



Proceedings of the Colloquium



THE STATE OF LOCAL GOVERNMENT IN SOUTH AFRICA

3 - 4 March 2011



Foreword

The Local Government elections are held every five years and are due this year. It is the sphere of government that affects citizens most directly. In anticipation of the 18 May elections the Community Law Centre, Goedgedacht Forum and Harold Wolpe Memorial Trust teamed up to reflect on “The state of local government in South Africa”. Academics, civil society and government officials trekked to the Goedgedacht farm, outside Malmesbury, and engaged in robust debate. These Proceedings are the outcome of the two days spent together. The challenges are great, particularly in respect of human and financial resources.

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Participants Details

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The State of Local Government in South Africa

Summary

The colloquium, held 3 to 4 March 2011 on the Goedgedacht Farm near Malmesbury, Western Cape, sketched a broad picture of local government: its challenges, citizens' expectations and its relationship with other tiers of government. Infighting along factional lines within local municipalities for resources, accompanied by threats to media, was seen as a major hindrance to effective local government. The rise in local protests was seen as a direct result of poor governance. The effects of the national government's central economic policy on local government – and the differences by decades of post-liberation - were also discussed.

Forms of political representation, including the current inter-party competition, and their effects on local government delivery were discussed. The relationship of other tiers of government and the role of capacity building programmes such as Siyanze Manyi were seen to be important influences on local government. The abilities and responsibilities of local government professionals such as engineers and leaders such as councillors also came under discussion – with lack of capacity and corruption highlighted as major concerns.

Participants were asked as to their experiences of local government. Finally, participants were asked to offer possible solutions to the problems of local government.

Sessions

Keynote speech:

Speakers: Elroy Paulus, Advocacy Programme Manager – Social Services and
Subsidies: Black Sash Trust and Nkosikhulule Nyembezi, Advocacy Programme
Manager: Black Sash Trust

Session 1: Setting the Scene

Speaker: Dr. Dale T. McKinley: Independent Writer, Researcher, Activist

Session 2: Expectations

Speaker: Mr. Derek Powell: Senior Researcher: Community Law Centre – the University of the Western Cape

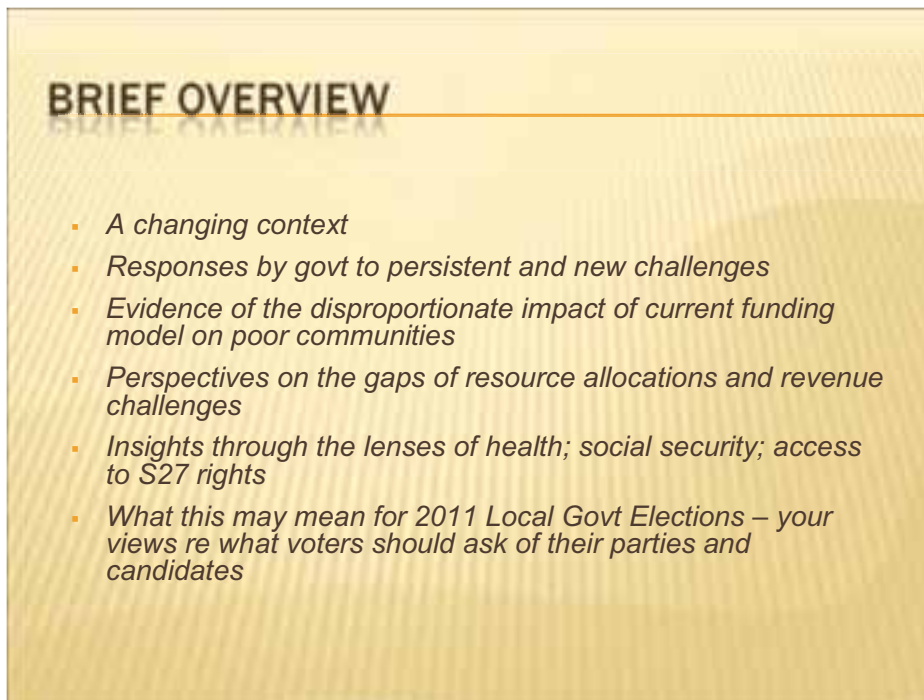
Session 3: Resources and Relationships

Speaker: Mr. Johann Mettler: Executive Director: SALGA

Keynote Speech

“The State of Local Government in South Africa – a few eclectic insights from the Black Sash”

By Elroy Paulus
and
Nkosikhulule Nyembezi

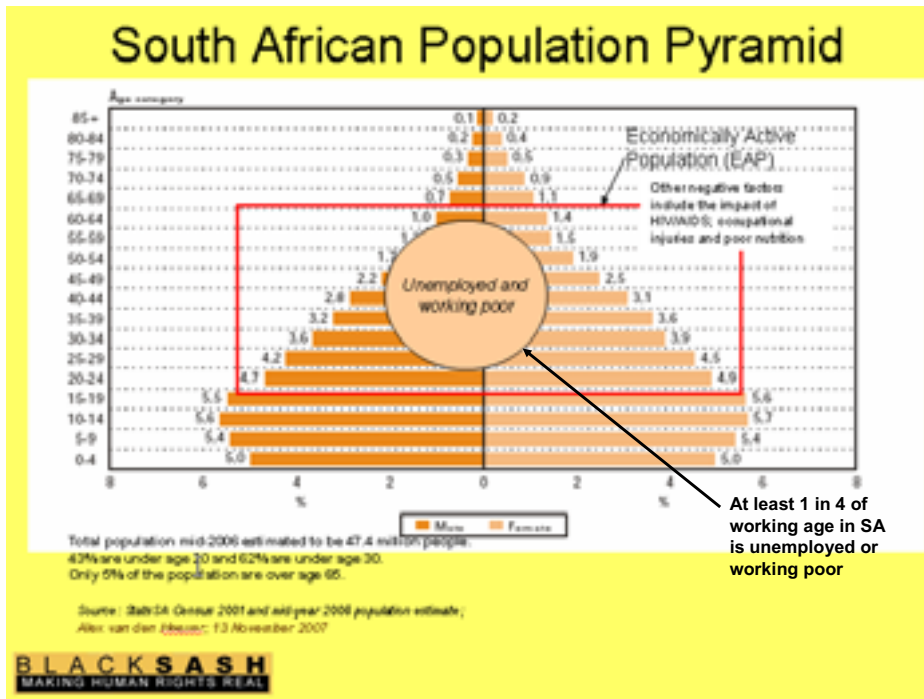


Slide 1: Brief Overview – using eclectic examples and lenses (such as the social determinants of health) to demonstrate the accomplishments, challenges and ongoing problems facing local government, insofar as these two functions intersect and are dependent on each other.

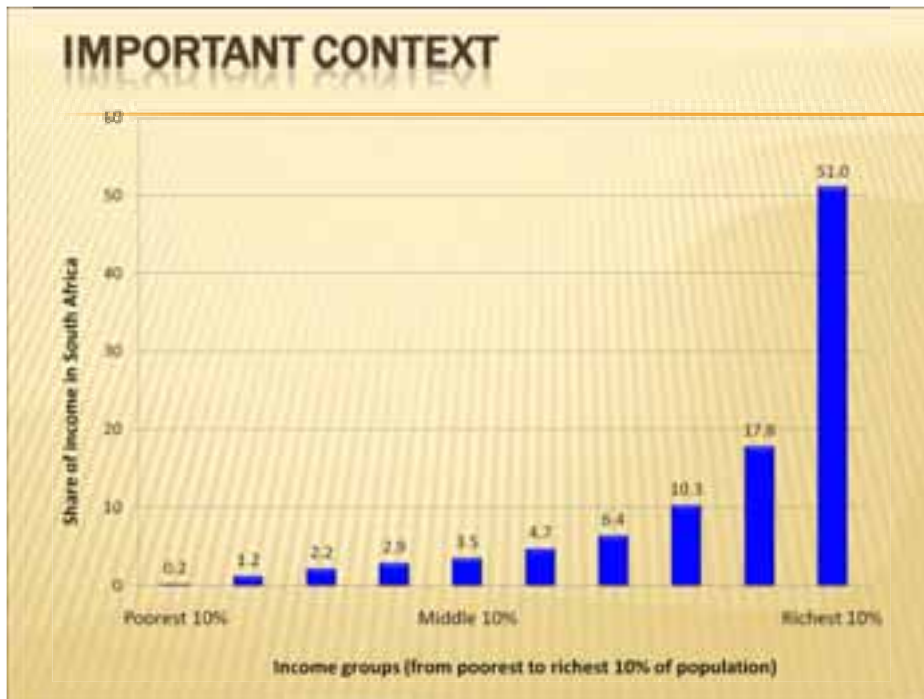
UNICEF PROGRESS OF NATIONS REPORT (1998)

"The day will come when nations will be judged not by military or economic strength, nor by the splendour of their capital cities and public buildings, but by the well-being of their people: by, among other things, their opportunities to earn a fair reward for their labour, their ability to participate in the decisions that affect their lives; by the respect that is shown for their civil and political liberties; by the provision that is made for those who are vulnerable and disadvantaged"

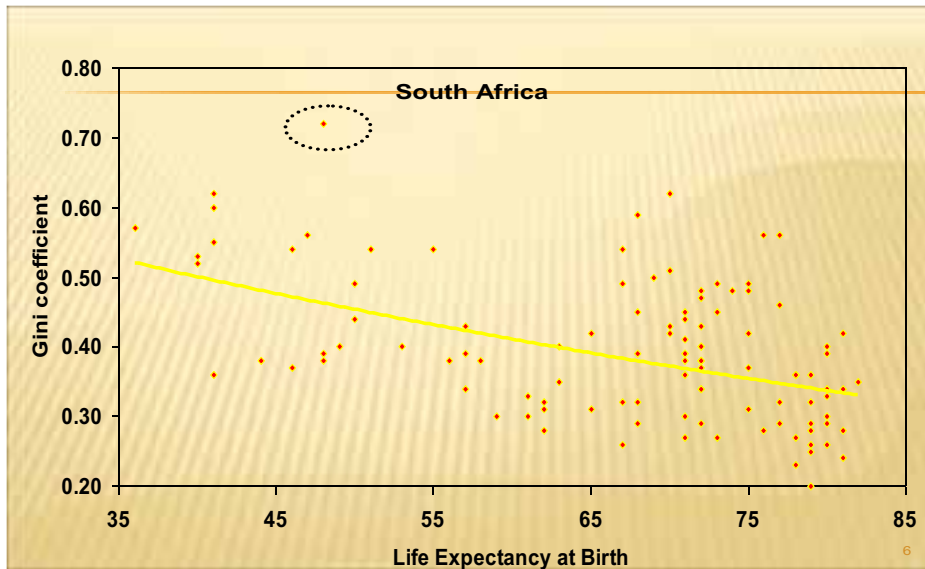
Slide 2 - Statement of UNICEF Progress of Nations Report (1998) – demonstrating the importance of Section 27 Rights and the realisation of socio-economic rights over the pre-occupation of infrastructure investment ONLY, and how these are manifested at a local government level.



Slide 3 - Classic demographic diagram – red window representing the economically active window. In reality, this average (i.e. Unemployment “hole” of 25%) is much worse in poorer, especially more rural municipalities, given the high income inequality, varying rates of economic activity in the 283 municipalities in South Africa.



Slide 4 - Income distribution graph of SA – in deciles (demonstrating the “super rich”) For every R51 spent by the top 10% decile of income earners, the poorest decile only spends 20 cents! In some municipalities this income inequality distribution is even worse.



Slide 5 - The Gini-coefficient (an index of inequality where 1 represents complete inequality and 0 complete inequality) is compared with life expectancy. Increasingly the impact of inequality on development is being studied. Each red dot represents a country. South Africa (circled) is a clear outlier with a very high Gini-coefficient and a low life expectancy, especially for a middle-income country. Yellow line shows a trend that could represent a correlation between higher life expectancy in countries with lower income inequality.



INSIGHTS THROUGH THE LENSES OF HEALTH; SOCIAL SECURITY; ACCESS TO S27 RIGHTS

- × 2-day Consultative hearings held in 6 provinces:
 - + Key challenges include:
 - × Poor intergovernmental relations – clinic in NMBM
 - × Poor and inappropriate staff attitudes - despite significant infrastructure initiatives
 - × Lack of access to medicines – at clinic – linked to local transport; district<--> province relationships
 - × Poor transportation – access to ambulance services

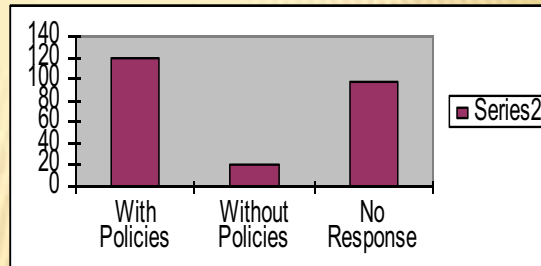
Slide 6 – Example of a clinic in Nelson Mandela Bay Metro Municipality – funding was withdrawn due to unresolved disputes between councillors from the same political party in the municipal ward in which the clinic was to be built.

For more on these hearings please click here:

http://www.blacksash.org.za/index.php?option=com_content&view=article&id=2756&Itemid=292

EXTENT TO WHICH MUNICIPALITIES HAVE BEEN UTILISING INDIGENT POLICIES – AS AT 28 FEBRUARY 2005

- ✘ 120 municipalities nationally have formal “indigent policies”
- ✘ 21 municipalities nationally do not have formal indigent policies
- ✘ 98 did not respond



8

Slide 7 - For a long time (approx 5 years +) many municipalities were unable to provide subsidies to support the poor, due to limited resources. It is another example of increasing responsibilities without the concomitant funding. Recent studies (2009) on indigency show huge variations in application, capacity and efficacy, and the questionable division of revenue (given development challenges) between the 3 spheres of government. Resources for capacity building and support are drying up now.

Municipalities in crisis – the de Doorns Experience



Gathering in Stofland, de Doorns 13 Dec 2009 09h15
Community Leaders Government Officials and
Monitors

Slide 8 - When municipalities face a natural or humanitarian crisis (in this case xenophobia in de Doorns), it calls on extraordinary leadership and resources to address it.



Slides 9 and 10 - Rural, and more remote areas, are not serviced. In the case of De Doorns it has contributed directly to social tensions.





WALKABOUT AND MEETING IN DE DOORNS - #6 13 DEC
2009
No tap (broken off) at standpoint in Stofland, de Doorns

Slide 11 - When monitoring and awareness by senior local government officials and councillors are neglected, situations of xenophobic proportions arise. These pictures were part of a walkabout to directly confirm allegations made by the local community of de Doorns. Community Development workers, the S A Human Rights Commission (Western Cape), S A Police Service, Community Based Organisations, NGO's, the Premier's Office and local government leaders participated. The tensions are entirely preventable with regular visits, meetings, and sharing of information, as prescribed in many laws and policies of local government.



WALKABOUT AND MEETING IN DE DOORNS - #B 13 DEC
2009

Highly unhygienic conditions in Stofland prevails



WALKABOUT AND MEETING IN DE DOORNS - #9 13
DEC 2009

Local Leaders explaining a point 13 Dec 2009



WALKABOUT AND MEETING IN DE DOORNS - #10- 13
DEC 2009

Ward Councillor Lubisi explaining flood plains
and settlement pattern disputes



Evidence of shacks built in flood plain – Maseru, de Doorns

Slide 15 - Settlements in a flood plain where a serious flood happened a few years ago. People cannot continue to live here without facing serious risk, but are forced to do so because of a series of huge institutional arrangements/shortcomings that do not cater to their need, the most pressing being access to adequate land. This is a critical function requiring intergovernmental liaison between the municipality, province and national government. The Industrial Development Corporation could not fund electrification of this area, nor the supply of water to communities living in this area due to steep slopes.



Standing amidst human and animal waste on an impromptu dumpsite – Maseru – with no water and sanitation facilities

Slide 16 - A plethora of legislative and policy offences occurred in the location indicated in the picture above, in particular waste management, water and sanitation provision.



Officials and monitor passed by a young woman or girl child carrying water in “Maseru “

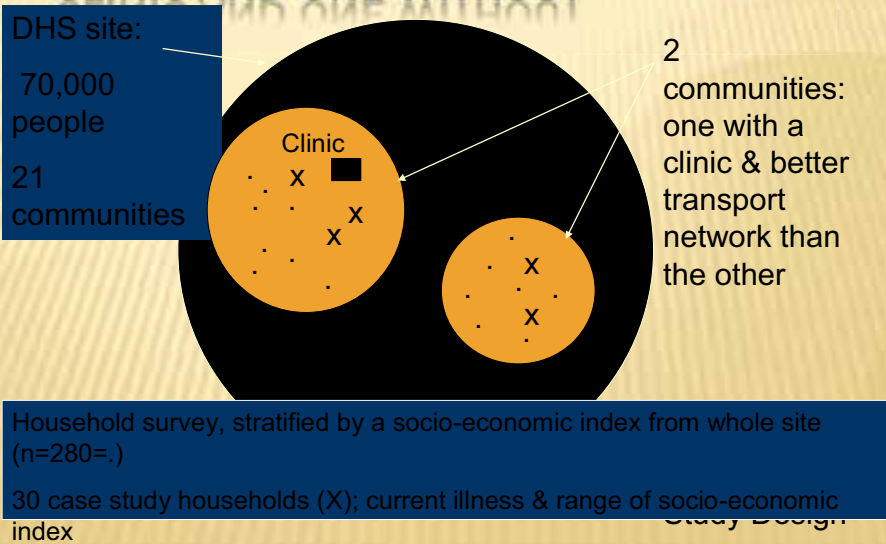
THE COSTS OF SEEKING CARE IN RURAL SOUTH AFRICA (THE SACOCO STUDY)

February 2011

Jane Goudge, Tebogo Gumedde, Steve Russell, Lucy Gilson, Anne Mills

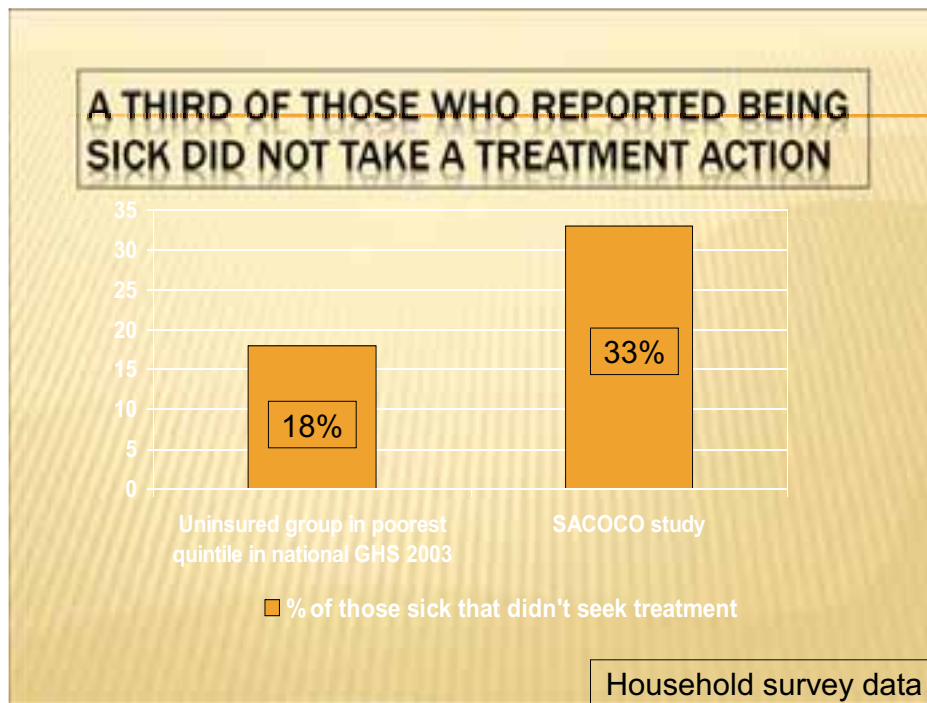
Centre for Health Policy
MRC/WITS Rural Public Health and Health Transitions Research Unit, School of Public Health, University of Witwatersrand.
University of East Anglia
London School of Hygiene and Tropical Medicine

TWO COMMUNITIES: ONE WITH A CLINIC AND ONE WITHOUT



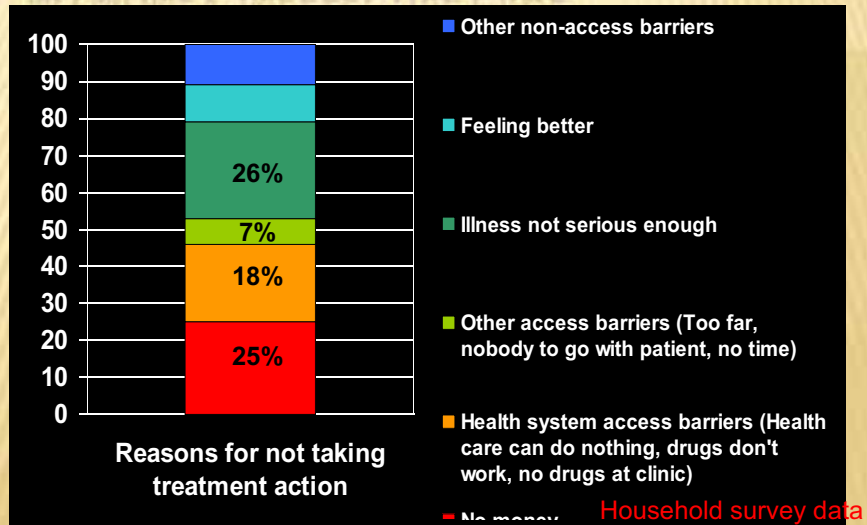
Slide 19 – This study took place in Agincourt DHS in Buskburckridge, 2005-2006. This slide demonstrates how distance of access to a basic service facility within a municipality or district municipality causes extreme hardship for vulnerable households, often with perverse outcomes.

Two communities were chosen: one established community with a clinic and one without a clinic less connected to the transport networks. A cross-sectional household survey where the households were stratified using an SES from the whole site was conducted. 30 case study households with illness and across the SES range, were studied over 10 months to obtain rich textual detail of household experiences. It was not aiming for statistical representivity, but identifying and understanding patterns of experience within the 30 households.



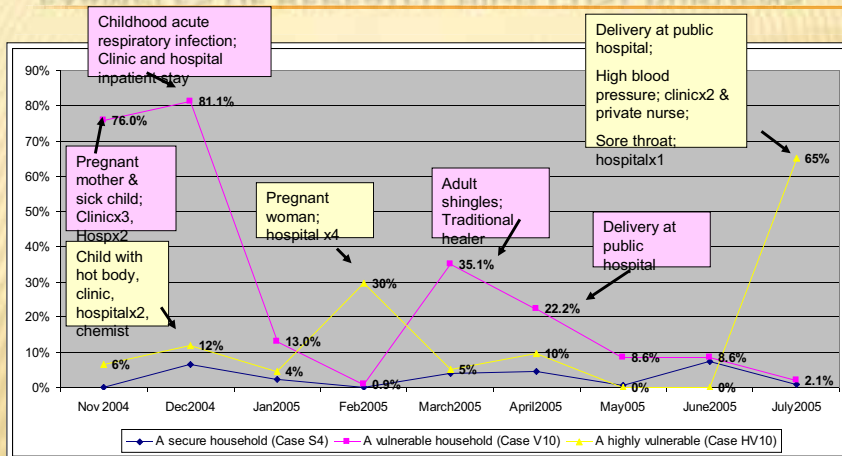
Slide 20 - This graph shows the % of those that reported sick but didn't seek treatment. It compares data from the 2003 general household survey with SACOCO data. There is a big difference!

REASONS GIVEN FOR NON-CONSULTATION: NO MONEY, INEFFECTIVE CARE



Slide 21 - This graph shows the reasons given as to why people didn't seek care. The 26% figure is questioned. It is a "simplistic portrayal of a complex story: often have multiple reasons that are interlinked ...'is not serious enough to warrant spending what little resources the household has, on the illness'...'health care can do nothing' ...'I've tried the clinic and the hospital'". 'The treatment stopped the symptoms'... 'But when the treatment was finished, the symptoms came back' '....so I know the medicine wasn't strong enough.' Transport services and ambulances, and location of facilities are critical here and local government also plays an important role in this regard.

EXAMPLES OF REPEATED HIGH COST BURDENS



Case study data

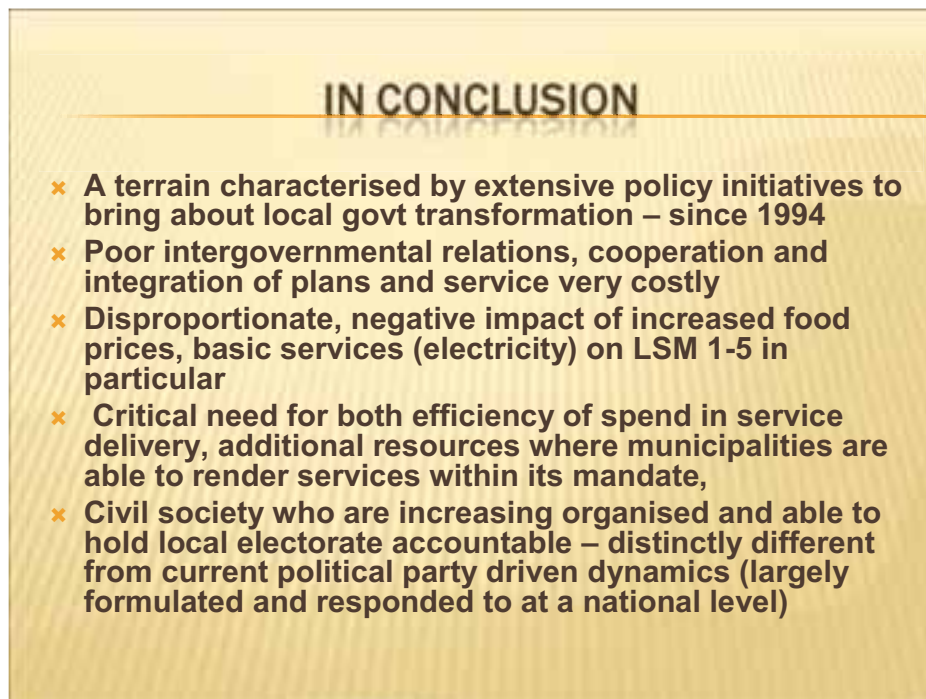
Slide 22 - Extraordinarily high levels of expenses – up to 81% of household income spent to access services. Grants are often the only means to ensure access by an ill person to a facility.

LOCAL GOVERNMENT – PARTY MANIFESTOS

- ✘ *What this may mean for 2011 Local Govt Elections*
- ✘ *your views re what voters should ask of their parties and candidates*

Slide 23 - Politicians believe in magic. They are always searching for the incantation or the mystic strategy that will connect them to voters. But, as political parties unveil their election manifestos ahead of the 2011 local government elections, most South Africans this time are more likely to demand at least one thing from those they vote into power: success in translating election promises into a better life for all.

It is that demand for success that points to reasons why voter-interests this time is so unlike what happened before. One important reason could be that the economy is still bad enough to provoke widespread anxiety across the voting population.



IN CONCLUSION

- ✘ **A terrain characterised by extensive policy initiatives to bring about local govt transformation – since 1994**
- ✘ **Poor intergovernmental relations, cooperation and integration of plans and service very costly**
- ✘ **Disproportionate, negative impact of increased food prices, basic services (electricity) on LSM 1-5 in particular**
- ✘ **Critical need for both efficiency of spend in service delivery, additional resources where municipalities are able to render services within its mandate,**
- ✘ **Civil society who are increasing organised and able to hold local electorate accountable – distinctly different from current political party driven dynamics (largely formulated and responded to at a national level)**

Looking at the size of registered voters, we know that the crowds are large and energised. In the period between 1999 and 2009 the country has seen an over 27 percent increase in the number of registered voters, from just over 18 million to slightly over 23 million. The current voter registration drive by the Independent Electoral Commission could push the numbers to a solid 24 million.

Given high levels of unemployment, we know that there are now more voters whose lives are blighted by the absence of decent jobs, and yet they remain inadequately catered for by the country's social security net. That collective feeling is likely to serve as a point of convergence to voters across age, race, and gender lines and encourage them to look at election promises differently this time.

While there is no reliable way to determine whether voters are angrier than they were during previous elections, reports in the newspaper tell us that this time voters are certainly louder, as more ordinary people are demonstrating against water and power disconnections, as well as huge municipal services debt. Some will argue that stirring up anger among voters in the form of public protests is easy, but putting that raw emotion to more constructive uses through critical scrutiny of election promises remains a challenge for our maturing democracy.

But it's worth devoting at least a portion of that time to a discussion of what needs to happen once all those elected officials move inside the walls of power to ensure that promises can be put to constructive use once the dust has settled in June.

The widespread anxiety across the voting population tells an interesting story on what characterise these elections, because when it is young people or first time voters who hold undecided votes, we cannot resist the feeling that somehow somehow what we are getting out of their vote is a glimpse into the future. But when it is also the middle-aged and older voters dominating in this category, we are not sure what to make of events. The movement falls outside our usual narrative in which the youth 'rebel' against the status quo and older people are the status quo.

It is a different story when older people are 'rebellious', and it is the most prominent story that is emerging in this year's local government elections. It could mean that the general rule that incumbents get re-elected is in suspension this year, even if two things

happen. One, that the incumbents will be replaced by candidates fielded by the same party. Two, that there will be a lower voter-turnout in some parts of the country due to apathy.

This is despite the fact that our government has over the years made huge promises and pushed through some landmark policies and legislation. However, the success voters want is tallied not by promises made and laws passed, but by prosperity enhanced among ordinary people in their daily struggles to overcome the twin scourge of poverty and inequality in our society.

Election victories in the past depended largely on voters buying into election messages of hope and change for a better life for all. So far, what most voters received in abundance is the hope.

The latest development indicators compiled by the National Planning Commission show that since 2005 inequality in our society has worsened (the richest 20% of our population get 70% of total national income), living standards are unacceptably low (with 49% of the population living on less than R524 per month) and infant mortality far too high (44.7 deaths per 1000 live births).

For most voters, the bailout of big businesses and the neglect of some key sectors of the economy was a grave injustice.

With this amount of hardship, it is possible that an increasing number of voters will not only be prompted by nostalgia to vote for a particular candidate. As voters have become unforgiving when an incumbent for whom they voted in the last elections does not deliver, they are now likely to base their decision on each candidate's acceptance in the eyes of the community and election promises they most believe.

Also, the enduring economic crisis has created a period of dislocation and uncertainty and voters will be more likely to examine whether the election manifestos simply have the ideas, programmes and agenda to promote local economic growth, public participation and transparency, create decent jobs and promote infrastructure development.

Beyond that, there has been a great breakdown of trust between the citizenry and the political elite who have failed to live up to the promises made last time. This is particularly so on those who used public office to enrich themselves. Election promises must demonstrate concrete plans to tackle the problems caused by the outdated methods used in the division of revenue, as well as corruption, nepotism, financial mismanagement, tender fraud and administrative inefficiencies that cripple so many of our municipalities, denying people their right to water, sanitation and other essential services. Increasingly, voters are looking for fresh candidates who can fundamentally change the situation by pulling together all efforts under the umbrella of job creation, short-term and long-term.

It remains to be seen whether independent candidates will influence the landscape of these elections. Indeed this could be so when considering advancements in technology that now makes talk radio, television and online communication both more sophisticated and more accessible. It is easier than ever for a candidate in 2011 without institutional backing to gain notice and build support from a much broader and far-flung audience. Just as an artist can now be propelled to success and fame from a YouTube video, a political candidate or cause can easily thrive without support from national fundraisers, surrogates or powerbrokers.

The urgent challenge for local government is to identify and implement a long-term strategy to rebuild the nation's ailing infrastructure which is rapidly compromising the

quality of water and environment, compromising household food security, and stifling local economic development.

There is no way to put off the need to repair, replace and upgrade much of the public infrastructure. Indeed, new investments in what is an important part of our ambitious New Growth Path five million jobs target offer an opportunity to create a different kind of sanitation, water, and roads network that now takes into account the new gains of our democracy which guarantee access to a list of fundamental human right guaranteed under section 27 of our constitution.

Investment in infrastructure — be it for drinking water, recreational water, sewage treatment and dams as well as roads, bridges, and rail— keeps our local economy healthy and also protects the livelihoods of ordinary citizens. We frequently take these behind-the-scenes services for granted, but our failure to invest as a nation in this “invisible” network threatens to undermine our ability as a country to achieve the Millennium Development Goals.

Firm undertakings by political parties should give voters a clear sense of what to expect and align their votes with.



Session 1: Setting the Scene

What does the Constitution say?

by Dr. Dale T. McKinley

It is instructive for us to first remind ourselves what the Constitution says in relation to the 'objects' of local government as the foundational and ideational base upon which we can then assess the practice:

- a. to provide democratic and accountable government for local communities;
- b. to ensure the provision of services to communities in a sustainable manner;
- c. to promote social and economic development;
- d. to promote a safe and healthy environment; and
- e. to encourage the involvement of communities and community organisations in the matters of local government.

The first decade

Local Government Grants

Part of federalist compromises reached during the negotiations of the early 1990s allowed for the establishment of a local tier of government that was then constitutionally enshrined with competencies to deliver many of the basic services so desperately needed by the majority of the population. Given the generalised political and administrative chaos inherited at the local level, combined with the massive lack of both human and fiscal resources to actually carry out designated 'delivery' functions, it made sense that the national government, through the budget, would provide sustained fiscal support to local government. However, this has not been the case.

The real 'equitable share' of national revenue that is supposed to be provided to local government (added to conditional grants), was consistently been slashed from the mid

1990s onwards to the point where local government was forced to rely almost wholly on local-level revenue to fund the delivery of a range of basic services. In turn, this created a situation where local governments had to:

- i) cut back drastically on service delivery targets, with the poor being the hardest hit;
- ii) prioritise 'cost recovery' mechanisms as a means to gain revenue, resulting in cut-offs of basic services such as water and electricity in those communities least able to afford payment; and
- iii) privatise the management and delivery of basic services leading to increased charges and the prioritisation of delivery to communities able to pay.

Entire communities (particularly in poor rural areas) were denied their rights to basic services, resulting in outbreaks of preventable diseases (e.g. cholera, dysentery) and other knock-on effects such as environmental damage due to collection of wood for fuel, negatively affecting the quality of life. In urban areas, electricity and water cut-offs hundreds of thousands of poor people without basic amenities and contributed to serious social and environmental urban decay. This sorry state of affairs was the direct result of an ideologically driven budgetary framework, whereby the national government increasingly removed itself from the sphere of basic service delivery.

One of the most basic problems that has yet to be fully recognised nor dealt with is that it is not simply a matter of the amounts of monies allocated to specific social programmes but the absence of an integrated approach to the delivery of services whereby the lack of budgetary allocation in one sphere negatively impact on another. For example, a lack of trained and management personnel and systems to carry out the basic functions of actually spending the monies. There is a need for an integrated budgetary package that does not set one component of the system against the other. The macro-economic framework (GEAR) that still informs the overall approach to

institutional/fiscal government priorities and delivery has a uni-dimensional focus on fiscal 'fundamentals' as the means to 'deliver' both administrative efficiency and services. As a result, what gets obscured is the fact that it is not the manipulation of capital that 'delivers' but investment in human and physical 'infrastructure.

Two examples of ludicrous nature of allocations/priorities:

- a) The entire fiscal commitment to land restitution from 1994-2001 amounted to less than the cost of one of the fighter aircraft national government purchased in the arms deal.
- b) In a country that is officially categorised as semi-arid, it is scandalous that the annual budgetary commitment of the Water Affairs Department for the 1999/2000 fiscal year amounted to one fortieth of the amount spent in the same year on servicing the apartheid debt.

The second decade

Developmentalism

Once the popular and political backlash stemming from the effective (neo-liberal) abandonment of local government during the first decade began to hit in the early 2000s, there was a shift in the 'strategic' (ideological) vision of national government/the ANC in relation to the role of the state (its governance model) as 'developmental' (introduction in 2004 of 'Operation Consolidate' to try and deal with consequences of previous decade). This has, unfortunately, been largely accepted at face value without much critical analysis of what really lies behind such a supposed 'shift' that ostensibly realigns the character of the state to benefit the poor majority (and thus, by default, strengthens local government as the main 'deliverer' of such development)

A brief critical appraisal though shows us that developmentalism had its roots in the rise of the USA as the post-WW2 hegemony – largely constructed around the needs of the ruling elites as a means to break out of nationally-bound frameworks and to expand

markets globally on the one hand; and to counter the opposition to colonialism and the ideological threat of communism on the other. What developmentalism actually achieved was the restructuring of global relations of production and proposed a model of liberal democracy (plus welfare).

In South Africa, post-apartheid developmentalism serves a similar purpose – namely to reorient the national economy towards global capitalism while simultaneously deflating grassroots struggles for change through a combination of welfare, meeting some popular ‘delivery’ demands and market discipline (all experienced through the ‘offices’ of local government). In the more specific context of local governance, welfare functions to produce (political and social) consent by smoothing over the edges of capitalist exploitation (i.e. as a mediator of capitalist relations of production). In SA the model is designed to extend the welfare provision and redirect welfare resources on the basis of a partial redistribution along predominately racial lines with the goal being to pass the job of reproduction of the work force (labour) and allied classes to the private market/individual.

What such developmentalism has achieved is to (for now) stabilise an exploitative and unequal capitalist system of production and reproduction whilst, in parallel, creating a formalised civil society where formally organised groups participate in official structures to claim (and or fill in the gap of) public resources and where this role is constructed along the lines of official government programmes with the space and/or opportunity to contest the fundamentals. Local government thus acts as the main facilitator and focal point.

Democracy

As a result, the reality is now that local government is characterised by:

- First and foremost, geared towards the needs of (Mbeki’s) first economy. It is run like a private business with all the attendant consequences

- A place where all macro-development decisions affecting the local citizenry are taken by politico-bureaucratic and economic elites. Democratic representatives have simply become rubber stamps and the community mostly left completely outside.
- ***The centralisation of power but the decentralisation of responsibility***
- Networks of patronage (which incubate and sustain corruption) drive what formal participation there is and determine who does and does not benefit from 'delivery' (most often tied to party political networks/links). Formal channels/avenues for citizen participation have been politicised.
- An atmosphere in which there is fear of dissent and freedom of expression resulting in the closing down of popular space for contestation and accountability (resulting in increased conflict). Civil society is marginalised.

Delivery

- The wholesale implementation of a privatise/corporatised model (i.e. cost recovery, outsourcing, corporatisation) in which basic services have become commodities to be bought/sold like any other consumer product on the market. Access to services thus predominately defined by market participation and political connectivity;
- Infrastructural delivery without parallel (and effective/sustained) maintenance and accessibility
- Unequal infrastructural and delivery provision and enjoyment to the corporate/business sector (and wealthier clients) – class discrimination layered by realities of racially and class defined spatial segregation (latest example of Durban and tender corruption);
- Serious lack of technical, infrastructural and managerial capacitation and expertise with resulting dominance of political deployment template/basis for same - breeding grounds for corruption, nepotism and competition/conflict.

The present

- Despite a decade of 'developmentalism' and the more recent attempts to make-up for the fiscal deficit at local government level (with national transfers to local government at around R70 billion in 2011/2012 but still constituting around just 9% of total national government expenditure and with average amount of revenue raised at municipal level being around 85%) and the adoption of a new 'Turnaround Strategy', the realities are as bad, if not worse, than they were at the turn of the century. Just to give one indication of the massive gap between rhetoric and reality - in early 2007 then-DPLG Minister promised: that by the end of 2007 there would be no more bucket systems; that by 2008 there would be universal access to clean running water; that by 2010 there would be decent and safe sanitation; and, that by 2012 there would be electricity for all.
- Increasingly violent 'service delivery' protests have been the staple diet at the local level now for a few years running and the scope and breadth of dysfunctional as well as badly performing municipalities have not lessened. Electoral participation at the local level has, from every election since 1995, decreased across the board. Services 'delivered' have largely been neglected and of poor quality.
- The system of 'cooperative governance' is virtually in tatters (as recently admitted by Deputy Minister of Co-operative Governance and Traditional Affairs, Yunus Carrim) and the DCG&TA has, in its own 'State of Local Government Report' in 2009 admitting large degrees of institutional and delivery 'paralysis', political factionalism, massive services backlogs, a spreading 'culture of patronage, fraud and nepotism, ineffective and inaccessible systems of accountability, huge amounts of fruitless and wasteful expenditure, lack of financial management and poor overall skills and increasing 'alienation' of ordinary people from local government (they have 'lost trust/faith').

The past and ongoing crisis in local government is a crisis of development and democracy where it counts the most – in the lives of ordinary South Africans. The scene we confront is like a pressure cooker – when the steam is already visible, the explosion cannot be far off!

Questions:

Would you suggest a more centralized government system stripping out the provincial layer is really the answer, that there has been too much devolution? Isn't that contrary to the thinking of trying to bring government to the people, to empower structures that people engage with?

Centralization has to be an issue of responsibility. We elect a democratic government and it is responsible for delivery. It is not about micro-management, but about fixing human and other resources so that delivery can happen. Infrastructural support, seeds, training is all necessary for land redistribution; the same is true for local government – it must provide necessary resources and make decision to capacitate. Local government must take those resources and the responsibility to use it. We are constantly going to put on Band-Aids if we don't get the model right. We are always in crisis management, with new turnaround strategies. Without incentivisation, we are going to always be putting out fires.

Please talk about the growth of security agencies and particularly the Protection of Information Bill (POIB), because this may be looking at a pressure cooker and managing the situation by classifying information (at the local government level in particular). Do you think this is a legitimate suggestion or hypothesis?

The POIB is pouring fuel on the fire – it is absolutely unnecessary. The state's current approach is to label people as "trying to create trouble in our democracy". Then South Africa is heading into an authoritarian state and that is a recipe for more unrest. It should be the opposite – the more information is available, the more transparent and accountable our democracy can be. This bill is returning to a time of securitizing

information. If people have no information they have no power. People need to have open access to information in order to improve service delivery.

What can you say about spending patterns concerning municipal grants that lie unspent, considering that some of these exist to unlock potential at municipal level? Spending could do a lot more [than currently] - there is no way municipalities can spend these monies because there is no capacity or because there is such competition or in-fighting/factionalism. It is an issue of human resources. There is no way to participate in society fully unless you get an education – the same is true of local government. There must be a first level. We got enamoured by all these institutions and plans, but leave local government out to dry.

Our system of government is based on the compromise of CODESRIA. Regarding local government and municipalities, have you looked at how these municipalities are generating income? How do you see those municipalities that cannot generate income pushing back the agenda of the community?

This is just what happened with Model C schools. Now we decentralize responsibility; those parents that can fill the gaps can afford to do that, those that cannot (in townships) suffer. A one size fits all is a recipe for disaster, for destruction, especially for rural districts. Many are in absolute crisis. The Monika mine clears R150-million a month but there is no running water or roads. There needs to be political will to change this or it will get worse.

Is the outsourcing of municipal services e.g. solid waste due to the municipality not having capacity to deal with these services? Is there a collapse of municipal services and a rise in rates due to outsourcing? Are municipalities able to drive service delivery?

How have District Municipalities (DMs) performed? Are they a burden? If so, why not do away with them?

Yes, the way in which DMs were inserted represents a very similar kind of dysfunctionality. There is very little communication and cooperation between them and metro municipalities. We are going to need the simplest model. Policy makers often get enamoured with models but they don't work. Let's have one form of local government which would take away the competition. The institution must be right before it can work. DMs were put in rural areas to amalgamate them but I don't think they work.

Given the model we have and deficiencies, what are your comments on accountability, communication with communities and voter education? What is the understanding in communities that they have to deal with and the impact on local elections?

DISCUSSION

Take the statistics of transfer (R70-billion); more than half goes to six metros and the rest goes to Category B municipalities. It depends on the municipality on how much they raise on their own. Cape Town will raise 90% of its fees, but rural municipalities can only raise 10-15%. The more a city depends on national transfers the less independence it has. The average is very different in an unequal society.

The state of inequality is very dire. The testimonies and stories about access to water and health services in rural areas are shocking. There are many perverse things that are happening. One municipality lays pipes twice in order to cross-subsidize or pipes are laid three times to benefit from a tender.

Local government is very complex, but this occurs at all levels – national and provincial tiers also provide services at the local area. During the demarcation period (1999/2000), things went wrong, but in a context of inequality, where the political will at the time was the extension of democracy, not the economic viability of structures to be put in place. It was about giving people a sense of ownership of their own destiny, whereas before we were fighting against these structures. Many put in massive compromises in order to

make this happen. Today the same argument is occurring – to combine many unviable municipalities. There is one councillor in a massive ward who faces numerous protests of not only local government issues (e.g. water) but also non-local government issues (e.g. education). Not matter what one does; the poor municipalities will not be fixed.

The working municipality should ask whether it is feasible to have this kind of local government. South African government has R62-billion in uncollected fees, ten percent of which belongs to local government. Local government does not have the ability to collect these fees because Eskom is delivering electricity and water cannot be cut off. And the municipality is not going to attach an unsellable house on top of a hill. It is almost impossible to collect these monies. There are much more nuanced approaches as to what is wrong and what can be fixed. There is not just one way.

Many local councillors' levels of accountability are nil. Some do not step into wards because they are afraid. Ward committees have become tender groups. The councillor is accountable to the local party commissar or political head. This has to change in order to them to become accountable to people. Many communities have no idea of what is happening [about government decisions] and only find out by burning tires or threatening to do something about the problem. It takes a crisis for councillors to listen to people. We need to look at this.

There will be more independent candidates and opting out; there are more people opting out because it does not serve me at all to vote for any candidate of any party. It is 16 years after democracy and less than 50% of people vote. There is a crisis of legitimacy. People know their rights and there are far more registered voters than participants – the problem is not voter education. It would not be surprising if this election sees even less participation. South Africa is in a crisis and this needs political intervention.

The lack of capacity is not new; it has spawned an industry since 2000 in capacity-building! Taking the broader issues, there is some system of established rights: people are entitled to free health education, education and access to basic services. The challenge is for people to experience these rights in a geographical space and in a holistic, integrated way. The state organizes these rights in silos. This raises two things: in the local situation we have two essential requirements: we need a highly organised, empowered citizenry and a responsive, appropriately capacitated state. How do we facilitate that evolution? There are all sorts of difficulties. We fundamentally suffer from a state system that recognizes this but lacks political leadership to drive this. What does it mean if South Africa is faced with that fundamental question? How do we make that happen? What does it mean in terms of capacity and institutional relationships?

There is a false dichotomy between national level planning and local demands. Planning has been absent. The fundamental problem is the developmental path. We can tinker, change things but if the developmental path itself militates against empowerment of people then nothing will change. We are coming to a crossroads where people will question the developmental path of the last twenty years – an export oriented, (capital) intensive economy. We have been suturing the wounds but we need an operation. I agree with Nkrumah; [the problem] is political - it's very difficult to envision a different situation where there is very little political opposition.

Remember the RDP, what was said at the beginning of the transition: 'Growth through redistribution, not redistribution through growth.' One cannot build a house unless one builds the foundation. South Africa has all the money and plans but underneath the foundation is shaky or in the sand. It's not a matter of another, fancy policy framework but it's about priorities.

People have the right to ask: "If our three levels of government can deliver a world class event like the World Cup in record time, why is that they cannot do that when it comes

to ordinary people?" Is it simply a question of ego, money or other things that drive politics? We have the capacity – why can't we do that?



Session 2: Expectations

The State of our Local Democracy

By Mr. Derek Powell

1. How are protests framed in public debate— what are the concepts, data, conclusions , are these analytically sound?
2. How do we measure the health of local democracy, and how healthy is ours?
3. Are the protests symptoms of a more fundamental failure of local representative democracy?
4. What is the storyline in these elections, local stories or simply a replay of a national story-line?

Some narratives about protests doing the rounds

- Local government is dysfunctional (due to corruption, incompetence, lack of accountability, poor service delivery)
- Violent “service delivery” protests are symptoms of this collapse
- “Service delivery protests” are a socio-economic phenomenon “driven” by poverty and inequality
- Violent protests question the legitimacy of local democracy, which is excluding rather than including poor communities
- National intervention is needed to fix service delivery and public participation mechanisms must be enhanced
- Protests could be a sign that SA is sliding towards “a failed state” (And watch out for Tunisia & Egypt!)

Municipal service delivery protests	What is the relationship between different protests over different issues in different parts of the country?
	Why then do most of the service-delivery related grievances seem to relate to housing (a provincial function)?
	The term is not defined, loosely used, and analytically imprecise
Protests are now a socio-economic phenomenon	What does that mean exactly?
	What is the start line for this new phenomenon?
	How does it differ from historical forms of the phenomenon?
Violent protests are driven by inequality	What is the causal link?
	Why are there fewer protests in rural areas where inequality is highest?
	Isn't withholding of rates by ratepayers another form of protest?
National is intervention needed	What part does national policy failure/over-reach play in this?
	Why not more local self-government?

TABLE 2: INDEX OF STATE WEAKNESS IN THE DEVELOPING WORLD

INDEX OF STATE WEAKNESS IN THE DEVELOPING WORLD (Bottom Two Quintiles Only)

The 141 weakest states and their index basket scores are presented below. A basket score of 0.00 represents the worst score in the 141-country sample, a score of 10.00 signifies the best.

Color Coding Key
Color coding and quintiles are based on full sample of 141 countries

BOTTOM QUINTILE
2 ND QUINTILE
3 RD QUINTILE
4 TH QUINTILE
TOP QUINTILE

Rank	Country	Overall Score	Economic	Political	Security	Social Welfare	GDP Per Capita
1	Somalia	0.52	0.00	0.00	1.37	0.70	100
2	Afghanistan	1.65	4.51	2.08	0.00	0.00	100
3	Congo, Dem. Rep.	1.67	4.06	1.80	0.26	0.52	100
4	Iraq	3.11	2.87	1.67	1.63	6.27	100
5	Burundi	3.21	5.01	3.40	2.95	1.43	100
6	Sudan	3.29	5.05	2.06	1.46	4.59	100
7	Central African Rep.	3.33	4.11	2.90	5.06	1.25	100
8	Zimbabwe	3.44	1.56	1.56	6.81	3.84	100
9	Liberia	3.64	3.39	3.91	6.01	1.25	100
10	Cote D'Ivoire	3.66	5.23	2.12	3.71	3.56	100
11	Angola	3.72	5.42	2.67	5.32	1.45	100
12	Haiti	3.76	3.90	2.62	5.21	3.31	100

Rank	Country	Overall Score	Economic	Political	Security	Social Welfare	GDP Per Capita
13	Sierra Leone	4.22	5.04	3.83	3.81	6.79	100
14	Eritrea	4.34	5.05	3.78	7.01	6.48	100
15	North Korea	4.37	5.05	3.99	7.79	6.73	100
16	Chad	4.38	5.00	3.42	6.19	3.83	100
17	Burma	4.44	4.28	3.26	7.36	7.07	100
18	Cote d'Ivoire	4.45	5.22	3.83	5.96	3.80	100
19	Ethiopia	4.46	5.14	4.03	4.91	4.15	100
20	Congo, Rep.	4.50	5.09	3.77	6.43	3.83	1100
21	Niger	4.50	5.45	4.66	7.33	4.84	100
22	Nepal	4.51	5.17	3.84	3.88	6.30	100
23	Ghana	4.57	5.36	3.84	7.43	3.81	1100
24	Rwanda	4.57	5.33	4.36	6.02	2.51	100
25	Equatorial Guinea	4.71	7.17	3.79	7.35	3.84	100
26	Yogo	4.80	4.88	3.88	7.36	4.38	100
27	Uganda	4.80	5.19	4.15	6.89	4.73	100
28	Nigeria	4.80	5.38	3.83	6.37	5.24	100
29	Comoros	5.12	5.76	3.88	7.54	4.07	1100
30	Yemen	5.18	5.60	3.44	6.33	4.85	100
31	Comoros	5.20	4.84	4.20	6.18	4.29	100
32	Zambia	5.23	5.46	4.56	6.15	3.73	100
33	Pakistan	5.23	6.86	5.32	4.88	6.13	770
34	Cambodia	5.27	6.59	3.88	7.18	4.57	480
35	Tajikistan	5.27	5.05	3.40	7.88	6.75	1700
36	Uzbekistan	5.30	5.30	3.78	6.86	7.34	610
37	Mozambique	5.30	6.23	4.34	6.39	4.24	740
38	Djibouti	5.31	5.30	3.89	6.21	4.29	1000
39	Myanmar	5.32	5.80	5.13	6.35	3.88	100
40	Papua New Guinea	5.32	5.15	4.02	7.43	4.68	770
41	South Sudan	5.33	5.17	3.85	6.78	3.83	2470
42	Tajikistan	5.35	6.16	3.88	6.39	5.52	100
43	East Timor	5.31	3.88	4.41	7.74	5.90	640
44	Burkina Faso	5.31	6.30	4.87	6.50	2.50	480
45	Laos	5.32	5.80	3.86	7.88	6.71	100
46	Malawi	5.36	5.66	4.43	6.14	6.77	720
47	Colombia	5.43	5.84	5.78	3.78	6.11	2740
48	Sierra Leone	5.44	4.88	3.97	6.35	5.88	480
49	Madagascar	5.45	5.24	3.85	7.45	3.88	100
50	Kenya	5.45	5.77	4.72	6.90	5.15	100
51	Gambia	5.70	5.20	4.54	6.20	5.70	110
52	Mali	5.80	6.10	6.16	6.44	3.83	480
53	Lesotho	5.88	4.88	5.45	6.35	4.18	1100
54	Southwest Islands	5.92	6.38	3.05	7.80	6.19	100
55	Tanzania	5.94	6.38	5.41	6.08	3.88	100
56	Sri Lanka	5.94	6.37	5.47	6.36	6.98	1300

Failed/fragile states

- Predictive measurements of the riskiest countries vis-a-vis three main threats:
 - Deadly internal conflict (civil war)
 - Humanitarian disaster (genocide and war crimes)
 - Threat to global security (war on terror)
- Fragility is a condition of collapsing central state authority
- There are 2 failed states: Haiti, Somalia
- On what analytical basis are comparisons drawn between collapsed states/authoritarian states and open liberal constitutional democracies?

How do we measure the quality of local democracy?

- Institutional forms of local democracy:
 - **Representative democracy:** Local citizens elect political parties (PR) and individuals (ward based) to represent them in council (Major national parties are also the major local parties)
 - **Participatory democracy:** Citizens have the right to participate in local affairs between elections
 - **Consolidation of democracy:** Voters reward and punish representatives on the basis of their performance
 - **Transformative democracy:** LG must overcome historical cleavages and exclusion
- Statistical measurements of “Voice and accountability”:
 - World Bank Governance Matters VI
 - Afro-barometer (Idasa local government barometer)

Some indicators in use

- Awareness of & satisfaction with local democracy
- Registration and turnout rates on election day
- Growth in number of parties participating
- Party performance in elections
- Awareness/attendance of participatory structures
- Incidents of violent protests
- Representation of PDGs in council
- Inter-party cooperation between elections?

The state of our local democracy



Developmental local government:

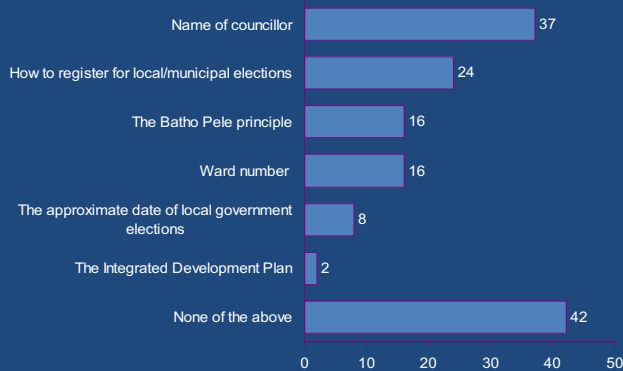
- Provide democratic & accountable government
- Provide services to meet basic needs
- Promote social & economic development
- Involve citizens in the governance of local affairs
- Promote a safe and healthy environment

Sources: IEC, CGTA, HSC, Ipsos- Markinor

General trends in participation and confidence

Low but stable voter turnout	1995/96 (49%) 2000 (49%) 2006 (48%)
Increased representation of women	1995/96 (18.5%) 2000 (28.2%) 2006 (39.7%)
Increased party participation	2000 (79) 2006 (97) – 56 parties represented
Declining public confidence	2006 (44%) 2007 (34%): HSRC. Are municipalities well managed? 2004 (49%) 2007 (41%): Ipsos Markinor

Citizen awareness of local governance



Source: Tshwane citizen satisfaction survey

The unaware were generally white, non-voters, and more affluent
Why? Apathy? Disinterest? Time?

Citizen involvement in participatory processes

– attendance of at least 1 meeting

Meeting	% Attendance
Ward meeting	27
School governing body meetings	15
Street committee or neighbourhood meeting	13
Residents' association meeting	7
Community development forums	6
Community policing forums	3
Mayoral imbizos	3
IDP meetings	1
None of the above/Never	52

Source: Tshwane Citizen Satisfaction Survey

More than half of citizens have not attended any of the meetings

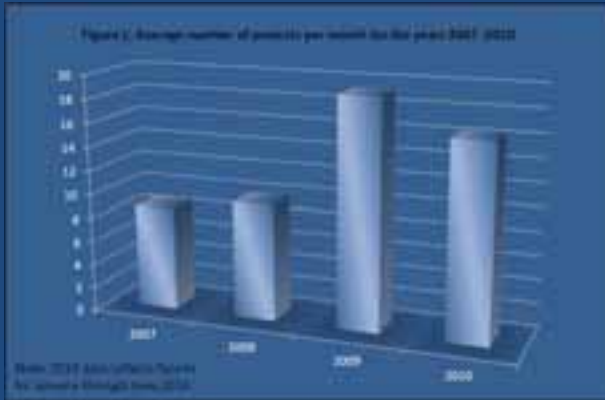
Those who attend are generally less affluent, black and voters

1. Poor publicity for meetings and issues
2. People don't understand the process
3. IDP documents are "inaccessible", "too high-flowing"
4. Language can be a barrier
5. Inconvenient meeting times
6. Travelling to meeting venues is difficult and costly
7. Meetings are poorly run and facilitated
8. Report-backs are inadequate

Gauteng PG study of participation

Public protests (“service delivery protests”)

Increasing in frequency and violence



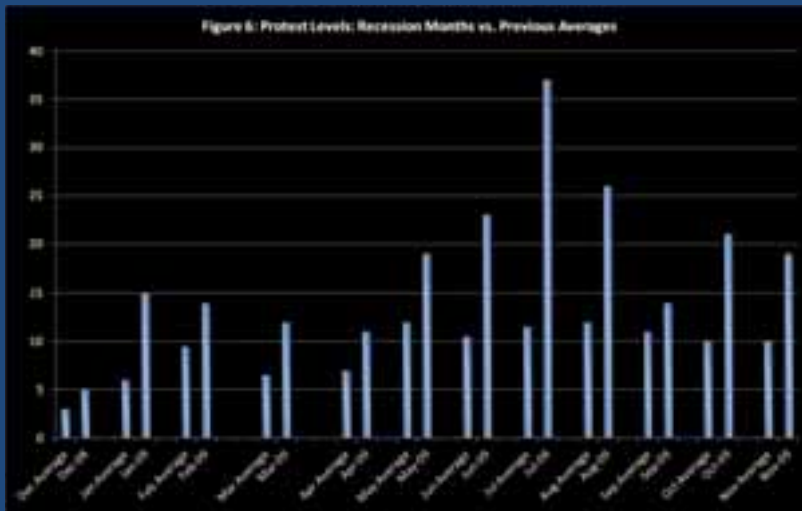
Violent protest (% of total)

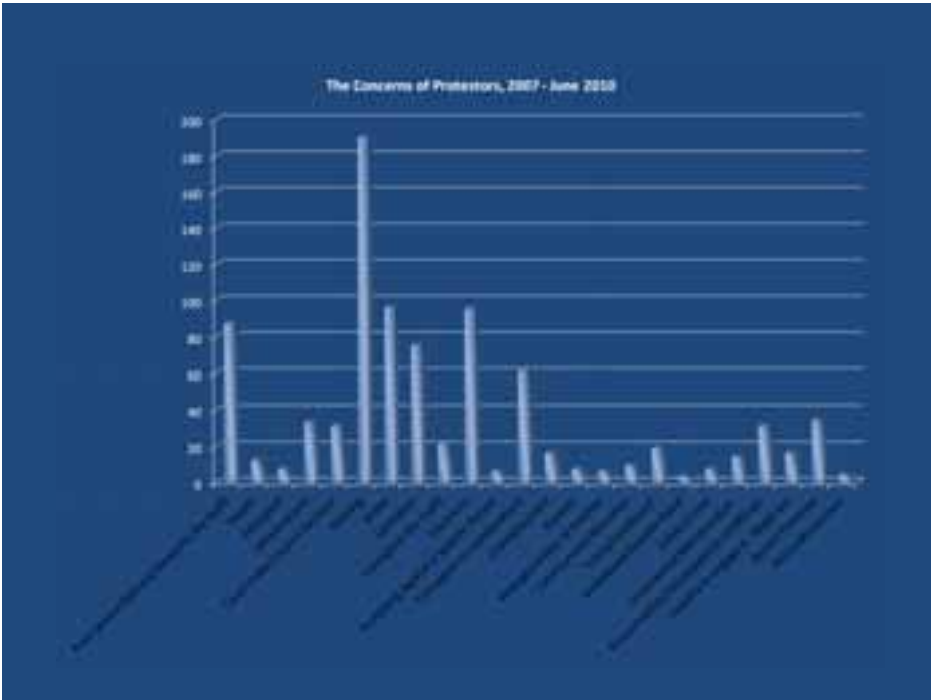
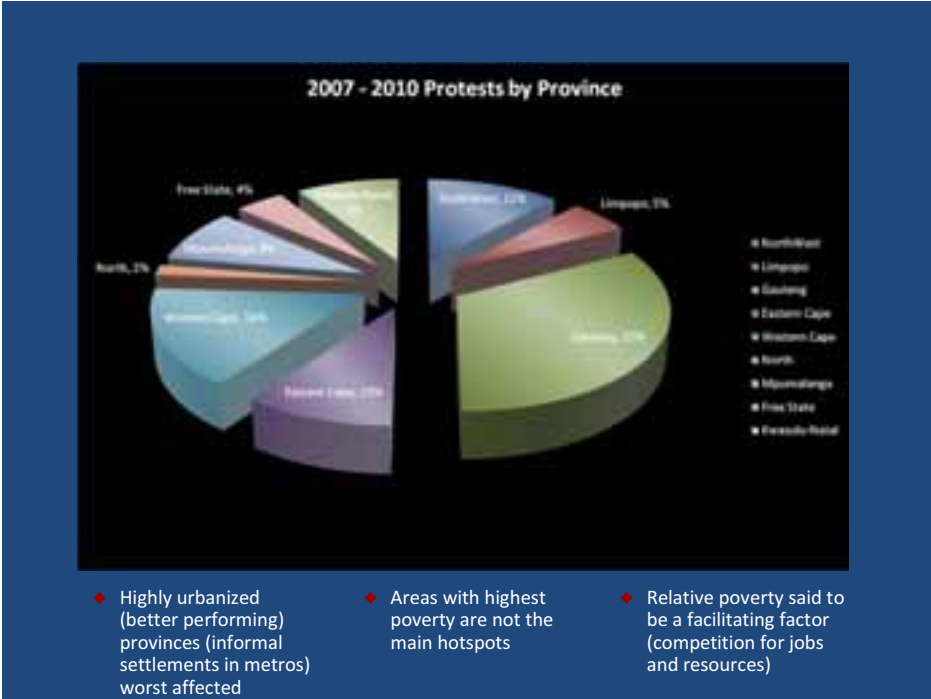
- ◆ 2007: 41.6%
- ◆ 2008: 38%
- ◆ 2009: 43.6 %
- ◆ 2010: 54%

◆ Actual harm to persons and property

Source: CLC research 2010

“The rage, violence and destructiveness” vented in some protests is a symptom of “a more fundamental alienation of people from our democracy” and an “acute sense of marginalization and social exclusion.” (DM CGTA, Yunus Carrim, speech to NCOP 2010)





How do protests impact on election outcomes (research by Professor Booyesen Wits)

Consolidation of democracy: voters punish parties that don't perform and reward those that do or can

Three waves of protest:

- Before 2006 elections (local grievances – growing discontent)
- Between 2007-2008 (locals blamed for system wide grievances)
- Post 2008 (frustration + attacks on foreign nationals)

Protests supplement not substitute elections as a control

- Voter turnout rate is stable despite protests
- Same parties are often returned

Current state of research on protests

- Little systematic academic research on relationship between protests and formal democratic institutions
- Research is generally based on case studies
- Almost all media analysis is based on media reports and speculation
- Caution in use of statistics is needed
- Take citizen grievances as such?

- Many outstanding questions about protests:
 - How representative are protests (ward, across wards, across municipality)?
 - Who are the protesters – What is their average age? Are they voting age?
 - How are protests organized?
 - How do protesters see the relationship between protests and voting?
 - Why are some protests violent, and others not?

Ratepayers withholding rates and taxes from municipalities

A new form of protest in more affluent communities ?

Impacts	
Financial	Negligible (2-11% withheld)
Social/political	Erodes social cohesion
	A spark for other forms of protest
	Undermines local confidence
	Undermines rule of law

Fast facts	
Total withheld	R10 mill (35 towns)
	R3 mill (1 municipality)
	+ 50% (2 municipalities)
No. disputes decl.	70 (335 on NTU list)
Business sector?	No involvement
Who withholds	Not all RA's
	Not all members of RA
Repayment?	In some cases
Duration of dispute	Between 2-5 years (10 yrs)

Source: CLC research 2010

Response to actual service delivery failure

Sewage/sanitation: Raw sewage flowing into rivers, dams and water supply – threatening public health

Potable water: Lack of potable water supply to town due to inadequate maintenance of infrastructure

Electricity cut-offs: Eskom threats to cut off municipalities electricity due to non-payment of account

Governance problems: capacity, maladministration, corruption, poor communication and accountability

In conclusion: some thoughts and questions:

- Low awareness of local institutions and attendance in participatory institutions
- Yet government's turn around strategy aims to strengthen participatory measures?
- How well do we understand the forces shaping local politics, in particular how citizens view the role of local government & participation?
- Where is the pressure for more responsible local government coming from – National policy-makers? Voters? Protesters?

In conclusion: some thoughts and questions:

- Are local elections simply a rerun of national elections (and local government merely an instrumentality for service delivery)?
- Have protests become a (more efficient) form of extracting accountability, and if so what impact does this have on the legitimacy of our local democracy?
- If political and economic power still track historical cleavages, have we experimented enough with local democracy – to incentivize a politics that is more issue based, consensus-seeking, tailored to over-coming historical divisions?

In conclusion: some thoughts and questions:

- The fight lining up –
 - ANC (admission of problems & reform agenda)
 - DA (cleaner, better government)
- Sub-plots:
 - Will DA gain from the ANC nationally?
 - Will DA sweep the WC?
 - Will ANC take IFP councils in KZN?
 - Will DA makes in roads in NW?
 - Will opposition parties gain ground in metros?
- Where is the local content in these elections?
 - ANC manifesto resembles a mini-national manifesto
 - Are parties and candidates in specific areas being questioned about their promises and performance (IDP, Annual reports, AG report,)?

QUESTIONS

Everything is called a “service delivery protest” and it is far too simple a label. There is the example of a person who is a member of a union who took the AG’s report and wrote to the Municipal Manager and said, “Clearly you are failing on issues.” This client was fired by the municipality, and was acting as shop steward. The problem of the model is that you talk to people in an area [of local government] and the response is not a reasonable one. Some people are poisoned or shot. This creates a climate where trying to engage with local government is hazardous. What does one do in that type of environment? Isn’t it better to as a collective to burn something down?

One does not learn anything about what is dysfunctional in a violent protest. Violent protest will be a logical route for communities to follow if the system is not responsive. Regarding the use of the word “violent” - I have been caught in many violent protests and nothing [violent] came from protestors; the violence came from security and state. There is an assumption that people are violent and this is how we deal with them and this is problematic. Linked to that is that the nature of these protests and activities as much to do with closing down of the democratic space as delivery. That explains why

33% of protests are in Gauteng - which has better delivery. No-one is listening. And old *goggo* in the Free State told researchers that “the state will only listen if we cause *kuk!*”

DISCUSSION

Major newspapers should not just print out manifestos of parties but rather research how parties have done in deliveries in areas. Why have we allowed parties to flaunt financial regularities with impunity? Let’s close them down! In one municipality in the Northern Province, faction fighting means that there are two sets of employees in the town (doing the same work). In one, a grant goes to a private football team. In another, the municipal manager takes monies aimed at a power plant and refuses to hand over financial documents. When the same manager is sued, he is promoted.

Integrated Development Plans (IDPs) contain many of the local people’s aspirations. Independent research looked at historically marginalized communities and found that this knowledge does not help them to engage with state; neither does providing input. The only way the state will listen is by protest. There is exhaustion by civil society to engage with state and reluctance of the state to engage with people.

Inter-party cooperation is another issue affecting local government. In 2008, in the De Doorns issue, the standoff between the ANC and the DA was overwhelming. Civil society has allowed parties to get away with “let’s see what will happen now”. The coordinating role is interpreted differently by government officials.

People understand the system from where they stand – “coordination” is an over-used term. Civil society sometimes fails itself. There are so many subsections and factions that do not always make the best decisions. People do not realize their limitations e.g. being a community modeller in disaster area. We have yet to see the media take weekly reports of police intimidation. These are not factored into studies. Violence is often about how the state labels incidents. Violence can be defined to include state violence.

People are opening up the system but their grievances are being neutralized through slogans such as "third force".

Protests can only be local. The fact that some protests are about provincial matters is irrelevant. They do not need to be directed at local government. Perhaps the greater prevalence in Gauteng and the Western Cape is due to the visible evidence of staggering inequality. There is a huge super-rich community. Talking to people involved in this protest reveals that this question of elected representatives not listening is a very powerful motivator. In Cape Town, ward councillors earning R27, 000 a month is a cause of why they do not listen to people. This salary is much too high, particularly in a country with such great inequalities and that amount puts people completely out of touch with the way their constituents are living.

The IDP forum is where people's issues are heard. The community puts together a list of needs and technocrats are annoyed because people "do not know what is wrong". Another problem is that minutes are missing from last year so all the preparation is of no use – this increases the forum's lack of legitimacy. There is some linking between ratepayers' associations and black association issues in low impact ways, such as sharing of information. This citizen action is going to put some pressure on policy makers who will not change for good intentions – they need pressure.

We do not have a bullet-proof administration so we cannot pay councillors that well. Managers must appoint their own staff – that is a simple matter – so they can fire them. In all systems around the world, there is some cadre employment issue. How do we make it more transparent in South Africa? Some Northern European countries have transparent cadre employment. They set out criteria and create a pool from parties' nomination of candidates. This system will not go away any time soon.

The Party Representative system at local government is not a good idea because the council is at least half composed of people who are not accountable to constituents and it puts pressure on councillors to conform to party politics (not to constituents).

People who are engaged in protests still vote for the ANC. This has been due to other parties not finding alternatives to the ANC. What poor person will vote for COPE, the ID or the IFP? Independent candidates are a good idea, but the problem is funding. The growth of smaller parties is asking the question as to why we need the Party Representative system – perhaps a sort of canton arrangement is a better system.

Local government acknowledges that communities are excluded. The answer is the refined ward model. The pre-question is why the ward is not working. It is not necessarily because of the Party Representative system. The original intention was that the representatives of various stakeholders were those people voted in by those attended at the meeting. The ward committee itself became inaccessible to people; otherwise, protestors would have gone to the ward committee. The proposed response from government – the “regional ward model” - is to have more representatives (from the church, police, etc.) with a CEO and budget; the councillor will be a governor, but not in charge. The question arises of how this new model will it be funded. Part of the problem is to get all the other parts of government on board.

One of the ways to look at the problem is to look at the structures (not actions). We use terminology of participatory systems such as manipulative ward committees, structured ward committees, *imbizos* (top officials listen, go away but community has no follow up), but what we need to look at are the processes themselves, not the structures. The proposed ward committee will perpetuate technocratic processes and the structures will collapse. How do we train municipal managers in these processes? Before 1994, different types of positive, inventive structures were used. Civil society must look at what is at their disposal. We have an active citizenship but we need to scale it up to hold

councillors accountable. It is a huge thing to change structural issues. There is very little appetite to change the provincial government tier. It will take ten years to do all the law reform. Structuralism responses are a knee jerk response most of the time.

The corruption in the last local elections needs to be spoken about: Political corruption and vote-buying, grants and distribution of food parcels, delivery of essential services were all present. *The Mercury* ran a story saying that people were being paid R700 to fraudulently register to vote for a party. Poor, unemployed, homeless people are being promised houses.

Citizens look at local government from the vantage point that doesn't care who provides electricity as long as it is provided, so the state must deal with the interface. All political parties have problems with service delivery while civil society individually belong to particular parties but have common issue of services not rendered adequately. What has been closed down is increased level of participation of civil society, not as home to a political party but as citizens themselves. Water cuts across all racial lines, for example. A report from a summit on water was never released because of the imposition of a political party that saw the resolutions as a threat. COSATU said that it would not back independent councillors. Some councillors will be candidates but civil society does not back those that do not fit with their political party alliances. Government is not fully supporting civil society. The community must become the watchdog and hold government accountable.

Election-related violence (people getting killed for attending rallies, candidates killed, poster wars) in areas like KwaZulu-Natal is another important issue. At least five candidates get killed and so a by-election is called. The fact that voters return the same parties must be understood within the context of the violence in which elections take place. Voting is a human right and violence destroys that right. Payment becomes a serious issue in who stands for election and remuneration. The institutionalization of

ward councillors will expand the space for conduct if basis is not laid well, but how much more chance for violence will there be for independent candidates?

The rise in community level protest is a very positive thing – South Africa is seeing a level of mobilization at the citizen level that has not seen in a long time. Land invasions became an important form of community mobilization but community mobilization has some dangers. One danger is that it gets diffused; the other is that the state sees it as a threat and wants to manage it. The other way is that the state corporatises this. All successful local mobilizations (e.g. Kerala in India and Porto Alegre in Brazil) work on this model. The corporate model gives representatives to the elite that does not create basis for a reflection of the collective. The ward system will bring in representatives of each particular interest (rather than general interest) so it will become self-interested. How do we get the state to respond in a way to facilitate the creation of a more meaningful delivery of the above forms of democracy? But what is the role of civil society so that this process of the revised ward model does not happen just by the state without critical judgment?

Protests do not affect people's political affiliation. The number of protests in just one quarter of 2011 is the same as the whole year, representing a huge intensity. At one level, there is cynicism of political parties; how can we make the disconnection – 'that' is the state and 'this; is us – and at another level where the credibility of local government is heading south is not the same credibility as that of the national government? People see that local protest gets the attention of national government in which it has more confidence, and that the state has responded. There are still problems but this is another reason for the high number of protests: people can get national government level attention.

Inequality is relative deprivation, so we see more protests of this nature in urban centres. It is more stark e.g. Alex and Sandton. It is positive as it shows us we need to address these issues of inequality. These are not sustainable in a democracy.

As seen in the last election, the media is so over invested in cities; we miss out on real issues in rural areas. The public sector and local government is the only level of employment in many towns so one must invest in the party that is in power. Officials had been fired for changing parties in the Free State! Part of the problem is the media missing out on what is going on in small towns.

Use of food parcels is something happened in the Free State and Khayelitsha. An official threatened the media for whistle blowing. This official felt so cornered that the first thing he could do was threaten. This shows how high the stakes are in terms of access to resources. Journalists are not comfortable in these contexts and are out of touch in cities with stark realities and in rural areas. There is a sense of disillusionment (that it is impossible to dislodge the ANC from power).

Stats SA saw the staggering contribution that local government is making to town economies. In some towns, factions and families control the local economies. To what extent is policy making contributing to this problem?

Regarding the attitudes of elites, the Zuma administration seems to be different from the Mbeki one. During the period of trains being burned in Gauteng due to frustrations, and referring to people wanting to hold onto jobs, Mbeki dismissed them as 'criminals' and 'hooligans'. Kasrils also wanted to send in security services to find the 'third force'. We are getting different attitudes from Zuma - including the POI Bill - but also the interest to go down to the local government level and meet municipalities and find real issues. Although communities are reporting that they do not hear back from delegations, real change may not be forthcoming. The ANC does not have a concept of decentralization or relinquishing control, but rather about managing people. As a national government, local government is a useful place to blame.

South Africa has a system of party representative democracy which must govern in historical cleavage and decision – the country either go through ‘winner takes all’ or forces parties to co-govern. Perhaps factions will emerge and there will be cooperation, but there are no institutional incentives for grey areas. The Westminster system is built on opposition. South Africa can use these imperatives in these institutions to force parties to cooperate and learn from each other.


Is there a link between protest and xenophobic attacks? Xenophobic attacks are at a relative level and linked to inequality.



Session 3: Resources and Relationships

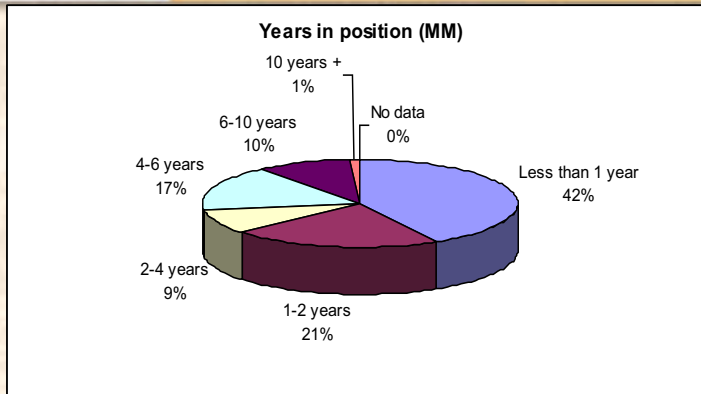
Administrative Systems and Human Resources in Local Government

By Mr. Johann Mettler



What was Envisaged	Emerging Issues
<ul style="list-style-type: none">• New approaches building on existing capacity, corporatisation, public-public partnerships, partnerships with CBOs and NGOs, etc.• capacity requirements for developmental local government: strategic capacity, integrating capacity and community orientation.• local government training system highlighting the need for a regulator (LGSETA), purchasers and providers.• Labour relations, in particular the role of SALGBC and SALGA.• Roles of other spheres of government in terms of building administrative systems (capacity building).	<ul style="list-style-type: none">• Municipalities have not taken up new approaches to service delivery, challenge with Section 78 and MFMA Processes;• Whilst good progress has been made largely through 5 YLGSA, capacity constraints have crippled developmental local government.

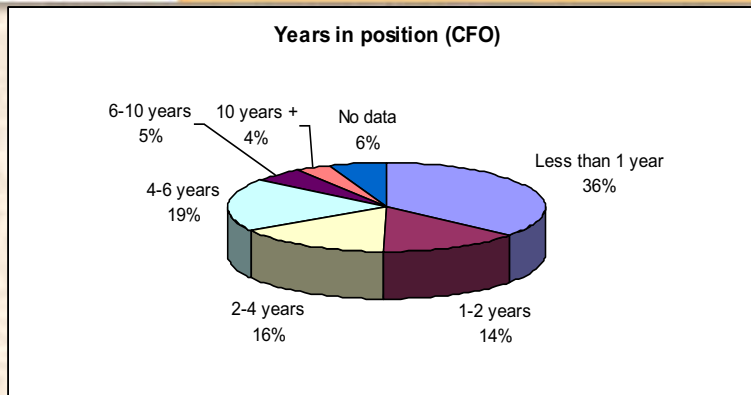
Capacity Constraints



Source: MDB(2008)

42% of MM's have been in their current positions for less than 1 year
63% of MM's have been in their current positions for less than 2 years
Only 37% of current MM's have been in their current positions for more than 2 years

Capacity Constraints



Source: MDB(2008)

36% of CFO's have been in their current positions for less than 1 year
50% of CFO's have been in their current positions for less than 2 years
44% of CFO's have been in their current positions for more than 2 years



1. Development of **retention strategies** to ensure that many experienced individuals are not lost to local government.
2. Whilst SALGA champions a comprehensive Capacity Building programme, much more is necessary to improve the skills required by politicians and officials in terms of governance and associated accredited programmes. **Need to invest in accredited capacity building programmes for politicians and officials.**
3. Certain municipalities are battling to recruit the requisite skills due to a lack of response either due to not being able to afford the salaries or attract those skilled individuals to their (some times rural) localities. **It is necessary to provide attractive career paths and associated incentives for municipal staff.**
4. **Create strong incentives** which discourage job hopping.



5. Investigate the **implications** of the Single Public Service for different categories of municipalities.
6. Siyenza Manje support **to be extended** to more municipalities, especially smaller municipalities who cannot attract and retain the skill and to explore shared services.
7. The need to adopt a stronger approach to regulating those who enter the municipal service ensuring that those entering the pool have the requisite skills (**professionalisation**).
8. Expanding existing surveys such as the **MDB assessments** to include a greater focus on professional, management and leadership skills.
9. Actively **discourage political influence/interference** in the appointment of staff resulting in politically accepted appointments at the expense of the necessary and relevant skills required.



- LGTAS
 - Strengthening Local Labour Forums
 - Local Government School
- Systems Amendment Bill 2011
 - Prohibits party political office bearers from being MM, s 56 managers
 - Minister to regulate COS for MMs and s 56 managers
- Siyenza Manje
 - Discontinued in present form
 - Financial management assistance to NT
 - Infrastructure assistance to DCoG

DISCUSSION

Siyenze Manyi is currently being run by Development Bank of South Africa experts in planning, finance and engineering deployed to work with municipal staff in order to bolster capacity. They get directly involved in planning, infrastructure and investments e.g. recycling plants both in planning, operations and maintenance. The extent of the problem in terms of skilled people is so vast that by this action we perpetuate a bad situation. The DBSA is throwing in those retired officials from previous dispensation.

In the City of Cape Town there are full and part time councillors. Perhaps ward councillors should be full time positions because a ward councillor is not part of the Mayco (Mayoral Committee). There are in-house fights and battles due to the institutional set up. This needs to get investigated.

Regarding Direct representation, Mantashe has said that 62% of councillors are new. This percentage will increase because they are deployed after only one term. In a

Somerset Mall development, a councillor had to fight the City of Cape Town to reverse the EIA process, which took 10 years, due to corruption. There are a lot challenges to local councillors.

Financial assistance to the Ministry of the Treasury and Planning to the Department of Cooperative Government is an ideological battle – it is a question of cost recovery versus growth. This reminds one of bread fixing monies going to AgriBEE while the Treasury was saying that the money should go to them. Municipalities should be able to communicate what they need but we are taking a step back as currently local government is separated into two departments that don't speak to each other and no-one cares because they cannot be enforced. The National Treasury is saying that from 2013 it will be in law (the Competency Framework), so many are concerned. It is understood that that Treasury is working with the Accounting Standards Board to revise courses for people to obtain necessary qualifications but people may not have the basic skills to do these courses. There is a connection between bureaucratization and governance. The percentage of managers who visited their areas is very low. Many are out of touch with constituencies. The Department of Local Government issues similar regulations to deal with competencies as that of the Competency Framework. What is the relationship between the two and who will be enforcing these?

It is recognized that out of the local government turnaround strategy comes a set of expertise that are needed at local government level e.g. planners, financial management, etc. Smaller municipalities have very weak rates bases from which to recruit Chartered Accountants and civil engineers but any change to the Municipal Finance Management Act will not change the fundamental fact that these small towns cannot afford to pay the going rates. There have been some ideas such as monies are shared, monies not coming out their wage bases, etc. What can be done about this without tampering with legislation? If municipalities can't pay, they won't have

professionals and will need to outsource at great cost (it is cheaper to employ someone).

In terms of employment time of skilled municipal workers, there is a complimentary graph on elected officials, with a huge number of by-elections immediately after elections. This could be a mirror image of that of elected officials - plus all the squabbles over lists due to municipal officials contesting national and provincial positions so we had to have another round of by-elections. What are the additional implications for hung municipalities as a by-election determines which party governs a municipality and this can happen within two years? The term of office is the elephant in the room.

Indications are the turnover for this election will be around 80%. All the training in planning and budget has gone out the window. New people will cause an immediate slow down, which will influence delivery. Hung councils literally hang – no decisions are made, which is the worst thing. In a hung council situation, municipalities have to make deals with the devil to get things through because people just wait don't want to put their necks out.

Khayelitsha has 38 to 40 deaths per 1000 while Llandudno has only 10 deaths per 1000. Where does equity come into this? Finance underpins everything. There is definitely a disjuncture. It is not only a finance problem. Billing and meters, water pipes leaking – the fundamentals that underpin finance do not hold. Putting a finance system in place does not hold as the national government underestimates the underpinnings of cities. It is impossible to do financial interventions without looking at the practical issues. There is a conceptual disjuncture.

What is the approach to active recruitment of civil service people of the old order and how is this playing out? This was part of Simanje. There is no co-coordinated part on government level or municipality to recruit these people.

There is a concentration on structure, processes and systems but public service ethos is ignored and national leadership is setting an example of get what you can while honesty (whistleblowers) and hard work are punished (the more you work the more you are responsible for and have to answer for). There is a perverse ethos that is at play here. Some people just won't change this as a problem at national and provincial levels e.g. Home Affairs. Some people just don't care – "I'm not getting overtime so won't do anything extra". Unless it is linked to performance one is not getting anywhere.

It's very worrying when a senior official acknowledges that bureaucracy just doesn't care. Take the example of a dam not being chlorified; we are surprised that there are infant deaths! Government signed economic, social, land and cultural rights. At what point does gross negligence become criminal? At what point do we intervene so that these things do not happen again? The cost of inaction is killing people. Nothing has changed – the situation is the same as HIV. Every time someone dies there is a call to action, but nothing changes.

Is there a relationship between Simanje and national operations? Clean Audit is a target but not a programme. Targets are sucked out of their thumbs and provinces are told to monitor them. It cannot happen because of new requirements that include the General Recognised Accounting Principles for infrastructure audit. The cost is too high so a qualified audit will be the result e.g. Overstrand Municipality. Government puts obstacles in the way of clean audits.

What is the role of traditional leader and authorities? It is said that they are not having a positive impact, that they are corrupting authorities. The Land Tenure Security Bill will create complications and problems. The reason why the bill could not get anywhere is because of intractable problems in rural skills.

We never look at the market for municipal skills. How many of these scarce skills are tertiary institutions producing, and what is the state doing about this? One needs a whole range of internal processes and time – 15 years – to train engineers. We dropped our engineering capacity from 18 per 100 households to 3 per 100 households. Some municipalities are funding more engineers or accountants in order to create a secondary market. Professionals like engineers don't care about politics so they need to be insulated from the political environment. These things need to be worked into the equation. There are not enough chartered accountants in South Africa. They will not be pulled out of the private sector. It is a bit of a difficult situation.

FEEDBACK: ORDINARY CITIZENS' EXPERIENCE OF LOCAL GOVERNMENT.

Participants were asked to share their experiences with a partner and then relate back to the group what their partner had said. These are the comments which were made (in no particular order):

- ⇒ He doesn't know his ward councillor, but does know his mother's councillor. He said that given that lack of basic information; don't ask him about information of ward committees in his area. [He does know] that both councillors are from the same party.
- ⇒ [X] expressed two concerns with the municipality in Gauteng. The first related to rates payments and to deeds clearance. He was advised that there was such a backlog that he would have to wait 30 days. The other was customer service issues where dry leaves posed a fire hazard and the response was to deal with the complaint by giving a reference number.
- ⇒ My partner who lives in Cape Town has had only positive interactions, but noted that the nature of these interactions reflects her middle class orientation e.g. licensing.

- ⇒ In Sea Point, after the FIFA Soccer World Cup, all the new, good looking bus stations have been blockaded. Such lovely infrastructure is not being used and no-one knows what is going on with the much vaunted “My Citi” system.
- ⇒ In a particular road in Brixton, people take shortcuts in peak time trying to escape main traffic, leading to kids killed and crashed. Residents have been appealing to the city to deal with situations with speed bumps to no avail. Some people painted the word “slow” a few times. Although Section Four of the City Council is only four blocks away, they have not done anything about the situation.
- ⇒ This person from the Eastern Cape did not understand the demarcation of the municipality but remembers officials as being rude: ‘Batho Pele’ was thrown out of the window.
- ⇒ This person’s initial understanding of local government was that of cleaning streets and collecting refuse but working with communities has given her a better understanding. She is concerned that the ward committee is not representative of the community.
- ⇒ This person has been told by the City of Cape Town that he has moved. The City has taken partner’s name off title deed and billed him R500 for the ‘service’ of being sole payee.
- ⇒ This person does not know a ward councillor and interacts only with national and provincial people. There could be reasons for this e.g. one does not need to speak to a councillor if everything is working.
- ⇒ In Cape Town, this person has access to basic services but when visiting in Kwa-Zulu Natal has seen people without access to water. She took it upon herself to write to people and make threats that the issue should be sorted out, but the problem persists.
- ⇒ In Claremont, everything is fully functional, according to this person. The municipality is quite good at solving problems with electricity, including call-outs. It has set up efficient and advanced public library through private-public partnership. This person had forgotten that libraries are municipal function.

- ⇒ Out of the Johannesburg municipal services, this person said that he uses the roads the most and sees problems with congestion and time. He has not yet taken the Gautrain.
- ⇒ This person, from Cape Town, reported that there was not a good response to the IDP process from her community, who she said are not in touch. This is a major concern for her and she would like to see changes in this. The thinking comes out of LINK (Leadership Innovation for Children), a programme concerned with getting children's issues into the IDP process. She feels that the IDP process is arcane and there are many questions as to how get this process on board.
- ⇒ This person reported not knowing communities and believes that organised community groups get more done than local government. The latter has a failure to account.
- ⇒ This person believes that councillors are canvassing support but once elected, the community does not get better life. Solutions lie in communities e.g. in Hangklip, the City government did not move the fire break up but hurt people. There are other means to respond to issues.
- ⇒ This person believes that ward councillors get pressure from community and officials. On the issue of housing, South Africa made a big mistake in 1994 in adopting the policy of one house, one plot.
- ⇒ This person reported not having much interaction with her ward councillor but is kept informed by a neighbour who sends out emails regularly about issues raised e.g. things that do not look good such as street poles not painted, a rusty post box. The latter was raised with the councillor; the neighbour took it upon himself to repaint the box after the councillor did not action it.
- ⇒ There are basic things that the municipality is not doing in Butterworth, according to this person; mostly, the city is dirty. This person expects the municipality to clean up the place.
- ⇒ This person does not know his ward councillor but suspects he will see the person shortly! He also does not know who is on the ward committee or where the sub-

council meets. He would like to know this information. He believes that asking citizens to understand the IDP is asking too much if they do not know the basics!

MOOTED SOLUTIONS (in no particular order):

Participants were asked to share ways in which they could contribute to solving some of the challenges identified during the discussion.

- ⇒ Organize, organize, organize – this is a prerequisite. It’s clear that there is very little [civic] involvement at the local level. We have to organize ourselves where we live as foundations around the basics.
- ⇒ We have to have organized citizens, but in terms of a responsive state one of the difficulties is that it is so difficult to claim socio-economic rights immediately e.g. housing, whereas claims around administrative rights e.g. information are claims that can be answered now. Where we’ve worked with communities and they understand they must make demands *now* it creates a sense of empowerment and a more responsive government. These are important rights for citizens to learn about and to get the dance going will lead to responsiveness.
- ⇒ There was once a question asked to Chris Hani: “Is he going to Parliament?” to which he replied: “No, I’m going to watch whether government will deliver and then I can lead the march to protest.” When you look at the Constitution and the right to access to information and services, you realize that they are the only things we have are to understand what the role of government to deliver is. Communities are no longer united to challenge government to deliver. Groups raise specific issues but the issue is much broader e.g. the Black Sash raised farm workers’ rights but in urban areas people are much more organized to challenge government. [Civil society must] formulate community forums and structures that are rooted in community but within that education so that people understand what their rights are so that when we take on government we cannot be accused of being out of our rights. Most important, it must be at the grassroots levels and people must understand their Constitutional rights.

- ⇒ Governments change and become more accountable when there is demand. In order for this to happen, we must have organization. There are two ways to achieve this: to use creative techniques to inform people e.g. central Treasury sends notifications of dispensations by SMS. On the demand side, reformers also need to create some pressure for change. I would like to see media and media analysts get out of tired promises and breakers and get into issues, get into the data and ask searching questions from their IDPs, annual reports, etc.
- ⇒ Political reform is necessary: civil society must get local politics right or no intervention will work. There is no pressure to trade off on issues at the moment. We need an executive committee system in the country.
- ⇒ I'd like to see more practical things; specifically, a national barometer of potholes, a list of sanitation needs.
- ⇒ The big idea is how a system of rights gets established at the national level. Protests will not be restricted to the local level. There are two requirements: an organised, empowered community and a responsive state.
- ⇒ Sometimes we need some critical steps to steer the paradigm rather than treat up the entire system. There are five steps:
 1. At one level from the state point of view, we have a national picture around certain rights e.g. infant mortality. We need to create an understanding of what is the deficit of rights in order to understand variance in rights through specificities.
 2. What are some of the practical things that can be constraining e.g. the lack of particular investment that prevents addressing these rights?
 3. How do we change interaction between state and local communities?
 4. We cannot ignore the technical, management and administrative capacity and how it ignores poorer municipalities but also does the country have sufficient capacity?
 5. What is the way for government to deliver in an integrated way if at the moment it is delivering in silos?

⇒ A study compared the number of informal to formal settlements in four African cities: Cape Town: 19%, Johannesburg 30%, Nairobi 90%, Addis Ababa XX%. The initiative of government to build 400,000 houses creates interesting perspectives. This provides an opportunity for civil society to learn from dialogues, etc., about informal society. Civil society must find ways to not be so territorial and to work together. It's become very complex since 1994.



Participant Details

Keynote Speakers: The Black Sash

Facilitator: **Mr. Vernon Rose:** Vernon Rose and Associates

Session 1: Setting the Scene

Speaker: **Dr. Dale McKinley:** Independent writer-researcher-activist

Session 2: Expectations

Speaker: **Mr. Derek Powell:** Senior Researcher: Community Law Centre - UWC

Session 3: Resources and Relationships

Speaker: **Mr. Johann Mettler:** Executive Director: SALGA

Participants:

Dr. Lionel Louw: National Director: Harold Wolpe Memorial Trust

Prof. Martin Legassick: Emeritus Professor of History: University of Western Cape

Mr. Heinrich Magerman: Acting Chief Director: Department of Local Government, Chief Directorate: Governance, Directorate: Community Development

Mr. Christian Prins: Director: Economic Development Department

Mr. Hassen Mohamed: DDG – Outcomes Facilitation: Department of Performance, Monitoring and Evaluation: The Presidency

Mr. Elroy Paulus: Advocacy Programme Manager – Social Services and Subsidies: Black Sash Trust

Dr. Adrian Sayers: Independent Public Policy Analyst

Ms. Christi van der Westhuizen: Author & Columnist

Mr. Michael Benu: Chairperson: Khayelitsha Development Forum

Ms. Nonhlanhla Chanza: Political Researcher: Institute for Democracy (Idasa)

Prof. Shirley Pendlebury: Director: Children's Institute: UCT

Ms. Colleen Ryan: Project Coordinator: Democracy Development Programme

Mr. Nkosikhulule Nyembezi: Advocacy Programme Manager: Black Sash Trust

Mr. Tyrone August: Freelance Journalist

Mr. Phindile Ntliziywana: Researcher: Community Law Centre

Mr. Mazibuko Jara: Co-managing Editor: Amandla Publishers

Mrs. Alison Tilley: Executive Director: Open Democracy Advise Centre (ODAC)

Mr. Jasper Walsh: Chairperson: Goedgedacht Forum Management Board

Debate Rapporteur:

Mr. Stuart Rothgiesser: Independent Consultant

