The Msunduzi community participation policy: narrowing the participatory-democratic deficit

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CONTENTS

ABSTRACT

Since the dawn of democracy in South Africa one of the challenges that has remained elusive to policy-makers has been the issue of how to redistribute the same democratic advances made at national level to more ordinary citizens at grassroots level. The concern has been how to include voices of previously marginalized communities. The immediate policy plan at local government level is entitled "participatory governance" and has been adopted by the post-apartheid national government of the ANC to limit this participatory-democratic gap. The laws and policies that constitute the body of this policy are the White Paper on Local Government adopted in 1998 and the Municipal Systems Act 32 of 2000 and the Municipal Structures Act 117 of 1998. The Msunduzi municipality has formally adopted this policy and it is called "community participation policy", which has yielded rather unsatisfactory results to date. Setting aside the issue of implementation for now, the present study explores the institutional design of this policy of participatory governance in Msunduzi by applying the design principles of the theory of "empowered participatory governance". This theory attempts to understand how to build a deep democratic culture via government-community partnerships through the concept of citizens who are empowered to play such a role. The major finding of this thesis is that there are design flaws in these institutions in this municipality which require a reform of the policy itself. However, this may not be enough, as more empowered citizens are also required.

List of Abbreviations

CLAC   Coloured Local Affairs Committee

EPG   Empowered Participatory Governance

BLA   Black Local Affairs

GEDI   Greater Edendale Development Initiative

IFP   Inkatha Freedom Party

ILAC   Indian Local Affairs Committee

JSC   Joint Services Board

LAC   Local Affairs Committee

LGNF   Local Government Negotiating Forum

NP   Nationalist Party

RSC   Regional Services Council

UDF   United Democratic Front

PREFACE

This thesis is concerned with the examination of the institutions of participatory governance in the Msunduzi municipality, namely, the ward committee system and the use of public meetings (hereafter izimbizo) with a particular focus on their design since their insertion into the operation of the municipality in 2005. The practical focus of this thesis is on the community participation policy of the municipality, with a deeper layout of what the aims of the municipality are, as well as how the municipality plans to put them into action.

An adoption of the Msunduzi policy on community participation followed a number of national policy and legislative frameworks aimed at restructuring local governance institutions via the promulgation of the necessary legislation that sought to divide the provincial government and the municipalities into clearly separate spheres of government. This was something that was not clearly defined in the previous administration during the apartheid period.

The White Paper on local government is the founding piece of legislation that spells out the need to restructure local government, with emphasis on the value of public engagement or partnership between the government and the people it governs. This is where the concept of "governance" rather than "government" originates. The term governance was carefully chosen, because it highlights the fact that government is no longer the only institution that governs people and that the people themselves need to become involved in their own governance. This thesis argues that this undertaking by government to involve their citizens in government is the necessary transformation that the government vitally needs to introduce into its institutions. However, a

theoretical discussion about such an undertaking by the government is a necessary input to understanding how such a relationship can be better handled. The need for this analysis lies in the fact that, historically, government is positioned in such a way that it imposes its superiority over the people who are governed, while the people constantly try to neutralize government power in order to have their own way.

It should be acknowledged that an attempt to try and turn confrontation into an effective partnership is a very innovative task that needs further support. The need for theoretical input in such discussions is not small. It remains the cornerstone to the success of participatory institutions. This thesis has been divided into five chapters.

The first chapter introduces the subsequent chapters. It consists of the literature study and broad analysis of the international, as well as regional, context in which the South African local government's restructuring takes place. It names factors that have necessitated this research into participatory governance in the Msunduzi municipality.

Chapter Two examines the lack of a democratic culture in the former institutions of Msunduzi municipality. This chapter, states that the absence of democratic culture in the preceding institutions of Msunduzi municipality could be reasons why participatory institutions have failed in the municipality.

Chapter Three discusses the imminent problems in relation to ward committees, as outlined in the policy document. It delves into an analysis of this participatory framework to see how it can be improved using the Empowered Participatory Governance (EPG) model.

Chapter Four analyzes the problems of design of the izimbizo system, as is laid out in the policy document for community participation. The aim of this chapter is to offer some solutions to the stated problems using the EPG model.

The final chapter is basically a synopsis of the chapters Two to Four, summarizing the findings and recommendations. Discussed will be the implications of the results and the questions that inevitably arise from them; what shape future research might have to take as a result of this study; and how relevant these results are to the greater challenge of creating successful government-community partnerships in South Africa at local levels.

It needs to be pointed out that the analysis made in this study has a few shortcomings. First of these is the fact that, although due effort is made to analyze the design features of the policy document which sets the blueprint for participatory institutions to be put in place, the study does not provide a full investigation and analysis of the practical implementation of these policies. Again, therefore, there might be even more problems with these institutions caused by ineffective administration and supervision. The strength of this study is the fact that this maladministration can be linked to a flawed policy, making this analysis very important in creating a foundation in the form of a clear and uniform policy towards participation so that the practical implementation of it may be measured against such a policy. In other words, there is no point trying to improve the implementation of a fundamentally flawed programme

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Declarations

Unless otherwise stated, I declare that this thesis is my original work and that it has not been submitted to any other university for a degree.

Chapter One

Introduction

Introduction

The apparent failure of contemporary government institutions to instill a deep and far-reaching culture of accountability has led to worldwide concerns over how to practically implant this democratic ideal and consequently calls for the expansion or widening of representative institutions to address this problem. South African local government has failed to yield to a greater culture of democratic accountability, with reported cases in the media of leaders who engage in practices that make people doubt whether the institution of democracy exists at all. One cannot deny that phenomena of corruption, abuse of state resources, coupled with a perceived low rate of transformation and an ineffective system of service delivery, help undermine the core values upon which our new institutions of democracy rest. There can be no doubt that if the government intends to resolve these problems it will have to introduce a number of changes and improve its existing institutions of public participation.

The liberal-participatory democracy gap

Representative democracy as a system of organizing society has come under sharp criticism. Fung and Wright (2003: 03) state that the representative form of political organization is "ineffective in accomplishing the central ideals of democratic politics: namely that of facilitating an active political involvement of the citizenry, forging political consensus through dialogue, devising and implementing public policies that ground a productive economy and healthy society." Evidence exists worldwide that there is general concern about the efficacy and the

ability of democratic institutions, in their present form, to yield a greater level of accountability. The rate at which people, worldwide, have chosen to engage in violence to resolve disputes due to irresponsible governance proves this point. For example the actual cause of violence in Nigeria regarding the sharing of oil can be traced back to the undemocratic demarcation of the land which had made the distribution of resources unpopular (Mead, 1996); this was ultimately the failure of that government to democratize the processes of resource distribution by inviting the views of the people affected. Almost the same thing can be said about Zimbabwe's land crisis, where it is clear that their government's failure to include its citizens in its pursuit to bring about a fair redistribution of land amongst its citizens has cost the government much more than it could afford. Again the recent xenophobic violent attacks on foreigners in Alexandra, Durban and Pietermaritzburg can be linked to a lack of implementation of sound democratic practices and principles at local level, even though some may deny this association (Karrim, 2008).

The simple fact is that local governments have a great responsibility to ensure that a democratic forum exists, where people who live with each other can express their concerns freely and raise whatever issues they may have. This is an even greater need in SA, as there is no easy access to politicians at provincial and national level. The creation of a forum can be ensured by empowering the people by allowing them access to information. The only way to insure that information is accessible to the people is by first building institutions that both allow and encourage people to participate in governance. With this kind of access to information, people will have the opportunity to improve their political faculties and considerably improve the quality of their contributions. That true democracy begins at the local level simply cannot be ignored by governments any longer and this is particularly true in the context of South African local governance.

The importance of participatory democracy

The changes being brought about by various local governments should indicate to all other governments that the strengthening of democratic institutions cannot be ignored any longer and is essential to their functioning. The need for empowering of local governance structures through public participation is a widespread consensus of many organizations, including the World Bank and many donor organizations. The validity of this consensus cannot be denied any longer. The strengthening of democratic institutions should begin at the local level through the restructuring of institutions dealing with citizen participation, to ensure that democratic practices, as well as the benefits of democracy, are shared by all.

It is rare that problems of instability are linked to the nature of local governance institutions, let alone to the lack of citizen participation. Many serious scholars in political science and other disciplines from the Third World countries often try to understand the origins of their problems, as well as those of poor people in the communities, by pointing at global circumstances brought about by neo-liberal structures. The common result of this is an attempt to shift the agenda beyond the responsibility of the state or that of local municipalities. Whilst the challenges of global development and its effects cannot be ignored or put aside, the importance of, and the level of, the contribution that ordinary citizens make to the stability of a state needs to be emphasized, as this is the core element of a stable society. The involvement and participation of ordinary citizens in the structures of governance goes far beyond the concept of free, fair and regular elections. It requires the creation of a democratic space, through the reformation of state institutions and a greater involvement on the part of all citizens in the decision-making processes regarding matters which affect their lives.

In this thesis the importance of participatory democracy is stressed by emphasizing the fact that those 'smaller' issues, such as the failure of municipalities to deliver services, or the failure of policy-makers to equip local levels of governance with the necessary infrastructure or powers, may be the root causes of 'bigger' problems. It is not the assumption of the present study that there is such a thing as a perfect model of democracy. The intellectual landscape with regard to the perfect way to govern society remains as diverse and as contradictory as ever. Unfortunately there is no perfect model which can be referred to for a resolution of this problem. This point is made in relation to the ideas of democracy which have been shaped, refined and contested over time to question its nature, origins, extent, practice and benefits.

The legacy of the democratic debate

The idea of democracy and its consequent institutions has long remained a source of critical debate by the global community. In the early usage of the term, the debate often rested on the meaning of democracy. Rousseau conceived democracy as consensus by the citizens of a state in issues that affect them. (Rousseau, 1949: 25). The presence of a "general will" in his ideal society is a manifestation of this classical theory. Rousseau (1949: 28) stresses that "the idea of representation is modern; it comes from the feudal government". Rousseau continues "In ancient republics, and even in monarchies, the people never had representatives; the word itself was unknown". Conversely, Joseph Schumpeter (1949: 269) promoted the idea that democracy was simply about choosing a government leader through the election process. This idea of democracy, being simply about elections, has been questioned and eventually gave rise to a complementary model of participatory democracy. Pieterse (2000: 07) in relation to the development of the participatory discourse, stated:

The participative discourse tended to divide between two broad groups: those who saw it as a useful process to legitimate state actions and forge compliance, and the alternative and more radical version focused on civil society empowerment and state democratization as the primary functions of participation. A broad-based consensus emerged that democratic decentralization will produce effective local government that is responsive to the needs of the poor and can provide opportunities for participation around issues that matter most in people's lives.

Whichever way the discourse of participatory democracy is perceived, however, the dividends which it aims to yield are as old as the notion of the social contract. The ideas that have given shape to it can be traced back to the time of early European civilization. The policy of participatory governance in South Africa is an extension of this idea of participatory democracy.

The idea of democracy as simply an alternative system of governance radically changed following rapid economic growth in Europe, along with the growth of then policy of expansionism/ imperialism; and the eventual division of the world into two major blocks, the Western capitalist and the Eastern communist bloc. Critics of democracy have argued that the spread of Western democracy to other parts of the world followed a triumph of Western capitalism, with its neo-liberal ideology, over the Eastern communist bloc, which collapsed in the 20th century. Ultimately the idea of democracy has become a moral value that all the nations of the world need to adopt willingly. Failure to comply would necessitate the use of force to ensure the adoption of democracy. It is important to stress that the stance of democracy taken in this thesis is shaped by many events which have occurred around the world and so some criticism is valid. Some critics have asked which standards should be used to measure what constitutes democracy, because different nations have different definitions of democracy.

An analysis of democracy goes hand in hand with an analysis of citizenship. An analysis of citizenship is crucial to the understanding of the motivation behind various institutional designs of governance. The idea of citizenship in the African context has been shaped almost exclusively by the development agenda, although other factors relevant to this cannot be ignored. These include the need to free the African continent from all forms of neocolonialism, for example. Africa's obsession with a development agenda has often been pursued, at the expense of democracy. Perhaps the recent spate of violence in land reforms in Zimbabwe is an effective example of how a government can ignore some human rights in favour of others. Such a move has proven disastrous for the growth of democracy. One may conclude that the example of Zimbabwe and its land reform situation is evidence of a situation where the state has given an ontological definition of citizenship as a total commitment to the state; the end results thereof could only lead to abandonment of individual rights. Any sanction of individual rights could lead to a further sanction of political rights and *vice versa*. However, with the growth of Western ideas of democracy in Africa the ideas of citizenship have shifted towards the acknowledgement and advantage of individual rights and political rights. This has meant that the state now has to be accountable to the citizens and not only the other way round. There is a slow decentralization of state institutions and a de-concentration of state power, as well as a growth in citizen participation, taking place.

The South African challenge

In South Africa, with the demise of the apartheid regime and the settling in of the new government committed to democracy, changes will take place towards a culture of respect for individual and political rights. Efforts to renew state institutions have already taken place, beginning with the drafting of the relevant legislation. Under the new legislation, the government sought to invite the majority of people previously marginalized and ravaged by conflicts using the democratic ship of institutional design. With the institutions previously centralized, it was clear that institutions had to be decentralized and made accessible to the ordinary citizens of the country. Again, functions that previously were a prerogative of the central government have now become detached to the wider local management offices of the communities. However, the debate continues concerning the extent of the devolution of power.

Municipalities have accepted the ideas of institutional renewal and of making state institutions more accessible. The Msunduzi government is one such municipality that has committed itself to making institutions of governance more accessible to the wider community. The policy of community participation adopted by the Msunduzi municipality outlines the new objectives of the municipality and the set of institutions it plans to put in place in order to promote participatory democracy. Izimbizo and ward committee systems are two main means to drive community participation within the activities the municipality has to deal with. This set of participatory institutions is provided for within the constitutional legislative and policy frameworks. The present work examines the design of these institutions, as laid out in the policy document, to see if they conform to international best practices of participatory institutions.

Government adopts a more formal policy of participatory governance

The South African constitution makes it clear that the foremost goals and purposes of the new governance is not only to localize governance institutions, but, also to widen popular participation of ordinary citizens in the institutions of governance, and, to deepen democracy by promoting the social and economic development of previously marginalized groups. All this information is contained in Chapter Seven, section 152, sub-section 1 of the South African constitution. This is further dealt with in Chapter Six of the Municipal Systems Act of 2000, which grants communities the legal right to information, consultation and participation on local governmental matters and gives municipalities responsibilities in relation to participation (MCPP, 2005: 01). One should be warned about the fact that the idea of a more democratic governance in South Africa is not at all a product of a democratic-centred government, but, as Steven Friedman notes, "it is rooted in the 'people's power' style of oppositional politics to apartheid of the 1980s (Piper and Nadvi, 2007: 14)."

That participatory governance is understood as deepening democracy in the legislation is evident (Barichievy *et al.*, 2005: 376). There are three substantive aspects to the innovation of 'participatory governance': the definition of the municipality, ward committees and requirements for public participation (Barichievy *et al.*, 2005: 374). The Municipal Systems Act defines the municipality as consisting of the governing structures (the elected councillors), the administration (the appointed staff) and the residents. The inclusion of residents as a part of the municipality is claimed as being unique in the world and establishes the grounds for greater public involvement in municipal affairs (Barichievy *et al.*, 2005: 374). The second innovation, as outlined in the Municipal Systems Act, is the institution of ward committees for category A and

B municipalities only. Although not compulsory, the new system provides for committees to be established in each ward of a municipality (Barichievy *et al.*, 2005: 375). The third and final innovation is really a set of requirements for public involvement in various decision-making processes (Barichievy *at al.*, 2005: 375). Especially important here are the imperatives to public consultation concerning the annual budget and all by-laws, innovations which bring community participation to the foundational activities of local governance (Barichievy *et al*., 2005: 375). These later innovations push public participation further into the heart of local decision-making, rather than at provincial or national level.

The Msunduzi case and the challenges of institutionalizing participatory governance

The Msunduzi Municipality community participation policy document (hereafter called the policy document) states that their objective is "To establish a community participation approach system that would lead to the self-mobilization of communities whereby they will be facilitated to participate in joint analyses with council and all relevant stakeholders to improve their living and working conditions." (MMCPP, 2005: 03). However, recent research has shown that practice of participatory governance in the Msunduzi Municipality has been ineffective in deepening democracy (Barichievy *et al*., 2005: 380). Piper and Nadvi (2007: 21) have shown that only 50% of ward committees met regularly and, even amongst those, frequency varied widely. In addition, the speaker reported that 40% of the ward committees were non-functional (Piper and Nadvi, 2007: 21). Conversely, just eight (roughly 25%) are described as 'very functional' (Piper and Nadvi, 2007: 21).

Fung and Wright suspect that perhaps the recent attack on the role of the "affirmative state" and "the erosion of the democratic vitality" is a result of poor design of institutions, rather than with

the tasks they face (Fung and Wright, 2003: 04). Barichievy et al. (2005: 380) suspects that institutional design flaws in the Msunduzi Municipality, shown partly in the centralization of decision-making in the Municipal Council, as well as party politicization of ward committees, are the reasons for the failure of participatory institutions in Msunduzi. The present author will look at the question of institutional design in the municipality. Is it true that these institutions are poorly designed? How should we arrive at this conclusion? If true, what is the missing ingredient? Or perhaps how do they need to be designed in order for them to meet international best practices? These are the central questions needing to be addressed.

The legacy of apartheid

South Africa's local government move to promote a more participatory system succeeded a more centralized, exclusive local government, typical of the apartheid era. To democratize local government was one of the major challenges faced by the South African government after the demise of apartheid. Barichievy *et al*. (2005: 373) states that the initial step was achieved mostly through making local government a system of representative government, similar to the national and provincial levels, with regular elections every five years. With the introduction of "participatory governance structures", the aim was to make local government more democratic, by inviting ordinary citizens into the decision-making processes. Participatory governance refers to a set of structural and procedural requirements to realize what the Municipal Systems Act (32 of 2000) terms 'community participation' in the operation of local government (Piper and Deacon, 2006: 03).

The Msunduzi Municipality uses izimbizo, as well as ward committees, as the institutional reform required to decentralize decision-making to ordinary citizens. However, the question

remains whether or not decentralization is equal to democratization? Decentralization means transferring fiscal, political and administrative functions from higher to lower levels of government (Wescott and Porter, 2005: 02). Decentralization is employed for different reasons including the expansion of democratic models of governance, or efficiency gains such as economic efficiency or revenue efficiency (Wescott and Porter, 2005: 02). Decentralization does not necessarily mean democratization. Arnstein (2004: 01) stresses that "citizen participation is citizen power." Perhaps the point about democratization is that it is achievable with some degree of citizen power, which consists of citizen control, delegated power and partnership (Arnstein, 2004: 03). Has the Msunduzi Municipality decentralized these ingredients of citizen power in its engagement with its community through ward committees and izimbizo?

A theoretical debate around the restructuring of municipalities

There are various ways of looking at transformation in institutions of governance. The World Bank participation team contrasts "participatory stance" in the democratization project with the "external expert stance". The external expert stance means that the project sponsors and designers place themselves outside the local system they are investigating and about which they are making decisions – even if they happen to come from or live within the local system (Participation Learning Group, 1996: 04). The "participatory stance" allows for three ingredients that make participatory stance more desirable. These are "social learning", "social invention" and "commitment". It has been reasoned that the participatory stance often allows for social learning, which is the kind of practice that is essential in order to enable social change (Participation Learning Group, 1996: 05). Social learning is followed by "social invention". Social invention occurs when "The stakeholders invent the new practices and institutional arrangements they are willing to adopt in order to effect the change they want" (Participation Learning Group, 1996:

05). When stakeholders have designed the project themselves a high level of "commitment" is generated, something unlikely to occur using an expert stance (Participation Learning Group, 1996: 06).

Participatory Model: Empowered Participatory Governance

The strength of the "participatory stance" is that it embraces a "bottom-up" approach, by involving the poor and learning from them about their needs and priorities (Participation Learning Group, 1996: 09). It is believed that only "local institutions can better discern local needs and aspirations and are therefore more likely to respond to them adequately" (Chinsinga, 2005: 530). Participation at grassroots level is believed to make development plans and interventions more relevant, give people better self-esteem and help to legitimize the development planning process. It also gives people the opportunity to influence the resource allocation processes which has a direct bearing on their livelihoods (Chinsinga, 2005: 530). In other words, it is through democratic decentralization that communities can effectively realize their full potential to live dignified and fulfilling lives.

How do we achieve democratization in an environment where there is a "lack of resources, material, human capital and skills, and where marginalized populations and even the incompetence of local electorates in newly democratized local governments seem set to undermine whatever progress may be forthcoming" (Dauda, 2006: 291)? These are all barriers to local governments becoming effective and accountable and, thus, legitimate (Dauda, 2006: 291). Surprisingly enough, a lack of resources can be an advantage in terms of providing the impetus for local governments to engage local people (Dauda, 2006: 292). Dauda (2006: 291) states that, despite the emphasis on democracy in the current round of decentralization, available literature

does not seem to recognize the potential for democratic accountability at the local level in sub-Saharan Africa. Barichievy et al., referring to the system of ward committees in Msunduzi, says that, although ward committees are presented as part of 'participatory governance', they are in fact better understood as deepening the representative aspect of municipal governance and that their participatory dividend is limited. (Barichievy *et al.*, 2005: 377). Why do the local government participatory institutions in Msunduzi Municipality yield less than satisfactory results? How should these institutions be framed in order for them to awaken an effective citizen participation that yields greater decision-making and consequently improved political capabilities for ordinary citizens? The present study will show that for participatory government to achieve what Chinsinga calls "the trinity of good governance, development and poverty reduction" (Chinsinga, 2005: 530), state institutions will have to be ceded to the local people in a far greater degree than before.

Empowered Participatory Governance

The present research will employ the Empowered Participatory Governance (EPG) model by Fung and Wright. The EPG model is a radical form of participatory governance, in the sense that its central ideal is to see ordinary people in local government using their capacities, empowered with the set of skills, instruments and with enough power to make sensible decisions through reasoned deliberation (Fung and Wright, 2003: 05). Its proposed effect on state institutions is to ensure a total transformation of them to ones that incorporate ordinary citizens in the decision-making processes. To use Arnstein's language, the citizens enter into partnership with state, officials rather than the officials dominating the whole process. (Arnstein, 2004: 03).

The EPG model is formulated using four participatory experiments. The system of neighbourhood governance councils in Chicago is one of the four experiments. The neighbourhood governance councils in Chicago address the fears and hopes of inner-city Chicago residents by turning urban bureaucracy on its head and developing substantial power over policing and public schools (Fung and Wright, 2003: 07). The new participatory public schools system in Chicago was established by law after great upheavals from the community, which complained that schools in this district failed to educate the city's children (Fung and Wright, 2003: 07). Born out of this protest was the reform of the public schools, which shifted power from a centralized city-wide headquarters to the individual schools themselves (Fung and Wright, 2003: 07). The law established Local Schools Councils, which are composed of six parents, two community members, two teachers and the principal of the school. Its members (other than the principal) are elected every two years (Fung and Wright, 2003: 07). The councils of high schools add to these eleven members one non-voting student representative. (Fung and Wright, 2003: 07). These councils are empowered, and required by law, to select principals, write principal performance contracts that they monitor and review every three years, develop annual School Improvement Plans that address staff, programme, and infrastructure issues, monitor the implementation of those plans and approve schools budgets (Fung and Wright, 2003: 07). The Chicago Police Department restructured itself in the mid 1990s along the deeply decentralized and democratic lines that resemble (but were conceived and implemented quite independently from) that city's school reform (Fung and Wight, 2003: 08). This reform was in response to the perception that conventional policing practices had proved largely ineffective in stemming the rise of crime, or in maintaining safety, in Chicago neighbourhoods (Fung and Wright, 2003: 08). Out of this came new community policing "beats" that became administrative

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atoms of policing (Fung and Wright, 2003: 08). It is said that interested residents and police officers serving the area attend "community beat meetings", held monthly in each beat (Fung and Wright, 2003: 08). In the "beat" meetings, residents and police discuss the neighbourhood's public safety problems in order to establish, through deliberation, which problems should be counted as priorities that merit the concentrated attention of police and residents (Fung and Wright, 2003: 08).

Habitat Conservation Planning, under the U.S. Endangered Species Act, is another participatory experiment from which the EPG is drawn. Section 9 of that Act prohibits the "taking" – killing or injuring – of any wildlife listed as an endangered species through either direct means or indirect action such as modification of its habitat (Fung and Wright, 2003: 09). An "incidental take permit" was adopted to escape the impediments of the Endangered Species Act. Under this new process, applicants needed to produce a Habitat Conservation Plan that allows human activity in the habitat of an Endangered Species, so long as "take" occurs only incidentally (Fung and Wright, 2003: 09). The plan includes measures to mitigate take, and human activity does not impair the species survival and (Fung and Wright, 2003: 09). Under the new process, developers, environmentalists and other stakeholders could potentially work together to construct large-scale habitat conservation plans (Fung and Wright, 2003: 09). Through deliberative processes, these stakeholders have developed sophisticated management plans that set out explicit numerical goals, measures to achieve those goals, monitoring regimes that assess plan effectiveness through time and adaptive management provisions to incorporate new scientific information and respond to unforeseen events (Fung and Wright, 2003: 09).

The EPG is also drawn from the participatory budgeting of Porto Alegre in Brazil. This system was developed by the Workers Party in 1988 to try to transform clientelistic, vote-for-money budgeting arrangements into a publicly accountable, bottom-up and deliberative system driven by expressed needs of city residents (Fung and Wright, 2003: 11). In each region of the sixteen that compose the city, a Plenary Assembly meets twice a year to settle budgetary issues. City executives, administrators, representatives of community entities such as neighbourhood associations, youth and health clubs, and any interested inhabitant of the city attends these assemblies, but only residents of the region can vote in them. These Plenary Assemblies are jointly co-ordinated by members of municipal government and community delegates. At the first of these annual plenary meetings, held in March, a report reviewing and discussing the implementation of the prior year's budget is presented by representatives of the city government (Fung and Wright, 2003: 11). Delegates are also elected from those attending the assembly to participate in meetings conducted over the following three months, to work out the region's spending priorities. At the end of three months, these delegates report back to the second regional plenary assembly with a set of regional budget proposals (Fung and Wright, 2003: 11). At this second plenary meeting, proposals are ratified and two delegates and substitutes are elected to represent the region in a city-wide body called the Participatory Budgeting Council, which meets over the following five months to formulate a city –wide budget from these regional agendas (Fung and Wright, 2003: 11). The city-level budget council is composed of two elected delegates from each of the regional assemblies, two elected delegates from each of five "thematic plenaries" representing the city as a whole, a delegate from the Municipal Workers' Union, one from the union of neighbourhood associations and two delegates from central municipal agencies (Fung and Wright, 2003: 11). The group meets intensively, at least once per

week, from July to September, to discuss and establish a municipal budget that conforms to priorities established at the regional level, while still co-ordinating spending for the city as a whole.

The last participatory experiment from which an EPG model is drawn is the Panchayat democracy in West Bengal and Kerala in India. These reforms were introduced in response to a high level of corruption that dominated these districts (Fung and Wright, 2003: 12). Three changes were particularly important in West Bengal. First, these reforms increased the financing capacity of the lowest-level Panchayat authorities – the Gram Panchayats –by imposing a revenue sharing scheme with the districts and giving the Gram Panchayats their own taxing power (Fung and Wright, 2003: 13). Second, these measures stipulated that one-third of seats in Panchayat assemblies and leadership positions would be occupied by women and that lower-caste –Scheduled case and Scheduled tribe – would occupy leadership positions in all of these bodies in proportion to their population in the districts (Fung and Wright, 2003: 13). Finally, the 1993 reforms established two kinds of directly deliberative bodies, called Gram Sabha, to increase the popular accountability of Gram Panchayat representatives (Fung and Wright, 2003: 13). The Gram Sabha consists of all the persons within a Gram Panchayat area and meets once a year in the month of December (Fung and Wright, 2003: 13). At this meeting, elected Gram Panchayat representatives review the accomplishment (or lack thereof) of the previous year's budget and action items (Fung and Wright, 2003: 13). Similar participatory reforms were introduced in Kerala, drawn from those in West Bengal. Under the programmme, some 40 percent of the state's public budget would be taken from traditionally powerful line departments in the bureaucracy and devolved to some nine hundred individual Panchayat village planning councils (Fung and Wright, 2003: 13). In order to spend these monies, however, each village was

required to produce a detailed development plan that specified assessments of need, development reports, specific projects, supplemental financing, arrangements for deciding and documenting plan beneficiaries and monitoring arrangements (Fung and Wright, 2003: 13). Subsequently, these plans, in principle, are approved or rejected by direct vote in popular village assemblies (Fung and Wright, 2003: 13).

Fung and Wright draw from these experiments' common features, which they effectively refer to as an EPG. Fung and Wright (2003: 03) point out that "though these four reforms differ dramatically in the details of their design, issue areas, and scope, they all aspire to deepen ways in which ordinary people affect their lives." These institutional reforms vary widely in many dimensions and none perfectly realizes the democratic values of citizen participation, deliberation and empowerment (Fung and Wright, 2003: 06). These experiments are participatory because they rely on the commitment and capacities of ordinary people to make sensible decisions through reasoned deliberation and empowered because they attempt to tie action to discussion (Fung and Wright, 2003: 05). What can be said of this model is that it is a broadly applicable model of deliberative democratic practice that can be expanded both horizontally – into other policy areas and other regions – and vertically into higher and lower levels of institutional and social life (Fung and Wright, 2003: 15). The EPG takes many of its normative commitments from analyses of practices and values of communication, public justification and deliberation (Fung and Wright, 2003: 15). It is part of a broader collaboration to discover and imagine democratic institutions that are at once more participatory and effective than the familiar configuration of political representation and bureaucratic administration (Fung and Wright, 2003: 15).

Fung and Wright have drawn this model, which consists of the three key principles and the three institutional design properties of the model. The first of the three guiding principles in this EPG model is that the experiments must have clear *practical orientation*; secondly they need to constitute something of *bottom-up participation*; and thirdly the experiments must constitute *deliberative development of solutions* to community problems (Fung and Wright, 2003: 15). These are the principles that are drawn from, or found in the experiments discussed above. The principle of practical orientation requires that participatory groups gear themselves towards solving real practical problems such as providing public safety (Fung and Wright, 2003: 16). Bottom-up participation refers to the situation where people directly affected by "targeted problems" apply their knowledge, intelligence and interest to the formulation of solutions (Fung and Wright, 2003: 16). Deliberative solution generation refers to a decision-making mechanism in which "participants listen to each other's positions and generate group choices after due consideration" (Fung and Wright, 2003: 17).

The three institutional design features include the *devolution of public decision authority* to empowered local units; and secondly the creation of formal linkages of responsibility, otherwise referred to as c*entralized supervision and co-ordination*; and the third design feature of the experiments is that they are *state-centred and not voluntaristic* (Fung and Wright, 2003: 16). Devolution design property refers to reforms to participatory bodies that are "creatures of a transformed state endowed with substantial public authority" (Fung and Wright, 2003: 16). Centralized supervision and coordination design property requires local participatory bodies to be connected to superordinate bodies (Fung and Wright, 2003: 21). The last of these design properties is that these participatory bodies should be state centred and not voluntaristic. This requires colonization of state power and transformation of formal governance institutions (Fung

and Wright, 2003: 22). Fung and Wright admit only one shortcoming in relation to these institutional design features, that they offer them as only observations and hypotheses that contribute to institutions that advance, stabilize and deepen democratic values and not that they are necessary (Fung and Wright, 2003: 20). Fung and Wright, in framing their model, take into account background conditions that are necessary for the institutional designs to contribute to the realization of democratic values. The present author uses this as well, in analyzing the Msunduzi policy document. The full exploration of these principles and institutional design features, and of how they can help advance participatory democracy in Msunduzi, will be given with an examination of the Msunduzi community participation policy to determine the lengths to which Msunduzi's participatory institutions go in meeting the criterion explained in the EPG model.

The gradualist model

The EPG model theory differs by considerable margins to the model offered by Krantz, who offers a "gradualist model" of participatory governance. According to this argument, the EPG reforms can be viewed as part of a larger trend toward participatory democratic innovation. If this is correct, according to Krantz (2003: 6), then the gradual or partial reforms are similar and related in important ways to the more radical EPG reforms. Rather than viewing the EPG reform as a *fait accompli*, a one-time intervention in the institutional design, this perspective emphasizes the cycle of reinforcement and further reform that allows for the longevity of the system (Krantz, 2003: 06). However, this "gradualist model" is packed with a number of distortions that make it even less perfect as a standard model for the pursuit of democracy. The first of these is that it leaves too much room for experts or officials to decide what needs to be done, when, in fact, the democratic demand now is more about achieving a total transformation of institutions whereby

citizens have control over the institutions. As Krantz puts it herself, "The democratic effect of this process facilitation is impeded, however, when the same city staff also acts as 'experts' who 'educate' citizens on matters of context under debate" (Krantz, 2003: 06). If a participatory process educates people about decision-making, without allowing them to question the process or the norms of bureaucratic and expert disciplines that constrain decisions, the process is less than fully deliberative and the net effect on civil society could be one of co-optation rather than empowerment (Krantz, 2003: 06).

The expert model

The EPG model is also a move against the erstwhile model characterized by less democratic practices, as it relies on expert knowledge in its decision-making processes - the expert stance. In this approach it is only the experts who are given the leverage on decision-making. In this model ordinary citizens remain the subjects to be analyzed, diagnosed and treated according to the experts' preferences. In the expert stance, the designers place themselves outside the local system they are investigating and about which they are making decisions, even if they happen to come from, or live within, the local system (Participation Learning Group, 1996: 04). This model falls short of the necessary aims required to make any fair assessments of the design of democratic institutions needed for deepening democracy in Msunduzi.

Fundamental research questions for the exploration of the Msunduzi community participation policy

The major research objective of this thesis is finding an answer to the question:

How should the Msunduzi policy, more specifically its "participatory institutions", be framed in order for them to awaken effective citizen participation that yields greater decision-making and consequently improved political capabilities for ordinary citizens?

Specific key questions using those provided by the EPG model, outlined below, are:

1. Do izimbizo and the ward committees address a specific area of practical public concern?
2. Does decision-making in izimbizo and in ward committees rely upon the empowered involvement of ordinary citizens and officials in the field?
3. Do izimbizo and ward committees attempt to solve those problems through processes of reasoned deliberation?

In terms of their institutional properties,

4. Do these experiments devolve decision and implementation power to local action units?
5. Are local action units not autonomous, but rather recombinant and linked to each other and to supervening levels of the state in order to allocate resources, solve common and cross-border problems and diffuse innovations and learning?
6. Do the experiments colonize and transform existing state institutions? Are the administrative bureaucracies charged with solving these problems restructured into deliberative groups?
7. Do these groups have the power to implement the outcomes of their deliberations; or do they rely on the endorsement and subsequent processes of state bodies to practically implement these ideas and proposed policies?

The Methodology and Methods: Discourse Analysis:

The present author will investigate the discourse of citizen/community participation as found in the Msunduzi community participation policy. Questions relevant for discourse analysis include the meaning of citizen/community participation in the Msunduzi policy document; the effect this meaning has on the kind of institutional designs envisaged for community participation, namely ward committees and izimbizo. The methodology used is that of discourse analysis. Discourse is simply defined as "a system of statements which constructs an object" (Parker, 1992: 05). Citizen participation and institutional design are a few examples of various discourses found in the policy document of Msunduzi's community participation policy. The method of discourse analysis is very useful for the present study, because it elucidates a variety of issues that give rise to problems that this project is concerned about. For example, the Msunduzi municipality state, in its community participation policy, that one of its reasons for believing in community participation is that it leads to effective decision-making. Through the method of discourse analysis we question this; what is really meant by effective-decision making in the Msunduzi policy document? Does it mean that more power is going to be given to the citizens? Or does it mean that by inviting citizens sometimes to participate in decision-making processes of the municipal council this will legitimize their projects and lead to less toyi-toying (open confrontation) against the municipal councils' unfavourable decisions?

In the Msunduzi policy document community participation is defined "as a direct or indirect involvement and education of people, through democratically elected representatives in all projects that affect their daily lives." Of course this raises a number of questions. For example, what exactly is meant by "indirect involvement" or "education of people" in this definition? Can participation only be conducted through democratically elected representatives? And how would

this impact on the power-relations between citizens and the government officials facilitating these community participation workshops? When we analyze these words we can conclusively deduce from them that the government sees its officials as experts who should help in educating the people and take decisions on their behalf because they may not be capable of doing this themselves. If this is the case, then we can again draw from this to say that Msunduzi's understanding of effective citizen participation does not bear any reference to the empowerment of ordinary people, but is rather seen as a way of legitimizing their policies. The only method that can assist us in determining this is through discourse analysis.

The author's assumptions

It is clear to the present author that the problem in the Msunduzi municipality with regard to community participation is not only at one level of the institution, but at both higher and lower levels, as well as at the policy and the practice levels of the whole policy framework. I believe that citizen participation involves much more than inviting people for the purpose of educating them about projects that affect their lives, or as an exercise that merely serves to legitimize government policies. The concept of citizen participation should go beyond that. Citizen participation should be regarded as an important process, even if the people for whom it is organized do not have much to say about how things should be done. It should be seen as an end in itself rather than as a means to an end. The EPG will help organize all my ideas about what citizen participation should mean and how institutions should be organised. This theory sets a very high standard on what institutions of participatory governance should be like and what should be taken into consideration when setting up institutions for this purpose. The EPG theory advocates a more democratic set of participatory institutions. According to Fung and Wright,

EPG has a "colonizing effect" (Fung and Wright, 2003: 27) on state institutions. A total transformation of state institutions is envisaged by the EPG model.

Using the methodology of discourse analysis, in this thesis I will be concerned primarily about two sets of participatory institutions in Msunduzi namely izimbizo and ward committees. I will apply the analytic rubrics supplied by the EPG model. I will determine whether or not the institutions of izimbizo and ward committees contain in their deliberations, and as part of their institutional practices, any of the following elements: 1) pragmatic orientation; 2) deliberative solution generation; 3) bottom-up participation; 4) devolution of powers; 5) recombinant by nature; 6) are state centred, not voluntary; 7) whether or not all participants have roughly an equal amount of power.

Proximate research questions and methods

Research questions	Research tasks	Methods
1. Do izimbizo and the ward committees address a specific area of practical public concern?	Examine principles of EPG in relation to the policy document	*Theoretical analysis *Document analysis *Report analysis *Legislative analysis
2. Does decision-making in izimbizo and in ward committees rely upon the empowered involvement of ordinary citizens and officials in the field?	Examine principles of EPG in relation to the policy document	*Theoretical analysis *Document analysis *Report analysis
3. Do izimbizo and ward committees attempt to solve those problems through processes of reasoned deliberation?	Examine principles of EPG in relation to the policy document	*Theoretical analysis *Document analysis *Report analysis
4. Do these experiments devolve decision and implementation power to local action units?	Examine institutional design of EPG in relation to the Msunduzi policy document	*Theoretical analysis *Document analysis *Legislative analysis
5. Are local action units not autonomous, but rather recombinant and linked to each other and to supervening levels of the state in order to allocate resources, solve common and cross-border problems and diffuse innovations and learning.	Examine EPG, in relation to Msunduzi policy, as well as reports	*Theoretical analysis *Document analysis *Legislative analysis *Report analysis
6. Do the experiments colonize and transform existing state institutions? Are the administrative bureaucracies charged with solving these problems restructured into deliberative groups? Does the power of these groups to implement the outcomes of their deliberations, therefore, come from the authorization of state bodies	Examine EPG municipal institutional design as well as policy and reports	Theoretical analysis *Document analysis *Legislative analysis *Report analysis
7. Is there a rough equality of power, for the purposes of deliberative decision-making between participants?	Examine EPG, municipal institutional design, and policy as well as reports	*Theoretical analysis *Document analysis *Report analysis

Chapter Two

Background study: an analysis of the context of citizen participation in Msunduzi institutions

Introduction

The current Msunduzi Municipality and its system of governance represent an evolution of various forms of governance in Pietermaritzburg that have shaped its present form. By way of orienting the reader to the purpose of this chapter and to better appreciating its circumstances, a brief description of the current municipality and institutions will be given. Chapter Two will discuss how the City's institutions have been shaped since the founding of the town, through to the introduction and dismantling of the apartheid system of governance in 1994. This chapter is important for a comparative analysis and to create an understanding of the new set of participatory institutions that replace the old system of governance. While it gives an account of the principles that governed the old institutions, it also introduces the dynamics of the principles that followed on from them.

Founding of the city of Pietermaritzburg

Pietermaritzburg developed from 1838 as a Voortrekker town (Voortrekker describes Dutchmen who had migrated from Cape Town to the interior of South Africa, having arrived there from the Netherlands in Europe) and was later, from 1842, annexed by the British and used as the administrative capital of the colony of Natal (Mkhize, 1998: 11). The administrative capital of Natal consisted of areas demarcated for different racial groups, even before racial segregation was legalized by the Group Areas Act of 1950 (Mkhize, 1998: 18). The Indians and Coloureds were found on the eastern side of the city, while Africans, with the exception of those at Sobantu

Village, resided in the southwestern side of the city areas such as Edendale, Ashdown and Vulindlela (Mkhize, 1998: 18). In areas like Edendale people of different racial groups mingled together very well, in spite of the seeming separation of the groups. According to Wills (1988: 33), the Pietermaritzburg Municipality was already in operation as early as 1848, under the appointed Municipal Board of Commissioners which was soon, however, succeeded by an elected Town Council in 1854. The Msunduzi Municipality has in its midst one of the largest traditional areas, known as Vulindlela, with a total of four chiefs. With the rapid evolution of the town from a Voortrekker 'dorp' to being a colonial administration capital of the British Empire, this meant that after 1994 the institutions of democracy in the city of Pietermaritzburg, as well as those of the local municipality, were fairly new and inaccessible.

Institutional arrangements

The remarkable feature of institutional design and arrangement in the city of Pietermaritzburg has been heavily shaped by the values the city inherited from the apartheid system. In the following extract, Lawrence (1988: 218) gives an account of the circumstances in which the city municipality of today finds itself:

> The upshot (was) apartheid, the ideology of separate development, distinguishing between people according to arbitrarily defined racial criteria, fundamental to the Nationalist plan.

In the same paragraph Lawrence (1988: 219) says that "The effect on cities like Pietermaritzburg was profound. The population was re-organized into racially exclusive enclaves, where people were supposed to lead most of their lives within the confines of their assigned ghetto". The profound effect of this ideological arrangement in the governance of the people was the direct impact it had on the city's institutions of governance. Local government in greater

Pietermaritzburg was organized in accordance with the policy of "own affairs." (Truluck, 1990: 11). The city's institutions of governance were divided along racial lines, with each race group having its own separate institutions. Lawrence explained that Whites, Coloureds, Indians and Africans "occupy [ied], for the most part, separate political universes, each encouraged to impinge on the others as minimally as possible" (1988: 220).

Wills (1988: 33), felt that "this 'apartheid city' form has been maintained for decades by a plethora of laws governing where people may live and move, but has its origins in the founding of the town (or more correctly the 'dorp') by the Voortrekkers, and its subsequent growth as a colonial capital under British rule." In other words, segregation long before the emergence of apartheid was already a policy of government at local level. Wills (1988: 41) observes that:

> Segregation in Pietermaritzburg, as in other South African cities, had evolved as the natural outcome of the large social distance that had emerged between whites and other racial groupings, and of cultural and ethnic pluralism, combined with different levels of technological development (41). Long before the Group Areas Act was passed the principle that Africans were temporary sojourners in the 'white' City had been an integral part of urban planning, and the Native (Urban Areas) Act of 1923 and the Amended Act of 1937 effectively kept African residential areas on the distant fringes of the City.

No doubt exists that the central government was successful in its attempts to have the institutions of separate development implemented as evidenced by the policy of "own affairs" and even in Pietermaritzburg. In Pietermaritzburg there was ambivalence in the manner that the municipality pursued the goals of this ideology. Mkhize (1998: 32-33) pointed out that:

> It appears that the City Council was uncomfortable or ambivalent with the way the Group Areas Act was implemented from the top down. During the meeting of 5 June 1961, in sympathy with Indians and Coloureds, the Council distanced themselves from

the actions of the Group Areas Act Board. However, it has also been pointed out that the residential segregation was ultimately implemented in Pietermaritzburg and the establishment of Imbali Township, rather than the expansion of Sobantu Village, was one such example.

Given the exclusive nature of such a policy, it inevitably had a negative effect on municipal institutions and processes, with one consequence being that democratic arrangements with those emphasizing and ultimately relying on citizen or community participation, in particular, became underdeveloped and undervalued. Such an arrangement would also have an impact on the delivery of essential services such as roads and housing. This was later to serve as fuel to the conflict that ensued and ultimately led to negotiations geared towards transformation and the sharing of power.

Racially-based segregation of local government in Pietermaritzburg

Based on the policy of segregation, the initial Pietermaritzburg Municipality in 1848 only included areas that were under the new borough (Truluck, 1990: 12). Areas that were outside the borough were automatically excluded from the Municipality's administration. All the areas in the Vulindlela and greater Edendale were outside the Municipal boundaries and the administration of these areas was left to the people of those areas. Truluck (1990:16) explained:

> Administration of the area is deliberately fragmented, and most of the population of the city is denied meaningful representation at a local government level. Before the 1988 elections, the city council showed an increasing awareness of the indefensibility of this position, as well as the long-term planning problems which such administration creates.

Own affairs compared with general affairs

The Nationalist government made a number of efforts to try to justify the separation of areas by introducing a number of structures for black residents these structures were an alternative to an inclusive, non-racial, local government. The White Paper on Local Government (1998: 01) states that "through spatial separation, influx control, and a policy of 'own management for own areas', apartheid aimed to limit the extent to which affluent white municipalities would bear the financial burden of servicing disadvantaged black areas." What will be discussed separately are the institutions that were introduced by the national government for areas that had been left outside the traditional white municipalities. Under these, the institutions that were set for the governing of African people, the Coloured people and the Indian people and their particular application in the City of Pietermaritzburg, will be mentioned.

Black local administration

The areas in Vulindlela under the supervision of the chiefs remained outside the control of the Municipality. The Edendale area also remained outside the official borough of the Municipality. However, some of these areas were partly responsible for the actions that government took in regard to their governance. The Edendale community, for example, resisted being put under the control and supervision of the white municipality. One reason put forward to explain this refusal is that there was a fear that the involvement of the white municipality would introduce changes to the existing system of the freehold of land and that rates would have to be payable for the services rendered by the Municipality. Traditional leaders were given the responsibility of assuming the administration of these communally owned areas (White Paper on Local Government, 1998: 01). The founding of the government of KwaZulu in 1970, which was to be responsible for all the areas that were considered to be outside the borders of South Africa, as

well as its municipalities, was intended to strengthen the position that areas such as Vulindlela and Edendale were outside the City's municipality. Some small rural townships (the so-called 'R293 towns') were given their own administrations, but these lacked real powers (White Paper on Local Government, 1998: 01).

In spite of the laws that sought to restrict the presence of black people in towns, the government had come to accept the fact that some populations were a permanent part of the towns/cities, hence the founding of Sobantu village in 1927/8 (Mkhize, 1998: 19). In 1966 a site was chosen for the building of the township of Imbali. In 1971 the Bantu Affairs Administration Act was passed. It appointed the Administration Boards, which removed responsibility for townships from white municipalities (White Paper on Local Government, 1998: 02). In 1980, the townships of Imbali and Ashdown, and the freehold area of Slangpruit, were excised from the Pietermaritzburg Municipality and put under the control of the South Africa Development Trust (Aitchison, 1993: 40). Government plans were to hand over these townships, together with the large freehold area of Edendale, to KwaZulu (Atchison, 1993: 40).

In 1977, Community Councils were introduced. Community Councils were elected bodies, but had no meaningful powers and few resources and they never gained political credibility (White Paper on Local Government, 1998: 02). A corollary of this policy was the denial of political rights for black people at all levels of government (Cameron, 1999: 76). Various advisory bodies, namely Black Boards, Urban Bantu Councils and community Councils, some nominated and some elected, were set up for black townships, but these proved to be ineffective (Cameron, 1999: 76), mainly because of their failure to garner the support of the people they were supposed to govern. Segregation was a major outcome of not only a sophisticated policy but also a

sophisticated institutional arrangement that could only be achieved through some power-sharing deal involving the central government, together with the municipalities.

The Black Local Authorities (BLA) Act, Number 192 of 1982, came into effect on 1 August 1983 and possessed fairly extensive powers (Aitchison, 1993: 40). Black Local Authorities (BLAs) replaced Community Councils (White Paper on Local Government, 1998: 02). This structure was faced with many difficult challenges. BLA had no significant revenue base and were seen as politically illegitimate from the start as they were rejected by the community (White Paper on Local Government, 1998: 02). To finance township services, BLAs were forced to increase the rent and service charges (in some cases up to 100%) of township residents, many of whom were already living below the breadline (Cameron, 1999, 78). As part of the arrangement of the BLA, town councils were set up for Imbali, Sobantu and Ashdown. The Inkatha Freedom Party tried to gain control of the town councils but there was a growing resistance to the role of black town councillors in black local authorities, who were increasingly seen as puppets of the apartheid state (Aitchison, 1993: 40). In August 1983 two prominent Imbali councillors resigned, to be followed by the entire Ashdown council (Aitchison, 1993: 40). In the run-up to the new elections in Ashdown only two (new) candidates presented themselves and the elections had to be cancelled (Atchison, 1993: 40). In Imbali only two new candidates stood (Atchison, 1993: 40). In the late 1980s the apartheid state attempted to prop up collapsing BLAs and calm political tensions by redirecting funds to disadvantaged areas (White Paper on Local Government, 1998: 03). A system of *ad-hoc* intergovernmental grants was developed to channel resources to collapsing townships (White Paper on Local Government, 1998: 03). Regional Services Councils (RSCs) and Joint Services Boards (JSBs) were established to

channel funds to black areas. However, these interventions were however, "too little too late." (White Paper on Local Goverment, 1998: 03).

Coloured and Indians local government

After the Nationalist Party (NP) was elected to power in 1948, racial segregation in respect of Coloureds and Indians intensified (Cameron, 1999: 77). The Group Areas Act of 1950 made provision for separate residential areas for Coloureds and Indians (Cameron, 1999: 77). Separate structures were not introduced, however, until the passing of the Group Areas Amendment Act of 1962, which made provision for such bodies (Cameron, 1999: 77). Advisory bodies called Management Committees and Local Affairs Committees (LACs) were created for Coloureds and Indians (Cameron, 1999: 77). Coloured and Indian residents paid rates to the Pietermaritzburg Municipality, but lived in segregated suburbs and were entitled to vote only for their respective Local Affairs Committees, which were established in 1963 (Truluck, 1990: 11). These Local Affairs Committees were purely advisory, nothing more, nothing less (Truluck, 1990: 12). According to Robert Cameron (1999: 76), only four Indian LACs had evolved into independent local authorities and no Coloured Management Committee did so. The major reasons for this were the lack of financial viability, lack of trained staff and political opposition by Coloureds and Indians to these apartheid structures (Cameron, 1999: 76). In the 1960s, 'Coloured' and 'Indian' Management Committees were established as advisory bodies to white municipalities (White Paper on Local Government, 1998: 01).

On the liberal traditions of the Municipality

Representative democracy compared with participatory democracy

In Pietermaritzburg prior to the new arrangement there is no question that representative democracy was privileged over the participation of the community. After the Municipal Board of Commissioners was replaced by an elected Town Council in 1954, the City's new institutions of governance ushered in the new era of democracy, which encouraged the representation of the community in the governance of the town (Wills, 1988: 33). However, it does not appear that the City had made any arrangements to encourage community participation in the governance of the town apart from the elected representatives. Even the existing representative system in the City was based on the exclusion of other race groups. Indeed, the most distinctive feature of South African local government had been the existence of a racial division of powers. In practice, with the exception of the limited Coloured and Indian representation in the Cape Province, only whites could vote and stand for election at local government level (Wills, 1988: 33). The City remained in this position of exclusive governance for a long time (Truluck, 1990: 11). From the early days, black people were said to be represented by their Chiefs in political structures (and traditional areas) and this concept of self-rule or self-government was based on the belief that the Chiefs and Izinduna (Izinduna are chiefs' right hand men, in charge of various smaller units of the chiefdom) were the best people through which black people could act and who could attend to their various problems and concerns. The following extract shows how the entire City remained in the hands of a few councillors who were part of a minority.

> Until the October 1988 elections, the borough was divided into five wards, with three councillors each and consisted of a 15 member white City Council who administered the entire borough (Truluck,1990: 11).

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During this time the "central government dictated that the elections be contended on a single councillor per ward basis, and thus 15 wards were delimited" (Truluck, 1990: 12). The council also delimited an equal number of wards for the Indian areas of the city and five for the Coloured areas. Effectively, the white councillors controlled the affairs of the Municipality through standing committees (Truluck, 1990: 12). Given this, it is not clear how the Municipality in May 1987 found that the City Council "accepted the idea of a single non-racial council, a delimited city into non-racial wards and proposed that all adults resident in the city be eligible to vote" (Truluck, 1990: 12). See also Lawrence, 1988: 219. It could be as a result of pressure exerted on the Municipality from outside to transform or perhaps an incidence of internal democratization within the Municipality. These proposals were presented to the Executive Committee of the Natal Provincial Administration, but were rejected (Truluck, 1990: 12). As an alternative, the city council introduced a "consensus" voting system, in which CLAC (Coloured Local Affairs Committee) and ILAC (Indian Local Affairs Committee) members were asked to participate in a show of hands, or straw vote, prior to the counting of the official (whites only) vote (Truluck, 1990: 12). In theory, white councillors were supposed to take cognisance of the majority vote, as expressed in the consensus vote. Even this limited attempt to broaden the representativeness of the "city" council fell into disrepute when newly elected (white) National party and Independent Councillors refused to allow a straw vote on the election of the Mayor and Deputy-Mayor after the October 1988 elections (Truluck, 1990: 12). Because of the non-participatory element of the reform of these institutions, CLAC and ILAC enjoyed little support from their communities. Despite the consensus voting system "about 300 people passed a vote of no-confidence in the City Council, ILAC and CLAC" (Truluck: 12). Lawrence (1988: 219) stated that, the ILAC and CLAC members did not participate willingly or fully in this system because they wanted full

voting rights. Accordingly, organs of political representation, initially community representation led to these communities becoming alienated from City government (Lawrence, 1988: 220).

Participation in government institutions was never an option for the Pietermaritzburg Municipality. The character of the government and its institutions was top-down, with the city council making decisions on behalf of all the community members, including the excluded members. Although the level of violence in major parts of the Pietermaritzburg Municipality in the 1980s was characterized by ANC/ IFP rivalry, it may also be a testimony to the fact that people's feelings were suppressed and they needed democratic institutions that would be more inclusive. The lack of proper participation by communities in the Pietermaritzburg Municipality was one of the pitfalls of governance.

Centralization compared with decentralization

The question of the decentralization of institutions became an important topic of debate in the local government following the dismantling of apartheid institutions in 1994. Recently the Msunduzi Municipality has taken the decentralization of its institutions quite seriously, resulting in the adoption of the new policy document which has helped put the new institutions of ward committees and processes of public consultation in place. If we look closely at some incidents that involved government and its engagement with the people prior to 1994 in Pietermaritzburg, we can learn about the nature of institutional arrangement with regards to centralization and decentralization. Evidence points to the fact that there was juxtaposition of centralization and decentralization of power in the Municipality. First of all, the introduction of the ideology of separate development was a form of limited decentralization on the part of the Municipality, although the reasons concerned enhancing white power to further undermine other groups.

Again, when there was an increase of violence in the city, from as early as 1983, it resulted in the stepping in of the national government to local affairs to help resolve some issues. This intervention by the national government led to a certain degree of centralization of power by the Municipal authorities in the way governance of the City was carried out. This limited evidence shows that there was no clear policy line with regards to how power should be centralized or decentralized. This might be an indication that the City's authorities may have appealed to any method of governance – to centralize or to decentralize - depending on the objectives to be achieved at any particular time. The story of the City is one of conflicting principles between decentralization and centralization. When all the authority was in the hands of the city council, this was a form of centralization at local level. Again, when the national government got involved over certain issues, this indicated centralization of governance at a higher level than that of the Municipality. When the excluded community was allowed to govern its own affairs this was characteristic of a decentralized Municipality. The following extract from Lawrence (1988, 218-20) explains the situation of administration in the Pietermaritzburg Municipality prior to 1994:

> Military forces were dispatched by central government in a determined endeavour to quench unrest and institute order by whatever means deemed necessary. Thus, for the time being, real administrative power no longer lies with the government officials of Imbali and elsewhere, but with the South African Defence Force. Today the City's political universe comprises insiders and outsiders. The insiders are the whites, whose fifteen elected white representatives on the City Council, with the assistance of senior bureaucrats, all of whom are whites as well, govern the municipal area that is officially Pietermaritzburg. Rather than creating a distinct, exclusive city government for both the Indian and Coloured racial groups, which the ideology of apartheid requires, the Nationalist leaders in 1966 opted for Local Affairs Committees. Moreover, Local Affairs

Committees have been granted only advisory powers; final decisions are taken by the City Council. This also discourages participation. Councils, then city councils, were envisaged for the African urban townships. Zealous apartheid planning meant that the City Council had to transfer its responsibility for Sobantu to central government in 1973. A local government's authority is determined by the South African Parliament or, in effect, by the Nationalist Government. The City Council is hemmed in: the manner of Indian and Coloured KwaZulu came about in 1970. African residential areas in the western sector of Pietermaritzburg were scheduled to be absorbed into KwaZulu.

In 1966 legislation which established Bantustans was passed. Under this new structure the government of KwaZulu had its own legislature based in Ulundi. The structure was run in conjunction with the King of KwaZulu, alongside a variety of chiefs from KwaZulu and Natal. This, in a nutshell, was a characterization of the legacy of the centralization of power in the more formal authoritarian institutions of a King against the will of the majority of people. In Pietermaritzburg, especially in the surrounding areas, violence increased in 1985 and 1986 (Aitchison, 1993). In places like Nxamalala, Bhobhonono, KwaDambuza, Imbali and Elandskop the situation deteriorated and there was open confrontation between the Inkatha Freedom Party (IFP) and the United Democratic Front (UDF).

In spite of the fact that municipalities existed in a local sphere of government under the apartheid regime, they remained heavily centralized, due to the fact that they had to account to the central government for every action they took. The Municipality retained their normal responsibilities such as the construction and maintenance of roads, supply of water and electricity, provision of council housing, traffic control, refuse collection, health services, public library services, museums and fire-fighting services. They were nevertheless required by the central government

to institute its policies without question. In terms of power-sharing in Pietermaritzburg, power remained exclusively centralized in the white municipal council. This council was responsible for all the planning within the municipality.

Under the apartheid regime, decentralization was not seen as a possible institutional arrangement which could have the effect of unifying citizens and therefore this aspect of the system had remained under-explored during this period. The White Paper on Local Government (1998: 20) states that, "in the past, local government has tended to make its presence felt in communities by controlling or regulating citizens' actions." This was also manifested in the array of institutions that were set up separately from the main municipalities of the white people. Black local administration Coloured and Indian local governments were all created to keep the power of the white municipalities, while attempting to manage the areas excluded from the jurisdiction of these municipalities. The point made in the White Paper on Local Government (1998: 20) that, "while regulation remains an important municipal function, it must be supplemented with leadership, encouragement, practical support and resources for community action", needs further emphasis. It can be concluded that the important feature of a decentralized municipality was conspicuously missing in both the colonial and apartheid era municipal structures.

Consolidating forces for a more participatory municipality

The fact that the City's new institutions, which look to encourage participation, have been put in place following the dismantling of those of the apartheid period, hardly deserves mention. A synopsis of the history of transformation and the reforms within the Municipality will no doubt provide a picture of a city that did not only succumb to external pressure demanding reformation, but was also subject to internal pressure as well. The outcry advocating some sort of institutional

reform became urgent as the 1984 uprising gathered momentum and civics, along with other community bodies, started to organize (White Paper on Local Government, 1998: 03). The Imbali protest in 1984 following the announcement that the minister of Cooperation and Development, Dr Piet Koonhof would be visiting the township in order to inaugurate the new community council, is one example (Mkhize, 1998: 06). Cameron (1999) recorded:

> Furthermore, many protest actions took place at the local level, targeting racially-based local government structures as symbols of the greater apartheid order. These actions included rent and service charges boycotts which added to the problems experienced by an already financially vulnerable local government system.

The rallying cry of these bodies was the appalling social and economic conditions in townships and Bantustans (White Paper on Local Government, 1998: 03). The chief weapons used by these organizations were the organized boycott of rental and service changes, as well as consumer boycotts, which proved to be quite effective (White Paper on Local Government, 1998: 03).

This crisis in local government became a major force leading to the national reform process which began in 1990 (White Paper on Local Government, 1998: 03). National debate about the future of local government took place in the Local Government Negotiating Forum, alongside the national negotiating process. Many local authorities simply did not have the financial basis, political legitimacy or administrative ability to govern their areas (Heymans, 1988). Although additional structures, such as Regional Services Councils (RSCs) and Joint Services Boards (JSBs), were introduced to effect transfers between more and less affluent areas and to provide channels for development support, they also operated under the cloud of apartheid (Heymans, 1988). Against this background, many local governments and other role-players, such as the civic associations and business groups, started talks at local level during the 1980s and early

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1990s (Heymans, 1988). However, the broader legislative framework limited the scale of these processes and in many areas they never even started (Heymans, 1988).

Institutional criteria used for governance post-1994

The founding Constitution was the first document to clearly state the principles that would inform the new structures of governance, particularly those of the local government. The Constitution set the guidelines and the parameters of the new country and the direction that it was going to take. The Constitution clearly stipulates that the country is to espouse institutions that are more democratic and participatory in design. Chapter 7, section 152 (e), states that municipalities are "to encourage the involvement of communities and community organizations in the matters of local government." This is a clear acknowledgement by the Constitution that participation in the affairs of government by ordinary citizens is important.

Redistributing the dividends of democracy from the centre to the citizens

As the process of constitutional change unfolded at national, provincial and regional level, new opportunities for local negotiation inevitably emerged. By 1993, the Local Government Negotiating Forum (LGNF) had been established, providing the context for negotiations between some of the major stakeholders in local government (Heymans, 1994: 02). The White Paper on Local Government was the initial document that was to lead towards legislation that would transform the system of local government once and for all. Mohammed Valli Moosa, Minister for Provincial Affairs and Constitutional Development (1998: v), declared, in appraisal of the White Paper on Local Government:

> In terms of the new Constitution, local government is a sphere of government in its own right and now no longer a function of national or provincial government. Local

government has also been given a distributive status and vote in building democracy and promoting socio-economic development. This White Paper… establishes the basis for a system of local government which is centrally concerned with working with local citizens and communicates to find sustainable ways to meet their needs and improve the quality of their lives.

It is clear from these words that the intentions of reforms in the local government was that such reforms would contribute to the building of democracy and promoting socio-economic development. In building democracy, the role of participation by ordinary citizens was clearly recognized from the beginning.

Cameron stated that "The active involvement of the public in decision-making and overseeing the management of local authorities can enhance the ability of the local authority to address the needs of the public sensitively and appropriately" (Cameron, 1999: 24). Participatory governance was thus seen as the policy line that would succeed previous policy frameworks for democratic government. This policy would help shape and give direction to the current local government institutions, which were, "albeit amidst the flaws of apartheid, essentially based on principles of 'representative democracy" (Cameron, 1999: 24).

Partial conclusion

This chapter has sketched a history of municipal organization in the Msunduzi area and found that there is no foundation, nor any traditional system in place, to ensure the protection and implementation of new participatory systems in the municipal system after 1994. This effectively means that the new institutional arrangements under the new dispensation are completely experimental and have no basis, foundation or any pre-existing support structures that can be

adopted from the old institutions. The political culture in the municipality remained heavily centralized, or limited by legislative nuances of the central government. Although some form of decentralization was found in the old order, this was based on racially exclusive policies which have no place under the new municipality, which seeks to enhance inclusive democracy.

In Chapter Two we learn that the "own affairs" approach might have oriented the excluded population to importance of the local government and "self-rule", while ceding to the central authority. This chapter helps us to recognize the fact that, given the history of the area, the fact that it has only been since the dawn of the democratic era that the government has acknowledged the value of public participation within its systems, any participatory institution would have to be proactive and visibly functional in order for it to encourage the community to participate voluntarily in it. The spelling out of their need for community engagement, as stipulated in the constitution, is an obvious admission of this fact. The following chapters discuss the more detailed exploration of the design of the new participatory institutions.

Chapter Three

Empowered Participatory Governance: The Msunduzi Community Participation Policy and the institutional design of Ward committees

Introduction

The Msunduzi community participation policy provides for a system of ward committees as one framework in an array of institutions aimed at deepening participatory governance within the Msunduzi Municipality. This framework of municipal participatory governance is actually provided for in an act of parliament called the Municipal Structures Act 117 of 1998. It is in Chapter 4 of this Act that a framework for ward committees is spelt out. Under this chapter Municipalities are encouraged to form ward committees for the purpose of increasing community participation (55).

The question remains, of course, as to the nature of the participation envisaged under the framework of the ward committees and the extent of change this will require from the existing institutions of the municipality. To put it simply, the question is, can ward committees foster and deepen participatory democracy as is envisaged in the national policy framework of participatory governance? And can this model match the institutional design framework envisaged in the EPG model? Another matter which is relevant to the issue of democracy and which can broaden the spectrum of questions pertaining to participatory governance is whether or not this framework can provide the platform for all members from the different political parties, and different sectors of the communities, to engage each other as equals? This system is intended to assist in improving the political abilities of all the participants through inclusion. If this was to come true in the Msunduzi Municipality then it could help build the already in-dispute system of

representative democracy. Before we can begin to assess or provide answers to these questions, one question that needs to be answered is that of the practicality of the ward committees.

On the principal design features of ward committees

Practical orientation of the ward committees

The benefits of a ward committee with a practical focus is that, to use the words of Fung and Wright, "it creates situations in which actors accustomed to competing with one another for power or resources might begin to cooperate and build more congenial relations" (Fung and Wright; 2003: 16).

In terms of the EPG model any institution that aims for success in driving and yielding effective citizen participation should have a practical focus. Practical focus here means that a deliberative body in any participatory experiment must have a clear focus on real-world problems that participants know of and can relate to. The Porto Alegre participatory budget is a good example of this arrangement. In the case of Porto Alegre the main concern is drawing up a sensible budget for the city by way of bringing in the community to participate in policy formulation. The practical orientation of the ward committee system, as detailed in the Msunduzi community participation policy, is not clear. Although it is not clear which issues the ward committee should handle; the policy document specifically requires ward committees to form subcommittees that will, in turn, deal with many specific issues that are of concern to the community, such as safety and security issues, health and education. Health and security seem to be practical issues that the community can deal with. One may argue that the role accorded to the subcommittee is the same as was given to the ward committee itself. Whatever the case may be, however, the policy document needs to specifically mandate the committee itself to deal with these issues. Then the

committee may decide if it wants to pursue the issue via subcommittees. Engaging subcommittees in carrying out the function of the ward has the advantage of increasing the spectrum of participants in any discussion of the ward committee, whilst reducing the number of participants. This increases the effectiveness of the deliberations. It may be said that the actual size of the committee is increased as a result of co-option to form subcommittees. Nevertheless the ward committee can maintain its grip on practical concerns affecting the community and the community can gain experience in addressing community issues. There could be a chance that even the more usually marginalized people in the community, for example women, can take part in these local deliberations.

On the negative side of this is the fact that, while a number of people may be involved in the processes of the municipality, there is a danger of limiting the very space necessary for effective problem-solving. A proper forum or platform for people to make meaningful contributions to the processes of ward committees is vitally important. The ward committees themselves should be encouraged to engage in debate over how they would organize themselves according to the area of need, so that each issue or problem of concern that any respective ward committee decides to deal with can be successfully dealt with using ideas from the community. The policy document should leave the issue of implementation of programmes to ward committees themselves, to avoid being too prescriptive, as this may limit the very processes of deliberation and problem-solving that the policy tries to put in place.

Bottom-up participation

The notion of "bottom-up" participation is offered in direct opposition to the notion of the "top-down" service delivery typical of the South African experiments. Bottom-up participation

implies the kind of service delivery, or an approach to the delivery of public goods, which is centred on the people. According to this definition, being centred on the people means that at every stage of the programme the government has to offer or deliver to its citizens the very same people affected (whether directly or indirectly) by these services. They should themselves be involved in the process of planning such delivery. In other words, the participation of the people is central to the policy framework of the participatory experiment. The EPG model emphasizes the notion that citizens cannot be effective deliberators or participants unless they are empowered to take action. Therefore power to take action by ordinary citizens is the cornerstone of the notion of bottom-up participation. Effectively this refers to a situation where citizens have the ability, as well as the capacity, to mobilize themselves to take action in matters that concern their own lives. It is in this area that the government can be of use to deliver resources in order to make this goal possible.

Fung and Wright say, with regards to bottom-up participation, that "effective solutions to certain kinds of novel and fluid public problems may require the variety of experience and knowledge offered more by diverse, relatively more open-minded citizens and field operatives, than by distant and narrowly trained experts" (2003: 16). What is being argued here is that not all problems can be fully understood or properly attended to by people with a specific area of expertise who may reasonably encounter problems which are alien to them, or require other areas of expertise in order for them to be solved. This is a view that many problems can only be effectively solved through the participation of the very people affected by the problem, although this does not preclude experts assisting, too.

The policy document makes it very clear that the kind of participation envisaged by the municipality is that of bottom-up participation. The document says that one of its objectives it is to "give communities the opportunity to exercise real control over all stages of a programme that affects them…" (2005: 02). Whether or not the design of the ward committees necessarily promotes this remains an issue worth more exploration. It also should be borne in mind that if the ward committees are to be truly bottom-up entities, in terms of their participation, there are certain design features and aspects that need to be taken into account. The first of these is to see to it that the ordinary members of the community make up the greatest number of the committee members. This does not mean to say that the greater the representation the greater the participation. What is meant here is that until the citizens themselves are put in charge of the bodies aimed to resolve their own issues, and until these are backed up by the necessary resources, there is a danger that these bodies may become mere tokens. When one observes how the ward committee is structured one will find that most members that make it up are ordinary citizens. In reality, ordinary citizens may not be so ordinary at all. They may not be ordinary in the sense that they may be important members of the community such as business people. What is being emphasized here by the inclusion of ordinary people is that they must not be linked to a formal position in the municipality.

The policy document indicates that the person who shall be responsible for chairing such a committee will be a ward councillor (2005: 04). Some problems may result from the inclusion of a ward councillor in the ward committees. This is not to exclude the various positive benefits that a councillor can bring to ward committees as an official representative of the community in the municipal legislature. The problem with their inclusion in the ward committees stems from the fact that the majority of most of them are aligned with political parties. The issue of concern

here has to do with impartiality. How impartial can their thinking be, with their obvious political interests? Piper and Deacon (2006: 23) come to a sobering conclusion in their assessment of the interaction between the partisan councillor and the ward committee. They observe that "in most historically black areas, and especially those under IFP control, ward committees will remain firmly under party hegemony" (Piper and Deacon, 2006: 23). Impartiality of councillors at all times seems to be thus far only an ideal.

At this level of community participation the most fundamental challenge is that of integrating the community to begin to address its problems as a unit rather than along divisive party lines, often encouraged by the culture of representative democracy. The benefit of direct participation by ordinary community members is captured in the words of Fung and Wright (2006: 34), who say that "it increases accountability and reduces the length of the chain of agency that accompanies political parties and their bureaucratic apparatus". When political parties become involved in providing services to the people, or even to state officials, there is much bureaucratic etiquette which, in the end, may lead to delays in service delivery. The community thus needs to take charge of the simple things they are capable of dealing with, rather than leaving these in the hands of the officials. This has an advantage of limiting the time taken by other officials in dealing with them. Therefore the bottom up participation in the ward committees, as opposed to the top-down approach, can only improve the delivery of basic and essential services to the people. The involvement of the ward councillor can be disastrous if not dealt with at a policy level, as there is always a danger that these ward councillors may be pressurized into taking the views of the people or parties who have voted for them into greater account, at the expense of serving ordinary community members.

On the other hand, the inclusion of a ward councillor to serve in the ward committee can have a positive consequence. One of these positive consequences is that the councillor may serve as the necessary vein that links the ordinary citizens directly to the council which is the core decision-making body in the municipality. The councillor can also help to ensure that ordinary citizens are informed of the council's actions and decisions and are aware of the reasons behind them. This can help improve democratic practice within the municipality. However, the fact that these municipal officials are mandated by law to be part of these committees does not mean that they have to run these committees, as the ward committee members themselves should have more power than the councillor in such a forum. The councillor should also be made to report to the committee members and not *vice versa*. This arrangement would ensure that the ward committees do not become mere extensions of the representative democracy system, or function as an advisory committee at the discretion of the councillor, but that they should form a necessary and an active participatory institution of the municipality, without which no decision can be made within the municipality.

Deliberative solution generation

The idea of deliberative solution generation is an important aspect of the institutional arrangement envisaged by the EPG model concerning the way that ward committees function. Deliberation in this thesis basically means a discussion that members of a group enter into. This is different from a kind of deliberation in which members could argue with each in order to find solutions to their problems. One of the familiar aspects of the latter kind of decision-making is strategic negotiation. In this decision-making process, "parties use decision-making procedures to advance their own unfettered self-interest backed by the resources and power they bring to the table" (Fung and Wright, 2003: 19). The Msunduzi policy document is not clear which

deliberative procedures are to be followed in the ward committees' deliberative procedures. Unless these deliberative procedures are spelt out there is a risk that they may not be followed and, worse still, is that they are not in fact followed most of the time. The extent of the predominance of one kind of decision making process may be dominant in one area and not in another. The structure and cohesion of a discussion may be linked to the diversity of the various members that make up the committee. If members come from one political viewpoint they are more likely to agree on issues than if they come from opposing political views.

Deliberation is different from other kinds of decision-making such as command, aggregation and strategic negotiation. According to the EPG model, deliberation forms the heart of participatory democracy. This means that other kinds of decision-making mechanisms such as command, aggregation and strategic negotiation are less ideal for ward committees, which aim at enhancing participatory democracy and improving the decision-making process by letting the communities speak their minds.

Command and control

The basic characteristic of this kind of decision-making process is that "power is vested in managers, bureaucrats, or other specialists, entrusted to advance the public's interest and presumed to be capable of doing so by dint of their training, knowledge, and normative commitments" (Fung and Wright, 2003: 19). From the analysis of the policy document, it is very clear that command and control is not the way the municipality wants to go. Explicitly, the policy document states that one of their objectives in engaging in community participation is "to give communities the opportunity to exercise real control over all stages of a programme that affects them with a view of creating a sense of ownership and thus promote their civil

responsibility" (2005: 02). It is clear from this account that the municipality aims to empower its citizens. On a more practical level, one may ask just how much the ward committees are currently involved in the decision-making processes of the municipality. For example, are ward committees empowered to propose their own projects based on local deliberations? And how much can the municipality support these private initiatives? These are some of the questions that the policy document needs to be able to answer in order to ensure that ward committees are not simply there to enhance the municipal representative system, or to serve as talk shops. Unfortunately there is nothing much in the policy document that would allow even speculation on this issue and, even worse, this seems to be a shortcoming of the practice.

The document simply has too many gaps and lacks any serious thought that would enable it to do any justice to the goals it hopes to achieve with regard to complete public participation. Even other supplementary documents such as the handbook for ward committees do not address this issue appropriately. The handbook could be used to further explain and extend on what the policy document has not.

Aggregation

This method of decision making involves individuals in a group combining their preferences in order to determine what would be the choice of the group (Fung and Wright, 2003: 19). In some cases, aggregative mechanisms can result in harm and lead to the failure of participatory experiments, because of patronage and corruption of the people involved. The policy document is not very clear as to the method of decision-making in the ward committees; hence it is possible that whenever the members cannot agree on certain issues they will resort to this method of decision-making. Piper and Deacon have cited this to be a particular problem in many ward

committees in Msunduzi. The following extract from Piper and Deacon (2006: 20) gives a clear picture of how some ward councillors have tried to undermine community structures in relation to the government-proposed ward committee system, to set up their own:

> In addition to the functioning of ward committees, the Msunduzi case also illustrates the centrality of ward councillors to the constitution and composition of ward committees. Thus while consultants were meant to institute ward committees, they did not do this in all cases, and several ward councillors, many from the DA, reported setting up their own structures. Some ward councillors reported having sectoral representation with meetings in localised areas, some had one mass meeting, while others co-opted people from existing organisations.

This extract shows just how possible it is for politicised communities to want to engage in self-destructive behaviours that undermine good community engagements and efforts. Such behaviour needs to be avoided by all means in the policy document by imposing high penalties for groups that fail to resolve their problems through deliberative procedures set by the communities themselves. Penalties could include budget cuts for ward committees that are problematic. Budgets do not yet exist in the ward committee system, so this is just an illustration of how a community can be penalised in a case where it goes against its stated public mandate.

On the design properties of ward committees

Devolution

The concept of devolution in the EPG is concerned with "the reorganization of power to local action units…charged with devising and implementing solutions and held accountable to performance criteria" (Fung and Wright, 2003: 20). The extent to which devolution of power to ward committees can be measured is directly linked to the issue of how power works within the whole framework of municipal participatory governance. For example, who makes the decision

whether or not a taxi rank is needed in the area, where it is built and how and what should be taken into account when building a taxi rank? The effectiveness of the decisions made are all issues that need to be examined when considering the issue of devolution.

In the policy document it is not clear how power has been devolved from the municipal council to ward committees. In fact the power to implement decisions cannot be devolved to ward committees by law (Ministerial Notice 965). What emerges clearly from the policy document is that ward committees are designed to deal with the most basic and specific issues affecting the community. Ward committees do not have the necessary powers backed up with the necessary infrastructure and funding exercisable under their own supervision. For them to have such instruments would not mean that they would have to take over the work of officials of the municipality. However, it needs to be made clear in the policy document that the ward committees can and will be supported in cases where good ideas have been generated at their levels. If such was to come out clearly in the municipal policy document, it would serve as a clear sign of the extent to which such ward committees are to be empowered. Ultimately the extent of devolution can also be measured accurately.

The design feature of ward committees in the participatory governance can, in fact, be regarded as part of decentralization of the municipality and not of devolution of power, as power still lies in the hands of the municipal officials and councillors. Devolution of power is a misnomer, even in the area-based municipal management offices such as the Greater Edendale Development Initiative (GEDI) offices in Imbali and other similar institutions. This means that the only change that has taken place in the municipality is the decentralization of institutions such as

administration, but not actual devolution. Political devolution in the ward committees only exists in theory, but not in practice, as ward committees cannot affect the decisions of the council.

Centralized supervision and coordination

In terms of this property design feature, empowered local units such as ward committees cannot operate as autonomous, atomized sites of decision-making, but there should be linkages between local units with super-ordinate bodies of the municipality. The idea here is that all the ward committees should be managed or located within the central body which, in this case, is the office of the speaker. The idea of centralized supervision and co-ordination is centred on the idea that linking different ward committees to one another can lead to effective decision-making or problem solving (Fung and Wright, 2003: 21). When a ward committee in one area for example, encounters a problem there can be some transfer of solutions from one committee to another, resulting in joint problem-solving. The Msunduzi policy document has dedicated at least two key bodies that will be responsible for supervising and co-ordinating ward committees and their activities. These are ward councillors in their respective wards and the office of the speaker.

In terms of the policy document the ward councillor is expected to hold regular ward committee meetings and is mandated to have regular community meetings to ensure a platform for obtaining input from the community and to give feedback to the community – special meetings. The councillor is mandated to encourage community members to attend any municipal meetings. There are few problems associated with this kind of arrangement, but one problem comes from the fact that the responsibility of co-ordination is given to councillors. Co-ordination means that ward committees within the municipality should find a way of interacting and sharing ideas, with the goal of becoming more effective in their roles as participatory institutions. The idea that the

councillor should be the one who plays this role may serve to take away some power and learning opportunities from the ordinary community members who are part of the ward committee. The benefit associated with the ward committees is that they give responsibility to ordinary community members. The negative effect of charging councillors with the responsibility of co-ordinating them is that this may deprive community members of a practical learning experience. Also, given the fact that councillors have many other responsibilities besides working with the ward committees, this arrangement may become time-consuming and deprive them of time that could be better spent on other duties and responsibilities.

The office of the speaker is given several responsibilities concerning the supervision and co-ordination of ward committees. The speaker is tasked with the responsibility of encouraging the councillors to hold ward committee meetings regularly; to encourage councillors to hold regular, periodic community meetings, to ensure a platform for obtaining input from the community and to give feedback to the community at special meetings. The speaker's office, as a central office in accordance with the EPG model requirements, is to:

> Enforce the quality of local democratic deliberation and problem-solving in a variety of ways: such as coordinating and distributing resources, solving problems that local units (ward committees in this case) cannot address by themselves, rectifying pathological or incompetent decision-making in failing groups, and diffusing innovations and learning across boundaries (Fung and Wright, 2003: 21).

In the institutional design of the ward committees in Msunduzi there is both supervision and some form of co-ordination in the participatory institutional design framework. Fung and Wright (21) state that the role of supervision and co-ordination in the EPG model is to:

reinforce the quality of local democratic deliberation and problem-solving in a variety of ways: coordinating and distributing resources, solving problems that local units cannot address by themselves, rectifying pathological or incompetent decision-making in failing groups, and diffusing innovations and learning across boundaries.

The question will arise with regard to the capacity of the speaker's office to be able to play such a role effectively. It is not clear from the policy document just how much time the office of the speaker is allocated to carry out the functions of supervision and co-ordination. The office of the speaker may be given these responsibilities, but in practice it may be a different issue altogether. It is thus crucial that the office of the speaker is given a more complete mandate and the time to be able to visit most of the ward committees in order to assist them in their daily functioning and ensure that there are enough resources for these committees to function efficiently.

State-centred, not voluntaristic

Before the policy of participatory governance was introduced the state did not recognize any form of participation, let alone a framework that would be part and parcel of state institutions. The EPG model requires that participatory institutions should "colonize" state institutions and transform formal governance institutions (Fung and Wright, 2003: 22). Ward committees are designed to fit into the existing set of institutions that are state-centred and are not meant to be additional structures which function from outside the government. Other entities which play a participatory role such as political organizations, civic organizations such as churches, NGOs and FBOs, do not form part of formal institutions of governance. Fung and Wright (2003: 22) stated that "EPG experiments generally seek to transform the mechanisms of state power into permanently mobilized deliberative-democratic, grassroots forms." With the institution of ward

committees it seems that the government is very serious about ensuring that ordinary citizens participate in the daily activities of government.

However, we need to be careful not to mix separate questions, or to treat them as one, because this may be confusing. It is clear that the question of ward committees being deliberative and democratic, as well as constituting an element of grassroots level participation, is two separate questions. To what extent can ward committees be deliberative and democratic at the same time? Are ward committees comprised of grassroots level people at all times? Who constitutes the "grassroots"? I will ignore the former and address the latter. The concept of grassroots level primarily refers to previously marginalized and powerless individuals or groups of people. In the present study, the meaning of "grassroots" people would be extended to include any individual or group of people who have an interest in the activities of government, but do not formally hold any direct position in the institutions of government. As long as there are people who have an interest in participating in the ward committees and are unable to do so, because of grounds other than unavailability, this will ensure some form of a compromise to the deliberative-democratic nature of participatory institutions, as envisaged for ward committees. The fact that ward committees already fail to engage as many people as possible speaks volumes about the kind of democracy being offered at ward level and throws the ward committee system into suspicion, that they may very well be another body of the representative system which has been misguided in order to achieve some measure of public participation.

Enabling conditions

The issue concerning who should participate in the ward committees is linked to the issue of enabling conditions. There are a number of factors that determine whether or not the

environment is conducive to deliberations being held. Fung and Wright indicate the issue of the high rate of literacy in Kerala as one of the factors that enhanced the deliberative terrain in their participatory experiment (Fung and Wright, 2003: 23). Fung and Wright (2003: 23) explain:

Most fundamentally, perhaps, the likelihood that these institutional designs will generate the desired effects depends particularly on the balance of power between the participants engaged in EPG and, in particular, the configurations of non-deliberative power that constitute the terrain upon which structured deliberation inside EPG occurs. Participants will be much more likely to engage in earnest deliberation when alternatives to it – such as strategic domination or exit from the process altogether – are made less attractive by roughly balanced scales of power.

The issue of enabling conditions is crucial in a municipality such as Msunduzi, which has a well-known history of political intolerance, as it is imperative to talk about the issue of enabling conditions and act towards ensuring that the issue exists. The presence of enabling conditions can lead to the successful design of the ward committee and also to the functionality of the ward committees. The idea of having enabling conditions in any participatory experiment is prompted by the fact that there are many other factors that may serve to stifle what would otherwise be productive deliberations. Considerations such as power differentials between the deliberators tend to have a negative influence during any such discussions, as they become inherently unfair and counter-productive. To the contrary, "when individuals cannot dominate others to secure their first-best preference, they are often more willing to deliberate" (Fung and Wright, 2003: 23). The policy document makes it clear that, in fulfilling this design feature, the municipality area-based management organizations have a responsibility to assist communities or institutions such as ward committees and any stakeholders, by providing the necessary information to encourage participation. The Msunduzi Municipality is still in the process of ensuring that all the

wards of the municipality have access to these offices in their local area. This would ensure the efficient delivery of essential services to the community. An effective policy needs to be backed up by adequate resources to ensure that it succeeds. This should include the provision of resources for ward committees to function better.

Partial conclusion

The system of ward committees is a first step in the right direction by the government, in proving that it values public opinion. However, there are obstacles that make one question if they can lead to a deeper democratic culture. Strengthening democracy requires a shedding of some power from the central units to local units. The municipality has created a number of impediments to this goal. The first is imposing ward councillors as chairs of these committees. This does not help empower citizens to take control of their own committee, as well as the agenda. The fact that the policy document does not spell out which decision-making mechanisms shall be used to make decisions in the ward committee is also a weakness of the policy document. The area in which the Municipality is based has a very deep culture of political intolerance which will have an effect on ward committees. Any policy document that is serious about participation will need to guard against this. It also seems that ward committees are not well-resourced. The policy document remains silent on this issue. Lack of resources will ensure that even the intelligent ideas that the committees have never see the light of day. The document needs to make all the necessary provisions that may be necessary for efficient functioning of the ward committees.

Chapter Four

Empowered Participatory Governance: The Msunduzi Community Participation Policy and the institutional design of izimbizo

Introduction

The community participation policy also provides izimbizo (public meetings) as another institution or instrument that is aimed at deepening democracy through the policy of participatory governance. Imbizo (sing.) or izimbizo (plural) is an isiZulu word which means a gathering or meeting. Izimbizo in the Zulu culture was a designated platform from which the Inkosi (chief) would communicate important matters to the nation. This concept has been adopted by the democratic government to describe the meetings called by government officials, from the president to mayors. The idea of an imbizo is that there should be unmediated communication between the community and the politician. Msunduzi's community participation policy provides that izimbizo would be used to consult communities about pending government policies and decisions (MMCPP, 2005:04). The policy document states that the function of izimbizo is "to do report-backs to communities or to get the community's needs" (2005: 04). According to the document, these meetings should be held in community halls, churches, sports-grounds or on open-fields (2005: 04). The nature of these meetings is such that attendance is normally very high, as they try to mobilize a very large number of people. Recently, these meetings have been characterized by catering and entertainment being provided for the participants. Perhaps the inclusion of catering and entertainment is a form of encouragement, as there seems to have been higher attendance figures at these meetings since their inception. As with the ward committee system, the system of izimbizo raises certain questions regarding the

institutional arrangements of the system, especially whether or not it will be able to advance the most democratic form of participatory governance. Other related questions are what exactly are the challenges of izimbizo and how can they be addressed. Answers to these questions call for another investigation, using the similar framework provided by the EPG model.

On the principal design features of izimbizo

On the practical orientation of izimbizo

For izimbizo to be more effective, they need to be a forum with a clear focus on practical issues that affect ordinary citizens. Attention should be given to issues such as "public safety, the training of workers, caring for habitats, or constructing sensible municipal budgets" (Fung and Wright, 2003: 16). According to the policy document (2005: 04), izimbizo are used to do report-backs to communities or to get the community's needs. The functions listed here raise questions with regard to the level of participation that the community engages in during these meetings. While regular report-backs to the community seem to be a prudent administrative practice, which may ultimately encourage community interest and involvement, there is a danger that such meetings may delve onto issues that are beyond the scope of practical focus and are therefore beyond the understanding of ordinary citizens. This is something which is discouraged in a successful participatory experiment. The second goal of getting community needs using izimbizo does not seem to ensure any significant level of participation or deliberation on practical issues that affect the community. This element of izimbizo proves that they have no practical focus and fail to engage and educate people on democratic processes. Identifying community needs may merely ensure that citizens are kept informed about government activities but cannot ensure effective community participation on practical issues, nor do the izimbizo necessarily allow

citizens the opportunity to interact with officials with the object of finding solutions to real issues they have.

Bottom-up participation

Msunduzi's policy document seems to be doing injustice to the ideal of deepening democracy, as it is quiet on the type of participation it envisages for izimbizo. It must address this issue head-on. The policy needs to be clarified and have all the details laid out concerning what kind of participation is envisaged for these izimbizo. The idea of bottom-up participation requires that the citizens take an active role in drafting the agenda and calling the meetings, to which government officials would then come to report on the agenda proposed by the public. The policy document does not highlight how this would take place; in fact the policy document is very clear that izimbizo are the prerogative of politicians who set the agenda. These gatherings employ a top-down approach to citizen participation, as opposed to bottom-up participation. This goes against the spirit of empowered participatory governance.

According to Fung and Wright, the concept of bottom-up participation is linked to the issue of establishing "new channels for those most directly affected by targeted problems – typically ordinary citizens and officials in the field – to apply their knowledge, intelligence, and interest to the formulation of solutions" (2003: 16). There are two things that relate to the question of bottom-up participation, as far as izimbizo are concerned in the policy document. The first relates to the fact that izimbizo are called by politicians. The fact that politicians have this mandate has the potential to distort the agenda concerning issues of interest to the community. The danger with this arrangement is that community needs may be sidelined in favour of the political interests of the politician and whatever policy line their respective party holds.

These meetings seem to be in constant danger of being driven by motives and agendas not related to the interests of the community and, because they are effectively under the exclusive control of whichever sector of the municipality that chooses to call them, important issues can be diverted and unilateral decisions taken in the presence of the self-same citizens who ought to have a say in them. This situation can be the direct result of the policy document's silence with regards to safeguarding against such occurrences. This issue needs to be looked at with a degree of caution, since the goal of bottom-up participation involves the giving of power to ordinary people who often lack such power. This does not mean that the agenda addressing the interests of the community can only be set by the community, as politicians also have a role to play within the design principle of bottom-up participation. According to the EPG model requirement, the community needs to be given the opportunity "to apply their knowledge, intelligence and interest to the formulation of solutions" (2003: 16).

The second issue is that the concept of bottom-up participation means that channels for participation should be created so that ordinary citizens of the community can take part in the decision-making processes. This rests on two notions, according to Fung and Wright, that "effective solutions to certain kinds of novel and fluid public problems may require the variety of experience and knowledge offered more by diverse, relatively more open-minded, citizens and field operatives, than by distant and narrowly trained experts" (2003: 17). It is true that it may be necessary to consult with ordinary citizens for effective decision-making, but the question that remains is whether or not izimbizo can offer the right kind of platform that would allow for the bottom-up participation envisaged in the EPG model. Again, according to Fung and Wright, the "direct participation of grassroots operators increases accountability and reduces the length of the chain of agency that accompanies political parties and their bureaucratic apparatus" (2003: 17).

This is perhaps one of the strengths of the institutional design of izimbizo, because it has the strength of allowing direct participation of ordinary citizens in government activities. Another question, however is: how much of it actually takes place? Given the normal large size of these gatherings, surely such interaction must be severely limited.

Deliberative solution generation

There are a few questions that arise under this theme. First among these is whether or not in izimbizo there is a deliberative process at all? This question, like other questions, is affected by the sheer number of people in attendance at izimbizo. The process of deliberation is a fairly rigorous process of engagement between various participants in the discussions. Recent additions to these proceedings, such as the provision of food and entertainment, while ensuring increased attendance also dilutes the level of participation and the quality of contributions, as a large section of the participants have no actual interest in the proposed discussions. These issues all point to serious flaws in the policy document, which seems to discount the necessity of an effective deliberation process in izimbizo.

Another issue that may be directly linked to the question of deliberative solution generation is the one of agenda setting. Who sets an agenda to be discussed at an imbizo? The question of agenda setting is critical to the effectiveness of deliberations, because whoever sets the agenda ultimately controls the outcome of the meeting. If one party has the power to set the agenda, they can determine which issues should be held up for public reflection and discussion and which issues may be excluded from such scrutiny. The policy document makes it clear that politicians may call these meeting at their discretion. However, if izimbizo were appropriately designed, provision would be made for the community to have the opportunity to set the agenda and this

should have been listed as a priority on the policy document. An appropriate deliberative arrangement in izimbizo would allow for a proper platform for participants to do more than just ask questions and give opinions. The policy document needs to attend to this issue.

Then comes the point about the manner in which the meeting is run. Is it run in a deliberative fashion? Fung and Wright clarify that "in deliberative decision-making, participants listen to each other's positions and generate group choices after due consideration" (2003: 17). This gives a clear indication of what is probably the best practice as far as deliberative solution generation is concerned. The Msunduzi policy document is notably silent on this issue, so it can be concluded from this silence that the policy document was not properly drafted to ensure that deliberation would be accounted for and taken seriously in izimbizo.

According to Fung and Wright, the results and the success of the deliberations depend upon participants following the procedures and norms of deliberation. The extent to which they do so depends on individual motives and institutional parameters (2003: 18). Msunduzi's policy document does not seem to acknowledge the necessity of procedures and norms in its design of izimbizo and the necessity of incorporating this institutional structure into the participation policy. The motives of politicians, who often have the prerogative to call the meetings, is called into question, let alone the fact that izimbizo often have a large number of participants in attendance, something which can have a direct impact on the quality of deliberations or discussions, if they take place at all. Let us consider other ways that meetings could be run and how they fit into the design of izimbizo as a policy. These alternatives are command and control, aggregation and strategic bargaining and negotiation.

Command and control

An issue that is worth considering is that of the role of the expert in the deliberative processes of izimbizo. The major limitation in the institutional design of izimbizo is that state officials or politicians have the privilege of calling the meetings, whereas the public have a limited right to do so. In these meetings the politicians have the opportunity to speak the most, telling the people how to behave and also, when they deem fit, allowing no questions from the people. Upon close scrutiny, this implies that there is a degree of command and control in the institutional design of izimbizo. Why is it not the other way around? The public should, in fact, be the ones that have the right to say more in the meetings and to call public meetings, instead of the politicians. The net effect of this would be that the public would be able to set an agenda which suits their needs and circumstances. Such an arrangement can go a long way in making sure that the public is empowered to make its own decisions and also gives the power to ensure that politicians are truly accountable to the public.

Aggregation

Before the method of aggregation can be dealt with, a discussion of the process of decision-making is very important. This is so because this method needs to be evaluated to see if it fits into the model of deliberative solution generation. The straight-forward answer to such a question would be that it does not help in the process of deliberative solution generation, as under aggregation candidates' choices are put together or marked with the aim of finding the most favourable of the solutions proposed. Upon close analysis of the Msunduzi policy document one would discover that some of the objectives of the municipality are customer impact and community satisfaction (2005: 02). This is a form of aggregative decision-making, simply adding up the views of citizens without reflecting on them collectively. By design,

izimbizo should not operate like aggregative forums, since the policy document states that the community shall be involved "in determining their own needs and priorities" (2005: 02). In practice, politicians simply arrive with a list of decisions already made on behalf of the community. This means this aggregative arrangement to decision-making may be used regularly rather than occasionally. The best way to prevent this from happening therefore is that more power should be given to the local action units and this should be stipulated in the policy document itself.

Strategic bargaining and negotiation

Under this decision-making process, "unlike in purely deliberative interactions, parties typically do so through the use of threats, differential power, misrepresentation and strategic talk" (Fung and Wright, 2003: 19). Clearly this is not the kind of participation Msunduzi Municipality wants to see in their institutions, even though the policy document remains silent concerning this. Unless the policy document explicitly forbids this kind of participation it remains a threat in the proceedings of izimbizo meetings. Strategic negotiation and disputes between political parties is not something that is unheard of, in fact in certain types of engagements it is the order of the day. The primary point, though, is that izimbizo are not really bargaining forums – there is usually no debate – just an exchange of information.

On the design properties of izimbizo

Devolution

The design of izimbizo does not meet the design property requirement of devolution and this comes through quite vividly in the policy document itself. All the concept of devolution wants to see in the institutional arrangement of participatory governance or experiment "is the

reorganization of power to local action units" (Fung and Wright, 2003: 20). All that these local action units (izimbizo organized by the community) are required to do is that "they need to be charged with devising and implementing solutions and held accountable to performance criteria" (Fung and Wright, 2003: 20). The current arrangement of izimbizo seems to be far from meeting this institutional design property of empowered participatory governance.

A few factors need to be mentioned if we are to correctly measure devolution in izimbizo. First of all izimbizo do not seem to constitute an institutional arrangement of local action units. Izimbizo are usually called by politicians in order to consult with communities (MMCPP, 2005: 04). According to Arnstein (2005: 05), "mere consultation with the community amounts only to tokenism" and this is not the kind of participation aimed at empowering citizens, as envisaged in the EPG model, or even in the municipal structures Act. Unlike in the ward committees, where the community enters into a partnership with the municipality, izimbizo are different to this. With izimbizo the politicians have full control over what takes place in the meetings. In fact, izimbizo barely meet the most basic criteria of what constitutes an institution. An institution has to be stable and regular in its formats, something that is not easy to find in izimbizo.

There is a critical difference between going through the empty ritual of participation and having the real power needed to affect the outcome of the process (Arnstein, 2005: 05). This raises the very sensitive issue of who really holds power in the calling and administration of izimbizo. It has been seen with the ward committees that, although community members constitute the significant part of what makes up a ward committee, community members do not share the responsibility of running the ward committee alone. Other government officials, such as the councillor, the office of the speaker and the area-based municipal management offices are also

charged with certain responsibilities directed towards making sure that the committees carry out their functions and responsibilities efficiently. The people who attend izimbizo do not have any power to affect the outcome of the process.

Izimbizo do not have the kind of institutional arrangement that is seen in the ward committees. Thus we can expect to see a power differential between the municipal officials and the general public or community. This difference in power favours the municipal officials, because they are the ones charged with the responsibility of calling and addressing these meetings. Therefore, to concur with Arnstein (2005: 05), it seems to me from the analysis of the policy document on community participation that participation in izimbizo seems to be an empty ritual and that people do not have the real power needed to affect the outcome of the process. Izimbizo remain a highly centralized institutional arrangement in all their facets, including political, administrative and financial aspects. The real devolution of power remains the challenge of izimbizo.

Centralized supervision and co-ordination

The policy document on community participation has made it clear that supervision and co-ordination by the government is an important part of its institutions. The policy document has discharged various roles and responsibilities to ward councillors. It has also given the office of the speaker the role of encouraging councillors to hold regular community meetings. The office of the speaker, as well as the councillors, are not the only ones given the responsibility of steering community participation. Area-based municipal management offices are also tasked with a similar responsibility of making sure that local community efforts, aimed at encouraging community participation, are given all the support they need. These offices are encouraged to use

a participatory approach whenever they plan community-based projects and when they initiate any development projects.

When one analyses the ward committees it is clear how these institutional mechanisms are aimed at giving support to participatory institutions. However, there seems to be a problem with the design of izimbizo, in that they are more centralized experiments. The fact that izimbizo are a prerogative of the politicians puts them out of reach for most community members as an institution that they can use effectively in their favour. What creates this obstacle is the fact that they are not in charge of the agenda and they do not have any control over the outcome of the meetings. The power to set an agenda is a very important form of power distribution, as without the power to control and direct discussion in your favour it becomes harder to guide the outcome to your advantage.

In a nutshell, as far as the supervision and co-ordination of izimbizo as an institutional property feature, it is safe to conclude that, by nature, they are devoid of any supervision or co-ordination. What makes this failure even worse is the fact that these izimbizo are organized and discharged by the council/Municipality instead of the community. This makes it difficult to classify these meetings as requiring the design properties of supervision and co-ordination, as they are not; in essence, community projects centred on the principle of participation, but are the sole initiative of the politicians in charge.

State-centered, not voluntaristic

Under the EPG model, participatory institutions need to be centred on the state, as part of the necessary requirement of the state's transformation. To be state-centred simply means that these institutions, as opposed to simply being popular inventions that agitate in favour of

transformation from outside the state, are meant to become part of the state and attempt to transform state-society relations from within. Needless to say, state centred institutions are not voluntaristic. This means that the government itself needs to take action to ensure that these institutions exist. In other words, the state needs to take the initiative for the creation and maintenance of these institutions, as is the case in Porto Alegre's Participatory Budget (PB).

Izimbizo clearly fit the prerequisites of state-centred institutions, as they are not voluntary by nature and do not rely on the public for their survival. The community does not need to form a group and make a resolution amongst themselves to make sure that izimbizo are called. Automatically, it is the function of the government to call izimbizo for the purpose of keeping the public aware of its activities or to obtain the community's feedback. Again, as outlined in the policy document of the Municipality, the government needs to invite people to izimbizo as a normal practice of doing needs analysis for the purposes of development, as well as giving feedback to the community.

There seem to be contradictions when it comes to the state-centeredness of izimbizo. The policy document does not explicitly state when izimbizo shall be called or held. It is important to note this for the purpose of making sure that izimbizo are not voluntaristic. If izimbizo are held whenever it suits the politicians it will mean that they are voluntaristic which, in reality, may mean that they escape being controlled by the citizens. Furthermore, this means that if there are no clear guidelines as to when exactly these meetings are to be held, there will be a danger that they might not be held. If it is not specified what would be the normal issues up for discussion at these meetings, there is a risk that the agenda might not be the one that is needed by community members.

Let us take the example of Porto Alegre, where the community holds at least one imbizo a year, at an elective meeting, to discuss the budget as community members. This experiment in Porto Alegre shows how participatory trials need to be state-centred, as there must be a specific date that is known to everyone when a public meeting is to be held. Given this flexibility concerning the issue of izimbizo, and with them being state-centered, it could be concluded that these are voluntaristic, in that government officials can decide when, and when not, to have these meetings. All this depends on whether or not those charged with this responsibility are willing to co-orperate and whether or not political necessity exists. It can be said that the politics around the institution of izimbizo undermines it being state-centred.

Enabling conditions

Izimbizo do not seem to be favourable to deliberations, as envisaged by the EPG model. Izimbizo need to be able to foster an environment that is conducive to deliberations to take place and also to ensure the effectiveness of the meetings. However, izimbizo fail to pass the elementary test of ensuring that conducive conditions exist within its processes. The policy document does mention the fact that different municipal structures, such as the office of the speaker and area-based municipal management offices, will have to assist in making community participation possible. It does not explicitly say how exactly these structures are to manage izimbizo. Factors such as not knowing the agenda prior to the imbizo influence the effectiveness and quality of izimbizo. In cases where they *are* aware, they are often not involved in the drafting of the agenda. What would make a difference in creating conducive conditions, for example, would be making sure that stakeholders, in this case the community members, are aware of the agenda in advance and perhaps some of their opinions are considered before the

outcome is finalized. This remains an ideal, however, since there are many political motives behind the calling of izimbizo, other than to advance community participation.

Partial conclusion

The institution of imbizo seems to be characterized by a number of design challenges to constitute any meaningful institution for participatory governance. Izimbizo differ considerably from ward committees in many respects. Firstly, izimbizo lack any parameters of a proper institution. Izimbizo simply put forward the desires of the politicians who use them whenever they deem fit. These meetings do not have a particular functional structure, such as a date when they are held and for how long. The fact that izimbizo lack institutional character means that, they are outside any form of supervision and co-ordination except, of course, when they happen to be called. In this regard the council can demand to know how a particular imbizo went. Even this is not mentioned in the policy document. If asked whether izimbizo can advance a basic form of participatory democracy, the answer is an emphatic "yes". This is because the izimbizo have the ability to bring as many people closer to government as possible. This is a benefit of this mechanism. The challenges that remain to be addressed are those of building this public-participatory mechanism into a public-deliberative body, with distinct institutions run by the community.

Chapter Five

Summary, recommendations and conclusion

Introduction

In Chapter Five, the questions raised in Chapter One will be considered. These include whether or not the suggestion that the Msunduzi institutions for participation are poorly designed is true or false. How should we arrive at this conclusion? How can these institutions be improved so that they lead to much better participation by citizens? The model that we have used to deal with this issue is the EPG model. We have looked at how this model applies to two cases, the ward committees and the izimbizo. The examination of case by case reveals factors that exist at the policy level about the way these institutions have been designed. There is ample evidence of how these institutions have been implemented at the bottom level, so considerations as to the effects of design have been made for that level as well. The hypothesis of this thesis is that the problem is not only at one level, but is at higher and lower levels of the institution and is effectively proven by the findings. This analysis incorporates the policy, as well the practical levels of the problem. However, the findings of this thesis do not only indicate the negative nature of these institutions, but rather a broader consideration of strengths and weaknesses. In a nutshell, the findings of this thesis are that the policy document fails to conform to the design features highlighted by the EPG model, which is an effective tool that allows us to properly examine the effectiveness of these institutions in achieving the stated goals of community involvement.

Summary and recommendations

The ward committee system design: strengths and weaknesses

Ward committees comply, to a large extent, with the principle design features but are very weak on the details. For example, the policy document spelt out the specific issues on which ward committees can focus, e.g. community safety or health issues, but what issue the ward committee decides to focus on remains with the actual ward committee. The potential danger with this is that some ward committees may be tempted to take on more responsibility than they can handle. This issue becomes even more likely to occur because ward committees can choose how to use subcommittees. Some committees, without due deliberation on the possible constraints of implementation, may choose to embark on a number of programmes using subcommittees. This is said to be happening in Imbali, for example. Perhaps ward committees can be mandated to focus on fewer issues, until they have grown sufficient strength to accept more issues. The fact that it has been specified in the policy that communities affected should be allowed to constitute ward committees, makes the principle design feature of bottom-up participation stronger on ward committees. The policy fails to specify, for example, the need to accommodate minorities such as foreigners, women and any substantially and previously marginalized people from government. A variation of interests in the ward committees is likely to increase participation in these committees. Community deliberations that are led from below should be made a rule rather an exception. This makes the design feature of the ward committees not only appropriate but also stronger. The danger, however, remains that if a councillor is mandated to chair the committee, wide interest in participating in these committees may be stifled. When the power of the committee lies outside the ward councillor this is likely to heighten participation, especially from

participants who hold a different point of view from the councillor. The growth of single parties, for example, the ANC in most historically black areas and the DA, in most historically white areas, may give rise to an uneven political terrain, which promotes the "tyranny of the majority" or what has been referred to recently as "the dominant party syndrome". This may have negative effects on the deliberations of the committees. In fact, proper deliberative procedures on the committees remain one primary weakness of the principle design feature of the ward committees, as they have not been properly spelt out. This poses some danger to the effectiveness of the committees. The political environment in some ward committees remains very volatile and spelling out deliberative procedures for committees may help level the playing fields.

The property design features of the ward committees still remain to be strengthened, as these features have inherent inner weaknesses. The policy document has given ward committees a weaker role to play in the functions of the municipality. Ward committees have been kept on the periphery of decision-making in the municipality. The fact that ward committees can only take part in the wide-council deliberations, when they have been invited to do so, is a major weakness on the part of promoting participation and the possibility of effecting a wide-reaching spectrum of democracy to ordinary citizens. Much power needs to be devolved to the wider community through ward committees. If democracy is to be effectively deepened, it should be moved away from the characterization of power as the sole prerogative of the democratically elected representatives. The community should be involved to the best of their ability. Another possible net effect of this is a potential spin-off of expediting implementation of programmes. When service delivery happens faster, the dissidents of government may turn to key supporters of it and thus strengthening institutions of governance even further.

Recombination of the wards has some particular strengths and is provided for at the policy level. However, there are a few weaknesses that seem to distort the details of the design of this provision. The office of the speaker has the responsibility of ensuring that ward committees function properly. If problems arise it should devise strategies for solving them. It may discuss, for example, some, or all, of the issues with the council before it takes any major decisions. This office should monitor the progress and development of ward committees on a one-on-one basis. This is also important in order to ensure that the development of the ward committee system is adequately supported in financial terms. The role of councillors in ensuring that ward committees are successful has been adequately outlined in the policy document and the debate concerning them is believed to have come to completion. Piper and Deacon stress that successful ward committees need good ward councillors (2006: 24). However, it needs to be clarified what it is that ward councillors need to be good at. Does being a good councillor refer to one's ability to promote a selfless requirement of the community rather than one of their own? Councillors could use this platform to facilitate debate within the ward committees and provide them with useful and adequate information. There is also an issue of introducing into ward committee forums a concept that aims to create a platform for ward committees to engage in discussions on common issues to facilitate a transfer of knowledge from one committee to the other.

The fact that the institution of ward committees has been established by the government is their fundamental strength and is an indication of a government responsive to the needs of its community. The democratization of government and the widening of its institutions, needs to be led from within government and not from outside. Communities need to have easy access to a responsive government that cares about the people. While ward committees remain on the periphery of government decision-making, integrating them into the council will help ward off

the perception that transformation is impossible without civil society getting involved. In fact, even civil society can play the role of supplementing accountability and democracy through ward committees. They need not necessarily replace one another. In addition to the input of resources input critically needed for the function of the ward committees, the role of area-based municipal management offices needs to be revised, in order to cater for the provision of the needs of the institutional support ward committees.

The imbizo system design: strengths and weaknesses

Having realized many weaknesses in the design of ward committees, the present author finds that the imbizo system lags behind, by a considerable margin, in meeting the set standards in their principle features, as well as in their property design. The imbizo system seems to be weak in all respects. It lacks the critical design principle of practical focus. This system seems to not have a practical orientation, in that it aims to solve concrete community problems such as HIV/AIDS, crime, environmental issues, housing problems and electricity. If the use of izimbizo is to meet the critical requirement of empowered participatory governance, it needs to respond to real problems and to turn away from becoming "talk shops", as ward committees have been referred to. Participation needs to be led from below. This is a move away from the erstwhile model of participation, which is essentially top-down. A top-down model is normally the tool of politicians for engaging the community for reasons that may be contrary to that of community sentiment. The system seems to be more of a top-down approach than a bottom-up approach to participation. Another weakness to the design of this system is that it lacks any detailed layout of deliberative procedures. It is necessary to explain procedures of deliberation, especially in a society characterized by political intolerance.

Izimbizo also lack critical design properties to help them constitute an example of empowered participatory experiment. The system remains weak in relation to the property design of devolution. This is evident in the fact that the people who constitute these meetings do not have any power in relation to the meetings and do not have the power to make decisions. The policy needs to do more to change the perceptions about where power really lies, when it comes to leading community participation. The biggest challenge is to make it clear that power rests with the community themselves and not with the politicians or officials. There is no more important factor in empowered participatory governance than ensuring that the agenda belongs to the community. If the people do not set the agenda, how can they ensure that these meetings provide benefits to the community to which they are intended? The imbizo system needs to belong to the community rather than to politicians. This will ensure greater accountability as the community increasingly becomes aware of issues in the municipality. The issues could include anything from constraints to service delivery to opportunities that could be utilized for the good of the community. Supervision of the imbizo system is almost not a concern for them, because they do not constitute elements of an institution that would allow them to be supervised. Therefore supervision of izimbizo is not yet a matter to be worried about. The imbizo system needs to be reorganized to allow it to be in the hands of the community and only then will the state be able to adequately supervise the function and input of izimbizo.

Another important consideration is the question of how state-centred the imbizo system is. The current way in which the decision to call an imbizo lies with the politician leaves much to be desired. The way the imbizo system currently operates is counter-productive to the aim of turning these meetings into a successful participatory experiment. The threat is exacerbated by the fact that politicians have turned them into an electioneering mechanism, often accompanied

by free food and entertainment. This is not to say that this happens all the time. It is, however, an indication of how this participatory mechanism can be manipulated when it is not in the hands of the community itself. When these participatory experiments of izimbizo have been accompanied by food parcels, the question is raised whether or not municipalities can afford this largesse, especially when most of them do not have a budget for it? However, when these meetings lie in the hands of the community, the community is in a much better position to decide when and how izimbizo should be carried out, without the usual pressure to supply food and entertainment. On the other hand, it is incontrovertible that the availability of food during izimbizo, when used for the right reasons could constitute a certain form of citizen empowerment that could lead to citizens being better-abled and positioned to solve their own problems.

Overview of participatory democracy for wider national transformation

Something needs to be said about the environment in which the participatory institutions have been founded. These municipal participatory institutions seem to have been placed in an environment that is unreceptive to the goals of transformation, due to a history which advocated the disempowerment and disenfranchisement of the community at large. In spite of this, it seems as if these measures, regardless of their actual success, signal a clear intention by the current government to involve the public in functions and decision-making that were previously the sole domain of the state. The current Msunduzi community participation policies seem to be grounded on the higher principles of the constitution, with sound aspirations of achieving a deeper culture of democracy through the systems of ward committees and izimbizo. This is ultimately the strength of the policy document. The range of legislations, from the Municipal Structures Act to the Municipal Systems Act, serve as an indication of determination by the

national government to replace old institutions with an essential element of democracy. The last chapters of the present study show us clearly that, according to the standards of the one-key model, there remains much to be done to enhance participatory governance in South Africa. By looking at this design the general statement can be made about how in South Africa people can realize their ambitions of having participatory institutions that work better by cultivating the culture of debate. By using the tools provided by such model citizens can be empowered to realize these goals.

Recombination of imbizo-ward committee institutions: towards a holistic approach to participation

Another question is how the two institutions of participatory governance, the ward committees and izimbizo, can be combined to constitute one coherent system. This recombination can be referred to as a holistic approach, in that the two participatory systems become mutually inclusive rather than exclusive. Practically, when applied to the Msunduzi Municipality, it means that, while ward committees meet regularly to discuss more local issues, there can be one or two izimbizo in a year where perhaps three wards can call the government to come to the community and deliver a government plan. At another imbizo the government account to the community about how far it managed to execute some of the mandated responsibilities. Ward committees could have a ward committees forum, to discuss common problems. But the whole idea behind the recombination is to make more meaningful community participation that leads to more ideas being conveyed to government officials. This will lead to a mutual understanding between the government and the communities concerning challenges and obstacles to development. Finally, more thought should be put into how these two institutions can be linked, in order to make them

one, and how to pour more resources into the institution to make participation work. This will not be difficult for the Msunduzi Municipality, because it is well-endowed with resources when compared with other municipalities.

Conclusion

While participation is a goal, Piper and Nadvi (2007: 47) caution that "Enhancing public participation requires a change of attitude amongst both officials and politicians, on the one hand, and citizens and civil society on the other." When too much power is placed in the hands of the council the purpose of the document appears to be to legitimize government actions and decisions, rather than to allow the community to have an effective role, or share, in the way the government is run. The role of participatory institutions should be that of allowing the community to share in the running of the government, by being allowed to have a say in what needs to happen. In this case, the role of the government would be to look at the wishes and decisions of the community and to act on them and to advice on the availability of resources. This new arrangement will help change the rules of the game away from where the government "consults" the community in order to legitimize government programmes. Under the new rules, the government would deliver what the community wants and the executive council would alter its perceptions about the involvement of the communities in the affairs of the municipality. The perception would change that the only interest of the community is to challenge the powers of the representatives rather than to supplement them. The role of the community should effectively be that of sharing ideas concerning how best to solve the problems of the community which have been put to the government.

Appendix One

THE MSUNDUZI MUNICIPALITY

COMMUNITY PARTICIPATION POLICY

INTRODUCTION

The Systems Act (Chapter 6), for the first time, gives communities the legal right to information, consultation and participation on local governmental matters and gives municipalities legal responsibilities in relation to participation.

Community development tells us that communities with high level of community participation are safer, more democratic, more attractive to investment, and have a low incidences of crime and homelessness. When people participate in collective action they receive a positive benefit for themselves, generate trust in the services institutions they participate in. This increases the effectiveness of these services and institutions and creates even higher levels of trust that can generate even broader societal benefits.

Community Participation is the direct or indirect involvement and education of people, through democratically elected representative in all projects that affect their daily lives. It also enables the establishment of partnerships with the stakeholders that could make a contribution to the implementation of the identified projects and/ or programmes.

It is a concept that provides opportunities for people wanting to partake in decision making process in order to enhance the overall outcome.

The Msunduzi Municipality has always been committed to participation by communities because we believe it leads to:

- better service delivery
- more effective decision making
- priorities setting by staff and committees.
- increase community satisfaction
- enhance community development
- greater accountability

The Msunduzi Municipality is committed to community participation. This commitment will also help us in fulfilling the following legislations and principles:

The Constitution of South Africa

The objects of local Government are contained in the constitution Chapter 7, Section 152 sub-section1:

- To provide democratic and accountable government for local communities.

- To ensure the provision of services to communities in a sustainable manner.
- To promote social and economic development.
- To encourage the involvement of communities and communities organizations in the matters of Local Government.

The Municipal Systems Act (Chapter 6):

Encourages community involvement/participation. The Act states that in order for Communities to participate in the decision making process of the municipality there needs to be encouragement and the conditions conducive for communities to participate in the affairs of Local Government.

The Municipal Structures Act chapter 4,

encourages municipalities to form ward committees for the purposes of increasing community participation.

Batho Pele Principles

Consultation

Service Standards

Courtesy

Access

Information

Openness and Transparency

Dealing with complaints

Giving Best Value

Encouraging Innovation and Reward Excellence

Customer Impact

THE MAIN OBJECTIVES OF COMMUNITY PARTICIPATION:

- To promote the necessity of a tripartite alliance amongst the communities, politicians and officials of the Msunduzi Municipality in local governance.
- To directly involve communities throughout the municipality, with special emphasis on those who have previously been marginalized, in determining their own needs and priorities.
- To give communities the opportunity to exercise real control over all stages of a programme that affects them with a view of creating a sense of ownership and thus promoting their civil responsibility.
- To improve project efficiency by promoting cooperation and interaction among beneficiaries and the implementing agency to secure a smoother flow of projects services, reduce delays and minimize costs.

POLICY STATEMENT

To establish a community participation approach/ system that would lead to self- mobilization of communities whereby they will be facilitated to participate in joint analyses with council and all relevant stakeholders to improve their living and working conditions.

CUSTOMERS AND DEMARCATIONS OF THE MSUNDUZI MUNICIPALITY

The customers of the City are:

☐ The business community

☐ Formal/urban areas

☐ Informal settlements

☐ The District Municipality, Government Ministries and Parastatal Organisations

☐ Visitors and Tourists

To effectively address the needs of the customers, the municipality is divided into geographically 5 defined areas of relative socio-economic and developmental homogeneity.

The areas are:

Vulindlela

Edendale

Imbali

Central and Eastern Areas

Northern Areas

COMMUNITY PARTICIPATION STRUCTURES

- **Ward Committees**

The Municipal Structures Act (Chapter 4) encourages ward committees formation in-order to enhance participatory democracy in Local Government. The communities should participate in their wards through ward committees. The chairperson of the ward committee according to The Municipal Structures Act should be the ward councillor. The chairperson should convene and chair meetings.

Ward committees should organize communities into small sub-committees that will deal with different issues like health, crime, education etc. These sub-committees will encourage people to participate in small numbers and report to a community meeting through the ward committee.

- **Izimbizo**

Izimbizo should be called by the municipality in order to consult with the communities. These meetings should be held in the community halls, churches, sports-grounds or open-fields. Izimbizo are big community meetings which are usually called by the politicians e.g mayors and members of parliament and amakhosi. Izimbizo are used to do report back or to get the community needs.

- **Community meetings.**

These meetings should be called by the ward councilors to discuss community or ward issues. They are different from izimbizo.

THE ROLE OF AREA BASED MANAGEMENT WITH REGARD TO COMMUNITY PARTICIPATION

- Will use Community based Planning methodology in accessing specific needs and priorities of exclusive community/sector by so doing encourage community participation.
- Assist the communities/ward committees and stakeholders providing the necessary information to encourage participation
- Facilitate community participation in joint analyses with the municipality and other stakeholders to improve their living conditions.

KEY ROLE OF MUNICIPAL COUNCILLORS WITH REGARD TO COMMUNITY PARTICIPATION

A Councillor will

- hold regularly ward committee meetings.
- have regular periodic community meetings to ensure a platform for obtaining inputs from the community and to give feedback to the community-special meetings.
- Encourage community members to attend any municipal meetings.

THE ROLE OF THE SPEAKERS OFFICE WITH REGARD TO COMMUNITY PARTICIPATION

The speaker's office:

- will encourage the councillors to hold ward committee meetings regularly.
- should encourage councillors to have regular periodic community meetings to ensure a platform for obtaining inputs from the community and to give feedback to the community-special meetings.
- will facilitate access to communities

COMMUNICATION AND EDUCATION

The community participation policy and associated processes will be communicated to all councilors and officials.

The municipality will communicate its commitment to community participation policy and processes to communities.

The municipality will provide adequate communication/education to all community groups in order to increase community participation.

CONTINUAL IMPROVEMENT

The Msunduzi Municipality will continually seek opportunities to improve understanding of and adherence to the community participation policy. All elements of this policy will be reviewed regularly to ensure that the municipality is operating in line with best practice in public participation. The management committee (MANCO) will review the policy and any amendments required will be submitted to the Executive Committee for approval.

SANCTIONS

Deliberate breach of circumvention of the principles of this policy, or of the guidelines and procedures that implement it, will lead to the appropriate disciplinary action.

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The City Manager: Thabane Zulu

2005

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