

The challenge of local government structures in South Africa: securing community participation

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This paper analyses the challenges experienced at local government level in South Africa as seen in the run-up to the March 1 2006 elections. The paper argues that while part of the problem at local government level can be explained as a matter of poor service delivery, the problem is also perpetuated by lack of community participation and engagement at local government level.

The collapse of apartheid in South Africa meant the end of an authoritative regime: a regime that defined itself against the needs and wishes of the majority of the population. During the apartheid era, most South Africans were passive citizens in their own country. They could not question the power of the state and, most importantly, they were recipients of governance, rather than participants. However, this was all to come to an end in 1994 when, as a “new” beginning, the government was to be defined in relation to its citizens.

South Africa’s commitment to democracy provides an interesting case study because the end of the autocratic regime and the beginning of democracy can be pinpointed to a specific period as well as a specific set of legislations. The progression of events in South Africa – from an authoritative regime to its collapse and the “new” beginning – allows for a clear observational capacity that is not readily provided by other cases. In some cases, it is difficult to identify the end of an authoritarian regime and its replacement with democracy, as events tend to progress gradually. However, the transition to democracy in South Africa has been characterized by a relatively clean break from the previous regime, particularly in relation to formal institutions.

Following the collapse of the apartheid framework, new institutions had to be put into place to ensure that the democratic order could be implemented. Formal institutions are much easier to draw and

adopt. For example, it is a less complicated matter to adopt a law that sets the framework aimed at governing citizens’ behaviour in relation to, say, tax payment. In this scenario, it is up to a designated government authority to identify necessary prerogatives and, subsequently, construct a legal framework to achieve these goals. The process of erecting governmental institutions has two interesting implications: first, it involves work by experts and, second, it is carried out in a top-down model. However, a question emerges in relation to how institutions actually function in their attempts to achieve designated goals. This process is determined by the way in which citizens receive and relate to institutions. Otherwise useful and effective institutions may be undermined by the way in which they are perceived by those they affect. This paper aims to analyse the way in which the new institution of local government in post-apartheid South Africa has affected citizens at local government level. It is the argument of this paper that, while the new institutions of local government have been created with genuine intentions to positively affect democracy and to bring about social and economic delivery at local government, these institutions have not been able to live up to expectations. The reasons for this shortfall, it will be argued, is that the method of implementing new institutions has not effectively catered for the dormant participatory culture held by citizens.

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One of the residues of anti-apartheid movement in South Africa is therefore a social system with rich deposits of participatory culture. This political culture need not be de-legitimized with the end of apartheid as the country adopts institutions of government as a “new” beginning. South Africa entered the new political era armed with a culture of participation. The historical evidence of participatory culture among the larger citizenry in South Africa is detailed in the paper. The paper assesses the extent to which participatory culture is realized and provided for in the post-apartheid local government system.

There are obviously certain organizational cultures that are not supportive of the democratic project. However, this paper focuses on organizational culture that can be associated with democracy. Transformation of local government in South

Africa – seen with the implementation of new institutions of local government – has been incomplete when it comes to incorporating the participatory (organizational) culture that was dominant among South Africans. The implementation of the new local government institutions has not been able to incorporate and appreciate this culture, arguably because of the belief that properly designed institutions will function optimally irrespective of their relationship with communities who are supposedly served by those institutions.

The idea that the new local government system in South Africa will function without the ability to secure broader community participation is an expression of a technocratic approach to governance. This use-value approach runs contrary to the participatory culture that has always characterized the anti-apartheid movement in South Africa. As a result of the hegemony of this technocratic approach in post-apartheid South Africa in particular, and in modern democratic society more generally, the current local government crisis – chiefly characterized by lack of community participation, corruption and poor service delivery – has been accounted for as an issue of a lack of technical skills and a lack of properly trained personnel at local government level. The problem has been commonly labeled “lack of capacity”, implying that it can be managed, chiefly, by increasing technical know-how at local government level. This is indeed a correct understanding of the situation, but it does not account entirely for the poor performance of the system.

It is necessary to secure services of properly qualified accountants and project managers to ensure that local government projects are properly budgeted and ultimately implemented properly. The presence of skilled managers is also critical in order to make certain that local government councils adopt sound programmes of action to forge links between service delivery and economic development. On this front, the government is correct to emphasize lack of capacity as the main problem at the local government level. However, technical capacity is not sufficient to ensure optimal functioning of local government. By overemphasizing the skills shortage problem as the main cause of the crisis at local government in post-apartheid South Africa, one is likely to undermine the importance and effect of substantive democracy and active citizenship as an important ingredient in a democratic setting. This approach overrates the results (such as service delivery) at local government level instead of the process; it perceives citizens as “customer[s] of social service”, as “client[s] of professional services” and it weakens the rights that citizens have in relation to participation in governance (McLennan & Ngoma 2004: 286). It is because of the domination of this approach that the issue of participation and inclusion in governing at local government level are taken for granted, for government is seen merely as an engine of material service delivery.

The Constitution of South Africa (Act 108 of 1996: Chapter 7) states that it is the object of local government to “encourage the involvement of communities and community organizations in the matter of local government”. This requires a cooperative approach, an “effective partnership” where “local authorities ... provide strong leadership for their areas and their communities”.¹ Therefore, the institution of local government, as stated by the Constitution, “should enhance opportunities for participation by placing more power and resources at a closer and more easily influenced level of government” (Mogale 2005: 136).

In addition to problems pertaining to lack of capacity and other fiscal constraints experienced at the level of local government, lack of participation and limited inclusion in the system have had negative impacts on the functioning of the system. As a result, for the local government system to live up to its potential, it depends not only on availability of skilled personnel and financial resources but also on the role played by communities in the structures. The limited role that communities have played in the local government system in South Africa since the end of the apartheid regime accounts in part for the current stalemate in the system.

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approach it is crucial to consider the way in which communities have responded to perceived problems at local government level in South Africa, both prior and after the end of the apartheid regime.

The March 1 2006 local government elections were perhaps the most widely contested elections in South Africa since the end of apartheid. During the run-up to the elections, the country experienced a wave of mass protests across townships and informal settlements, commonly referred to as “service delivery protests”. Footage of these protests was broadcast widely internationally on networks like BBC and CNN. Beyond the question of service delivery, the protests echoed “dysfunctional relationships between citizens and government” (Nemeroff 2005: 10). Both the government and citizens must bear blame in the outcome of these protests. On one hand, the government has not done enough to educate citizens about participatory government vis-à-vis corresponding structures that are in place to facilitate the process (ibid). Ward Committees, erected to ensure that citizens participate in local government processes, have not been fully executed. On the other hand, citizens have adopted a “wait and see” attitude, expecting government to simply provide basic services without their input. The government would argue that citizens usually do not attend ward meetings and other forums through which government programmes are communicated. Clearly, the situation highlights the complexities around the relationship between the government and citizens and, most importantly, the failure to satisfy some of the obligations that flow from such convolution.

The service delivery protests also shed light on a general attitude of disgruntlement with the local government system in South Africa. The task of this paper is to explain the cause of this “reinforcing cycle that leads to poorer service delivery” (Nemeroff 2005: 10). It is the argument of this paper that the cause of the problem lies in the government’s underlying conception of the role of local government in post-apartheid South Africa. This perception is based on the notion that local government exists, in the main, to provide goods such as service delivery. Therefore, as the paper will argue, the participation of citizens has been construed by government as a less important issue and, ultimately, secondary to service delivery. While the protests were often tied to immediate service delivery issues such as lack of water supplies, housing and electricity, it is arguable that citizens also wanted to express their dissatisfaction with government’s poor consultation and its fewer engagements with citizens at local government level². Therefore it can be argued that the technocratic understanding

of local government (as merely an engine of service delivery) shown in post-apartheid South Africa is incongruent with the culture of participation that has characterized South Africa over the years.

It is important at the outset to outline the manner in which the local government system has been implemented in South Africa in order to gain an insight into how the system currently functions. The local government system in South Africa has been conceptually crafted not only to play a developmental role, but also to respond to the citizenry. Local government has a constitutional mandate to provide democratic and accountable government for communities excluded from the political sphere during the apartheid era. A chain of legislative actions has been adopted to set up the necessary institutional framework as a means to extend democracy to disempowered communities.

The first post-apartheid legislation to be introduced at the local level was the Local Government Transition Act (LGTA) (Act No. 209 of 1993). The LGTA provided an overarching framework for the transformation of local government in preparation for ushering in a new democratic dispensation for South Africa. LGTA outlines a “three-phase transition for local government”. The first phase, the pre-interim phase, was defined as the period lasting from the publication of the LGTA to the date of elections for transitional councils. The second phase, the interim phase, was distinguished as the period lasting from the date of elections of transitional councils until the legislation and implementation of final arrangements for local government. Although the LGTA did not explicitly define the final phase, it envisaged a period of change as municipalities or municipal structures were re-established and restructured in accordance with the final legislative arrangements³.

The Local Government Legislative Framework has been largely developed within the interim phase. From the LGTA in 1993 to the Constitution of the Republic of South Africa Act (108 of 1996) local government was conceived as “the local sphere of government with the constitutional mandate to carry out a number of developmental duties”. The constitution also defined the mode of engagement and outlined objectives that the local government should satisfy. In order to satisfy this constitutional mandate, a White Paper on local government was introduced. The White Paper “established the basis for a new developmental local government system, which is committed to working with citizens, groups

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and communities to create sustainable human settlements which provide for decent quality of life and meet the social, economic and material needs of communities in a holistic way”⁴.

After the White Paper process, the Local Government Municipal Demarcations Act (27 of 1998) was introduced. The Municipal Demarcations Act made provision for “the re-demarcation of municipal boundaries and establishment of the Municipal Demarcations Board (MDB) tasked with demarcating municipal boundaries in accordance with a set of factors in the Act”. The demarcation process, as provided for by the Demarcations Act, led to the reduction of municipalities in South Africa from 843 to 284 units. This was aimed at increasing “manageability” and “functionality”, among other things⁵.

The Demarcations Act was followed by the introduction of the Local Government Municipal Structures Act (117 of 1998). The Municipal Structures Act provided for the establishment of municipalities in accordance with the requirements relating to categories and types of municipality. The Act sets a criterion for determining the category of municipality to be established in an area, for defining the types of municipality within each category and for an appropriate division of functions and powers between categories of municipality. This Act also made provision for internal regulatory systems, structures and office bearers of municipalities. In addition, the Structures Act provides for appropriate electoral systems.

Another important legislation to be promulgated, which laid a framework for the local government system, was the Local Government Municipal Systems Act (32 of 2000). The Systems Act, as it is known, provides for “the core principles, mechanisms, and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local communities, and ensure universal access to essential services that are affordable to all”. The Act, notably, provides for community participation as a means to bring about service delivery.

The legislative framework behind the local government system in South Africa is clearly articulated and it inaugurates the new era. The aim of the legislative framework is not only to bring about service delivery, but also to “rebuild local communities” whose livelihood has been “fundamentally damaged” by the apartheid system. Therefore, the

new framework of local government should also be able to revitalize “community mobilization” and ensure that transition at local government level takes place within the broader historical context.

The new beginning should also be about “community empowerment”, by way of the restoration of community pride and involvement in local governance, via guaranteed participation. This is also based on the understanding that South Africa is endowed with “rich traditions of citizen participation” (Mogale 2005: 136) that were expressed among civic organizations during the liberation movement.

While the legislative framework clearly captures the prerogatives of local government, the challenge lies in whether the ideal of the new beginning – against which the legislations emerge – will leave room for a critical assessment of what should be discontinued and what must carry over in the transition to a new form of local governance. That the new local government attempts a clean break with the past is a step in the right direction. However, the success of the new system depends on the way in which it complements the traditions of participation that existed at a local level, during the struggle against the apartheid government. The challenge lies in the new structure’s ability to absorb and incorporate broader communities into its ranks. The legislative framework attempts to ensure this, as it explicitly states. What has been experienced during implementation of the legislative framework, however, raises questions about true commitment to participatory government and, consequently, substantive democracy. In many cases, communities have been left on the sidelines of the local government system, instead of playing an active role.

There has been a discrepancy in relation to the institutional vision behind local government – as expressed through the legislative framework – vis-à-vis the actual expectations of people at the receiving end of the system. The implementation of the institutional apparatuses did not prove to be as inclusive as originally envisioned. The functioning of local government since its implementation has been hampered by this problem of lack of participation. In addition to a lack of capacity and financial problems, the malfunctioning of the local government system can also be explained from this perspective (e.g. lack of community participation).

The recent debacle in local government, which was predominantly attributed to lack of service delivery, begs two important questions. First, how do we explain the causes of poor service delivery? Second, how do we explain the public response (protests and general disgruntlement) to the lack of

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service delivery? It may seem that protests obviously flow from lack of service delivery. But, as a response, protests can also be understood separately from issues of delivery.

Jeremy Seekings's grasp of anti-apartheid protests at the local government level is illustrative. When explaining the relationship between service delivery protests and political mobilization, Seekings states:

...heightened grievances do not automatically lead to political mobilization, which is not simply a response to the material conditions of life, but also to the perceptions of what is just and what is possible [emphasis added] (Seekings et al 1988: 200).

Protests and disgruntlements at local government level need not be oversimplified as straightforward reactions to fiscal crises and shortfalls in terms of material delivery. Some of the protests at local government level during the anti-apartheid movements, writes Seekings, “emphasized the need for residents to secure control over the decision-making process...” (1988: 201). In this vein, poor service delivery and failure to provide basic amenities by South Africa's local governments may be interpreted by citizens as symbols of a dysfunctional system, sparking resentment and action.

Material concerns such as service delivery may therefore offer the opportunity for citizens to raise broader concerns regarding how the system functions. Consequently, while the survival of the local government system has much to do with service delivery, it also depends on how citizens perceive the system, particularly regarding possible participation and ownership of the system. This underscores the relationship between justice/citizenship (Bottomore 1992) and material needs (service delivery).

The intention here is not to discount the question of service delivery from the picture entirely, but to argue that where there is a sharp deficit in terms of service delivery combined with lack of participation, the level of public dissatisfaction will be correspondingly high. In contrast, where there is poor service delivery amidst broad participation – although this configuration is unlikely – there may be low levels of disgruntlement with the system. Of course, it is difficult to prove the assumptions made here without further research. Nonetheless, it is possible to hold that the current stalemate at local government in South Africa is partly attributable to lack of participation, with poor service delivery occurring, in part, because of lack of participation. This paper now moves to substantiate the claim that the legislative (or institutional) framework aimed at in South Africa's local government transformation could be enhanced

by forging opportunities for broader citizen participation. To make this point, it is crucial to explain lessons that can be learned from previous organizational culture among communities in South Africa. As Seekings emphasized, this would allow for the production of a positive expression of civic culture in the new local government system.

There has been a great deal of controversy around the implementation of the new local government system in post-apartheid South Africa from the beginning. Much of this may relate to the fact that the new system has obviously upset the status quo and, as history demonstrates, societies do not always take well to changes. Starting with the work of the Demarcation Board, the body that was tasked to re-draw municipal boundaries, the rationalization of municipalities has not been without criticism⁶. But that did not pose a serious threat to the potential of the new system. The test for the new system can be found in the way it manages to incorporate affected communities.

Theoretically, the importance of community involvement is captured well in the legislative framework. This ideal is expressed in the notion of “integrated development planning”, which states that “local government must be committed to work with citizens and groups within the community to find ways to meet their social, economic and material needs and improve the quality of their lives”⁷. This would ultimately render it possible for citizens to monitor performance of their governments. As Fukuyama argues, “Holding government agencies accountable to the public is to some extent a matter of institutional design and internal checks and balances, but ultimately, it is the people whom government supposedly serves who are responsible for monitoring its performances and demanding responsive behavior” (Fukuyama 2004: 40).

In order to ensure that citizens are involved and that they play a monitoring role, institutions need to be implemented in ways that account for this need. This requires advancing beyond institutionalism and realizing the underlying community orientations that may precede, or even rise above, institutional reforms. Failure to recognize the importance of community orientations may undermine institutional reforms, as seems to be the case in the local government system in South Africa.

Community orientations referred to here are linked to the rich culture of participation that has always been dormant among communities in South

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Africa. The country has always had an abundance of civic organizations whose role was not solely targeted at the apartheid government, but also extended to carrying out certain duties at local government level. This experience was more apparent in urban areas, where political activities were concentrated. The United Democratic Front (UDF), one of the dominant anti-apartheid forces in the 1980s, has led a vibrant social movement in South Africa. The UDF drew participation from the youth movement, the labour movement and women's movement. While the broader vision of the UDF was to wage a resistance movement against the apartheid government, "protests were largely driven by discontent over local issues such as rent or bus fare increases or shack demolition" (Seekings 2000: 121).

The type of responses shown by citizens against poor service delivery (protest and public picketing) signifies that large deposits of participatory culture and attitudes that characterized the social system before the collapse of apartheid are still in existence.

The top-down approach in terms of implementation of the local government system falls short of meeting the yearning for participation, and has cast a dark shadow on the new system.

During the apartheid era, the government imposed its councillors on communities as "community leaders". According to Grest, as a result of this top-down approach, "councillors were not generally regarded as the 'real' leaders of the community they claimed

to represent, and acquired reputations for corruption and using their position for self-enrichment" (Grest et al 1988: 200). Communities resisted the top-down imposition of leaders at the level of local government. The political culture that was behind the UDF and other anti-apartheid resistance movements ran deeper than the actual events against which they were

directed. This type of political culture is arguably resurfacing in South Africa in the form of "service delivery protests". The reason for the re-emergence of this political culture in the new dispensation is that the institutional apparatus of local government seems to have largely been a top-down approach.

Conclusion

Despite good intentions, the technical intervention has been controversial from the beginning, starting with the work of the Demarcation Board. Having upset many communities during the old regime, the aims and wishes behind the new local government structure were clearly articulated towards meeting the development and democratization deficit apparent in many municipalities. However, too much emphasis on delivery has shifted focus from substantive democracy. The only pillar of justification for the new system seems to be service delivery. When the system fails in this respect, there remains no reason for communities to be patient, leading to protests and outrage.

In order for local government systems to be rid of the burden of an angry populace, they must be operated and managed in a manner that encourages citizens' participation. If this is the case, people are able to feel ownership and a sense of affinity for the system, beyond merely viewing local government as an engine for service delivery. The system should not only provide material services; but political services by drawing participation from within communities. Participatory democracy is not about being at the receiving end of democracy, but being an active participant in the process.

What has been learned from the stalemate at the local government level? There has been an acknowledgment of the existence of a crisis. The problem then is to identify which type of intervention is necessary. Any kind of intervention suggested will reveal the extent to which the problem is understood.

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ENDNOTES

- 1 See www.homeoffice.gov.uk/comrace/cohesion/initiatives.html, visited 2005/09/19.
- 2 See February, J. 'Protesters are claiming a Voice', *Cape Time*, 12 August 2005. February argued that, "...in essence...protests [seems to express quarrels with] "failure of local democracy to accommodate the aspirations and grievances of ordinary citizens effectively through party politics and institutions of representative democracy".
- 3 *Local Government Fact Book – 2003/2004*
- 4 *The White Paper on Local Government*, 9 March 1998.
- 5 *Report from Municipal Demarcation Board*, Budget Vote: March 2000, p.10.
- 6 Political parties such as the Inkatha Freedom Party (IFP) initially objected to the work of the Demarcation Board. See for example, *Meeting of Makhosi*, EMANDLENI-MEETING: MAY 5, 2000. Even more directly related to the March 1 2006 local government elections, the community of Khutsong refused to be transferred from Gauteng Province to Mpumalanga Province or North West Province. As a result of the government's unrelenting stance that Khutsong should be categorized as falling under North-West Province instead of Gauteng Province, the community boycotted elections and voter turnout was officially recorded at around 1%. Thus, fewer than 100 out of 34 000 cast their votes in the local government elections. See, for example, "Soccer instead of voting for Khutsong people" *Business Day* (Thursday March 2 2006).
- 7 *Municipal Integrated Development Planning*, Department of Provincial and Local Government (DPLG)