Community Participation in Ethekwini Municipality with Particular Reference to Ward Committees*

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ABSTRACT

Local government has been constitutionalised as a sphere of government and this has signified a conceptual shift from serving as administrative service delivery agents to the promotion of developmental goals and principles, namely local democracy, sustainable development, a safe and healthy environment and co-operative government. The White Paper on Local Government mandates municipalities to involve communities in facilitating development. Participation is an integral part of local democracy and it is a legislative requirement for the local community to be drawn into the process through integrated development planning, budgeting, performance management and ward committees. However, there are serious disparities between policy and practice as the success of public participation will not depend on the regulation of the system, but through innovative and creative local policies and legislation. A participatory culture should be inculcated and furthermore the appropriate and relevant mechanisms, processes and procedures should be developed. eThekwini Municipality has created an environment for active participation through ward committees. However, the active participation of the rural populace is still problematic and there are challenges that have to be addressed. Given the fact that the largest percentage of developmental backlogs are in the rural areas, which are inhabited by the disadvantaged communities, it is imperative that they are actively involved in the process of addressing these backlogs through the formal structures of community participation that have been set up.

* This article is a revised paper delivered at the SAPAAM Local Government conference held at the University of Pretoria, 17-18 April 2008.

INTRODUCTION

Public participation at the local sphere of government is a major challenge. The Constitution of the Republic of South Africa (Act 108 of 1996) has provided the statutory basis for:

- the provision of democratic and accountable government for local communities;
- ensuring the provision of services to communities in a sustainable manner;
- the promotion of social and economic development;
- the promotion of a safe and healthy environment; and
- encouraging the involvement of communities and community organisations in matters of local government.

Local government/municipalities are legally bound to involve communities and civic organisations in the formulation of municipal budgets, planning and development priorities. This is largely done by means of establishing integrated development plans (IDPs). The IDP presents a framework through which such a culture can be established

According to Kellerman (in Kotze 1997: 53) community participation can be considered as both an end in itself and a means to sustainable development. He states that as an end in itself, it rests on the fundamental ethical principle that people should be allowed control over actions which affect them. As a means to promoting sustainable socio-economic development, aspects of empowerment, communication and gender are imperative.

This paper will critically review the modus operandi of ward committees with particular reference to eThekwini Municipality. It will further highlight some of the major challenges of the ward governance system and propose solutions to some of the shortcomings identified.

THE COMMUNITY

Can the community really participate?

The *Local Government: Municipal Systems Act* (Act 32 of 2000) is quite clear about the need for community participation. The concept of 'community participation' derives from section 152(1)(e) of the Constitution, which mandates municipalities to encourage the involvement of communities and community organisations in local government matters. The provisions on community participation in the Local Government: Municipal Systems Act therefore have a constitutional base (Craythorne 2003: 263).

Reddy and Maharaj (in Saito 2008: 201) point out that public participation is an integral part of, and critical to, the process of local democracy. The Local Government: *Municipal Structures Act* (Act 117 of 1998) and the Local Government*: Municipal Systems Act* (Act 32 of 2000) are pieces of legislation which provide a broad framework for a participatory local democracy.

In developing a culture of community participation, Craythorne (2003: 263) points out that a municipality needs to develop a culture of municipal governance that complements formal representative government with a system of participatory governance. Therefore in order to fulfil this purpose, a municipality has to encourage, and create conditions for, the local community to participate in the affairs of the municipality, including *inter alia*:

- preparing, implementing and reviewing its IDP;
- establishing, implementing and reviewing its performance management system;
- monitoring and reviewing its performance, including the outcomes and impact of such performance;
- preparing its budget; and
- implementing strategic decisions relating to the provision of municipal services (Craythorne 2003: 263).

Again for this purpose, a municipality has to contribute to building the capacity of:
- the local community by enabling it to participate in the affairs of the municipality; and
- councillors and staff in fostering community participation. Thus the municipality has to use its resources, and annually allocate funds in its budget, as may be appropriate, for the purpose of implementing the above provisions (Craythorne 2003: 263).

According to Craythorne (2003: 264) community participation has to be focused if it is to succeed. In this regard the participation by the local community in the affairs of a municipality must take place through political structures set up for this purpose, in terms of the Local Government: Municipal Structures Act, such as ward committees. The Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) states that this has to be done through the mechanisms, processes and procedures for participation in local governance established in terms of this legislation.

WHY THE NEED FOR COMMUNITY PARTICIPATION IN LOCAL GOVERNMENT AND DEVELOPMENT

Experiences in community participation

The rationale for direct public participation usually advocates public participating in formulating development plans at the formative stage, rather than after officials have become committed to particular choices. According to Brynard (in Bekker 2004: 44-45) specific objectives for community participation can be outlined thereby encouraging participants to:
- provide information to communities;
- obtain information from and about the community;
- improve public decisions, programmes, projects and services;
- enhance acceptance of public decisions, programmes, projects and services;
- supplement public agency work;
- alter political power patterns and resources allocation;
- protect individual and minority group rights and interests; and
- delay or avoid complicating difficult public decisions

Participation takes a variety of forms. People may participate in development activities by providing information about the community, taking part in identifying needs, problems and priorities, taking part in deciding about development goals, policies and strategies, or assuming responsibility and accountability for development actions (Kellerman in Kotze 1997: 52).

Consultative participation usually comprises one of three types of opportunity. In the first instance there is *structured* participation, which means the formal establishment of one or more citizen bodies with defined prerogatives and responsibilities, such as advisory committees, and community forums. The members may be chosen by local authorities or some other stipulated process. In the second instance *open* opportunities exist, which are those set by the local authority and in which any person or group may take part – though these are limited by time, place and procedure, and are usually focused on one or just a few issues. These include enquiries and hearings, and exhibitions with a chance to comment. In the third instance there are the *informal* means that centre on the accessibility of local officials to citizen-initiated comment and advocacy (Brynard in Bekker 2004: 45).

Structured participation opportunities

Structured participatory bodies can be effective only where they experience legitimacy and the means by which to function. Brynard (in Bekker 2004: 46) reasons that an accumulation of expertise is possible if these structured participatory bodies are not merely admitted to occasional participation but enjoy ongoing involvement in a wide range of local government programmes.

Community involvement in structured bodies of local government could thus be encouraged through:

- forums started from within or outside local government which allow organised formations to initiate policies and/or influence policy formulation, as well as participate in monitoring and evaluation activities;
- structured stakeholder involvement in certain council committees;
- forums for participatory budgeting initiated with the aim of linking community priorities with capital investment programmes;
- focus groups involved in participatory action research which then generate detailed information about a wide range of specific needs and values; and
- support for the organisational development of associations, especially in poor and marginalised areas where the skills and resources for participation may be less developed than in better-off areas (Houston *et al.,* 2000: 77-78).

Community participation is the cornerstone of effective and accountable governance. This can take various forms. Gradually most municipalities are finding ways to improve community participation. An important practical approach is to establish structures that will allow for meaningful participation.

WARD COMMITTEES

Ward committees are community-based advisory committees with the ward councillor as chairperson (Reddy and Maharaj in Saito 2008: 203). Given the challenges of service delivery, considerable emphasis has been placed on ward committees as a mechanism to facilitate community participation.

Craythorne (2003: 118) contends that ward committees are one form of participatory structure contained in the Local Government: *Municipal Structures Act* (Act 117 of 1998). Only metropolitan and local municipalities established as a type with ward committees, may establish such committees. In the case of some types, there can be both subcouncils and ward committees. The object of a ward committee is to ensure that participatory democracy is enhanced at local government level. Such committees are established by rules made by the council and consist of:

- the ward councillor, who is also the chairperson; and
- not more than 10 other persons who are elected. The council must make rules about how these 10 members are to be elected, taking into account two factors: first, the need for women to be equitably represented and, second, for a *diversity* of interests in a ward to be represented. (The reference to "a diversity" and not "the diversity" must be interpreted as meaning that not all interests need to be represented.)

Ward committees are designed to help achieve developmental goals (Ababio 2007: 614). He further argues that as partners in participatory democracy, ward committees are a creation of legislation and obligated to be active partners in local government functioning in policy-making and implementation. In these, ward committees are representative structures of the community and citizenry and liaise with municipalities on aspirations and problems of the people.

Provision has been made for the functions and powers for ward committees (Section 74 of The Local Government: *Municipal Structures Act* (Act 117 of 1998). In terms of this a ward committee may make recommendations directly to the ward councillor, or through the ward councillor, to the council, the executive committee and the mayor of a municipality. This line of communication depends on the quality of the ward councillor. The council may delegate duties and powers to a ward committee (Craythorne 2003: 119).

Ward committees serve as a two-way communication channel for both government and communities on matters relating to governance and delivery of basic services. Theron (in Davids *et al.,* 2005: 128) argues that the ward committee approach in local government is another strategic public participation option.

All municipalities are charged with ensuring broad-based democracy in their constituencies. This can be achieved via committees, through which communities and community interest groups may raise concerns and needs, and also to assist in specific municipal functions (Portfolio of Municipalities in SA 2006: 128). Other forms of community and public participation are also required and encouraged.

RELATIONSHIP BETWEEN DEMOCRACY AND COMMUNITY PARTICIPATION

The right to participate

For democratic government to exist, the public (or the people) must govern or at least be actively involved in government. Without community participation democratic government will cease to exist. Vibrant democracy insists, therefore, that community participation be

positively encouraged by those in power. This would require that the right of every community member to participate in those government decisions, policies and actions that directly affect him/her be legally protected. For the reality of democracy to come to fruition, it is furthermore important that facilities and instruments of participation be accessible to every member of the community. When government violates this inalienable democratic right of any individual to participate and exercise an influence on the issues that directly affect him/her, it disqualifies itself from being called democratic (Clapper in Bekker 2004: 56).

Public participation includes the involvement of people throughout the decision-making process (Theron in Davids *et al.,* 2005: 113). This indicates that public participation is a means of empowering people by developing their skills and abilities. In this way they can negotiate with government and can make their own decisions in terms of their development needs and priorities.

Dimock (quoted by Clapper in Bekker 2004: 56) argues that citizenship should be the main purpose served by public administration, as it holds the advantages of making citizens more active and interested in local government and administration issues, encouraging greater accommodation and consensus between citizen groups and between citizen and administrators.

The right of any individual to participate is qualified by that individual meeting basic standards of citizenship, such as sanity, loyalty, capability, willingness, and other criteria that meet the tenets of democratic fairness and reasonableness as determined and accepted by the public as a whole.

The obligation to participate

If it is true that community participation serves to advance and strengthen the democratic system, then complacency on the part of the qualifying public with regard to community participation is a very real threat to democracy. It further allows that the qualifying citizen has a strong obligation to exercise his/her right(s) of community participation. Reneging on the right to participate does not, generally, subject the individual to legal discipline, but makes suspect his/her dedication to democracy, and can give carte blanche to some officials and government to act contrary to the public welfare and in their personal interest. This, theoretically, could impact negatively on democracy (Clapper in Bekker 2004: 56-57).

COMMUNITY PARTICIPATION WITHIN ETHEKWINI MUNICIPALITY

The proposal and adoption of a Community Participation Policy is a significant milestone for eThekwini Municipality to honour the Freedom Charter provision that 'The People Shall Govern'. The eThekwini community participation policy makes provision for mechanisms and processes to facilitate community participation in the Durban Metropolitan area. The aim is to build on the commitment of the democratic government to entrench democracy, which is embedded in the Constitution. Community participation in essence allows for an open and accountable process through which individuals and groups within selected communities can exchange views and influence decision-making of the municipality. Thus it is a democratic

process where people engage, decide, plan, and play an active part in the development and operation of services that affect their lives (eThekwini Municipality 2006: 1).

In terms of this Communication Participation Policy, an environment to promote active citizen participation has been created within eThekwini Municipality. The channels and mechanisms for this include structures mainly at ward level. In terms of its approved participation policy (eThekwini Municipality 2006: 25):

- rules will be developed by the municipality which it will adopt in order to regulate the establishment and operation of ward committees;
- the legitimate statutory platform for community participation will be the ward committees. The object of a ward committee is to ensure that participatory democracy in local government is enhanced;
- ward committees will act as advisory bodies, must be independent and impartial and their functions will have to be performed without fear, favour or prejudice; and
- community based planning and other local developmental projects will have to be driven through ward committees.

According to the Speaker of eThekwini Municipality, Councillor James Nxumalo, the municipality has made a commitment to genuinely empower citizens through participation. This involves a range of activities which includes creating democratic representative structures like ward committees. This will then assist these structures to plan at a local level through community based planning (CBP), to implement and monitor their ward-based plans built on community strengths.

It is important for the Municipality to improve the accountability of elected representatives and municipal officials to the community through their ward and other structures. The aim is to bring about people-centred development. eThekwini Municipality has introduced a number of Programmes to enhance community participation as detailed below (eThekwini Municipality 2006: 33-36).

The strategic goal of Programme 1 is to effect a change in behaviour to a level where both elected representatives and appointed officials work with communities in the 'ICICE' mode, namely, inform, consult, involve, collaborate and empower. The key actions of the programme will include the ability to (eThekwini Municipality 2006: 33):

- raise awareness on the guiding principles of effective community engagement (structured participation);
- plan and implement an annual participation plan targeting key stakeholders including councillors and their party caucuses, business people, community-based organisations, non-governmental organisations, organised labour and the general public; and
- build into service level agreements clauses related to community participation and *Batho Pele*.

The key strategic goal of Programme 2 is to ensure that political and administrative structures of local government are accessible to all members of the community all the time. Main actions in this programme include commitment to:

- enhance civic education that highlights how local government works; and
- encourage the use of community structures like ward committees as the theatre for deepening democracy in decision-making and accountable leadership practice.

In this regard Ababio (2007: 614) contends that ward committees form bridges by facilitating communication between council and the citizens they represent, and actively participating in determining core municipal processes.

Programme 3 aims to create mechanisms, processes and procedures that enable the local community to hold the municipality democratically accountable. The community can contribute by developing policies and participating in planning and budgetary processes through a constitutional and legislative framework (Kumar and Moodley in Reddy *et al.,* 2003: 66). The key to this Programme is to:

- initiate, co-ordinate and support the setting up of credible participation structures for stakeholders based on agreed terms of references. Participation structures shall range from ward to citywide levels;
- convene pre-council meetings for members of the public who have an interest in attending such council meetings. The pre-meetings will serve as mechanisms for the public to get to know what issues will be discussed in the forthcoming council meeting; and
- facilitate a capacity building programme which aims to empower participation structures and relevant stakeholders to influence decision-making processes (eThekwini Municipality 2006: 35).

The strategic goal of Programme 4 is to "inculcate a positive consumer care culture within the municipal services delivery system and promote a reciprocal consumer responsibility among citizens". This, according to Gildenhuys (1997: 98), is used in a direct exchange relationship between the public and a local government. This programme's key actions shall include:

- the creation of the customer care centres, a citizens' charter and community *Batho Pele* education campaign to raise the awareness of communities on the principles of putting people first; and
- revitalisation of *Batho Pele* into a change engagement programme based on the idea of important change management principles and norms (eThekwini Municipality 2006: 35).

Programme 5 aims to establish and sustain an enabling support programme for citizens to act, mobilise resources and make development happen in their communities. The main activities of this programme include publishing and conducting stakeholders' capacity building programme with a focus on community development, understanding the municipality, Integrated Development Planning, community participation, communication, local governance and socio-economic rights, municipal administration and finance, and community policing forum.

COMMUNITY PARTICIPATION POLICY PROCESS IN ETHEKWINI MUNICIPALITY

The community participation policy adopted in June 2006 by the eThekwini Municipality makes provision for mechanisms and processes for community participation. It has worked

on encouraging citizen action and participation so that "the municipality and citizenry are partners in service delivery". This has been given life through the 'Community Participation and Action Support Unit in particular' (eThekwini Municipality 2000-2005 Review: 10).

Community participation levels

Communities shall participate at different levels that are appropriate for that given issue (eThekwini Municipality 2006: 18-20):

Active citizenship

Communities become active citizens by sharing the authority on the basis of which administrative agencies carry out their legislative mandates. It goes beyond voting, paying taxes, or using government services. In terms of the participation policy communities shall ensure maximum democratic accountability by the elected political leadership for the policies they are empowered to promote (eThekwini Municipality 2006: 18). eThekwini municipality has to partner with relevant service providers to ensure that eligible community members are voting.

Citizens are regarded as participants in policymaking. They have to express, through different ward committees and stakeholder forums, their views before, during and after the policy development process. This will ensure that policies reflect community preferences as far as possible. As outlined by Ababio (2007: 616) ward committees, as civil society organisations, function well in the role of participatory democracy in that they are an innovative legislative vehicle, and cater for or facilitate mass representation that deal with matters that affect their localities in relation to policymaking by a municipality.

Communities as owners or shareholders

Communities are viewed as the 'owners' of government. Because citizens pay rates, they are regarded as investors in local government services. Citizens, through their votes can be classified as 'shareholders' who elect the 'boards of directors' responsible for government performance. Councillors are seen as the 'people's stewards' not only to manage finances but also to produce results. An 'owner' may want to know whether government or municipality is getting the job done (eThekwini Municipality 2006: 19).

Citizens as customers or consumers

Communities are principal users and clients of municipal services and shall be treated as valued customers by the municipality. This shall be done by practising *Batho Pele* principles and through city's customer care centres (Gildenhuys and Knipe 2000: 130).

Communities as policy makers and issue framers

Communities are vision builders: helping define desirable future and strategic plans. Communities through ward committees shall contribute by providing advice to municipal policymaking process. In such cases, Ababio (2007: 616) points out that ward committees become an appropriate structure for link and discourse for promoting participatory democracy at grassroots level.

Vision Builders

Citizens shall contribute to the improvement of their lives by being visionaries for their communities. This has to be done by expressing a desirable future and broad strategies to get there as part of community visioning and strategic planning. Ethekwini Municipality shall utilise community based planning as the methodology that effectively facilitates local vision building (eThekwini Municipality 2006: 21). If citizens are active and are fully engaged, they can contribute new ideas, add legitimacy to the process, and add energy for follow-up on the results obtained in such community visioning processes.

Processes of community participation

The processes of community participation involve sub-processes such as information, consultation, involvement, participation and empowerment (eThekwini Municipality 2006: 21-23):

In terms of *information*, communities shall be informed about the intentions of the authorities. The Municipality shall use this process with the objective of providing balanced and objective information. The promise to the public is to keep community and citizens informed.

With regard to *consultation*, eThekwini Municipality shall use this process with the objective of obtaining community and public views, opinions and feedback from the community. The promise to the public is to keep the community informed and act on their concerns and some of their opinions.

In terms of *involvement*, this process entails working with public verifying facts and ideas gathered and test some of the assumptions and pre-understanding before any decision is made. The promise to the public is to ensure that the community is involved in the process.

Participation refers to active participation where all stakeholders, citizens and communities are involved. The promise to the public is that the community must be part of the formulating solutions.

In terms of *empowerment*, eThekwini Municipality shall use this process with the objective that community carries out decisions and plans. Community Based Planning is one of the empowering programmes that the City has.

The rights and responsibilities of stakeholders

The following stakeholders, namely community, political and administration officials, and civil society, have rights and duties in terms of the approved participation policy (eThekwini Municipality 2006: 28-31):

In terms of participation, *community members* have *right and responsibilities* to:
- contribute to the decision-making processes of the municipality;
- advocate for regular disclosure of the state of affairs of the municipality, including its finances; and
- have access to municipal services which the municipality provides.
- In return, *community members* have the *duty*:
- to accept the basic structures and principles that make society function properly;
- to observe the rule of law, tolerance, equality of opportunity; and

- when exercising their rights, to observe the mechanisms, processes and procedures of the municipality (eThekwini Municipality 2006: 31).

Political and administration officials from all divisions of the municipality will have to ensure that the objectives of local government are met. The way of doing this is by approving and implementing programmes and projects that are in line with local government objectives.

Civil society will have to play a role by engaging the government from an independent point of view.

CHALLENGES FACING THE WARD GOVERNANCE SYSTEM

The effectiveness of ward committees has been variable with many structures becoming ineffective or dysfunctional. Reddy and Maharaj (in Saito 2008: 203) maintain that research conducted recently indicates that ward committees were not discharging their developmental mandate in terms of enhancing participatory democracy at the local level.

Challenges facing eThekwini Municipality and most ward committees include the following:

- Some councillors and ward committee members need capacity building programmes. This will empower them to participate and contribute more to the ward governance system;
- Given that members who serve on ward committees are not paid, some are reluctant to travel and attend meetings. However the payment of ward committee members may undermine the independence of the committees;
- It has been noticed that some members of ward committees do not fully understand this system of local government. Thus they find themselves not participating fully in this democratic process (Ababio 2007: 620 and Venter in Van der Waldt 2007: 87).

In some municipalities there have been problems experienced in setting up ward committees as political parties have attempted to use them to control the local electorate to their own advantage. Another argument is that ward committees should not be over institutionalised and elevated to administrative arms of municipal councils.

The main challenge facing most ward committees is uncertainty over their functions. Municipal officials, supported by the Department of Provincial and Local Government and the South African Local Government Association and other stakeholders need to assist with explaining the terms of reference and procedures of ward committees. Elected representatives must also find ways to deal with challenges like large wards, wide-spread residents and insufficient resources for the logistics of meeting with ward committees. Training of ward committees is also still neglected (Portfolio of Municipalities in SA 2006: 128).

De Visser (2007: 7) argues that practically municipalities can do much to improve the effectiveness of ward committees. They can, for example, ensure that ward committee members are empowered so that they are able to actually attend meetings. They can also ensure that members receive appropriate training that equips them to play a meaningful role. Also, they can devise systems to ensure that what is discussed at ward committees finds its way, through report-backs at council meetings or otherwise, into municipal decision-making (De Visser 2007: 7).

CONCLUSION

It is important for a municipality to improve the accountability of municipal functionaries through ward structures to bring about people-centred development. eThekwini Municipality has developed a policy to enhance public participation in terms of its constitutional mandate. The move towards a system of inclusive local governance has been a very positive development which has raised questions on the capacities, attitudes and skills required to make it work. Are the current responses adequate and are there enough resources in the system? Is the system too futuristic and what are the problems currently being experienced and how should they be addressed? It could take some time before the ward governance system matures and becomes fully operational. In the final analysis, for the system to become fully functional and sustainable, it will depend to a large extent on the level of commitment, attitudes and impact of stakeholder ownership and participation in the process.

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