



**A CIVIL SOCIETY ORGANISATION'S ENGAGEMENT IN
COLLECTIVE ACTION TO ACCESS BASIC SERVICES: THE CASE OF
THE ELECTRICITY ACTION GROUP IN PIETERMARITZBURG (EAG)**

by

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DECLARATION

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ABSTRACT

Basic services are defined in the Constitution of South Africa (Act 108 of 1996) as services that include the provision of housing, education, health care, social welfare, transport, electricity and energy, water, sanitation, refuse and waste removal. Of these basic services, electricity and energy, water and sanitation, refuse and waste removal are considered to be the most critical in improving the lives of people. The South African national government has committed itself to providing a basic amount of free water, which is 6000L per household (Water Services Act, 108 of 1997), and electricity, which is 50kWh (Electricity Basic Services Support Tariff Policy Framework, 2003) to poor residents, as they are deemed essential basic needs (Dalton, 2000:48). This provision is facilitated by indigent policies which are adopted by each municipality. Each municipal indigent policy is case specific and is thus customised to the specific needs of the municipality concerned. In instances where municipalities do not adopt the Indigent Policy Framework or fail to implement it, indigent citizens have the right to demand the municipality to recognise their status as per the provisions of the National Indigent Policy Framework, 2006. This can be done through civil society organisations advocating for the rights of their members and/ those of citizens in general. In a democratic country, civil society may hold government accountable to the electorate, not only during election times, but at all times, thus ensuring that government fulfils its roles, including that of service provision.

The aim of the present study was to investigate how the Electricity Action Group (EAG) and other civil society organisations engage the Msunduzi municipality through collective action to gain access to their constitutional right to free basic, affordable and adequate electricity.

This study made use of an interpretative research methodology. The researcher collected primary data through semi-structured focus group discussions. Two focus group discussions were conducted with the members of the EAG. A total of 10 members participated in the focus group discussions. A non-probability sampling technique, convenience sampling, was used to identify respondents, because the group was only accessible when they met for their scheduled meetings. Secondary data consisted of data from minutes of meetings, organisational reports, letters, memorandums, media statements and newspaper articles. Thematic analysis was used to analyse the collected data. Thematic analysis was most ideal to this study because it emphasises key

points through pinpointing and recording patterns from the data presented. This study used themes such as collective action rationale; aims and objectives of collective action; civil society partnerships; and collective action strategies, to examine the relationship between what must be done according to legislation and what indeed happens, in practice.

The findings of the study showed that the EAG, in its engagement with the municipality, had employed various strategies of collective action which included writing letters to the municipality, making written submissions and oral presentations to the municipality, holding marches and pickets where memorandums were handed over and having sit-ins in municipal offices. These actions were informed by: 1) the municipality's response or lack thereof to the demands of the EAG; 2) the number of people participating in the collective behaviour. The study revealed that the EAG had employed both destructive and non-destructive tactics of collective action in engaging the Msunduzi municipality. The study showed that, although the collective action strategies employed by the EAG did not always yield the desired results, it produced valuable unintended consequences such as to conscientise and educate its members on basic services and constitutional rights.

Two important findings which played an important role in explaining the collective behaviour of the EAG were that, firstly, although there were policies in place for the provision of basic services and free basic service provision for the indigent, they have not been provided adequately due to non-implementation. Secondly, the study found that binding decisions taken by the municipality were documented but not implemented.

LIST OF ACRONYMS

ANC- African National Congress

DME- Department of Minerals and Energy

DPLG- Department of Provincial and Local Government

EAG- Electricity Action Group

EBSST- Electricity Basic Support Services Tariff

ES- Equitable Share

ESG- Equitable Share Grant

FBE- Free Basic Electricity

FBO- Faith-Based Organisations

FBS- Free Basic Services

KWH- Kilowatt Hours

MIG- Municipal Infrastructure Grant

MM- Msunduzi Municipality

NERSA- National Electricity Regulator of South Africa

NGO- Non-Governmental Organisations

PACSA- Pietermaritzburg Agency for Community Social Action

SACP- South African Communist Party

SANCO- South African National Civic Organisation

SASCO- South African Students Congress

SERI- Socio-Economic Rights Institute

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CHAPTER 1

INTRODUCTION

1.1 Rationale for the study

Despite the Constitution (Act 108 of 1996), Electricity Basic Services Support Tariff Policy Framework (2003), Indigent Policy framework (2005) and the National Energy Act (Act 34 of 2008) making provisions for poor households to be entitled to 50kWh of free basic electricity per month, this has not materialised in some areas (SERI, 2013: paragraph 1). This constitutes an infringement of the rights of South African citizens. It is in the context of their rights that citizens engage in collective action through civil society organisations against local government authorities.

The Constitution of South Africa places the responsibility of ensuring that basic services reach all the citizens, within the limits of available resources, on the government (Constitution of South Africa Act, 108 of 1996). The South African national government has committed itself to providing a basic amount of free water, which is 6000L per household (Water Services Act, 108 of 1997) and electricity, which is 50kWh (Electricity Basic Services Support Tariff Policy Framework, 2003:6) to the poor, as they are deemed essential basic needs.

Since 1994, the approach to basic services has been that the local government will pay for the capital cost of the new service infrastructure, while the citizens/users will pay for the operation and maintenance (Education and Training Unit for Democracy and Development, 2006, paragraph 7). The rise of poverty, unemployment and the high running costs of many schemes close to the end of the 1990s meant that the poor can no longer afford the charges of basic services. Continuing with such an arrangement would result in vast inequalities when it comes to accessing basic services and the unsustainability of service provision and access. This meant that a substantial and important part of the community was being denied access to basic services (Education and Training Unit for Democracy and Development, 2006, paragraph 7).

From the year 2000 there was general agreement by all three spheres of government that, due to the adverse economic conditions, the poor majority could not afford to pay the full price for

essential municipal basic services (Msunduzi Indigent Policy, 2013/2014:2). The policy to provide a basket of free basic services to all was adopted by the national government in 2000/1. It is linked to an indigent policy which targets mainly the poorest sections of the communities and is considered an important part of the poverty alleviation programme among poor households (Department of Provincial and Local Government, no date: 11-12). This basket is said to include basic services such as the removal of solid waste; the provision of water, sanitation and electricity. Since the introduction of the policy by the national government in 2001 the focus has been to provide a basic amount of free water and electricity. Most municipalities have developed what they call indigent policies. These are supposed to ensure that households that have little or no disposable income can be identified and can access the basic municipal services such as water and electricity (Department of Provincial and Local Government, 2005:12).

In instances where municipalities do not adopt the Indigent Policy Framework or fail to implement it, citizens have the right to demand of the municipality the rights provided to the indigent citizens as per the National Indigent Policy Framework, 2006 (Ranchod, 2007:2). This can be done through civil society organisations advocating for the rights of their members and those of citizens in general (Ranchod, 2007:2). In a democratic country, civil society may hold government accountable to the electorate, not only during election times but at all times, thus ensuring that government fulfils its roles, including that of service provision (Ranchod, 2007:3).

Civil society is defined by scholars in different ways. Cheema and Popovski cite Habermas (1989), who defines civil society as

'a space or body of private persons who articulate a deliberative exchange of reasoned arguments about public goals and common good, thus creating a public sphere' (Cheema and Popovski, 2010:2).

Cheema and Popovski cite Larry Diamond's definition of civil society as

'the realm of organized social life that order or set of shared rules. It is distinct from society in general in that it involves citizens acting collectively in a public sphere to express their interests, passions and ideas, exchange information, achieve mutual goals,

make demands on the state, and hold state officials accountable' but excludes 'political efforts to take control of the state' (Cheema and Popovski, 2010:3).

According to the United Nations, civil society includes groups such as community groups, non-governmental organisations, labour unions, indigenous peoples' organisations, charitable organisations, faith-based organisations, professional associations and foundations (Cheema and Popovski, 2010:3).

What is evident from the definitions of civil society is that civil society is a group of organizations, independent from the state, which is made up of many individuals who share similar interests and goals. These organisations enable individual citizens to express their interests and hold public officials accountable.

Civil society organisations can play the role of watchdog over the state's actions, state spending, and legislation (Ranchod, 2007:4). These organisations can also lobby and make demands on the state for various goods. The watchdog role played by these organisations is partly a way of compelling the government to remain accountable at all times (Ranchod, 2007:4).

Civil society engagement with the state can be viewed as part of political pluralism; this implies tolerance and accommodation of diverse views, passions, interests and demands in the public sphere (Ranchod, 2007:4). Such engagement can also be seen as part of public participation in political processes and policy-making.

In engaging the state on policy, civil society employs various strategies which include collective action which can be implemented in both confrontational and non-confrontational forms (Ranchod, 2007:4). Collective action is defined as the 'collaborative and sustained process of cooperation between stakeholders' (Poteete, Jansen and Ostrom, 2010:17). It aims at improving the platform for and increased co-operation among individuals, and the co-ordination and collaboration of resources, skills knowledge and individuals (Poteete, Jansen and Ostrom, 2010:17). Collective action is a process which involves many stakeholders, including government and non-governmental organisations (Ranchod, 2007:4).

The process of collective action is carried out by a group of individuals who are driven by the same interests. Collective action thus occurs when many individuals are required to contribute to

a particular effort in order to achieve a particular desired outcome (Dixon and Levin, 2012:228). Collective action thus requires for there to be people, i.e. citizens/individuals/members of organisations, who have identified an issue or a problem which needs attention (Dixon and Levin, 2012:228).

Basic services policy and legislation, at the formal level, recognise that there is a need to prioritise the poor's access to basic services, but it has proved unable to do so in practice. According to the Socio-Economic Rights Institute (SERI) (2013: paragraph 2), part of the problem is the distribution of resources between the national government and municipalities and within the municipalities themselves. While the national treasury transfers funds to municipalities, mainly in the form of the equitable share (ES) and the municipal infrastructure grant (MIG), these transfers are either not adequate to ensure the maintenance of basic standards in the poorest municipalities, or they are spent incorrectly in other areas (SERI, 2013: paragraph 2). An example cited by SREI is that in 14 of the poorest South African municipalities, over 50% of the population has no sanitation provision. These municipalities are all in rural areas and are all in former homeland areas and have approximately 100 000 residents. While, simultaneously, within the rich municipalities, affluent residents enjoy extravagant consumption of water and electricity, with advanced sanitation, whereas people in informal settlements suffer with wholly inadequate access to services (SERI, 2013: paragraph 2).

Even in instances where there is adequate infrastructure, there is a tendency of denying low income tenants free basic services and/or to disconnect these services. In many instances, basic services do not comply with the legislation and regulations see Chapter 2; and section 152 of the Constitution of South Africa, Electricity Basic Services Support Tariff Policy Framework (2003); and the Water Services Act 108 of 1997. In other instances, local government segregates poor people through indigence registers with heavy conditions, which further aggravate disempowerment and exclusion (SERI, 2013:paragraph 2). Such problems are said to be as a result of the failure of the national government to regulate service delivery at the local government level and to a scarcity of research on acceptable basic service options and means of subsidising basic services of low-income households (Dalton, 2000:13).

In an attempt to curb the disempowerment and exclusion of the poor from services which they are entitled to, the national government approved the National Indigent Policy Framework in

2005 (DPLG, no date: 10). National government requires that all municipalities develop and adopt an indigent policy, to ensure that those citizens that fall under the definition of “indigent”, in that particular municipality, can have access to free basic services (DPLG, no date: 10). The National Framework requires that a well-functioning indigent policy have the following parts: 1) Gaining Access (capital expenditure); 2) Maintaining Access (operational expenditure); and 3) Targeting the Poor (revenue mechanisms) (DPLG, no date: 10).

A failure by local government to allow indigent citizens access to basic services results in the infringement of individuals’ constitutional rights. In an attempt to address issues of such nature, civil society, i.e. citizens acting collectively in a public sphere to make demands on the state and hold state officials accountable, arises and acts in the interests of those concerned or towards a particular common goal (Cheema and Popovski, 2010:3).

A number of studies have been conducted around the world on collective action as a behavioural theory. Studies on collective action conducted by Barnes (1999); van Zomeren, Postmes, Spears (2008); Canepa (2012); and Mwangi, Markelova and Meinzen-Dick (2012) have similar findings on the purpose and results of collective action. They concur that the purposes of collective action is aimed at redressing the cause of the groups’ disadvantage and that the outcomes of collective action result in the improvement of the groups’ conditions.

The aim of the present study was to investigate how civil society engages the state through collective action, to gain access to their constitutional right to free basic services, specifically free basic electricity. This was done by investigating the purposes, motives, strategies and outcomes achieved by civil society organisations through their collective action.

This study investigates how civil society engages the state on the provision of basic services, using a case study of the collective action of the Electricity Action Group (EAG), along with PACSA, in engaging the Msunduzi municipality. The EAG is a collective of people who live in 14 residential areas within the Msunduzi municipality in the uMgungundlovu district. These areas are Sobantu; Snathing; Imbali; Madiba; Cinderella Park; Ashdown; Eastwood; Dambuza; Mpumuza; Impumelelo (France); Haniville; Woodlands; Copesville and kwaPata (EAG, 2013 J). The group’s aim is to make real the Msunduzi municipality’s developmental goal, which is to provide the poor, indigent households of the Msunduzi municipality, who use the pre-paid meter

system, with access to 200kWh of free basic electricity per month. The EAG is supported by PACSA, which is a faith-based organisation (FBO) that was founded on the principle of Christianity and human rights to advocate for social justice. PACSA is based in the Pietermaritzburg area and works in the Msunduzi municipality.

1.2 Key research questions

The present study aims at providing answers to:

- What kind/s of collective action is/are employed by the Electricity Action Group?
- What factors inform the strategies employed by the Electricity Action Group in their collective action?
- How does the Electricity Action Group co-ordinate their collective action?
- What factors affect the outcome of the collective action?
- To what extent do the strategies employed by the Electricity Action Group achieve desired outcomes?

1.3 Overview of research design

A qualitative research methodology was used in this study; it made use of qualitative methods of data collection. Qualitative methodology has been described as an umbrella term which makes provision for various orientations and research (Barbour, 2008:20). Qualitative methodology is a method of inquiry which does not involve measurement or statistics. The aim of qualitative research is to gather an in-depth understanding of human behaviour and the reasons that direct such behaviour. This method of research investigates not only the ‘what’, ‘where’, and ‘when’, but also the ‘why’ and ‘how’ (Barbour and Kitzinger, 1999:4). Since qualitative methodology allows for an in-depth understanding of human behaviour and the reasons for it, it was better suited for the conducted study, as it allowed for the understanding, significance and motive of collective action.

A case study (that of the EAG) was used to investigate how organisations co-ordinate collective action and what strategies they use. The case study method was adopted because it is a good

source of ideas about behaviour and because case studies can extend experience and add strength to what is already known, thanks to through previous research (Gerring, 2007: 37-38).

Both primary and secondary data was used in the study. Primary data was collected through semi-structured focus group discussions which were conducted by the author. Two focus group discussions were conducted with members of the EAG. A total of 10 members participated in the focus group discussions. A non-probability sampling technique, convenience sampling, was used to identify respondents, because the group was only accessible when they met for their scheduled meetings. Secondary sources such as documents and reports were used to analyse and describe collective action, basic service provision and public participation, in South Africa. These included legislation, policies, journal articles, academic books, internet sources, minutes of meetings, media statements, memorandums, newspaper articles and focus group discussions. The aim was to investigate how civil society organisations engage in collective action to access basic services. Media statements and newspaper articles were used only to support what was said in discussions and what was found in minutes, to avoid untrustworthiness of sources.

The qualitative data analysis method of thematic analysis has been used in this study to gain insight into the strategies of collective action. Thematic analysis is defined by Fereday and Muair (2006) as a method of grouping data into more understandable themes for the purpose of analysis. They reason that thematic analysis is ideal to use when answering questions related to people's feelings, experiences, views and perceptions (Fereday and Muair, 2006). The thematic analysis method was thus better suited for this study, because the study was qualitative in nature. The content was analysed using the themes identified in the study. The following section outlines the overview of the research design.

1.4 Structure of dissertation

Chapter 1 covers the introduction, background and purpose of the study. This chapter also covers the study's research design. Chapter 2 focuses on the South African legislative framework for basic service provision, including free basic services, and public participation. Chapter 3 covers the theoretical framework on which the study is based. It looks at the definition of collective behaviour and the nature of public participation and its mechanisms. Chapter 3 also looks at the policy cycle, particularly policy formulation and policy implementation. Chapter 4 focuses on

the Electricity Action Group, the Pietermaritzburg Agency for Community Social Action and the Msunduzi municipality, as a case study. It focuses on the collective actions of civil society, their strategies, motives and achievements. It looks at the responses of the municipality when engaged by civil society. Chapter 5 presents the findings and analysis of civil society organisations' use of collective action to engage the municipality on basic services and FBE. Chapter 6 concludes the study.

CHAPTER 2

LEGISLATIVE AND POLICY FRAMEWORK

2.1 Introduction

Chapter 2 focuses on the legislative and policy framework informing public participation and the provision of free basic services. This chapter discusses the nature of public participation before and after 1994. It discusses, at length, the legislative prescripts governing public participation after 1994. These prescripts are the Constitution of the Republic of South Africa (Act 108 of 1996); the White Paper on Local Government (1998); the Municipal Structures Act (Act 117 of 1998); and the Local Government Municipal Act (Act 32 of 2000).

The chapter examines the legislative and policy prescripts that regulate and/or mandate for the provision of basic services and the provision of FBE, after 1994. These prescripts include the Constitution of the Republic of South Africa (Act 108 of 1996); the Electricity Basic Support Tariff Policy (2003); the National Energy Act (Act 34 of 2000); the National Indigent Policy Framework and the Msunduzi Indigent Policy (2013/2014).

2.2 Public participation

Before 1994 South Africa was governed under apartheid laws, which were based on the separate development of individuals within the country. Apartheid laws meant that the national government was not responsible for the provision of services and infrastructure to the African people of South Africa (Deegan, 2001:39).

Under the apartheid government public participation was limited. The majority (who are African, Indian and Coloured people) of South African citizens had no political rights and could not participate in the processes of government (Tapscott, 2006:3). Tapscott (2006:3) explains that the way in which black people engaged government on a local level was limited to the management structures created by the apartheid government for black citizens. These management structures were developed along racial lines and their main function was to exclude black people from the economic and political affairs of South Africa (Tapscott, 2006:3).

As apartheid weakened in the 20th century, due to international pressures and the rise of a strong civil society, the apartheid government sought to steer the interactions between the state, the

market and civil society to suit the interests of the dominant white society within South Africa (Russell and Swilling, 2002:4). The apartheid state, at this time, was characterised by interdependence between itself and racially exclusive non-profit organisations which were involved in service delivery (Russell and Swilling, 2002:5).

The apartheid state had, at times, tried to suppress all forms of civil society organisations, especially oppositional non-profit organisations, but generally the apartheid state tolerated the growing black non-profit sector, so long as it distanced itself from politics and remained apolitical (Russell and Swilling, 2002:68).

The death of apartheid and the rise of democracy were a result of the existence, growth and collective action of non-profit organisations (black and white) within South Africa (Russell and Swilling, 2002:69).

In an attempt to eradicate the injustices caused by apartheid, the democratic government after 1994 was tasked with finding ways in which the previously disadvantaged groups within society could be incorporated into the decision-making processes and with addressing socio-economic inequalities (Russell and Swilling, 2002:6). A series of policies and legislation has been enacted in this regard.

2.2.1 The Constitution of the Republic of South Africa, Act 108 of 1996

After 1994 the democratic government enacted the Constitution of the Republic of South Africa (Act 108 of 1996), which was to be the highest law of the land. The Constitution was established to address the inequalities caused by apartheid laws.

The Constitution of South Africa (Act 108 of 1996) states that the country is made up of three spheres of government, the national, provincial and local spheres (section 40:1 of the Constitution of South Africa, Act 108 of 1996). Local government, as the sphere of government which is closest to the people, is composed of municipalities which have the right to govern their own affairs, i.e. affairs of its community (Section 151:3 of the Constitution of South Africa, Act 10 of 1996). The Constitution states that the objectives of local government are to:

(a) provide democratic and accountable government for local communities; (b) ensure the provision of services to communities in a sustainable manner; (c) promote social and economic development; (d) promote a safe and healthy environment; and (e) to encourage the involvement of communities and community organisations in the matters of local government (section 152:1a-e of the Constitution of South Africa, Act 108 of 1996).

The duties of municipalities include:

(a) [structuring and managing] its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and (b) participate in national and provincial development programmes (section 153:a-b of the Constitution of South Africa, Act 108 of 1996).

Apart from the Constitution of the Republic of South Africa mandating the municipalities to encourage public participation, The White Paper on Local Government (1998); the Municipal Structures Act (Act 117 of 1998) and the Local Government Municipal Structures Act (Act 32 of 2000) also mandate municipalities to encourage public participation.

2.2.2 The White Paper on Local Government (1998)

Municipalities are mandated by The White Paper on Local Government to take centre stage in democracy by enabling and encouraging citizens, including previously marginalized groups, to participate in the ‘design and delivery of municipal programmes’ (DPLG, 1998).

The White Paper on Local Government (1998) strongly recommends that municipalities develop the following community participation mechanisms:

- *Forums within and outside local government which are aimed at influencing policy-making.*
- *The involvement of structured stakeholders in ad hoc issue-oriented committees.*
- *Focus group participatory action research, which must be carried out together with non-governmental organisations and community-based organisations. This action research is conducted to collect information on the needs and values of particular communities.*

- *Participatory budgeting initiatives which ensure that the programmes of capital investment are in line with, and championing community priority needs.*
- *Supporting associations in order to improve organisational development. The provision of support is said to be important mostly in poor, marginalised areas which may lack the skills and resources needed for participation. The White Paper on Local Government (1998) argues that this is so because most citizens in poor and marginalized areas usually participate through associations rather than participate as individuals (The White Paper on Local Government, 1998).*

Another local government legislation which advocates the inclusion of communities in local government affairs is the Municipal Structures Act 117 of 1998.

2.2.3 Municipal Structures Act 117 of 1998

The Municipal Structures Act is an act that promotes community participation at the local government level. Section 44(3) (iii: e-g) and (B) of this Act states that the municipality must:

(e) oversee the provision of services to communities in the municipality in a sustainable manner; (f) perform such duties and exercise such powers as the council may delegate to it in terms of section 32; (g) annually report on the involvement of communities and community organisations in the affairs of the municipality; and (B) ensure that regard is given to public views and report on the effect of consultation on the decisions of the council (Municipal Structures Act 117 of 1998).

The Local Government Municipal Act 32 of 2000 has been developed to assist local government in the involvement of citizens and civil society in decision-making processes.

2.2.4 Local Government Municipal Systems Act 32 of 2000

This Act states that its main aim is to:

provide for the core principles, mechanisms and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local communities, and ensure universal access to essential services that are affordable to all'; 'to provide for community participation' and 'to empower the poor and ensure that municipalities put in place service tariffs and credit control policies that take their needs

into account by providing a framework for the provision of services, service delivery agreements and municipal service districts (Municipal Systems Act 32 of 2002).

The Local Government Municipal Act 32 of 2000 thus forms a framework for the managing of civil society. This framework is particularly useful to this study as it will allow for the investigation of whether, in fact, civil society views have been taken into consideration in the decision-making and policy processes. The framework also allows for the investigation of whether or not local governments (municipalities) are ensuring universal access to essential services which are affordable to all, as stated in the Municipal Systems Act, 32 of 2000.

2.3 Provision of Free basic services

Local government is mandated by the Constitution to provide services to its citizens.

2.3.1 The Constitution of the Republic of South Africa, Act 108 of 1996

The Constitution states that local government must provide basic services to its citizens (sec 152 (10) (b)). Basic services are defined as essential services which have a direct, immediate effect on the lives of the people of the community (DPLG, 2003:2). These services include the provision of housing, education, health care, social welfare, transport, electricity and energy, water, sanitation, refuse and waste removal (DPLG, 2003:2). Each municipality receives what is called an unconditional Equitable Share Grant (ESG) from the national government (Constitution of the Republic of South Africa, Act 108 of 1996). The Constitution states that local government:

is entitled to an equitable share of revenue raised nationally to enable it to provide basic services and perform the functions allocated to it (sec 227(1) (a)).

In addition to providing services, the equitable share is aimed at assisting municipalities provide FBS to citizens within their jurisdictions, with the aim of enhancing equity in terms of municipal services among those who can afford to pay for municipal services and those who cannot (Blacksash, 2011).

The present study focused on the provision of electricity, in general, and FBE, in particular. The National Energy Act has been enacted by national government, guided by the Electricity Basic Support Tariff Policy, to assist local municipalities to provide FBE to its qualifying citizens.

2.3.2 Electricity Basic Services Support Tariff Policy (EBSST) (2003)

The Electricity Basic Services Support Tariff Policy was adopted by national government in the year 2000 and states that:

Free basic electricity provision will be phased in with preference being to the poor at all times (Electricity Basic Service Support Tariff Policy, 2003:9).

It also states that:

Grid connections will be provided with 50kWh of free basic electricity funded mainly through relevant intergovernmental tariffs, subject to the contractual obligations between the service provider and the consumer being met. Any consumption in excess of the set limit (50kWh) will be payable by the consumer (Electricity Basic Services Support Tariff Policy, 2003:9).

The allocation of 50kWh of electricity per month has been discussed at a national level and accepted politically and by the community (DPLG, 2003:9). It is considered to be adequate energy for lighting, accessing the media, limited water heating and basic cooking or ironing for poor households (DPLG, 2003:9). Thus the EBSST Policy states that:

'in respect of grid-based electricity consumers, free basic electricity provision is intended to facilitate the provision of lighting, media access, limited ironing and water heating as basic electricity services' (Electricity Basic Service Support Tariff Policy, 2003:10).

The Electricity Basic Services Support Tariff Policy has necessitated the enactment of the National Energy Act, which legislates the provision of a certain amount of FBE to poor households.

2.3.3 National Energy Act 34 of 2008

The National Energy Act 34 of 2008 defines free basic electricity as the:

amount of electricity supply deemed necessary to support basic energy services of a typical household as determined by Government from time to time (National Energy Act, 34 of 2008).

The Act serves as a guide for the provision of FBE to poor, qualifying citizens. The amount of FBE provided may vary from time to time, depending on prevailing conditions.

Given the fact that South Africa has a large part of its population being classified as poor, i.e. 56.8 % (Statistics South Africa, 2009), national government has developed an Indigent Policy Framework to assist local governments provide services to all citizens, even those who cannot pay for the services, in a sustainable manner.

2.3.4 National Indigent Policy Framework

In an attempt to reduce the effects of poverty, limit inequality and the denial of basic rights, national government has formulated a National Indigent Policy Framework. The Indigent Policy Framework defines an indigent policy:

- *As a critical planning document that is crafted within a municipality's IDP and financial planning instruments*
- *[Which] takes cognizance of the municipality's specific conditions and is unique to that municipality*
- *[Which] allows municipalities to plan the scale and scope of their FBS delivery*
(National Indigent Policy Framework, 2005:14)

The adaptation of the municipal indigent policy enables the municipality to plan how to implement the indigent policy programme and identify qualifying citizens (Guidelines for the implementation of National Indigent Policy by municipalities, 2005:19). The implementation of the indigent policy may be executed through a blanket approach, targeted approach or a combined approach (Guidelines for the implementation of National Indigent Policy by municipalities, 2005:17).

Each municipality is tasked with determining how much of the municipal service it will subsidise (DPLG, no date: 30). Here the municipality must take into consideration its individual characteristics including size, age of the population, part of the population contributing to the economy and poverty levels.

The National Framework for Municipal Indigent Policy states that there are three parts to a well-functioning Indigent Policy: gaining access; maintaining access; and targeting the poor (Guidelines for the implementation of National Indigent Policy by municipalities, 2005:16). A municipality's indigent framework must include all three parts if it is to effectively alleviate

inequality within the municipality (Guidelines for the implementation of National Indigent Policy by municipalities, 2005:16).

The National Framework for Municipal Indigent Policy is a guide to all South African municipalities in their development of indigent policies. The framework allows each municipality to develop an indigent policy which is relevant to their environment. For the purpose of this research the Msunduzi Indigent Policy is the most relevant, as the study is conducted within the Msunduzi municipality.

2.3.5 Msunduzi Indigent Policy (2011/2012-2013/2014)

The Msunduzi Indigent Policy states that it aims at:

- *'Attempting to close the gap that exists between the citizens of the municipality i.e. those who are indigent and those who are not. The municipality aims to do this by assisting the indigent with subsidized water, electricity and other municipal services. The municipality also aims to assist the citizens of the municipality with access to housing, employment opportunities and basic health care.*
- *By providing the citizens of Msunduzi municipality with such assistance, the municipality aims at enabling the citizens of Msunduzi to participate in the community without being prevented by their indigent status.*
- *The long-term objective of the municipality is to move those who are considered indigent from needing free basic services to a status where they are able to pay for these services'* (Msunduzi municipality Indigent Policy, 2013/2014:5).

The Msunduzi municipality uses a targeted approach to implement its indigent policy (Msunduzi municipality Indigent Policy, 2011/2012). It requires that citizens apply to the Debt Collection Section of the Finance Division for them to receive free basic services. The applicants are notified in writing whether their application has been approved or not (Msunduzi municipality Indigent Policy, 2013/2014:5). Those whose applications have been approved are subsidised according to the annual proposal of the Financial and Fiscal Commission (Msunduzi municipality Indigent Policy, 2013/2014:5). This proposal is revised annually, as it has to respect any proposed grants which are enclosed in the equitable share formula. The indigent are

subsidised with a certain amount of the free basic services which, if exceeded, the indigent must pay for the excess (Msunduzi municipality Indigent Policy, 2013/2014:5).

For citizens to be classified as indigent they must earn R3200 per month or less; the average consumption of electricity by the household must not exceed 550kWh annually; must be a permanent resident of the Msunduzi municipality; and must be a permanent citizen of South Africa (Msunduzi municipality Indigent Policy, 2013/2014:6).

Of the basic services discussed earlier, electricity and energy, water and sanitation, refuse and waste removal are considered to be the most critical in improving the lives of people (DPLG, 2003:2). The South African national government has committed itself to providing a basic amount of free water, which is 6000L per household (Water Services Act, 108 of 1997) and electricity, which is 50kWh (Electricity Basic Services Support Tariff Policy Framework, 2003) to the poor, as they are deemed essential basic needs (Dalton, 2000:48). This commitment serves as a guide for all municipalities as a minimum amount. These amounts may be increased and applied according to the merits of each municipality (DPLG, 2003:5). The Msunduzi municipality, in their 2011/2012 indigent policy, states that it will subsidise the indigent within the municipality with:

'Free kWh, as determined from time to time by Council and as reflected in the applicable Tariff Register.

If the consumption is 500 kWh or less, 200 kWh will be free

If the consumption is greater than 500 kWh, then 50kWh will be free' (Msunduzi Indigent Policy, 2011/2012).

The provision of basic services is the obligation of the municipality, while access to basic services is the right of citizens. Public participation enhances the efficiency of the municipality's policies. The policies of the municipality thus need to be a result of consultation of all relevant stakeholders, so that the municipality can adequately address service delivery needs.

2.4 Conclusion

This chapter focused on the legislative and policy framework for public participation and the provision of services, specifically FBE. The chapter has described the Constitution of the

Republic of South Africa (Act 108 of 1996); The White Paper on Local Government (1998); the Municipal Structures Act (Act 117 of 1998); and the Municipal Systems Act (Act 32 of 2000) as the legislation informing public participation. The chapter describes the mechanisms for public participation which are stipulated in the legislative prescripts. Mention is made of the Constitution of the Republic of South Africa (Act 108 of 1996); the Unconditional Equitable Share Grant; the National Energy Act (Act 34 of 2008); the Electricity Basic Support Tariff Policy (2003); and the National Indigent Policy Framework as legislation informing the provision of basic services and free basic services, specifically FBE. The National Indigent Policy Framework allows each municipality to develop an indigent policy which suits the needs of that municipality; the chapter has thus discussed at length the Msunduzi Indigent Policy (2011/2012); the Msunduzi Indigent Policy (2013/2014) and their provisions. The following chapter presents the theories used in this study.

CHAPTER 3

THEORETICAL FRAMEWORK

3.1 Introduction

This chapter provides the theoretical framework for analysing a civil society organization's engagement in collective action to access basic services. Firstly the chapter discusses what informs public policy. That is followed by a discussion on how policies are formulated through the policy cycle. The chapter then moves on to discuss public involvement in the formulation of policies. This section discusses the responsibility of democratic governments to involve its citizens in matters that affect them. This may be done through formal mechanisms of public participation.

The chapter points out that once a policy has been developed it must be put into effect by the policy owner, because a policy will not yield the intended results if it is stated in black and white and not acted upon.

The last section of the chapter discusses collective behaviour/action. It provides a definition of collective action and discusses the reasons for engaging in collective action and the forms that collective action takes. The chapter describes social movements as the most relevant form of collective action for this study. The theory of relative deprivation is discussed in this chapter, as it is the most pertinent to this study.

3.2 Public policy

Gerston (2010:5) states that public policy may be said to develop from government programmes, legislative intentions and organisational interactions that affect the day-to-day lives of people.

Anderson (1997:9) defines public policy as:

'a relatively stable, purposive course of action followed by an actor or set of actors dealing with a problem or matter of concern'

Anderson describes some of the implications of this definition:

- *The definition links policy to purposive or goal-oriented action rather than random behavior as the course of action stated in the policy;*
- *Public policies emerge in response to demands made by some other actor;*

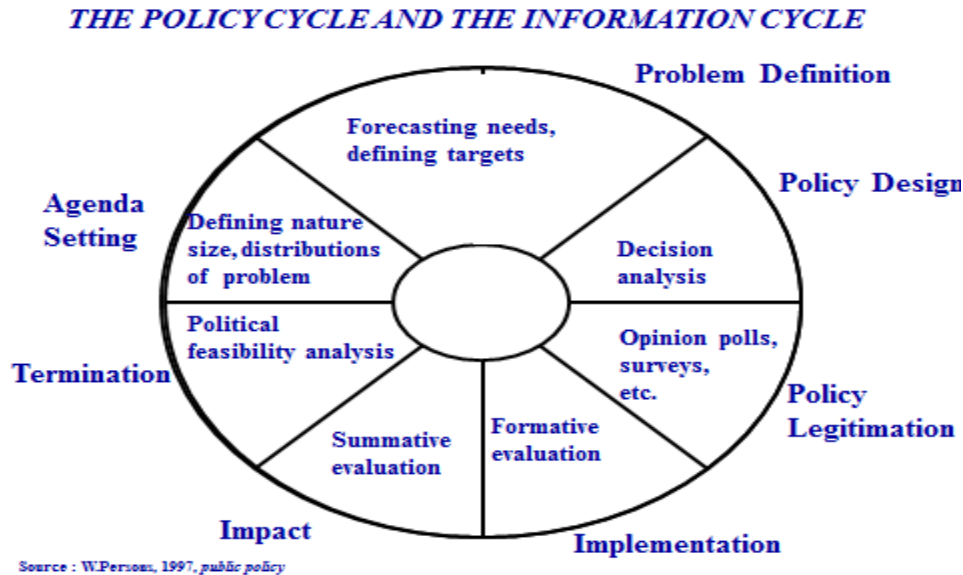
- *Policy involves what government actually do, not what they intend to do or what they say they are going to do;*
- *Public policy is based on law and is authoritative when it is in a positive form (Anderson, 1997:10-12).*

The formulation of public policy is then an essential, multistage process, which is aimed at responding to the claims of action or inaction on some public issues made by some actors affected or effected by the action or inaction. The present study focused on establishing whether the claims of FBE provision to households on the prepaid meter made by civil society on the municipality, have had an impact on the existing policies of the Msunduzi municipality, which regulates electricity tariffs and the implementation of FBE.

3.2.1 The Policy Cycle

Policy-making is expressed as a process which happens in stages. Colebatch articulates these stages as: definition of the problem stage; identification of alternative responses; evaluation of options, decision-making stage, implementation and evaluation stage (Colebatch, 2002:5). These stages are usually presented as a linear process, which begins as a thought, translates to an action and finally progresses to a solution (Colebatch, 2005:5). Although Colebatch states that the policy stages may be presented in a linear manner, Parsons (1997:545) states that the policy process may be best represented as a cycle which he terms the 'Policy Cycle'. He stipulates the following as steps in the policy cycle: agenda setting, problem definition, policy design, policy legitimation, implementation, impact and termination (Parsons, 1997:545).

Figure 1.1: The Policy Cycle



Lindblom (1997:11) argues that the step-by-step process creates a picture that policy-making is a relatively orderly linear process. But this is not always the case, as some policies are made initially because of political compromise and not to solve the problems that they eventually happen to solve, and some policies are as a result of new opportunities and not because of existing problems (Lindblom, 1997:15).

Lindblom (1997:11) identifies two overriding questions about the policy-making process, which are: *‘How can policies be made more effective?’* and *‘How can policies be made more responsive to popular control?’* In answering the first question most scholars believe that the answer is found in adding more information, thought, and analysis into the process of policy-making (Lindblom, 1997:11). In answering the second question Lindblom (1997:11) states that, to some important degree, policy-making needs to remain political forever, in order to ensure that decisions are reached democratically. By remaining political, the policy-making process ensures the participation of those affected by the policy in the process (Lindblom, 1997:11).

Lindblom stresses that when government makes public policy it should focus on two aspects:

1. *‘Efficiency in solving problems- the main focus here is to determine how efficient the proposed policy is in coming up with long-term solutions to problems*

2. *Responsiveness to popular control- the main focus here is determining who really makes or participates in making the policies, and what form does this participation take, and why some adverse effects of policies keep happening and why people tolerate them'* (Lindblom, 1997:2).

Public policies are therefore made to regulate society and are generated as responses and interventions to social problems. It is evident that the policy-making process is a messy and complicated one, which requires that various stakeholders be consulted (public participation). It is a structured process, but does not always allow for one step to lead directly to the next step in the policy cycle. For the purpose of this study, understanding policy formulation is essential in answering the 'Who' part of 'Who' is involved in the making of the policy? And 'What' is the policy aimed at addressing? Or 'Who' is the policy made for?

In the policy-making cycle various, stakeholders are involved at different stages of policy-making for various reasons. Policy-makers may consult the civil service; parliamentary committees; organised interests groups and the general public in the policy-making, implementation and review process (Pierre, 1998:139). Government may do this through inviting public comments, calling for public hearings and so on (Pierre, 1998:138).

3.3 Public participation and the formulation of policy

Public participation is defined as

'a democratic process of engaging people in thinking, deciding, planning and playing an active part in the development and operation of services that affect their lives' (Sithole, 2005:2).

Public participation allows the public to have a say on matters that affect them.

Democratic governments are required to encourage public participation or public involvement in decision-making processes, to ensure that citizens are actively involved in the development of the country (Hatting, 1998:11). Brinkerhoff and Crosby (2002:7) explain that there are four characteristics which democratic governments need to have, in order to engage citizens more fully in the policy-making process and strengthen the much-needed civil society. They are as follows:

- *'it exhibits high levels of transparency and accountability; that is, information is made available and widely shared, decision-making processes are open, and public officials are held to account for the use of resources and the achievement of outcomes.*
- *It provides for increased citizen participation, particularly of marginalized groups, and for decision-making by local bodies that is accessible to citizens.*
- *Its structures and procedures permit the incorporation of the views of a range of societal groups in the formulation of policies (policy pluralism) and the equitable delivery of public services; they also redefine the role of the state (less direct service provision, creation and maintenance of a "level playing field" for economic activity, and empowerment of non-state actors).*
- *It operates within an institutional and legal framework that recognizes and respects human rights and the rule of law'* (Brinkerhoff and Crosby, 2002:8)

The policy-making process is one which is influenced by many interest groups/role-players who exert some sort of influence over the direction which the process takes. These role-players include political parties, leaders of legitimate organisations, business, labour, experts from issue networks, communities, universities, voluntary bodies, international organisations and general civil society. (Howlett and Ramesh, 2003:71-76). This influence takes place at every stage of the policy process, from the setting of the agenda, identification of alternatives, to choosing the most suitable one and implementing it (Howlett and Ramesh, 2003:76). Saito (2008:214) feels that it is important for each policy to establish who the policy will affect and what kind of participation will be undertaken.

Participation can be divided into two main categories: (1) the mere receipt of information by citizens from authorities about particular proposed actions or activities (i.e. participation without power); and (2) power-sharing with citizens to shape the final decisions that are taken and implemented (Bekker, 1996:41). Arnstein (1969:216) cautions that participation without power suggests that the ideas of participants or community members have been taken into consideration, while in reality it does not lead to any changes in policy due to public participation.

Colebatch (2002:33) adds that there are others who play an important role in the policy process; he calls these “policy collectives”. These policy collectives are defined as:

‘relatively stable aggregations of people from a range of organisations who find themselves thrown together on a continuing basis to address policy questions camped permanently around each source of problems’ (Colebatch, 2002:22).

Saito (2008:215) states that public participation is not an end in itself, but instead it is a procedural right which signifies ways through which citizens take part and sway processes, decisions and activities, in order to influence fair policy outcomes and uncover the abuse of power by authorities. Participation can be both positive and negative.

Positive participation positively contributes to policy decisions and implementations. Positive participation includes attending and participating in discussions on proposed policy which are held by government; rendering submissions on proposed policies, etc. Negative participation may be participation which blocks and rejects policy decisions rather than contributing to policy decisions and implementation (Brinkerhoff and Crosby, 2002:80). Negative participation, explain Brinkerhoff and Crosby (2002:80-81), is one of the main methods by which non-governmental and governmental actors participate in policy decisions and is vital in a democratic society. Negative participation mechanisms include protests, strikes, demonstrations, passiveness to new policy directives, rejection of orders from superiors, foot dragging, feigning ignorance, false compliance and sabotage. (Brinkerhoff and Crosby, 2002:80-81).

For those parties who are against the new policy, negative participation may be their only form of participation. From a democratic perspective, Brinkerhoff and Crosby feel that, depending on the policy, negative participation may be good for, and even essential for, democracy (Brinkerhoff and Crosby, 2002:81).

Gerston (2010:15) states that the interactions by various stakeholders with the state are enough to either, (1) form the basis for the development of a public policy; (2) form the basis for the revision of the existing policy; or (3) form the basis for the implementation of an existing policy. Public participation thus allows citizens to gain partial control over policy processes, better policy and implementation decisions. As it is an inclusive process, it allows for better

performance and good governance and strengthens a government's commitment to human rights and a better understanding of democracy.

For the purposes of this study the notion of negative participation will be used to understand the collective action of civil society and how it engages the state in terms of the mechanisms civil society may use.

Public participation may take place formally, through formal mechanisms of participation, and/or informally, through mechanisms such as community-initiated involvement via the use of lobby groups before or after policy implementation (Clarke, B and Harvey, no date:1).

Formal mechanisms of public participation

Brinkerhoff and Crosby (2002:64) articulate some formal mechanisms of public participation:

- Information-sharing mechanism

This mechanism of participation is described as the most basic level of participation and offers the least active involvement for external stakeholders (Brinkerhoff and Crosby, 2002:65). There are four reasons given by Brinkerhoff and Crosby why information sharing is important; first for implementation to be directed according to democratic governance principles, accessible and widely distributed information is vital. Second, all the higher levels of participation and their associated mechanisms depend upon participants having information. Third, information sharing is required in order for public agencies to expand on and communicate the rationale behind policy decisions. Fourth, for the process of policy implementation to be conducted in a transparent, responsive and accountable manner, citizens need information (Brinkerhoff and Crosby, 2002: 65-66).

- Consultative mechanisms

Here stakeholders are invited to offer their views on a particular given policy. According to Brinkerhoff and Crosby (2002:66), consultation works best when stakeholders are provided with enough opportunities to develop an understanding of the issues to enable their informed participation.

- Collaborative mechanisms

These mechanisms allocate policy design, implementation, or monitoring responsibilities to external groups, while government maintains crucial decision-making authority. Collaboration is applicable when the public sector is unable to achieve particular goals without bringing in the capacity and knowledge of external partners. This type of participation takes place through the development of joint committees with stakeholder representatives, joint working groups and task forces, and joint work with intermediary organisations and other stakeholder groups (Brinkerhoff and Crosby, 2002, 67).

- Shared decision-making mechanisms

Shared decision-making mechanisms are collaborations where control over decisions is shared and not held unilaterally by public officials. This type of participation begins to address the power variances between the collaborative parties. Shared decision-making mechanisms allow stakeholders not simply to develop policy options but also to participate in the choices of options and participate in implementing them (Brinkerhoff and Crosby, 2002:68).

- Empowerment mechanisms

Here public officials enable external stakeholders to achieve their own objectives, by providing spaces for independent initiation and pursuit of actions, increasing capacity, and delegating decision-making authority. It entails more equitable sharing of power and a higher level of political awareness and strength for disadvantaged groups. Empowerment includes capacity-building of stakeholder organisations, strengthening the legal and financial status of stakeholder organisations and supporting initiatives conceived independently by stakeholders (Brinkerhoff and Crosby, 2002:69).

The present study looked at how public participation affects policy formulation and implementation, with specific reference to the uMsunduzi Indigent Policy 2013/2014 and Msunduzi council resolution of 27 October 2010.

Policies may look good on paper after they have been formulated, but they cannot make an impact on the community if they are not implemented.

3.4 Policy implementation and non-implementation

Howlett and Ramesh (1995:153) state that after a public problem has appeared on the policy agenda, resolutions have been proposed to solve it and government has chosen between resolution alternatives, the policy must be put into operation.

Implementation is generally defined as the process:

'whereby programs or policies are carried out; it denotes the translation of plans into practice' (Howlett and Ramesh, 1995:153).

Parsons (1995:464) states that the purpose of implementation is to:

'forge links in a causal chain so as to put policy into effect'.

There exist many methods of implementation. These include the top-down approach; the bottom-up approach and the synthesised approach (Hill and Hupe, 2002). Matland (1995) feels that there is no wrong or better approach to implementation because all approaches have value. Different policy issues have different problem areas and thus different policy implementation approaches may be used to address these issues. Weimer and Vining (2005) argue that good implementation is implementation that takes place at every stage of the policy-making process, instead of implementation which takes place after the adoption stage and before the evaluation stage.

Ezungwa (2013) aligns himself with Weimer and Winning's argument on the importance of good implementation. He stresses that:

'no matter how sound a policy might be, if not adequately implemented, that policy will never yield desired results and the public needs and problems intended to solve will remain unsolved, meaning that no development will take place' (Ezungwa, 2013:1).

He continues:

'even though sound policies are made ...no meaningful development is achieved as the objectives of policies are not realized due to poor or non-implementation' (Ezungwa, 2013:1).

An implementation report by the Economist Intelligence Unit states that policy implementation failure and non-implementation may be attributed to five main factors, which are resource constraints, poor planning, poor leadership, lack of support from stakeholders and lack of required technology (Economist Intelligence Unit, 2010:10-15). The report suggests that non-

implementation and implementation failure are principal contributing factors to policy ineffectiveness (Economist Intelligence Unit, 2010:15).

An understanding of policy implementation, implementation failure and non-implementation is particularly important to this study, as it assists in analysing the implementation of the Msunduzi Indigent policy.

An understanding of collective behaviour is also important to this study, as it will assist in analysing how civil society engages in collective action to access basic services.

3.5 Collective action

3.5.1 Definition of collective action

It is useful to establish what a collective is before defining what collective action is. A collective is defined by Macionis and Gerber (2010:2) as:

‘a large number of people who interact little if at all in the absence of well-defined and conventional norms’.

Macionis and Gerber (2010:4) add that there are two types of collectives:

‘(1) localized collectives, referring to people in physical proximity to one another, and (2) dispersed collectives, meaning people influencing each other often from greater distances’.

Collective action is defined as the:

‘collaborative and sustained process of cooperation between stakeholders’ (Poteete, Jansen and Ostrom, 2010:17).

The aim of collective action is to improve the platform for, and increased co-operation among individuals, and the co-ordination and collaboration of resources, skills knowledge and individuals (Poteete, Jansen and Ostrom, 2010:17). Collective action is a process which involves many stakeholders, including government and non-governmental organisations (Buechler, 2010:20).

The process of collective action is carried out by a group of individuals who are driven by the same interests. Collective action thus occurs when many individuals are required to contribute to a particular effort in order to achieve a particular desired outcome (Dixon and Levin, 2012:228). Collective action thus requires for there to be people, citizens/individuals/members of

organisations who have identified an issue or a problem which needs attention (Dixon and Levin, 2012:228).

Buechler (2000:20) explains that the classical collective action behaviour theory is based on multiple fundamental suppositions, such as:

- *'collective behaviour is seen as primarily non-institutional, distinct from the patterns of normal daily life.*
- *collective behaviour is understood as a response to societal stress, strain, or breakdown that serves as the fundamental promoter for such behaviour.*
- *the direct causes of collective behaviour are seen as entrenched within individuals who are suffering from different forms of dissatisfaction or nervousness.*
- *collective behaviour is sometimes taken to be a dangerous, threatening, extreme, or irrational form of behaviour'* (Buechler, 2000:20).

These suppositions create a unique theoretical lens for studying collective action.

3.5.2 Reasons for collective action

Collective action is employed when individuals are required to contribute towards the realisation of a certain goal (Ostrom, 2004:1). The individuals participating in collective action usually have common *'psychological traits'*, or are suffering from similar dissatisfactions and have come together to share ideas and responsibilities in championing their interests (Monnier, 2010:2).

Olson (2002:3) reasons that, although social scientists argue that collective action is employed by groups acting in support of the interests of the group, this is not a true reflection of reality. He feels that it is not in fact:

'true that the idea that groups will act in their self-interest follows logically from the presence of the rational and self-interested actions' (Olson, 2002:2)

The purpose of the present study is to establish why civil society has engaged the state through collective action and what forms this collective action has taken.

3.5.3 Forms of collective action

Barkan (2012:5) is of the opinion that collective action is usually associated with the activity of crowds. Crowds are defined as:

'a large number of people who gather together with a common short-term or long-term purpose' (Barkan, 2012:5)

Barkan (2012:4) explains that there are three common forms of collective action: social movements, localised collectives and dispersed collectives. The form of collective action most relevant to this study is social movements.

There are two main characteristics which differentiate social movements from other forms of collective action. These are:

'a higher degree of internal organization.... and the deliberate attempt to recognize or defend society itself' (Macionis and Gerber, 2010:4)

Examples of social movements include:

- Alternative social movements- pursue limited change for certain individuals
- Redemptive social movements- which seek to radically change a limited number of individuals
- Reformative social movements- seek to change the whole of society in a limited way
- Revolutionary social movements- seek to transform the entire society at a basic level (Macionis and Gerber, 2010:4).

Social movements may employ destructive and/or non-destructive tactics of collective action depending on their intentions and current situation (Rojas, 2006:2149). These tactics are not mutually exclusive, as social movements can use a combination of these tactics to achieve their intended outcomes. An example of such would be peaceful mass demonstrations escalating into vandalism because of the response/non-response of the party being engaged (Rojas, 2006: 2150). Disruptive tactics destroy property and impose serious costs on organisations (Rojas, 2006:2149). These tactics include sit-ins, riots, vandalism, sabotage and assault. (Rojas, 2006:2149).

Non-disruptive tactics:

'are often motivated by the belief that power holds the ability to change their behaviours if the movement demonstrates that many people agree with the movement's demands'
(Rojas, 2006:2149).

Non-disruptive tactics include hunger strikes, rallies, pickets, mass demonstrations and blockades (Rojas. 2006:2149).

There are five main theories of social movements in collective behaviour: Relative Deprivation theory; Mass-Society theory; Structural Strain theory; Resource Mobilisation theory; and New Social Movement's theory (Macionis and Gerber, 2010:4-6).

3.6 Collective action theory

For the purposes of this study the following collective action theory will be used:

3.6.1 Relative Deprivation theory

The Relative Deprivation theory was developed by sociologist Robert Merton (Buechler, 2000:28). This theory may be found in approaches that emphasise relative deprivation as the motivating factor behind participation in collective behaviour.

The theory suggests that one group uses a reference group to measure their development or progress. Reference groups are external groups to whom people refer to judge themselves or judge their own position (Buechler, 2000: 28). Relative deprivation is said to be present when people judge themselves as lacking resources enjoyed by their reference groups. The concept of relative deprivation thus emphasises the role of the deprived group and the reference group in collective action (Buechler, 2000:28).

Buechler (2000:29) explains that the logic of collective action, according to the relative deprivation theory, is that the most deprived groups are most likely to engage in collective action rather than those that are somewhat better off (Buechler, 2000:29). Although logic states the above, relative deprivation theorists argue that it is not the most deprived groups that engage in collective action. This may be due to the fact that the absolutely deprived may be channelling most of their energy to basic survival or because their current situations cause them to be passive and thus they do not see the reason to engage in collective action, as they simply take what

comes to them in the nature that it is (Buechler, 2000:29). From this argument it seems that it would be historically more likely for the better off to engage in collective action. Since this counter-logic cannot be explained in terms of absolute deprivation, the concept of relative deprivation provides a useful way of explaining this behaviour and the differential probability that various groups may engage in collective behaviour (Buechler, 2000:30).

This study focuses on how civil society (the Electricity Action Group) engages in collective action against the municipality to claim their rights and demand that the municipality fulfil its policy obligations.

3.7 Conclusion

Chapter 3 has mapped out the theoretical framework which will be used in analysing civil society organisation's engagement in collective action to access basic services. The chapter has discussed that public policy may result from government's programmes and the interaction between organisations and civil society. The policy process has been discussed as steps within a policy cycle which involves many stakeholders at every stage of the policy. Because of the nature of public policy the chapter has suggested that the policy process is not an orderly and linear process, because it requires the involvement of the public on issues that affect them directly.

This chapter has discussed the responsibility of democratic governments to involve its citizens in matters that concern them, including policy formulation and implementation. The chapter has discussed implementation failure and non-implementation as factors which could lead to policy ineffectiveness. It has also discussed the formal mechanisms of public participation that may be used by government to encourage public participation in the policy process. These mechanisms are information-sharing, consultative mechanisms, collaborative mechanism, shared decision-making and empowerment.

Chapter 3 has discussed collective action extensively. Collective action has been defined as a collaborative and sustained process of co-operation between stakeholders, which aims at increasing co-operation among individuals, and the co-ordination and collaboration of resources,

skills knowledge and individuals (Poteete, Jansen and Ostrom, 2010:17). The reasons for, and forms of, collective action have been discussed. The relative deprivation theory has been discussed as the theory which will be used to analyse the interaction between the municipality and civil society. The Relative Deprivation theory suggests that one group uses a reference group to measure their development or progress. This reference group is an external group to whom people refer to judge their own position. Chapter 4 presents the case study on which the present investigation is based.

CHAPTER 4
CASE STUDY: ELECTRICITY ACTION GROUP, PIETERMARITZBURG AGENCY FOR
COMMUNITY SOCIAL ACTION AND MSUNDUZI MUNICIPALITY

4.1 Introduction

The aim of this chapter is to introduce and give a brief background of the organisations on which this study is based. These organisations are the Electricity Action Group (EAG), Pietermaritzburg Agency for Community Social Action (PACSA) and the Msunduzi municipality. Chapter 4 begins by discussing the Msunduzi municipality, its location, jurisdiction, demographics, mission and vision, and the municipality's key responsibility areas. This discussion is followed by a discourse of the composition, goals and objectives and activities of the EAG. The chapter then describes the NGO community group called PACSA, which plays an advocacy role in assisting the EAG achieve its goals and objectives. PACSA's composition, vision and mission, and activities are revealed. The EAG is the main civil society organisation on which this study is based.

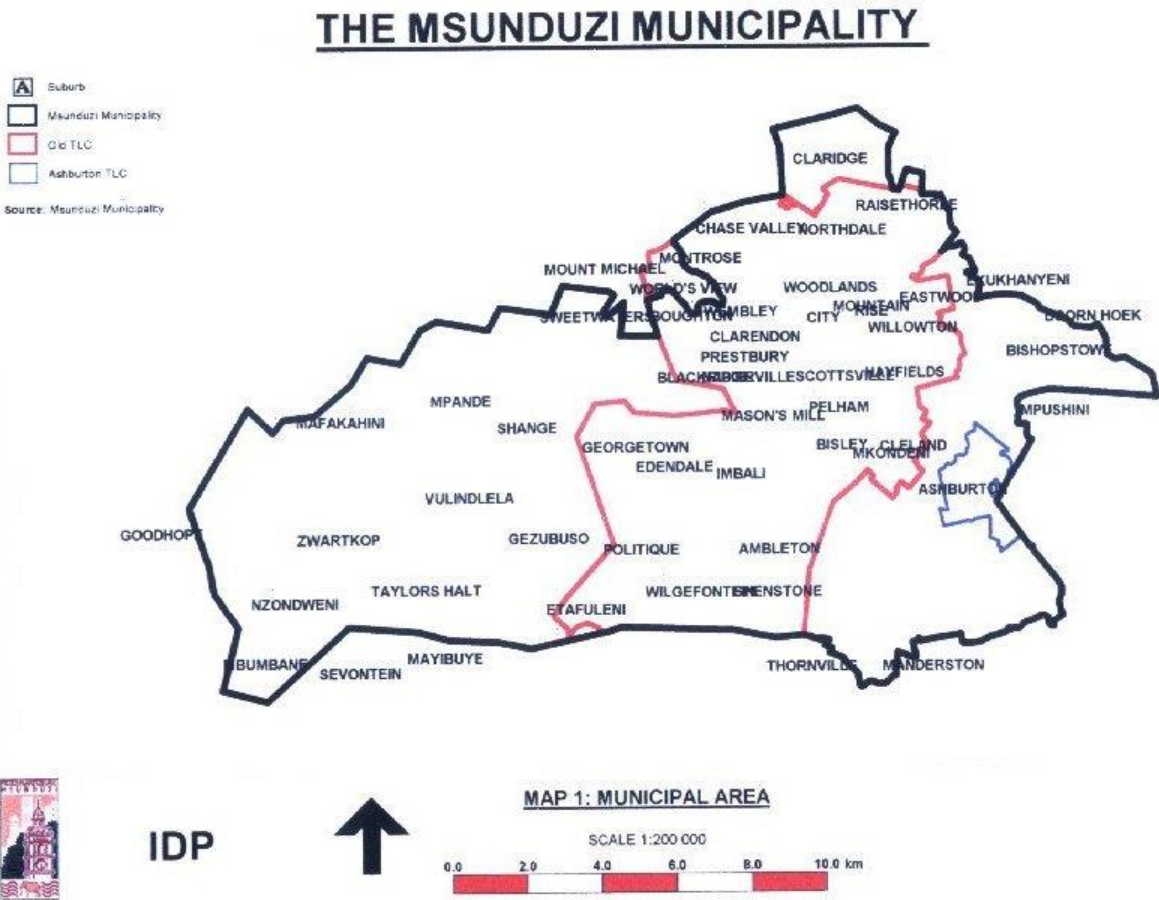
4.2 Msunduzi Municipality

4.2.1 Location, jurisdiction and demographics

The Msunduzi municipality is located within the province of KwaZulu-Natal in the city of Pietermaritzburg, which is the administrative capital of KwaZulu-Natal. It is situated in the uMgungundlovu District municipality (Msunduzi municipality, 2012/2013:11 **G**). The municipality has a population of 618 536 people; 163 993 households; a population growth of 1.12% per annum; an unemployment level of 45% and a total of 150 713 residents who have access to electricity (Msunduzi Municipality, 2012/2013:11-14 **G**). Approximately 96.1% of Msunduzi residents have access to piped water, 56.8% access to flush toilets and 2% have no access to toilets at all (Msunduzi municipality, 2012/2013:12-13). The Msunduzi municipality has six mobile health care facilities, seven satellite health facilities, thirty one clinics and two community health centres (Msunduzi municipality, 2012/2013:14 **G**).

The municipality has been divided into 12 main residential areas: Ashdown; Edendale; Imbali; Inadi; Mafunze, Mpumuza; Nxamalala; Pietermaritzburg; Sobantu; Willowfontein; Ximba and Northdale (Statistics South Africa, 2001).

The Msunduzi municipality map



Source: Msunduzi Municipality, 2010

The municipality serves approximately 618 536 people of which approximately 1874 352 are unemployed (Msunduzi municipality, 2012/2013 G). Almost half of all the people of working age are unemployed and more than 60% of households within the Mgungundlovu district earn less than R1 600 per month (PACSA: 2013:1 C). According to the Municipal Demarcation Board (2011), the majority of unemployed citizens reside in rural, semi-rural and township areas like Vulindlela and Edendale. The high unemployment rate is due to Pietermaritzburg's limitation in terms of its industrial and commercial development (South African Cities Network, 2009). Due to such constraints, the city is unable to provide the necessary economic opportunities which would result in an increase in employment rates (South African Cities Network, 2009). Because of the current conditions in South Africa, which are recession, a weakening rand (Motoshi, 2011) and decreasing investment, an increase in the unemployment

rate has led to an overall increase in poverty rates (Mbhele, 2014). This causes an increasing burden on the state to provide for citizens who cannot provide for themselves.

4.2.2 Msunduzi municipality's mission, vision and key performance areas

The municipality envisions '*a safe, vibrant city in which to live, learn, raise a family, work, play and do business*' (Msunduzi municipality, 2012/2013:11 G). Its mission is to '*ensure that the municipality functions effectively and in a sustainable manner in order to deliver services of excellence to the community*' (Msunduzi municipality, 2012/2013:11 G).

The Msunduzi municipality has five key performance areas:

- a. Basic service delivery and infrastructure
- b. Local economic development
- c. Municipal financial viability and management
- d. Good governance and public participation
- e. Municipal transformation and organisational development (Msunduzi municipality, 2012/2013:8 G)

The present study is concerned with the good governance and public participation performance area of the municipality. The broad outcomes of this key performance area include

'functional community participation, equal, easy and convenient access to the municipality and its services, and continuous and special attention to historically disadvantaged and excluded communities' (Msunduzi municipality, 2012/2013:9 G).

The Msunduzi municipality is the home of the EAG, which is composed of members from areas within the jurisdiction of the municipality.

4.3 The Electricity Action Group

4.3.1 Background

The Electricity Action Group (EAG) was established in 2010 as an advocacy group of concerned people, campaigning to achieve access to affordable and free basic electricity in the Mgungundlovu District, specifically targeting poor households. The group was originally composed of 50 core members, of whom 40 were female and 10 were male (PACSA, 2012:21

D). Over the years the EAG has evolved into a network of more than 200 community activists who campaign for access to affordable and sufficient electricity, including free basic electricity for poor households within the jurisdiction of the Msunduzi municipality who use the prepaid meter system (PACSA, 2012:22 **D**).

The EAG is based in Pietermaritzburg and works in 14 areas of the Msunduzi municipality of the Mgunundlovu district. The 14 areas are Sobantu; Snathing; Imbali, Madiba; Cinderella Park; Ashdown; Eastwood; Dambuza; Mpumuza; Impumelelo (France); Haniville; Woodlands; Copesville and kwaPata (EAG, 2013 **J**).

4.3.2 Goals, objectives and activities

The group aims at achieving the developmental goal of providing poor, indigent households within the jurisdiction of the Msunduzi municipality who use the prepaid meter system, with 200kWh of free basic electricity per month (PACSA, 2012:22 **C**). The group ultimately aims at achieving access to safe, sufficient and affordable electricity for all residents of Msunduzi municipality (PACSA, 2012:22 **C**).

The main activities of the EAG are community mobilisation, advocacy, campaigning through social media, marches, pickets and demonstrations, meeting with municipal officials and political parties (PACSA, 2012 **C**). The EAG has been supported by the non-governmental organisation PACSA in its efforts to achieve its developmental goal.

4.4 Pietermaritzburg Agency for Community Social Action

4.4.1 Background and composition

PACSA is an independent NGO founded on the principle of Christianity and human rights. PACSA advocates for social justice. PACSA was formerly known as the 'Pietermaritzburg Agency for Christian Social Awareness', when it was founded by the late Peter Kerchoff in 1979 (PACSA, 2012:9 **C**). Its aim then was to deal with the social injustices brought about by the apartheid system. At the dawn of the new democracy PACSA found itself becoming irrelevant in relation to the new dispensation. This is when the name and the goals of the organisation

changed from focusing on the injustices of apartheid to focusing on social cohesion and human dignity (PACSA, 2012:9 C).

PACSA has been working in the KZN Midlands for the past 34 years in an to enhance human dignity (PACSA, 2012:7 C). PACSA focuses on five main aspects of human dignity, mainly socio-economic rights; gender justice; youth development; HIV/AIDS; and livelihoods (PACSA, 2012:14 C). PACSA plays an advocacy role in supporting community organisations to achieve their goals. The organisations that PACSA works with come from various communities including areas such as Richmond, Mpophomeni Township, Sweetwaters, Gezibuso, Trust Feed, Mbumbane, Mkhambathini Township, Tamboville Informal Settlement and KwaDindi (PACSA, 2012:37 C).

4.4.2 PACSA goals, objectives and activities

PACSA's developmental goal for the period 2012-2014 is that "*social cohesion improves as poverty and socio-economic inequality is reduced in 18 communities in the UMgungundlovu District in the KwaZulu-Natal province, South Africa*" (PACSA, 2012:7 C). PACSA's work is mainly focused on minimising, in the short term, and eradicating, in the long term, socio-economic inequality and poverty (PACSA, 2012:7 C).

Through PACSA's core function of process facilitation, the organisation provides spaces for groups to identify, build and strengthen their strategies; assists groups in identifying their developmental goals; assists and facilitates useful linkages within the wider community; and provides training, research and communication support to groups as and when they need it (PACSA, 2012:11 C).

PACSA also acts in its own name to construct social justice engagement in the wider community through conducting research and advocacy; disseminating information and communications; organising outreach programmes; encouraging open dialogue; and networking with other organisations on regional, national and global levels (PACSA, 2012:12 C).

PACSA has conducted research on rates paid by households on the prepaid meter system comparing them to those paid on the grid system, as well as the distribution of free basic electricity (PACSA, 2013 D). A study conducted by PACSA in 2013 on the difference paid by households on the grid system and those paid by households on a prepaid meter system found

that a household consuming 350kWh of electricity on the grid system and a 20amp basic charge, or consuming 350kWh on the prepaid system, will be expected to pay approximately R450 after the 10% increase of kWh charges and the 5.5% increase on amperage and basic charges (PACSA, 2013 **D**).

Per kWh calculations:

Grid (350kWh)

Basic charge: R21.05

Amperage charge: R167.25 (@R8.36/amp)

kWh charge: R262.50 (75c/kWh)

Total: R450.80

Prepaid (350kWh)

kWh charge: R444.50 (R1.27/kWh)

Total: R444.50

Source: PACSA's response to NERSA's granting of an 8% increase in ESKOM's electricity prices: 2013

The above table shows that households on the prepaid meter system pay more for electricity than those on the grid system (PACSA, 2013:1 **E**). This means that those on the prepaid meter system, usually poor to middle class citizens, are cross-subsidising those on the grid system (EAG, 2013 **K**). Citizens living in rural areas are paying more for electricity, as well as for transport, as they live far from the city and places of employment (PACSA, 2013 **E**). The research shows that a worker living in Imbali and working in Mkhondeni has to pay R680.00 in transportation fares i.e. R9 to get to town, R8 to get to Mkhondeni, which amounts to R34 per day for 20 working days. This amounts to R680 per month (PACSA, 2013 **E**). The poor citizens living in rural areas are then discriminated against in terms of paying more for electricity and transport. They also have to deal with general high cost of living (PACSA, 2011 **E**).

The Msunduzi indigent policy is meant to deal with, and eventually eradicate, such discrimination. At present the Msunduzi municipality offers 75kWh of free basic electricity to poor households (Smith and Abrahams, 2012). However, according to the municipal manager's annual financial statements, only a few of the poor receive this free amount, as only 3.44% (R9 million) of the total equitable share allocation (R267 million) for the term 2010/11 was

accounted for (Smith and Abrahams, 2012). This figure (3.44%) has a direct correlation with the service delivery statistics which state that only approximately 5% of those households who qualify as poor/indigent are in actual fact receiving free basic services (Smith and Abrahams, 2012:7).

Equitable share allocation

<i>Services</i>	<i>“Expenditure”</i>	<i>Percentage of Equitable Share allocation</i>	
<i>Free basic services - rates</i>	R 362 181 889	135.54%	
<i>Free basic services - electricity</i>	R 2 401 479	0.90%	3.44%
<i>Free basic services - water</i>	R 3 405 119	1.27%	
<i>Free basic services - sewerage</i>	R 3 375 571	1.26%	
<i>Free basic services - refuse</i>	R 18 483	0.01%	
<i>Subtotal</i>	R 371 382 541	138.98%	
<i>Unbilled water</i>	R 70 245 508	26.29%	
<i>Total</i>	R 441 628 049	165.27%	

Source: PACSA’s affordability series 2012

The Msunduzi municipal annual financial statement for the end of June 2011 shows that property rebates have been named as “free basic services” (Smith and Abrahams, 2012). These services are funded by the equitable share and are vital in ensuring that the poor households are able to access basic levels of services. But it is evident from the annual financial statement that the Msunduzi municipality seems to be using the funds which were initially meant for basic service delivery to poor households to subsidise the rates and rebates of all citizens (Smith and Abrahams, 2012). Here we see that most of the funds go towards affluent households, who are receiving close to five times more than the poor households (Smith and Abrahams, 2012).

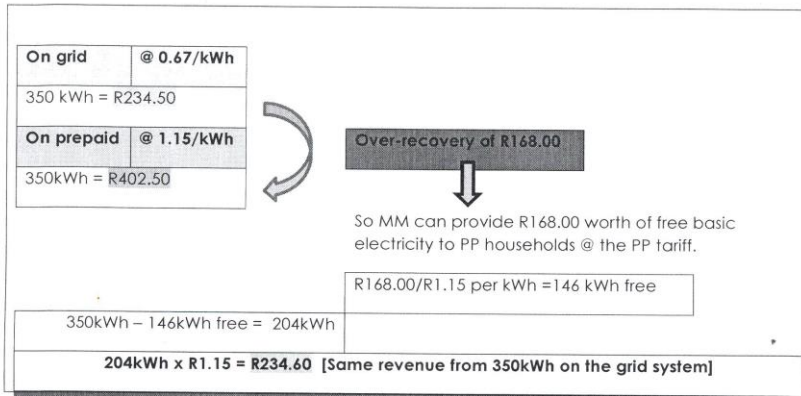
This inequality between poor households, affluent households and prepaid meter system users and grid users forms the basis of the EAG’s engagement with the state to access basic services. The EAG proposes that the local government implements the 200kWh free basic electricity for all poor households using the prepaid meter system, along with the block tariff system for

electricity increase, to allow for the affordability of electricity after the free basic electricity has been depleted (EAG, 2013 **K**).

The EAG, COSATU and the SACP are essentially demanding that the equitable share be used for what it is intended (COSATU and SACP, 2013). PACSA is proposing a model of providing 150kWh of free basic electricity to all poor households on the prepaid meter system within the jurisdiction of the Msunduzi municipality, with no loss of revenue to the municipality. If the municipality uses the over-recovery in the prepaid pricing structure, the illustration below shows how:

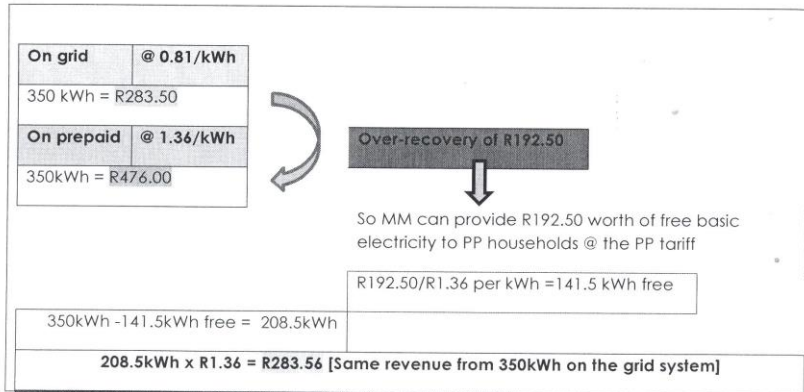
Realizing free basic electricity

Realising free basic electricity at current 2012/13 tariffs



In summary: At current 2012/13 tariff MM can provide 146kWh free basic electricity to all prepaid households at NO COST

Realising free basic electricity at proposed 2013/14 tariffs



In summary: At proposed 2013/14 tariff MM can provide 141.5kWh free basic electricity to all prepaid households at NO COST

A similar formula can be applied to the FINAL negotiated tariff increase passed.

Source: Addendum to PACSA's submission on Msunduzi municipality's 2013/2014 draft proposed rates and tariffs

4.5 Conclusion

Chapter 4 presents a brief background and information on the Msunduzi municipality, the EAG and PACSA. The chapter presents the key responsibility areas of the Msunduzi municipality and focuses on the good governance and public participation responsibility area, as it is the most relevant to this study. This chapter discusses the goals, objectives and activities of the EAG, aimed at accessing safe, adequate, affordable, and free basic electricity for the residents of Msunduzi municipality.

The chapter explains how the EAG is supported by PACSA, through process facilitation, to achieve its goals. PACSA has conducted research showing how residents on the prepaid meter pay more for electricity when compared to those on the grid system. It also conducted research on the provision of FBE by the Msunduzi municipality, establishing that only approximately 5% of Msunduzi residents who qualify for FBE are indeed receiving it, even though the municipality receives the equitable share grant. PACSA proposes a model which could be used by the Msunduzi municipality to provide poor households on the prepaid meter system with 150kWh FBE with no loss of revenue to the municipality.

Understanding the role PACSA plays in the interaction between the EAG and the municipality is essential to understanding how and on what basis the EAG engages the Msunduzi municipality.

Chapter 5 presents the findings and analysis of this study. It analyses the interpretations, meanings and motivations of the EAG's collective action. The relative deprivation theory and public participation will be used as theoretical tools to examine actions, outputs and outcomes.

CHAPTER 5

FINDINGS AND ANALYSIS

5.1 Introduction

Chapter 5 will present the findings and analysis of the present study. The aim of this study was to investigate how civil society organisations engage the state through collective action to access basic services, using the Electricity Action Group as a case study. In presenting the findings and analysis, the study tried to provide answers to the following questions:

- What kinds of collective action are employed by the EAG?
- What factors inform the collective action strategies employed by the EAG?
- How does the EAG co-ordinate their collective action?
- What factors affect the outcome of the collective action?
- To what extent do the strategies employed by the EAG achieve the desired outcomes?

The findings were obtained from focus group discussions with EAG members, minutes from previous meetings of the EAG and Msunduzi municipality, respectively EAG's, PACSA's and the municipality's organisational documents; EAG and PACSA media statements, memorandums, PACSA submissions and newspaper articles. The responses from the two focus groups discussions with EAG members have been coded FG#1 and FG#2.

The analysis of these findings was conducted using a qualitative method of thematic analysis. Thematic analysis is defined by Fereday and Muair (2006) as a method of grouping data into more understandable themes for the purpose of analysis. They state that thematic analysis is ideal to use when answering questions related to people's feelings, experiences, views and perceptions (Fereday and Muair, 2006). The themes used in the analysis of data are based on the main research questions guiding the study. The themes are EAG's rationale for engaging the municipality; aims and objectives of EAG's collective action; EAG's partnership with PACSA and other civil society organisations; collective action strategies; public participation and policy; and collective action and policy implementation.

5.2 EAG's rationale for engaging the municipality

The basis for the EAGs collective action was, firstly, the non-provision of a free basic amount of electricity, 200kWh, to all citizens who qualify as per the Msunduzi Indigent policy. This basic amount was agreed upon on 27 October 2010, when the Msunduzi municipality council took a resolution that:

'in the case of indigents registered on the lifeline tariff, the total consumption is equal to or less than 500kWh per month, and indigent consumers will receive 200kWh free of charge' (Msunduzi municipality, 2010 A).

Although this decision was taken by the Msunduzi municipality in 2010, not all those who qualify received the promised 200kWh of free basic electricity.

The other reason for collective action by the EAG was the citizen's inability to access safe and affordable electricity. This problem had arisen because on 28 May 2010 the Msunduzi municipality revealed that it was planning to increase electricity tariffs by 25% in the financial year, which was going to start in July 2010 (Mgaga, 2010).

The municipality's intervention team stated that it was looking at phasing out the 50kWh of free electricity which was intended for indigent residents, but instead make it available to all the residents of Msunduzi (Msunduzi Municipality, 2010 A). The municipality's intervention team stated that the increase would have the following implications:

- *'A lifeline tariff with a single energy rate... with a 20 amp capacity limitation for pre-payment meters*
- *Basic charges will be introduced for all other tariffs*
- *A block rate tariff will be discontinued*
- *A time of use tariff will be introduced'* (Msunduzi municipality, 2010:2 A)

This meant that all the citizens of Msunduzi, both those on the credit meter system and those on the prepaid meter system, will receive 50kWh of free basic electricity per month and will have to pay an increased 25% for the electricity they use thereafter. This would create an inequality between those who can afford to pay for the rising electricity costs and those who cannot. It is on this basis that the EAG has engaged the Msunduzi municipality through collective action since 2011.

5.3 Aims and objectives of EAG's collective action

Members of the EAG described their collective action as:

“a group acting together to get what they need” (FG#1).

Another added that:

“It's a group of people who decided together to do something that they have agreed on which will help them get what they need” (FG#1).

Another added:

“It's like us, the EAG we come together because we are all experiencing the hardships of paying for electricity. We meet, discuss, then agree how we are going to act together as a group to get free electricity from the municipality and keep the electricity affordable to all and not just those in the suburbs who can afford” (FG#1).

Their understanding of their collective action can be understood within the context of Monnier's (2010:2) definition of collective action which states that it is individuals with common 'psychological traits' acting as a collective to champion the interests of the group. This understanding is similar to Buechler's second collective behaviour supposition, which states that individuals engage in collective action as a response to societal stress, strain or breakdown (Buechler, 2000:20).

What also transpired in the discussions was that the group members believed that some of their effectiveness was due to their power being in numbers. One respondent articulated that:

‘We need to recruit more people who are in the same position as us and will support our struggle. If we are many, the municipality will listen to us better because we will be a large group and our voices will have a bigger impact’ (FG#1).

She continues that:

‘when we have marches and we are in small numbers, people don't take us seriously, but when the numbers are big, people notice us and are interested in hearing what we have to say’ (FG#1).

What is evident from this response is that the EAG believes that collective action has a greater likelihood of yielding positive results than action taken by individuals acting on their own.

Collective action is employed by the group as a strategy to engage the Msunduzi municipality to access both FBE and affordable electricity. However, for members of the EAG, collective action was also seen as a vehicle to raise the consciousness and awareness amongst its members about their rights. In a review meeting facilitated by PACSA, a member of the EAG stated that being part of the EAG had educated him about his rights as a citizen and human rights in general. He adds:

'we went through very difficult times as a group but we feel good about our achievements, we all learnt, we had solidarity, strategy, and mass politics. We have more knowledge now' (EAG, 2012 I).

Another respondent:

'It has not been easy but I learnt a lot, that we have rights in the constitution but it does not mean that government allows us to exercise these rights' (EAG, 2012 I).

5.3.1 EAG's partnerships with PACSA and other civil society organisations

The EAG has been supported by PACSA in their struggles concerning electricity. It is partly through the support from PACSA that the group is more knowledgeable about their rights. PACSA has provided support through process facilitation to the EAG (PACSA, 2012 C). This process facilitation has included conducting research on the rising electricity tariffs and the provision of FBE to qualifying households by the municipality within Msunduzi (PACSA, 2012 C). It has included support with obtaining media coverage and advice on the available procedures and processes to engage the Msunduzi municipality. The partnership between the EAG and PACSA is one of support, but members of the EAG maintain that the EAG is an autonomous group with its own vision and goals (EAG, 2012 I).

In its strategic review session held in 2012, the EAG recalls a statement made by the mayor in a local newspaper:

'the EAG allowed themselves to be hijacked' (EAG, 2012:2 I).

This statement was in response to a demonstration march that the EAG held outside the Msunduzi municipal offices in May 2012. The purpose of the march was to hand over a memorandum to the mayor, which stated that the EAG demands the implementation of 200kWh

FBE, the provision of FBE to households on the prepaid system, and protests the 10% tariff increase proposed by the Msunduzi municipality (EAG, 2012:2 I). The EAG interpreted this accusation by the mayor to say that PACSA is using the EAG as a platform to vocalise their own arguments and ideas (EAG, 2012:2 I). This is evident in the views expressed by one of the members of the EAG, who said that the mayor is under the impression that:

‘PACSA thinks for us, he thinks we are simple people, but we can think for ourselves, we get a little help from PACSA but it is not PACSA’s struggle. It is ours, we make decisions for ourselves and we do our own work, not PACSA’ (EAG, 2012:2 I).

5.4 Collective action strategies

Rojas explains that social movement may employ destructive and/or non-destructive methods of collective action when engaging other parties (Rojas, 2006:2149). Disruptive tactics destroy property and impose serious costs on organisations (Rojas, 2006:2149). They include sit-ins, riots, vandalism, sabotage and assault (Rojas, 2006:2149). Non-disruptive tactics are often motivated by the belief that power holds the ability to change their behaviour if the movement demonstrates that many people agree with the demands of the movement (Rojas, 2006:2149). Non-disruptive tactics include hunger strikes, rallies, pickets, mass demonstrations and blockades.

The methods of collective action employed by the group are dependent on the intentions of the group and the conditions that they are faced with (Rojas, 2006:2149). The EAG has employed various strategies to engage the state on the provision of FBE to all qualifying residents in the Msunduzi municipality and for access to affordable electricity.

5.4.1 Civil society’s engagement with the municipality in 2011

The EAG has engaged the Msunduzi municipality and government officials through various strategies of collective action, which include writing letters to the municipality, making written submissions and oral presentations, holding marches and pickets where memorandums were handed over and having sit-ins in municipal offices.

In 2011 the EAG wrote a letter to the mayor of the city, asking for the immediate implementation of the 200kWh free electricity for prepaid households. The request was based on: (1) the Msunduzi municipality Council resolution of 27 October 2010; (2) The Contour Vending system, which is a company used by the municipality in providing electricity, who stated that the system

'supports the issuing of free basic electricity.....the supply authority [which is the municipality in this case] determines who can and cannot receive free basic electricity' (EAG, 2011 A).;

(3) The Electricity Basic Services Support Tariff policy, which states that FBE should be implemented as from July 2003 (Electricity Basic Services Support Tariff Policy, 2003).

The mayor responded to the letter from the EAG with a letter stating that:

'I believe that you have a valid issue regarding the implementation of the 200kWh free basic electricity. We will be revising some aspects of our tariffs after the elections, and this will be dealt with' (Msunduzi municipality, 2011 C).

Although the mayor had promised to contact the EAG by the end of May 2011, this did not happen.

After the elections another letter, similar to the one which was sent to the previous mayor, was sent to the new mayor in 2011, stating that:

'the EAG would like you to act on this matter urgently and that you immediately implement 200kWh of free basic electricity for all Msunduzi municipal households on the prepaid electricity system' (EAG, 2011 B).

There was no response to this letter from the EAG by the new municipal mayor.

On 23 August 2011 the EAG submitted a petition to the Msunduzi municipality demanding the implementation of 200kWh of FBE for households on prepaid meters. Their petition stated that the residents of the municipality are unable to understand why the municipality is unable to provide free basic electricity to its residents because:

'National government provides money to local municipalities to pay for this free electricity' (EAG, 2011 D).

The petition continued:

'Msunduzi municipality only provides free basic electricity to households that have grid electricity (households with light accounts). Msunduzi municipality does not provide free basic electricity to households with prepaid electricity connections' (EAG, 2011 D).

And:

'In November 2010 Msunduzi council took a resolution to provide poor households with free 200kWh per month but up to today we are still not receiving it' (EAG, 2011 D)

The EAG therefore:

'demand[s] the immediate implementation of 200kWh free basic electricity for households with prepaid electricity connection' (EAG, 2011 D).

As a response to this petition the municipality issued a public notice on 8 September 2011 stating that:

'a meeting was held in the Acting Municipal Manager's office, about the 200kWh free basic electricity on pre-paid meters. The outcome of the meeting was that each and every consumer that has a pre-paid meter will come to our customer care centre with their identity books and meter numbers of the pre-paid meters to apply for the free basic electricity' (Msunduzi municipality, 2011 D).

On 27 August 2011, the EAG wrote a letter to the municipality informing it of a meeting that they had. In this meeting of the EAG representatives of different communities were mandated by their respective communities to discuss their objection to the continuing non-implementation of the 200kWh FBE to prepaid households by the Msunduzi municipality, which constitutes a disregard for the Free Basic Services Support Tariff policy of 2003. In this letter the EAG informed the municipality of the resolutions which arose from the meeting. The resolutions were as follows:

'(a) demand that the Msunduzi municipality immediately implement its policy of 200kWh of FBE to households with pre-paid meters

(b) that the municipality's campaign to stop illegal electricity connections be halted until this policy is implemented...

(c) that this policy be communicated to households across the municipality so that those whom this policy seeks to help understand it and are able to access it
(d) if we cannot get a straight answer and have this matter resolved then we are forced to take protest action’ (EAG, 2011 C).

The basis of the letter written by the EAG to the municipality dated 27 August 2011 is the non-implementation of the 200kWh FBE to qualifying indigent citizens of the Msunduzi municipality, particularly those on the prepaid meter system.

On 3 October 2011 the EAG wrote another letter to the city mayor asking, yet again, for the mayor to intervene to ensure the speedy provision of FBE to the households within the municipality on the prepaid meter system. The letter stated that:

‘Engagement with various officials in the municipality has been extremely slow and in most cases movement only results from our members refusing to leave their offices’ (EAG, 2011 D).

The letter continued to express the feelings of the group in engaging the municipality as:

‘an ongoing battle in which they seem to resist our just and legitimate interests- that the municipality apply its policy fairly and justly to all its citizens’ (EAG, 2011 D).

The above letters had been written to the mayor and the former mayor as the political head, to intervene and assist the EAG obtains a response from the municipality, but there was no positive action in this regard.

The EAG wrote another letter to the premier of KwaZulu-Natal, late in October 2011. The letter outlined the group’s failure to get the municipality and the mayor to respond to its plea for the immediate implementation of 200kWh free electricity to households on the prepaid meter system. The letter posed the following question to the premier:

‘According to the minutes of the Executive Committee meeting on 15 July 2011..... the committee resolved “that the municipality engage with Eskom in order to enter into a service level agreement for the supply of free basic electricity in the licensed area of supply.” We would like to know the results of this engagement and by when Eskom will supply FBE according to the Msunduzi Indigent policy’ (EAG, 2011 F).

The letter asked if the mayor could convene a meeting where all parties to the matter could come together to discuss the issues at hand (EAG, 2011 F). According to the members of the EAG, the premier did not respond to the letter.

As a result of the Msunduzi municipality's non-response to the letters written to it, the EAG decided to undertake another strategy to engage the local government on their demands.

On 2 November 2011 the EAG held a demonstration outside the Pietermaritzburg city hall demanding that the Msunduzi municipality immediately implement the 200kWh FBE which was promised to them and that this should be extended to those households on prepaid meter (Ngqulunga, 2011). The purpose of the demonstration was to hand over an open letter to the city mayor, informing him of the group's dissatisfaction with the delays by the municipality to implement the 200kWh FBE to households on the prepaid meter system (Ngqulunga, 2011).

This was followed up with another collective action strategy. On 22 November 2011 the EAG together with PACSA, COSATU and the SACP, issued an invitation in the local paper, inviting the public to join the protest march, which was to be held the following day (Witness, 2011). The purpose of the march was to emphasise the community's dissatisfaction with high electricity costs, which are a form of discrimination against the poor who cannot afford to pay for the service (EAG *et al*, 2011). The EAG, PACSA, COSATU, SACP's joint statement to the local newspaper stated that they:

'have gathered here to say enough is enough! We are tired of being treated like sub humans. We are here to declare war on the anti-majoritarian liberal offensive that seems to be running this municipality' (EAG *et al*, 2011:1).

These civil society groups expressed in the media statement that they were angry because of the municipality's:

'continued refusal to implement 200kWh of free basic electricity to households with prepaid meters; reluctance to meet with, listen to, and respond to the substantial concerns of the poor citizens' (EAG *et al*, 2011:1).

They added:

'What seems to exacerbate the situation even further is the lack of political will to include the poor people in the developmental trajectory of the city' (EAG *et al*, 2011:2).

What is evident from the views expressed by the EAG and other civil society organisations is that they, as citizens of Msunduzi, would like the municipality to include them in the decision-making processes of issues that affect them. The same sentiment is expressed in the memorandum handed over to the municipality in the march against the rise in price of electricity held in 2012. The memorandum states that the EAG and its “friends” would like the municipality to:

‘substantially revises how it responds to the poor. We also count. We have a right to be included in the future development and vision of the city. We have a right to be heard, to be treated with dignity and respect’ (EAG *et al*, 2011:2).

The memorandum stresses that the citizens of Msunduzi municipality feel that they are not being included in the decisions of the municipality and are being denied their rights to basic services and meaningful public participation by the Msunduzi municipality (EAG *et al*, 2011). These memorandums issued by the civil society partners to the municipality are an illustration of the fact that they are aware of their Constitutional rights and concur with Hatting (1998:11), who noted that democratic governments are required to encourage public participation or public involvement in decision-making processes, to ensure that citizens are actively involved in the development of the country.

It is important to note here the use of the word *‘friend’* by the EAG. This word is used as an umbrella term, which includes other civil society organisations, including PACSA, COSATU and SACP, which have united to rally around the provision of affordable and FBE to citizens on the prepaid electricity system, as well as those on the account system. This practice is in accordance with what Colebatch (2002) defines as policy collectives. Colebatch defines policy collectives as:

‘relatively stable aggregations of people from a range of organisations who find themselves thrown together on a continuing basis to address policy questions camped permanently around each source of problems’ (Colebatch, 2002:22).

On 23 November 2011 the EAG, together with PACSA, COSATU and the SACP, held a protest march outside the municipality to hand over the memorandum to the mayor. One of the EAG’s members said that the march was held in the hopes of:

'making the municipality listen to us. We have been fighting for this for a very long time'
(De Lisle, 2011).

A member of the EAG stated that they had met with top municipal members on 7 November 2011 (Lisle). It was decided in this meeting that:

'pending a financial review and discussion on a viable implementation strategy from the municipality, they would be granted the fee basic electricity. However, this has not happened' (De Lisle, 2011).

A member of the EAG explained:

'We were supposed to meet with the mayor on Friday [November] 11 to get a final answer from him about this. We thought we were going to get answers at that meeting but it was cancelled' (De Lisle, 2011).

The municipality told the EAG that the reason for the cancellation was because:

'they had already been granted an audience with the mayor earlier that week and there was no need to discuss that matter further' (De Lisle, 2011).

Members of the EAG, PACSA, COSATU and SACP

'threatened to steal electricity if the municipality does not meet them on this issue' (De Lisle, 2011).

5.4.2 Public Participation and policy

In 2012 a municipal spokesperson responded to the allegations of the lack of involvement of the public in the municipality's decisions made by EAG, SACP, COSATU and PACSA, in a joint media statement, released in 2011:

'several representations had been received from concerned groupings during the public phase from March 31-April 26' (Maritzburg Sun, 2012).

He continued:

'We've had workshops since April 26 in response to public input and everybody is aware of the new service tariffs' (Maritzburg Sun, 2012).

These statements by the municipal spokesperson illustrate that the municipality has provided the public with what Brinkerhoff and Crosby (2002) term formal mechanisms of participation

through consultative mechanisms where the public was invited for comments and then workshopped on the proposed tariff increases.

However, in response to the statement by the municipal spokesperson, a member of the EAG stated that:

'we were not informed about the closing date for the public participation process when we first proposed the march through submitting a notice to the municipality as per the Gathering Act' (Maritzburg Sun, 2012).

Brinkerhoff and Crosby reason that consultation works well when stakeholders are given adequate time to understand the issues at hand so that they can make informed decisions when participating (Brinkerhoff and Crosby, 2002:65). The response from the EAG member indicates that the public was not given enough time to understand and comment on the proposed electricity tariff increase.

On 15 May 2012 the EAG proposed a protest march which would take place on 29 May 2012. The purpose of this march was to protest the proposed water and electricity tariff increases and the implementation of the municipality's policy of 200kWh of FBE for all households on the prepaid meter system. This march was originally scheduled for 22 May 2012 but was rescheduled to the 29th because the mayor would not be available on that day to receive the memorandum, citing prior commitments (EAG, 2012). When the EAG informed the mayor of the rescheduling of the march the municipality responded in a letter stating that:

'the Mayor will not be available to receive your memorandum on the 29th of May 2012 due to prior commitments' (Mahlangu, 2012).

The EAG responded to this letter by amending their original application as per section 3 of the Regulation for Gathering Act, 205 of 1993 to reflect that the march would be held on 29 May 2012 and that any representative of the office of the mayor could come to receive the memorandum (LRC, 2012). The EAG complained that they feel that the unavailability of the mayor is a continuation of the municipality's ignorance and indifference to the plight of the poor (The Witness reporter, 2011).

After the march held on 29 May 2012, the EGA wrote a letter to the mayor requesting a meeting between themselves and the municipality to discuss the issues that were in the memorandum which was handed over on 29 May and the date and the manner of implementation for FBE for households on the prepaid meter system (EAG, 2012). However, members of the EAG stated:

'this meeting did not happen' (FG#2).

5.4.3 Civil society's engagement with the municipality in 2013

In 2013 the Msunduzi municipality issued a 2013/2014 draft proposal for the increase of rates and tariffs which proposed an 18% increase on tariffs. The EAG made a submission to the Msunduzi municipality opposing the 18% tariff increase, stating that:

'pensioners will not be able to afford the 18% increase, unemployment is high thus residents do not have the money to pay for the 18% increase, the increase will force people to steal electricity as they cannot afford it but need it' (EAG, 2013 L).

The submission continued:

'It's wrong and discriminatory that people on the prepaid meter have to pay so much more than people on the grid system.... Also if we look at the difference between 350kWh on prepaid and 350kWh on the grid, prepaid households have to pay around R480 compared to R280 on the grid' (EAG, 2013 L).

And, further:

'The 2010 Council resolution and local ANC's 2011 campaign manifesto promised to provide all poor households with 200kWh of free basic electricity per month. We demand the immediate implementation of 200kWh for all households on the grid and on prepaid' (EAG, 2013 L).

According to this submission, the EAG deems access to FBE to be a right and demands that electricity be accessed safely, in an affordable manner and adequately. The group stated in this submission that:

'Increases in electricity tariffs must not be used to erode free basic electricity. If the tariffs increase then the free amount must also increase and the tariffs above the free electricity must come down substantially' (EAG, 2013 L).

In their submission, the EAG emphasized their demand for the implementation of 200kWh FBE to prepaid households and access to affordable and sufficient electricity, which they have been requesting from the municipality since 2010. They stated in their submission that they would like to make an oral presentation when the municipality conducts its public hearings (EAG, 2013 L). The EAG explained that the purpose of the oral presentation was to try to:

'get government to understand the position of the citizens of Msunduzi on the prepaid meter system and those who cannot afford or find it difficult to pay for municipal or basic services' (EAG, 2013 L).

In an effort to get a response from the municipality on the tariff increase, the EAG, together with the SACP, COSATU, PACSA, SANCO, SASCO, the National Taxi Alliance and residents of Msunduzi municipality, engaged in a mass protest on 21 March 2013, where they handed over a memorandum to the municipality. This memorandum challenged the proposed tariff increases. The municipality has a major role in ensuring that all its citizens have access to basic services. It is on this basis that the civil society partners in their memorandum urge the municipality to:

'recognize that we are citizens; not customers....Citizens have claims on the state. Municipal services must be affordable' (EAG et al, 2013).

In May 2013 the EAG issued a media statement regarding the Msunduzi municipality's 2013/14 draft proposed rates and tariffs. The media statement reiterated the points made in the memorandum handed over on 21 March 2013, stating that:

'We find it very hard at present to afford electricity since electricity is very expensive and we are not getting free basic electricity on prepaid meters' (EAG, 2013 K).

The EAG then highlights the discrimination of those on the prepaid meter system against those on the credit meter system and proposes that a block tariff be implemented by the municipality, to deal with the discrimination and cross subsidisation. This is evident from the memorandum, which states that:

'If the municipality passes its proposed electricity tariffs then households on the prepaid meter will have to pay 52 cents more per kWh than those on the credit meter (R1.27/kWh vs R0.75/kWh)

*We need between 350kWh a month. The difference between the cost of 350kWh on prepaid and 350kWh on credit meter is R182 (R444.50 vs R262.50). It is too expensive; we cannot afford it. The municipality must rationalize the tariff between per kWh tariff on the credit meters and per kWh tariff on prepaid' (EAG, 2013 **K**).*

The memorandum issued to the municipality by the EAG on 21 March 2013 illustrates that the EAG engages the municipality based on the development and status of a reference group to which the EAG compares itself. This is in line with Buechler's (2000: 28) articulation of relative deprivation as stemming from people judging themselves as lacking resources enjoyed by their reference groups.

The EAG has been engaging the municipality and key officials in an attempt to access affordable and safe electricity, as well as 200kWh of FBE for citizens on the prepaid meter system and those on the account system. The collective action strategies employed by the EAG to engage the municipality have taken the form of attending public hearings; making submissions to the municipality; media statements; letters to the municipality, mayor and premier; organising and participating in marches, sit-ins and protest action and serving the municipality with memorandums. In some cases the municipality has responded by issuing notices to the public to register for FBE and releasing media statements. The case in question here is a public notice issued by the municipality on 8 September 2014 as a response to the petition submitted to the municipality by the EAG on 23 August 2014. In other instances where the EAG demanded a meeting with the mayor, the mayor was unavailable or was not willing to meet with them, stating that he had already granted an audience on the matter at hand.

What is evident from the EAG's interactions with the municipality is that the qualifying citizens on the prepaid meter are not accessing the 200kWh of FBE, as promised to all qualifying citizens by the Msunduzi municipality in its Indigent Policy prior to and including that of 2013/2014.

The EAG compares two things: (a) citizens on the grid system to citizens on the prepaid meter system; and (b) indigent citizens on the prepaid meter system to the indigent citizens on the account system. As a result of this comparison, the EAG finds that there is discrimination against indigent citizens on the prepaid meter system on the basis of how electricity, including FBE, is

supplied to them. The actions of the EAG can be interpreted using Merton's description of the Relative Deprivation theory, where he argues that relative deprivation exists where the deprived group judges themselves or measures their development or progress against that of a reference group (Buechler, 2000:29).

5.5 Collective action and policy implementation

Ezungwa (2013) was of the opinion that:

'no matter how sound a policy might be, if not adequately implemented, that policy will never yield desired results and the public needs and problems intended to solve will remain unsolved meaning that no development will take place' and that 'even though sound policies are made ...no meaningful development is achieved as the objectives of policies are not realized due to poor or non-implementation' (Ezungwa, 2013:1).

Ezungwa's opinion is aligned with, and explains the basis of, the EAG's (supported by PACSA) engagement with the municipality.

Throughout this study, EAG's collective action amounts to the group demanding the implementation of the provision of the promised amount of FBE to all citizens who qualify, as per the Msunduzi Indigent Policy 2013/2014, the National Indigent Policy Framework and the Free Basic Services Support Tariff Policy 2003. National government has mandated that such policies be developed and implemented by local government so as to eradicate the inequality that exists between those citizens who can afford to pay for basic services and those that cannot, thus fulfilling section 27:2(c) of the Constitution of the Republic of South Africa and the Municipal Systems Act 32 of 2000, which emphasizes the need for the municipality to provide for those citizens who cannot afford to pay for basic services and to provide these basic services at an affordable price.

In a public hearing called by the Msunduzi municipality on 21 February 2013, the Msunduzi municipality indicated that it was going to include:

'an additional 2% to NERSA's final decision of an 8% tariff increase' (PACSA, 2013 E).

For Msunduzi residents this meant a 10% increase in kWh charges from July 2013. This also meant that poor households would find it increasingly difficult to pay for electricity as it would cost roughly R450.00 per 350kWh (PACSA, 2013 E). This increase further emphasised the need for 200kWh of electricity for poor households on the prepaid meter.

On 27 October 2010 the Msunduzi municipality council took a resolution that:

‘in the case of indigents registered on the lifeline tariff, the total consumption is equal to or less than 500kWh per month, and indigent consumer will receive 200kWh free of charge’ (Msunduzi municipality, 2010 A).

This decision taken in 2010 had not reached all those who had applied (EAG, 2011 G). This can be seen in a letter written to the then municipal mayor in 2011 for an immediate implementation of the promised 200kWh of FBE for households on the prepaid meter from the EAG.

A member of the EAG recalls that, in the year 2011 that:

‘about 3500 households were receiving the free 200kWh when in actual fact about 30 000 households should have been benefitting from the basic electricity as all of them qualified’ (Ngqulunga, 2011).

The EAG believes that households who are on the prepaid meter system should qualify for the 200kWh of free electricity per month, as per the binding resolution taken by the municipality to provide this. By taking a resolution to provide 200kWh of FBE to indigent citizens, the municipality aligns itself with the National FBE policy.

Through the research the EAG, together with PACSA, have done on the overall cost of electricity for households on the prepaid meter and households on the grid meter, the results show that households on the prepaid meter pay 99c per kWh, while those on the grid system pay 58c per kWh. This constitutes a difference of 41c, which is paid by those on the prepaid meter (EAG, 2011:1). While households on the prepaid meter pay more for electricity, they are also denied access to free basic electricity. This thus constitutes a discrimination against those on the prepaid meter when compared to those on the grid system who pay 41c less for electricity and have access to FBE.

When the municipality was questioned on why households on the prepaid meter system do not have access to free amounts of electricity, the municipal spokesperson responded by saying:

'all consumers on credit meters who applied for the lifeline tariff will benefit from the 200kWh free electricity, but only if their consumption is less than 500kWh per month' (Ngqulunga, 2011).

Ngqulunga added that although this is so, households connected to the prepaid meter system cannot receive the same subsidy because they are not linked to the debtor system used by the municipality (Ngqulunga, 2011).

Having been given the fact that residents on the prepaid meter system cannot receive FBE because they are not connected to the municipality's debtor system, the EAG engaged in research, investigating how other municipalities who use the prepaid electricity system operate to provide their residents with FBE. They found that the uMngeni municipality provides 100kWh of free electricity to households within its jurisdiction who are on the prepaid meter (Ngqulunga, 2011). A member of the EAG states that, when speaking to the municipality about this matter:

'the municipality responded by saying it is investigating the prepaid meter contract so that it can offer the same benefits received by the uMngeni households to the Msunduzi households' (Ngqulunga, 2011).

The EAG investigated the issue of the municipality providing FBE through the system it uses for households on the prepaid electricity system. The EAG stated that when they spoke to a Counter Vending System representative (a company used by the Msunduzi municipality in electricity distribution), the representative stated that the system supports the issuing of free amounts of electricity, but it is up to the municipality to determine who may or may not receive the amount of free electricity (EAG, 2011 G).

The continuing non-implementation of free basic electricity has three implications: firstly it constitutes a violation of the Constitutional Equality clause section 9(2) (Constitution of the Republic of South Africa Act 108 of 1996). The right to equality is violated when poor people on the credit meter are provided with free basic electricity but poor people on the prepaid meter are not. Secondly, it constitutes a violation of the Electricity Basic Support Tariff policy of 2003, which states that all households who cannot afford to pay for electricity, including poor

households on the prepaid electricity supply system, should receive an amount of FBE. Thirdly, this should be done so that there is no discrimination among individuals on the basis of the ability to afford, thus fulfilling the responsibility of the state to ensure that all citizens are provided with basic services. The non-implementation of concessions and subsidies constitutes a contravention of the positive rights of citizens to basic services, including electricity (EAG, 2011 G).

The implementation report by the Economist Intelligence Unit suggests that non-implementation and implementation failure are principal contributing factors to policy ineffectiveness (Economist Intelligence Unit, 2010:15). It is evident from the above discussion that, although the policies have been developed to address the existing inequality between those who can afford to pay for basic services and those who cannot, these policies have not been implemented appropriately to forge links in a causal chain of activities that lead to addressing inequality and access to basic services.

5.6 Conclusion

This study has established that the basis of the EAG's engagement with the state is twofold: 1) the non-implementation of the 200kWh of FBE to households on the prepaid meter; 2) the inability of citizens of the Msunduzi municipality to access safe and affordable electricity. This study has also established that the EAG acts collectively because it believes in the power of numbers. The EAG acts collectively as a group of individuals within the EAG and collectively with the members of greater civil society, who have the same interests and goals as them, thereby forming a policy collective.

The EAG compares itself with those on the credit meter system who have access to FBE. The EAG uses this group as a reference group which has access to FBE and pays 41c less per kWh for electricity, compared to those on the prepaid meter system. This comparison by the EAG proves Buechlers' theory of relative deprivation to be true. Buechler's theory states that people who engage in collective behaviour are those who are suffering from forms of dissatisfaction, when compared to a reference group.

The present study has established that the municipality indicated that it had followed due process when it came to consulting the public before the tariff increases were implemented. This was done through inviting written proposals on the matter from the public and running workshops on the proposed increase. This is an illustration of what Brinkerhoff and Crosby (2002:66) call a consultative mechanism of public participation. They define this mechanism as a process where stakeholders are invited to offer their views on a particular given policy (Brinkerhoff and Crosby, 2002:66). The EAG feels that they as the public were not made aware of the process in time, which according to Brinkerhoff and Crosby (Brinkerhoff and Crosby, 2002:65), is a crucial element for the effectiveness of consultative mechanisms.

The EAG has made attempts to engage the state on the provision of FBE, but it seems that their attempts have not been successful in achieving safe, adequate and affordable electricity. The non-response of the municipality counters Anderson's discussion of policies emanating as a response to policy demands made by other actors because, although there have been demands for the fair implementation of the Msunduzi Indigent Policy and 200kWh, non-implementation persists and no policy has been developed to try and remedy the situation (Anderson, 1997:10).

The public policy cycle has shown some complications when it comes to the Msunduzi Municipality's Indigent Policy. The policy has been developed to eradicate the inequality that exists between those who can afford to pay for basic services and those that cannot. The policy exists and has been implemented, but the inequality still exists. This raises implementation issues on the part of the municipality.

In their quest to achieve equality between households on the credit meter and those on the prepaid meter, the EAG has used various strategies. The EAG has attended public hearings, made written submissions, made oral presentations, had sit-ins, picketed and marched to the municipal offices and released media statements, submissions and proposals to the Msunduzi municipality. The EAG has been supported by other civil society organizations when engaging the state. These include PACSA, SACP, SASCO, SANCO, COSATU, the National Taxi Alliance and residents of Msunduzi municipality. These attempts to engage the municipality and state officials have not always produced the desired outcomes.

Although various strategies have been employed to engage the state on the demand for the immediate implementation of 200kWh of FBE and access to affordable electricity, there has not been much success thus far, because the municipality and the key officials have not been responding to the letters from the EAG; have not been available for the meetings that have been requested by the EAG, and have not come to receive the memorandums from the EAG in their marches. The strategies which the EAG engaged in have been successful in educating EAG members on their rights and also given them media coverage, thus making the community aware of the EAG and its struggles.

The next chapter is the conclusion, which aims at providing answers to whether the strategies employed by the EAG resulted in the desired outcomes, what factors affected those outcomes, what kinds of collective actions were employed, what factors informed the strategies employed, and how this collective action was co-ordinated.

CHAPTER 6

DISCUSSION AND CONCLUSION

Chapter 6 focuses on the conclusion drawn from the findings of this study. It does this by addressing the research questions initially posed by the study, through highlighting the findings of the study. The study analysed how civil society engaged the municipality in terms of public participation, both in the policy formulation and policy implementation process. The study specifically looked at the process/procedure the EAG followed in engaging the municipality and the results of such engagement.

The study has been guided by the following broad issues:

- Collective action strategies employed by groups and/or civil society movements to champion common interests or exercise their rights.
- Co-ordination of collective action and advocacy provided by other non-governmental organisations to collectives.

It is worth noting the following important findings of the study which emerged but were not the focus of the study: firstly, the study found that, although policies for the provision of basic services, free basic service provision and the indigent do exist, they have not been adequately addressing the targeted issues and problems because of errors in implementation, i.e. because policies were not appropriately implemented. Secondly, the study found that binding decisions taken by the municipality in its meetings were documented and promised, but were not implemented.

This study revealed that, in its engagement with the municipality on the provision of 200kWh FBE and access to affordable electricity, the EAG has employed various strategies of collective action. The EAG has engaged in what Brinkerhoff and Crosby (2002:80) call positive participation. They define positive participation as activities which include attending and participating in discussions on proposed policies held by government, rendering submissions on proposed policies (Brinkerhoff and Crosby, 2002:80). The EAG has attended public hearings of the municipality; made presentations and written submissions to the municipality; written letters to the municipality, the mayor and the premier of the province; held marches, sit-ins, protests,

and pickets outside the municipal offices, where memorandums were handed over to municipal representatives and issued media statements, and proposals. This study showed that PACSA has played an important role in providing support to the EAG, in terms of logistics, research and administration. PACSA has assisted the EAG in ensuring that the correct avenues were followed when employing strategies to engage local government.

The EAG's continued interactions with the Msunduzi municipality on the implementation of FBE to all indigent citizens, including those on the prepaid meter, are enough to either: 1) form the basis for the revision of the existing policy; or (2) form the basis for the implementation of an existing policy. This concurs with Gerston's argument that interactions by various stakeholders with the state are enough to mandate the state to either develop new policies or implement or review existing ones, according to the citizens' needs and/or demands.

Gerston (2010:15) defines public policy as that which develops through the interactions of organisations with the state on matters that affect their day-to-day lives. Gerston concurs with Anderson's (1997:10) definition of public policy, which implies that public policies emerge in response to policy demands made by some other actors. In the present study, the municipality has been engaged by the EAG and other civil society organisations expressing the need for the implementation of the promised 200kWh by the Msunduzi municipality to those on the prepaid system and those on the credit meter system. The municipality had already seen the need for the implementation of 200kWh of FBE for those on the indigent register and Council took the decision in 2010 to do so, but this has not been implemented.

Rojas states that there are two general type of collective action, destructive tactics and non-destructive tactics (Rojas, 2006:2149). The findings of this study reveal that, in their engagement with the municipality, the EAG has used both types. The EAG employed non-destructive strategies, such as making presentations, making submissions, submitting petitions and requesting meetings, when engaging the municipality. Protests, pickets and marches were employed by the EAG only after the above strategies had not produced any favourable response from the municipality. This study revealed that the EAG expressed that, should the municipality fail to implement the promised 200kWh of FBE, the group will be forced to employ destructive strategies such as stealing electricity (EAG *et al*, 2011). This is an illustration of what Brinkerhoff and Crosby (2002:80) call negative participation. They define this participation as

that which blocks and rejects policy decisions, that it is one of the main methods by which NGOs participate in policy decisions and that it is vital to a democratic society (Brinkerhoff and Crosby, 2002:81). The EAG rejected the policy decision to implement FBE to only those indigent households on the credit system and rejected the continued non-implementation of the promised 200kWh FBE to all indigent households. This illustrates that although stealing electricity constitutes an illegal act, it may be the only way in which the EAG can get the Msunduzi municipality to implement 200kWh FBE to households on the prepaid meter and provide access to safe and affordable electricity.

Some of the strategies employed by the EAG are informed by the municipality's response, or lack thereof, and others informed by the number of people participating, or are likely to participate, in the activity and the adopted strategy.

The calibre of groups and NGOs that participate in the collective activity led by the EAG are illustrative of Buechlers' argument on who is most likely to participate in collective action and the reasons. He reasons that those that participate in collective action are those that share similar interests and most often participate in collective activities because of relative deprivation (Buechler, 2000:20-29).

Although the collective action strategies employed by the EAG did not always yield the desired results, they produced valuable unintended consequences such as educating its members on basic services and constitutional rights.

The involvement of various stakeholders is important in the policy cycle, as it assists in ensuring that the developed policies adequately achieve the intended outcomes. The interactions of various stakeholders with the state informs policy-makers of the required policies or gaps which are not addressed by the existing policies. These interactions may be through various strategies which are strategically employed by stakeholders. Legislation on the provision of basic services affords citizens the right to demand the municipality of the rights provided to indigent citizens, as per the National Indigent Policy Framework, 2006. This can be done through civil society organisations advocating for the rights of their members and/ those of citizens in general. Civil society therefore plays an important role in influencing policy, because of its ability to make

demands on the state to provide long-term solutions to existing and potential issues and problems.

Measures to link the existing gaps between policy, legislation and implementation need to be put in place. These may be in the form of the municipality providing the necessary human, financial and infrastructural resources for policy implementation and following due policy processes.

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APPENDICES

Appendix 1

Interview guide for focus group discussion



Masters Research Project

The title of this project is: ‘Civil society organization’s engagement in collective action to access basic services: The case of the Electricity Action Group’

The aim of this research is to investigate how civil society engages the municipality through collective action to gain access to their constitutional right to free basic electricity.

Focus group no. _____

Focus group discussion with members of EAG

- How would you describe the EAG?
- What is the composition of the EAG?
 - How many members are there?
 - Gender statistics?
- Where is the group based?
 - Where are the individual members originally from?
 - Where does the group meet/ where are your offices based?
- What is the purpose of the EAG?
- What goal/s does the EAG aim to achieve?
 - Short term, intermediate and long term goals
 - Aims and objectives

- How does the EAG aim to achieve these goals?
 - Strategies employed
- What factors inform the strategies employed by the EAG?
- Do the adopted strategies achieve the intended outcomes?
- Does/has the EAG face/d any difficulties when engaging the municipality? If yes what are they?
- How are decisions taken within the group?
 - Participation in decision making
- How does the EAG sustain itself?
 - Funds, strategic direction, general support