

PUBLIC PARTICIPATION THROUGH WARD COMMITTEES:
A CASE STUDY OF UMSHWATHI MUNICIPALITY

by

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DECLARATION

I, Nontobeko Mtshali, declare that

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Dedication

This work is dedicated to my loving parents, Mrs Lilly and Mr. Mandla Mtshali for their love and dedication in making me who I am today. To my sons Luthando and Nqubeko thank you for your love, support and, most of all, understanding. To my siblings for encouraging me and making me feel special at all times.

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Abstract

During apartheid, South Africa was governed by laws which were based on the isolated development of individuals within the country. This meant that the national government was not responsible for the delivery of services and infrastructure to the black people of South Africa. Public participation was limited under the apartheid government. Most of the Blacks, Indian and Coloured people in South African had no political rights and were restricted from participating in the processes of government. The apartheid government wanted to steer the interactions between the state, the market and civil society to best suit the welfare of the white dominant society in South Africa. Due to international pressures and the rise of civil society in the late 20th century, the apartheid government was weakened. In an attempt to address the injustices caused by apartheid, the democratic government was oriented towards finding ways to incorporate the previously disadvantaged groups within society into the decision-making processes and public participation by establishing ward committees. The study on uMshwathi municipality reveals that ward committees are the essential lubricant for public participation but there are challenges that need attention. The study on uMshwathi shows that ward committees have potential to enhance responsiveness of local government.

The aim of the study is to investigate the functioning of ward committees in the uMshwathi municipality. The study looks at the issues related to their functioning and to community participation within ward committees with reference to uMshwathi municipality. It explores the conceptualisations of public participation by uMshwathi municipality. It also analyses the organisational structures and institutional mechanisms used by municipalities to promote public participation through ward committees.

The researcher collected primary data through focus group discussions and structured in-depth interviews. Three focus group discussions were conducted with the ward committee members of uMshwathi municipality. A total of 24 members participated in these. Four in-depth interviews were conducted: three interviews were conducted with the uMshwathi municipality councillors and one interview was conducted with the uMshwathi municipality official who is responsible for the public participation unit. Secondary data was gathered from published research studies on public participation and ward committees in South Africa. Key points were emphasised through identifying and recording patterns from the presented data. This study used themes such as the conceptualisations of public participation; democracy and participatory governance; challenges of ward committee members; and successes of ward committees.

List of Acronyms

ANC	–	African National Congress
COGTA	–	Cooperative Governance and Traditional Affairs
DPLG	–	Department of Provincial and Local Government
GGLN	–	Good Governance Learning Network
HOD	–	Head of Department
IAP2	–	International Association for Public Participation
IDP	–	Integrated Development Planning
IGR	–	Intergovernmental Relations Framework Act
KPA	–	Key Performance Areas
MFMA	–	Municipal Finance Management Act
NDP	–	National Development Plan
NGO	–	Non-Governmental Organisations
PGDS	–	Provincial Growth & Development Plan
PSC	–	Public Service Commission
SALS	–	South African Legislative Sector
SASSA	–	South African Social Security Agency
UN	–	United Nations
WPLG	–	White Paper on Local Government

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Chapter 1: Introduction

1.1. Background

During the apartheid regime, the structure of government consisted of national government, provincial government, which was comprised of four provinces, and local government (Davids, 2005: 18). The apartheid government denied most South Africans participation and representation in the governments' decision-making activities (Naudé, 2001: 37). The structures of government were racially skewed. The apartheid government introduced a policy of "own management for own areas" which limited the extent to which affluent white municipalities would bear the financial burden of servicing disadvantaged black areas (Department of Provincial and Local Government (DPLG), 2007: 12). In local government, traditional leaders were allocated powers over land and development matters only in areas of communally owned land but they lacked real powers of decision-making. Coloureds and Indians were part of the management committees which were established as advisory bodies to white municipalities (Ibid). According to Nyalunga (2006: 44), pre-1990's the South African government had no constitutional safeguards for community participation in the affairs of local government. This resulted in very little or no community participation in local government.

The South African government in an effort to address issues of social, economic and political inequality post-1994, introduced a system of participatory democracy aimed at deepening democracy at all levels of government. The government created a space for community participation in its endeavour to advocate public participation in local government (Mhari, 2014: 9). The introduction of public participation in the new democratic government was an attempt to respond to the developmental challenges such as poverty and poor service delivery (DPLG, 2007: 15). It also meant that development processes were supposed to incorporate the views of the people in influencing the decision-making of the previously disadvantaged communities, through various democratic participatory mechanisms (Ibid). According to the Municipal Systems Act (RSA, 2000), the local communities within the municipal area work in partnership with the municipality's political and administrative structures to provide for public participation. Participation can take place through representatives such as the ward councillors and traditional leaders and in the Integrated Development Plan (IDP) (Ibid).

The social, political and economic motivation to incorporate the public into government was to encourage the involvement of the local community, to consult the community about the level and quality of service delivery and to contribute to the decision-making processes of the

municipality (DPLG, 2007:8). Several legislative acts were promulgated to implement the incorporation of communities to participate in local government: The Constitution of Republic of South Africa, 1996 (RSA, 1996); the Municipal Structures Act of 1998 (RSA, 1998); the White Paper on Local Government of 1998 (WPLG, 1998); and the Municipal Systems Act of 2000 (RSA, 2000). The South African Constitution (RSA, 1996) provides for the establishment of three spheres of government: national, provincial and local government. Local government is empowered by decentralisation which is seen as a means to enhance democratic participation. The rationale behind decentralisation was to delegate the authority and powers to make decisions on developmental programmes at local government level (Cohen & Peterson, 1999: 2). The main aim of decentralisation was to transfer decision making powers and resources for service delivery to local authorities and to create opportunities for citizens to actively participate in matters that affect their lives (Ibid).

Proponents of decentralisation believe that public participation will lead to accountability, transparency and citizen participation (Hussein, 2004: 108). The post-apartheid government therefore introduced public participation within the context of democracy (Ibid: 107). The government focused more on local government structures where the intended beneficiaries of development were easily accessible (Ibid: 107). Municipal authorities were legally obliged by the South African Constitution (RSA, 1996) to involve communities in planning developmental priorities through the IDPs (DPLG, 2007: 12). Public participation is a democratic process of engaging people in deciding, planning, and playing an active part in the development and operation of services that affects lives (Ibid: 5). Nyalunga (2006: 44) argues that public participation is designed to promote good governance. Public participation is an important ingredient of good governance, particularly in democratic states as it promotes the notion of transparency and accountability (Ibid). Brynard and de Coning (1996) suggests that public participation should serve the purpose of improving the IDP process and collecting information about the needs of the people in order to inform the public service delivery. The central role of public participation is to encourage people to play an active role in policy making (Ibid).

Some of the issues that challenge public participation in the local level of government, according to a study done in 2006 by Nyalunga (2006: 45), were party politicisation, lack of commitment by municipalities to prioritise public consultation and lack of capacity amongst stakeholders. This suggests that little has been transformed in giving people the platform to participate in decision-making at local level.

DPLG (2005: 10) argues that there are three types of interactions between the government and citizens, namely the citizens' action, by means of lobbying bodies like parliamentary committees, public demonstrations and protests; citizen involvement, by means of public hearings, consultation with advisory committees and attitudinal surveys; and electoral participation, by means of casting votes and electing representatives.

A study done by Maphazi (2012) in Buffalo City municipality analysed the role of public participation in local government by identifying possible shortages in public participation processes. The study found that public participation strategies were inadequate and also revealed a negative relationship existed between the councillors, officials and ward committee members (Maphazi, 2012: 184).

The main direct mechanism for public participation by communities in local government is through ward committees. Ward committees are the elected representatives of the communities that make recommendations to ward councillors regarding service delivery and community needs (DPLG, 2005: 8). In principle, ward committees are a consultative process between the masses on the ground and representatives, in order to gather problems or even grievances facing people to be put on the local government agenda (Ibid). Whereas the municipal council makes decisions and exercises powers pertaining to the performance of all the functions of the municipality Municipal Structures Act (RSA, 1998), the main functions of ward committees are communication and mobilisation which may be achieved through the IDP process, the budgetary process, decisions about service provision, by-laws, and by delimiting and chairing zonal meetings (DPLG, 2007: 54).

According to Brynard and de Coning (1996), ward committees are useful mechanisms that help to bring issues of constituencies to the agenda of the municipal council, whilst Piper and Deacon (2009: 419) argue that ward committees are only the advisory bodies of the council. Ward committees are mechanisms that contribute to the empowerment of and strengthen democracy (Ibid). These committees are chaired by local ward councillors and they consist of ten members from different segments of the ward (Ibid: 432). However, these structures are reported to be incapable of upholding their mandate because they are clouded by political affiliations (Ibid).

However, Cloete (2012: 58) states that the ward councillor being the chairperson of the ward committee can be a challenge to the committee because the councillor is in control of the agenda so it is up to him/her to decide on the issues of engagement. Smith (2008: 52) argues

that people, especially in deep rural areas, do not recognise ward committees as genuine structures of participatory governance. Friedman (2005) argues that, even though ward committees are a key component of community involvement, most municipalities still do not have functional ward committees in place; whilst Cloete (2012: 59) argues that in the municipalities where ward committees are functional, they are marked by uncertainty and in some cases chaos.

Madumo aimed to find out whether ward committees in Mamelodi, South Africa served as an effective mechanism in promoting public participation in local government. The study investigated the functioning and responsibilities of ward committees. It found that the “City of Tshwane does not possess a framework that could be utilised to regulate the functioning of ward committees in its jurisdiction. Such lack of a framework compromises the functioning of ward committees, as there are no guidelines that stipulate how ward committees operate, other than the Municipal Structures Act, 1998” (Madumo, 2011: 120).

Several research studies conducted on ward committees have shown that ward committees are not functioning effectively or adequately because of a lack of resources and poor communication strategies between the councillor, ward committee members and municipal officials (Maphazi, 2012: 53). Other studies have questioned the decision-making powers of the municipal councils (Smith, 2008: 53). There are numerous studies that have been conducted since the inception of ward committees in 2001 (Piper, 2010; Smith & Visser, 2009; Piper & Deacon 2009). However, the literature suggests that ward committees are not responsive to the needs of local communities and do not truly represent the interests of their communities. Hence this study looks at the functioning of ward committees and public participation in uMshwathi municipality.

1.2. Research questions and objectives

The key questions that relate to public participation of ward committees in local government of uMshwathi are:

- What is the legislative framework for the functions of ward committees and public participation in South Africa?
- How do ward committees in uMshwathi municipality function?
- What are the issues raised in ward committees in uMshwathi municipality?

- What are the challenges facing the functioning of ward committees in the uMshwathi municipality?
- What are the achievements with respect to ward committees in uMshwathi municipality?

The broader issue of this study relates to explaining public participation in local government. It generally aims to understand the effectiveness of public participation through ward committees in taking up community issues. The broader objectives of the study are:

- To understand the legislative framework for public participation and ward committees.
- To establish the general roles of ward committees in South Africa.
- To establish the functions, processes, procedures and structures through public participation in ward committees.
- To establish challenges of public participation in ward committees in South Africa.
- To establish the achievements of public participation in ward committees in South Africa.

1.3. Overview of research design

1.3.1. Research methodology and methods

This study used a qualitative research methodology. Qualitative research is conducted to describe the nature of certain situations, settings, processes, relationships, systems and people (Terre Blanche & Durrheim, 1999: 7). Qualitative research also provides the means through which a researcher can judge the effectiveness of particular policies and practices (Ibid). This study is underpinned by an interpretivist paradigm which aims “to describe and analyse the culture and behaviour of humans and their groups from the point of view of those being studied” (Bryman, 1988: 46). Qualitative methodology is appropriate to this study as it seeks to investigate the processes, practices, functionality and the effectiveness of ward committees.

1.3.2. Case Study Approach

A case study approach was used for this study. Babbie and Mouton (2001: 288) define case studies as, “intensive investigations of a single unit, with its context being a significant part of the investigation”. The case study for this study is uMshwathi municipality. UMshwathi municipality is a local municipality situated within uMgungundlovu district municipality in

KwaZulu-Natal. It consists of four major urban centres namely: New Hanover, Wartburg, Dalton and Cool-Air as well as the rural residential settlements of Swayimane, Mpolweni, Thokozani, Trustfeed and Ozwathini (Stats SA, 2016). UMshwathi municipality comprises of 14 wards with established ward committees. The total population of uMshwathi municipality is 106 374, with a sex ratio of 90 males per 100 females (Stats SA, 2016).

1.3.3. Data Collection Method

Primary data was gathered through focused group interviews. Focus groups are group interviews of participants interviewed simultaneously by a facilitator (Du Ploy-Celliers & Bezuidenhout, 2014: 183). The focus group interviews were conducted with ward committee members from different wards. Three focus groups were conducted with three ward committees.

Structured in-depth interviews were also used. In-depth interviews allow a researcher to pose questions to participants with the aim of learning more about their views (Ibid). Structured in-depth interviews combine structure with flexibility. The interview is interactive and it allows the participants to talk freely when answering the questions (Ibid: 188). The structured in-depth interviews allow a researcher to use probes in order to achieve depth of answer in terms of explanation. These interviews also allow the researcher to use follow up questions to gain deeper understanding of the participants meaning (Maree, 2007: 108). The interviews gathered information, from the ward councillors who were the chairpersons of ward committees, on the functionality of ward committees in uMshwathi municipality. In-depth interviews were also conducted with a municipal official, the public participation manager, who was responsible for the administering the functioning of the ward committees. The study conducted four in-depth interviews comprising of one municipal official, the manager of public participation; and three (3) ward councillors from selected wards. Primary data was also collected from the minutes of the ward committee meetings and full council meetings.

Data was collected and analysed from the following policy documents and legislation relating to public participation and ward committees:

- The South African Constitution, 1996 – (RSA, 1996)
- The White Paper on Local Government, 1998 – (WPLG, 1998)
- The Municipal Structures Act, 1998 – (RSA, 1998)
- The Municipal Systems Act, 2000 – (RSA, 2000)
- Guidelines for the Establishment and Operation of Municipal Ward Committees, 2005

- A Handbook for Ward Committees, 2005
- National Policy Framework for Public Participation, 2007
- uMshwathi Municipality Integrated Development Plan, 2015/16
- uMshwathi Annual Report, 2015/16

Secondary data which was also used in this study was published research studies on public participation and ward committees and books relating to public participation and ward committees in South Africa.

1.3.4. Sampling

This study used non-probability sampling where the probability of selection cannot be accurately determined and therefore information cannot be generalised back to the population (Bhattacharjee, 2012: 69). It employed a combination of purposive and convenience sampling methods. The purposive sampling technique allows the researcher to gain important information about a particular matter, using information gathered from relevant participants (Babbie & Mouton, 2001: 166). Purposive sampling was used for the selection of the structured in-depth interviews. Convenience sampling is a type of non-probability sampling where the target population meets certain practical criteria at a given time (Maree, 2007: 104). Convenience sampling was used for the selection of focus groups. Three ward committees were purposively selected for this study. The selected wards were purposefully chosen because they were within uMshwathi municipality where the study was done. The selected ward committees were ward 7, 12 and 13. These ward committees were selected because they were the most easily accessible to the researcher because of geographical proximity, the availability and the willingness of participants to participate.

1.3.5. Data analysis

The study used thematic content analysis using manual coding according to the themes. Clarke & Braun (2013: 3) define thematic analysis as “a method for identifying and analysing patterns in qualitative data”. Du Ploy-Celliers and Bezuidenhout (2014: 234) states that content analysis is used to explore and identify obvious and hidden themes. Coding of the data helped to scrutinise the data and the researcher was able to retrieve and collect together the data associated with the thematic ideas (Maree, 2007: 105). The themes were derived from the respondents’ responses from the focus groups and interviews. The interviews were tape-recorded and data was transcribed verbatim, meaning that data was written using word for word what the respondents had said.

1.4. Structure of the dissertation

Chapter One - Introduction

The first chapter provides an introduction and the background context to the study. It provides the rationale and reasons for doing the study, the objectives of the study, the problem statement, the research question and the research methodology

Chapter Two – Conceptual Framework

This chapter discusses the concept of public participation and participatory governance in order to provide a framework of public participation in policy making. It used ward committees as a framework for public participation at local level.

Chapter Three – Legislative Framework for Public Participation in South Africa

This chapter provides the policy framework of public participation in South Africa. The legislative framework of public participation at local government level is informed not only by policies but also by the Constitution.

Chapter Four – Case Study of uMshwathi Municipality

This chapter provides a description of uMshwathi municipality.

Chapter Five – Findings and Analysis

This chapter presents an analysis of public participation using the case study focus. The findings were presented according to the themes of similar ideas.

Chapter Six – Discussion and Conclusion

Chapter Six is the last chapter and it discusses and draws conclusions from the findings of the study.

Chapter 2: Theoretical Framework

2.1. Introduction

The chapter presents the theoretical framework for analysing public participation in ward committees. Firstly, it provides definitions of public policy and the different stages involved in the policy process. The chapter then conceptualises public participation in relation to public policy. The chapter explores the rationale for public participation. It examines the basic assumptions underlying public participation, and the objectives, principles and benefits of public participation. The chapter examines the organisational structures and institutional mechanisms used for public participation. It also explores democracy by looking at democratic governance and participatory democracy. Finally, the chapter looks at the models of participation, and the opportunities and challenges of public participation.

2.2. Public Policy

Public policy is often regarded as a crucial mechanism that government uses to address perceived societal problems (Anderson, 1997: 40). Public policy exists because it intends to address societal problems or alternatives to a problem, and also to analyse whether the objectives of the problems defined are achieved (Colebatch, 2002: 41).

Public policy is defined by Friedrich and Mason as a “proposed course of action of a person, group, or government within a given environment providing obstacles and opportunities which the policy was proposed to utilise and overcome in an effort to reach a goal or realise an objective or purpose” (Friedrich & Mason, 1940: 21). This definition describes public policy as an effort to offer solutions to identified problems within a specific context (Ibid). The government develops policies to address issues in a particular context in order to achieve social, political and economic development.

Public policy is formally defined by Anderson as a planned course of action over time which considers constraints and opportunities with regards to the realisation or achievement of a particular goal, objective or purpose (Anderson, 1997: 41). In order to ensure the effectiveness of public policy, policy-makers are required to distinguish social programmes that are worth implementing from those programmes that are ineffective, and then introduce new programmes that are likely to achieve the desired results (Rossi, Lipsey & Freeman, 2004: 3). Barrett and Fudge (1981: v) argue that, “public policy may be defined as the implicit or explicit intentions

of government and the expression of those intentions entailing specific patterns of activity or inaction by governmental agencies.”

Anderson (1997: 9) defines policy as “a relatively stable, purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern”.

There are different categories of public policy, some of these are substantive policies which include government plans of activities; procedural policies, which state who is going to do what and how those individuals or groups are going to do those activities; distributive, redistributive, regulatory, self-regulatory, material and symbolic policies (Anderson, 1997: 45).

Various scholars in the policy field have identified various stages of public policy making. The policy stages are problem identification, agenda setting, policy formulation, decision-making, policy implementation and policy evaluation (Howlett & Ramesh 1995: 11). Howlett and Ramesh (1995: 11) view agenda setting as the stage where “problems come to the attention of governments”. Policy formulation is described as the stage where government formulates policy alternatives to address the identified problems (Ibid). Howlett and Ramesh (1995: 11) describe decision-making as the stage where government decides on which course of action or non-action they will follow. The policy implementation stage, involves the translation of policy document into action (Ibid). For Wildavsky and Pressman (1973) implementation encompasses those actions that are geared towards intended outcome. Lastly, the policy evaluation stage involves the ongoing assessment of policy outcomes. This process requires role-players from government and society at large (Ibid).

Public participation is crucial at all stages of the policy process to ensure democracy in the policy process (Yengwa, 2004: 12). The policy stages in the public policy process ensure that the policy in question is planned properly, is implemented and addresses the identified problem. The public policy process entails vertical and horizontal dimensions. The vertical dimension of policy assumes that policy is made in government institutions, which entails that the government officials and political leaders make decisions. The horizontal dimension allows for interaction between the stakeholders and participants at different levels. Subsequently social action takes place to address a public issue (Colebatch, 2002: 44). To ensure the effectiveness of projects, programmes and policies the public policy process should ask who, what, where, why, and how (Ibid). The process of public policy is a political process which often involves legislators, politicians and any other relevant stakeholders who are responsible for policy. The next section outlines public participation in public policy.

2.3. Public Participation

According to Clapper (1996: 13) there is a distinction between citizen participation and public participation. Public participation is “the efforts of all the people included in the public to influence government activities”; whereas he refers to citizen participation as “purposeful activities in which people take part in relation to political units of which they are legal residents” (Ibid: 14)

The World Bank (1996: 3) defines public participation as “a process through which stakeholders influence and share control over development initiatives and the decisions and resources which affect them”. The rationale for public participation is to help the people to build capacity and contribute to their empowerment. Moreover, it assists people to increase control over their lives and livelihoods and it makes a direct link between the public and the decision-makers in a government. Public participation is a way of ensuring that the decision-makers that make decisions that affect people’s lives, communicate with the public before making such decisions. Public participation plays a critical role in deepening democracy and promoting good governance. Citizens’ involvement in governance processes ensures that their experiential and grounded perspectives inform government on their needs and how these needs can best be addressed (South African Legislative Sector (SALS), 2013: 1). Public participation is a mechanism for establishing democracy (Ibid: 2). Moreover, it promotes social cohesion between government and the citizens, mainly in the provision of quality and sustainable services (SALS, 2013: 2).

Participation is central to policy implementation because getting the right technical content on paper is the first part to achieving a policy result with sustainable impact. It requires participation from different people (Brinkerhoff & Crosby, 2002: 56). Public participation in policy is seen as an important element of democratic governance, with public officials in most countries forced to facilitate participation (Ibid: 51). This is because citizens have increasingly organised to expand their influence in policy debates, to pressure their governments to be responsive and accountable, and to demand a greater role in governance (Ibid). According to Bekink (2006: 476) the local sphere of government is ideal for the pursuit of the principles of democracy, thus ensuring that local citizens are given the opportunity to participate directly or indirectly in the policy making that concerns them.

Public participation pressure has its roots in the development of governance worldwide which guides countries towards participatory democracy (Wight, 1997: 370). According to

Brinkerhoff and Crosby (2002: 51), public participation in policy processes is closely linked with democratic governance with the understanding that it will deepen democracy. Brinkerhoff and Crosby (2002: 51) argue that “participation and pluralist consultation are not simply features of effective policy processes; they are integral elements of democracy itself”. According to Taylor (2003: 108), the pluralist ideas to policy advocates the involvement of different stakeholders in governance processes. Public participation increases the citizens influence on the decisions that affect their lives. From the view of government officials, public participation provides a means through which critical issues can be resolved. It ensures interaction and reassures the public that all viewpoints are being considered (Creighton, 2005: 17).

According to SALS (2013: 7), “Public participation is the process by which Parliament and provincial legislatures consult with the people and interested or affected individuals, organisations and government entities before making a decision”. Public participation refers to an open accountable process through which individuals and groups within selected communities can exchange views and influence decision-making (DPLG, 2005: 5). It further states that public participation is a democratic process of engaging people, deciding, planning, and playing active part in the development and operation of services that affects lives (Ibid). Public participation is an important component of integrated and sustainable development and governance in a democratic South Africa (Barichievy, Piper & Parker, 2005: 370). According to DPLG (2007: 15), public participation is encouraged for four reasons; firstly, for the legal requirement to consult; secondly, to make development plans and services relevant to local needs and situations; thirdly, to hand over responsibility for services and promote community action; and lastly, to empower local communities to have control over their own lives and livelihoods (Ibid). According to DPLG (2007: 15) there are basic assumptions underlying public participation. These include the following:

- “Public participation is designed to promote the values of good governance and human rights;
- Public participation acknowledges a fundamental right of all people to participate in the governance system;
- Public participation is designed to narrow the social distance between the electorate and elected institutions;

- Public participation requires recognising the intrinsic value of all of our people, investing in their ability to contribute to governance processes;
- People can participate as individuals, interest groups or communities more generally;
- In South Africa in the context of public participation community is defined as a ward, with elected ward committees;
- Hence ward committees play a central role in linking up elected institutions with the people, and other forums of communication reinforce these linkages with communities like the izimbizo, roadshows, the lekgotla and so forth”

DPLG (2007: 15).

According to Brinkerhoff and Crosby (2002: 55), participation means that policy managers need to give thought to the objectives to be realized through expanded participation. There are objectives that are mostly of benefit to the newly participating groups, that may eventually increase the chances of implementation and sustainability of a new policy (Ibid). Other objectives for expanded participation entail enhancing the successful implementation of a policy and improved service delivery (Ibid).

Another set of objectives tries to increase the legitimacy, support, responsiveness and transparency and expanding participation can reduce opposition to a particular policy (Ibid). According to the Public Service Commission (PSC) (2008: 18), the objectives of public participation are: providing the communities with feedback on service delivery issues; providing platforms for regular interaction between political leaders and communities; maintaining the izimbizo protocol; consolidating the post-izimbizo reports; engaging on issues to be explored further; and lastly heightening the fact-finding process (PSC, 2008: 18).

According to the DPLG (2007: 22) there are nine principles of public participation that guide municipalities in service delivery. These principles are:

- Inclusivity which entails acceptance of views and opinions in the process of public participation.
- Diversity which encompasses the differences associated with race, gender, religion, ethnicity, language, age and economic status in a community participation process.

- Building community participation involving capacity building to ensure the empowerment of role players so that they understand the objective of community participation.
- Transparency which entails the promotion, openness and honesty among the role players in a participation process.
- Flexibility which is the ability to make room for change for the benefit of the participatory process. If built into the participatory processes upfront, this principle allows for adequate public involvement.
- Accessibility ensures that the role players are at the practical level and are able to make input into the process.
- Accountability - the assumption by the participants of the responsibility in a participatory process for their individual actions and conduct and also the willingness and commitment to implement all measures and decisions in the course of the process.
- Trust, Commitment and Respect where trust is required in a public participation process but, is used to refer to confidence in the ability of the process and those facilitating the process.
- Integration entails that community participation processes are integrated into mainstream policies and services, such as the IDP process, and service planning

(DPLG, 2007: 22).

Brinkerhoff and Crosby (2002: 62-63) argue that there is a need for clarifying who participates, what kind of participation is being undertaken and how is it undertaken. These criteria help to establish who will be involved, how they will be involved and what is intended (Ibid). From these criteria there is a need to identify the objectives of participation which can be premised primarily on the benefit to the group which often increases sustainability. Another set of objectives enhances successful policy implementation and increases support, legitimacy, transparency and responsiveness (Ibid: 68). Theron, Ceaser and Davids (2007: 2) argue that public participation consists of two main benefits for democratic policy-making processes. Firstly, participation leads to better policy outcomes. Secondly participation supports the public in developing the capacity for improving their lives. Masango (2002: 55-56) argues that it allows the input of the public to be considered during the policy-making process and implementation.

According to the DPLG (2007: 17), improving public participation in government can enhance good government in eight significant ways which are the following: “Increased level of information in communities; Better need identification for communities; Improved service delivery; Community empowerment; Greater accountability; Better wealth distribution; Greater community solidarity; Greater tolerance of diversity” (Ibid). It is crucial to explore different forms of public participation. Therefore, the following section discusses types of public participation.

There are different kinds of community participation mechanisms. These mechanisms include creativity and complexity to the type of technology used (Brinkerhoff and Crosby, 2002: 64). There is no formula for selecting the accurate combination of mechanisms for a particular process (Ibid). Furthermore, each mechanism has benefits and shortcomings. Reaching efficient and reasonable community participation depends mainly on choosing the appropriate combination of strategies to be used (Theron, 2005: 123). The mechanisms for community participation can be categorised into a range of groups depending on one's interest. These are information sharing, consultative, collaborative, shared decision making and empowerment mechanisms (Brinkerhoff and Crosby, 2002: 65-69). In the paragraphs below, these groups will be discussed.

1. According to Brinkerhoff and Crosby (2002: 65) information sharing is the most basic level of public participation. This mechanism offers the least active involvement for external stakeholders (Ibid). Moreover, control of the information to be shared remains with the policy managers and organisations are governed by the rules and regulations.
2. Consultative mechanisms allow for democratic community participation, especially between elections (Brinkerhoff & Crosby, 2002: 65). Stakeholders are requested to give their views on a given policy. Consultative processes ought to identify relevant stakeholders and encourage their participation (Ibid). Consultation works best when stakeholders are given enough opportunities to develop an understanding of issues to allow informed involvement. Input can be developed and improved by participation of groups with experience in the anticipated policy areas (Ibid: 65).
3. Collaborative mechanisms assign policy design, implementation and monitoring tasks to external groups while government holds the final decision-making authority (Brinkerhoff and Crosby, 2002: 65). Collaboration is appropriate when the public sector cannot realise policy goals without bringing in the knowledge and capacity of partners. Collaboration is a type of participation that takes place through the formation of joint

committees with stakeholder representatives, task forces and joint working groups (Ibid).

4. Shared decision-making mechanisms address the power gaps among the collaborating parties. This type of participation allows for stakeholders to develop policy and engage in the choice option (Brinkerhoff and Crosby, 2002: 65). Shared decision-making takes place through the periodic use of short-term structures such as discussion forums, workshops and task forces where discussions are centred on the purpose of the priorities (Ibid).
5. Empowerment entails that public officials allow external stakeholders to achieve their own objectives by providing space for increasing capacity and independent initiation and the pursuit of actions (Brinkerhoff and Crosby, 2002: 65). The empowerment mechanism allows for the equitable sharing of power and a great level of political awareness. Moreover, empowerment entails the capacity building of stakeholder organisations, and strengthening the financial status of stakeholder organisations (Ibid).

2.4. Democracy

Public participation is an important part of democracy hence this section discusses democracy. Democracy is regarded as the rule of people by a system of choosing the government through free and fair electoral competition at regular intervals (Diamond, 1999: 3). There are two types of democracies namely direct democracy and liberal or representative democracy (Ibid: 4). In direct democracy, citizens participate in decision making; and in liberal or representative democracy, citizens elect representatives who create laws and policies (Ibid). Edigheji (2005: 5) suggests that the basic principles of liberal democracy are citizen participation, equality, political tolerance, accountability and transparency. However, he argues that representative democracy advances social and political rights. It is important to point out that representative democracy does not necessarily mean that the concerns of the most vulnerable in society are taken into consideration in decision-making. He argues that this type of democracy is not enough and that there is a need for liberal democracy which, in principle, yields to good governance. Liberal democracy makes government more accountable and responsive, and executive power is constrained by the rule of law, public participation and peaceful protest (Ibid).

There are two fundamental principles of democracy: firstly, the principle of individual autonomy which holds that no one should be subjected to rules that have be enforced by others. The second is the principle of equality that everyone should have the same opportunity to

influence the decisions that affect their lives (Diamond, 1999: 3). Masango (2002: 54) also argues that participation should not be limited only to elections, but proposes that participation should also be extended to decision-making. According to Wenzel (2007: 3), the South African constitutional design ensures that public participation is a structure of a democratic society. With regards to democracy and public policies, Colebatch (2002: 32) notes that there are two main dimensions of policy that help in understanding who makes policy, and these dimensions are vertical; which views policy as the rule of higher ranked officials who allegedly make all the policy decisions and transmit them to the lower ranked officials for implementation. On the other hand, there is the horizontal dimension which emphasises that there are different participants involved in the policy making process.

The horizontal dimension of policy would seem to incorporate the notion of aligning public participation to liberal democracy and direct democracy in South Africa. In horizontal governance, consensus and negotiation are perceived to be the most important factors in the policy process (Agranoff & Mc Guire 1999: 25). However, van Rooyen (2003: 129) argues that the horizontal approach to governance is not the same as the conventional approach to consultation, which invites people to make comments on the policy process. Instead the government institutions merely invite comment from stakeholders and take their inputs by integrating them into government decisions. Democracy makes government accountable to a wider range of citizens leading to good governance (Diamond, 1999: 3). In this sense democracy is aimed at improving citizens' socio-economic conditions. Moreover, democratic developmental states ensure citizens' participation in the development and governance processes (Edigheji, 2005: 4). The next section outlines governance.

2.4.1. Governance

The World Bank (1994: 3) refers to governance as "the manner in which power is exercised in the management of a country's economic and social resources for development". Governance is also described by Putu (2006: 9) as a broad reform strategy and initiative to strengthen the institutions of civil society with the objective of making government more accountable, transparent, and democratic. The implication of this statement is that the concept of governance is directly concerned with the managing of the development process, thus involving the public and the private sectors (Abdellatif, 2003: 5). Brinkerhoff and Crosby (2002: 7) suggest that governance seeks to engage citizens effectively in politics and policy making usually by strengthening civil society. Furthermore, the aim is to alter how public agencies operate so as to fill them with democratic principles. Governance refers to processes of governing

undertaken by a government, through the laws, norms and powers leading to decision-making and accountability (Abdellatif, 2003: 3). Moreover, governance refers to the process where government exercises political, social and economic powers to manage a country's affairs.

2.4.2. Good Governance

Abdellatif, 2003: 3) defines good governance as a “process by which public institutions conduct public affairs, manage public resources and guarantee the realisation of human rights” (Ibid). The World Bank assumes that good governance implies liberal, free market-orientated democracy (World Bank 1994:5). According to (Good Governance Learning Network (GGLN), 2008: 11) good governance emphasises the principles of accountability, responsiveness, transparency, rule of law, participation and the enjoyment of human rights. Abdellatif (2003: 4) argues that good governance is premised on a broad consensus in society, when the voices of the poor are heard and the vulnerable majority is involved in decision-making. The GGLN (2008: 12) perceives participation as “a key cornerstone of good governance is participation by both men and women”. However, Camerer (1997: 1) argues that good governance establishment is a core dimension of sustainable economic growth. Participation can be either direct or through legitimate intermediate institutions or representatives. The notion of democracy would promote development and good governance (Abdellatif, 2003: 4). Moreover, good governance depends on the degree which ordinary people perceive government to be legitimate and corruption as an antithesis (Ibid).

2.4.3. Democratic Governance

Brinkerhoff and Crosby (2002: 7-8) argue that there are operational features that characterise democratic governance and these are:

- High levels of transparency and accountability where information is easily accessible and shared and decision making processes are open.
- Structures and procedures allow the incorporation of the views of different societal groups in policy formulation.
- Operations are within the institutional framework that recognises the rule of law and respects human rights.

According to Diamond (2005: 1), a country cannot develop without democracy and that democracy cannot be sustained without development. The argument is that a country can only achieve absolute fundamental conditions for development if the government is responsive to the communities (Ibid). The premise for this assertion is that the majority must be involved in

the decision-making process for development to be sustainable. Brinkerhoff and Crosby (2002: 8) argue that democratic governance is concerned with the manner in which citizens make use of power to influence the government. It is also concerned about whether or not the government and its leaders are accountable and responsive to community needs. Phillips et al. (2004: 4) argue that the move towards public participation is due to the transformation of a mind-set from vertical to horizontal governance which takes into account the issue policy networks. The partnership of different actors and their networks are crucial. Agranoff and McGuire (1999: 20) define networks as “structures of interdependence involving multiple organisations or parts thereof, where one unit is not merely the formal subordinate of the others in some larger hierarchical arrangement”.

Policy networks refer to social structures that allow inter-organisation and interactions of exchange and joint action (Agranoff & McGuire, 1999: 21). It is centred on the interdependency of different actors and it is a reaction against the classical management approach. Crucial for management is to manage potential actors in networks so that it can adapt to the ever- changing environment, flexibility and capacity innovation (Ibid). According to Agranoff and McGuire (1999: 21) network settings are not based on a central authority, but the role of network managers includes selecting appropriate actors, resources and shaping the operational environment. Agranoff and McGuire (1999: 25) argue that horizontal governance, consensus and negotiation are perceived as important factors in the policy process. According to Brinkerhoff and Brinkerhoff (2001: 168), the last two decades focused on redirecting the role of the state away from the direct provision of services towards steering, which includes policy, guidance and regulation. Managing governance through networks leads to expanded linkages connecting government to private firms, civil society, non-governmental organisations (NGOs) and other sectors (Ibid). The state-civil society network is a cross-sectoral collaboration aimed at achieving convergent objectives through combined efforts from both actors (Ibid: 169).

Networks are typically intersectoral, intergovernmental and functionally based on a policy area. Furthermore, it is argued that this approach to governance does not give a conventional approach to consultation, which invites people to make comments in the policy process. Instead it integrates stakeholder’s inputs into the decisions of government (Agranoff & Mc Guire, 1999: 25). According to Brinkerhoff and Brinkerhoff (2001: 99), networks came about as a result of public reform but they concur with the foregoing explanation that a network is centred

on the interdependencies of different actors. Hence these networks may include civil society organisations and government joining efforts to deliver service.

2.4.4. Participatory Governance

This section will first define the local government and then discuss participatory governance. According to Atkinson (2002: 17) local governments are ‘polities’ in their own right which are not simply bureaucratic structures, but are elected directly by citizens, and party politics plays an important role in municipal governance. The representation is seen as a difficult activity given the combined complications related with local governments and therefore requires strategic capacities. The first is the calibre to perform multiple responsibilities to the constituencies and the municipal council. Secondly, the challenging relationships between municipal officials and politicians need to be explained and institutionalised. Thirdly, the role of other stakeholders, in particular ward committees, has to be clarified and institutionalised; and lastly public participation needs to be made more effective and be enhanced (Ibid).

Local government is described as the pillar of democracy where politics meets people. According to De Villiers (2008: vii) political plans and decisions ought to be the result of a participative process. However, local government depends on other spheres of government which are the provincial and national, as is the case in South Africa (Ibid). Thus accountability can take a number of forms and levels but more importantly emphasis is on the local citizen (Govender, 2008: 6). According to Reddy (1999: 209), the developmental local government comprises of four characteristics. Firstly, in order for their economic growth and social development impacts to be maximised they have to exercise their municipal functions and powers. Secondly, development has to be democratised. Thirdly, to ensure there is alignment between private and public investment, local government has to play the co-ordinating and integrating roles. Lastly, local government has to provide community leadership and vision, which aims to empower groups that were marginalised and excluded in a community to ensure social building capacity (Reddy, 1999: 209).

Furthermore, the local government is accountable to the community it serves and is perceived as being responsive to local needs. There is also an emphasis on information, accessibility, transparency and constant interaction with communities (Ibid). Given this backdrop, participation is underlined as a requirement for effective local governance. The argument that supports participation is that development programmes will be seen as legitimate if stakeholders are part of the decision-making (Davids, Theron & Maphunye, 2005: 111). The

South African Constitution enshrined the principles of participatory governance as one of the most remarkable achievements of the democratic government (RSA, 1996). Hence the following section will discuss participatory governance.

Participatory governance is viewed as one of many institutional guidelines of development governance (United Nations (UN), 2007: 4). “Participatory governance is described as a regulatory framework in which the task of running public affairs is not solely entrusted to government and the public administration, but involves co-operation between state institutions and civil society groups” (Friedman 2006: 4). It is argued that the reasons for participatory governance include redressing the remoteness of national and provincial governments and also to improve the responsiveness of the local government more especially with the issue of service delivery (Piper & Deacon, 2009: 415). Participatory governance entails institutional processes that allow citizens to exercise their voice and vote. This results in the implementation of public policies that bring changes into people’s lives (Wampler & McNulty, 2011: 6).

Moreover, participatory governance is regarded as an institutional strategy for development and has been rooted in the ideas of state accountability and responsiveness to the people (Piper & von Lieres, 2008). According to Piper and von Lieres (2008), participatory governance has structural and procedural instances, where, structurally, it has to provide for ward committees to be established in each ward of a municipality and procedurally, public involvement is necessary in various decision-making processes. However, according to Piper and von Lieres (2008), research advocates that the democratic and delivery dividends from participatory governance are few and far between. Piper and Deacon (2009: 416), argue that participatory governance is not representative democracy, but it refers to the manner in which municipalities govern between elections. Given that participatory governance improves the responsiveness of government, it makes room for public participation. There are three aspects of participatory governance; these are the redefinition of the municipality, the requirement for public participation and the ward committees (Piper & Deacon, 2009: 416). The redefinition of citizens as part of the municipality is claimed to be distinctive, and creates the platform for public involvement in municipal affairs (Parker et al., 2005: 374). While the practical implications of this definition are not clear as yet, the conceptual, normative, and potentially legal implications seem deserving of attention (Ibid).

Public participation is a requirement for public involvement in various decision-making processes. Hence, Chapter Four of the RSA, 2000 details the processes and procedures

municipalities must adopt to promote community participation (RSA, 2000). According to Piper and Deacon (2009: 416), the one structural element of public participation is the ward committees. “A ward committee is an ‘invited’ space that is created to serve the interest of the state because it has to consist of ten members with the ward councillors as the chairperson” (Cloete 2012: 58). The most important role of the ward committee is that it is a formal communication channel between the community and the council (DPLG, 2005: 5). The Municipal Structures Act Section 74 (a) sets out that a ward committee may make recommendations on any matter affecting its ward to the ward councillor; or through the ward councillor to council. It is also to have a say in decisions, planning and projects that the council or municipality undertakes that have an impact on the ward (Ibid: 9).

DPLG (2005: 9) refers to the ward committee as a ward structure that is meant to increase the participation of local residents in municipal decision-making, since they are a direct link with the council. It is further argued that a ward committee is a representative of the local ward, in principle, and they are not politically affiliated (Ibid). The ward committee should be involved in matters of the Integrated Development Planning (IDP) process, municipal performance management, the annual budget, council projects and any other municipal activities that impacts on local people (DPLG, 2007: 54). Some of the functions of the ward committees are to identify projects that impacts on people to improve the lives of people in the ward (DPLG, 2005: 11).

2.5. Models of Public Participation

Arnstein (1969: 216) suggests that “citizen participation is a categorical term for citizen power. It is the redistribution of power that enables the have-not citizens, presently excluded from the political and economic processes, to be deliberately included in the future”. This assessment emphasises that public participation occurs in different types and categories within which power is centred. Furthermore, there is a distinction between participation that is a token and that which is meaningful participation that provides participants with the power to influence results (Arnstein, 1969: 216). The argument is that participation without power is an inadequate process. This can end up as a burden to those without power. As a result, this kind of participation suggests that participant’s ideas have been considered, while in reality it does not lead to any changes in the policy (Ibid).

Arnstein’s model (1969: 216) of a ladder of citizen participation makes a distinction between the participation and non-participation of citizens. She distinguishes eight levels of

participation arranged in a ladder pattern with each level corresponding to the extent of citizens' power in determining the end product. The two bottom levels of the ladder describe levels of nonparticipation and these are Manipulation and Therapy. Their objective is to enable power holders to "educate" or "cure" the participants and discourage people to participate in planning or conducting programs (Ibid). This occurs as the substitute for participation, where the citizens are not given the opportunity to express their views and ideas on issues that are of concern to them. Non-participation serves as a single stream of communication that aims at educating the participants. According to Arnstein (1969: 248), manipulation is the main feature in nonparticipation, where mostly the officials educate, persuade and advise the citizens. This level follows the top-down approach, where a few elites make decisions for the citizens on behalf of the citizens without considering public views and inputs (Ibid).

Levels 3 and 4, Informing and Consultation, advance to levels of "tokenism" that allow the have-nots to hear and to have a voice but lack power to protect their views. Level 5, Placation, is a higher level of tokenism, where the ground rules allow have-nots to advise, but power holders hold the right to decide (Arnstein, 1969: 216). Tokenism is a stage where the power-holders inform the citizens and acknowledge their support, where participation happens but with the power of setting the agenda residing within the influential power-holders. According to Arnstein (1969: 246) people do not have enough power to ensure that their views are taken into consideration by the decision-makers.

Up the ladder are levels of Citizen Power with increasing degrees of decision-making power. According to Arnstein (1969: 216) Citizen Power is the ideal level of participation where both the citizen and the decision-makers engage each another in an attempt to find solutions to a particular problem. Citizens can move into Level 6, Partnership, that allows them to negotiate and engage in trade-offs with traditional power holders. At the top levels, 7 Delegated Power and 8 Citizen Control, have-not citizens have the majority of decision-making powers (Ibid: 217). This level is characterised by the distribution of power, through a process of negotiations in an attempt to reach consensus on the issues of common interest.

2.6. Public Participation Opportunities and Challenges

There are several purposes for public participation. According to Bryson et al. (2013: 29) these purposes may include: "fulfilling legal requirements; embodying the ideals of democratic participation and inclusion; advancing social justice; informing the public; enhancing understanding of public problems and exploring and generating potential solutions; and

producing policies, plans and projects of higher quality in terms of their content". The crucial argument for public participation is that it is an important end in a democratic society. Participation plays a key role in reflecting and creating citizenship, the public and public values. Though public participation requires resources such as skill, time and money, it can create a number of advantages (Quick & Bryson, 2016: 3).

The key element of public participation is to encourage the community to have meaningful input into the decision-making process (Theron, 2005: 122). Public participation therefore provides the opportunity for communication between decision-makers and the public. Citizens may contribute to decision-making by providing information and different ways of seeing an issue and the motivation to address problems (Quick & Bryson, 2016: 4). Participation may assist government decision-makers and the public to become more knowledgeable and informed and to develop a larger view of issues (Fung, 2006: 68). Public participation supports a more equitable distribution of limited public resources (Quick & Bryson, 2016: 4). Moreover, public participation can assist by providing resources for future problem-solving and implementation to address public issues. This can be done by enhancing trust and legitimacy, building relationships and knowledge and interest about policy issues and processes (Ibid).

Although there are benefits to participation in the policy process, public participation can also have some challenges. According to Nanz and Dalferth (2010: 3), public participation is a process where different actors are involved in policy making before political decisions are taken. However, Theron and Ceaser (2008: 100) view public participation in South Africa as often being unstructured, unbalanced and uncoordinated. The decentralisation of governance in South Africa was meant to ensure that the government and the community come closer to each other.

Hence for decentralising functions was that it increases official's knowledge and sensitivity to local problems and needs (Gonzalez, 1998: 10). Hicks (2006) argues that some municipalities are accused of serving as extensions of local councils, rather than as independent community structures. Moreover, the ability of ward committees to function effectively as communication channels between municipal councils and communities is constrained by poor communication strategies and a lack of accessible information at a ward level. Though there are a number of advantages related to public participation in decision-making processes and planning, there are also disadvantages. According to Davids (2005: 28), structures established for public participation in the policy process may lead to unnecessary competition and conflict between

existing local structures and those established for public participation. According Bryson et al. (2013: 28), public participation can be time-consuming and sometimes expensive. To be able to perform public participation effectively, institutions need to have capacity and to train staff (Ibid). Creighton (2005: 18) views public participation as a process that involves people and their governing institutions, and, as such, it tends to create the potential for conflict, as people are not all the same, even in the views they possess on particular issues. According to Creighton (2005: 19), when people participate in government activities the emergence of conflict should be anticipated, so that they often reach consensus through a compromise.

2.6. Conclusion

This chapter has discussed the theoretical framework that underpins this study. The chapter has described the policy process, in which it discussed the different stages involved in the policy process. The chapter examined public participation and theories involved in public participation. It focused on the rationale for public participation, emphasising the importance of involving relevant stakeholders in the policy process. This was associated to power issues in the policy process, stressing that a participation policy process is meaningless without power. The chapter also explored public participation with the opinion that public participation in policy processes enhances democracy. It also looked at ways of promoting public participation in the policy process within the context of governance, good governance and democratic governance. The chapter then looked at Arnstein's model of participation which is referred to as a ladder of citizen participation that makes a distinction between participation and non-participation of citizens. In this regard, policy is viewed as a process which is both inclusive and exclusive of other groups of people. Policy is often advantageous to those with power and resources, while excluding those without resources. Moreover, this theory advocates that the lower forms of participation do not provide actual influence by the public in the policy process. It also explored opportunities and challenges to public participation in the policy process.

Chapter 3: Policy and Legislative Framework for Public Participation in South Africa

3.1. Introduction

The post-apartheid South African Government adopted legislation frameworks that promote good governance, accountability, self-reliance, transparency, efficiency and effectiveness in all spheres of government. The new government dedicated its effort on changing and developing decentralised organisations, such as local government with independence from other spheres of government. This was done to create an enabling environment for community consultation thus strengthening good governance in South Africa. Public participation in South Africa is achieved through various pieces of legislation and policies that promote effectiveness and efficiency in the public sphere of government.

This chapter outlines the policy and legislative framework for public participation in South Africa. It also discusses the main statutes and regulations in relation to public participation and ward committees and looks at the international and regional agreements that influence public participation in South Africa. The chapter also describes the South African legislation that indirectly informs public participation at a national, provincial and local level. The chapter discusses the following legislation that informs public participation: The South African Constitution, 1996; the Municipal Structures Act, 1998; the Municipal Systems Act, 2000; the Municipal Electoral Act, 2000; the Municipal Finance Management Act, 2003 and the Guidelines for the Establishment and Operation of Municipal Ward Committees, 2005.

3.2. International and Regional Agreements in Public Participation

International and regional agreements, to open up governmental decision-making processes, are urging national governments to take steps to improve accountability, transparency and participation (SALS, 2013: 24). Principle 10 of the Rio Declaration was adopted by nations around the world at the 1992 Earth Summit in Rio. The Rio Declaration emphasises the importance of the public to access judicial procedures and processes, information and participation in decision-making processes (Ibid). The United Nations Economic Commission for Europe adopted the Convention on Access to Public Participation in Decision-making, Information, and Access to Justice in Environmental Matters in 1998 (SALS, 2013: 24).

The International Association for Public Participation (IAP2) is an international association of members who seek to promote and improve the practice of public participation. This is done

in relation to individuals, governments, institutions and other entities that affect the public interest in nations throughout the world. The IAP2 (2002) has adopted a set of Core Values for Public Participation. These values are intended to serve as the warrant for public participation practices. The Core Values have been set up as follows:

- “Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
- Public participation includes the promise that the public’s contribution will influence the decision.
- Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
- Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- Public participation seeks input from participants in designing how they participate.
- Public participation provides participants with the information they need to participate in a meaningful way.
- Public participation communicates to participants how their input affected the decision”.

(IAP2, 2002).

3.3. The Constitution of the Republic of South Africa (1996)

South Africa is a democratic country under a constitution which entrenches human rights. The constitution emphasises the need for the improvement of the living conditions of all citizens (RSA, 1996). It is a requirement that local government must consult and involve local communities in the processes when policy decision-making falls within their jurisdictions (Ibid). Moreover, it promotes inclusivity, in that it foresees the creation of a South African society grounded on democratic values and social justice (DPLG, 2007:17).

The South African Constitution (RSA, 1996) Section 59(1) mandates the National Assembly to “facilitate public involvement in the legislative and other processes of the Assembly and its committees”. It is this mandate that informs the establishment of public participation in South Africa. The idea of public participation in all spheres of government is embedded in the South

African Constitution. For the local sphere of government, the Constitution states the objects of the local government in section 152(1) as follows: “[to]encourage the involvement of communities and community organisations in the matters of local government”; and in Section 195 (e): “people’s needs must be responded to, and the public must be encouraged to participate in policy-making” (RSA, 1996).

The Constitution of the Republic of South Africa 1996 perceives the local government sphere as important in promoting democratisation (Ibid). The Constitution give emphasis to the principles of accountability, transparency and openness. This is important for public participation, in that it enforces an obligation on government, mainly its elected representatives, and encourages interaction between the government and the communities (Ibid). The White Paper on Local Government (WPLG) (1998), also placed emphasis on public participation and provide a basis for developmental legislation.

3.4. White Paper on Local Government (1998)

According to the WPLG (1998) municipalities are obliged to develop mechanisms to ensure public participation in policy formulation, and the implementation, monitoring and evaluation of programmes. A system of participation has to be developed by each municipality (Ibid). The main aim of the White Paper is to provide the framework for the transformation of local government by setting up principles, guidelines, recommendations, proposed policies and programmes in South Africa. The WPLG (1998) creates an ideal of the new role of local government, which emphasises working with local communities and improving the quality of people’s lives (Ibid). The WPLG (1998) makes provision for community participation in the local government sphere to enable continuous input into local politics from local citizens; to afford consumers of services an opportunity to participate on the way services are delivered; and to allow civil society the opportunity to partner with local government (WPLG, 1998).

The participation of local communities in meeting with the local government is a key factor in South African developmental local government (Ibid). The WPLG (1998) also states that municipalities should develop mechanisms to ensure community participation in developmental government.

The objectives of a developmental local government are set out in section B of the WPLG (1998) as maximising social development and economic growth where local government powers and functions should be exercised in a way that has maximum impact on the social development of communities; democratising development where municipalities can offer

support to community initiatives; and directing community energies into projects and programmes which benefit the whole area (WPLG, 1998).

According to WPLG (1998), local government should adopt a strategic and integrated approach to governance in order to address service delivery related challenges. This involves seeking partnerships actively with all stakeholders that contribute to the development of an area. Thus municipalities are seen as the main location to include public participation. According to the WPLG (1998), municipalities need active participation by citizens at four levels:

- As voters to warrant maximum democratic accountability of the elected politicians for the policies they are empowered to promote.
- As citizens to express views through different stakeholder associations, before, during and after the policy development process in order to maintain that policies mostly reflect community preference.
- As end-users and consumers, who expect affordable services, value-for-money, and responsive and courteous service.
- As organised partners involved in the mobilisation of resources for development through non-governmental organisations, for-profit businesses, and community-based organisations (WPLG, 1998).

The WPLG (1998) further suggests that there should be mechanisms developed by the municipalities to enable citizen participation in policy initiation and formulation, and the monitoring and evaluation of decision-making and implementation. The following mechanisms are suggested to promote public participation:

- “Forums initiated from within or outside local government allow organised formations to initiate policies and/or influence policy formulation, as well as participate in monitoring and evaluation activities. Forums tend to work better when it comes to formulating either general community-wide development visions or issue-specific policies, rather than for formulating multiple policies that affect a multiplicity of interests.
- Structured stakeholder involvement in certain Council committees, in particular if these are issue-oriented committees with a limited lifespan rather than permanent structures.
- Participatory budgeting initiatives aimed at linking community priorities to capital investment programmes.

- Focus group participatory action research conducted in partnership with nongovernmental organisations and community-based organisations can generate detailed information about a wide range of specific needs and values.
- Support for the organisational development of associations, in particular in poor marginalised areas where the skills and resources for participation may be less developed than in better-off areas. This is important because citizens tend to participate via associations rather than as individuals”.

3.5. Municipal Structures Act (No. 117 of 1998)

The Municipal Structures Act (RSA, 1998) was the first piece of legislation for a developmental role in specific terms, with the structures and processes required to effect public participation and consultation in South Africa. The Municipal Structures Act (RSA, 1998) obliges municipalities to develop mechanisms to facilitate community and public involvement in local governance. The purpose of the Act is “to provide for the establishment of municipalities in accordance with the requirements relating to categories and types of municipality; to establish criteria for determining the types of municipality that may be established within each category”.

The Act sets criteria for determining the category of municipality to be established. It also describes the types of municipality within each category and the relevant division of powers and functions between categories of municipality. Chapter 3, Section 19 of the Municipal Structures Act (RSA, 1998) requires municipalities to achieve the objectives set out in section 152 of the Constitution which is to develop mechanisms to consult with communities. Chapter 4 (Part 4) of the Municipal Structures Act (RSA, 1998) mandates municipalities to establish ward committees to enhance participatory democracy in local government. Section 72 of the Municipal Structures Act (RSA, 1998) provides for the establishment of ward committees which may advise the local municipality on local matters. This means that municipalities need to advance public participation mechanisms such as the ward committee participatory system. The uMshwathi Municipality belongs to the group of local municipalities that have an established ward committee participatory system. In terms of Section 72 (3) of the Municipal Structures Act (RSA, 1998), “the object of a Ward Committee is to enhance participatory democracy in local government”.

3.6. Municipal Systems Act (No. 32 of 2000)

The Municipal Systems Act (RSA, 2000) provides that local participation is required to take place through political structures such as ward committees in municipal affairs. This Act emphasises the importance of community participation in the activities and functions of municipalities. The legal nature of a municipality is defined by the Municipal Systems Act (RSA, 2000) as, “including the local community within the municipal area, working in partnerships with the municipality’s political and administrative structures; to provide for the manner in which municipal powers and functions are exercised and performed to provide for community participation”. Section 4 of the Municipal Systems Act (RSA, 2000) stipulates that the council has the duty to encourage local community involvement and consulting citizens about the range, level of quality and impact of services delivered by the municipality through direct means or through another service provider Municipal Systems Act (RSA, 2000).

Section 5 of the Municipal Systems Act (RSA, 2000) provides that members of the community have the right to participate in the decision-making processes of the municipality and submit representations, complaints and recommendations in the form of writing or orally, to the municipal council; to be informed of decisions of the municipal council; and lastly have the right to regular disclosure of the municipal affairs, including municipal finances (Ibid).

Chapter Four Section 16 of the Municipal Systems Act (RSA, 2000) obliges the municipalities to create a culture of municipal governance that complements recognised representative government with a participatory governance system. For this purpose, they must create an enabling environment for the community to participate in the municipal affairs during the preparation, implementation and review of the municipal IDP; to build the capacity for local citizens to participate in municipal affairs; and for councillors and staff to foster community participation Municipal Systems Act (RSA, 2000). According to Section 42 of the Municipal Systems Act (RSA, 2000), municipalities, through appropriate mechanisms, processes and procedures, must include the local community in the review, development and implementation of the municipalities’ performance management systems. Moreover, municipalities must allow for community participation in the setting of appropriate key performance indicators and performance targets of the municipality (Ibid).

Section 17 of the Municipal Systems Act (RSA, 2000) provides for processes, mechanisms and procedures for public participation. Furthermore, it provides that participation by the local

community in the affairs of a municipality must take place through political structures for participation, in terms of the Municipal Structures Act (RSA, 1998);

- The mechanisms, processes and procedures for participation in municipal governance, in terms of the Municipal Systems Act (RSA, 2000).
- Other appropriate mechanisms, processes and procedures established by the municipality and; councillors.
- Generally applying the provisions for participation, as provided for in the RSA, 2000.

Section 18 (1) of the Municipal Systems Act (RSA, 2000) makes provision for municipalities to communicate to its community, information regarding the processes and procedures and the available mechanisms to encourage and facilitate public participation. According to section 17 (2) of the Municipal Systems Act (RSA, 2000), a municipality must establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality and must provide for the following:

- the receipt, processing and considerations of petitions and complaints lodged by any members of the local community;
- notification and public comments procedures, when appropriate;
- public meetings and hearings by the municipal council and other political structures and political office-bearers of the municipality, when appropriate;
- consultative sessions with locally recognised community organisations and, when appropriate, traditional authorities;
- report back to the local communities Municipal Systems Act (RSA, 2000).

3.7. Municipal Electoral Act (No. 27 of 2000)

The Municipal Electoral Act, 2000 was promulgated in order to control municipal elections. In terms of Section 7 of this Act any person may vote in a municipal election if registered as a voter on the certified segment of the voter's roll for a voting district that falls within his or her municipality. The provisions of the Municipal Electoral Act (2000) give effect to the provisions of Section 19 (a) of the Constitution, which allows for all citizens, to participate in the governance of their areas by voting for a political party and public representative committed to community interests.

3.8. Municipal Finance Management Act (No. 56 of 2003)

The Municipal Finance Management Act (MFMA) (2003) was promulgated in order to protect the management of the financial affairs of municipalities at the local sphere of government and to establish treasury norms and standards for the local sphere of government. The public is involved in participating in securing the sound and sustainable management of the financial affairs of municipalities at the local sphere of government, through this Act. Section 23 of the MFMA (RSA, 2003) provides that the municipal council must consider the views of the local community when tabled for approval. Section 84 of the MFMA requires a public participation process before a municipality establishes a municipal entity MFMA (RSA, 2003). In terms of section 130 of the MFMA the Council meetings must be open to the public and organs of state and that a realistic time must be allowed:

“for the discussion of any written submissions received from the local community or organs of state on the annual report; and for members of the local community or any organs of state to address the Council” MFMA (RSA, 2003).

This stipulates that a council must consult the community on the annual tabled budget which provides an opportunity for community members to be able to address citizen problems in the full council meeting of the municipalities MFMA (RSA, 2003).

3.9. The Local Government Municipal Property Rates Act (No. 6 of 2004)

The Local Government Municipal Property Rates Act (RSA, 2004) sets the power of a municipality to enforce rates on property. The Act gives insights into the exclusion of some properties from paying rates in the national interest. Moreover, it makes provision for municipalities to implement a system of exemptions, reductions and rebates through rating policies. It is crucial that the rates of the municipality that need to be increased or reduced be commented on by the citizens who are affected. This is done through a public participation process whereby the municipality invites the community and stakeholders to raise concerns. A municipal council, which is embodied by councillors who represent different communities in a municipality, has the authority to govern and exercise the policymaking and legislative authority of the municipality. It is important for the municipality to follow a public participation process in accordance with Chapter 4 of the Municipal Systems Act (RSA, 2000), which states that the municipality must develop a culture of community participation before it adopts any rates policy.

3.10. Public Participation and Ward Committees

3.10.1. Guidelines for the Establishment and Operation of Municipal Ward Committees

The Municipal Systems Act prepares the guidelines for the establishment and operation of municipal ward committees. These guidelines were gazetted by the Department of Provincial and Local Government (DPLG) (Notice No. 965 of 2005). The guidelines complement legislation by providing a guide to municipalities. The guidelines equip ward committee members and councillors on procedures to be followed in establishing ward committees. Moreover, it guides ward committee members on the way they are expected to operate and on their conduct.

The guidelines require ward committees to prepare an annual training needs assessment and capacity building for ward committee members. The guidelines also refer to ward committees as an object to enhance participatory democracy in local government (Ibid).

Furthermore, the guidelines describe a ward committee as an advisory body, a representative structure, an independent structure and an impartial body that must perform its functions without fear, favour or prejudice. Ward committee meetings are required by the Guidelines to sit at least quarterly. Public meetings should also be convened regularly (Notice No. 965 of 2005). Public meetings are supposed to allow the ward committee members and ward councillor to raise the concerns and inputs of the community regarding the service delivery and to report back to the community on issues that affect the ward (Notice No. 965 of 2005). According to DPLG (2007: 54). Ward committees may make recommendations on any matter affecting its ward, to the ward councillor; or through the ward councillor, to the local council Municipal Structures Act (RSA, 1998). This Act allows for a Category A municipality with a sub-council or ward participatory system, or a Category B municipality with a ward participatory system, and Executive Committees or Executive Mayors must report annually on the involvement of communities and community organisations in the affairs of the municipality (Municipal Structures Act (RSA, 1998). Ward committees serve as a critical tool of public participation at a local sphere of government (DPLG, 2007: 55). Ward committees serve as a representative body at ward level that is intended to facilitate public participation. Ward committees effectively facilitate participation between the council and the community. In order ensure the effectiveness of ward committees the municipality has to devise a way of:

empowering ward committees in respect of council processes; ensuring ward committees function effectively and ensuring the relationship with communities is inclusive, transparent and participatory (DPLG, 2007: 54).

Mhari (2014) refers to the ward committee as a structure that may advise the municipality on issues affecting their respective wards but also states that they have no legislative powers to carry out decisions upon identified issues. According to Smith (2007: 15), the lack of clarity has impacted on ward committees and the problem is that the roles and responsibilities of ward committees in themselves are not precisely defined.

However, Smith (2008: 53) also says community members see the ward committee members as the structure responsible for service delivery. The Local Government Municipal Structures Act states that “the objective of a ward committee is to enhance participatory democracy in local government”.

3.10.2. Composition of Ward Committee

According to the DPLG (2005:11) a ward committee consists of the councillor who is a chairperson of the committee and ten other members. Members of the committee are elected and the election procedure takes into account the need for women to be represented equitably. In a ward committee a diversity of interests may be pursued by ensuring the inclusion of different interest groups such as the following:

Youth; Women; Religious groupings; Sports and culture; Health and welfare; Business; Environment; Education; Senior citizens; Community safety forums; Community based organisations; Ratepayers/civic associations; Traditional leaders; Agricultural associations; Informal traders' associations; People living with disabilities; Farm workers; Employment; Tourism; and Unions (DPLG, 2005: 11).

3.10.3. Roles and Responsibilities of Ward Committees

According to DPLG (2005: 5) the roles and responsibilities of ward committees are to:

- “advise the ward councillor in identifying the needs and concerns of the ward, and communicating these to the council
- be an active participant in the ward committee and accept responsibilities such as managing a portfolio or an area of interest
- help the ward councillor tell the community about their rights and entitlements

- work as a team and speak with one voice
- help the ward councillor with grievances and complaints from the community
- hold official roles within the committee e.g. secretary
- show leadership in starting projects which will improve the lives of people in the ward
- undertake a ward profile so that the committee knows more about the ward
- help the ward councillor consult with people who have a stake in a particular issue, and work with partners in the community to benefit the ward committee's work
- be involved in community events e.g. funerals and cultural activities. This is very important as it shows you care about community and understand community issues” (DPLG, 2005: 6).

3.11. Conclusion

This chapter discussed the policy and legislative framework that informs public participation in South Africa. South Africa is a signatory to numerous international and regional treaties that are geared towards improving accountability, transparency and decision-making. In principle, there are enough legislative mechanisms in South Africa to foster public participation and to enhance inclusiveness in decision-making. The Constitution of the Republic of South Africa encompasses the involvement of communities and community organisation in the matters of local government. Since municipalities are the local government structure, there are legislative mechanisms in place to encourage the involvement of communities.

Chapter 4: Case Study

4.1. Introduction

This chapter describes uMshwathi municipality, the organisation that is used for this case study. It begins with a background of the organisation, stating its geographical location. The chapter also presents the demographics of the municipality, the layout of uMshwathi municipality portfolio committees and the organogram. It explains the work of the organisation and the people who are involved in the implementation of these programmes. It also provides the vision and mission and Key Performance Areas (KPA) and lastly the powers and functions of the municipality. The chapter explains how public participation is integrated into the work of the organisation

4.2. Geographical Location

uMshwathi municipality is a local municipality regarded as a Category B falling within uMgungundlovu District which is a Category C District Municipality. As a local municipality, is regulated by legislations that regulate the local government sphere. The legislative mechanisms of this municipality therefore include the Constitution of the Republic of South Africa, 1996; the Municipal Systems Act No. 32 of 2000; the Municipal Structures Act No. 117 of 1998; and Municipal Financial Management Act No. 56 of 2003.

uMshwathi local municipality is strategically situated within uMgungundlovu district municipality to the north of Msunduzi local municipality in KwaZulu-Natal. uMshwathi shares a common boundary with Msunduzi, uMngeni, Mpofana, uMvoti, Ndwedwe and Mkhambathini local municipalities. uMshwathi municipality is made up of a mix of urban and rural communities (uMshwathi Municipality IDP, 2015/16: 142). It consists of four major urban centres namely: New Hanover and Dalton making up one ward and Wartburg and Cool-Air also making up one ward. There are also rural residential settlements of Swayimane which is made up of five wards, Mpolweni with one ward, Thokozani with one ward, Trustfeed with one ward and Ozwathini made up of four wards (Stats SA, 2016). In total, uMshwathi municipality comprises of 14 wards with established ward committees. uMshwathi municipality has a total of 90 schools registered with the Department of Education, categorised into three groups, Primary, Secondary and Combined Schools (uMshwathi Municipality IDP, 2015/16: 172).

UMshwathi municipality boundaries consist of eight Traditional Lands falling under the following Traditional Authorities: Madlala H.D. (deceased); Gwamanda B.G.; Zondi M. (deceased); Ngubane T.D. (deceased); Ndlovu M.M.; Ntanzi B.; Mthuli M.Z. and Gcumisa N.P. (deceased) There are also certain parts of the land that fall under the Ingonyama Trust Board (ITB) and some parts are unquantifiable state land (uMshwathi Municipality IDP, 2015/16: 3).

4.2.1. Demographics

According to the South African 2011 census uMshwathi municipality has an estimated population of 111 645, with black Africans constituting 95.1%, the white population being 2.7%, 1.7% Indians and 0.2% coloureds (Stats SA, 2016). The municipality has a population growth rate of 0.19% (Ibid). Covering approximately 1811 km² the municipality serves a population of 106 374 people living in approximately 23 732 households of which 7 078 are unemployed, 4 405 are discouraged work seekers and 33 177 are not economically active (Stats SA, 2016).

uMshwathi Municipality is characterised by a high level of agricultural potential, which supports the commercial agricultural sector. Agriculture is the largest employer and leads in terms of employment, even though there has been a decrease over the years (uMshwathi Municipality IDP, 2015/16: 7).

uMshwathi municipality is governed by political and administrative structures. The political structure comprises 27 councillors representing 14 wards; 14 ward councillors and 13 proportional representative (PR) councillors (uMshwathi IDP, 2016/17:13). uMshwathi Municipality Annual Report (2016/17: 40) states that the representation of political parties is as follows:

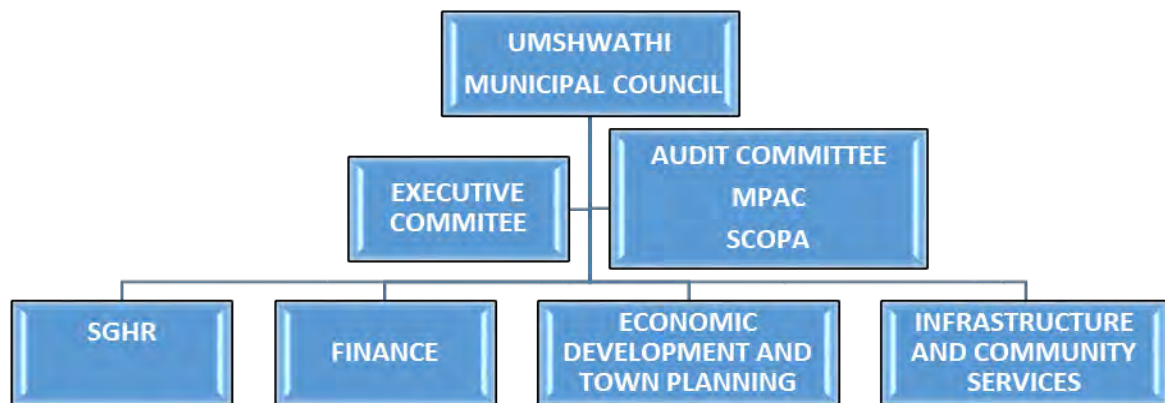
- African National Congress (ANC) 20 Councillors with all 14 ward councillors and 6 PR councillors
- Democratic Alliance, two PR councillors
- Inkatha Freedom Party with four PR councillors
- Economic Freedom Fighters with one PR councillors

According to section 80 (1) of the Municipal Structures Act (32 of 2000), “if a municipal Council has an Executive Committee or Executive Mayor, it may appoint in terms of Section 79, committees of Councillors to assist the executive committee or Mayor”.

uMshwathi municipal council has established the following portfolio committees to assist the Executive Committee in ensuring that decisions are taken and actions are effectively implemented. These committees also play an important role in providing an oversight role:

- Finance Committee;
- Human Resources and Sound Governance Committee;
- Economic Development and Planning Committee;
- Infrastructure and Community Services Committee;
- Local Labour Forum;
- SCOPA; and
- Audit Committee/ Performance Audit.

Figure1: uMshwathi municipality portfolio committee’s structure



Source: uMshwathi Municipality (2016: 85).

The municipality’s administration is led by the Municipal Manager, together with the General Managers and Heads of Departments (HODs), reporting directly to the Municipal Manager. The municipal administration comprises of 174 staff members across five departments.

These departments include the office of the Municipal Manager, Finance Services, Technical Services, Community Services and Corporate Services (uMshwathi Municipality IDP, 2016/17:13) The municipality also have local stakeholders namely the Amakhosi (Traditional Leadership), uMshwathi Fire Protection Services, uMshwathi Agricultural Union, and the

Ratepayers Association. All these local partnerships together with the district municipality and provincial and national governments, aim to deliver services and development to the whole population of uMshwathi municipality (Ibid).

Figure 2: uMshwathi municipality organogram



Source: uMshwathi Municipality (2016:85).

4.2.2. uMshwathi Municipality’s Vision, Mission and KPA’s

The long term vision of uMshwathi Municipality aligns with the KZN Provincial Growth & Development Plan (PGDS) as well as the National Development Plan (NDP) with its targets set for the year 2030. “The vision of the municipality is “to be a healthy, secure and self-sustainable community by 2030” (uMshwathi Municipality IDP, 2016/17: 22). The mission is “to promote social and economic development through sustainable, effective and efficient use of resources and dependable delivery of basic service in line with the Constitutional mandate and to continually strive to remain a green municipality” (Ibid).

uMshwathi municipality is characterised with six KPA which are aligned to those of the national government. KPAs assist the municipality in terms of prioritising areas of performance and focusing on the limited resources that the municipality has (uMshwathi Municipality IDP, 2016/17: 10). Following are the KPAs of the municipality and their key focus areas:

1. Basic Service Delivery: the key focus areas for this KPA are roads and storm water, amenities and public facilities, refuse removal, building compliance, cemeteries and housing management.
2. Municipal Transformation and Institutional Development: the key focus areas are human resource development, performance management, information and communication technology, municipal facilities, fleet management and organisational structures.
3. Local Economic Development with the key focus areas being the local economic development, capacity building, social services and rural development.
4. Municipal Financial Viability and Management: the key performance areas for this KPA are financial reporting, budgeting, asset management, supply chain and financial management.
5. Good Governance and Public Participation comprises of stakeholder participation, communication, bylaws, monitoring and evaluation of Intergovernmental Relations (IGR), risk management and governance structure.
6. Spatial and environment which takes into consideration the issue of environmental and land use management (uMshwathi Municipality IDP, 2016/17: 46).

4.2.3. Powers and functions of the municipality

According to the uMshwathi Annual Report (2014/15: 35) the municipality has the following powers and functions.

- To provide community and citizen services;
- To provide and maintain existing municipal infrastructure to enable service delivery;
- The efficient management of the finances of the municipality based on the MFMA;
- To coordinate strategic planning and governance within the municipality;
- Provide corporate services auxiliary functions of a municipality.

According to the uMshwathi Municipality IDP (2016/17: 46), public participation plays an important role in service delivery and it is amongst the key governance principles that uMshwathi municipality uses to bring about good governance. During the IDP processes, the municipality engages with local communities through their ward committee structures as well as through the IDP public meetings. The aim is to ensure that the needs of the people are considered and catered for in the IDP. uMshwathi municipality participates in the provincial

based Operation Sukuma Sakhe (OSS) Programme. This OSS programme was started by the then South African State President, Mr Thabo Mbeki, to focus on:

- Food Security;
- Fighting Diseases such as TB, HIV and Aids and Poverty; and
- Empowerment of Women and Youth against social ills.

The then KZN Premier Dr Z.L. Mkhize launched the OSS Programme which in April 2011 embraced community partnership. The objectives of the programme are as follows

- Create and maintain functional tasks teams;
- Profile individuals, households and communities at ward level;
- Build a database of different services required by communities;
- Develop and implement stakeholder engagement; and
- Monitor, evaluate and provide feedback service delivery.

To give effect to the functioning of the programme, uMshwathi municipality has allocated a municipal manager to each ward to give administrative support. OSS, Ward Committee and Ward Aids Committee meetings have been held on a monthly basis with Ward Councillors being the chairpersons. Furthermore, the municipality has had regular engagements with local communities through their ward committee structures as well as through the public meetings. The aim is to ensure that people's needs are taken into consideration and catered for in the IDP (uMshwathi Municipality Annual Report, 2015/16: 37).

4.3. Conclusion

uMshwathi is a local government that is committed to service delivery through the KPAs that have been aligned to the national government. This chapter has presented the case study of uMshwathi municipality which has 14 wards and is located under the jurisdiction of uMgungundlovu District Municipality. The municipality is also regulated by the legislation that governs local government in South Africa. The municipality has initiated the capacity building programs including the training of ward committees and providing resources for public participation. As a result, uMshwathi has had several engagements with the public to try and identify and respond to perceived societal problems. The majority of the people residing

in this municipality are black Africans. uMshwathi has also participated in the OSS which ensures service delivery of the municipality.

CHAPTER 5: Findings and Analysis

5.1. Introduction

This chapter presents the findings and analysis from the in-depth and focus group interviews conducted with the participants. The aim of this study was to analyse public participation through ward committees and critically examine how it is interpreted by uMshwathi municipality. In presenting the findings and analysis the study sought to answer the following key questions:

- What is the legislative framework for the functions of ward committees and public participation in South Africa?
- How do ward committees in uMshwathi municipality function?
- What are the issues raised in ward committees in uMshwathi municipality?
- What are the challenges facing the functioning of ward committees in the uMshwathi municipality?
- What are the achievements with respect to ward committees in uMshwathi municipality?

Four broad themes emerged from the data collected through the focus groups and in-depth interviews. These themes include: conceptualisations of public participation; democracy and participatory governance; challenges of ward committee members; and successes of ward committees.

Four in-depth interviews were conducted with the respondents from uMshwathi municipality in the public participation unit, the ward committee members and the councillors who are the chairpersons of the ward committees. Their responses relate to their experiences of participation in and with ward committees. All respondents have been coded separately. The focus groups from the respondents have been coded as focus group one FG1; focus group two FG2 and focus group three is FG3. The four in-depth interviews are coded as R3 Manager Public Participation and R1, R2 and R4 Ward Councillors.

5.2. Conceptualisation of Public Participation within uMshwathi Municipality

Nyalunga (2006: 18-20) argued that public participation plays an important role in deepening democracy and governance by ensuring citizen involvement in governance processes. To understand the conceptualisation of public participation within uMshwathi municipality, participants were asked to describe their understanding of the ward committee. This was an attempt to gain an emphatic understanding from the people on the ground as to how and what their understanding of this phenomenon is.

Respondents described their understanding of ward committees as:

“I think we as ward committees play an important role in helping the government, because we are staying in the communities so which makes it easier for the communities’ members to report their service delivery related issue to us. As ward committees we then take this issues to the councillor who then reports it to the municipality, since the government officials cannot come to the communities every day to listen to our problems” (FG1).

Another respondent indicated that:

“A ward committee is established by looking at different sector that will represent different interest groups within the ward. These can either be, traditional authority, faith based, business, and any other sectors that the ward may have and then people are elected to represent all the identified sectors in that particular ward. This is done so may be if there is anything that talks to a particular sector let us say the business sector, there shouldn’t be anyone who claims that they are not aware because they have a representative in the ward committee structure” (FG3).

Respondents highlighted that the ward committees are a means for communicating concerns that requires municipal attention. They also highlighted that ward committees are the most direct form of contact that citizens have with the local government. Ward committees therefore need to facilitate communication between the community and the municipality by updating the community on issues affecting them. They also need to inform them on what is happening in the municipality and how community problems are being addressed.

In one of the focus group interviews, one respondent defined the ward committees as:

“ward committees serve as the councillors’ ears and mouth and they also serve as ears and mouth of the community since they work as a communication link between the community and the municipality” (FG1).

A ward committee member explained that:

“Ward committees are basically there to channel the information from the public to the councillor who then communicates that information to the municipality” (FG2).

Public participation makes a direct link between the public and the decision-makers in a government (Brinkerhoff & Crosby, 2002: 56). This is because public participation, at least in principle, encourages and enables people to be actively involved in decision-making.

One respondent articulated that:

“I think ward committees are an important structure that serves as a link between a particular community and the municipality, but above all members are elected from different sectors within the ward” (FG1).

Another respondent’s definition is that:

“Ward committees are a structure that represent communities in each and every ward within that particular municipality” (FG3).

In defining ward committees one respondent added that:

“Ward committees are the structure that serves as communication link between the municipality and the community so that it becomes easier for the community to get what they need from the municipality” (FG3).

Madumo (2011: 36) views ward committees as an institutional channel of communication and interaction between communities and municipalities. Moreover, ward committees are area-based elected members of a committee in a ward within a particular municipality and are meant to be an institutionalised channel of communication and interaction between the municipality and communities (Maphazi, 2012: 113).

Some of the respondents articulated similarly that:

“The community elect the members that will represent them in the ward committee structure according to different sectors. Each ward decides on which sectors are the most important or

most relevant for that particular ward according to the number of the member required for the structure. The community then elects representatives according to the identified sectors in the ward. Sometimes you find that there are other existing structures within the ward such a may be the youth forum, faith based, women and others. If there is an existing structure for the youth forum in the ward sometimes the public does not get to elect for that sector. Instead that group can just nominate a person from their structure to represent their sector in a ward committee” (FG1).

The Municipal Systems Act prepares guidelines for the establishment and operations of municipal ward committees. As a result, these guidelines were gazetted by the Department of Provincial and Local Government.

Ward committee member indicated that

“Since we are working with the community, it is important for us as a committee to also report back to the people. So there needs to be a public meeting once in three months where we report to the community about issues affecting our ward. For an example let’s say the community of this ward has requested one of the roads to be tarred, we need to make sure that at least people get feedback at least within three months, they need to know how far has the request gone. If we don’t do this, you might find people protesting and burning the existing infrastructure because they don’t have the knowledge of what is going, whereas if they knew or if they were updated on the progress of their request such protests could have been prevented. So that is how we interact with the community every three months we call for a meeting” (FG1).

Public participation pressure has its roots in the development of governance which guides a country towards participatory democracy (Wight, 1997: 370). Public participation is an approach by which municipalities ensures the system of participatory governance in local government (Ibid).

One of the respondent in a focus group explained that:

“What is more important is that when there is development that is going to come to the ward, the committee together with the councillor need to be the first ones to know of such, and they need to know exactly what is going to happen and how is it going to start and where it is going to end so that they can be able to cascade such information to the community and also when they are being asked by the community they will know exactly what to say, they will have the right answers because they were chosen by the community” (FG3).

A participant elaborated that:

“The government has created platforms for people to be able to engage them so they should see to it they respond to the issues that are raised by the people, because if this does not happen soon, the councillors will end up not staying in their houses because people are really getting angry with the government. People will end up burning houses and other infrastructure, they will also hit us in the process which will make it difficult for us to be able to go out and talk to them about any other issues” (FG1).

Ward committee members indicated that:

“You know when you are working and you sometimes feel like you can just quit, there is definitely something wrong there. Well there are times where we enjoy being the members of this committee. There are also times where you just feel like picture, everything just passes by as if you do not exist, however it is the municipality that normally does this. When this happens, it confuses us because we are not sure why we do not have information about what is happening because as far as we are concerned we are the key link to the community, so there should not be anything that reaches the community without our knowledge. So when such things happen it destroys the working relationship between us and the municipality because we feel that the municipality does not really like us” (FG1).

The ward committee respondents indicated that ward committees are there to enhance participatory democracy in local government. Interestingly, they also articulated that what they actually do in reality often differs from what they are supposed to do. This indicates that there is a distinction between the theory of ward committees and their practice. Hence while Arnstein (1969: 216) identified manipulation as one of her levels in the ladder of participation where participation is a pretence, people are selectively informed about a project according to an existing agenda and their input is used to further that agenda. This account demonstrates that instead of ensuring participation and true representation as the theory suggests, the composition of ward committees in practice is often skewed.

5.3. Democracy and Participatory Governance

Brinkerhoff and Crosby (2002: 7) argued that governance seeks to engage citizens effectively in politics and policy making usually by strengthening civil society. Democracy creates an enabling environment for participatory governance by creating structures and procedures for incorporating the views of different societal groups in policy formulation. One of the

respondents in the in-depth interviews viewed the ward committee roles and responsibilities as being:

“Their role and responsibilities is to go from the people, people they have got different needs that’s why we form different sectors within the ward, is taking information the needs of the community from the grass root and bring to the ward committee meeting whereby we will discuss each and every needs from each and every sector, then we will take to the relevant department. their responsibilities are to get information from the people, then we sit down, we cascade this information that they took from the community and cascade it to the different department, is to make sure that the service delivery is coming quicker than before” (R1).

Ward committees are a structure that advises on municipal issues affecting their wards but Mhari also points out that they do not have legislative powers to carry out decisions on identified issues (2014: 7).

Another in-depth interview respondent perceived the roles and functions of the ward committees as:

“The main function of the ward committee is the extension of democracy amongst the people where they live, that’s why they work with the ward councillor and the ward councillor then is their chairperson so merely as the extension of furthering democracy in the community” (R2).

Cloete (2012: 58) argues that a ward committee is an ‘invited space’ that serves the interests of the state because it consists of ten representatives with the ward councillor as their chairperson. The ward councillor represents the committee in the municipal council and is required to facilitate communication between communities and the municipality, ensuring partnership between the local government and the public around service delivery and development (DPLG, 2005).

One of the ward committee focus group respondents described the close relationship between the ward committee and the community thus:

“This committee can assist the councillor because councillors have too much on their plates, they are always busy, so the members are there to work together with the councillor. As members of the community we bring issues to the councillor’s attention may be there is water shortage in one of the areas and the councillor is unaware, we are able to bring such issues to the councillor, at the end the councillor can then report these issues to public meetings and also try to come up with solutions” (FG3).

The RSA (1998) states that the aim of the ward committee is to enhance participatory democracy in local government. One of the in-depth interview respondents gave an explanation of the roles and functions of the ward committees in the municipality.

“Basically the functions and role of ward committees its mainly because what we need to understand that in terms of the constitution the constitution places an obligation on the local government meaning municipalities to ensure that they involve communities in municipal affairs so basically that means ward committees need to understand the affairs of the municipality. When we talking about the affairs of the municipality we talking about the IDP process which talks about developmental priorities of the municipality, the budget which is allocated to the municipalities and the PMS process which talks about the employees of the municipality and also the programmes like mayoral imbizo and other programmes” (R3).

This respondent continued that:

“The role of the municipalities and functions therefore says they need to understand and assist the councillor in enhancing the participatory democracy within the wards that’s the first part and secondly assist the councillor in ensuring that all the rolled out programs are also engaged to the communities without any problems or engaged to the communities effectively and the ward committee members they are also driving the service delivery programs of the wards, of that particular ward be it with the service delivery” (R3).

Piper and Deacon (2009: 417) argue that there is a requirement for public consultation around the annual budget, the IDP review process, the Performance Management System (PMS) and service delivery through ward committees. Ward committees are an important structure in achieving the aims of local governance and democracy as mentioned in the South African Constitution of 1996 and their role is to facilitate participatory democracy; disseminate information for better service delivery and assist with problems experienced by the people at ward level.

A ward councillor’s response was that:

“Ward committee members must understand their ward needs first because their responsibilities are the same like a ward councillor honestly but because the councillor is elected through the political sphere you know and the ward committee is just elected in the stakeholders meeting or the community meeting you know but to me they have got a responsibility like the ward councillor”. (R4).

The respondents from the focus group discussions indicated that ward committees assist the councillors in carrying out their duties. Nyalunga (2006: 44) argues that the role of ward committees is to ensure that the electorate participate in decisions made by council. Moreover, citizens should take part in the processes and structures that affect their lives. The respondents pointed out that:

“You see we are there to go out to the community, when we go out to the community, whatever they tell us we compile it in a report and we submit it in our ward committee meeting with the councillor, and then the councillor goes through the reports and then she says ok this needs to be addressed with the public, this needs to be addressed with the municipality or necessary department and then she brings back to us and then we consolidate one complete report and say right ok and then next month we follow up. We do a follow up on the reports that were given the previous month to see if there is any progress or what has been happening” (FG2).

What is evident from this response is that the ward committees mostly serve as a communication link between the community and the municipality through the ward councillor.

A ward committee member respondent argued that:

“Another thing is that this committee can assist the councillor because councillors have too much on their plates, they are always busy, so the members are there to work together with the councillor. Bring issues to the councillor’s attention may be there is water shortage in one of the areas and the councillor is unaware, as members we are able to bring such issues to the councillor, at the end the councillor can then report these issues to public meetings and also try to come up with solutions” (FG3).

Nyalunga (2006: 45) argues that the ward committees are set up in a way that they can cover most sectors and areas in the ward. Moreover, their main task is to communicate and consult with the community in respect of development and service plans but however, they do not have powers to force the council to do anything. This is the understanding displayed by one respondent who in their response indicated that:

“The only thing what you don’t see us going and attending to the council meetings so that we can physically see how our councillors are fighting for us and we can be there to back them up and can give them more tools to work with. So we are not in that structure so that’s a real concern that you are serving the ward committees but you are not going to the next step....

because the issues are not coming from the councillor, they are coming from the community that we represent.” (FG2).

A participant replied that:

“As members of the committee we wish that people can be made aware of the ward committee duties and boundaries. We only serve as a communication link and advisory body to the council but beyond that, it is the councillor and the full council who is responsible for the decision making. So when things are not happening, the community looks at us as if we know about the decisions taken whereas sometimes we are not even aware of those decisions” (FG1).

Ward committees have a role in the IDP process to enable communities to participate in the IDP process (DPLG 2001: 38). This requires ward committees to be functional in order to develop community based plans for their own wards and be able to link ward priorities to the IDP of the municipality (DPLG, 2005: 70). One of the focus group responded by saying that:

“In our public meetings we sometimes revisit our IDP to check we are still in line with what the community wants. We do this according to the community’s priorities. Also to check if people still need what is in the IDP because sometimes it happens that some of the services listed in the IDP have been delivered but then you find that what was first priority has not yet been delivered. So having these meetings quarterly really helps us to give back such reports” (FG1).

This demonstrated that ward committees are used extensively as the main structures for public participation at local community level in the IDP processes. In one of the in-depth interview the respondent demonstrated an understanding that:

“The ward committee members are the ones responsible for driving the service delivery programs of that particular ward with the service delivery products which emanates from the IDP priorities and the IDP wish list that has been drawn out by the communities so they need to have people that will be able to align it in terms of the processes that are required so ward committees can assist. They also play a cordial part in terms of the integration of all the programs within the wards and they play a leading role and ensure that there is a proper integration of stakeholders to ensure that we assist the communities in addressing all the poverty issues. Ward committee also play a leading role in enhancing and resolving issues that are affecting communities on the ground” (R3).

According to the ANC's (2006) election manifesto, democratic institutions like ward committees have been put in place and participatory planning processes have been instituted so that people can have a voice in local social and economic development and IDPs must rest on widespread consultation with the community. Maphazi (2012: 116) argued that ward committee structures represent formal, unbiased communication channels and also co-operative partnerships between communities and councils. Moreover, they serve as mobilising agents for community action through IDP (Ibid).

A ward councillor explained that:

“The roles and functions of the ward committees is to make sure that they take all concerns related to any different stakeholders and present on the ward committee meetings and then we formulate a report and then we submit it to the municipality those concerns that were submitted by different stakeholders in your meeting. They communicate with the councillors as well as the office of the speaker, the office of the speaker has got subordinates, they are at liberty to go and communicate with them, for instance if there are some issues that are not resolved on the ward committee meeting they have a right to make follow ups as ward committee members to the office of the speaker” (R4).

Sibiya (2009) argues that ward committees are there to report problems to the ward councillor who then in turn reports on those developmental issues at council meetings. Moreover, a ward committee is an important mobilising agent for community action and the development of local projects. However, one of the respondents from the in-depth interviews explained that:

“We only communicate issue for instance I will make an example if one of the stakeholders for instance like safety and security there is a high level of crime in the wards and then you want to take up that to a municipality or any sphere of government like local police station so as a responsibility of the ward councillor to cascade that information to the relevant department is to make some appointment with the station commander and raise the issues of crime if they have raised the issue of crime in the ward committee level which counts for service delivery for instance there is a pipe broken or there is a roads with potholes it's a duty of councillor to take that matter as a report and take the report to the relevant department at the municipality, that is how it works it is how we link ward committees and municipality. We do not table the issues discussed in the ward committee meetings to the council meeting” (R4).

A developmental government is people oriented, and its initiatives are inclusive. The government policy will encourage participation, and subsequently support the people's

initiatives that seek to develop and benefit the communities through people oriented approach (Kotze & Kellerman, 1997: 36).

The following section will analyse the challenges of public participation through ward committees at uMshwathi municipality.

5.4. Public Participation Challenges

According to Oldfield (2008: 493) there are three serious limitations that ward committees face: the politics of representation; the vagaries of councillor and party politics; and lastly, structural limits to powers. What transpired from the focus group discussion was that the ward committee members believed that there were poor communication strategies due to political party interference.

The respondents mainly highlighted issues of concern and challenges in sharing their experiences. They pointed out that the chairpersons of ward committees were the ward councillors which in some cases may cause conflict because the ward councillors may want to satisfy their political mandate rather than improving the lives of citizens. One of the focus group respondents articulated that:

“The political party really act as a barrier to the ward committee, because the ward committee is established and trained on how to do things, but when the leading party comes in they want to destruct everything that the committee does. You now find that the councillor will now run to the political party and you will find them saying because they were elected by their political parties they will rather side with them because if they don't the political party will fire them” (FG3).

According to Piper and Deacon (2009:44) there is a close relationship between ward committees and branches of political parties. One of the focus group respondents added that

“Sometimes the ward committee member may tell people about something that is going to happen or something that needs to happen and then the political party members will dispute it because it has not come up with them, but in the long run you find them doing the very same thing that they were disputing. They knew very well that you were right but just wanted to paint a bad picture about you” (FG1).

Putu (2006) points out that issues related to the limitations of ward committee powers are legislatively imposed by the Municipal Structures Act which limits the powers of ward committees to only act as an advisory body to the ward councillors and to receive inputs from

communities. However, the Act also makes provision for municipalities to be able to delegate certain powers and duties to ward committees but it appears that few municipalities have done this in any meaningful sense (Ibid).

A ward committee member explained that:

“Sometimes the municipality communicates things with the ward councillor and then you find that the councillor decides on their own using political influence on who to involve in what program, who they want to be seen on their programmes. You find that has been influenced by the political leadership at uMshwathi as well, they will influence your ward councillor by telling them who to and not to involve within their ward committee members. This then becomes a problem because out of ten members you find that only about four people have the information on the developments of the ward which is a big challenge” (FG3).

According to Trotter (2005: 6), a challenge to public participation is that political power games ensures that certain people are not heard in policy processes.

Another respondent further explained that:

“Another thing that I have observed as a ward committee member is that we were robbed of our powers because whenever the councillor called a public meeting, he wouldn’t let us present what we have done in our sectors, it was as if we are not doing anything, so I feel that in that sense we were robbed of our powers. In our trainings we were told that as ward committee members have powers to call public meetings but you could see that the ward councillors would not allow such, because it would seem as if you are now trying to be a ward councillor or may be trying to campaign for the next elections or something. As ward committee members we have had things that we felt that we should be presented to the community by us not the councillor, so that people could recognise our work” (FG3).

Barichievy et al. (2005: 382) argued that the ward committee are an institution headed by the ward councillor because of the party affiliation of councillors, and they are also accused of placing their local party agenda ahead of the interests of the ward.

A participant elaborated that:

“We have been around in the committee for some time now and when we attend trainings, we are trained on how to work as a ward committee, so we know exactly what is expected of us. Now the problem is that when the leading political party find that as the ward committee we

know things that have not come to their attention, it becomes very bad for them because they end up questioning our powers as a committee” (FG3).

Another focus group respondent added:

“I also want to add to that, the leading political party of this ward is does things their own way together with the councillor, whenever there are employment opportunities that come with the councillor as the members of the ward committee we are made aware of even the traditional leadership is not made aware, this which is very sad to all of us. What happens is that they look at these children called volunteers of the party just because they are available to attend the meetings that they hold at night, they forget that there are other people, elders who need money to feed their children who cannot attend those night meeting who need those jobs” (FG3).

The GGLN (2008: 26) argued that party political influence plays a major role in the ward committee election process in some municipalities. This assessment is demonstrated by the two respondents who, in their responses, indicated understanding that:

“We sometimes face challenges when electing the ward committee because you find that people will elect a person who is not familiar with the sector they are representing which in the long run creates problems. Maybe find that a person has been elected to represent tradition, and you find that person does not sit in the traditional council, but then they do these things politically” (FG3).

A ward committee member further explained that:

“There are challenges in the long run because when looking at the functioning of the ward committee sometimes you find that a person that was elected for a particular sector cannot perform their functions in the committee and end up quitting. This is sometimes due to the fact that when that person was elected, it was because of political reasons or may be the person agreed to being elected because of the stipend but in actual fact the person is not passionate about community development programmes” (FG1).

Ward committees appear to be incompetent because of the lack of capacity to promote genuine public participation.

“Ward committees are meeting with the people all the time and there is challenges there but we are voiceless. So I think the higher structures of government must relook the roles of the ward committees” (FG2).

Ward committees could provide the platform for citizens to raise their issues and influence policy in relation to their needs in order to achieve their primary role. This can serve as a contribution by the community and ensure the enhancement of community participation in municipal decision making.

According to Cornwall (2002: 1), around the world, there is a growing interest to enhance public involvement in governance and with it the legitimacy and quality of decision-making. However, there is a new style of democratic practices creating political and policy spaces for public involvement in decision-making that complement conventional models of political participation (Ibid). There is a huge difference between going through procedural participation and having actual power required to affect the outcome of the process (Arnstein, 1969: 234). Therefore, public participation becomes appropriate if the public take responsibility and control of the planning and development implementation (Ibid).

One focus group respondent indicated that:

“We are trained that we should profile the ward. When profiling we need to find out that out of so many people in the ward who has what skills so that when job opportunities are created we will know who to consider for what. What worries us is how things are done here because we were trained on these things, but when there are job opportunities the fingers point towards other direction because we are not taken serious, the only people taken serious are the political parties and the councillor will tell us that he was deployed by his political party not the ward committee” (FG3).

A respondent from the in-depth interviews also pointed out a few challenges faced by ward committees:

“In anything that concerns public participation in any community there will always be contestations, there will always be dissatisfaction because you will find that some people actually go out and try and get people to back them up, so when they fail to make it into the team then they will always make noise. Because to some people to become a member of a ward committee it’s a way of providing for a salary even though it’s a stipend so because everyone wants that stipend, so they will always be contestations” (R2).

A ward councillor explained that:

“I think now there is an element of politicising these ward committees if you are not the members of any political parties they want to persuade you to represent their interests as the

member of ward committee but the intention of the ward committee per se is for assisting the councillor to do a service delivery in your wards but now we've got the element of politics inside" (R4).

Most ward committee members felt that the training they received was effective. They believed that it helped them and the councillors to understand their role. The councillors and the municipal official also felt that the municipality was providing enough support in terms of workshops and trainings provided to capacitate the ward committees. The respondents from the in-depth interviews explained that:

"uMshwathi municipality supports the functioning of the ward committees very well. The reason why I'm saying that is because they give them the trainings on communication, how to communicate with the public, they also give them a person who is responsible for taking all the issues of administration on their behalf. They also give them all the stationeries that they will need when they are going to the communities. They also give them the stipend just so that they can buy airtime to call the councillor if there are urgent issues" (R1).

Another ward councillor argued that:

"The municipality has a mandate from the MEC and COGTA legislation to support the ward committee members. So our municipality does support the ward committees even though I think more could be done than what is normally done. Training is the first thing that is done in terms of supporting, so when we talk about training we mean the empowering them to have the necessary knowledge about what exactly is expected of them and they also support them with the tools of the trade, they give them diaries for them to be able to record, you know stationery and of course their day to day expenses in a form of a stipend" (R2).

However, ward committee members also felt that even though they were trained the municipality was not doing enough because sometimes there was no monitoring and evaluation of their programme. One focus group respondent responded that:

"We are trained but these trainings are not implemented, we learn and it is all in our brains but we are not given an opportunity to implement it. When things are being implemented they use what we just said, things come in a form of a directive from the political party" (FG3).

A ward committee member added that:

“I feel that our municipality is lacking on monitoring especially with the service providers. People come to the ward and do the job but nobody monitors what they are doing and sometimes you find that some service providers cannot even complete their task which leaves us with the problem” (FG1).

According to Afesis-Corplan (2003) there needs to be a continuous review that identifies whether the ward committees have the necessary capacity and resources for them to be able to perform their duties effectively. Another focus group respondent mentioned that:

“Not all of us were trained, because some people were in the committee they left, we...others were replaced but were not sent for training and this is the only lack, they lacking is not following up on the new people that are there” (FG2).

Some ward committee members felt that the training provided to them was effective, as one of the respondent articulated that:

“We are provided with trainings, such as communication training which equips is on how to handle issues in the community but there is one training that seemed more important than the others because upon completion we were awarded with certificates which were NQF level 4. Although they provide us with these trainings but I feel that if they train us, it should be such that even after leaving the ward committee we have something in our hands. In that way we won't feel like we have wasted our time as ward committee members because being a ward committee really takes up your time as a person” (FG1).

Masango (2002: 63) viewed capacity building as important for both officials and members of the ward committee in order for participation to be effective. One focus group respondent felt that even though they were trained as ward committees they felt that councillors as chairpersons of their committees should also attend the very same training they had attended. He indicated that:

“Maybe I would say being trained in the workshops that are provided for us, we find the knowledge that we are supposed to use, but the problem is that the councillors are supposed to be aware of the fact that we get the information from the trainings. I say this because at the councillors then think that we want to take over their responsibilities, so I think they should also attend the very same trainings that we attend” (FG3).

Ward committees do not have decision-making power and this can result in some community members lacking confidence in them in so far as municipal decision making is concerned. One of the focus group respondent indicated that:

“We go out to the people and then we write reports on whatever issues arise, but the problem is that, we send reports but we do not get any response from the municipality regarding what has been said on those reports, so when people are asking us on what is happening regarding their concerns we do not have the answers” (FG2).

The challenges that often face ward committees hampers their potential to enhance public participation at local government level. The data suggests that the main challenge facing ward committees is the politics of representation, party politics and structural limits to power. In the light of interactions between community and municipal council, there is a problem of poor communication. Challenges facing ward committees requires a coordinated effort from ward councillors, ward committees, the community as well as the municipal council. The following section discusses the successes of ward committees in the uMshwathi municipality.

5.5. Successes of Ward Committees in the uMshwathi Municipality.

Despite challenges facing ward committees, there are successes that have occurred on ward committees. Ward committees, as mechanisms for public participation, play a decisive role in ensuring the responsiveness of the local government. Ward committees improve, in principle, the responsiveness of local government particularly in terms of service delivery in remote areas. One of the focus group respondents articulated that:

“I have seen the successes of the ward committee. The ward committee is a very important structure in the community. Talking about sectors, I represent education sector. I visited schools and there were problems that I identified in these schools. I then communicated with the municipality through the councillor regarding these problems to ensure that municipality respond” (FG3).

Another success of the ward committee is to ensure the representation of all segments of the ward. Ward committees in uMshwathi municipality, often represent different sectors including faith based, business and others. One of the focus group respondents mentioned that:

“The process of establishing ward committees starts from the community. The community is called for a meeting where members of the community elect the ward committee members and

say these are the people that are going to represent us. Members are elected according to different sectors within the community such as women, business, youth and so on” (FG1).

It would appear that ward committees increase the participation of local residents in municipal decision-making. This is because ward committees should be involved in the IDP processes, annual budget and other municipal activities that may or may not directly affect people’s lives. This is useful because ward committees would advance the priorities of the community in the IDP processes. Ward committees influence public participation which is an essential ingredient for deepening democracy. Moreover, they promote social cohesion between the government and the citizens which then enhances legitimacy. They also ensure that the decisions taken are in the best interest of the community as opposed to political affiliations.

Ward committees are able to coordinate with other stakeholders to respond to people’s needs such as the Department of Health, Home Affairs, SASSA, Social Development and others. One of the focus group respondents mentioned that:

“We communicate with the municipality through the councillor regarding these problems. What I can point out which was the most important was HIV/AIDS, there are grandmothers who had a problem of telling their grandchildren that they are staying with about taking ARV’s. So the municipality had a program where different actors come to our communities targeting schools. So we then work with these NGO’s in workshopping the children about HIV/AIDS. We mobilise the targets of the program. So the parents were very happy about this program because it made it easy for the children to find out about the pills they were taking” (FG3).

Another focus group respondent indicated that:

“The municipality supports us in that when we go to the community, usually as ward committee members we do not have anything, we rely on the municipality for resources. For an example let us say that there are women who are sewing in our community but they do not have machines and money to buy the material. We report these issues to the councillor and then he takes it to the municipality where they will respond by giving those women what they have asked for. So in that way I would say the municipality supports us. As far as I recall I do not remember a time where we asked the municipality for any resources to help the community and they may be written a letter to refuse such requests” (FG1).

Another focus group respondent added that:

“In my case, I am leading the youth sector so the municipality has really supported me in terms of providing the youth sector with items like trophies, soccer kits etc. even for competitions like talent search, the municipality would even go to a point of giving out money as prizes for such competitions” (FG1).

Ward committees are essential lubricants for enhancing public participation as alluded to above. Moreover, they create an enabling environment for public participation at local government level. This, in turn, makes government more responsive as people would know what is going on and expected from the government. In a democratic country like South Africa, this mechanism creates an environment conducive to participatory governance which then enhances good governance.

5.6. Conclusion

Chapter Five presented an analysis of the findings from the semi-structured interviews. Using extensive and detailed quotes from respondents, the following four broad ideas have been discussed: the conceptualisation of public participation; roles and functions of ward committees in uMshwathi municipality; challenges for ward committee members at uMshwathi municipality; and the successes of ward committees in the uMshwathi municipality.

The overall analysis drawn by the present study from the findings, in relation to the presented themes is that uMshwathi Municipality has a ward committee system in place with a public participation unit that is fully fledged. It has been established that the municipal council at uMshwathi Municipality does have an understanding of ward committees as a mechanism for public participation. However, the challenge is the capacity of these ward committees in influencing decision-making at council level.

The study has shown that there are challenges facing ward committees: political interference, lack of coordination with ward councillors, capacity building and lack of monitoring of the process. One respondent mentioned that there is no way of knowing what had been done or the progress of their proposed programmes because the attendance of stakeholders in the municipal council is often poor.

CHAPTER 6: Discussion and Conclusion

The introduction of the ward committee was an initiative by government to strengthen the effectiveness and efficiency of local governance in South Africa. The present work set out to critically analyse public participation through ward committees, using the uMshwathi municipality as a case study. The aim was to investigate the general roles of ward committees as a means of public participation in South Africa.

Three concluding observations are worth special consideration. Firstly, ward committees are essentially excluded from decision-making about the priorities of the needs of their communities yet they ought to be consulted as they represent the interests of their segments. Secondly, there is a gap between the theory and practice on the role of ward committees as a mechanism for public participation at local government level. Thirdly, ward committees are affected by political interference which then compromises the rationale of their establishment.

The functions of ward committees are highly useful and resourceful in influencing public participation. Ward committees serve as an advisory body to the municipality and they serve as link between the municipality and the community. In principle the process of establishing ward committees entails true representation of all segments in the community. However, in reality the study has found that the functions of ward committees are limited in that they only advise the municipality but they do not have the capacity to follow up on that advice. Moreover, this is also hampered by the political interference given that ward committees are chaired by the ward councillors.

The study revealed that more focus is placed on participation both in practice and in theory but the literature and practices on representation is restricted, even though in theory participatory democracy is more than just participation as it extends to new forms of representation. The investigation revealed that there are a number of weaknesses with regards to participation and representation.

The study revealed that ward committees have no clear role in local governance and ward committees do not have any decision-making power to influence the municipal council. Moreover, tensions exist between ward councillors and ward committee members as some members also desire to become ward councillors. The study also found that service delivery protest is often the preferred way of citizens engaging the state when there is a poor flow of information from municipal councils to citizens on matters affecting them.

Ward committees could be classified under nonparticipation in the ladder of participation (Arnstein, 1969: 216). This is because they lack clear focus and clarity in their roles and responsibilities and are misused to serve as the extensions of political parties. Hence this study contends that if ward committees are understood what they meant to do and follow the procedure provided for their operation, they can play a meaningful role in enhancing public participation.

The functioning of ward committees is complicated, as the study revealed that ward committees deal with a range of different issues, including issues that are beyond municipalities' control, such as housing, road infrastructure, education and unemployment. Ward committees are mandated by the communities they are representing and convey this directly to the ward councillors through ward committee meetings.

In the light of the challenges, ward committee members believed that there were poor communication strategies due to political party interference. The Municipal Structures Act limits the powers of ward committees to only act as an advisory body to the ward councillors and to receive inputs from communities. Despite these challenges there are successes of ward committees. Ward committees as a mechanism for public participation play a decisive role in ensuring the responsiveness of the local government. Ward committee improve, in principle, the responsiveness of local government particularly in terms of service delivery in remote areas.

Ward committees create awareness raised by communities which acknowledges them as the intermediate structure of the local sphere of government. This creates access for citizens to give voice issues about the lack of the expected services within their wards. The identified issues mostly concerned with infrastructural maintenance and development, are conveyed to the relevant department within the municipality or even with the provincial and national departments. This is where public participation is important, because the ward committee members will not be aware of such issues without them being raised by the community.

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Appendices:

Appendix A

Interview guide for in-depth interviews with Municipal Manager, Public Participation Manager and Councillors of uMshwathi Municipality

- What are your experiences about the process of establishing ward committees?
- What are the functions and roles of ward committees?
- What are the processes, procedures and structures through which your ward committees operate? (How do ward committees function? What do they do and how do they do this? Channels of communication, feedback and Challenges etc.)
- Does the uMshwathi municipality support ward committees in their functioning? How? (What is the relationship.... What kind of support do you give?)
- How does uMshwathi municipality ensure the functioning of ward committees?
- What are the resources made available to the functioning of ward committees?
- What are the successes or opportunities of the ward committees in the Municipality?
- What are the provisions for the tabling of reports by ward councillors on issues raised by ward committees? (how they table reports to the municipal council?)
- What are the experiences of councillors in tabling reports raised by ward committees in the Municipal council?

Appendix B

Interview guide for focus groups for ward committees

Introduction:

Name, about the project and the purpose of the focus group.

General:

- What do you understand about ward committees (what are they meant to do?)
- What is the process of establishing ward committees? What do you think are the challenges?
- Do you think it does represent all segments of the ward? If yes/no, then why?
- How often are ward committee meetings convened? Why?
- How does people in your ward participate in ward committees?
- How do you see the role and functions of ward committee? Do you think they have influence or impact on Municipal Council? If so how?
- What is the relationship between political formations and ward committees? Is this relationship productive? If yes or no, then how?

UMshwathi Local Municipality:

- What is the relationship between uMshwathi municipality and ward committees? Do you think it is effective? If so how?
- Do you think ward committees are public participation mechanism? To what extent are they promoting public participation?
- Are there any trainings that uMshwathi has provided to ward committees? If so what kind of training? Did this training equip you with necessary skills?
- Does uMshwathi municipality support your functions? If so how and if no, why?
- What are advantages and disadvantages of ward committees under uMshwathi municipality? Are there any operational barriers that you have experienced?
- Does this municipality take your inputs into consideration? What are some of the inputs the municipality has acted on?