

White Paper on Local Government

A CIVIL SOCIETY PERSPECTIVE

This submission by the Good Governance Learning Network (GGLN) to the local government review provides an assessment of the practice of local governance in South Africa since the introduction of the White Paper in 1998. It is structured around three key thematic areas, which we believe together encompass the entire spectrum of issues that need to be reviewed.



The GGLN was founded in 2003 as an initiative to bring civil society organisations working in the field of local governance in South Africa together to network and share information and lessons towards the goal of promoting good governance, participatory democracy and pro-poor service delivery at local level. The network is supported by three donor partners, namely the Ford Foundation, the C S Mott Foundation and the German Agency for Technical Cooperation (GTZ).

The first area deals with local democracy, responsiveness and accountability. The key questions this area covers are:

- To what extent is participatory democracy being realised at local government level in South Africa?
- To what extent is local government responsive to the needs and concerns of citizens?
- To what extent are local government politicians and officials held accountable for their decisions and actions?

The second thematic area concerns municipal planning and budgeting, which includes a discussion of integrated development plans and planning (IDP) and of municipal finances and budgeting. Here the key area of interrogation is:

- To what extent are the key instruments of state delivery at local government level (namely IDPs and budgeting) geared towards effective, pro-poor service delivery and integrated, sustainable development?

The third and final thematic area covered in the assessment of current practice is municipal service delivery, implementation and poverty reduction. The key questions here are:

- To what extent are municipalities making sufficient inroads into reducing service delivery backlogs?
- How they are doing this?
- Are municipalities fulfilling their envisaged development role as vehicles for poverty reduction?

Local democracy, responsiveness and accountability

Political systems, processes and accountability

On the whole, South Africa's mixed electoral system of ward and proportional representation at local government level is sound and provides the potential for an optimal degree of representation and accountability. There are some issues related to elections that could be improved, however. For example, consideration should be given to requiring all political parties to declare candidates for mayor prior to municipal elections, as the failure to do so effectively limits the democratic choice open to the electorate.

An issue which is strongly undermining voter interest in participating in electoral processes is floor-crossing. While the theoretical basis for floor-crossing in South Africa, as in many other

democracies, may be legitimate, there is a need for a fundamental review of the exercise, because, as currently practised, it is impacting negatively on the accountability of elected representatives to citizens. Floor-crossing is also creating a high degree of instability within municipal councils, especially with regard to executive decision-making, and within administrations, which is having a deleterious effect on the functioning of municipalities.

At least two observations can be made with regard to the results of local government elections. The first is that the political landscape at local level is overwhelmingly dominated by political parties. Extremely few independent candidates are elected into office. The second observation is that, with some exceptions, one political party has dominant control of most municipalities. While this in itself does not pose a threat to democracy, what is a potential concern is the dominant governing party's seeing less and less need to respond to public opinion because it is assured of re-election in the face of weak opposition.

While there are certain potential positive attributes of the executive mayoral system, there is the innate danger in this type of governance arrangement of a lack of transparency and accountability. Indeed, nearly seven years after the adoption of this system, the benefits remain largely unproven in any empirical sense and there has never been a cost-benefit analysis of its impact on local democracy. It also tends to generate unnecessary tension between executive councillors and ordinary councillors.

Public participation spaces, processes and structures
Beyond political participation, it is important for there to be a range of ways in which citizens can participate in local governance. A distinction can be made between two types of 'spaces' for public participation. One is 'provided space', referring to government-provided opportunities for participation, which tend to be regulated and institutionalised through a set of policies and laws. Since 1994, we acknowledge, there has been a significant widening of 'provided spaces' for public participation in democratic local governance through the policy and legal framework. These policies and laws invite citizens to participate through a range of structures created and regulated by the government, such as IDP representative forums and ward committees. Participation in these 'provided spaces' is generally known as 'structured participation' or 'participation by invitation'. An important characteristic of such participation is that it takes place within parameters set by the state and is invariably regulated and systematised to fit neatly within broader government frameworks.

However, research shows that structured participation or participation by invitation often excludes the poor and other marginalised groups (eg women, the youth). This is due to physical and hidden barriers to participation that the provided spaces for participation do not take into consideration. One example of such

a barrier is the distances poor people have to travel to attend meetings, given that they do not have resources to travel. With regard to provided spaces for participation, experience shows that generic, enforceable principles of citizen participation should be preferred over detailed prescriptions, which are easily regarded as a minimum and thereby eclipse local creativity around ways to involve the community.

More importantly there are indications that the provided spaces for participation are regarded with increasing scepticism by communities, which perceive a growing element of political manipulation by local elites. One of the challenges that need to be overcome is the apparent preoccupation that has emerged in South African local government with a narrow procedural and technocratic approach to participation, which has undermined the scope for, and the willingness to experiment with, alternative ways for citizens to engage with the state. For example, we would argue, too much emphasis has been placed on participation through ward committees, to the detriment of the range of other channels and mechanisms through which citizens, across all classes, may choose to participate in local governance. A 'one size fits all' approach is not appropriate in the diverse South African context.

In this regard, a second set of spaces for public participation in local governance can be defined as 'popular spaces', which refers to arenas in which people come together at their own initiative – whether for solidarity or to protest against government policies or performance or simply to engage government on terms that are not provided for within 'provided spaces'. 'Popular spaces' may be institutionalised in the form of groups or associations (eg the Anti-Privatisation Forum or civic associations), but they are mostly transient expressions of public dissatisfaction or dissent.

In any democracy citizens have the right to occupy the spaces they regard as the most appropriate sites for raising their concerns. Rather than being confined to participation through a limited number of structures such as ward committees and IDP representative forums, citizens have a right to choose their own ways of engaging government, provided they act within the law. The measure of a true democracy is therefore not just the complexity of its regulatory framework for citizens' participation (provided spaces) but the extent to which it is able to accommodate independent initiatives by civil society for engagement. Furthermore, a sophisticated government approach allows for the processing of civil society feedback from the realms of provided space as well as popular space.

Though structured participation should never be conceived of as a substitute for an autonomous and vibrant civil society, it can prevent the more disruptive forms of public participation that arise when entire communities and local populations begin to perceive themselves as alienated from their elected political representatives and appointed senior municipal officials.



GGLN members deliberating local government policy

Few municipalities have public participation strategies that specify exactly which sectors should be involved in the local municipality, identify all relevant local stakeholders and indicate how resources will be allocated to promote public participation. Relatively few have dedicated public participation units. There is a need for guidance and support to municipalities in implementing effective public participation strategies, paying particular attention to traditionally marginalised sectors, such as women, the youth, people with disabilities and people living with or affected by HIV/AIDS. We note that there is at present a Draft National Policy Framework for Public Participation, which, when finalised and implemented, will hopefully provide municipalities with the encouragement and practical support that they require.

Municipal planning and budgeting

Integrated development planning

The IDP process has generated more public participation in municipal planning than ever before in the history of South Africa. This appears to be one of the most valuable outcomes of the IDP process thus far. However, the IDP programme has generally not benefited from a more critical understanding of the role of planning in extending the control of the state and the degree to which decision-making can easily become the exclusive preserve of experts. Where IDPs have generally made no impact on local government effectiveness, resource distribution and helping to frame strategic decisions, the credibility of IDP policy and its programmatic conventions are queried. Important questions remain about who is actually served by IDPs and how non-technical discourse and knowledge are often relegated to the sidelines. Frequently it seems that IDPs perform largely a political function – that is, they are used to signify that the municipality is achieving progress rather than to track and assess its nature.

It is clear that IDP suffers from a number of shortcomings:

- The quality of the IDP documents is a serious concern in many cases. There is often inadequate analysis of the local development context, and inappropriate or unrealistic development objectives and projects are included.
- There is a lack of intergovernmental coordination: for instance, IDPs, whilst frequently referring broadly to national and provincial development plans and growth strategies, do not actually speak to the substance of these plans and programmes.
- There is also the challenge of horizontal cooperation within municipalities, with a silo mentality and even competitiveness still predominating among municipal departments.
- On the whole, IDP processes have been unable to fundamentally alter apartheid patterns of spatial and socio-economic inequality.
- Frequently there is manipulation of the technical and professional elements of planning to achieve a preordained and often politically determined outcome or simply to preserve the status quo.

While the IDP process is generally well known, there is often inadequate public understanding of the core economic and social strategies that underpin such plans. Because IDPs frequently fail to capture the strategic choices that must be made in allocating state resources, the public are often unaware of the practical implications of such plans for maintaining and expanding existing infrastructure, services and development undertakings. It is noted that there has been a concerted government focus on the generation of ‘credible’ IDPs over the past two years. However, this has also been accompanied by overly prescriptive formats for IDPs and a misguided effort to standardise fairly complex IDP templates irrespective of municipal size and capacity.

In our view, the IDP process should be simplified to make it understandable to councillors and other elected officials and to the communities when they are asked to review the IDP. IDPs need to be disaggregated sectorally and geographically to ensure that review processes can be tied to actual progress within the different sectors as well as to delivery on the ground (tangibles). While every IDP must have certain core components, the final product should be determined by the local circumstances and the assessed capacity of a particular municipality. A simplified and summarised version of the IDP should be available to councillors, including three core components:

- What is the need? (analysis)
- What must be done? (strategy)
- How will you do it? (budget and resources – sector and other agents to be integrated)

Municipal finances and budgeting

The fiscal viability of many of the country's municipalities is a serious issue that needs to be examined. Many of the poorer municipalities, especially those located in rural areas, lack any kind of sustainable revenue base. While municipalities in general derive some 85% of their revenue from local sources, many are almost totally dependent on government transfers. In the case of district municipalities, dependence has increased since the abolition of RSC levies from July 2006.

The capacity of municipalities to manage their financial affairs is also of critical concern. The implementation of the Municipal Finance Management Act (MFMA) has brought about a much higher level of rigour and consistency in the application of basic financial management systems and procedures, which helps explain, in part, the rise in qualified audits. However, many municipalities are clearly struggling to comply with the requirements of the MFMA, partly owing to a lack of senior financial management skills.

There would appear to be an urgent need to improve community participation specifically in municipal budgeting processes, as this area of participation is particularly weak. These processes, according to laws such as the MFMA, should be open and transparent. However, in practice this is rarely the case. Much more work needs to be done to educate councillors and communities around budget literacy and enable them to engage more critically with budgeting processes so that they can understand what trade-offs are made and why. In our view, civil society accountability and review should be integrated into the new system. Civil society is an important component in review processes, as this sector often has the capacity to interrogate issues more seriously. The municipality's relationships with civil society organisations and communities should be strengthened.

Service delivery and poverty reduction

The GGLN recommends that the government should create an enabling environment for active citizenship in the delivery of municipal services and poverty reduction by articulating and promoting an explicit rights-based approach to local development and service delivery that will empower citizens to know and claim their rights and responsibilities. Such a rights-

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based approach should, however, be complemented by a context-specific and needs-focused approach that takes into consideration the different needs of households and communities.

There is also a need to improve the quality of services to citizens. To enhance responsiveness at the local level, there is a need for ward councillors in particular to be better informed of service delivery challenges and related concerns at ward level and to be better equipped to be an effective interface between communities and councils. In this regard, disaggregated ward-based information needs to be available to help both communities and ward councillors monitor progress in service delivery and poverty reduction.

Accountability for municipal service delivery and local development needs to be enhanced. On the one hand there is a need to strengthen accountability downwards and outwards – that is, to communities – through community-driven initiatives such as 'people's assemblies' and 'people's referendums'. On the other hand, accountability upwards must also be enhanced to ensure compliance with legal provisions (including the requirement to build the capacity of communities).

The limited interpretation of the service delivery mandate of local government needs to be broadened. The role of municipalities in service delivery goes beyond merely the delivery of basic household services and infrastructure. Municipalities also need to concentrate on building sustainable human settlements that include access to social facilities (eg parks, recreational facilities, public space, schools and clinics) and economic services.

In our view, the function of local economic development should be located at the district and metro level, with the possibility of larger urban non-metro municipalities being tasked with aspects of this function. However, the relationship between the urban municipality and the district needs to be given due consideration.

The GGLN's full submission to the DPLG is on the network's website: www.ggln.org.za.