

# **PUBLIC PARTICIPATION AND WARD COMMITTEES: THE CASE OF THE TSHWANE MUNICIPALITY**

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## **1. INTRODUCTION**

In most democratic countries of the world, the problem of involving ordinary citizens in public decision making taxes the minds of policy makers, planners and academic writers. South Africa is no exception in this regard. The purpose of this article is to focus on the South African local government ward committee structure which is intended to involve increasing numbers of the public in participating in decision-making processes at the local level. One large new South African local government, the Tshwane Municipality (referred to as the City of Tshwane (CoT)) and the City of Tshwane Metropolitan Municipality (CTMM), including the City of Pretoria, located in the Gauteng province, is selected<sup>2</sup> as a case study to ascertain the extent to which public participation has taken place over a period of approximately one year<sup>3</sup> for which data is available. Suggestions are made as to what may be done to enhance public participation.

In the local government context in South Africa very little published comparative work has been done on public participation, which is “a two-way exchange of information” between the citizens and decision makers. Few empirical and statistical indicators are available as to the extent of that public participation. Comparative analyses from a public participation perspective with other municipalities are therefore difficult to make. Some of the qualitative studies include, for example, Barichievy, Piper and Parker (2005), Raga and Taylor (2005), Putu (2006), Buccus (2007), Buccus, Hemson, Hicks and Piper (2007), and Moodley (2007). The discussion in these contributions relates mainly to the legislative framework and post-apartheid local government and some qualitative and quantitative comparisons between local authorities and ward committee performance rather than the extent of

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<sup>2</sup> The Tshwane municipality is selected as a case study in view of the fact that very little academic and research work has been undertaken on the municipality. Although one of the smaller metropolitan municipalities, it does accommodate a large number of central government departments and diplomatic missions and Pretoria as the capital city of South Africa. Because of its importance, the municipality and participatory practices should therefore be a focus of study and reflection.

<sup>3</sup> This study is part of work in progress and data for only one year is currently available. Further research work is in progress to obtain data for a longer period of time and to draw comparisons using similar statistical data across municipalities.

public participation and how it may enhance performance or how structural design may enhance public participation.

A brief historical overview of the origins of public participation will be made and a theoretical model will be employed to conceptualise the problem. A critical view is taken of the factors impeding public participation and changes in structural design are suggested to enhance public participation in ward committees.

With the unbanning in South Africa of non-system opposition political groupings in 1990, a process of transformation was initiated. An interim constitution in 1993 and a final constitution in 1996 replaced the previous constitution, setting the scene for increased public participation in decision-making processes in the local government sphere. The process of transformation involved all three spheres of government at the national, provincial and local government levels. At the national and provincial government levels, a proportional representation electoral system was adopted, allowing for no direct accountability between public representatives and individual voters. Representatives in these two spheres of government were ranked in order of preference on a list by their respective political parties and were accountable to their political parties. This is referred to as a proportional representation (PR) system. Voters at the national and provincial government levels voted for political parties rather than individual representatives. Unlike the situation at the local government level, no formal structures were established at the national and provincial government levels to facilitate accountability and provide links between public representatives and citizens.

At the local government level, a combined PR and first-past-the-post simple majority single member ward system was adopted. This meant that half the councillors elected to a local authority were elected on a PR system, and the remainder by geographic areas or wards. Contrary to the parliamentary and provincial spheres of government, accountability was provided for by the election of councillors directly by individual voters within defined geographic wards. Ward councillors therefore have a direct and special responsibility towards their voters. One of the innovative structures provided for in South African legislation to complement the ward councillor and promote what is variously referred to as “democratic participation”, “public participation”, “public involvement”, “democratic governance”, and “citizen participation”, is the directly elected ten member ward committee.

“Public participation” is the generally accepted terminology employed locally in relation to ward committees and involves a two-way exchange of information between ward councillors, the public, community interest or sectoral groups and local government structures (Brynard 1996:40). Public participation will be referred to in relation to local government ward committee structures designed to involve both interest groups or sectoral groups and individual citizens in the exchange of

information. Public participation in the ward committee in the local government sphere in the Tshwane Municipality is the focus of analysis in this article.

## **2. THE THEORETICAL UNDERPINNING FOR PUBLIC PARTICIPATION**

Over the years, much has been written on how government can be made to work better and how development initiatives can be better pursued. Some of the many ideas advanced include privatisation, contracting out, decentralisation of decision making, and the emphasis on monitoring and evaluation. The argument is advanced that it has become necessary to work through networks, give greater recognition to diversity and division in contemporary society, promote deeper responsiveness to service constituencies, and engage in the reshaping of accountability relationships. The idea of participation has therefore come to the fore with civil society becoming the organising vehicle for participatory governance (Lovan, Murray and Schaffer 2004:1-2).

According to Cornwall (2002:1), there has been a growing interest around the world in ways to enhance public involvement in governance and with it the quality and legitimacy of decision making. A new architecture of democratic practice is emerging, creating new political and policy spaces for citizen involvement in decision making that complement conventional models of political participation. Knight, Chigudu and Tandon (2002:162) argue that a new consensus with regard to development needs which include the need for a strong state and a strong civil society, a “deepened” democracy and a democratic culture and an enlarged role for citizens has emerged.

Cornwall (2002:11) maintains that participation “first caught the attention of mainstream development agencies, grappling with how to make their interventions more effective, in the mid 1970s...” By the early 1980s, “community participation” emerged as a belief “in sharing of benefits with the poor, project efficiency and effectiveness, and cost sharing” which in turn led to “beneficiary participation” and “projects with people”. The idea was to get local people organised in various committees so that they could have some input into project implementation and share the costs of development. The 1990s saw an “associational revolution” with a proliferation of civil society organisations representing and servicing the needs of marginalised groups and creating new spaces for participation.

Governments in many parts of the world have begun to look afresh at the need for public participation in decision making, one of them for example being the government of the United Kingdom (Public Participation in Local Government, 2002). Lovan *et al.* (2004:250) maintain that “participatory governance” is now part of the mainstream approach to public decision making in many parts of the world.

The conceptualisation of participatory governance, popular participation or public participation is fraught with difficulties. The goals for public participation are not always clearly set out. It is generally accepted that the principle of public participation is the cornerstone for democracy and good governance. Yet questions arise as to at what level citizens can participate, how they participate, the extent to which they can participate in evaluating complex issues, and what the goals are for participation or the exchange of information.

Atkinson (1992:3) refers to four levels of citizen participation in political systems: The first level refers to electoral participation where citizens vote for representatives for various governing bodies during elections and by-elections. The second level relates to obligatory participation where citizens are obliged to pay tax or perform military duties. Citizen action, which is initiated and controlled by citizens for the purposes they determine such as lobbying, public advocacy protests and demonstrations or various anomic activities is the third level. The last level constitutes citizen involvement, which is initiated and controlled by government to improve and gain support for decisions, programmes and other governmental initiatives and activities. Ward committees fall in the latter category.

Arnstein (1969:217) writes of eight rungs or levels or gradations of citizen participation. They are as follows, beginning at the lowest: Manipulation, therapy, informing, consultation, placation, partnership, delegated power, and citizen control.

These eight rungs could possibly be placed on a continuum involving varying degrees of exchange of information influencing decisions made, the lowest level being a simple ritual to the highest being the holding of real power to obtain an outcome or to influence or change a decision to be made. To expand on each level of citizen participation, Arnstein (1969:217) argues that “manipulation” and “therapy” describe levels of non-participation and are contrived by some as a substitute for genuine participation. “Informing” and “consultation” progress to levels of tokenism which allow the “have-nots” or those excluded from decision making to have a voice or an opportunity to exchange information. Those citizens participating at this level lack the power to have their voices heeded by the powerful and hence have no assurance of changing the *status quo*.

“Placation” is a higher level of tokenism which allows the have-nots to advise, but the power holders retain the continued right to decide. “Partnership” enables citizens to engage in trade-offs with traditional power holders, whereas with “delegated power” and “citizen control”, have-not citizens obtain the majority of seats in a decision-making body or have full managerial control.

This typology does have its limitations as one requires a further operational definition to state precisely when public participation occurs – when information is actually exchanged, and to what extent a participant influences or does not influence a decision made. With regard to the former, one of the few formal references to public

participation was made by Justice J Ngcobo of the South African Constitutional Court, in *Matatiele Municipality and Others v President of the Republic of South Africa and Others 2006*, concerning the incorporation of a geographic territory into the Eastern Cape Province rather than incorporating it in the Province of KwaZulu-Natal. Referring to section 118(1)(a) of the South African Constitution and its reference to provincial legislatures and participatory democracy, Judge Ngcobo argued that, “to facilitate public involvement requires no more than that the legislature should create space for the public to be involved” (*Matatiele Municipality and Others 2006*: 25) and that “[p]ublic involvement might include public participation through the submission of commentary and representations: but this is neither definitive nor exhaustive of its content”.

The goals of public participation are not always clearly spelt out in official documentation. The assumption made by those proponents of public participation is that one should aim for reaching the highest rung – citizen control in Arnstein’s (1969) hierarchy. Some goals are mentioned below with regard to the Tshwane Municipality but tend not to be well defined or operationalised. Atkinson (1992:43-44) mentions several. The most minimal goal of public participation she identifies is that of providing information to the public. Another is deflecting criticism and defusing opposition; another is to inform policy makers about the preferences of the public. Further goals are to improve the effectiveness of decision making, to empower community leaders and organisations by including the public in the planning process and to empower all residents of an area. The resolution of conflict and encouraging community self-help are other goals of public participation.

### **3. THE ESTABLISHMENT OF WARD COMMITTEES**

The establishment of ward committees in the South African context is an attempt through legislation to create a new space, although a limited space, to complement existing spaces through which citizens can exchange information and directly participate in political decision making. The creation and formalisation of ward committees through legislation at the local government level in South Africa, is very much part and parcel of a recent world-wide theoretical shift in thinking on social and political popular participation as referred to above.

The existing spaces or levels for electoral political participation in formal structures created through legislation in South Africa, or what may be termed “invitations” to participate, may include the exercising of the vote for parliament, provincial legislatures, local government councils and more recently for ward committees. Participation or citizen action in “uninvited areas” or informal or autonomous arenas, include participation through interest groups such as civic organisations, environmental and business groupings, security committees, and residents’ and rate payers’ associations.

Although the South African experience in promoting public participation is in line with trends in the international context, the specific historical circumstances in the country have also contributed to the establishment of ward committees. Besides the Structures Act referred to below, which establishes a legal framework for ward committees, the early rationale for their existence, according to De Visser (2005: 107), lies in the wish to preserve the dynamic civil society structures that emerged in the 1980s to resist apartheid. The origins of this notion may also be traced to an earlier source, “the Freedom Charter” drafted in 1955 which espoused the idea that “the people shall govern” (<http://www.anc.org.za/ancdocs/history/charter.html>).

The issue of democratisation and participation in decision making is taken up in the Reconstruction and Development Programme (RDP) of the African National Congress (ANC) published in 1994, in which it is envisaged that participatory democracy should be fostered. This should be done in partnership with civil society through various people’s forums, referenda and other consultation processes (RDP 1994:120-121). According to the RDP, a developmental culture among local government administrations should be encouraged and local authorities should be structured to ensure maximum participation by civil society and communities in decision making and developmental initiatives of local authorities (RDP 1994:130-131).

The process of restructuring local government and the institution of ward committees was taken further through the publication of a Green Paper on Local Government in 1997 and a White Paper in 1998, which led to the legislation referred to below (White Paper on Local Government 1998).

The White Paper (1998:17) introduces the concept of “developmental local government” allocating the central responsibility of municipalities to work together with local communities to find sustainable ways to meet their needs and improve the quality of their lives. The White Paper (1998:27) further introduces the notion of integrated development planning which is described as strategic frameworks to help municipalities fulfil their developmental mandates and engage with stakeholder groups and local communities. The White Paper (1998:63) also refers to the need for “smaller representative forums” which could be constituted as committees of a metropolitan council to ensure meaningful participation and interaction with elected representatives, thus laying the foundations for ward committees.

#### **4. LEGISLATIVE SUPPORT FOR THE ESTABLISHMENT OF WARD COMMITTEES**

The Constitution of the Republic of South Africa, 1996 (The Constitution) states in Chapter 7 section 152(1)(e) that the objects of local government are “to encourage the involvement of communities and community organisations in the matters of local government”.

In the latter part of the 1990s, the South African government began a process of transformation of local government that is the deracialisation and rationalisation of this sphere of government. The final stage of the transformation process was the consolidation of 843 municipalities into 284 new municipalities created in terms of new legislative enactments following the prescriptions of the Constitution (Steytler 2005:188-189).

The most important piece of legislation enacted was the Local Government: Municipal Structures Act 117 of 1998. The Tshwane Municipality was one of six large urban municipalities in the country created in terms of this Act with a population of some 2,2 million (City of Tshwane Metropolitan Municipality Annual Report 2005/06).

Another key piece of legislation governing local authorities is the Local Government Municipal Systems Act, 2000, which in the Preamble sets out the objectives of a new local government system. One of the fundamental aspects of the new local government system according to the Preamble “is the active engagement of communities in the affairs of municipalities of which they were an integral part, and in particular in planning, service delivery and performance management” (Local Government Municipal Systems Act, 2000:2).

The electoral system established at the local government level in terms of Chapter 3 of the Local Government Municipal Structures Act, 1998, combines both a PR and a winner-takes-all ward electoral system as referred to above. In the Tshwane Municipality, 152 seats were created of which half or 76 were single member geographic wards (CTMM Council Agenda, 14 March 2006). The 76 wards formed the subsequent basis for the election of ward committees in the Tshwane Municipality with the intention of involving communities in local government decision making.

## **5. THE ESTABLISHMENT OF WARD COMMITTEES IN THE TSHWANE MUNICIPALITY**

In terms of section 73 of The Local Government Municipal Structures Act, 1998, the Tshwane Municipality established 76 ward committees in 2001 comprising ten elected members each to be chaired by a ward councillor.

Section 74 of the Local Government Municipal Structures Act, 1998, lists the powers and functions of ward committees as being firstly, to make recommendations on any matter affecting a ward to the ward councillor or through the ward councillor to the council; and secondly, to also exercise powers and perform duties that may be allocated to it by the council.

Prior to the call for nominations in 2001 for the 76 Tshwane municipality ward committees to be elected, a policy document rather than a by-law was produced by the Tshwane Municipality, setting out the purposes and requirements for the establishment of these committees. This policy document was still in effect for the

second and third ward committee elections held in 2004 and 2006. The document titled *Establishment of Ward Committees*, stated that local government structures “have a responsibility to promote local democracy, social and economic development” (CTMM (*Establishment of Ward Committees*) 24 May 2001:4).

Another responsibility, according to this policy document, was the promoting of civil society involvement in the performance and functions of local government. Through the active participation of local communities in local government, the document argued, the principle of local and participatory democracy and accountability in local government would become effective. According to the *Establishment of Ward Committees* document, the involvement of civil society (the private sphere independent from public authority) in local government therefore had to be institutionalised.

Referring to the Local Government Municipal Structures Act, 1998, in addition to the powers listed above, the *Establishment of Ward Committees* document specifically refers to the role of ward committees in the review of the Integrated Development Plan (IDP) for the municipality, as well as the council’s budget, acting as a resource through which council, national and provincial government could consult with communities. Ward committees would also act as a resource through which non-political organisations could consult with ward committees. Ward committees could also invite council officials and other persons with specialised knowledge to advise them on various matters. Another role was to participate in strategic decisions relating to the provision of municipal services and finally, ward committees might be consulted via the Mayoral Committee through the ward councillor to make inputs concerning a ward-specific issue such as rezoning of properties. More recently, in a strategic document (City of Tshwane Council Development Strategy, 23 November 2006), the idea of participatory democracy was added to the functions of ward committees and *Batho Pele* (People First) principles, providing for a caring, accessible and accountable service.

Thus, from the above, ward committees have several functions allocated to them including the promotion of participatory local democracy and social and economic development, and review, consultative and advisory functions. The methods of participation were not spelt out and they were not granted any executive authority to implement by-laws or policies.

## **6. THE COMPOSITION AND ELECTION OF WARD COMMITTEE MEMBERS**

As noted above, section 73 of the Local Government Municipal Structures Act, 1998, prescribed that a maximum of ten individuals shall comprise a ward committee. In addition, this Act prescribes that women should be equitably represented in a ward



committee, and a diversity of interests should be represented. It is not stipulated what these interests might be and whether they should coincide with the 35 functional areas of provincial and local government competence listed in Schedule 5 of the *Constitution*. In addition, according to the Ward Committees document 2001, the composition and election of ward committees shall take into account geographic representation. No detailed ranking procedure was prescribed for the election of representatives from each interest group or geographic regions in a ward.

Since the establishment of the Tshwane Municipality, three ward committee elections were held: in 2001, 2003 and 2006. Ward committees in each of the 76 wards were established following these elections. In the Tshwane Municipality, a variety of *ad hoc* procedures were followed to elect those ten members. Considering the fact that a ward committee consists of only ten members and some of the wards are large in terms of geographic extent and population composition, numbering in some instances 20 000 or more, the accommodation of gender equity, all interest groups and fair geographic representation becomes a practical impossibility.

## **7. HAVE THE TSHWANE MUNICIPALITY WARD COMMITTEES FACILITATED PUBLIC PARTICIPATION?**

How have ward committees performed their public participation functions since their establishment in 2001? Few empirical indicators exist as to their performance since their establishment. All 76 wards elected committees during the founding election of 2001 and the following election of 2004. Field research indicates that over this period of time disillusionment has set in amongst many of the ward committee participants who feel that the ward committee structure was not effective. They do not see results from their efforts. There has been some withdrawal of members from committees and others are re-assessing their involvement (Napier field research January 2008).

Recent empirical evidence suggests the following: By November 2006, that is, after a period of about four or five months from the third ward committee election, some 85% of the ward committees elected had not held meetings (City of Tshwane Council Development Strategy 23 November 2006), suggesting perhaps an indifference on the part of councillors and ward committee members to holding meetings. This position had changed somewhat by 30 June 2007 according to official statistics. All but one of the 76 ward committees had met by this date, averaging 7,2 meetings per ward committee over a twelve-month period (City of Tshwane Council 2 August 2007).

Some 9 387 individuals participated in the election of 76 ward committees during the period May/June 2006 at which, in the case of 58 ward committees, ten members were elected. In the case of 18 ward committees, fewer than ten persons were elected to each of those committees. In total 727 persons were elected to 75 ward committees (one ward committee was not elected for administrative reasons),

resulting in a shortfall of 33 persons of a total of 760 individuals who could have been elected (City of Tshwane Council 2 August 2007). This shortfall can probably be ascribed to a lack of interest in certain wards and administrative shortcomings. In addition, 75 ward councillors participated as chairpersons of those ward committees.

Some 1 064 759 voters were registered in the Tshwane municipal area as at 1 March 2006 preceding the election of the ward committee members, representing 0,88% of the total number of registered voters. The holding of the 2006 ward committee elections was advertised by the Tshwane Municipality and R370 587 was spent on loud-hailers, flyers, posters and venues to promote those elections (City of Tshwane Council 2 August 2007). In the preceding 1 March 2006 local government election, an average of 41,17% of registered voters in the Tshwane municipal area participated (City of Tshwane Metropolitan Municipality Council Agenda 14 March 2006).

How did the elected ward committees perform over the period 1 July 2006 to 30 June 2007 with regard to their recommendatory and advisory functions? Only 49 of 76 wards made inputs to the IDP, an important function referred to above, and 29 formal inputs were made to the budgetary process. Some 52 petitions were submitted by councillors and others over this period and, of those submitted, eight ward committees made comments on petitions submitted. The position was somewhat different when it came to town-planning issues such as rezoning, consent use and subdivisions of properties, which are far more numerous, when 2 063 inputs were made, giving an average of approximately 27 inputs per ward committee (City of Tshwane Council 2 August 2007). No records were kept of inputs from ward committee members concerning the performance of the Tshwane Municipality.

Some four by-laws, four policy documents and nine strategic documents were circulated to ward committees during the period under review, but there is no indication as to how many inputs were received in response to the circulation of these documents, whether they were circulated to all ward committee members and what the length and quality of those inputs were (City of Tshwane Council 2 August 2007).

A suggestion as to a functional defect of Tshwane Municipality ward committees is supplied by an answer to a question concerning the production of minutes of ward committee proceedings. Ward committee minutes are submitted to ward councillors and ward committee members and, it would appear, to nobody else (City of Tshwane Council question 27 November 2007). Internal communication and feedback between ward committees and council officials and decision makers through the use of minutes to convey decisions taken are absent. Moreover, direct interaction between officials and ward committee members at ward committee meetings also appears to be limited according to official statistics, in that during the period under review, 74 officials met with ward committees members at some 540 formal ward committee meetings (City of Tshwane Council 29 November 2007), indicating a low level of interpersonal communication between officialdom and ward committee representatives.

## 8. A CRITIQUE

The structuring of ward committees, despite the legal and local rules made, still remains problematic. The *Ward Committee Document* mentioned above refers to a “community” as a “ward community”, which in the case of the Tshwane Municipality could mean anything from 12 000 up to 20 000 residents, that is, a geographic community. Can such large numbers of individuals form a homogeneous and unified community when South African society can be characterised by class, race and various socio-economic attributes? The delimitation of ward boundaries is undertaken in terms of a formula emphasising registered voter equity rather than community considerations. Further, “interest groups” and “sectors” are referred to as “an organised formation that takes an active interest in the affairs of the Ward” (*Establishment of Ward Committees*, 24 May 2001:11).

However communities, interest groups and sectors are defined, they are part of larger increasingly complex structures transcending local ward boundaries and may include interests at the provincial and national government levels as well. It is problematic as to exactly where the cut-off point is between local government and provincial and national government issues. The distribution of power and resources between structures that transcend wards, places limitations on what so-called ward communities may achieve. Regular joint meetings of several neighbouring ward committees may address the problem of overarching community interests.

Furthermore, as set out in the rules for ward committees, they have as an additional function an advisory function for the ward councillor. The ward committee can advise the councillor on rezoning or land use applications, public advertising applications, or development applications. Inputs from ward committee members may be submitted through the respective councillor, and are fed into the decision-making processes which tend to be highly bureaucratised and elaborate. The outputs eventually made are not always traceable back to those who made them.

The empirical data available on Tshwane Municipality ward committee public participation is limited and restricted to a one-year period of the five-year life span of these committees. The statistic of on average 7,2 meetings referred to above concerning the number of formal meetings held by ward committees over a period of a year, suggests not a great deal of enthusiasm or even demand from those elected to those committees to participate in decision making. This should be seen against the background that ward committees were not new to many councillors and members of those committees in that they had already had a life of approximately four years from the time that the first ward committees had been established in 2001. The few meetings held could suggest that there was doubt in the minds of many as to the utility of ward committees, a lack of infrastructural support or a general sense of being overwhelmed by the issues at stake.

One of the most important statistics referred to above is the voter turnout at the election of ward committees in 2006 – 0,88% of registered voters. The percentage turnout would be even lower if it were measured against potential voters who could register. It is generally believed that there are a considerable number of potential voters who fall into the latter category. A turnout of 0,88% is hardly an endorsement of the role and importance of ward committees in the Tshwane municipal area. The inputs to the budget and the IDP similarly suggest a lack of participation concerning the drafting of two key policy and planning documents impacting on the operation of the municipality. With regard to town-planning issues, in terms of numerical criteria, the participation rate appeared to be higher but this was simply because such issues are more numerous.

How do ward committees measure up in relation to Arnstein's (1969) theoretical model? Referring to the levels of public participation and the degree to which individual members may influence decisions made, they probably fall into the "informing" and "consultation" levels or rungs of Arnstein's (1969) hierarchy. A few impressions will be given of the levels of participation in advising and decision making by ward committees in the Tshwane municipal area. Inputs to the IDP are an important activity, likewise those to the budget. Ward committees make inputs to both documents. The municipality, for example, exhorts residents to "(b)ecome active participants - not passive recipients"! Many ward committee members do make inputs to the IDP and budgetary process. In terms of Arnstein's (1969) levels of citizen participation, this type of participation can probably be considered to be at the level of "consultation" where citizen requests are recorded in documentation, but they lack the power to ensure that their views will be heeded by the powerful. No feedback takes place in accepting or rejecting their inputs and informing ward committees of their acceptance or rejection and no assurance that the *status quo* is being affected. Councillors simply have to wait for their inputs to appear or not appear in documents in ensuing years. One councillor placed a question on the council agenda containing a certain ward committee's inputs in order to obtain a response (Napier field research January 2008).

Besides ward committees, so-called public participation processes, such as workshops and information sessions, are also initiated at the wider community level with audiences other than ward committee members to seek their inputs on other documents such as various planning schemes, by-laws and general policy documents. Once again, the level of public participation tends to be at the consultation level rather than at a higher level where citizens control the decisions made.

As stated above, ward committees operate at the lowest level of government and merely play a consultative and advisory role in the decision-making process. The question which arises from this assertion then is: How does one achieve real political participation by the masses in elections and participation by representatives

in ward committee structures that is sustainable over time in a modern society? This question should also be considered in the light of the fact that political decision making is a part-time activity, and large sections of the global population have become disenchanted with politics (Stoker 2006). Is it really fair to expect vast numbers of people to acquire the knowledge needed to contribute usefully on a part-time basis to complex local government issues?

The definition of a desirable level of public participation is never spelt out. When does sufficient exchange of information or participation occur? Does it refer to mass participation where all residents in a ward become involved in a decision over, say, a development, or does it refer to involvement by selected individuals and interest groups in decisions to be made? One must ask the question as to what is really achievable in terms of public involvement in decision making? Is the highest rung in Arnstein's (1969) hierarchy - citizen control - attainable?

The objectives of involving members of the community are similarly not clear. Is the objective to involve a greater number of individuals to smooth out party political biases that may be present in legislation and other policy documents presented to ward committees? Or is it to involve different levels of expertise and thereby supply information and influence content for the better? Or is it to legitimate decisions made by involving individuals in addition to ward councillors? Is it perhaps believed that ward councillors are not the sole representatives of their respective wards? These issues are not clear – and certainly not in the case of the Tshwane Municipality.

Local government is a complex sphere of government. Many of the issues with which local government has to deal as set out in Schedules 4 and 5 of the Constitution referred to above, cover many diverse subjects such as building regulations, municipal public transport, municipal planning and water and sanitation services. The structure of local government tends to be compartmentalised into specialist functional areas with specialists employed to manage those areas. The problem of identifying who is responsible for what function contributes towards the gap between officialdom and ward committees. Further field research is necessary to assess the outcomes of the responses by ward committee members to documents placed before them for inputs.

## **9. CONCLUDING REMARKS – WHAT SHOULD BE DONE?**

The view held by many citizens on local government in South Africa is that it is of lesser importance in the hierarchy of governmental institutions. The national government has generally been seen as the sphere where the real decisions are made. Local government is seen as the sphere of government where the small or parochial issues are decided on and therefore attracts less attention from the ordinary citizenry. In recent times this view is being challenged by the number of sometimes violent

community protests concerning service delivery in various parts of the country. Its importance in the field of service delivery is being re-evaluated in the minds of many. These events may result in future in recognition of the importance of local government and the need to participate to influence decisions made.

Local government issues are highly complex and cover wide areas, even more so since a developmental component has been added to their responsibilities following the transformation of this sphere of government. The complexity of local government leads to the question as to what extent an ordinary member of the public or minority group could be expected to participate in evaluating many of the complex and diverse issues with which local government has to deal, such as town planning, financial, environmental, and transport issues. Do ordinary members of the public have the time and the expertise to evaluate complex documents, policy and legislation on such issues? Furthermore, in view of the fact that ward committee members are not elected on the basis of specialist skills possessed, but rather on the basis of availability and popularity in sometimes poorly attended election meetings, they might not be best equipped to deal with complex issues.

Another question not clearly answered is: What is the goal of public participation - to make better decisions by obtaining a greater number of inputs to the decision-making process and thereby perhaps minimising the problematic issues at hand, or is it to legitimate decisions made following a public participation process or to smooth out political party differences on issues?

A certain amount of trust has then to be placed in the hands of those who are supposedly experts on such matters. How far can the public participate in evaluating such issues? Is it then limited to the broad issues surrounding such issues and some of the more immediate implications that such issues may have for individuals, minorities and interest groups within a ward, such as water and electricity infrastructure? The answer to this question is not clear.

South African society has a history of authoritarian rule going back many decades. Decisions were largely made from the top. Minority groups were to a greater or lesser extent involved in decision making through the various local organisations referred to above or through political party representatives in various decision making structures. Broad-based public participation is somewhat alien to an evolving South African political culture. Ward committees are a relatively new structure in the hierarchy of formal community-based structures in South Africa. Residents and rate payers' associations, civic and community organisations have had a long history in certain geographic areas of the country but have not been backed or supported by legislation. Ward committees are different in this respect in that they are supported by legislation whereas the latter organisation itself locates the space in which to operate.

Can one hope for greater participation by the community and minorities in decision making through a ward committee which meets after hours and perhaps

once a month? Can one really expect novices in the public to make informed decisions on highly specialised issues contained in lengthy documents such as budgetary and town-planning issues? Can one expect a ten-member ward committee with disparate interests and skills to make meaningful inputs into, for example, a draft 193-page Tshwane Town-Planning Scheme (CTMM Draft Tshwane Town-Planning Scheme 2007) or a budget document and IDP document numbering 757 pages (Budget 2007/08), which includes technical and specialist information? Can one expect greater participation in decision making on issues where the outcomes of decisions made are not always clear or visible to those participants? Coupled with this, according to Askvik and Bak (2005:230), is the declining level of trust in public institutions in South Africa. Data collected in the year 2000, indicates that trust in public institutions in South Africa was among the lowest in Africa.

What is a solution if one holds the belief that better decisions are made by greater numbers of the public participating? How does one move up Arnstein's (1969) hierarchy of public participation? In the case of ward committees at the local government level, the solution is to give them real delegated powers to, for example, decide on budgetary allocations and planning issues and to embark upon community projects. The Municipal Structures Act 1998 section 74(b) does allow for "duties and powers" to be delegated to ward committees but unfortunately this possibility was removed by a ministerial notice of 2005 prohibiting the exercise of executive powers (Notice 963 of 2005). In addition, feedback is necessary on inputs made. Individuals will simply not participate if some results from their inputs are not visible. Participants need to have a feeling of power and effectiveness in order to participate. In view of the complexities of local government and the need to make good decisions, there is perhaps a need to build into the structures and composition of ward committees places for experts in key areas in which councils operate such as in the area of town planning, finance, housing and roads. A possible means of expanding participation would be through a call to experts, interested parties and stakeholders to participate in electronic or internet information exchange groups. Important documents would be circulated to them electronically and they would respond similarly. Copies of their responses could in turn be distributed to others. Such individuals could nominate themselves or be selected by councillors and others to participate in such an endeavour. These changes in approach will require a re-drafting and refinement of the existing rules. Much work still has to be done at the local government level to ensure optimal levels of public participation and the exchange of information to influence decisions made.

Another possible solution is to involve specialists located in the private, community or business environments, or what is also referred to as sectoral interest groups or stakeholder groups, to evaluate by-laws, planning and budget documents in specialised committees established for this purpose, such as council portfolio

committees. A more nuanced understanding of public participation at the local government level both in ward committees and other public participation meetings is perhaps necessary. At present geographic and gender representivity is emphasised in the composition of ward committees whereas specific skills and sectoral interests might be more strongly emphasised. The general public might participate in certain defined non-technical areas in the wider public participation process, and specialist interest and professional groups might participate in improving decisions made by participating at other levels, such as in ward committees. A subpoena mechanism could be established as applied in the South African National Assembly and provincial legislatures to summon specialists to give evidence or make inputs concerning important policy and legislative initiatives. This process could improve the content and decisions made with regard to such issues. The counter argument could be that such an approach would be a move away from popular democratic participation and contrary to the thrust of the South African Constitution and the belief that “the people shall govern”.

A further measure which would assist in empowering ward committee members and promoting public participation would be to strengthen the links between officials and ward committees by appointing dedicated officials to transmit decisions and information between the bureaucracy and ward committee structures and to ensure that feedback is received on inputs made.

A further variable promoting public participation in ward committees, as pointed out by Piper and Deacon (2008) in the case of the Msunduzi Municipality, is the effectiveness of the councillor who, as pointed out above, presides over ward committee meetings, takes the initiative in holding meetings and directs their general functioning. Political parties therefore need to pay special attention to the selection of candidates for election – selecting those who would be able to acquit themselves well as ward committee chairpersons.

In conclusion, participation in ward committees in the Tshwane municipal area is tenuous and, from the evidence available, one cannot speak of significant public participation. Considering the structure of ward committees in the Tshwane Municipality, perhaps one should not expect them to be much more than a sounding board for councillors. They could also make certain inputs with regard to development issues in a ward, and if granted certain executive powers, allocate resources. Too great an emphasis is placed on the need to participate in ward committee structures, whereas the emphasis should be placed on specialist group participation in all council decision-making processes.

The structure and functioning of ward committees need to be re-thought in terms of the broader decision-making context in the Tshwane Municipality. Perhaps the public needs to be involved in a public participation process on determining the role and functioning of ward committees. The “associational revolution” has not



taken hold in the Tshwane Municipality and public participation has not moved very far up the participatory hierarchy as set out by Arnstein (1969). From the evidence available, Tshwane ward committees are not delivering the results expected of them.

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