

Public Participation and Ward committees

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Introduction

The history of South Africa is one characterized by dispossession, exclusion and marginalization. It is this template on which a democratic narrative is continually being inscribed on. This narrative attempts to include those who have been marginalized in the past in the business of government and governance. And central to this project is public participation. Of such seminal importance to a democratic order, public participation, both explicitly and implicitly, informs the fundamentals on which a democratic society is structured via the Constitution of South Africa. The Constitution of South Africa aspires to an inclusive state, in a phrase participatory governance at all scales.

Participatory governance is described as 'a regulatory framework in which the task of running public affairs is not solely entrusted to government and the public administration, but involves co-operation between state institutions and civil society groups (Friedman, 2005). In the South African context, one of the important rationales advanced for participatory governance is that it broadens and deepens democracy by expanding the range of citizens engaged in making or influencing government decisions. A stated or an implied rationale is that democracy is, in essence, an expression of popular sovereignty in which all members of the political community are entitled to an equal say in public affairs (Friedman, 2005). In South Africa institutional design ensures that public participation is part of the structure of a democratic society.

One of the structures which attempt s to promote public participation at the local scale is the ward committee system. A ward committee is meant to be: an advisory body; a representative structure; an independent structure; and an impartial structure that must perform its duties without fear, favour or prejudice. The ward committee system is an attempt to ensure that democracy not only is the preserve of a central parliament but that citizens have a stake in governance at the local scale. Ward committees are instruments through which the Freedom Charter clause 'the people shall govern' may be realized. The ward committee system may be termed an 'invited space' for public participation. It is a socially constructed space which in theory should serve as the epitome of participatory government and governance. However, theory is not always reflected in practice. These and other issues form the basis of this paper.

Specifically, the primary objective of this paper is to elaborate and analyze the level of governance (representation, participation and deliberation) as constituted by the ward committee system. I do this through an elaboration of the ward committee system by focusing on the motivation for and the operationalisation of the system. Thereafter, I engage with various strengths and weaknesses of the ward committee system using various case studies. I then consider the relationship between party,

states and ward committees. After this I focus on the question: do ward committees make amends for the shortcomings of representative democracy at the local level? Finally, I engage with alternative conceptualisations for effective participatory governance.

Motivation and operationalisation of the ward committee system in South Africa (legislative provisions)

The Constitution of South Africa affirms the right of public involvement in legislative and development policy. The intention is to allow communities and other non state actors another platform with which to engage the State other than through political representatives elected through the ballot. The concept of ward committees is meant to speak to this need. Section 152 (1) of the Constitution enjoins local governments 'to encourage the involvement of communities and community organizations in the matters of local government.' (Republic of South Africa, 1996).

The establishment of ward committees is provided for in Chapter 4 of the Municipal Structures Act of 1998. According to the Act, ward committees could be established in each ward of a Category A or Category B municipality. The Municipal Systems Act of 2000 elaborates further on the issue of community participation in municipal affairs and encourages municipalities' to establish alternative forums where no municipal structures for community participation exist. An important provision of the Act is that these forums are to be representative of the different interests within communities. They also need to enhance community participation in the Integrated Development Planning (IDP) processes.

Ward committees are defined as an important channel of communication between the municipality and its constituency in relation to the needs, preferences and problems being faced by the community. Ward committees are mandated to ensure substantial grassroots participation in the development policy of a municipality and this is related specifically to the IDP, budgeting and municipal performance management process. They are meant to be non partisan and to advance the interest of the ward collectively.

As presently constituted, ward committees are chaired by the ward councillor with sectoral representation for all the interest groups represented in a particular ward. The guidelines in the Structures Act define a limited advisory role without any direct participation in decision making processes. Section 74 of the Act states that a ward committee may make recommendations on any matter affecting its ward to the ward councillor, or through, the councillor, to the council, executive committee, mayor or sub council. Ward committees may also have certain powers and functions delegated to them by the municipal council.

Although the Municipal Systems Act does not refer specifically to ward committees there is a clear implication that they are important conduits through which participation by the community in the affairs of the municipality must take place (section 17 (1)). The Act further spells out the obligations of the Municipality in respect of processes and procedures necessary to facilitate such community participation. Section 16(1) draws specific attention to the importance of community participation in all processes related to the IDP. The election process is to follow strict guidelines to ensure transparency,

freedom of choice and fairness. Voting to elect the ward committee must take place at a community meeting.

The amount of confusion about the operationalisation of ward committees led to the publication of Guidelines for the Establishment and Operation of Municipal ward committees. The instrument was gazetted in 2005. The guidelines were meant to supplement legislation by providing uniformity both in terms of the operation of these structures as well as to provide clarity on the conduct of members. The main tenet of the guidelines is that ward committees are meant to enhance participatory democracy in local government. In other words, to serve as an additional conduit between the municipality and citizens.

Key issues and challenges

De Visser and Smith (2009) identify seven key issues and challenges based on six case studies of ward committees that they examined. These can be clustered under four broad headings. These issues relate to:

- a) Representivity
- b) Powers and functionality (including levels of skills)
- c) Access to information and influence on decision making
- d) Relationship to other structures

- a) Representivity

The Democracy Development Programme (DDP) has worked with ward committees for the past five years in KwaZulu Natal. A major concern has been around how these committees were constituted. In most instances they had become extensions of political parties that held the majority of seats in a municipal council. Where the Council was divided among several parties ward committees became a contested space to represent party political interests. Work by Piper and Deacon (2008) in the Msunduzi municipality lends further evidence to this trend. They noticed a close connection between ward committees and branch structures of political parties. They even came across instances where branch structures and the ward committee had the same members. This completely defeats the purpose for setting up these committees.

Representivity relates both to the different sizes of wards and the racial and socio economic diversity within wards. There needs to be some flexibility around this. The City of Cape Town for example, opted for a ward forum consisting of 20 representatives rather than a ward committee that is restricted by legislation to have no more than ten members.

b) Powers

Although the Structures Act makes provision for the delegation of powers to Ward Committees this has seldom happened in reality. Their role has been limited to an advisory one linking the ward councillor to the community. One of the important roles of ward committees as independent bodies is to monitor the performance of councillors and to review the IDP process. As outlined above the political gerrymandering of ward committees also call into question their oversight role.

A skills audit of 373 ward committee members in Nelson Mandela Bay Municipality (Bendle, 2008) found that only 9% of members had any post matric qualification and that 16% did not have any matric qualification. It is likely that an audit of ward committees in rural areas would reflect significantly greater limitations in respect of levels of education, skills and expertise.

The DDP's experience working with ward committees has made it clear that they have been largely unable to fulfill their mandate in terms of legislation. This can be attributed to a number of reasons among them:

- Chairpersons not understanding their roles in terms of calling meetings, report backs and even failing to attend meetings.
- No clear guidelines in terms of sub-committees, procedures and protocols. As a result the recommendations are often vague and generalized and are not tracked in any measurable or accountable manner.
- Mistrust between the ward councillor and the committee due to the perception (real or imagined) that ward committee members were aspiring to become councillors.
- Lack of resources that seriously limits them to function efficiently.
- Large and diverse wards that cannot be adequately represented by a 10 person structure.

c) Access to information

Communication channels between the municipality and the ward committees appear to be a serious stumbling block to any meaningful participation in municipal processes. Lack of information and the way in which information has been packaged seriously precludes any useful input around budget processes. This becomes very clear when dealing with the IDP review process. Without a clear understanding of targets and indicators in respect of specific projects there can be no serious accountability.

Hamlin's (2005) study of ward committees in the city of Johannesburg noted a high level of frustration among ward committees. They indicated that many of their ideas and proposals were not taken seriously. One of the key impediments to ward committees appears to be the limited power most ordinary ward councillors have within the deliberation processes of municipal councils. This becomes especially evident when a ward councillor is not a member of the majority party.

d) Relationship to other structures

The formation of ward committees as the only conduit between communities and municipalities has had a serious impact on other community structures that have a rich tradition of participation. Municipalities have come to recognize ward committees to the exclusion of other voices that have been embedded in communities before the formation of these committees. One cannot help but suspect a hidden agenda by those who hold power, especially as ward committees have become nothing more than an extension of political parties. The question of legitimacy of the ward committees to the exclusion of other organizations and structures is contained in the guidelines for the Establishment and Operation of Ward Committees and has been used by municipalities to stifle dissident voices. The notion of “invited” spaces (such as ward committees) as compared to “created” spaces (ratepayers Associations) has to be clearly understood and accommodated if meaningful participation is to be achieved.

Case Studies

Empirical evidence of ward committee participatory practices suggests that there is a vast discord between intention and practice. In many cases participation has been little more than legal compliance. Ward committees have not been the conduit for citizen voices to be heard and acted upon in municipalities but have manifested as extensions of political parties often to the detriment of openness and critical engagement with municipal processes.

A study conducted on citizens participation in the City of Johannesburg’s Integrated Development Plan consultative process offers a compelling illustration of the limited/exclusionary form of grassroots citizen participation extended by ward committees. According to the findings of the study, whilst the Greater Johannesburg Metro Council (GJMC) insisted that consultation is not simply a legal requirement, it emerged that a strategic agenda and ‘indicative budget allocations’ were agreed some five months before the consultation process began (GMJC, 2002). Citizens were thus expected to comment on an IDP which was largely a *fait accompli* (Friedman, 2005). Nor were they directly invited to comment on the plan; time constraints ensured that not even the metropolis’s 109 ward committees learned of the content of the draft plan. Instead, ward councillors were given the responsibility ‘of cascading the information to their committees and communities...’ (Friedman, 2005).

According to Friedman (2005), where the council did allow limited opportunities for participation, these were extended to organized, more affluent, groups. He argues that it is difficult to see how grassroots citizens could have participated to any degree in these exercises. Judging from the issues that dominated the GJMC’s IDP consultative process, e.g. debt management, safety standards in buildings, protection from crime, concerns over tariff increases, it’s clear that the dominant voices in the IDP consultation processes are mostly those of better resourced groups who participate in public policy debates. Meanwhile, according to Friedman, no evidence exists that the briefing to councillors went beyond ward committees which are chosen by councillors, not elected by residents.

A case study of ward committees in the Rustenburg municipality indicates that grassroots participants are often ill-equipped to meaningfully participate in the technical issues engulfing ward committee discussions. This is because grassroots communities often lack the information and sufficient understanding of the policy issues that are debated in ward committees (Idasa, 2006). The finding of the Msunduzi case study, cited earlier, supports this observation. For example, it was found that training materials were more relevant and better suited for municipal officials and ward councillors than for the broader –mostly grassroots- participants of ward committees.

The choice of language and medium that is used for advertising ward committee meetings also impinges on the inclusivity of ward committee participatory processes. The GJMC case study illustrates how language could become inimical to substantive grassroots participation. It was found that meetings were mainly advertised in English and Afrikaans newspapers, thus, ostracizing most of the grassroots poor, who generally possess low literacy levels and are unfamiliar with English or Afrikaans.

Meanwhile, local participatory processes that are tied to highly technical development interventions tend to discard the experiential and human knowledge of grassroots citizens and therefore undermine their ability to exercise voice and agency in development policy debates. Friedman (2005), for example, argues that documents produced by city planners talk of a ‘participatory process aimed at empowering the poor and marginalized.’ However, what does the word ‘empowering’ - ubiquitous in contemporary South Africa - mean? It could simply be intended in a procedural, facilitative, sense: a process may bestow on people the formal power to participate. But it may also imply that power is, somehow, a capacity which can be transferred from those who have it to those who do not by some sort of technical process; people lack power unless it is bestowed upon them by some official process. This implies that the ‘poor and marginalized’ can attain power only if the technicians find the appropriate ‘participatory process’ to grant it. But the ‘power’ bestowed in this way is far more likely to try to remake the poor in the planners’ image than to open the frontiers of choice. City documents thus display great enthusiasm for ‘new’ management techniques (GMJC, 2002). It is these, not responsiveness to citizens, which are considered the key to effectiveness. The presumed ability of the officials and technicians in council offices to ‘deliver’ to a grateful citizenry continues to be assumed.

The above sample of empirical evidence has illustrated how the dynamics of space and power impinge on the ability of ward committees to affect grassroots citizens’ participation. The following three conclusions can be drawn:

- Participation in ward committees is predicated on a formal – legalistic understanding of participation, which sees those who participate as beneficiaries or clients of government’s development interventions. It is based on a technical approach to participation, which fails to sufficiently engage with issues of power and politics – people are not part of the actual decision-making processes as decision-making power resides somewhere else.
- Ward committee participation mainly benefits organized and well resourced social groupings and local party political actors, who don’t need any recourse to access local power-holders, excluding a broader repertoire of unorganized – mainly poor - voices.
- Power relations in ward communities are shaped by powerful interests, including party political actors, organized groupings and ward councillors/power-holders. Ward councillors, for example,

- colluding with local party political actors - determine the agenda and outcomes of ward committee participatory processes.

The approach to local participatory governance embodied by ward committees does not offer a transformative form of participation that is inclusive and based on the active political agency of grass roots citizens.

The Fusion of party and state in ward committees

James Ferguson (1990) in his book *'The Anti-Politics Machine'* which examines the practice of development in Lesotho suggests that new institutional infrastructure rather than promoting the democratization of the development enterprise acted as a better system of political control. In South Africa the ward committees are indicative of a similar system of political control. Legislation dictates that the elected councillor assumes the position of chairperson of the ward committee. In effect the chairperson appoints the ten person committee. The potential for the ward committee to be appropriated by the party in power or elite capture thus exists. And the experience in South Africa is that ward committees have in many cases simply become appendages of the ruling party.

Those in power determine the terms of participation in ward committees and the lack of substantive grassroots influence in the form and content of ward committee participation. The functioning of ward committees is dependent on ward councillors. This is because they are responsible for: scheduling meetings; setting the agenda; the information required by committee members; and the type of information the council required from ward committees (CHORUS, 2006). This corroborates evidence by Friedman (2005) of the GJMC IDP consultative process, stating that two thirds of councils reported that their ward committees had 'no powers' and only 44% confirmed that ward councillors tabled reports on issues raised by ward committees; less than half – 47% - claimed that committees affect council decisions.

Party political influence in the agenda and outcomes of ward committee participatory processes undermines the voice and agency of the broader grassroots citizenry – civil society groupings and citizens - who are not members of political parties. Where ward committees are functional they remain under the influence of the local party branch – the party remains the dominant player. In this way, party political influence not only impinges on the autonomy of ward committees, but also serves to ostracize a broader repertoire of different voices. Partisan ward committees dominated by party political agendas are also less likely to hold party elites and those in power accountable, and are often used to simply endorse the decisions or positions of municipalities.

Smith and Devisser (2009:16) relate the partiality of ward committee members in the Govan Mbeki municipality: "the problem is that the ward councillors are not independent ... When we come up with creative constructive ideas, you become a threat to them ... When we have elections for ward committee members in our communities, the councillors already have the names of people they want

elected. This situation makes some ward councillors to become ‘Mickey Mouse’ of those councillors because they do not contribute, but are told what to do.”

It is apparent that the ward committee system acts in many cases as a system of political control. The appointment of ward committee councillors is open to manipulation and to all intents and purposes is deeply flawed. It has been reported that in some cases the branch executive and the ward committee councillors are the same people. Thus party political meetings and ward committee meetings are held at the same time. This evidence suggests that the roles of state, party and ward committee have become increasingly blurred. It is difficult not to conclude that in the main the independence of ward committees does not exist.

The Effectiveness of Ward Committees as Instruments of Representative Democracy

The previous section suggests that ward committees are not effective instruments for addressing the shortcomings of representative democracy. As indicated they serve as a more efficient ‘system of political control’. Moreover, they ostensibly act as conduits for the policies of the ruling party. Smith and Devisser (2009) conducted a study of ward committees in six municipalities and found that generally ward committees were ineffective but more telling was their conclusion that ward committees had little or no impact on the decisions that were taken at municipal council level. In this sense therefore the existence of ward committees as instruments of participatory governance is seemingly redundant other than for the reason proffered earlier in this section.

Smith and Devisser (2009) identify an institutional lack as a key reason for ward committees being ineffective. They argue that there doesn’t exist a forum for ward committees to have direct input/access to municipal councils. The concerns raised by ward committees is reliant on the ward councillor to report to the Speaker who would then refer issues to various portfolio committees or attach concerns raised as an agenda item. The study by Smith and Devisser (2009) indicates that the concerns of ward committees are largely ignored by the municipal councils and their functionaries. In consequence they call for the creation of a forum which would enable ward committees direct access to municipal councils. They also raise the issue of funding – additional funding needs to be made available to ward committees to enable them to make an effective contribution to council decisions and also promote more effective input into the IDP process. They however do not consider the issue of ward committees which have been subject to elite capture and those which are subject to party disciplinary mechanisms. I now want to turn to a consideration of a number of points for more effective local participation.

Towards more effective participatory governance

It is important to think of local participatory governance in terms of a 'continuum of spaces', including closed spaces – where decisions are made by a specific set of actors behind closed doors, e.g. *Municipalities*, invited spaces - into which communities are invited to participate, e.g. *Ward Committees, Public Forums, Citizen Assemblies*, and claimed or created spaces – which are created autonomously by communities, e.g. *Residents Associations, Concerned Groups*. These spaces exist in a dynamic relationship with one another in that what happens in one influences the others. For example, the spaces created by communities could be used to share experiences, formulate demands, demonstrate resistance and challenge power-holders and to develop strategies to engage power-holders in other spaces. Thus, serving as important instruments for exercising countervailing power. From this perspective, the transformative potential of spaces for local participatory governance like ward committees must always be assessed in relationship to the other spaces which surround them.

Local participatory approaches must be linked to participation at other levels, e.g. national, regional and international levels. This is because local realities are invariably influenced by what happens at other levels. This requires building multi-scaled strategies for exercising agency through, for example, establishing alliances / linkages / networks between local, regional and international civil society groupings, in order to channel experiences, information and demands across different arenas. For example, in cases where local power-holders are indifferent to the demands and interests of grassroots citizens, local civil society groupings can use spaces at different levels to challenge their local governments.

A more active notion of citizenship, one that not only recognises people's legal right to participation (voting rights), but sees them as the makers and shapers of the affairs of their communities through active participation in development policy and decision-making processes needs to be promoted. A more active notion of citizenship broadens the juridical meaning of 'political participation' that relies on legal definitions concerning the status of citizens and includes issues of power and politics. It encompasses socio-economic rights, meaning that people can either claim new rights – housing, land, work, etc – or struggle to expand and maintain existing rights. People can thus claim citizenship 'from below', rather than waiting for it to be conferred 'from above'. In sum, the notion of active citizenship broadens the agenda of participation in that it includes socio-political rights, grounding participation in the material well-being of people, and extends participation to levels of decision-making.

Active citizenship rests on strategies to inform people about their rights to participation and about the policies and processes which they are participating in. Here civil society advocacy groupings have an important role to play. For example, through establishing advocacy networks and working with grassroots movements, these groupings can use their resources and expertise to inform grassroots communities of the dynamics and positions encapsulating development policy debates. However, grassroots citizens must be allowed scope to foreground their own experiential and human knowledge in these policy debates.

Finally, participatory processes must pay more attention to issues of difference, and the challenge of inclusion. Strategies are needed to allow grassroots citizens to articulate their own perspectives and experiences – people should be free to express themselves in the language of their choice. Most importantly, participation should be on the people’s terms. For example, the grassroots must be able to choose their own spaces for participation and be able to influence the agenda and outcomes of these spaces.

Conclusion

The primary objective of this paper was to understand participation, representation and deliberation as constituted by the level of governance known as the ward committee system. The Constitution of South Africa in an attempt to infuse governance with democratic content enjoins the state to create institutional structures to enable this process. At the local scale the institutional structure is the ward committee system.

This paper revealed that while ward committees do exist their role in democratic governance and in the facilitation of public participation is one characterized in the main by failure. In many ways these structures are extensions of political parties and have been subject to elite capture. Moreover, ward committees have very little if any impact on decision making at the municipal level. I would suggest that these ‘invited spaces’ are nothing more than appendages of a structure to facilitate political control and rule over South African society at the local scale.

Furthermore, simply creating new institutional arrangements for participatory governance, such as ward committees, will not necessarily be more inclusive and transformative. Rather, much will depend on the how these spaces are created, who populates them, how voice and agency are exercised in them and the nature of the power relations which surround and imbue these potentially democratic spaces. Key to realizing a truly democratic space is the accommodation of dissent. At present ward committees serve to silence dissent, as a disciplinary space. We need to look beyond this to spaces which are a product of dissent such as those created by social movements.

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