in municipal matters. Thus, according to a focus group participant:

The municipality is not bringing young people and critical structures on board in their programmes, and as a result they target incorrect beneficiaries; young people must conceptualise projects, implement and commission them; this is not happening; we are the recipients of programmes designed 'somewhere' for us to implement. (Focus group participant: 12 September 2013)

Based on this observation, it is evident that youth are not active in development forums. Programmes which will draw young people into the municipal structures are important, and must be encouraged.

6.2.6 Perceptions of the fulfillment of responsibilities

Ward Committees are largely perceived as ineffective in advancing citizen participation at the local government level. Their inefficiency is caused by, among other things, lack of capacity and commitment to work wholeheartedly towards the betterment of their constituencies. Although the respondents came up with different definitions, all their responses included the following: that all stakeholders, including the broader public, should be afforded an opportunity to make inputs into municipal affairs.

All the respondents felt that the municipality was doing enough to promote public participation and the Ward Committee system, as all structures and systems for public participation were properly in place. All the respondents understood their roles with regard to public participation. They felt that their main responsibility was to facilitate community participation in municipal matters. This they ensured by channelling the needs and aspirations of the community to the council. The respondents stated that as a Ward Committee they were responsible for creating an environment of good relations and co-operation between the municipality and the communities. It is thought that if this atmosphere prevails, service delivery will be achieved.

Although all the respondents came up with different viewpoints, a clear message from them was that Ward Committees should facilitate all public participation processes in the Ba-Phalaborwa Municipality. All the respondents felt that the non-partisan nature of Ward Committees is an important ingredient in the enhancement of public participation at local government level. However, the respondents cautioned against the politicisation of Ward Committees. Ward Committee composition, elections and guideline processes are in place. However, politicians and political parties lobby and manipulate the process for their own personal and party agendas. Thus, according to a research participant:

Ward Committee members are members of the ANC, we did not elect them; the ward councillor elected them; they don't represent us, they are only serving *their* interests. (Focus group participant: 12 September 2013).

Forty percent (40%) of the respondents reported that they are succeeding in achieving the developmental duties of local government, but that there is a need for closer interaction and co-operation between the municipality and the community. The respondents further suggested that to achieve local government objectives there should be more capacitating of Ward Committee members so that they can facilitate the service delivery objectives of local government in their communities.

The guidelines for the establishment and operation of municipal Ward Committees clearly stipulates the role of Ward Committees as, amongst other things, to be involved in the development of the municipality's IDP. Obviously, if some Ward Committees are not effective, they cannot be part of the IDP processes. The only way forward is the development of a performance management system to measure the performance of Ward Committees, whilst providing the necessary support to enable them to function effectively. This can always be done with the development of a communication strategy that demarcates the role of the ward councillor, the Ward Committee, communities and council.

6.2.7 Level of education and skills

As many as one hundred percent (100%) of the municipal officials who participated in the research understand the role and functions of Ward Committees. All the respondents held the view that Ward Committees are effective and functional. However, they indicated that training interventions are required to improve their performance. The illiteracy levels of Ward Committee members to a large extent affect their performance. Therefore, translation of

documents into indigenous languages is critical. Thus, according to a research participant, approximately only four members out of ten members of the Ward Committee can read and write:

The majority of Ward Committee members cannot read and write. The members are being trained through a number of programmes which empower them on community facilitation processes, and also to understand their constitutional mandate. The municipality is providing support in order to ensure that the messages which need to be conveyed to communities are not lost in the process. (Focus group participant: 14 September 2013)

Ward Committee members' responses indicate that forty-five percent (45%) of the Ward Committee members possess education levels below matric, whilst twenty percent (20%) of the committee members have successfully completed their senior certificate. Ten percent (10%) of the members of the committee have acquired post-matric qualification. In this regard, the municipality has the challenge of capacitating the committee members with the special skills and knowledge which will enable them to function more effectively in their duties, as some of the municipal plans and programmes require individuals to have a certain standard or level of education in order for them to be able to comprehend them.

The officials of the municipality support the public participation process and, as a result, attend community meetings, provide answers on operational issues, and give feedback on the projects and programmes of the municipality. The municipality has established a public participation office within the Office of the Speaker, and the ward councillors report to the same office. The ward councillors submit the minutes of meetings to the Office of the Speaker, and resources are allocated to follow up on matters raised by the communities. An open-door policy has been adopted by the municipality. Therefore, Ward Committees are provided with a platform for interacting with the Office of the Speaker, and in areas where they are unhappy with the ward councillor, the matter is brought to the attention of the speaker.

The municipality has a budget for the functioning and support of Ward Committees. Therefore, each member receives a R1000,00 allowance per month. As many as eighty percent (80%) of the respondents indicated that there is a budget that has been put aside for public participation, but they were unsure whether it was mainly for the functioning and the support of Ward Committees. The municipality is also providing training for the Ward Committee members in various areas of their scope of work, which includes community facilitation, communication, and report writing. Training is facilitated by accredited training

providers. All the respondents indicated that they had received formal training offered by various service providers. Thus, according to a research participant:

The training which I have received helped me to understand the roles and responsibilities of the Committee; how we should work with the community, ward councillors, and traditional leadership. (Focus group participant: 14 September 2013)

Based on this observation, the training provided to Ward Committee members should be encouraged, as it enhances the ability to function and to be of good service to the community. However, a one-size-fits-all approach should be discouraged, as Ward Committee members are not on the same level with regard to education.

6.2.8 Relationships and engagement with other structures

Throughout the research, it has been established that relationships between ward councillors and Ward Committees form the basis for engagement. To a greater extent, it has been established that some Ward Committee members have alleged that the problem is with the ward councillors, as they often do not recognise particular members as being part of the committee, and the members indicated that they retaliate by not being co-operative with the councillor. Thus, according to a research participant:

The ward councillor does not consult us, she only consults her party; she uses us to rubber-stamp programmes, the planning processes of which we did not participate in; we cannot wait for her term to end. (Focus group participant: 14 September 2013)

For this and other reasons, Ward Committee members have developed a perception that their councillors do not represent their genuine interests in the municipal council. Ultimately, a hostile perception towards the councillor ensues. Monitoring and evaluation systems can assist in this regard, to ensure that municipal policies are adhered to at all times.

6.2.9 Relationships with traditional authorities

There are five (5) tribal authorities in Ba-Phalaborwa Municipality, namely, Makhushane, Mashishimale, Maseke, Seloane and Baloyi. The representatives of the tribal authorities participated in the research. The traditional leadership forms part of the municipal council and, on a small scale, participates in Ward Committee processes.

The relationship between traditional leaders and Ward Committees is still evolving. Traditional leaders have legally enshrined powers and functions that shape their relations with municipalities. The idea of negotiated arrangements at ward level is useful, but this last point should be kept in mind. There was a general consensus by most participants that the role of the traditional leaders was profound and cohesive. This was observed across various levels of participant, and from various respondents. For example, on the issue of social grants, traditional leaders help to identify people who qualify, and recommend such individuals to the relevant department. However, with the introduction of the local government in rural areas, some councillors tend to believe that this is the sole responsibility of ward councillors, although these officials are not readily available, and are not knowledgeable about the personal circumstances of the applicants.

Traditional leaders are seen as people who interact on a daily basis with their communities. It is felt that traditional leaders should strive to enhance tradition and culture, and also promote nation-building, harmony and peace among the people. It is felt that traditional leaders should promote the principles of co-operative governance in its interaction with all spheres of government and organs of the state. These leaders must also promote an efficient, effective, and impartial dispute resolution system, as well as a fair system of administration of justice as envisaged in applicable legislation. Thus, according to a research participant:

We interact with all stakeholders in the area, we have a good working relationship; we all understand our areas of operation; previously, there was confusion with the introduction of municipal system. (Focus group participant: 14 September 2013)

A hundred percent (100%) of respondents participate in the council processes, but are, however, not part of the decision-making process. The ward councillors who are meant to communicate information regarding the projects and programmes are in some instances found wanting, mainly due to the fact that provincial departments are implementing projects in the area. According to a research participant:

The municipality approves projects and implements them in our area without consulting us; we just see people working in the area without our approval. (Focus group participant, 14 September 2013)

This observation to a great extent undermines co-operative governance. It is in the best interests of all role-players to create good working relationships and partnerships among stakeholders.

Sixty percent (60%) of the respondents indicated that ward councillors have constant meetings with them and are aware of projects and programmes implemented in their areas.

In other instances, consultation on certain projects which were implemented was disregarded. This is acting against the laws of the country stipulating regular consultation with the communities on any project to be implemented in the area. Ward councillors imposed projects without consulting beneficiaries, resulting in the collapse thereof and in some projects becoming 'white elephants'. The observation is that relationships between the traditional authorities and the ward councillors play a big role with regard to participation in the development agenda. Traditional leaders are part of governance that has to re-engineer their services, so as to meet the needs of rural communities.

Therefore, proper consultation and monitoring on any service delivery *matters*, whether it comes through a traditional leader or the ward councillor, and should be considered.

6.2.10 Relationships with the community

A sample of community members, which comprised women, youth, people with disabilities, and members of business and tax payers associations, was selected to participate in the research.

Eighty percent (80%) of the respondents felt that community members have certain ideas of what they expect from the Ward Committee representatives, yet councillors and the municipality have different expectations. This largely stems from the fact that there appears to be no clear cut understanding of the role that Ward Committees are supposed to perform.

The ward councillor and Ward Committee dictate terms to us; they do all the planning on their own and come to us with an already finalised plan; we are not the owners of our own development; what has been submitted in the IDP is not what the community wants. (Focus group participant: 15 September 2013)

Ward Committee programmes should talk to the needs and expectations of the community. The community want to see action, and 'feedback sessions' are not seen as an incentive for the community to attend meetings.

6.3 Challenges facing Ward Committees

The Office of the Speaker, as a custodian of public participation, has an obligation to monitor the progress and performance of Ward Committees as the legal structures recognised by the Municipal Structures Act, 1998. The performance of Ward Committees is done through the assessment of monthly reports, which are compiled by the ward councillor in his/her capacity as chairperson of the committee, in consultation with the committee members. The monthly reports are submitted to the relevant liaison specialist in the municipality, who compiles a consolidated report for the speaker. The Key Performance Indicators (KPI) in such reports are intended to assess the:

- frequency and types of meetings that are co-ordinated by the Ward Committee
- relationships between Ward Committee members, councillors, and the liaison specialist
- projects within the municipality other than the Integrated Development Plan (IDP) listed projects
- face-value challenges of Ward Committee
- uncategorised achievements of the Ward Committee.

6.3.1 Communication systems

Throughout the research, it has been established that relationships between community structures forms the basis for engagement. To a greater extent, Ward Committee members alleged that ward councillors are taking decisions without consult them, resulting in Ward Committee members not being co-operative with the councillors. Among others, Ward Committee members have developed a perception that their councillors do not represent their genuine interests in the municipal council. Ultimately, a hostile perception towards the councillors ensues.

Ward committee members perceive a serious lack in the dissemination of information on issues of governance and, in their perception, there is a gap in terms of their roles as informed by legislation, versus what is happening on the ground. In relation to project management and the creation of job opportunities, they perceive this state of affairs as if the function is being managed by the ward councillors, whose friends and relatives get appointed by the service providers. They perceive the reason why they are being ignored as a serious lack of accountability by the ward councillors. The other view that came out strongly was the fact that they were not informed about the programmes of council. The *rural* Ward Committees view the municipality as concentrating all their resources on the urban towns and neglecting rural towns, while the *urban* Ward Committees feel vice versa.

The absence of ward profiles is another shortcoming which came out sharply as an indicator which can assist the ward councillor and council in selecting development programmes for their wards. The ward profile, amongst other things, indicates categories in relation to age groups, to allow the municipality to budget for the following:

- The implementation of the indigent policy for poor households
- The levels of unemployment, to allow the municipality to plan for employment opportunities
- Families which are infected and affected by the scourge of HIV and AIDS
- The ward profile can also assist in the enhancement of **inter-**governmental relations, which is a big challenge.

What is clear is that the communication gap is getting bigger and the problems are escalating, leaving them with no hope except for this group of Ward Committees who say the Ward Committee system is not assisting them. Their view is that the elections are around the corner and politicians will be canvassing for people to go to the polls and be given empty promises.

However, the view of ward councillors in the urban towns was rather different to those in the rural towns. They were comfortable regarding their roles and responsibilities, although their biggest challenge is the lack of transparency of the municipality.

Whilst the role of the ward councillors is clear according to them (Ward Committee members), they feel that the consultation processes of the municipality should go beyond the ward councillor. They should be afforded the option to meet with council on matters with which they are not satisfied, and assist where they can. They say the municipality sees them as the enemy, yet they all are committed to service delivery that will change the lives of the communities for the better. They also feel that, as a matter of urgency, the municipality should finalise its communication strategy and public participation strategy, and revisit the policy towards Ward Committees to render them more effective. Whilst there are challenges that impact on the operations of the Ward Committees, there is consensus on their responsibility towards the communities in their wards. With the co-operation from the ward councillors, most of the Ward Committees have a schedule of meetings for their constituencies where they sit with communities and discuss all ward-related issues. The chairperson of these meetings is usually the ward councillor. In the event where urgent meetings must be convened, assistance will be requested from the municipality for loud-hailing and the distribution of flyers. Issues discussed in the constituency meetings normally relate to service delivery, and projects that will improve the lives of the broader community. Most municipalities in South Africa are faced with challenges that range from social, to economic and political,

among others. The state of the South African local government report that was released in 2009, acknowledges that significant strides have been made since the new local government dispensation that was ushered in since the year 2000.

6.3.2 Processes of Ward Committee meetings

The Ward Committee meetings which were attended were well structured and organised in accordance with the legislation. Thus, most Ward Committees satisfied the composition requirements of ten (10) members with an emphasis on gender and youth representation as per section 73 of the Municipal Structures Act, 1998. What seems to be a challenge in the composition of Ward Committees is to determine the sectors which need to be represented in the committees, because a Ward Committee can only cater for ten sectors and in most wards, more than ten sectors exist.

The municipal regulations on Ward Committees state that the municipal council requires that at least one Ward Committee meeting should be held once a month. However, through the established sub-committees and the discretion of the Ward Committee members, a meeting can be organised more than once a month. Ward Committee meetings are scheduled to be held once a month. However, in some wards they are held only once every two months. Ward Committee meetings in some wards had to be postponed due to the fact that members did not form a quorum. Ward Committees also account to the public, and therefore need to ensure that they consult and keep the community informed about developmental projects in the area. These public meetings are vital, because they serve as a vehicle through which the community can raise their concerns and give inputs to the municipality. However, attendance of these public meetings is a challenge.

It has been observed that participation in meetings among the members of the Ward Committee is not equal. In other words, the Ward Committee members do not all have the same passion, enthusiasm and zeal towards the activities of the Ward Committee. Perhaps this depends on the matters discussed, as the eagerness or interest on a particular issue differs from one person to the next. Furthermore, effective participation is also divided between male and female Ward Committee members, as their interests and priorities are not the same.

6.3.3 Functions, roles and responsibilities of Ward Committees

The newly created sub-municipal structure in the form of Ward Committees plays a critical role in achieving participatory processes and a people-driven development approach. Being a representative structure of the community and

citizens, the Ward Committees need to inform the municipality about the aspirations, potentials and problems of the people. They should also form a bridge by facilitating proper communication between the council and the citizens they represent. Local government legislation provides for the establishment of Ward Committees that will serve as a conduit which articulates our system of government to the mass base. Ward Committees have an important role to play in actively taking part in and determining core municipal processes, such as the Integrated Development Planning (IDP), municipal budgeting and municipal performance management processes. Without them, the systems of democratic governance and developmental local government cannot be said to be rooted among the people.

In simple terms, Ward Committees are made up of elected members of a particular ward, in order to:

- Raise issues of concern regarding the local ward to the ward councillor.
- Have a say in decisions, planning and projects that the council or municipality undertakes and which have an impact on the ward.
- Increase the participation of local residents in municipal decision-making, as they are a direct and unique link with the council.
- Be representative of the local ward, and not politically aligned.
- Be involved in matters such as the Integrated Development Planning process, municipal performance management, the annual budget, council projects and other key activities and programmes, as all these things impact on local people.
- Identify and initiate projects to improve the lives of people in the ward.
- Support the councillor in effecting dispute resolution, providing information about municipal operations.
- Monitor the performance of the municipality and raise issues of concern to the local ward.
- Assist with community awareness campaigns, e.g. waste, water and sewage, payment of fees and charges, as members know their local communities and their needs.

Ward Committee members must aim at promoting the values of democracy by contributing to development and service delivery through their loyalty to the system, rather than seeking vested interest in the system. They must not serve in the system for the wrong reasons, such as aiming for benefits and rewards, which will defeat the purpose. Critics argue that many committee members serve in the structures because they are loyal to their ward councillors and, as a result, receive incentives and rewards which corrupt the system. Local government can do its utmost to deliver services, but without the commitment and dedication of Ward Committee members, development and service delivery

becomes an illusion. Ward committee members are closely linked with the communities and people they represent, and should therefore remain apolitical in all respects. They are also the first body of governance to hear the challenges and grievances of their communities. As a result, proper lines of communication must be observed.

The issues which Ward Committees deliberate primarily, on a regular basis, which are within the discretionary powers of Ward Committees include:

- community safety;
- electricity and water;
- primary health;
- infrastructure maintenance and development; and
- environmental management.

Ward Committees serve as messengers between the community and the council. Similarly, Ward Committees provide communities with a space within which to lodge or express their views and complaints. Ward Committees are also responsible for identifying and utilising the skills and resources that exist within communities or groups. It is important for them to have a good understanding of what is available in their communities (in terms of finance, expertise, skills, new materials, community facilities, volunteers, and labour and resources). Ward Committees need to play the role of providing support for the people/groups involved in community structures and activities. This involves affirming people, recognising and acknowledging the value of their contributions, giving encouragement, and being available for people when they need to talk or ask questions. Although Ward Committees are important role-players in a community, critics agree that communities don't know much about how they function within each municipal ward. Chapter four of the Ward Committee resource book states that "because of the wide range of municipal functions and powers, many interest groups could claim an interest in municipal matters". Therefore, it makes sense that Ward Committees are formed with residents at the helm. It further states that each Ward Committee should have a maximum of ten members who are selected from a broad range of interest groups that are most relevant to the key performance areas of the municipality. In turn, these key performance areas in a ward are identified through the Integrated Development Planning (IDP) and implementation processes. These areas include municipal services such as water, electricity, housing, sanitation, roads, storm water and drainage. Social services which are of vital importance include health, safety and security.

The institutional arrangements and lines of communication should be agreed on in order to avoid confusion and misinformation. The Ward Committee reports problems to the ward councillor who then reports on these issues and/or

developments at council meetings. According to the Municipal Act the official viewpoint is that “it is difficult to conceive what functions should be assigned to the Ward Committees”. Therefore the South African Local Government Association (SALGA) and its legal advisors have generally advised against delegations to Ward Committees. The Act also states: “a Ward Committee could be an important mobilising agent for community action and plays an important part in the mobilising of partnerships for the development of local projects.” Apart from the functions and responsibilities already mentioned, a municipality may also use by-laws to further create or define the roles and responsibilities of Ward Committees within the community.

Amongst other responsibilities, the Ward Committee undertakes the following:

- Advising the ward councillor in identifying the needs and concerns of the ward, and communicating these to the council.
- Actively participating in the Ward Committee and accepting responsibilities such as managing a portfolio or an area of interest.
- Assisting the ward councillor in telling the community about their rights and entitlements; working as a team and speaking with one voice.
- Assisting the ward councillor with grievances and complaints from the community.
- Holding official roles within the committee, e.g. secretary, and showing leadership in starting projects which will improve the lives of people in the ward.
- Undertaking a ward profile so that the committee knows more about the ward and plans.
- Helping the ward councillor consult with people who have a stake in a particular issue, and working with partners in the community to benefit the Ward Committee’s work.
- Involvement in community events, e.g. funerals and cultural activities. This is very important as it shows that they care about community and understand community issues.

The Handbook for Ward Committees (2005: 11) states that community members need to be familiar with the electoral process, and the roles and duties of the Ward Committee members. Critics indicate that community members are not educated or empowered and informed about the duties of Ward Committee members prior to elections, and that, as a result, they simply elect people who are not suitable for addressing the needs and challenges in their wards – referred to as ‘talkative people’ – as their representatives, failing to consider other essential elements such as dedication, loyalty, commitment, and leadership skills. This system once again illustrates how community members

can be excluded and denied their political rights to participate fully in democracy.

A Ward Committee should also be a strategic mobilising agent for both the municipality and the community in the planning and implementation of programmes. They can also play an important role in mobilising partnerships for the development of local projects. Ward Committees have the role of interacting with external role players on behalf of, or for, the benefit of their local communities or constituency. Through networking, the Ward Committee should establish relationships with a variety of people or organisations and be in a position to use them to effect and facilitate change in their local communities. The Ward Committee could also influence decisions through lobbying and persuasion. Ward Committee meetings should potentially serve as:

- A forum to organise and discuss community issues relating to poverty and unemployment in the ward;
- An opportunity for the ward councillors to distribute and share the intentions or monthly goals of the municipality;
- A platform to share information and strategies between different sector leaders;
- A forum to highlight problems and challenges experienced in the ward and to seek solutions.

Ntlemeza (2006), argues that whilst Ward Committees are a key component of community-based involvement, many municipalities still do not have formal or functional Ward Committees in place. He further reiterates that in municipalities where Ward Committees are operational, these are marked by uncertainty and in some instances, chaos. This largely stems from the fact that there appears to be no clear cut understanding of the role that Ward Committees are supposed to perform. Community members have certain expectations of their Ward Committee representatives, yet councillors have different expectations. Furthermore, as Ntlemeza argues, there is no clarity on the roles of ward councillors as opposed to proportional representation (PR) councillors, there are tensions between Ward Committee members and ward councillors, and limited resources are available to enable Ward Committees to function better and improve efficiency

Besides, the functions of Ward Committees have been restricted mainly to make recommendations to the ward councillor or through the councillor of the metropolitan council. It is imperative that the system encourages the participation and does not preclude other forms of public participation, such as “Imbizos”, sector forums created by Civil Society Organisations, and Community Development Workers (CDW) – structures created to assist and facilitate community development. IDP forums are critically important. Different forms of

participation must be acknowledged and valued. The processes of community participation must be all inclusive and should accommodate a wide range of role players. Similarly, strategies to improve active citizen participation should take cognisance of the broader transformation programme of government, such as poverty alleviation, including issues of underdevelopment, economic growth and job creation.

6.3.4 Involvement of the public

The establishment of Ward Committees is aimed at promoting local democracy by enhancing participation by the citizens in local government matters. As such, the purpose of Ward Committees is to ensure that involvement and participation by members of the public are as effective as possible, so as to improve decision-making in the local sphere of government. More often, when the municipality invites the members of the public to a meeting intended to address their issues collectively, the municipality is often faced with the challenge of poor attendance. However, this depends on the nature of the issues intended to be discussed in such meetings. As a result, the attendance of a public meeting is proportional to the agenda of that particular meeting. For example, when a public meeting is called to address issues of crime prevention or substance abuse, the attendance is poor, but when an agenda has described housing or employment, the venues are full to capacity. This shows that different wards have different needs and, as such, a one-size-fits-all approach where the agendas are drawn unilaterally by the municipality will not be effective.

6.3.5 Political interference

Throughout the research project, in almost all the wards, there was an indication of the influence by political organisations as well as profoundly political individuals. It was also discovered that some Ward Committee members use their political affiliation as a passport to become Ward Committee members in order to receive a sustainable income. In most ANC led wards, the branch political head becomes the ward councillor, who is in turn the chairperson of the Ward Committee. This often creates confusion in as far as the responsibilities are concerned, and thus ends up establishing the Ward Committee as a mere extension of a political party, i.e. Ward Committees are mainly composed of the members of the ruling party in the ward. As a result, the Ward Committee is used as a platform to attract the attention of high profile political leaders.

6.3.6 Lack of co-ordinated action plans

A plan of action is a very important tool which is used to direct the organisation towards the successful completion of their goals. It is therefore imperative for the Ward Committees to set targets and draw strategies which will translate into plans of action for members to implement. Furthermore, Ward Committees must consult with stakeholders in the planning processes, which will result in collective ownership of the plan of action.

During the research, it was established that most Ward Committee members were not involved in setting the agenda of the Ward Committee's affairs. The branch leadership dictate terms to the Ward Committee, and in some instances, ensure that the Ward Committee account to them, not the community. Debates and discussions at Ward Committee meetings are suppressed, by referring to the branch of a political party for ratification. The latter has created sour relationships between ward councillors and Ward Committee members and, as a result, some Ward Committee members are engaging the Office of the Speaker, disregarding the set channels of communication.

6.3.7 Dynamics of co-operative governance

In terms of Section 40 of the Constitution, 1996, the three spheres of government are interrelated, interdependent and distinctive. This means that any sphere of government has the leverage to make a decision that is deemed necessary. However, the provincial and national spheres of government have a tendency to undermine the authority of the local sphere of government, based on the capacity at the disposal of the municipality.

Through the research, it has been discovered that projects exist in particular wards within the municipality, but are not listed in the Integrated Development Plan (IDP). The traditional leadership have a critical role to play in the development agenda, but feel sidelined by the municipality. For instance, projects are being implemented in their areas of jurisdiction, without their knowledge and approval.

6.3.8 Monitoring and evaluation processes

The effectiveness of Ward Committees can only be regulated by implementing a mechanism for monitoring and evaluation. Through monitoring, the Office of the Speaker should be in a position to assess the strengths and weaknesses of the relevant Ward Committee, in order to intervene where required. Critical to this, is that the intervention should be well calculated, as some ward councillors who

might be found to have contravened the public participation process, are politically influential, and therefore 'untouchable'. The empirical research shows that the Ward Committee members are confident of the progress and pursuits of Ward Committees, however they are mostly concerned with how community members perceive the Ward Committees. Monitoring and evaluation are valuable to the municipality, as it sets a base for the assessment of the impact of public participation in the affairs of the municipality.

6.4 Conclusion

Through an empirical study undertaken, the chapter managed to highlight the importance of establishing effective Ward Committees for the greater benefit of the citizens. The chapter was also able to expose particular misconceptions about the expectations of the residents in terms of the roles and functions of Ward Committees in facilitating public participation.

Ward Committee members are elected by the community, and should therefore account to the community; regular meetings to give feedback to the community are required. At the same time, the community should support Ward Committee activities and initiatives, attend meetings and participate, which will result in ownership of the developmental agenda in their area.

Chapter Seven

Summary, conclusions and recommendations

7.1 Introduction

Since 1994, there has been a widely observed commitment in South Africa to participatory governance within both government and civil society, which has been given legal standing and encouragement through the country's Constitution and other pieces of progressive legislation. While in many instances implementation has lagged behind the ideals of legislation and policy, it has to be said that never in the country's history has law and policymaking and development practice been as democratic and participatory as under the present dispensation. At the level of the local state, the commitment to participatory governance is reflected in an impressive host of laws and policy documents, and is intended to be realised through new modalities of development that require formal participatory processes and institutions in local governance. Since 2001, Ward Committees have emerged as a key institutional mechanism intended to contribute towards bringing about people-centred, participatory and democratic local governance. The rationale for Ward Committees is to supplement the role of elected councillors by creating a bridge between communities and the political and administrative structures of municipalities. These committees have been set up in the vast majority of wards in municipalities across the country.

Ward Committees have been the focus of considerable attention by government as well as civil society, with substantial investment already made in an attempt to ensure that these structures have the necessary capacity and resources required for them to fulfil their envisaged roles as the "voice" of communities. At the same time, questions have been asked about how effective these institutions actually are; whether they are useful conduits for community involvement in local governance; whether, as "created spaces" for public participation, they are inherently capable of playing the critical role expected of them; and whether they create opportunities for real power-sharing between municipalities and citizens. The mention of Ward Committees typically solicits quite negative views. Supporters of these structures claim that they provide an important channel for citizens to have their voices heard at a local level (especially in the context where there are few existing alternatives for citizens to be involved in governance at a local level). However, most observers appear to be critical of Ward Committees, arguing that most Committees in the country are not functioning as intended, and that rather than enhancing the environments of participatory governance, Ward Committees have actually undermined them by displacing many other former channels for public participation. Moreover, Ward Committees are usually viewed as highly partisan structures aligned to party political agendas.

The establishment of municipalities is designed in such a manner that they have both executive and legislative authority. This means that they are in a position to take their own by-laws and policies and govern their affairs without fear. However, legislation is clear and draws the line that, whilst they can manage their own affairs, they cannot contradict legislation promulgated at the levels of both national and provincial government. Government has provided for a legal framework within which municipalities have an obligation to establish Ward Committees and ensure that they are effective. Ward Committees are a legal, representative structure, whose responsibility is to advise council, especially on issues that affect the communities in their wards. This involves a high level of public participation, thereby entrenching participatory democracy at the local level.

Ba-Phalaborwa Municipality is a category B municipality, which is the executive mayoral type, combined with the Ward Participatory System, a system that allows for the establishment of Ward Committees to enhance public participation. To date, Ward Committees have been established, but it is evident that there are problems that inhibit them from being effective. This is also what transpired in the responses received from the sample of questionnaires which were received from the members of the Ward Committees who took part in the data analysis. There were significant challenges raised by the participants into the research and these challenges are listed below.

7.2 Analysis of the findings

The researcher collected qualitative and quantitative data from all the stakeholders who participated in the research. All interviews were conducted face to face. The initial part of each interview took the form of a conversation between the researcher and the respondent so as to put the respondent at ease. Furthermore, respondents were assured that their identities would remain anonymous. This was done to promote honest responses.

On the basis of the findings as stipulated in Chapter Four, the selection of respondents, in terms of the levels of officials, ward councillors, Ward Committees, traditional authorities and the public is justifiable. This is because all these groupings are supposed to work together to ensure that the municipality enhances public participation. The officials have a responsibility to implement council resolutions, which includes ensuring the establishment of Ward Committees that are effective. There is confirmation to the effect that not all Ward Committees are functional, as stipulated in terms of the establishment and type of the Ba-Phalaborwa Municipality. The Municipal Structures Act is clear on the role of council to establish Ward Committees. However, some are not functional and should be scrapped to allow for further elections. Another role of council is to provide the necessary support to allow Ward Committees to be effective. Considering that Ward Committees are a voluntary community structure, there is no expectation created during their elections that they will be remunerated. Remuneration

has to deal with an individual getting a salary where there are statutory deductions, as is the case when somebody is employed. Whilst the support of Ward Committees is consistent, an improved incentive system must be developed to motivate them. The lack of a communication strategy is a cause for concern. It raises the question of how information on decisions taken by council will filter down to the communities, let alone be made known to the Ward Committees themselves as representatives of these communities. This state of affairs makes one wonder how Ward Committees actually perform the functions that they are supposed to, as outlined in legislation, especially when it comes to the development of the IDP for the municipality. In essence, the idea should be to develop a performance management system for Ward Committees. Whilst this can ensure the effectiveness of Ward Committees, institutional arrangements must first be sorted out, and must form the basis for any assessment to be done. On the analysis of the role of ward councillors in assisting the role of Ward Committees, key consideration is given to the fact that the election of ward councillors is dependent on the choice of the preferred candidate in a specific ward. The reverse of this situation is that the election of members of a Ward Committee is not dependent on who the ward councillor likes or dislikes, but on the basis of the preferred members as elected by the community. Whilst the role of the ward councillor is clear in terms of the findings, the element of accountability did not come out clearly in the findings. This is based on the fact that ward councillors are remunerated and get allowances from council, and an accountability clause to ensure transparency will obviously be attached.

The competency gap between Ward Committee members is a cause for concern and needs serious consideration on the part of the municipality. The issue can then be raised on the criterion that is used in the elections of Ward Committee members and one of them should include at least some qualification and some understanding of local government. This will at least alleviate the challenges of limited participation by some members of the Ward Committees. It is understandable that, on a number of occasions, elections to be members of Ward Committees is linked to an individual's political association, when in fact as a member of a Ward Committee, this should not be the case. In dealing with communities, Ward Committees represent the diverse sectors in a ward and therefore the election process should be managed to ensure that those members that are elected will speak on behalf of each sector. This will ensure equal representation of communities and hence influence the decisions of council.

7.3 An overview of the challenges

There are three challenges that have a negative effect on the operations of Ward Committees:

- Firstly, at the level of the municipality, to ensure that the Ward Committee system is perfect through the provisioning of the necessary support that will allow Ward Committees to work effectively.

- Secondly, at the level of the ward councillors, whose roles and responsibilities must be clearly outlined to such an extent that the municipality must put systems in place to assess their performance.
- Thirdly, at the level of the communities in the various wards. It is a known fact that Ward Committees are elected from amongst the community members and therefore communication and debate on their activities should be the order of the day, and they should report back on issues that affect their communities in the wards.

Ward Committees must be recognised as an important advisory body of council on matters affecting the wards, especially in the poorest communities. At this point in time, the institutional arrangements of the municipality are not conducive to providing a sufficient support system to allow Ward Committees to function effectively. This is evident in the human resource component of the municipality, which is not sufficient to cover all wards, thereby rendering them ineffective. Their inefficiency is also caused by, amongst other things, the lack of capacity and commitment to their work. It is known that Ward Committees' work is voluntary, however the R1000,00 allowance which is being provided by the municipality motivates them, as it caters for their transport and communication costs. The lack of creativity on the part of ward councillors has a somewhat negative effect on the operations of Ward Committees. This happens where ward councillors do not convene regular meetings of the Ward Committee, resulting in the members feeling that they are being sidelined. This has everything to do with a lack of information dissemination. The ward councillor gets his mandate from the ward and if no information is provided, one begins to question just who ward councillors represent in council. Whilst participatory democracy has triumphed as the political system of choice since South Africa became a democratic country in 1994, one wonders whether, if a survey were to be undertaken to ascertain the views of communities, what the outcome would indicate.

The lack of accountability on the part of the ward councillors is significantly high to the extent that others decide on their own who to elect as part of the Ward Committee, a situation which is anti-democratic and not in line with the guidelines for the establishment of Ward Committees. Of all these challenges, community members have expectations from the Ward Committee and the ward councillors. The responsibility then reverts back to the municipality to develop intact institutional arrangements which address all these expectations, because it would be pointless to raise the expectations of either ward councillors, or for the Ward Committees to be effective, if the systems were non-existent.

7.4 Recommendations

Public participation should be seen as a strategic tool which is meant to assist council in reaching out to the wider communities, and needs strategic capabilities on the part of

both the political and administrative leadership in the municipality. Following on from the research findings above, the following recommendations are submitted for the Ba-Phalaborwa Municipality to consider, in order to improve the effectiveness of Ward Committees:

- **The Ba-Phalaborwa Municipality should continuously provide Ward Committees with appropriate capacity-building and training in order for them to function effectively**

Ward Committees' training strategies should take cognisance of the unique nature of Ward Committees as fragile voluntary bodies that are still in the process of exploring and building on this new and uniquely structured model of participatory democracy. These training programmes should also attempt to accommodate the different academic backgrounds of the Ward Committee members. The municipality should also conduct a careful participatory review of Ward Committee experiences and local knowledge bases before planning any further Ward Committee training and capacity-building programmes. Some successful examples of capacity and training approaches emphasise the importance of building on past experiences and gains in capacity. This can only be accomplished by working with beneficiaries in an interactive manner and focusing on the key development challenges and issues that are identified by both internal stakeholders and external service providers. Building the capacity of Ward Committees must go together with deepening the interaction between Ward Committees and the community, to ensure that it is really the community that can take advantage of newly empowered Ward Committees.

- **Ba-Phalaborwa Municipality should have clear communication strategies to support Ward Committees**

The Ba-Phalaborwa Municipality should put as much information as possible about the functioning of the municipal programmes and projects at the disposal of Ward Committees. Information should be carefully packaged so as to be as accessible as possible. This means that it should be written in an appropriate language, translated into local languages where possible, and should not use technical jargon. The local municipality also has the responsibility to communicate to citizens what Ward Committees are and what they exist to do.

- **Ba-Phalaborwa Municipality should improve on the institutionalisation of the Ward Committees into its internal governance system**

Processes need to be institutionalised for input from Ward Committees to be channelled to the key decision-makers within council, such as portfolio committees and executive committees. In this regard the role of the council speaker is very

important, and adequate capacity within this office needs to be put in place, as there are currently only two officials dealing with this function in the Ba-Phalaborwa Municipality. This would also include the administrative support for Ward Committees. In those instances where it is clear that the municipality is unable to meet the demands of the citizens that are channelled through Ward Committees, this need to be openly communicated back to communities with proper justification.

- **Ba-Phalaborwa Municipality should integrate Ward Committees fully into the Municipal IDP and budget processes**

A central component of the communication role of Ward Committees should relate to the Local Municipal IDP and budget processes. Ward Committees should be a key conduit for back-and-forth communication between communities and municipalities on community priorities and development strategies. In order to effect this, the municipality should make available and package planning and budget information disaggregated to ward level in much more accessible and user-friendly formats, with which Ward Committees can then engage.

- **Ba-Phalaborwa Municipality should encourage and promote learning between Ward Committees**

Exchange visits should be set up between different wards within and between municipalities, to highlight and generate learning about good and innovative practices.

- **A range of public participation strategies should be promoted**

A one-size-fits-all approach to public participation should not be used. It is important to recognise that communities have different traditions and needs when it comes to public participation. For instance, poor communities would need much more intense forms of support and engagement in generating economic, social and service development, while wealthier, better-resourced communities would need a different, less intense, mode of engagement. The municipality needs to investigate different forms of participation including, among others, women's formations, youth forums and religious groups.

- **Development of performance management system.**

The municipality should develop performance management systems for Ward Committees, including the ward councillors. This is premised from the fact that

Ward Committees have a specific role that they must fulfil in society. On the other hand, Council has a responsibility to ensure the establishment of effective and functional Ward Committees. In the event that Ward Committees are both ineffective and dysfunctional, council also has a responsibility to disband them. It becomes difficult to disband a structure whose responsibilities are not clear. In other words, clear roles and responsibilities must be outlined to guide the operations of Ward Committees, followed by a process of establishing a performance management system for Ward Committees to assess their functionality.

- **Public participation and best practices**

The economic dimension of public participation relates to the process by which people benefit within the economic mainstream of the economy and thus benefit from government programmes and projects, thereby improving their conditions of living. This can be done through the creation of job opportunities and gaining access to financial institutions without causing any possible risks to either party. The political dimension relates to the fact that political office bearers are elected through the election process. Whether one is a councillor or a ward councillor, they get their mandate from the constituencies that elected them. This state of affairs necessitates some element of public accountability. Through enhanced public participation processes, accountability can be enforced. The other factor that must be given serious consideration is the fact that councillors have a term of office within which they are elected and it is during this period that their performance can be assessed to ascertain whether they represent the will and aspirations of their communities.

Ward Committees can serve as a vehicle to ensure that all three dimensions of public participation are achieved. The municipality can always introduce an incentive system or a competition to award the best performing Ward Committee, ensuring clear indicators along which lines the assessment will be done. This approach will then put the onus on the municipality to strengthen its support to enable Ward Committees to be effective in their operations. This system can always be linked to the performance management system of the Ward Committees. Council can once more establish a Public Participation Committee whose members will be the ward councillors. This platform can assist the ward councillors to share their best practices and experiences in an endeavour to assist those Ward Committees that are not functional and enable them to operate according to agreed expectations.

7.5 Conclusion

The new system of government has provided for a legal framework that necessitates the establishment and the institutionalisation of Ward Committees as a tool to entrench

participatory democracy. Participatory democracy entails a high level of public participation where communities are represented in governance, thereby influencing the decision-making processes. Municipalities are at the epicentre of service delivery and therefore the participation of communities through Ward Committees becomes very important. The establishment of Ward Committees is the duty of all municipalities to ensure that they fulfil their role of enhancing public participation. It goes without saying then that the institutional arrangements of council must be organized in such a manner that they are enabled to function effectively. It is also of importance to note that the working relations between the Ward Committees and ward councillors should be enhanced to ensure that communities get the greatest benefit out of municipal programmes by way of a clear communication strategy.

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APPENDICES

APPENDIX I

Letter requesting permission to undertake research.

APPENDIX II

Letter of approval from the municipality to undertake the research.

APPENDIX III

Schedule of questions which assisted in the interview proceedings.

APPENDIX III

FACE-TO-FACE INTERVIEW QUESTIONS

INTERVIEWEE CATEGORY

Municipal official	
Ward councillor	
Ward Committee member	
Traditional leadership	
Community member	

1. **WARD NUMBER** (IF WARD COUNCILLOR, WARD COMMITTEE MEMBER OR TRADITIONAL AUTHORITY)

ESTABLISHMENT OF WARD COMMITTEES

2. Briefly explain the Ward Committee establishment process.
3. Was there an electoral / nomination / other system designed and agreed upon?
4. Has the Local Municipality adopted a policy on how Ward Committees should carry out their roles and functions?
5. Has the Local Council budgeted for the functioning and support of Ward Committees?

MEMBERSHIP AND COMPOSITION

6. What term of office has the Local Municipality set for Ward Committees?
7. In your view are Ward Committees generally representative of race and gender?

FUNCTIONS, ROLES AND RESPONSIBILITIES

8. Do the majority of Ward Committees have some form of mechanism to ensure accountability to their local constituency (sub-forums of the ward, regular meetings that are open to the public, community report-back meetings)?
9. Are you convinced that everyone (Local Municipal Officials, Traditional Authority, ward councillors and Ward Committee Members) fully understands his/her/ their role with regard to the Ward Committee System?
10. What percentage of Councillors ensures that regular Ward Committee meetings are held as according to the agreed guidelines / Council policy?
11. Has the Local Municipality delegated any specific powers to Ward Committees?
12. Is there a system within the Local Council to get report-backs from Ward Councillors on concerns raised by the Ward Committee?
13. Does the Local Council or any of its committees make provision for the tabling of reports by Ward Councillors on issues raised by Ward Committees?

PUBLIC PARTICIPATION PROCESSES

14. How would you define public participation in the context of the Ba-Phalaborwa Local Municipality?
15. Theron (2009a:117) defines authentic public participation as an active process by which the public influences the direction and execution of a programme or project with a view to enhancing their well-being in terms of income, personal growth, self-reliance or any other values they cherish.
In your opinion is this happening in the Ba-Phalaborwa Local Municipality?
16. Have Ward Committees fully participated in the following process:
 - The IDP Review Process?
 - The IDP Representative Forum?
 - The budget?
 - The Performance Management System?
17. In your view have Ward Committees had any impact on the Local Council's decisions?

18. What are the challenges facing the implementation of the Ward Committee System and what remedial actions would you recommend?
19. In your view do you think the municipality is doing enough to promote public participation and the Ward Committee System?
20. What can be done to improve overall public participation in the Ba-Phalaborwa Local Municipality?

TRAINING AND CAPACITY BUILDING

21. What kind of training and or capacity building have Ward Committees received in order to fulfil their intended functions?
22. In your view has this training improved the performance of Ward Committees?

GENERAL

23. In your view who should serve in the Ward Committee?
24. Are there communication strategies in place between council, the Ward Councillors, Ward Committees and the Community?
25. Is the community taking ownership of the Integrated Development Plans?