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# The approach of the African National Congress to dealing with participatory spaces in post-apartheid South African local government

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## Abstract

This dissertation is an assessment of the African National Congress's (ANC) approach to local participatory governance in post-apartheid South Africa. It examines public participation policies and the extent to which they have been implemented and secured participation by citizens at the local level. Since South Africa is a dominant one-party democracy, the ANC's politics affect public participation and thus its policies and the actions of those it deploys in government is examined. This research, therefore, explores and describes the nature of, and challenges related to public participation in, local government in South Africa and what those say about the commitment and approach of the ANC government to local participatory governance.

This study uses Smith's (2009) approach to analysing the democratic *goods* or qualities of participatory designs used in two of the ANC national government's local democratic innovations: ward committees and the integrated development plans (IDP) process. These two designs are part of the *invited* spaces of participation. The ANC and the state's response to *invented spaces* of participation is also examined in this thesis. These are those spaces that are initiated by civil society groups themselves and are characterised by confrontation towards authorities and the activities of their grassroots in challenging the status quo and resisting dominant power relations in the hope of larger societal change. This assesses these through a case study of municipal level dynamics around these two schemes in the Boland Region.

The study finds that the ANC's stated intention of allowing for broader public participation is not always fulfilled. However, despite this failure, the ANC remains an electorally effective machine because the South African majority continues to prize the anticipated socio-economic benefits of democracy to what they perceive as abstract political rights. Furthermore, ANC support for public participation is conditional on it not threatening the party's hegemony. Additionally, it is found that there is a knowledge and commitment gap to participation between ANC public representatives at different state levels. Even where the ANC is sincere in wishing to delegate more power to the local level, the perception of a corrupt and ineffective local state deters ANC national leaders devolving more power. In the midst of all this are some community leaders who exploit attempts at involving the public for their own personal objectives.

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## **Abbreviations and Acronyms**

ABM	Abahlali BaseMjondolo
AEC	Anti-eviction Campaign
AIC	African Independent Congress
ANC	African National Congress
APF	Anti-privatisation Forum
APP	Annual Performance Plan
AZAPO	Azanian People's Organization
BLA	Black Local Authorities
CBO	Community Based Organization
CDW	Community Development Workers
COGTA	Department of Corporate Governance and Traditional Affairs
COSATU	Congress of South African Trade Unions
CSO	Civil Society Organisations
CWDM	Cape Winelands District Municipality
DA	Democratic Alliance
DFA	Development Facilitation Act
DPLG	Department of Provincial and Local Government
EFF	Economic Freedom fighters
FCR	Foundation for Contemporary Research
GNU	Government of National Unity
GTZ	German Agency for Technical Cooperation
IDP	Integrated Development Plan
IEC	Independent Electoral Commission
IFP	Inkatha Freedom Party
ILO	International Labour Organisation
LDO	Land development Objective
LGNF	Local Government Negotiating Forum
LGTA	Local Government Transition Act
LGTAS	Local Government Turn-Around Strategy
MAYCO	Mayoral Committee
MDF	Mbekweni Development Forum
MDM	Mass Democratic Movement

MEC	Member of Executive Council [Provincial Minister]
MP	Member of Parliament
MPNP	Multi-Party Negotiating Process
MFMA	Municipal Finance Management Act
MSA, 1998	Municipal Structures Act, 1998
MSA, 2000	Municipal Systems Act, 2000
MTSF	Medium Term Strategic Framework
NCOP	National Council of Provinces
NDP	National Development Plan
NDR	National Democratic Revolution
NEC	National Executive Committee
NGC	National General Council
NGO	Non-governmental Organisation
NHTL	National House of Traditional Leaders
NEDLAC	National Economic Development and Labour Council
NP	National Party
NPM	New Public Management
PAC	Pan Africanist Congress
RDP	Reconstruction and Development Programme
SACP	South African Communist Party
SACTU	South African Congress of Trade Unions
SALGA	South African Local Government Association
SANCO	South African National Civic Organisation
SDF	Service Delivery Facilitator
SRA	Stellenbosch Ratepayers Association
TLC	Transitional Local Council
UBC	Urban Bantu Councils
UDF	United Democratic Front
UDM	United Democratic Movement
UPM	Unemployed People's Movement



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## **Chapter 1: Introduction**

### **Problem Statement**

The post-apartheid government led by the African National Congress (ANC) since 1994, including in the Government of National Unity (GNU) period, committed itself to transforming and democratising the country. However, the experiment is facing implementation challenges. The policies it has adopted to transform South Africa in general and the local government sphere do not seem to be bearing fruits.

One of the transformational policies the post-apartheid government adopted relates to tasking South African municipalities to plan and play a leading role in socio-economic development and to encourage public participation in that whole process (Atkinson, 2002, Davids, Theron & Maphunye, 2005; Mathekga, 2006, Harrison, Todes and Watson, 2--8). It made participation one of the fundamental principles that underpin the country's legislative framework for local government (Foundation for Contemporary Research (FCR), 2001). This participatory attitude is based on what the country decided to transform into and the Constitutional Court of South Africa gave a simple interpretation of what this means:

Our democracy includes as one of its basic and fundamental principles, the principle of participatory democracy. The democratic government that is contemplated is partly representative and partly participatory, is accountable, responsive and transparent and makes provision for public participation in the law-making processes. (*Doctors for Life International v Speaker of the National Assembly and Others*, 2006)

As for the municipalities, they are, in fact, required to govern in ways that are more democratic than the national and provincial spheres of government to fulfil what the legislation refers to as 'participatory governance' (Barichievy, Piper and Parker, 2005). The current local government legislation, including the Constitution (1996), Municipal Structures Act (1998), Municipal Systems Act (2000) and the Municipal Finance Management Act (2000) seeks to entrench this 'participatory governance' by South African municipalities that for years have done things differently. In the past, it was the preserve of the councillors and the municipal officials to take decisions without broad consultation. A majority of South Africans were rendered 'passive

citizens' and 'recipients' but not participants in governance (Mathekga, 2006: 89). The current reality is that the implementation of the new legislation that intended to involve the public is not satisfactory and municipalities are not attracting public participation (Deegan, 2002, Mathekga, 2006; Department of Corporate Governance and Traditional Affairs (COGTA), 2009; South African Local Government Association (SALGA), 2015). The ANC itself has questioned whether its model of public participation is working (ANC, 2012). There is in some cases reluctance on the part of municipalities to allow for public participation as they continue with the top-down mode of planning (Davids et al., 2005). Another issue that Councils have to grapple with is how far community participation should go without the municipality surrendering its governing responsibility and risking 'open contestation, revolt, conflict' and fierce competition from civil society when they, as councillors, have recently established political legitimacy through elections (Bénit-Gbaffou, 2015, p.2). This is compounded by municipal staff's lack of skills in engaging the communities in participation in the development that they need (Atkinson, 2002, Bénit-Gbaffou, 2015).

This is a challenging task as it involves some form of redistribution of power and apartheid-era administrators were not replaced and the practices had to be worked through them (Andrews, 2003, Bénit-Gbaffou, 2015) while the new administrators might also have their own challenges with the implementation of public participation. These factors make the task of creating a culture of participation in local government not easy to accomplish. There have been many community marches to offices of municipalities about lack of service delivery. Misunderstanding emanating from a lack of communication was in some cases the cause of the protests (COGTA, 2009a, SALGA, 2015). A survey that was commissioned by the South African Local Government Association (SALGA) on the causes of community protests found that, among others, communities' lack of information on what municipalities can legally provide and what they have planned is a cause of some protests. SALGA attributes this lack of information to communities not participating (SALGA, 2015). The then deputy minister of local government was more scathing as he stated that 'the protests signal the inadequacies of the current processes and structures of community participation, especially ward committees, and the weaknesses of the branch and other structures of the ANC' (Carrim, 2011b, p.10). A ward committee is

a structure that is elected by the ward community to work with a ward councillor for a period of five years (see section 1.5 below) while an ANC branch is the lowest structure of the organisation and it operates at the ward level. ANC structures and how they relate to government spheres are depicted as part of diagram four in the opening of Chapter 6.

A further complicating factor in South Africa is the former race-based divisions and their legacy as reflected in Chapters 3, 5, 6 and 7 of this thesis. However, suffice it to say at this stage is that this adds complexity that might have an effect on participation. Jun and Bryer (2016) cite a number of scholars who have argued that 'racial heterogeneity is associated with lower levels of participation' (p.6). In the meantime, among South Africans, there has been a gradual decline in satisfaction with democracy (Independent Electoral Commission (IEC), 2011)

The ANC, through the state that it presides over, has the responsibility of playing a leadership role in the resolution of challenges that are linked to levels of public participation and maintenance of the public's satisfaction with local democracy. This will go a long way in proving its commitment to public participation. It seems like the government shares the understanding of this responsibility, as it believes that whatever participation has taken place has been initiated or endorsed and directed by the government (South African Presidency, 2005). This is also a clear statement that the presidency and the government only consider invited and not invented spaces as being legitimate participation.

It is also worth noting that in 2015 one of the ANC's discussion documents lamented that the implementation of its 2012 National Conference resolutions on 'mechanisms to strengthen participatory democracy, community participation and an activist parliament has been lacking' (ANC, 2015, p.122). The document does not explain the reasons for this lack. This study explores whether the challenge could lie in the commitment or lack thereof of the ANC to public participation and whether there are shortcomings in its policies, the practices of those it has deployed in government or the systems they have developed to ensure that there is public participation in local government. The organisation's pre-occupation with hegemony and spreading its influence throughout society has the potential of limiting participatory spaces when it does not approve of them. This is because its dominance endows it with the ability to

permeate all spaces of democracy in all spheres of government. That is why this study also explores the reasons for the ANC to legislate for public participation when it is electorally dominant. This is important when one considers that there are arguments to the effect that the ANC solicits public participation in government processes:

...with a view to either co-opting citizens into complex transformation and delivery processes (in which cooperation and popular assistance would ease the implementation trajectory), or feeding into monitoring and obtaining feedback on the state of policy implementation. (Booyens, 2011, p. 117)

## 1.2. Research Purpose and Objectives



**Figure 1: A South African Map Depicting the Nine Provinces**

The African National Congress' (ANC) dominance of the South African political landscape extends to beyond the national level. In the second highest level of government, the provinces, it has always governed in no less than seven of the nine provinces in post-apartheid South Africa. It currently governs eight out of nine of

these provinces. The ANC had its worst electoral showing so far in the 2016 local government elections but it is still dominant. While there were 206 political parties that contested these elections the ANC still governs three of the eight metropolitan municipalities on its own and additional two in coalitions in which it is the biggest partner. Although its electoral support in local government dropped from 61.9 to 53.9% that is still more than double the support of the second biggest party. It controls the vast majority of the 203 district and local municipalities and the 4,392 municipal wards in South Africa. Because of its dominance in all the tiers of the South African government and governance, it is inconceivable to discuss public participation in local government without dealing with the ANC's role in both related policy and practice. Bénit-Gbaffou (2015) goes as far as claiming that the dominance of the ANC in the state and in society renders the party central in the study of the entire urban governance in South Africa.

The period examined in this study is up to May 2019, just before the national and provincial elections. It examines the democratic innovations that are developed to facilitate public participation. The public is 'invited' into participating in ward committees and the integrated development plans (IDP) participation process and these are the two designs that this study evaluates. This contributes to addressing the gap in the literature on whether participatory designs realise the *democratic goods* of inclusiveness, popular control, considered judgement and transparency as there is not much research that evaluate this in the global south and this study, therefore, adds to such empirical studies, as further addressed in Chapter 2. The findings of this study can also help improve the implementation of local public participation in South Africa.

In researching local public participation, the thinking within the ANC is considered and so is its role and that of its deployed<sup>1</sup> personnel. This research's goal is, therefore, to explore and describe the nature of and challenges related to public participation in local government in South Africa and what those say about the approach of the ANC government to public participation. This research is not intended to be a promotional work for the ANC and neither is it aimed at condemning

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<sup>1</sup> The ANC refers to the people that it sends into government as both politicians and senior administrators as its employees or deployed personnel.

the organisation and the government that it leads. It has as its objectives, the analyses of the process and progress of South Africa under the ANC with regard to the implementation of public participation and it does this through interviews and secondary data analysis. It also identifies the factors that are impacting positively and negatively on the implementation of public participation and it identifies and accounts for discrepancies in the understanding and implementation of public participation. Although this study does refer to corporatist structures like NEDLAC, its focus is on participatory structures and processes that seek to involve the broader public, like the ward committees and the IDP participation process. It does not concern itself much with processes that limit their focus to the representatives of the organised. This is done by following the evidence and data that is unearthed, employing the methodology that is outlined in Chapter 3.

### **1.3. Research questions**

1. What characterises the ANC policy and approach to public participation and how has it evolved since 1994?
2. What is the understanding and approach of ANC politicians and administrators in government about the necessity and nature of public participation in local government?
3. How has the ANC government's implementation of public participation been experienced by key stakeholders in South Africa, with particular reference to factors that facilitate and factors that inhibit the process?
4. What would account for any discrepancy, if any, between ANC policy documents, its deployed personnel and the experiences of other key stakeholders in the process of public participation implementation in local government?

#### **1.4. The ANC and the participatory governance experiment**

The policy platform of the African National Congress when it came into power was the Reconstruction and Development Program (RDP). One of the five key programmes of the RDP is that of “democratising the state and society”. Part of the vision under this key program is that of democratising power. This entails, amongst other things, that:

Democracy for ordinary citizens must not end with formal rights and periodic one person, one vote elections. Without undermining the authority and responsibilities of elected representative bodies (the national assembly, provincial legislatures, local government), the democratic order we envisage must foster a wide range of institutions of participatory democracy in partnership with civil society on the basis of informed and empowered citizens (e.g. the various sectoral forums like the national economic forum) and facilitate direct democracy (people’s forums, referenda where appropriate, and other consultation processes). (ANC, 1994, p. 120)

The RDP does not seem to concern itself much with socio-structural means of empowerment to enable participation. While municipalities were encouraged to support the formation of RDP Forums, these were civil society structures that were set up through community-based and non-governmental organisations coming together within a municipal area. They were independent structures, but the municipality had to budget for their running costs, including office space and administration. The RDP forum had to plan jointly the reconstruction and development of the town with the municipality. RDP Forums closed down when the ANC government stopped prioritising the RDP policy and opted for the Growth, Employment and Distribution Strategy (GEAR), in what was seen by some as a move towards neo-liberalism. ANC allies, the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU) were to, later, characterise this as part of the ‘1996 class-project’ that ‘represented an alliance with big capital, particularly finance capital, and the creation of a black capitalist class’ (COSATU, 2010). The political agenda of this project, according to the SACP (2012) was to use state power to build an accommodation between established monopoly capital and an aspirant black capitalist stratum to create conditions for significant



black capitalist advancement and for a top-down redistributive "delivery" of services to the majority of citizen-consumers. This caused a lot of consternation within the ANC alliance but all the debate did not lead to these allies removing their electoral support to the ANC and it also did not lead to the return to the RDP. Chapters 3 and 7 discuss the ANC alliance.

## **1.5 The Constitution and Post-apartheid Governance**

The constitutional negotiations, known as the Multi-Party Negotiating Process (MPNP), at the fall of apartheid led to the adoption of an interim constitution in 1993. The first non-racial and democratic elections were held on the basis of that interim constitution, and the four hundred members that were elected to the National Assembly played the role of a Constitutional Assembly (CA). They discussed a new constitution and passed it in 1996. Whereas all the 26 participating parties in the MPNP could have, more or less, the same number of delegates in the drafting of the interim constitution (1993), when the 1996 constitution was drafted the ANC made up just over 64% of the representatives in the CA as that was the percentage of seats it won in the first democratic elections.

Regardless of the ANC's numerical dominant position in the CA, the public was invited to play a role in the constitution-writing process, by submitting ideas to the CA as it was felt that a constitution had to 'resonate with deeply held values and preferences', if only to be accepted as legitimate by the public (Deegan 2002, p.48)

The ANC's view that democratic reform needed a pro-active population stemmed from its belief that democracy demanded individual 'rights and responsibilities'. The party made constant assertions that the public had to be involved in the democratic transition rather than perceive it as a remote function of voting. Equally, after such a long period of repression, political institutions had to be accepted and seen as responsive to people's demands and inclusive of all constituencies. In short, people were to be 'carried along with the process of democratic change'. Newly enfranchised black South Africans were entering the formal political arena for the first time and a significant section of respondents [to the media campaign and public

meetings that informed and encouraged people to participate in the process] felt the 'government wanted ordinary people like us' to take part in the democratic process. (ibid)

Chapter 2 deals with how politicians might have not gotten a lot of inputs that they expected from the public about political rights but this process set a tone for a state that, at least in official declaration, was willing to bring to fruition what is in the Freedom Charter, about allowing the people to govern. More on the Freedom Charter and its importance to the history and character of the ANC is dealt with in Chapter 4.

In the post-apartheid South African constitutional state, the Constitution enjoys supremacy. It is in a sense the highest voice in the land. Any legislation that is passed should not contradict the Constitution and obligations that are imposed by the Constitution must be fulfilled (Constitution, SA, 1996). This seems to have been aimed at moving away from the previous system of parliamentary superiority that pertained under apartheid where everything started and ended with parliament and that institution could overrule any structure.

The Constitution also establishes national, provincial and local spheres of government which are distinctive whilst interrelated and interdependent (Ibid). In this regard section 154 regulates how this co-operative government should work. It enjoins the national government and provincial governments to 'support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions' and this they must do by 'legislative and other measures', (Ibid). In dealing with the legislative support it states that any 'draft national or provincial legislation that affects the status, institutions, powers or functions of local government must be published for public comment before it is introduced in Parliament or a provincial legislature, in a manner that allows organised local government, municipalities and other interested persons an opportunity to make representations with regard to the draft legislation' (ibid). It, therefore, extends this duty of allowing for local government participation even to the national and provincial government when these spheres of government legislation directly affect local government. The nine provincial governments were introduced as a compromise between a unitarist ANC and a federalist apartheid government to

accommodate a confederalist Inkatha Freedom Party (IFP) to get it to participate in the first democratic elections in 1994 (Ottaway, 1993).

Municipalities were given original powers and their right to exist does not depend on provincial governments. Section 151 (2) of the constitution explicitly states that the executive and legislative authority of a municipality is vested in its Municipal Council and therefore other spheres of government and traditional leaders [kings and chiefs] cannot unreasonably interfere with municipal governance (Constitution, 1996).

Unlike in the Interim Constitution (1993), the 1996 Constitution did not speak of levels or even, tiers of government but of three spheres that are a part of a single system of cooperative government. This makes local government a 'distinct sphere' and not a third level that is 'crudely subordinate to national and provincial government' (Carrim, 2011a, p.2). This does not make it completely independent but it is interrelated with national and provincial government with each sphere's powers and functions outlined in the constitution. This made a difference in intergovernmental relations and in the operations of municipalities. An example relates to the Development Facilitation Act (DFA) (1995) that tasked municipalities with developing Land Development Objectives (LDOs) as a way of measuring land development and transformation. Municipalities could not start on these before provincial regulations have been gazetted as local government was a subordinate government level before the 1996 constitution made it a sphere (Marbin, 2002). The DFA was promulgated in December 1995 but the first province to gazette the enabling regulations was Gauteng at the end of August 1996 (ibid). The replacement of the levels of government with spheres in the new constitution (1996) gave municipalities a room to manoeuvre without being too dependent on the provincial government.

Section 41 (1g) of the current constitution (1996) enjoins all the spheres of government to 'exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere'. There are strict conditions set for spheres of government when conditions necessitate intervention in another sphere of government. The provincial government can intervene in a municipality to assist it to carry out its work, like when the municipality fails to pass the budget in June as the financial year starts in July, the province can pass a temporary budget for the

municipality. The provincial Member of Executive Council (MEC) can place a municipality under administration when it is dysfunctional. There are checks and balances even with the mentioned examples of intervention. The MEC has to inform the national Minister and the National Council of Provinces (NCOP) who can block such an intervention when necessary. This protects municipalities from being abused by higher spheres of government and it guarantees their independence in performing their work, as long as it does not violate the country's constitution. Nonetheless, the country's *National Development Plan* (NDP)'s (2012) diagnosis revealed that the cooperative governance system is not working as smoothly as it was expected when the constitution was adopted. It recommended that 'the state needs to improve its management of the system, including mediating agreements between the district and local municipalities where there is duplication or conflict over the allocation of responsibilities and resources. Provinces should focus on their core functions and develop their capacity to support local government (National Planning Commission, 2012, p.56). These challenges seem to be persistent regardless of the legislative intent and the government continually works on addressing them.

### *Public participation in the South African legislation*

The constitution lists one of the objects of local government itself as being that of encouraging the involvement of communities and community organisations in matters of local government. This is one of the objects that a municipality must strive, within its financial and administrative capacity, to achieve (Constitution of South Africa, 1996).

The White Paper on Local Government (1998) encourages public participation as it encourages local government political leaders to, amongst others:

- Build coalitions of common interests and encourage the development of a vibrant civil society so as to enhance the capacity of diverse groups of people to act together around shared goals.
- Create opportunities to be accountable to local communities over and above regular elections.

- Build partnerships with communities and other stakeholders and engage in ongoing dialogue with them.

It also encourages participation through capacitating groups that tend to be marginalised. It enjoins municipalities to adopt strategies that are aimed at removing obstacles for the marginalised and excluded groups to participate. The White Paper makes the example of women who are blocked from equal and effective participation by 'social values and norms, as well as practical issues such as the lack of transport, household responsibilities, personal safety, etc' (Section 1.3). No further incentives for participation are catered for in the White Paper on Local Government.

The current system of local government has been legislatively established by the Local Government: Municipal Structures Act (MSA) (1998). This Act's preamble states that local government will seek to meet its objectives by "working with communities". The Local Government Municipal Systems Act (MSA) (2000) in its preamble also states that 'a fundamental aspect of the new local government is the active engagement of communities in the affairs of the municipalities in which they are an integral part, and in particular in planning, service delivery, and performance management.' The Act refers to this as 'participatory governance'.

It further states that a municipality consists of "the political structures and administration of the Municipality, and the community of the Municipality" (s2(b,c)). These are what are considered as key stakeholders by the Act and this research will consider them as such as there can be no complete view of the municipality without reflecting on all of them. It used to be a situation that politicians and administrators were the only ones having a voice to the exclusion of community members but now they also have a voice as they can contribute to the decision-making processes of the municipality conferred in section 5(1) of the said Act.

### *Ward Committees*

This research concerns itself with all relevant legislation and mainly with Chapter 4 of the Municipal Systems Act (MSA) (2000) as it is dedicated to community participation. This chapter compels municipalities to develop a culture of community participation and do this through 'a way that does not interfere with a municipal

council's right to govern and to exercise the executive and legislative authority of the municipality.' This does not give community participants any veto powers over what municipalities do or want. It allows for a process that is consultative. The Municipal Structures Act that establishes ward committees set them out to be mere advisory structures to ward councillors. They advise councillors and the elected council take final decisions in line with the legislation that defines the functions of a ward committee. It states that a ward committee may make recommendations on any matter affecting its ward to the ward councillor and through him or her the council and its leadership. The ward committee is also said to have 'such duties and powers as the metro or local council may delegate to it' (Section 74, MSA, 1998).

The South African government issued a *National Policy Framework for Public Participation* in 2007 to further offer guidelines beyond what was in legislation as different government institutions interpreted the legislation in their own ways. The document purports to build on the commitment of the government to deepen the democracy that is advocated by the Constitution and in the spirit of a concept of local government as comprising of the councillors, administrators and the community (DPLG, 2007). This framework, amongst other things, defines and limits a community to a ward with an elected ward committee. This is a spatial conception of the community. What is encouraged is for different sectors within that spatial community to be represented in the ward committee. These normally refer to sport, cultural, religious, housing, business, and youth and women sectoral representation. The inclusion of women is, especially, important because it reflects that country's stated commitment to non-sexism and an acknowledgement that women have fewer opportunities than men to participate in public matters (Davids, 2005). It is also important because studies, even in first world countries, paints a picture of obstacles that make it difficult for women to fully participate (Palacios, Gurrutxaga and Lara, 2016). This is also the case in Global South.

While women have often been at the forefront of political and social change in South Africa, they have not always been able to participate fully in formal structures because these are often closed and inaccessible. In post-apartheid South Africa, it has become evident that in specific circumstances that special programmes or projects are required to ensure the participation and representation of women. (Africa, 2001, p.12)

A number of other guidelines have also been introduced to assist with the implementation of public participation and one these was the Handbook on Ward Committees (DPLG and GTZ, 2005a). Although a provision is not made for this in the guidelines a number of municipalities have started giving minimum stipends to members of ward committees for attending meetings. Nonetheless, the government's own *State of Local Government Review Report* (2009, p.13) noted that 'the functionality and effectiveness of ward committees is a matter of serious concern' and this has to be fixed with other problems that beset the local governance system.

All these attempts indicate a focus on local government as a sphere of government that is closest to the people and where it is reasonably expected to have dynamic public participation, more than in the provincial and national spheres. The South African Department of Provincial and Local Government (DPLG) is responsible for monitoring and facilitating processes within local government. It believes that one way of achieving successful and lasting models of public participation is to ensure that it takes place through establishing "structured and institutionalised frameworks", thus the establishment of an institutionalised ward committee system (DPLG 2005a, p.10). Ward Committees are legislated in the MSA (2000) as committees that are elected by community members, living in a particular ward, among themselves but have to be chaired by the ward councillor. The state views the establishment of ward committees at local government level as an 'important component of instituting democratic government' (COGTA, 2014, p.22).

The ANC views ward committees as the instrument for councillor accountability to the community. It believes that they 'are vehicles designed to ensure municipal responsiveness to local demand and the accountability of councillors to the communities they represent' (ANC, 2002). The organisation appropriates to itself the political responsibility of ensuring that ward committees are not 'captured by local elites for their own parochial purposes but take root as instruments for strengthening the democratisation of municipal governance and decision-making' (Ibid).

A number of concerns have, however, been raised by independent studies like the one commissioned by the Foundation for Contemporary Research (FCR) to assess

ten years of public participation (1994-2004) (Davids, 2005). Its findings about the functioning of ward committees included the following:

- Lack of municipal capacity in establishing and regulating ward committees.
- Powers and functions of these committees and the remuneration of committee members as some committee members believe that they should be paid.
- Vast distances that have to be travelled due to the size of municipal areas,
- The non-participation of ward councillors in the IDP consultation meetings.

The ANC itself was to later raise concerns about the fact that section 72 of the Municipal Structures Act gave municipalities a choice in setting up ward committees (ANC, 2010). This choice led to some municipalities that were governed by the opposition Democratic Alliance (DA) to not set up ward committees. The ANC also raised concerns about the ward committees' poor functionality and accountability to communities, the limited allocation of resources for their establishment and operations and also the ward committees' poor coordination with other local structures. In 2010 it called for a 'fundamental review' of the ward committee system (ANC, 2010).

In 2012 an ANC policy discussion document was to, again, raise concerns about ward committees (ANC 2012). It cited a number of challenges that included:

Lack of effective power; domination by ANC-led Alliance activists instead of by community representatives; tensions between ward councillors and ward committee members; lack of funding and other resources; capacity inadequacies; tensions between well paid Community Development Workers (CDWs) and unpaid ward committee members; and ward committees that do not engage with ward communities adequately. (ANC, 2012, p.23)

The CDWs mentioned above are professionals who are employed by the provincial government and deployed in local municipalities to be a bridge between the government and the community by listening to community problems and sensitizing government about them (see Chapter 5). They also inform the public about



government programs and services as it appeared that as high as 70% of poor people had no information about services that could assist them (Padayachie, 2009). They are meant to work with councillors and ward committees but there are, at times, tensions.

### *Local Representative Democracy Structures and Participation*

Although the principle of public participation in local government is a strong theme of current policy there are concerns raised by authors like Atkinson (1997) that public participation can be used to undermine elected Councils. She warns against the undermining of Councils as they are the only bodies that submit to a "formal, periodic assessment" by universal vote (Atkinson, 1997, p.14). The point she is making is that participatory democracy should not be used to undermine electoral democracy. That is important as participatory democracy has to be built on an electoral democracy foundation by actually supplementing it by participatory mechanisms (Yáñez, 2004). The MSA, 2000 also emphasises the complementary nature of participatory efforts as it says 'a municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance' (S16 (1)). In this way, the South African local government system intends to provide a balance between giving residents the 'fullest space to participate in municipal affairs and ensuring the right of councillors to ultimately govern' (Carrim, 2011b, p. 4).

This development of a culture of municipal governance that complements formal representative government with a system of participatory governance has to be done by enabling the involvement of communities in the preparation, review and implementation of the both the municipality's integrated development plan (IDP) and performance management system. The IDP is a 'single, inclusive and strategic plan' for the development of that municipality (MSA, 2000, section 25(1)). It is a five-year plan that has to be reviewed annually. There has to be public participation in both the development and also the reviewing of the plan. In 2012 The ANC lamented that the IDPs did not live up to expectations in facilitating local development (ANC 2012).

The state has also expressed concerns with the programme of public participation and the entire sphere of local government. A state-sponsored twenty-year review of local government (1994-2014) notes that there have been several accountability and citizen participation initiatives that were introduced since 1994. It mentioned the establishment of a number of statutory institutions and non-statutory mechanisms. While it noted that there have been 'real efforts at municipal sphere to involve citizens in decision-making' it raised concerns about the lack of functionality and effectiveness of ward committees and reported tensions between ward committees, Community Development Workers (CDWs) and councillors. These tensions are said to undermine functionality and they 'may be one of the contributory factors in the escalation of community protests' (p.33).

Participation in IDP processes is about involving communities in their own development and one of the ways of effecting this involvement is through ward committees. A ward committee is a standing committee for five years and in that way its term corresponds with that of the councillors. They are supposed to work with the councillor and hold regular meetings that discuss matters that affect the ward community. That is akin to the democratic tradition. When the ward committee discusses the IDP they are then dealing with development planning. At that time what they are doing relates to developmental traditions of public participation. This research follows both the governance and developmental streams of public participation as it focusses on the ward Committees and the IDP as vehicles for public participation in local government. Participation in the IDP process is meant to have the public having a say in the prioritization and delivery of development projects in each and every municipal area. All municipalities convene community meetings to deal with this community participation. Others go above this by holding sectoral consultation meetings. Some municipalities, though not many, form IDP representative forums and base them on the MSA (2000) and Section 15 of the *Local Government: Municipal Planning and Performance Regulations (No. 796, 24 August 2001)*:

In the absence of an appropriate municipal-wide structure for community participation, a municipality must establish a forum that will enhance community participation in - (i) the drafting and implementation of the municipality's integrated development plan; and (ii) the monitoring,

measurement and review of the municipality's performance in relation to the key performance indicators and performance targets set by the municipality. (*Local Government: Municipal Planning and Performance Regulations (No. 796, 24 August 2001)* (s15 (1))

There are no real guidelines for setting up IDP representative forums but many of them are made up of municipal staff, provincial government line department representatives, ward committee representatives and organised civil society representatives. In the case of district municipalities, like the Cape Winelands District Municipality (CWDM), they include political and administrative reps from the district municipality and the local municipalities within that district and also community and provincial government representatives.

In dealing with public participation whether in the IDP process or through the ward committees or other means, there is also the question of the scale and depth of public participation that is needed as, among others, Arnstein's (1969) ladder of public participation and Smith's *democratic goods* (2009) seek to address. While this research is not meant to address the number of people who participate, it deals with whether an opportunity is provided for people to participate and whether those who participate are being taken seriously. This is done through a particular framework of analysis that is introduced in the next chapter.

## **1.6. Outline of Chapters**

Chapter 2 introduces the theoretical framework that guides this study. This relates to the invented and invited spaces of participation dichotomy. It also considers relevant theoretical discussions that have a bearing on understanding the framework and public participation. Literature that deals directly with participation in South African local government is therefore considered. This is general participation literature and also literature that specifically addresses itself to the two participatory designs, also referred to as democratic innovations, that are introduced to get more people involved in their country's governance. These are the ward committee system and the public participation that occurs in the integrated development planning process.

Chapter 3 deals with the methodology that this study followed and also ethical issues that are linked to the research. This chapter explains that the five municipalities within the Cape Winelands district/ Boland region will be the case of this study. It reflects on the methods that were employed in the study and how the in-depth interviews and documentary analysis were employed as complementary data collection methods. It also explains the process of selecting participants for the study.

Chapter 4 gives a further introduction and background to the African National Congress and its development. This traces circumstances and traditions that have influenced the organisation. The organisation's relationship to participation is also briefly dealt with in this chapter and so is the party's governing philosophy, strategy and scalar practices. This chapter presents an ambivalent relationship between the ANC and the practice of participation within itself as an organisation, including policies that favour participation and a practice that sacrifices it when its security is threatened. A question, therefore, arises on whether a state that is run by such an organisation can fully commit to participation at all times.

The question of commendable policies, on paper, and their lack of implementation or at times, their violation, is traced back to an organisation that committed itself to the Geneva Conventions, 1977 and is still found to have violated human rights. An objective look at the ANC's leadership of the state and its use of scalar practices is undertaken in this chapter and in Chapter 5. Its relevant successes and failures as a party that is at the helm of government are considered. These refuse to be straight-jacketed into being simplified as good or bad and hero and villain type of conclusions.

Chapter 5 introduces the region of Boland<sup>2</sup> as our focus in this case study on participation in South African local government. The chapter deals with a brief history of the area and its characteristics. While noting the that the apartheid government did not allow residential areas to develop on their own as it sought to centrally control all areas of people's lives and determined almost every area of their lives, the chapter analyses the few unique characteristics of Boland from other regions like

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<sup>2</sup> The names Cape Winelands district and Boland region will be used interchangeably as they refer to the same area.

that of being numerically dominated by a national racial minority. The chapter also considers the Boland region's governance context, with the proviso that African areas were planned to be camps that look the same and the situation was the same with the areas of Coloured people although their areas had to be better than those of Africans. In placing the region within the apartheid governance milieu, the researcher nonetheless refers to instances that prove conformity and also a divergence from the national norm. The chapter also considers post-apartheid local government structures.

Chapters 6 and 7 present empirical findings from the fieldwork. These cover both the interviews and documents in relation to public participation in general and also specifically in ward committees and the IDP process. These chapters further contextualise and analyse the findings. The four *democratic goods* that are identified by Smith (2009) are used to organise this study's analysis of the opportunities for participation that are provided for in South African local government, focusing on ward committees and the IDP. These chapters further highlight contextual issues that affect public participation in South Africa.

Chapter 8 is the conclusion of the thesis and it makes direct claims about the approach of the ANC to participatory governance. It lists five major findings of the study and all of these are drawn from the data. They relate, among others, to the ANC's attitude to public participation, the relationship between the organisation's operations and participation. The internal dynamics of the ANC's impact on participation also lead to one of the findings.

## **Chapter 2: Local Participatory governance through *invited* and *invented* spaces.**

This chapter introduces the theoretical framework of invented and invited spaces of participation as this guides this study. It elucidates more about participatory governance and how it fits into the ANC's governance strategy and its use of scalar practices. It proceeds to delineate spaces of participation as those that are organised by government and those that the public itself initiates (invited and invented spaces respectively). It has been explained in Chapter 1 that when dealing with the terms community or communities, this should be understood to mean spatial communities throughout the thesis, although there will be references to social groups as appropriate. This use of terminology fits with how municipalities and the ANC deploy the term 'community'. This chapter then, further, introduces and discusses the *democratic goods* around which the assessment of the invited participatory spaces that are ward committees and the IDP process participation are organised. These are the inclusiveness, popular control, considered judgement and transparency. This is done through considering relevant theoretical discussions that have a bearing on these goods and their importance in participatory designs. The chapter closes with a consideration of literature that deals directly with participation in South African local government.

### **Public Participation in Governance.**

Participatory governance is a framework in which public affairs are not run solely by the government and bureaucrats (municipal officials), but involves co-operation between citizens, 'state institutions and civil society groups' (Friedman, 2006, p.4). It advocates active partnership between local municipalities and communities and thus introduces a shift from local government to local governance as solutions are no longer the sole responsibility of the municipality but that of all stakeholders (Aulich, 2009). This makes participatory governance a form of democratic innovation that presupposes the participation of the public or citizens in their governance beyond regular elections in a manner that impacts on policy decisions (Michels, 2012). Inviting the public to participate in governance is part of the ANC's statecraft and its use of scalar practices (See Chapter 4 and 5). Statecraft is understood as the overall

strategy that is used by a governing party to achieve its overall objectives. This thesis' understanding of statecraft is influenced by Bulpitt's (1986) definition that sees statecraft as consisting of the maintenance of stability and a degree of coherence in the governing party, developing the art of winning elections, establishing political argument hegemony and achieving a 'necessary degree of governing competence in office' (p.21).

The scale of government, categorised as local, regional or national, can be used as part of the overall governing strategy. These scales can be '(re) constructed' and 'contested' and they are 'fundamentally political' (Fraser, 2010, p.332). As such, social actors engage in scalar practices that includes, among others, state-driven attempts to rescale governance. Therefore, actors 'produce' and 'use' scale in attempts to 'create some sort of advantage' (Fraser, 2010, p.332). The strategic use of the scale of government for resisting or supporting political agendas is hence relevant in the study of participatory governance in South Africa (Papanastasiou, 2017, p.1043).

The overall approach to state power and the use of scalar practices by the ANC is examined as being part of an experiment with participatory governance in a country that is part of the Global South, more specifically an African country. The African context is important for understanding how it affects public participation. There is evidence of traditional African societies that were characterised by the involvement of the king's subjects in decisions about the governance of the nation or the tribe, as evidenced by Nelson Mandela's account of growing up in the courts of the Thembu royal family.

The guests [the king's subjects] would gather in the courtyard in front of the regent's house and he would open the meeting by thanking everyone for coming and explaining why he had summoned them. From that point on, he would not utter another word until the meeting was nearing its end. Everyone who wanted to speak did so. It was democracy in its purest form. [...]. The meetings would continue until some kind of consensus was reached. [...] Democracy meant all men were to be heard, and a decision was taken together as a people. Majority rule was a foreign notion. A minority was not to be crushed by a majority. Only at the end of the meeting, as the sun was

setting, would the regent speak. His purpose was to sum up what has been said and form some consensus among the diverse opinions. But no conclusion was forced on people who disagreed. If no agreement could be reached, another meeting would be held. (Mandela, 1994, p.25)

This example of participatory governance cannot be claimed for the entire African continent but it is introduced here to indicate that it is not a foreign concept to South Africans. By its nature participatory governance mainly happens within structures and processes that are set up by power-holders in what is referred to as *invited spaces* of participation. These are not the only structures of participation as other people prefer 'invented' spaces because they do not trust the authorities (Christensen, Karjalainen and Lundell, 2016).

#### Invited and Invented Spaces of Participation

The conceptual framework that underpins this study relates to the dichotomy of Invited and invented spaces of public participation. Invited spaces of participation are defined as those that are initiated by 'powerholders', to use Arnstein's (1969) formulation, and participation is at their will. In these spaces 'the primary emphasis seems to be relocating the poor within the prevailing order: bringing them in, finding them a place, lending them opportunities, empowering them, inviting them to participate' (Cornwall, 2002, p.3). All this is done within the ambit of policy that is decided and acceptable to those who are in authority.

Invented spaces are those that are initiated by civil society groups themselves and they are characterised by confrontation towards authorities (Miraftab, 2004). Both these spaces of participation are occupied by people from the local community or grassroots activists but the former's actions are 'geared mostly toward providing the poor with coping mechanisms and propositions to support survival of their informal membership, the grassroots activity of the latter challenges the status quo in the hope of larger societal change and resistance to the dominant power relations' (Miraftab, 2004, p.1). Stoker (2004, p.121) refers to participatory initiatives within the 'invited' spaces as 'engineering' of democracy by local government officials and it is not universally accepted. Activists who are against this 'engineering' mainly prefer



the bottom- up 'invented' spaces approach. They argue that these 'engineering' initiatives do not lead to vibrant democracy but disarm it and there is a need for independent organs of civil society which challenges local government (Stoker 2004). The existence of these groups is also one of the conditions that Yáñez (2004) believes has to exist for the flourishing of participatory democracy. Proponents of 'invented' spaces of participation view government initiated participatory spaces as merely a means to boost electoral democracy and those that are elected and these initiatives will 'sap the energy of the grassroots' (Stoker, 2004, p.122).

Those who are convinced of the effectiveness of invited spaces, in turn, criticise invented spaces for being far removed from power and lacking access to resources to initiate transformation (Christensen, Karjainen and Lundell, 2016). They might give those who participate in them a voice but not necessarily influence. They are alleged to have this weakness in that they do not access power as they are distanced from the state (Piper & Von Lieres, 2016). That is why this research also empirically examines how the ANC national and local governments respond to invented spaces initiatives and also whether participants in invented space do gain access to decision-making. This is in addition to analysing the participating institutions that the public is provided with in South African local government.

## **Civil Society and Participation in South Africa**

South Africa has a 'public sphere' where citizens and organized civil society can express a diversity of opinions', and this is important for the consolidation and deepening of democracy as this depends on 'the involvement of people in politics during and between elections, the viability of participatory democracy and the existence of autonomous organizations of civil society, organs of direct democracy ' (Suttner 2004, p.769). However, defining civil society is not an easy task as it is a highly contested and debated concept. Glaser (1997, p.5) posits a normative ideal of civil society as a kind of 'empty public space' that is protected by formal state guarantees of individual liberty and social order, and open to multiple uses by free and equal citizens. Habib (2003, p. 3) defines civil society as the 'organized expression of various interests and values operating in the triangular space between the family, state, and the market'. This is a definition that conceptualizes civil society

as an entity distinct from both the market and the state. This analytically distinguishes civil society from both a 'political society of parties, political organizations, and political publics (in particular, parliaments) and an economic society composed of organizations of production and distribution, usually firms, cooperatives, (and) partnerships' (ibid). This thesis follows the understanding that civil society is the space between the state, the market and the family and therefore civil society fits into 'various organisational forms that have high levels of networkability and flexibility, yet that face structural forces of both an inclusive and exclusive nature' (Bond, Galvin, Jara and Ngwane, 2010, p.2). This recognises that civil society can be a 'force that turns grievances into progressive social change, or alternatively that generates reactionary politics (ibid).

Chatterjee (2004) limits civil society to being elitist and reactionary and he recognises the existence of a realm of politics that is outside of civil society and the state in post-colonial societies of which South Africa is one. He argues that this 'political society' is distinguished by its exclusion from the state domain and its activity is political. Chatterjee (2004) links this argument to the concept of governmentality, the view that the governance of certain groups in society is not the processing of political demands into authoritative decision-making, but rather their disciplining to conform to particular elitist/technocratic rationalities. This, he argues, points to the existence of another domain of politics that is not limited by liberal rights and legal discourse. This is outside of the 'conceptual line' that is connecting civil society to the nation-state and is founded on 'popular sovereignty and granting equal rights to citizens'. This other line is 'connecting populations to governmental agencies pursuing multiple policies of security and welfare'. He argues that the first line points to a domain of politics described in detail in democratic political theory in the last two centuries but the second line point to a different domain of politics and he refers to this as political society (Chatterjee's (2004, p.37). Chatterjee differentiates this realm from civil society as he argues that there are no politics in civil society because in the political society the claims that the poor make are 'irreducibly political' and rules may be 'bent or stretched' and this is different from civil society where claims are made on the terrain of established law or administrative procedure (Chatterjee, 2004, p.60). So, he claims that civil society is necessarily a depoliticised space and that political demands are part of political

society. According to this understanding, political agency in invented spaces of participation is not in civil but in political society. Chatterjee's assertions have been noted in South African state-civil society scholarship and there is agreement on the existence of political activity that is, at times, accompanied by illegality in habitation, livelihood or action, in the public sphere (Reddy, 2010; Neocosmos, 2009, Bénit - Gbaffou, 2012). Some examples of social movements that fit Chatterjee's definition are among the ones that are discussed later in this section. There is, however, a reluctance to conceptualise the realm that they operate in as a 'political society' that is outside of civil society:

Yet although this understanding of a realm beyond civil society in which politics may exist is absolutely crucial for understanding Africa today, Chatterjee's claim that it constitutes a 'political society' is problematic, not only because the term is usually used to refer to the state, but more importantly because it gives the mistaken impression that politics is always in existence within that realm, something which cannot be shown. Rather it makes more sense to suggest that politics may or may not exist within various sites as we shall see below. Finally, for Chatterjee, it is different modes of state rule which determine different connections to power; popular subjectivities have it seems, little choice in the matter. (Neocosmos, 2009, p.276)

The second part of Neocosmos' (2009) objection is much more important to understanding the varied forms of civil society organisations that are found in South Africa and their engagement with the state as they do not always deal with the state in one way. This variance in tactics is not limited by whether they are part of what Chatterjee (2004), refers to as the disadvantaged 'governed' in 'political society' or elite 'citizens' in 'civil society'. Civil Society Organisations in the South African public sphere are known to tactically move between invited and invented spaces of participation and are not bound into one mode of engaging with the state (Miraftab, 2004). They use participatory spaces that are created by government 'when they are advantageous and defy them when they prove unjust and limiting. When formal channels fail, they innovate alternative channels' to achieve their goals (Miraftab,

2009, p.10). So, there is a definition of civil society that 'celebrates its plurality' (Habib, 2003, p.2).

The set of institutions within this entity will reflect diverse and even contradictory political and social agendas. As a result, state-civil society relations will reflect this plurality. Some relationships between civil society actors and state institutions will be adversarial and conflictual, while others will be more collaborative and collegiate. (Habib, 2003, p.2)

Habib (2003) sees this as a situation that should not be condemned but celebrated as it represents the political maturing of our society beyond the racial divide that existed under apartheid 'the adversarial-collaborative divide largely took a racial form with the bulk of white civil society establishing collegiate relations with the state, and the majority of black civil society adopting a conflictual mode of engagement' (Habib, 2003, p. 3). Unlike in India that Chatterjee (2004) examines, in South Africa the adversarial-collaborative divide towards the state does not strictly resemble what he refers to as 'political society' and 'civil society'. The examples that are cited both in this section below and in Chapter 7 reflect this reality.

It should be borne in mind that South Africa has a history of dynamic civil society. Communities needed structures to engage with their local authorities and this led to the emergence of local civic associations. The 1980s saw a resurgence of civil society organisations and in 1983 many of these came together to form a front called the United Democratic Front (UDF). The UDF coordinated actions that were meant to oppose apartheid by its many affiliates, whether in local government, religious sector, sport and culture, and so on. The UDF became the biggest umbrella body of civil society organisations and this brought it in direct conflict with that apartheid state. Trade unions came together in 1985 to form a nation-wide labour federation that was the Congress of South African Trade Unions (COSATU) and it became close to the banned ANC:

During the 1980s, civil society was strong. Popular mobilization was channelled into explicitly anti-apartheid activities by urban grassroots organizations mostly united under the umbrella of the UDF that identified with

the banned and exiled ANC. Closely associated with the Congress of South African Trade Unions (COSATU), the two organizations captured most popular mobilization behind the political project of national liberation. While tremendously effective and important in hastening the end of apartheid, this mobilization of civil society was ended by the democratization process of the 1990s (Piper and Von Lieres 2016, p.322)

### ***Post-apartheid Civil Society***

There was a relative decline of civil society in South Africa in the 1990s (Piper & Von Lieres, 2016). After the unbanning of the liberation movements in 1990 many people who were in these civil society structures openly joined the ANC. The UDF folded into the ANC and some of its leaders were first co-opted into ANC transitional structures (see Chapter 4). The first democratic elections on April 27, 1994, affected more than just the racial segregation of apartheid. Among other things, 'it marked the moment when the leaders of South Africa's anti-apartheid social movements entered the corridors of political power. As has happened so often in newly liberated countries, the euphoria of the political transition led many to expect that the need for adversarial social struggle with the state was over' (Ballard, Habib, Valodia and Zuern, 2005. p.615). For a while after 1994, this expectation informed much civil society activity and stifled social struggles and state-civil society engagements were largely defined by collaborative relations (Ballard et al, 2005).

The participatory practices exemplified by anti-apartheid civil society in the 1980s dissolved from mainstream politics with the dismantling of civil society structures like the United Democratic Front (UDF) in the re-building of the ruling political party, the African National Congress (ANC) after 1990. Organizationally, this proved a hammer-blow from which civil society has yet to recover fully, and indeed is constrained in doing so by the logic of party capture that positions the ANC and its allies, rather than independent civil society, as the representatives of the people. (Piper & Von Lieres, 2016, p.315)

Even those in civil society who are not within the ANC's sphere of influence do collaborate with the state when it is necessary, but they also engage in protests against the state. They are also astute and know how to exploit the promises that are in the constitution but are not being implemented by using the courts to enforce these constitutional promises. However, evidence shows that civil society's major victories have been through the courts of law. Furthermore, the 'impact from below of organized civil society on the South African polity is typically small, and major deviations in law and policy caused by civil society interventions are the real exception rather than the rule. Political society remains ascendant over civil.' (Piper & Von Lieres, 2016, p.321). Literature on South Africa identify diverse forms of civil society organisations like the Non-Governmental Organisations, Civic Associations, the new Social Movements and the Labour Movement that are dealt with below.

### *Non-governmental Organisations (NGOs)*

Chatterjee's (2004) understanding of civil society as being the realm of the elite resonates more with Non-Governmental Organisations (NGOs) in South Africa. These were created to provide, mainly, welfarist and advocacy functions and many have deep historical roots. Those who were funded by the apartheid state did not pay much attention to the areas with black people. An example of such an NGO is the ACVV which was established in 1904 'to offer practical assistance [emergency relief] to those affected by the Anglo Boer War' (ACVV website, n.a). This NGO employed mainly social workers and its focus was the white Afrikaans-speaking community. It is still in existence, but it had to reinvent itself to serve all communities to continue to receive funding from the post-apartheid state.

Some NGOs emerged in post-apartheid South Africa and they play such welfarist and some advocacy roles. They are funded by the state under legislation that classes them as Non-Profit Organisations (NPOs). NGOs that receive funding from the state are usually wary of criticising it as they are mindful of their grants. NGOs that were inclusive in their operations, during the apartheid period, had to rely on donor funding, especially from outside of the borders of South Africa as the state was not funding them. Some of these were established and led in the black community, but many emanated from middle-class white liberals. Some of these

organisations distanced themselves from confrontation with the state, others raised their voices against apartheid injustices. NGOs that depended on foreign donors suffered post-apartheid because many international funders chose to channel funds through the state as an expression of confidence.

Most people inside and outside government held the view that the government would deliver to the poor. At the same time, the remaining NGO sector came under pressure to 'professionalize' and withdraw from advocacy to a more limited role in service delivery. Notably, this demobilization paralleled shifts in donor funding as more foreign aid was channelled into the new democratic state and away from civil society' Piper et al, 2016, p. 322).

Funding is now starting to flow back into the NGO sector as donors have realised that the state is not behaving as they had anticipated and there is a need for funding welfarist and advocacy NGOs. Those NGOs who take on the state have used the courts as an avenue for such battles. One example of an NGO that successfully used the courts to advocate for the rights of the poor is that of an NGO called Basic Education for ALL working with lawyers of Section 27. Basic Education for ALL, working with lawyers of Section 27, a public interest law centre, took the government to court for not delivering textbooks to schools on time although it was government policy to deliver textbooks. It ultimately won the case and the Limpopo government was forced to speedily deliver the textbooks. This notable victory came through using courts to enforce constitutionally guaranteed rights and the challenge was led by NGOs who did not depend on government, but on external donors for funding.

### *Civic organisations*

Civic organisations in South Africa appeared in the mid-1970s and grew to become more robust and mass-based in the 1980s as representatives of local communities. They were opponents of the hated apartheid structures the government created for black urban areas. They represented a 'cross-class coalition of 'collective consumers' straddling the whole of urban space, at least outside white residential areas. It was the extended character of this township constituency, and the absence until 1995 of legitimate municipal government to represent it politically, which gave

credence to the civic claim to represent 'communities' or 'civil society' (Glaser, 1997, p.6). Civic organisations campaigned for improved living conditions in black townships. In this regard, they 'organised residents around both local material issues (especially for better service provision and affordable rents) and broader political goals (in the 1980s, the overthrow of municipal and national apartheid)' (ibid).

Civic organisations led struggles against apartheid local authorities and they became the backbone of the United Democratic Front that was an umbrella body of over 300 civil society organisations and led the struggle against apartheid in the 1980s (see Chapter 4). Post-apartheid the civic organisations started by forming provincial structures like the Western Cape Civic Association that brought together localised structures. These provincial civic organisation structures later came together to form a national structure that was called the South African National Civic Organisation (SANCO). SANCO openly aligned itself with the ANC and it called on communities to back the ANC in every election. This saw some leading members of SANCO becoming ANC parliamentarians and councillors. This has led to distrust of SANCO by organisations that on the left of the ANC and the new social movements that emerged in the late 1990s and they view them as part of the system although they used to be progressive.

On the other side stand the 'traditional' progressive forces in South Africa, represented in the main by the various leaderships of COSATU, SACP, SANCO and SANGOCO. While employing left (socialist) rhetoric and proclaiming organisational independence, they have critically accepted the ANC state's capitalist developmentalism, lost what confidence they did have in the 'leading role' of the broad working class (both domestically and internationally) and chosen institutionalised 'democratic' privilege and access - all rationalised by reference to historic Alliance loyalties, the necessities of the 'national democratic revolution' and the 'realities' of global capitalism. (Mckinley, 2004, p. 7).

SANCO has become widely seen by the new social movements as too timid and only participating in invited spaces, with its leaders behaving in ways that do not antagonise the ANC as they want to be on its deployment list. While as a national organisation SANCO does not get involved in invented spaces some of their



members, as leaders of local communities, tend to be involved in community protests. These are organised by local communities to address local situations in the tradition of the old civics without necessarily forming an organisation. These protests and direct actions are, normally, organised to address one thing and after achieving that they demobilise. Many ANC supporters take part in such actions wearing the governing party's regalia and continue to vote for it.

### *The New Social Movements*

The new social movements came on to the stage in the late 1990s when some people realised that the state might not be the friend of the poor that they expected when the ANC came to power. The rapid growth of these movements and their 'increasingly militant opposition to the policies of the ANC-run state from the late 1990s, soon led to a rupture between those organisations/movements opposed to the ANC state's political trajectory and economic policies and those that chose continued (even if at times critical) loyalty to the ANC "line".' (Mckinley, 2004, p.6).

In simplified terms, the South African political field is marked by competition over the right to be the legitimate representatives of 'poor people in struggle'. On the one hand, there are the hegemonic forces of the tripartite alliance and its civil society affiliates, with extensive symbolic capital rooted in and maintained through representations of the anti-apartheid struggle and post-apartheid political achievements. On the other hand, there are the new social movements that mobilise communities in a continued struggle for socio-economic justice and substantive democracy. The struggle over meaning between the 'old' and 'new' movements revolve around shared reference points, as both claim to be the legitimate representatives of poor people that struggle for social justice. This congruence creates a political space for constructive collaboration as well as political contestation (Oldfield & Stokke, 2006, p.15).

The new social movements raise many issues, ranging from housing and public services to challenging South Africa's 'adoption of liberal democracy and economic neo-liberalism frame social movement struggles for social justice' and they are

challenging the post-apartheid state's 'commitment to social justice and substantive democracy' (Mckinley, 2004, p.139). Although the new social movements vary their approach when dealing with the state they are not well-liked by the ANC because they put forth 'alternative broad and local meanings of development' (Sinwell, 2010, p. 69). Few examples of the new social movements and how they operate are covered in this section. Two of these, the Treatment Action Campaign (TAC) and the Western Cape Anti-Eviction Campaign (AEC), are covered while others are mentioned and further dealt throughout the thesis, especially in Chapter 7.

TAC, was founded in December 1998 and its aim was to campaign for access to AIDS treatment. TAC was initially open to working with the ANC government to get to a position of accessible AIDS treatment (Neocosmos, 2009). One of the things that TAC and government did jointly was to engage in a legal battle against international pharmaceutical companies and its most visible leader was the ANC anti-apartheid activist Zackie Achmat. This camaraderie was not to last and TAC increasingly moved into invented spaces of protest and used mass action and judicial processes to claim health rights that are enshrined in the constitution. It even took its fight to international platforms where it sought to expose the government as not carrying about those who are living with HIV/AIDS. TAC was determined to wage this struggle on its terms and not be co-opted to be part of the government's campaigns. Its Constitutional Court victories led to the South African government providing anti-retroviral drugs.

Another example of the new Social Movements is the Western Cape Anti-Eviction Campaign (AEC) that was formed in 2001 as a movement of community organisations from poor areas of Cape Town. Activists are responding to 'threats and experiences of evictions and water disconnections, discontent with state policies of cost recovery on public services, and dissatisfaction with local political representation' (Oldfield and Stokke, 2006, p.6). Some of the strategies they use are rent boycotts, mass protest demonstrations, sit-in in boardrooms and they also 'use both the court and judicial systems and formal politics to pursue the citizenship rights granted by the new 1996 Constitution' (ibid).

But they combine that use of formal, legal strategies with informal survival livelihood practices and with oppositional practices. Their strategies range

from informal negotiations with the agents of forced eviction to ignore or postpone its implementation, to capacity-building and creating their data about the plight of evicted or threatened families, to operating weekly soup kitchens to feed children, to defiant collective actions such as reconnection of disconnected services by so-called "struggle plumbers and electricians" and relocation of evicted families back into their housing units, to mass mobilizations and protests, sit-ins, and land invasions — as well as the use of courts and legal claims (Miraftab 2009, p.10).

While they use their constitutional rights and a rights-based discourse to achieve their objectives but social movements have no illusions about limiting their struggle to the court procedures of claim-making or to the sanctioned governmental and non-governmental channels. There are as many social movements as there are tactics that they adopt in engaging the state. Some use mainly, but not exclusively, invited spaces whereas for others it is the invented spaces. In those fighting to improve the plight of shack dwellers, Abahlali Basemjondolo (ABM) [Shack-dwellers Association] has no qualms about blockading roads and building shacks without the municipality's permission. Ses'khona People's Rights Movement is known for dumping faeces in government offices and in areas with a lot of middle class and rich people like airports. Their logic is that these other social groups must be conscientized that there are problems with sewerage among the poor, especially in the informal settlements. This fits into Chatterjee's (2004, p.74) thinking when he discusses political society that 'will bring into the hallways and corridors of power some of the squalor, ugliness and violence of popular life. But if one truly values the freedom and equality that democracy promises, then one cannot imprison it within the sanitized fortress of civil society'. However, Chapter 7 addresses how this organisation chose to back the ANC in the 2014 elections and some of its leaders serve in ANC structures.

### *The Labour Movement*

South Africa has a long history of social movement trade unionism as the labour movement has always involved itself in the welfare of its members beyond the shop-floor and this has meant that it became politicised. An example of this is the Congress of South African trade Unions (COSATU), a labour federation that was

formed in 1985 and it adopted the Freedom Charter, and this brought it closer to the then banned ANC. Since its formation, it did not limit its actions to the shop-floor but took up political struggles and was a key component of the Mass Democratic Movement (see Chapter 4). In post-apartheid South Africa, COSATU formalised an alliance with the ANC and during elections it campaigns for the ruling party and has some of its members accommodated on the ruling party's list for parliament. It does this while also, at times, criticising the ANC, even embarking, at times, on economic strikes.

The 1980s also saw the formation of another trade union federation called the National Council of Trade Unions (NACTU) that was more aligned to the PAC and the Black Consciousness Movement. It was smaller and never had the impact of COSATU. Post-apartheid, a breakaway from COSATU saw a new trade union federation formed and it openly rejected the alliance with the ANC and formed a workers' party that was to contest the 2019 general elections. With all these, COSATU 'the largest civil society formation in South Africa is [still] reinforcing a national hegemony [of the ANC] that continues to make oppositional agitation extremely difficult (Piper & Von Lieres, 2016, p.323). Some civil society organisations have seen victories against the post-apartheid state but those are 'exceptional organizations in a context where civil society more generally remains weak' (Piper and Von Lieres 2016, p. 322). Many of these victories were achieved through fighting for the enforcement of constitutional provisions through the courts.

### ***Invited Spaces of Participation in South African Local Government***

The most widely accepted or understood way participation takes place is through the initiation of a process of consultation with the community (geographic or sectoral) on the terms defined and set by the actors holding power. These are invited spaces of participation. The rationale and justifications that are advanced for such direct public participation in governance through *invited spaces* are manifold. Paavola, Fritsch and Renn (2011) group these rationales into those that are instrumental, substantive and normative. The normative rationales argue that participation is a good thing to do as democratic ideal calls for it. Its aim is the countering of the power of incumbent interests and allowing those affected by a decision to influence it (Paavola et al,

2011). Arnstein (1969, p.216) points out that participation of the governed in their government is a 'corner- stone of democracy-a revered idea that is vigorously applauded by virtually everyone', although the normative argument in America tends to discriminate based on who makes the demand to participate.

On the other hand, the instrumental rationale claims that participation legitimises decisions and it also leads to improved results. Its aims are the restoration of public credibility, diffusion of conflicts, justification of decisions, and the limiting of future challenges to implementation by 'creating ownership'. This rationale supports incumbent interests in that it does not allow for the discussion of policy goals but only the details. This is different from the substantive rationale that allows for policy goals to be changed (Paavola et al, 2011). Instrumental rationality perceives public participation as also a strategy to achieve something. Outsiders to power see it as a way of changing power relations and those in power see it as a technique for gaining support and legitimation. It should be noted that there is an argument that elected representatives are legitimated by their election into office and do not need to make offers of participation for legitimacy (Yáñez, 2004). Public participation is also viewed as a means of conflict resolution. This is because of the belief that discussions of all interested parties will lessen conflict as these can be caused by misunderstandings (Wengert, 1976).

Substantive rationales focus on improvement in the quality of the decisions being made by taking into consideration the input of 'nonexperts' as they add value by seeing things differently from experts (Paavola et al, 2011, p. 2690). Its aim is to increase the breadth and depth of information so as to improve the quality of decisions and it does this while ignoring power issues (Paavola et al, 2011).

Substantive rationales, therefore, view public participation as also a way of improving communication with the public by the power-holders (Wengert, 1976) and believes that this ensures that services will be 'reaching beneficiaries with greater Efficiency' (Coelho and Faverato, 2011, p.644). This is also linked to improving project and programme effectiveness and it is also believed that it leads to more viable and just policies (Coelho and Faverato 2011).

## **Organizing Analysis of Participatory Spaces around *Democratic Goods*.**

This research uses the *democratic goods* that are found in Smith's (2009) framework as a tool for organising the analysis of the invited spaces innovations (see Chapter 7). Smith (2009) starts from the premise that there is evidence of disillusionment with institutions of advanced industrial democracies and this is evidenced by, among others, the decline in electoral turnout, low levels of trust in politicians and political institutions. Without engaging in debate on whether South Africa is an advanced industrial democracy or not, the relevance of this framework for South Africa is that there is evidence of growing disillusionment with institutions of electoral democracy, including in politicians and political institutions (Saul, 2005). The Voter Participation Survey 2013/14 confirmed this.

The electorate harbours significant concerns about the way democracy works in the country. Satisfaction with democracy is the lowest it has been in over a decade, with 48% voicing discontent compared with 36% expressing satisfaction. Furthermore, 63% feel that the country is going in the wrong direction. Democratic performance is rated as falling considerably short of the ideal in relation to accountability (politicians listening to the people before making decisions) and electoral punishment (parties being punished in elections when they perform poorly). [...] Trust in the political system continues to exhibit a year-on-year decline. Trust in the national government has fallen from 61% in 2009 to 44% in 2013. Only 44% trust their provincial government, barely a third (34%) trust their local government, while a quarter or fewer trust political parties or politicians. (Electoral Report, 2014, p.49)

Democratic innovations are needed in these conditions of growing disillusionment with electoral democracy, although in South Africa they were originally introduced as part of the transformation process from the apartheid state to a democratic state. Institutions can be referred to as innovation in one country even if in another country they have been practiced for a while (Geissel, 2009). What is more important is that they must have been an addition that is meant to increase citizen participation. There is a growing interest in these as they recast the relationship between the political elite and ordinary citizens and by so doing have the potential of 'improving the legitimacy of democratic institutions and systems' (Ryan and Smith, 2012, p.90).

Michels (2012) posits that there are two types of democratic innovations in the invited spaces. The one type, exemplified by forms of participatory governance, focusses more on the outcome of participation and the other on the process. Deliberative forums are an example of the latter. Geissel (2009, p. 57) adds co- and network governance as a third one, where the government makes political decisions 'in cooperation with societal groups'. What guides this study is the relationship between these invited spaces, that are designed to increase public participation in governance, and invented spaces that the grassroots themselves initiate. A case has been made above for a need for such innovations in South Africa.

What Smith argues is that all of these have to realise significant 'ingredients or components' of what is expected from democratic institutions in general and democratic innovations, in particular (Smith, 2009, p.20). This is because a lot of countries claim anything that they do as being a democratic innovation. He proposes the realization of four *democratic goods* as a way of determining what genuine democratic innovations are. These *democratic goods* are inclusiveness, popular control, considered judgement and transparency. They are considered in turn in the next section. According to Smith, 2009, these *democratic goods* are also a response to criticisms by sceptics of democratic innovations who claim that inequality persists in democratic innovations, citizens lack the capacity to participate and public participation, itself, lacks impact on decision making. Therefore, he frames the democratic challenge as being that 'innovations need to show how unequal participation can be overcome; how citizens can be empowered in the decision-making process; how the environment can be structured to enable informed judgements; and how proceedings can be open to participants and observers' (Smith, 2009, p.27). These *democratic goods* or attributes have been chosen to organise this study's analysis of invited spaces around because they deal with the basic expectations from such democratic innovations. The quotation of Nelson Mandela, above, is evidence that even traditional African societies would not view concepts like inclusiveness, popular control, considered judgement and transparency as a complete imposition of foreign values, culture or traditions.

Therefore, these four democratic ideals will be considered as the study deals with the key dichotomy of invented and invited spaces of participation. The analysis of the invited designs that are this study's focus, namely, IDP process and ward

committees will be organised around whether they realise these democratic ideals. It is understood that the democratic innovation institutions are 'unlikely to fully realise all of these goods' and institutions may realise these goods in different combinations (Smith, 2009, p.20).

### *Realising Inclusiveness in invited Participatory Spaces*

Inclusiveness is important in all participatory spaces but this section focuses specifically on invited spaces. Inclusiveness refers, at one level, to who can be part of the democratic innovation institutions and who is excluded (Michels, 2011). Fung (2006) argues that participant selection mechanisms are varied and they range from the more inclusive, like the diffuse public sphere where everyone participates, through to open, self-selected, randomly selected, open with targeted recruitment, lay stakeholders, professional stakeholders, professional representatives, up until the most exclusionary participant category of experts. Those who put together participatory designs can choose any extreme or balance.

Smith (2009) argues for democratic innovations that are put together in a way that countervail social differentials that tend to affect equality of social voices as participatory designs should be open to all as presence is important for the representation of social groups' interests. It is possible to start with a forum that allows the entire neighbourhood to participate and later find ways to limit direct participation by considering Fung's (2006) model of participants' selection or through the election of representatives. A well-known example of the latter is that of participatory budgeting in Porto Alegre, Brazil. This system of participatory budgeting was introduced after the Partido dos Trabalhadores (the Workers' Party) won the mayorship of Porto Alegre in elections that it fought on a leftist and participatory platform in 1989 (Piper, 2014). In Porto Alegre, the first level of participation allows all residents of the sixteen districts to come together to review what was achieved in the last round of budget and also to deliberate on what they want in the new capital budget (Fung, 2003, Piper, 2014). From these open Regional Assemblies, they also elect their neighbourhoods' representatives to further rounds of the participatory budgeting process in the Forum of Delegates and the Council of the Orcamento Participativo (COP) (Piper, 2014). The subsequent rounds see only representatives



of these districts coming together and discussing their districts' priorities and these are grouped according to themes like education, housing and so on (Fung, 2003). People, many of them poor, continue to feel included in the process as they believe their voice is as audible as when they themselves were in the meetings. This is part of what the inclusiveness good seeks to achieve (Mattijssen, Behagel and Buijs, 2015). It is, however, worth noting that there are authors who warn against seeing an open forum with self-selecting participants as being without its own shortcomings, like being a mouthpiece of already privileged social groups (Geissel, 2009). Participant selection, therefore, has to be carefully considered in the design of democratic innovations.

It is important that a way is found for marginalised groups to be present and to also have their voice heard in the process and this calls for effective inducements (Africa, 2001, Ansell and Gash, 2007). Consideration has to be given as to whether the participatory design is set up in a way that affords equal voice and opportunity to participate, and this has to address both willingness and capacity to participate (Smith, 2009). Support should, therefore, be provided for the less experienced and confident. The rules and procedures that govern institutional outputs must also promote inclusiveness in that citizens must have equal opportunity to influence outputs or decisions (Arnstein 1969, Smith, 2009). These should not be taken for granted as democratic innovations do not always guarantee inclusiveness. Palacios, Gurrutxaga and Lara (2016) confirmed this after studying participatory budgeting, neighbourhood meetings and citizen councils in the Basque Country, Spain, from 1978 to 2014. They cite their own findings and others' empirical evidence that show that women still face obstacles when participating in some democratic innovations. This can be because the dominant societal cultures, norms and expectations can be taken into these participatory spaces. Palacios et al (2016) research found that prevailing political thinking that has been structured by public versus private, reason (technical knowledge) versus emotion (personal experience) dichotomies played a huge role within the democratic innovation designs they were studying. Women are linked with the private-domestic sphere and that impedes them from participating freely as they had to always try and balance this with their public participation. Not much was done to make this smooth for them. Family pressures and expectations also restricted women from demonstrating the social talents that were valued in the

public sphere. Some women had to leave participatory forums because of such pressures. Another difficulty that these women expressed related to the delegitimization of emotion and personal experience and the overvaluing of technical knowledge and 'reasonable' arguments. The authors were of the view that this was exclusionary as 'emotional habitus' is mostly mobilised by women (Palacios et al, 2016, p.388).

The experience of the women in Palacios et al (2016) study confirms other researchers' findings that different social groups can be restricted by what others might take for granted and this has to be addressed in participatory institutions (Smith, 2009, Palacios et al, 2016, Mattijssen et al, 2015). In Chapter 1, Africa (2001) confirms that the same challenges are facing South African women.

### *Popular control in Invited Participatory Spaces*

Popular control in participatory designs is viewed as important by many authors (Arnstein, 1969, Nelson and Wright, 1995, Smith, 2009, Winkler, 2011, Mattijssen et al, 2015). For popular control to be achieved there must be involvement of ordinary people in the stages of 'problem definition, option analysis, option selection and implementation' of solutions that impact their lives, (Smith, 2009, p.23). This is significant for process and output legitimacy. It calls for a situation where elected representatives share their power with members of the public as true participation calls for such (Nelson and Wright, 1995, Mattijssen et al, 2015). In this process of 'redistributing' some of the power that they have won elected representatives are likely to want to be in control of the process and not disadvantage themselves by allowing a shift of power that will leave them vulnerable (Yáñez, 2004, p.820).

Municipalities are not beyond engaging in such political opportunism as they seek to be the ultimate beneficiaries of the public participation process (Yáñez, 2004). In the meantime, the unelected group also needs some form of power to be effective in participation as there can be no 'transformative participation' when the public have no 'right to influence and change planning policies and outcomes' (Winkler, 2011, p. 258). The importance of popular control in the implementation of public participation, albeit limited to invited spaces, was explored by Arnstein (1969) who developed an eight-step ladder of citizen participation. These eight rungs of the ladder were used

to indicate situations where the people were duped into non-participation and tokenism and also when they had attained a level of citizen power.

Using experiences of participating in American social programmes like American Model Cities, urban renewal, and anti-poverty programmes, Arnstein (1969) developed this ladder of citizen participation that focused on the redistribution of power as being an essential ingredient for meaningful citizen participation (Connor 1998). She believed that people who are in the first two levels that represent manipulation and therapy are actually duped into 'non-participation'. The real objective of 'non-participation' is 'not to enable people to participate in planning or conducting programmes, but to enable power-holders to "educate" or "cure" the participants' (Arnstein 1969, p .217).

Rungs three and four are about 'informing' and 'consultation' and these are part of 'tokenism' as they allow the public to hear and to be heard but still without power that will ensure that their views are taken seriously by those in power. In such cases, where there is separation of participation from 'real decision-making', the influence of non-powerholders is negated (Harrison, Todes and Watson, 2008, p. 247). Rung five, 'placation', is viewed as a higher-level tokenism as the have-nots can advise but still, the powerholders decide what to implement as they continue to hold all the power.

Levels of citizen power start at rung six with 'partnership' and move up to level seven and eight with 'increasing degrees of decision-making clout' (Arnstein 1969, p.217). The partnership enables the have-nots to engage and bargain with traditional power holders. Rung seven is about delegated power as the have-nots can have an equal number of decision-making seats with the traditional powerholder. Rung eight is termed 'citizen control' as the citizens obtain most of the power in decision-making. Popular control, as defined by Smith (2009) is compatible with Arnstein's ladder's levels six, seven and eight. Arnstein laid a theoretical foundation that was to be considered by many scholars in trying to address popular control in participatory designs.

A value that one finds for participatory local governance in Arnstein's ladder is in the flexibility that is offered by the grouping of the eight rungs into three. Participation does not have to be in number eight to be considered as being part of citizen power.

A genuine partnership between a municipal council and its citizens qualifies as citizen power although the community does not have 'most power' as envisaged in rung eight which is citizen control. This would be the case when one deals with delegated power. Citizen control, with unelected representatives holding most of the power, will be hard to market to the recently enfranchised majority in South Africa. Still, this ladder of participation, and others that focus on popular control, are a forceful reminder that the mere act of putting people around the table does not necessarily translate into genuine participation. There must be a realistic understanding that participants might have different interests and agendas and it is, therefore, helpful to truthfully explore these in the design of participatory institutions.

Another attempt at addressing the democratic good of popular control in participatory governance is by Archon Fung who believes that possibilities for popular authority and power stretch from participation that is limited to participants getting personal benefits, like individual education to those where participants have direct authority to decide. There are other possibilities between these extremes that represent the gaining of the least to most authority and power. Least authority and power are associated with individual education, followed by communicative influence, advise/consult, co-governance and the one with most authority and power being that of direct authority. The participatory budgeting innovation in Porto Alegre in Brazil is an example of an institution that displayed more popular control while the same concept of 'participatory budgeting' is used for a process where the public has no authority but is merely consulted by municipalities in Germany (Geissel, 2009). The literature on South Africa, considered in the section below, raises this issue of consultation that lacks popular control in South African invited spaces of participation like the ward committees and the IDP participatory process. This, at times, extends to even invented spaces of participation, as Katsaura (2011) found in her research on community-based organizations in Yeoville, South Africa. She argues that there are community organizations that display a mimicry of state politics and are obsessed with power for themselves and not the people.

The field of community governance that is so much celebrated as progressive and novel is not necessarily practically so. Although participation-generating community-based organisations are renowned as democratic spaces, it is important not to lose sight of the fact that they are also spaces in which anti-

democratic 'power-seeking and power-retention' behaviours are displayed. I, therefore, view spaces of community governance as belonging to the broader 'field of power politics' and as infiltrated by the logic and rules of this broader field. [...] This political realm is a realm of power struggles, control, domination, conflict and political partnerships, albeit at a miniature level in the case of community-based or neighbourhood-based organisations. This position is driven by the fact that community-based organisations engaged in community governance fall under the rubric of civil society, yet the behaviour of stakeholders in these community-based organisations is a replica of the behaviour of politicians engaged in state politics. (Katsaura, 2011, p.338)

Katsaura contends that this observation poses a challenge to the praise given to participatory governance in South Africa as the 'functionality and essence of community-based organisations are to fill the service delivery gaps left by the state and more importantly to put pressure on the state as a way of holding it accountable for its actions' (Katsaura, 2011, p.338). What this highlights is the importance of popular control in genuine public participation. It is, however, not a given that those who have power in invited spaces will easily part with it or share it with the public. This, sometimes, becomes an issue even in invented spaces as those who gain some kind of power through holding positions in civil society organisation want to hold it 'on behalf' of the people instead of sharing it with them.

### *Realizing Considered Judgement in Invited Spaces.*

Critics of invited participatory designs claim that the public cannot participate in a considered manner in them as the public lacks knowledge and each person is limited to arguing from their personal point of view without the ability to consider other views and facts. Participatory designs have to ensure that they counter this by coming up with ways of empowering the participants with subject-matter knowledge and also expose them to the views and perspectives of others (Smith, 2009). This has to be done in a way that minimises having the participants being overly dependent on the

authorities as this might imply a potential loss of popular control (Mattijsen et al, 2015).

Participatory designs have to be set up in a way that assists participants to move beyond themselves and consider new facts. This is important as authentic deliberation is based on persuasion, and not coercion, so that participants reflect on their positions and those of others to the extent of shifting positions, where necessary, (Dryzek, 2000). Information-sharing and expertise assist with this. Empirical evidence from mini-publics confirms that people are capable of engaging even with what is considered complex and even technical issues when they are given useful information and time for deliberating with people who have diverse opinions (Pateman, 2012).

### *Considering Transparency in invited participatory Spaces.*

There is an argument that participatory designs who are part of the invited spaces have to be transparent to the participants and the community. Participants should have access to all necessary information about the process so as to be empowered to participate (Smith, 2009).

It is also important for the public to know about what is happening with participatory designs to have faith, trust and acceptance of them (Mattijsen et al, 2015). Based on the available empirical evidence on mini-publics, Pateman (2012) also raises the criticism that the public does not know much about them and what they discuss and this has led to the defeat of the work of some of the most valorised invited participatory designs because of this lack of connection with the public. An example of such would be the Citizens Assemblies in British Columbia and Ontario (Pateman, 2012). The proposals that these institutions made could not muster the required majority support to pass in a referendum. The research of Martijssen et al (2015 p. 1010) on area committees in the Netherlands also confirms the importance of both internal and external transparency in participatory designs. Lack of internal transparency led to uncertainties and lack of clarity on roles and responsibilities of participatory designs and this resulted in problems in the researched area committees.

## **Invented Spaces of Participation**

The literature on invented spaces of participation in the Global South emphasise that these are about the agency and independent mobilization of the grassroots, the poor and the marginalized in practising their citizenship in ways that are not limited by liberal and statist conceptualizations (Miraftab, 2004, Sinwell, 2010). The discussion on these spaces of participation, in this study, is limited to such citizenship practices in as far as they affect the sphere of local governance in South Africa. While this study accepts that spaces for participation refer to the ways in which engagement opportunities might be conceived or perceived by both the government and the public (Cornwall, 2002) and also their relationship to authorities, it should be pointed out that different kinds of agendas influence those who choose invented spaces. There are those who are organised and behave as a systematic opposition that can also be referred to as 'professional activists'. There are also local community members who become activists because something has to be addressed in their neighbourhood. Those who are organised are found in civil society organisations (CSO) that include social movements who focus on contemporary struggles that challenge the government's failure to address socio-economic rights while the more localized ones that are not led by formalized structures engage in 'uncoordinated township protests' that some refer to as 'popcorn protests' (Bond and Mottiar, 2013, p.288). Social movements tend to encompass more than one community and these are addressed in Chapter 7.

### *Organised Civil Society in Invented Spaces of Participation*

As discussed above, there are different forms of civil society organisations and some engage more, though not totally, in the invented spaces of participation. This variance is also found at the local governance level. There are social movements who fight for the plight of shack dwellers, demanding temporary amenities from local authorities and formal houses, like Abahlali Basemjondolo (ABM) [Shack-dwellers Association] and Ses'khona People's Rights Movement. Social movements like the Western Cape Anti-Eviction Campaign (AEC) are supporting the poor as they are an oppositional voice in local politics in Cape Town and they have joined together to resist water and electricity disconnections and fight evictions as well as 'intervene in

city policies pertaining to housing and public services' (Oldfield and Stokke, 2006, p.112). Movements like the Anti-Privatisation Forum (APF) are fighting against privatisation by all spheres of government. The Soweto Electricity Crisis Committee illegally reconnects people's electricity when authorities disconnect them due to non-payment.

All these social movements adopt left-sounding rhetoric and project themselves as existing to fight what they perceive as the government's adoption of neo-liberal policies. They believe that the problems that their constituencies are faced with result from the ANC government's adoption of neo-liberal policies. Many try to get a national footing and create links with local and international leftist intellectuals and organisations. The complications of such relationships are dealt with in Chapter 7. The ANC has, at times, branded such movements as ultra-leftist formations as it regards itself as a 'disciplined force of the left' which is 'neither neo-liberal nor ultra-leftist' (ANC, 2010, para.15)

There are also the local civic associations that represent people in all matters that involve local municipalities. The last of these existing and organised formations in the invited spaces are the non-governmental organisations (NGOs) and community-based organisations (CBOs) like the development forums that are found in almost every area. An example would be the Mbekweni Development Forum that is dealt with in Chapter 6. NGOs are more focused as they address a particular need like alcohol abuse, while development forums want to be consulted by local government on development that will take place in their areas.

### *Local Community Engagement in Invented Spaces*

What Bond et al (2013) refer to as 'popcorn protests' are normally led by local activists who display no agenda that is bigger than addressing their local situation, outside of invited spaces like ward committees and the IDP process. They use several different actions to make their voices heard. These direct actions have included holding mass meetings, drafting of memoranda, petitions, public processions, boycotts, refusing to take part in elections, 'blockading of roads, construction of barricades, burning of tyres, looting, destruction of buildings, chasing



unpopular individuals out of townships, confrontations with the police, and forced resignations of elected officials' (Alexander, 2010, p.26).

There is an argument that such *direct action* in South Africa is a form of invented participation as it is 'means by which marginalized actors can claim power, thereby exercising citizenship from below' (Sinwell, 2010, p.67). In several cases the local authorities are forced to negotiate with representatives of these local activists, bypassing invited participation structures. It is the case that although these start as actions against a certain local phenomenon, the protesters elect a leadership that guides the action and negotiate on their behalf when it is necessary. A name of the grouping is also adopted like in the case of the *borners* that is captured in Chapters 6 and 7. So, although they do not start as an organization like many of the social movements, they end up having some kind of a structure that coordinates action, convene meetings and negotiate for the duration of the *action*. Some see this situation as representing the 'rise of the informal politics' in the country as a result of the ineffectiveness of invited spaces of participation and the fact that formalised civil society has limited policy impact and social movements are mainly active in the larger townships of big metropolitan cities (Piper and Von Lieres, 2016, p.314). These informal structures mostly disappear when that particular community problem is addressed. In Chapters 7 and 8 it is shown that many of these people have no interest in removing the governing party and, indeed, many continue to vote for it but still they do not trust the spaces it has provided for them to engage with local authorities. The actions and campaign that are undertaken by these local activists are aimed at amplifying the community's voice and to force municipalities to listen.

Council doesn't listen to us if we go through the right channels. They don't listen. They make as if they listen if you go through the right channels. They don't take notice of us. But, if we do what we do, then immediately they respond... If they take too long, then we do our own thing. (Interviewee cited in Oldfield and Stokke, 2006, p.118)

These community activists convinced that invited spaces of participation like ward committees and the IDP process are not effective and cannot be trusted to resolve whatever problem they are faced with. They have their reasons for preferring invented spaces where the agenda is determined in a bottom-up approach. Miraftab

(2004) acknowledges that there is, at times, fluidity between the invited and the invented spaces of participation as the grassroots participants can move across the spaces depending on which space is suitable at that moment. Some of those who choose to protest against local municipalities, at times, do attend ward committee meetings (Katsaura, 2011), so they use these invited spaces 'when they are advantageous, and defy them when they prove unjust and limiting' (Miraftab, 2009, p.10).

The 'invited'/ 'invented' spaces dichotomy seems to be linked to whether participation is viewed as a means to an end or as an end in itself. 'Means' is about accomplishing aims of a particular project 'efficiently, effectively or cheaply' whereas 'end' is when a 'community or group set up a process to control its own destiny' (Nelson and Wright, 1995, p.1). These two presuppose different power relations. In the former, the powerholders retain control and in the later beneficiaries of development gain control of the development process (Lane, 1995). The understanding of participation as either means or an end in itself also leads to different interpretations and assessments of the effectiveness of public participation initiatives.

### **Studying Participatory Designs in South Africa.**

Those who are studying designs of participation in both invited and invented spaces of participation in the Global South have to consider the context of the particular country that is their focus. There could be similarities; there would also be peculiarities that cannot be wished away. In the case of South Africa that context includes its recent apartheid past. In this regard, Ansell and Gash (2007, p.550) argue for the consideration of 'prehistory of cooperation or conflict (initial trust level). They argue that the rate of success of participatory institutions is affected by whether there is a history of cooperation or conflict that precedes the setting up of such institutions. More work is needed for the success of participatory structures and efforts where there has been conflict than where there is a history of cooperation (Ansell and Gash, 2007). Linked to this are the findings of Christensen et al (2016) about the relations between political trust and the success of invited participatory attempts in Southwest Finland. They found that there is a definite connection between levels of political trust and the public's willingness to participate and make a

success of such structures. That is also confirmed by the findings of a study of participatory structures in Sweden by Astrom, Jonsson and Karlsson (2016). All these confirm the importance of pre-existing conditions to the success of participatory structures and democratic innovations. This, therefore, brings to prominence the South African context as the country experienced a racial conflict that lasted for many decades and only officially ended in 1994 but its effects are still felt. Chapters 5, 6 and 7 reflect on how the history of conflict in South Africa affects the amount of political trust and work that is needed for participatory designs to succeed.

A gap in the literature on democratic innovations is that there is not much evaluation performed on institutions that are in the Global South, an exception being on participatory budgeting in Brazil's Porto Alegre. A lot of research on these innovations has focused on the West (Ansell and Gash, 2007; Smith, 2009; Geissel, 2009; Michels, 2011; Bua, 2012; Michels, 2012; Karlsson, 2012; Farrell, O'Malley and Suiter, 2013; Font and Navarro, 2013; Graham and Wright, 2013; Coleman and Firmstone, 2014; Martijssen, 2015). As outlined in Chapter 1, this study focuses on participatory spaces in South Africa, a country that is part of the Global South. This is the first study to organise its analysis of participatory designs around the concept of *democratic goods*.

### *Theorising Public Participation in South African Local Government*

This section focusses more on literature that deals with invited spaces of participation in South Africa, but also covers invented spaces. In dealing with invited spaces it is worth noting that some of the literature that concerns itself with South Africa's post-apartheid government's promise of participatory democracy focus on national and provincial government levels (Deegan, 2002). Deegan (2002) focuses on the democratic transition in South Africa and examines participation in the constitutional development process where there was low participation and response to the attempts that were aimed at getting South Africans involved beyond their being represented by political parties. This lack of participation relates to a number of reasons and apathy on its own is not a plausible reason as South Africa is highly organised when one looks at the high number of diverse civil society organisations

that are in the country (Deegan, 2003; Everatt et al, 2010). Where there is apathy, it is context-specific. Barichievy, Piper et al (2005, p.370) insist that there is evidence of popular desire to participate and the problem is that 'formal structures and organisational processes are not articulating effectively' with it.

Deegan's other findings are also important for participation in local government as they raise issues that relate to the effect of literacy and levels of education to participation in South Africa. She also highlights that although it is normal for different people to want different things when they participate, the case of South Africa is further bedevilled by its racist past that presently 'manifests itself in socioeconomic resources' that continues to reflect inequalities that mirror apartheid divisions (Deegan, 2002, p.59). There is also a different understanding of the concept of rights and democracy among South African majority. They are more interested in the socio-economic benefits of democracy than in what they perceive as abstract concepts like the right to freedom of speech, religion and others that are viewed as important in liberal democracy (Zuern, 2009). They believe that these political rights only matter if they lead to the addressing of 'immediate needs' and this was made clear in the public participation process for the drafting of the country's constitution (Deegan, 2002, p.50).

It became clear there existed popular uncertainty about political rights. [...] the most important issues for inclusion were the provision of more jobs, more houses, better educational opportunities, crime prevention, water provision, the return of the death penalty and equal opportunities for all. Of less concern were issues that are generally associated with democratic constitutions, that is, free speech, religious freedom, national unity, rights for women, children and pensioners and so on. An independent study found that a 'strikingly high number' of people were unfamiliar with the political debate over specific civil rights such as freedoms of speech, assembly, press and so on.[...] Freedom of speech was a very low priority. (Deegan, 2002, p.49)

These socio-economic rights are, however, also important for the consolidation of democracy. If consolidation refers, partly, to the public seeing themselves as stakeholders, socioeconomic transformation is an important way of developing that sense. The extent to which excluded and marginalized sections of the population

have their concerns addressed also impacts substantially on the sustainability of democracy. Undoubtedly, current unemployment and inequalities are part of the wider obstacles that need to be confronted in the process of maintaining this democratic order (Suttner 2004, p.770). The overall governing strategy of the ANC seems to understand this reality as it focuses a lot of attention and investment on addressing the socio-economic plight of the majority. In his first State of the Nation address, then President Nelson Mandela set the tone when he said 'the purpose that will drive this government shall be the expansion of the frontiers of human fulfilment, the continuous extension of the frontiers of freedom' (Mandela, 1994). This linking of freedom to the 'expansion of human fulfilment' has been at the core of the ANC's governance approach since it assumed power, and scalar practices are continually used in its pursuit. The participatory protests that are mentioned above as taking place in the townships seem to be a reminder by communities that their socio-economic needs are not being met and thus the ANC, that they continue to vote for, has to address these. When this is done, these informal invented spaces stop being active until another issue is identified by the community. Many of these irk the more organised social movements as they do not go as far as adopting the international left agenda aimed at the destruction of capitalism and neo-liberalism but are about issues that are immediate and pertinent to a community's need for socio-economic survival and are thus characterised by such slogans as *No House No Vote* and others about jobs, electricity etc.

This emphasis, from both the people and the ANC government, on socio-economic transformation also affects local government participatory processes. Everatt, Marais and Dube (2010) in their analyses of participation in the Integrated Development Planning (IDP) process in Gauteng found, amongst other things, that municipal councillors and officials tend to expect strategic discussion on the IDP but the public raise immediate service delivery-related issues as what concern them most.

Municipalities are, also, not doing well when it comes to public participation as their approach is 'too bureaucratic, formalistic and rigid, and sometimes aimed at co-optation' as they merely inform communities of proposals and seek their endorsement (Carrim, 2011b, p.5). This is part of the shortcomings that are highlighted when the literature on public participation in South African local government discusses the functioning of participatory structures like the ward

committees and participation in the Integrated Development Planning process (IDP). These are examined here in turn because they are critical institutional features of the democratic innovation being attempted in South Africa.

### *Ward Committees and the IDP process as Invited Participatory Structures*

Ward Committees and the IDP process constitute two of the most important examples of invited spaces of participation in South African local government. Ward committees are standing committees that are elected by the ward community to be in office for five years and in that way their term of operation corresponds with that of the municipal councillors. They are supposed to hold regular meetings with varied agenda items discussed and the most important of these is the IDP. The IDP is a five year 'single, inclusive and strategic plan' for the development of a particular municipality that get reviewed annually. Some of the plans and strategies that are contained in the IDP would be for spatial development, human settlements, local economic development and those that deal with human and financial resources. The budget of the municipality has to be influenced by the IDP.

- (1) An integrated development plan adopted by the council of a municipality-
  - (a) is the principal strategic planning instrument which guides and informs all planning and development, and all decisions with regard to planning, management and development, in the municipality; (b) binds the municipality in the exercise of its executive authority, except to the extent of any inconsistency between a municipality's integrated development plan and national or provincial legislation, in which case such legislation prevails; and
  - (c) binds all other persons to the extent that those parts of the integrated development plan that impose duties or affect the rights of those persons have been passed as a by-law.

Allocations in the municipality's budget have to rely on the plans that are contained in the IDP. Part of the annual auditing function that is conducted by the office of Auditor-general is to assess whether the municipality's budget allocations were informed by the priorities and objectives that are contained in the IDP document. The IDP is very important and public participation in its formulation and review has the

potential of ensuring that the public influence development within their municipal area. The IDP is put together every five years and get annually reviewed (MSA, 2000). Municipalities have to show that they met with and have allowed the public to participate before the adoption of the IDP. However, literature review points to challenges with regard to participation in both ward committees and the IDP process. Chapters 6 and 7 further discuss ward committees and the IDP in the process of presenting the study's empirical findings.

### **Local Democracy, Politics and Clientelism**

In the Global South there is evidence of a character of local democracy that is 'messy' and there are often 'odd ways in which participation, decentralization, and clientelism interact' (Bénit-Gbaffou, 2011, p.454). In such a context it is unrealistic to have an analysis of local democracy that is silent about clientelism. The context is that of people, especially the poor who are have strong dependence on the state. In South Africa, the public's expectations were and remain high in the post-apartheid State and thus this state remains at the core of representations and expectations especially for lower-income residents. The rising mass protests show demand by the public to participate and they also reflect a disappointment of their expectations but not a 'disregard, ignorance or avoidance of the State' (Bénit-Gbaffou and Oldfield, 2011, p.446). This is especially so for low-income citizens who find that both local democracy and clientelism serve them in accessing the state resources under a dominant party system like that of South Africa (Piper & Von Lieres, 2016). This is the case within both the invented and the invited spaces of participation.

Local democracy is understood as having two dimensions which are decentralisation and participation. Political clientelism is defined as a direct exchange of public goods like housing, jobs and so on (given as favours), between a politician and a voter for political support which can be a vote or other things. In a clientelistic relationship, the more powerful agent is normally the politician that gets a political advantage and the less powerful agent is the public member that gets the material advantage over other members of the community (Van de Walle, 2007). It has to be noted that party politics lie at the core of clientelism and local democracy might be conducive to it as both are based on 'personalization of relationships between citizens and the State,

flexibility and adaptability of policies to local contexts' (Bénit-Gbaffou, 2011, p.456). There is an argument that local democracy should not be viewed as, necessarily, a way out of traditional clientelism and patronage (Bénit-Gbaffou, 2011, Bénit-Gbaffou and Oldfield, 2011). It maintains that in situations of scarcity of resources, like in African countries, both local democracy and clientelism can serve to offer resident groups opportunities for engaging in urban politics although they both risk sedating all forms of radical movement. This is in a context of scarcity of resources and the rife nature of poverty that leads to high competition for political jobs and public goods. In such situation, even participatory structures like the ward committees and also civil society organisations are drawn into these practices and favour exchanges that lead to them representing sectarian interests instead of the whole community (Everatt et al, 2010). Chapters 6 and 7 present empirical evidence to the effect that both invited and invented spaces of participation get caught up in clientelistic practices as the people, mostly the poor, try to access scarce resources. These are the 'realities and actual practices' of everyday engagements between the state and low-income residents in the cities of the Global South that Bénit-Gbaffou (2011, p.455) characterises as being 'messy' and could challenge dominant theories on how democratic relationships between the State and residents should be.

There is a fine line between clientelism and local democracy and this can and does get crossed as residents attempt to access public resources and survive and they have local representatives of the state, councillors and local party leaders to deal with. Barichievy et al (2005) claim that there have been ad hoc and sporadic instances in South Africa, where the public had participated in government decision making not through the legislated structures but through invented spaces of participation and other means<sup>3</sup>.

Party politics are central to clientelism and party structures are prominent as an important means of the poor to access the state as invited participatory structures are failing to fulfil their promises (Bénit-Gbaffou, 2011). The centrality of party politics and the failing of participatory structures at times lead to clientelist relationships between community leaders and the ruling party politicians, assisted by the ANC's dominance in both state and community through its alliance and influence with civil

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<sup>3</sup> See also Chapter 4 on participation on the back of privilege.



society organisations (Piper & Von Lieres, 2016). This makes it possible for the ANC to 'ground itself as leaders of most poor, black settlements across the country, thus further entrenching the dominance of the ruling party over civil society at the most local level' (Piper & Von Lieres, 2016, p.323).

Key here are both the ideology of liberation nationalism that privileges the ANC and its allies as the champion of the oppressed black majority, as well as the privileged access granted by the ANC state to its allies in community and civil society formations. The unparalleled organizational reach of the ANC and its allies enables the extension of the clientelistic logic of the party-state to party-society across the country. This fact, plus the demand by the state (and its partnering) for community leaders to legitimate the projects of the developmental state, means that it is common to find networks of ANC-aligned local leaders positioning themselves between the state and various development projects in most poor, black residential areas. [...] This shift of emphasis in the role of the state from coercion to well-being points to the growing importance for the poor majority of accessing the state for key resources. Notably, the participation of community leaders in clientelistic politics, and, in some cases, even the demand for it from below, reinforces the practice of rent seeking off the state at higher levels by coalitions of politicians and business people. (Piper & Von Lieres, 2016, p.323)

Piper & Von Lieres (2016, p.323) claim that a lot of conflict for office is based on competition between rival 'rent-seeking coalitions' within the ANC, or between rent-seekers and 'contributors', and this leads to instances of 'popular mobilization by community leaders interested in keeping their patrons in office'. These political clientelist relationships and how they can be camouflaged as genuine public participation are further explored in Chapters 4, 6, 7 and 8. Still, Bénit-Gbaffou (2015, p.2) warns against participation being depoliticised by organisations like the World Bank and others who present it as a 'mere technical exercise'. She understands that party politics are as much as important in local government as they are in regional and national government and views it as a gap in participation literature that participation is practically and theoretically disconnected from other political processes at play in low-income groups in society (Bénit-Gbaffou, 2015). She studied local party dynamics and their influence in urban governance and local

democracy. However, she falls short of investigating the link between local party practices and the national and provincial strategies of a governing party like the African National Congress through exploring policies and discussion documents relating to participation. It is important to understand the nature of the ANC statecraft and how it uses scale of government to its benefit as these are important to understanding party politics and their impact in local participatory governance. This study fills that gap in that it seeks to establish whether these practices at the municipal level can be linked to policies of the governing party or whether the ANC invests in discouraging some of them.

## **Conclusion**

There is a renewed emphasis on public participation in governance. This is to a large extent promoted by multilateral organisations like the World Bank. A discussion about what is meant by public participation and what it means to have achieved it is still raging and there is no singular framework of analyses that is accepted by all. Different studies evaluate public participation spaces looking for different things. The conceptual framework of this study is one that deals with the invited/ invented spaces of participation dichotomy. The analysis of the invited space, in this study, is organised around the *democratic goods*/ qualities of inclusiveness, popular control, considered judgement and transparency as identified by Smith (2009). These four goods are used to test the democratic quality of ward committees and the process of participation in the IDP.

There is literature that claims that there are challenges in the way these invited spaces are functioning. Concerns are related to their politicisation and lack of independence and how that affects them in fulfilling their stated objectives of being vehicles for the community to access and participate in local government. With all the possible challenges they are the recognised and legislated structures and cannot be ignored.

A gap in the literature is in that there is a scarcity of research that has been carried out in the Global South using these four democratic qualities/ goods to measure participatory spaces, whether invented or invited. This study also fills the gap in

linking participatory governance to not only other local political processes but also trying to understand whether these are an outcome of national party politics.

### **Chapter 3: Research methodology**

This research is about participatory governance in South African local government and addresses the research questions that are covered in Chapter 1. It follows the interpretive social research approach that is historically associated with qualitative research (Babbie and Mouton, 2001, Neuman, 2014). It is qualitative as it attempts to understand the nature of social reality through people's narrated accounts of their subjectively constructed processes and meanings, as opposed to the measurement of quantity, frequency and distribution across a given population (Babbie et al, 2001). It is an inquiry process of understanding participatory governance in South African local government, based on building a complex, holistic picture, formed with words reporting detailed views of informants, and conducted in a natural setting (Neuman 2014). The utilization of qualitative research methods in this study is important because it provides access to the lived reality of individuals, facilitating the exploration of people's internal construction of their personal world-view and it provides information-richness (Connell, Lynch and Waring, 2001, Babbie et al, 2001). The people themselves, whether from the ANC, state or just community members and leaders shared their experiences and views on the research's subject matter.

#### **3.1. Research Design**

This research is a case study that concentrates on five municipalities in one region of South Africa, the Boland, as specific units of analysis and uses a variety of data collection procedures (Yin, 2014, Miller and Salkind, 2002). Boland was chosen for practical and pragmatic reasons as it was accessible and familiar to the researcher. It is not that different from other regions in South Africa. Settlements in South Africa are still largely shaped along racial lines, although there are no longer laws that enforce segregation (See Chapter 5). The municipalities that these settlement areas are part of are multi-racial. In these municipalities the ANC dominates in the African townships but struggle in the Coloured areas and is weak and almost non-existence in the areas that are still largely White. This has proven to be the case throughout the country. Where the Boland is different is that it is in a province where there are more Coloured areas than in other Provinces and therefore the majority of people

are from this community. Nonetheless, the 2016 local government elections proved that the ANC can lose or gain municipalities in any part of the country. This is not so when one deals with national and provincial government where the ANC dominance remains absolute.

The researcher is conscious of what is regarded as limitations of the case study method in that its results cannot be generalised and its data collection and analysis tend to consume a lot of time (Mouton, 2001). Case studies can, however, provide valuable insights, even though they do not give generalised statistical data. They provide the kind of detail and contextually rich data that can assist in the development of theory (Connell et al, 2001, Moses and Knutsen, 2007, Neuman, 2014). In this research it is possible, in more detail, to explore participatory governance in this one country, South Africa. This is an instrumental case study as what is studied through this case is the nature of community participation in South Africa and issues that are related to it (Miller et al, 2002). It is possible to draw valuable lessons from one country which can enrich our understanding of participatory governance in other similar countries, without necessarily ignoring their uniqueness.

The emphasis of this research is on developing and building inductively based new interpretations and theories (Babbie et al, 2001, Moses et al, 2007). The focus is on the expansion of knowledge and on shedding more light on this new area of participatory governance in the local government of a multi-ethnic country with a recent history of racial segregation.

### **3.2. Data collection**

A variety of data collection techniques were used and were triangulated, therefore increasing validity and the strength of findings of the research (Connell et al, 2001).

#### *Sampling.*

The research follows a purposeful sampling logic as the case is selected because it is information rich and offers useful manifestations of the phenomenon of interest.

Sampling was aimed at developing insight into the phenomenon of participatory spaces in the South African local government. It solicited views from experts, ANC politicians, government officials and community representatives. It followed purposive sampling as people that can add useful information about the purposes of the study were sought and interviewed. All the selected municipalities have been governed by the ANC at some point as the research is about participatory governance policy and practices in South Africa and that party's approach to it. These municipalities are all in the Winelands district / Boland region and they are the Cape Winelands District Municipality and the four local municipalities in that district, the Drakenstein, Stellenbosch, Witzenberg and Langeberg local municipalities. Access to these municipalities was also a consideration in selecting them.

### *Interviews*

Semi-structured interviews were conducted as they fit into this study's research approach that requires information about the participants' views and are also useful in providing information to supplement other data collection methods (Connell et al, 2001, Neuman, 2014). These interviews were also used because they gather responses that are rich and informative (Babbie et al, 2001, Koshy, 2005). In this kind of interview, the person interviewed is free to voice their own concerns, and to share in directing the flow of the conversation (Babbie et al, 2001). Note taking was used only as a secondary method of recording. All participants were recorded and they spoke freely. One interview was conducted telephonically and it was recorded. All the other interviews were held in homes and places of work (offices and boardrooms) of the interviewees. Interview themes were developed to guide questions and interaction with participants, and they were linked with the objectives of the study and sought to answer the study's research questions.

Throughout the Boland region/ Cape Winelands district forty-five participants who represent what is accepted, in South Africa, as the three legs of a local government system were interviewed. These are the politicians, municipal officials and community members. Some of the interviewed people held positions in the ANC as an organisation and in the state as politicians or as municipal staff. Some of them held different positions at different times and this contributed to their usefulness in

reflecting on their experience at different times. With that in mind, the local government participants were made up of current and previous councillors of varying seniority, including mayors, speakers of council, mayoral committee members and ordinary councillors. These came up to seventeen. Five current and former senior municipal officials and those that are linked to the community participation process after 1994 were also interviewed. These were heads of departments and employees within the IDP and public participation units of municipalities in the Cape Winelands district (Boland region) and local municipalities. Sixteen community members with experience of participating in ward committees were also interviewed, without consideration of party-political support. Representatives of organised civil society organisations, like the Stellenbosch Ratepayers Association (SRA), Mbekweni Backyard Dwellers and the South African National Civic Association (SANCO), were also interviewed as these are affected by local government business and are active, as organised groupings, in either invited or invented spaces of participation. There were also participants from the national and provincial government. This included a former national minister who, at one point, was a deputy minister for local government. This is a person who has the experience of serving in the ANC sub-committee on Governance as it deals, among others, with local government.

Eighteen ANC leaders from branch (local), regional, provincial and national levels were also interviewed and many of these can also be accounted for in other categories of interviewees like local and district councillors and also that of being a member of parliament. Only two of these ANC leaders never served as public representatives in any sphere of government. As mentioned above, some of the interviewed people fit into more than one of the categories of interviewees a local or regional leader of the ANC could also be a municipal councillor. In total, there were forty-five people in the entire Boland region/ Cape Winelands district, the Western Cape Province and the national ANC and government that were interviewed. A table of all the interviewees is attached as Annexure 1.

### *Documentary Evidence*

The importance of secondary data is that it assists as "signs" that are left behind by the organisational life and cultures that have produced it (Corbetta 2003, p.287).

Written material relating to participatory governance in South Africa was sourced and scrutinized. This included official documents like communication and submission by ANC individuals and structures, public representatives, municipal officials and civil society participants. The ANC's policies, discussion documents, conference resolutions, and other relevant documents were also sourced and analysed, mainly, from the party's website and from party leaders who were in possession of these. Some information about municipalities was also found on different websites. Reports from government, the ANC and those from civil society organisations that deal with the subject of participatory spaces, also, proved useful. This data was collected and analysed alongside the data that emanated from the interviews and, in some cases, it provided context for the interviews. It also assisted in comparing what is claimed in the interviews to what is documented (Koshy, 2005).

### **3.3. Data analysis**

Initial data analysis continued throughout the fieldwork and ensued in earnest at the end of it. This involved creating categories and assigning them. The reading done as part of the literature review played a significant role in the analyses of the collected data as it allowed for the development of themes. These themes were also influenced by the data itself through a process of open coding. As reading through the data took place what was relevant to the different themes was also categorized underneath each theme.

#### *Interviews*

After each interview the recording was transcribed and notes were written. These notes had to be correctly captured as they were to be used to map the course of the conversation as well as produce a coherent picture of the obtained information (Mouton, 2001, Stanziola and Schmitz, 2003). Themes that emerged through this preliminary analysis were taken note of. Further analysis of the data from the interviews was done at the end of the data collection process. This post analysis focused on the objectives and research questions of the study (Stanziola and Schmitz 2003), as set out in Chapter 1.



### *Secondary/ documentary data analysis*

The objective of the research and research questions were uppermost in the researcher's mind in analysing all the data that was gathered, including, the secondary data. The case record was organised for ready access thematically and according to the type of participants. There was a preliminary analysis of data whilst collection was going on. This assisted in identifying gaps in the data that is collected and lead to more collection. Authenticity, credibility, and the contribution of the document to addressing research questions were considered when evaluating the quality of the evidence (Connell et al, 2001). The themes that were developed to assist in the process of selecting the documents and that of preliminary analysis were further disaggregated as part of axial coding. Relevant data was then placed under these disaggregated themes. The secondary data analysis results were considered together with the results of the interviews when the research report was written.

### **Ethical considerations**

Ethical concerns are directly related to the research questions and data collection techniques (Neuman, 2014). In conducting this study informed consent of those involved was sought as it is paramount and cannot be compromised (Punch, 1998, Neuman, 2014). The participants were informed that they had a choice in as far as their participation is concerned. They could decide whether they wanted to participate or not and those who consented to participate were presented with a consent form that they signed. Honesty and openness about the study, its purpose and possible risks to the potential participants were viewed as important and they were adhered to (Punch, 1998, Neuman 2014). These were thoroughly explained to potential participants of this study at the beginning before they could consent to be part of this process. They were reiterated whenever a need arose. It is also important that possible effects of the research on participants be considered as there is an ethical responsibility not to harm participants (Babbie et al, 2001, Neuman, 2014). Some of these people had no problem with having their opinions attributed to them.

This would not harm their livelihood and career progression as they were no longer 'deployed' by the governing party or, even, working in government. Some senior participants, like the former Minister of Communications, Yunus Carrim, had published their views on local government before and were quite comfortable to have quotations attributed to them. In other cases, although there was no likelihood of physical danger to the participants in the process of conducting this study, participants could have been concerned that their careers might be jeopardised and so care was taken not to expose them to such harm. These participants had to be assured that their anonymity would be ensured and their privacy not violated. This was achieved after a discussion with them about the best way of dealing with their identities with the aim of reaching a solution that does not compromise them and/or the study in any way. Codes and generalised references to people were used.

To understand the seriousness of the risk to people's careers one has to consider that the ANC has a history of isolating those of its members who speak out of turn (Mckinley, 2001, Butler, 2005). The attempts at a solution that ensures anonymity had to carefully consider measures that were taken during the collection, storage and recording and possible publication of the data. During the collection of the data this researcher ensured that suitable venues were found for the interview in consultation with the participants. It was ensured that people who might cause the participant to be uncomfortable were not near those venues. The use of a recording device in the interview was negotiated with the participant as the use of technology like audio recorders can cause complications when people are not comfortable with having their views directly attributed to them. The researcher endeavoured to convince this kind of participant that he would take care that the data is not accessed by people who could use it to cause harm. Because of the sensitivity of the situation this researcher personally transcribed the interviews after all the participants agreed for the interviews to be recorded.

To be able to use titles, the researcher made sure that there was, where possible, more than one person who fitted a particular title. There was, for example, more than one former mayor and this made it less risky to cite a view and reference it as being from one of them.

Although researchers, sometimes, run a risk of being harmed, there was, however, no likelihood of harm that can befall the researcher in this case as he was conducting research in an environment that he is familiar with. The interviews were held in offices or private homes, one was held at a university. Still the researcher ensured that there was another person who knew where he was going every time as to alert authorities if he does not come back in time. The documentary evidence was sourced in offices, libraries and on the internet. Some of it, like private meetings minutes and reports, was emailed to the researcher. This limited possible physical harm to the researcher.

## **Chapter 4: The ANC's Relationship with Invited and Invented Participatory Spaces.**

This chapter examines the character and development of the African National Congress (ANC), its overall governance strategy and use of scalar practices throughout its years in power. The party's relationship and approach to both invited and invented spaces of participation is also discussed by looking at relevant occurrences and internal discussions. These events paint a picture of an organisation that, historically, has been prepared to subordinate internal democracy and the participation of its members to other considerations that are linked to the organisation's survival.

This chapter also analyses what drives that organisation as it discusses its character as a movement and also the national democratic revolution. ANC policy documents on participatory governance especially after its unbanning and as a party in government are also analysed in this chapter. It goes further to examine debates that reveal unity and contestation within the ANC movement about public participation. The first thing to note is that the story of democracy within the ANC is not linear; it is more nuanced than others, such as Ellis et al (1992) believe. This chapter shows that there is not always agreement on what the ANC government does even within itself (as a movement) and among its allies. The lack of ideological cohesion within the ANC and its allied structures contributes to internal contradictions that not only affect its response to both invited and invented participatory spaces but is evident throughout the history of the ANC with regard to other things also. All this discussion is wrapped up by revealing that regardless of such disagreements and internal battles, the movement disciplines during elections and this ensures its continual electoral success. All factions of the ANC movement are united on wanting to preserve the dominance and hegemony of the ANC as they all believe in the successful realisation and fulfilment of the National Democratic Revolution, whether as means to an end or an end in itself, and also keeping the ANC in power. A leading ANC intellectual and NEC member, amidst the factional fights before the 2017 conference expressed the need to keep the ANC in power by saying 'there is nothing more career-limiting than losing an election!' (Netshitenzhe, 2017). This is examined further in Chapters 6, 7 and 8.

#### **4.1 The ANC and the Culture of Participation**

It is not conceivable that a party that is not democratic can promote participation and South Africa cannot consolidate its democracy if major political parties do not exercise internal democracy (Lotshwalo, 2009). The ANC is currently the largest political party in South Africa and it is the governing party and thus has a huge responsibility to promote democracy and its internal character is, hence, important for democracy and has to be studied and reflected upon (Suttner, 2005). The importance of examining the ANC's attitude towards democracy and its tolerance to independent participation in its historical development is underpinned by the belief that a party cannot be expected to bequeath to a country that it governs characteristics that it does not possess.

The ANC was formed by the educated African elite who invited and included the traditional chiefs in 1912 and its main aim was the inclusion of Africans in government. In its early life the organisation believed in invited spaces of participation as it focused on appeals and deputations to government and the English royals. It also took part in some government-created forums. The ANC also maintained the culture of holding annual conferences of members up until the party was banned in 1961. This was a sign of valuing the participation and contribution of members to the life and direction of the organisation. A criticism is that this nationalist organisation that spoke on behalf of all Africans believed that the educated elite and the traditional chiefs' opinion sufficiently represented all Africans (Walshe, 1970, p.40). It is only after the defiance campaign of 1952 that the ANC became a mass organisation. This defiance campaign became a turning point and saw the ANC rejecting invited spaces and increasingly opted for invented spaces of participation. It did not only engage in protest participation but encouraged its members of not limiting their citizenship practice to ways that are approved by the apartheid government.

Throughout its history, the ANC believed that it was the legitimate voice of African people. It accepted members who would not agree on everything except the fundamental point of the political freedom of the African. It accepted and worked with fraternal organisations of other national groups and developed the character of a

movement that forged strong working relationships with labour and other civil society formations.

In its annual conference of 1956, the ANC ratified a progressive document known as the Freedom Charter and formally adopted it as its blueprint and vision for a liberated South Africa (Ellis and Sechaba, 1992). The process of compiling the Freedom Charter itself was a practice in participatory democracy as volunteers from the ANC and its fraternal organisations went throughout the country to ask people about their vision of a free South Africa and millions participated and the Freedom Charter came to being (Meli, 1988, Holland 1990).

Part of the preamble stated that 'only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief'. It stated that South Africa belongs to all who live in it, black and white and its language was inclusive of all South Africans. The Freedom Charter's understanding of 'the people' and 'all' was one that was 'unifying, broadening and bringing together, in opposition to the divisions of apartheid' (Suttner, 2005, p.11). Among the ten clauses of the Freedom Charter that its adherents pledged to strive and fight for 'sparing neither strength nor courage' was the one declaring that *the people shall govern!*

Since the adoption of the Freedom Charter and especially after the banning of the ANC, it became difficult to find a document of the organisation that adds substantially to the vision of a non-racial and democratic South Africa. From 1955 up until the 1990s, the Freedom Charter continued to be a reference point whenever the ANC spoke of its vision for South Africa. Many later ANC documents and conference resolutions emphasised the need to end racial discrimination and also on developing strategies of how to take power. There is no document that delves deeply into the type of democracy that the ANC would want to see after it takes power, except that it must be void of racial and gender discrimination. The ANC documents did not even deal with the local state. It was only after its unbanning in 1990 that the ANC started to articulate a stance on participatory democracy and this was due to the influence of its internal allies. By this time it was viewed as a government in waiting. So, after the adoption of the Freedom Charter, there was little explicit policy developed on participation within the ANC prior to 1990.

Within the ANC itself, the impressive record of annual meetings for members was curtailed by its banning in 1961. From that stage onwards all the conferences that the ANC held were outside of the country and they were forced by one or other crises. For example, the Lobatse conference in Botswana of 1962 was occasioned by the banning of the ANC in South Africa (Meli 1988). The Morogoro Conference (Tanzania) took place after some cadres, led by Chris Hani, wrote a scathing letter against the behaviour of the leadership in exile, after an unsuccessful military campaign to open a way through Rhodesia to South Africa failed (Ellis et al 1992; Macmillan, 2009).

The Kabwe Consultative conference (Zambia) was held in 1985 after a mutiny that previously took place in the ANC military wing's camps in Angola. Among the mutineers' demands was that the ANC convene a conference to discuss the direction of the liberation struggle (Manong, 2015). The brutality of the ANC's security organ, Mbokodo, and its role in limiting internal democracy was also alleged (Ellis et al 1992, Manong, 2015). There is a potential danger to a country's democracy when people who have such a tendency of silencing differing voices take up senior state positions.

Regardless of not holding regular conferences, the ANC held general meetings in its camps (Macmillan, 2009) and these meetings were initially frank and encouraged independent thinking but they were later turned into sessions where members' contribution was scrutinised by security personnel in an attempt to weed out 'agent-provocateurs'. Political persuasion through discussions in ANC camps was replaced by punishment (Manong, 2015). This led to a culture of policing thoughts and fear of punishment stifled free discussion within some ANC camps as, at times, people who expressed dissent were labelled as security threats (Greene, 2014). This occurred in a situation where the ANC was operating in a hostile environment and had as its models the authoritarian African state who were its hosts and the Stalinist Eastern European regimes who were the backers of its armed struggle (Saul, 2005).

Many cadres 'formed by this experience were, on their return from exile, at least as likely to be drawn (even if "for the very best reasons") towards top-down, hierarchical modes of change management in which the populace is directed, disciplined, "mobilized" as they were towards the rather messier

business of helping facilitate more direct and unmediated expressions of popular energies and class demands. (Saul, 2005, p.180)

Therefore, the ANC that came from exile to govern South Africa had these influences and in its diverse ranks there were security personnel who were suspicious and intolerant to the expression of certain views. It also had rank and file members who had the experience of being punished for freely expressing themselves. This has implications for local democracy, especially, when the dominant party in the country is more concerned with maintaining stability than allowing a free contest of ideas within itself.

Organisations that value self-preservation to the extent of suppressing individual thought as the above incidences in the history of the ANC show might not be the best organisation to promote and sustain a culture of participation in government, including local government. This is, as mentioned above, because an organisation cannot be expected to bequeath to a society characteristics that it does not have (Suttner, 2005, Lotshwalo, 2009), still where changes in policy and practice emerge these have to be acknowledged as in the case of the ANC coming to a point of ultimately accepting and championing feminism and tolerance for homosexuality. There is evidence that the ANC of the 1980s valued maintaining hegemony more than open debate for its rank and file members. Still, the conditions of the time should be taken into consideration in the analysis of ANC practices, including, the importance of unity and discipline in waging a successful liberation struggle.

In pursuance of maintaining hegemony, unity and organizational discipline, the ANC had to expel members for various reasons. The most senior leaders to be expelled were those that were later known as the Group of Eight. Their expulsion happened in 1975 but the issues that led to their expulsion related to policy disagreements about opening ANC membership to all South Africans at the Morogoro conference of 1969 (Macmillan 2009).

Another group that was expelled, in 1979, was made up of mainly Trotskyists members of the ANC who referred to themselves as the Marxist Workerist Tendency (MWT) of the ANC (Legassick, 2008). In the case of the MWT what was seen as ill-discipline can be understood to be linked to ideological differences with the Marxist-Leninist South African Communist Party (SACP). The SACP did not tolerate any



other brand of Marxism and was content with being the theoreticians within the ANC circles. The significance of this for participation politics is that there was intolerance of any thinking that was not in line with the dominant faction. Some of these people ended up in government when the ANC took power. A question that is interesting in line with this research is whether being in government makes people more tolerant of local democracy and the opening up of participation spaces even for those they view as ideological opponents and whether they have changed their minds, on this, over time.

Another important aspect relates to the history of the ANC's adoption of policies that it does not strictly enforce. The lack of implementation led to members of the security department enjoying unfettered authority and they abused it to close the space for participation as they could detain and torture anyone for anything they deemed suspicious and they sometimes used this to 'eliminate known critics of the ANC leadership' (Ellis et al, 1992). All this happened in an organisation that was the 'first non-state organization to declare that it would adhere to the Geneva conventions' of 1949 and Protocol 1 of 1977 that had, among others, forbidden torture in a war situation (Greene, 2014, p.146). This was another example of ANC cadres' actions running contrary to the officially declared organization's policy or commitments. This observation is a thread that runs through this study about the ANC as a national liberation movement and as a party of government.

A review of a number of incidents in the history of the ANC reveal a continuation of the thread that seems to be running through the history of the organisation in exile, that democracy and participation can be subordinated to interests that are linked to the survival of the organisation. If the ANC has not ditched such attitudes now that it is in charge of a state this will not sustain the development of democracy in South Africa. Unlike in national government where the ANC is very dominant, in the local government areas there are still strong pockets of people with anti-ANC sentiments. The South African constitution protects the rights of everyone, including those who disagree with the governing party. The ANC government is constitutionally bound to allow democratic participation and outcome even if it does not conform to its expectations.

In 1989, while it was still banned, the ANC released, for discussion, a document called 'The Constitutional Guidelines for a Democratic South Africa'. In that document, it outlined what it believes should be in the constitution of a democratic South Africa as it anticipated negotiations. The guidelines did not put emphasis on a kind of democracy that allows for more participation than elections by the country's citizens (ANC, 1989). It stated, among others, that South Africa will be an independent, unitary, non-racial and a democratic country. It promises a Bill of Rights and political rights and freedoms that were later to be written in the South African constitution, like the right of association, freedom of religion and freedom of the press. It should be borne in mind that at this point, the ANC had realised that there is a likelihood of a negotiated settlement in South Africa and the document was the last position that the organisation released while it was banned and it did not really address itself to the local state. Local government is not mentioned in the document.

In 1990 the ANC was unbanned and it came back into a country where internal resistance to apartheid was still high. It merged and took over the internal civil society umbrella organisations that were close to it, like the United Democratic Front (UDF) and the Mass Democratic Movement (MDM). The United Democratic Front was formed in 1983 to oppose the Tricameral Parliament. It brought together and became an umbrella body to hundreds of diverse civil society organisations that included civic, political, sport and religious organisations (Ellis et al, 1992, O'Meara 1996). It adopted the Freedom Charter that was viewed as an ANC blueprint for a free South Africa. It was structures under the UDF that put into operation the ANC's call for South Africa to be made ungovernable in 1985 and they ensured that the entire country is part of the resistance (O'Meara 1996). UDF structures invented spaces of citizenship practice, protest and participation for the majority that had neither political, human nor socio-economic rights in South Africa. Many strategies and tactics of invented and protest participation that are employed in today's South Africa come from that period of the UDF's activism as they were employed by local activists. To emphasize the link with the insurgent and invented spaces of participation during the struggle against apartheid, some CSOs and local activists cite these words that are attributed to Nelson Mandela, when addressing COSATU congress in 1993, that "if the ANC government does to you what the Apartheid

government did to you, then you must do to the ANC what you did to the Apartheid government” (Abahlali Basemjondolo website, na). This also challenges the ANC government to see if it will respond to these invented spaces the way the apartheid government responded to those that were driven under the umbrella of the UDF as the UDF was banned in 1988 along with seventeen other organisations (O’meara, 1996).

The UDF believed in participatory democracy and accommodated the many strands of thinking within it and there were regular meetings and conferences (Seekings, 2000). It believed in modelling, through its character and operations, the democracy that it was fighting to establish in South Africa. This was expressed by its then publicity secretary, Murphy Morobe:

A democratic South Africa will not be fashioned only after transference of political power to the majority has taken place, nor will it be drawn up according to blueprints and plans that are the products of conferences and seminars. The creation of a democratic South Africa can only become a reality with the participation [...] Our democratic aim... is control over every aspect of our lives, and not just the right (as important as it is) to vote for a central government every four or five years. ...When we say that the people shall govern, we mean at all levels and in all spheres, and we demand that there be real, effective control on a daily basis. (Murphy Morobe 1987, cited in Suttner, 2005, p.64)

This is the culture that the UDF carried into the ANC when it agreed to stop operating as an organisation and became part of the ANC after both organisations were unbanned in 1990. Throughout its operations, the UDF encouraged discussion and participation by members and affiliated organisations on the direction of the struggle. There are, however, instances that suggest that this tolerance to participation might have not been easily afforded to those who were outside of these structures in pursuance of hegemony (Seekings, 2000). There were, at times, feuds between supporters of the UDF and those of other organisations who were also anti-apartheid. There were internecine battles between UDF supporters and those of the Azanian People’s Organisation (AZAPO) throughout the country. In Paarl, in the Boland region, such fights took place between UDF and Pan Africanist Congress

(PAC) supporters. Sometimes there would not be actual fights but in the interest of wanting to establish hegemony, activists of other organisations would be isolated (Suttner, 2005). This does not bode well for public participation. The ANC that came back from exile has a history of not respecting those who participate in its invited spaces. Its most participatory wing, the internal groupings, have proven to encourage internal participation but are suspicious, to the extent of being intolerant, to independent initiatives that fit the definition of invented spaces of participation.

#### **4.2. The ANC in Government and the National Democratic Revolution**

The ANC has considered itself as not only waging a struggle against apartheid but also against what it defined as a system of 'Colonialism of a Special Type'. This denotes a system where the colonised and the coloniser has made a home in the same country with no metropolitan home for the coloniser to go back to. The ANC viewed this as some kind of internal colonialism that was based on:

Three interrelated antagonistic contradictions: class, race and patriarchal relations of power. These antagonisms found expression in national oppression based on race; class super-exploitation directed against Black workers on the basis of race; and triple oppression of the mass of women based on their race, their class and their gender. (ANC, 2007)

The ANC's struggle to address this has been based on and directed by what it calls the National Democratic Revolution (NDR). The NDR's strategic objective is the 'creation of a non-racial, non-sexist, democratic, united and prosperous society based on the vision of the Freedom Charter' (ANC, 2005). Its success would be in achieving a national democratic society and the creation of a 'legitimate state which derives its authority from the people' (ANC, 2007). This state is defined in contrary terms to what was the apartheid state that the ANC understood as being an instrument of enforcing racial discrimination, minority rule, repression, and an exploitative alliance with capital (ANC, 1996). It has to champion the aspirations of the majority that was previously disadvantaged by racist undemocratic rule. The primary task that the ANC gives this state is that of emancipating the black majority, the working people, the urban poor, the rural poor, the women, the youth and the

disabled (ANC, 1996). It has to advance their basic aspirations until they 'assume the status of hegemony which informs and guides policy and practice of all the institutions of government and state'(ANC, 1996). It then goes on to add that other South Africans who are not necessarily part of the majority that is mentioned above should also be served by the state and this is captured in the country's 1996 constitution whose preamble declares, in line with the Freedom Charter (1955), that South Africa belongs to all who live in it. To accommodate everyone and decentralise, the ANC, although it was against autonomous federal provinces, advocated 'powerful, though not fully autonomous, metropolitan local government authorities' (Piccard and Mogale, 2015, p.157). It did not see strong local authorities as impeding the achievement of the NDR vision that informs the organisation's overall governance strategy and use of scalar practices. An analysis of the ANC approach to state power has to start with the expectation that all arms of the state are expected to pull together and develop policies that help the country to achieve the NDR. In 2012 the ANC government developed a comprehensive plan that is meant to guide the work of the state, the *National Development Plan* (NDP) that is colloquially known as *Plan 2030* as it sets out what should be achieved in all areas and levels of the state by the year 2030. Chapter 5 gives more details on the NDP.

The ANC still views itself as a national liberation movement and the leader of a broad national democratic movement that is charged with achieving the NDR's strategic objective and an establishment of a democratic state (ANC, 1996). This defines the very 'nature and character' of the African National Congress (ANC, 1996, para 1.2). At some point, the national broad movement that the ANC considered itself as leading was understood to mean anyone and everyone who was guided by the vision of the Freedom Charter in their execution of the struggle against apartheid. This included those who believe in achieving only a national democracy and those who believed in a socialist society (ANC, 1996). Those ANC members and allies, like the South African Communist Party (SACP), who believe in socialism convinced themselves to pursue a two-stage theory that allows the nationalist ANC to lead the first stage towards the achievement of a national democratic society and the socialists later pursue the advancement to a socialist society. There is currently a debate about the wisdom of this thinking from those on the left of the ANC as some argue that the majority of the national leadership of the ANC are from the black

middle-class, for whose aspirations, the attainment of the first stage of the revolution, the National Democratic Revolution and not socialism is sufficient (Saul, 2005).

The ANC is a national liberation movement that believes that it has a responsibility of developing and implementing an overall governance strategy that will lead to a victorious achievement of the National Democratic Revolution and, in this sense, being in power is merely a new terrain for the advancement of the NDR (ANC, 2007). This objective is central to the ANC's attitude to state power. The ANC is not an Anarchist party that believes in smashing the state and it is not a Marxist party, like its SACP ally that believes in taking over the state for the purpose of using it to advance interests of only one class. It believes in gaining access to state power through elections and use that to reverse the effect of many years of colonialism and apartheid and bring about the society that is envisaged in the NDR. Walter Sisulu, at one point the ANC's deputy president explained that the organisation wants to get its 'hands on the levers of government quickly so that we can start the ball rolling in our project to establish a non-racial, non-sexist and democratic South Africa' (cited in Nqakula, 2017, p.283). The ANC believed that these objectives could be achieved by a people's state that is inclusive, although the party has always declared that it is pro-poor.

This ongoing march to a national democratic society calls for the continuation of the marshalling of forces and leading the entire society towards that goal. This is understood to require that the ANC must have hegemony over society. A centrally-controlled deployment of ANC cadres throughout society helps it to build hegemony (Booyesen, 2011).

In order for it to exercise its vanguard role, the ANC puts a high premium on the involvement of its cadres in all centres of power. This includes the presence of ANC members and supporters in state institutions. It includes activism in the mass terrain of which structures of civil society are part. It includes the involvement of cadres in the intellectual and ideological terrain to help shape the value systems of society. This requires a cadre policy that encourages creativity in thought and in practice and eschews rigid dogma. In this regard, the ANC has a responsibility to promote progressive traditions within the intellectual community, including institutions such as universities

and the media. Playing a vanguard role also means the presence of members and supporters of the ANC in business, the better to reshape production relations in line with the outlook of a national democratic society. (ANC, 2007, para 127)

Dissent is therefore not encouraged in such situations and ANC members and allies are expected to toe the party line for the sake of the national democratic revolution (McKinley, 2001). The enforced discipline and show of unity of the struggle days is expected even when the ANC is in power and it is justified by the argument that the NDR is not yet achieved. Criticism and debate are only allowed within the structures of the ANC alliance and those who are deemed to be less loyal are castigated and side-lined (McKinley, 2001, Butler, 2005). One of the ANC and South African Communist Party leaders who was dealt with in this way was the SACP Deputy General Secretary and ANC NEC member Jeremy Cronin after he raised criticism of the ANC direction in an interview. One of the issues he was critical about was the growing distance between the ANC in government and its constituency and he argued that the governing party was not tolerant of dissenting views and closed spaces for debate (Cronin, 2002). Cronin was castigated in an ANC National Executive Committee meeting and forced to withdraw his criticism. It should be borne in mind that Cronin was a senior leader of the ANC and second in command in the SACP. A message was effectively sent to the country that the ANC and its government should not be publicly criticised.

Critics of the ANC see such behaviour on the part of the organisation as a sign of a lack of internal democracy within the ANC and say it threatens the consolidation of democracy in South Africa (McKinley, 2001; Butler, 2005; Lotshwalo, 2009).

Pretorius (2006, p.764) argues that the ANC's preoccupation with having hegemony might signify 'government over the people rather than government by the people'.

This would, therefore, belie the ANC claim that is contained in the 1955 Freedom Charter about people governing. However, for the ANC, stability is viewed as important in order to achieve the National Democratic Revolution and thus have the society that is envisaged in the Freedom Charter. In the process, those who are seen as being against and resisting the society that is supposed to be brought about through a successful prosecution of the NDR are viewed as counter-revolutionaries. Included in this category are certain political parties who are viewed as working with

others in the society in a 'distinct counter-revolutionary front' and all these people are viewed as being bound together by a desire to resist positive change (ANC, 1995, editorial). An ANC publication about the then pending first local government elections in 1995 claimed that the previous ruling party's attempt at winning those elections was part of the counter-revolution (ANC, 1995). What makes the study more important is the schizophrenic way in which the ANC deals with local democracy. This is seen in a governance approach that is permeated by participatory considerations in all policies carried out while the governing party labels alternate visions as counter-revolution, even if they are pursued in legal ways, including elections. Participation that is preferred by the ANC as a party and as a government is one that is limited to invited spaces. This fits in with the belief that the struggle continues and it is still lead by the ANC and the public can be consulted in ways that do not disturb the overall policy trajectory that is meant to lead to a successful NDR. In such an environment there is no tolerance of invented spaces of participation as they are unpredictable and do not conform to the overall NDR thinking. This has led to those who prefer invented spaces to be labelled ultra-leftist and counter-revolutionary (Mckinley, 2004; Saul, 2005).

On their part, critics of the ANC government doubt that its actions are about the advancement of the country's interests above those of the ruling party. The use of scalar practices by the ANC has been criticised in this manner as opposition parties contend that the demarcation and reviewing of municipal boundaries are politically-motivated and conceived with the objective of making it easy for the ANC to win elections. The Democratic Alliance took the Municipal Demarcation Board to court, in 2015, to stop it from merging the only municipality it governed in Gauteng then, Midvaal, with a bigger ANC-governed municipality, Emfuleni. The Chairperson of the Federal Executive of the official opposition, the Democratic Alliance, in his founding affidavit claimed that, although the demarcation board was supposed to be independent, it was influenced by the conclusion of the ANC-led state in changing municipal boundaries.

This amalgamation will most likely harm the DA's representation in the new municipality, and boost that of the ANC. The selection of this case as a priority is thus profoundly suspicious and requires proper explanation. [...] The Board was improperly swayed by the dictates of others. In particular, the Board



relied on the information and determinations made by the Minister and the MECs [provincial level ministers known as Members of Executive Committee] that the proposed boundary changes were required. This amounted to the Board 'passing the buck ', and improperly giving up its powers to others. The Board failed to take account of the effects of each decision on the representation of political parties in each area. This was a relevant consideration, as the Board should avoid any appearance that boundary changes are designed to favour one political party. In this case, many of the changes which have been prioritised, favour the ANC and operate to the detriment of the DA. (Selfe, 2015, founding affidavit in DA v Municipal Demarcation Board and Others, 2015)

The Municipal Demarcation Board has consistently argued that it is independent and that boundaries are demarcated to create viable municipalities. Critics of the ANC argue that the demarcation board is not immune from the ANC policy of deploying its cadres into all institutions that it can influence to enhance its hegemony. While there can be bickering about the reasons for rescaling but it is a matter of fact that there have been municipal boundary changes. According to the Municipal Demarcation Board (MDA), in the period 1999/2000 the number of municipalities was reduced from 843 to 284 ([Demarcation board website, na](#)). These were further refined after the 2000 local government elections.

#### **4.3. ANC Policy Documents on Participatory Governance.**

This section emphasises that the story of democracy within the ANC is not linear but more nuanced than others believe (Ellis et al, 1992). After its unbanning, the ANC set about preparing to be the next government. The organisation focused its energies on negotiations for the new dispensation up until a date for elections was set. After it became a government in 1994, especially after the collapse of the Government of National Unity, the ANC almost singlehandedly led a process of developing policies and legislation for the country. It, therefore, becomes difficult to find party policy positions that conflict with the legislation, including that which is specific to local government, as outlined in Chapters 1, 5 and 7. This could be because the party's leading personnel become government leaders. This particular

section is, therefore, an addition to the examining of the ANC thinking as expressed through the relevant legislation on participation. This is further dealt with in Chapter 5 when analysing specific programmes that the ANC government introduced to address challenges in local government.

The ANC's overall governance strategy was not developed without interaction and possible influences from others. Suttner (2005, p.1) refers to the ANC itself as being one organisation that comprises multiple identities as a number of 'ideological, intergenerational and organisational strands came together as members after the organisation's unbanning in 1990. Those who worked with the ANC throughout the years must have also influenced the direction that the ANC took in as far as public participation is concerned. In addition to the socialist countries and the postcolonial African states there were also other international ANC allies like the Scandinavian countries and other groupings. Although foreign aid only formed 2% of the national budget in 1994, a number of countries contributed in the development of programs that were meant to support democracy (Picard and Mogale, 2015). Some of the guidelines and handbooks on IDPs and ward committees, that are referenced in this research have been developed in partnership between government departments and the German Agency for Technical Cooperation (GTZ), The ANC was initially sceptical of the Bretton Woods institutions and the pressure they put to limit countries' policy choices and, unlike many African countries, South Africa did not have to rely on the IMF's assistance (Kahn, 2000). The earliest World Bank involvement in South African policymaking is acknowledged for the 1996 macroeconomic development policy process (ibid).

In 1991 the ANC, while it was negotiating with the then government, produced the document, 'Constitutional Principles for a Democratic South Africa'. These were meant to explain the organisation's position on future South Africa. One of the things that it stated was that 'government should be based on the principle of active involvement of the people' (ANC 1991). It called for a government that encourages the development and existence of independent organs of civil society and also 'collaborate' with them 'without interfering with their autonomy' (ibid).

A year later the organisation developed a broad policy document that was called *Ready to Govern: ANC policy guidelines for a democratic South Africa* (ANC, 1992).

In that document, it committed itself to ensure popular representation and participation. It stated that under an ANC government not only will there be popular participation but also the government will be accountable and responsible to the country's citizens in a non-racial and non-sexist participatory democracy (ANC, 1992).

In 1993 the Local Government Negotiating Forum (LGNF) was established and it consisted of apartheid government officials on the one side and civil society that was led by the South African National Civic Organisation (SANCO) on the other. Political Parties were not allowed but it is likely that the ANC influenced the process through SANCO leaders who by 1993 were openly operating as both civic activists and as ANC members. The LGNF negotiations developed the basis for the post-apartheid local government and the Local Government Transition Act (1993) (Barichievy et al, 2005). This relationship later added to the narrative of African civil organisations being embedded in political parties and thus difficult to characterise as being autonomous although this link is ambiguous and not always bad as it can assist the poor to access the state (Bénit-Gbaffou, 2011; 2015).

It has to be noted that the ANC historically believed in a unitary state and entered the national negotiations to end apartheid firmly believing that there must be a strong national government and also local government. It was strongly opposed to including any elements of a federal state (ANC, 1989). It wanted to demolish the four provinces that were first developed to share South Africa between the Boers and the British. The ANC accepted that there was a need for regional administrative bodies. The agreement on legislative provinces was a last-minute compromise to get the Zulu nationalist Inkatha Freedom Party (IFP) to be part of the negotiation process and take part in the first democratic elections (Saul, 2005). For the ANC the compromise was meant to be short-lived as it was confident it would govern and reverse some of these compromises when democracy had been consolidated. So far, the organisation has taken conference resolutions to investigate the modalities of reducing the number of provinces from nine to six (ANC, 2007). It is, however, an indication of the ANC's preoccupation with matters of finding positions to deploy its cadres than implementing its policies. There is an agreement in the ANC that the number of provinces has to be reduced, in the first instance, but the party is not moving on this matter because the provinces have served as a ground to deploy

many ANC members and it, therefore, lessen the competition for national and local government positions. This is despite the fact that its 2015 General Council reemphasised the call for a reduction of the number of provinces and that a presidential commission must be set up to lead the process. That has not yet happened for the reason that I have advanced above because provinces give ANC members at that level a chance to be in the provincial executive, legislature and also government employment positions as the ANC controls 88.8% of provinces in South Africa. This is another example of scalar practices as part of the ANC's governance strategy. The ANC needs its cadres in all government institutions to maintain hegemony that allows it to pursue the NDR in the national, provincial and local state. ANC political interests of staying united or maintaining a fractious movement through, partly, of what others view as patronage is also a consideration of its use of scale. Together with the commitment to, somehow, impact the majority's socio-economic conditions, the ability to provide deployment to paying roles, whether of political or administrative nature, plays a role in the ANC's electoral victories. This deployment, for many people, makes a difference between living in poverty and being part of the middle class, as demonstrated in Chapter 6 and 7.

In 1994 the ANC and its allies, whilst preparing for the first post-apartheid elections, produced the Reconstruction and Development Programme (RDP) document. It explains how the ANC planned to govern if it was elected into power in South Africa. This document was expanding on what was envisioned in the Freedom Charter of 1955. One of the five key programmes of the RDP is that of democratising the state and society. Part of the vision under this key programme is that of democratising power. In addition to what is already stated in the background section about the RDP document, it calls for the participation of people in the process of reconstructing South Africa. These documents reveal that the ANC planned for participatory democracy in a government that it will lead. Three years into power the ANC produced a document that sought to explain its approach in the RDP. The document's title was 'The Core Values of the RDP'. One of the things that it justifies is the participatory nature of the development that is planned through the RDP. It states that the 'people-driven approach is not an attempt to avoid the responsibilities that we have for governing. But it is a recognition that being the overwhelming majority party in national government does not mean that the ANC has "all power".

Without the combination of effective government and the mobilisation of millions of South Africans, the tasks of transformation will be impossible.' (ANC, 1997). Thus, the ANC alluded to its understanding that those who are within government cannot transform it alone, but also need those who are outside of government institutions (ibid). This document was prepared for the first conference that the ANC was to have since it came into power. It was an indication that it wants the conference to endorse the people-driven way of governing. This is evidenced by another discussion document that was to be tabled in that conference that was meant to deal with the state and social transformation. In that document, the leadership of the ANC emphasised their commitment to empowering people to 'participate in the process of governance, expressed in the concepts of a people-centred society and people-driven processes of transformation' (ANC, 1996). For the ANC this indicated the 'centrality of the concept of popular and participatory democracy to the democratic movement's understanding of the functioning of a democratic state.' The party saw this as evidence of its commitment to the proclamation in the Freedom Charter that *'the people shall govern'*. It believed that it was starting the process of having the people becoming their 'own governors' (ANC, 1996).

ANC documents are clear on wanting to combine electoral democracy with the participation of the public in between elections. But it seems like there is a condition for participating and that is it must take place 'without undermining the authority and responsibilities of elected representative bodies' (ANC 1994, para.5.2.6). The ANC has clearly decided to give primacy to electoral democracy both at the national and local level. This position is an improvement on the apartheid system as it grants universal suffrage. It is also an improvement on the ANC thinking before 1990 as it adds participation to its understanding of democracy. This attitude of limiting participation to not 'undermining' elected structures is supported by Atkinson (1997) and Yáñez (2004). There is a belief that this representative democracy that is based on electoral competition provides what could be the foundation for participatory democracy when it is supplemented by 'mechanisms favouring direct participation by citizens' (Yáñez, 2004, p.819). It is in this vein that Piper (2014, p.50) argues that public participation introduces 'new decision-making procedures that 'supplement rather than replace' representative institutions. The ANC further revealed that it shares this understanding as it believes that one of the most important indicators of

the success of the struggle that it has been waging throughout the years is 'the creation of a legitimate state which derives its authority from the people, through regular elections and continuing popular participation in the processes of governance' (ANC, 2007). This claim about implementing both electoral and participatory democracy simultaneously seem to be in line with Bénit-Gbaffou's (2015) assertion that countries that democratised in the 1990s were characterized by a concurrent emergence of the two. In many developed countries, they started with a focus on representative democracy. By the 1990s the idea of participatory democracy had taken root and countries that democratised then could not ignore it and thus they had to experiment with the well-established electoral democracy and find ways to accommodate the participatory element.

Still, what is a concern is that there does not seem to be modalities in place for ensuring that the requirement for not 'undermining' of elected authorities is not defined in a way that stifles genuine participation. This is more of a concern as the defining will be done by the elected structures. Will they not develop a minimalist approach to participation in line with wanting to safeguard their interests and the power they gained through elections? This is also one question that this research is alert to.

Nonetheless, being a governing party allowed the ANC to introduce a suite of local government legislation based on its understanding of an electoral democracy that is supplemented by popular participation. It repealed apartheid laws and replaced them with laws that were meant to transform the country into one that gives equal recognition to all its citizens. It focused on translating its pro-poor stance into government policies that sought to bring a better life to its constituency of black people in general and Africans, in particular. The ANC government went further and introduced public participation requirements on almost everything that the government does in developing the people and transforming the country. Eight months into power, ANC and State President Nelson Mandela enacted the National Economic Development and Labour Council (NEDLAC) Act, in December 1994. It set up a council that was aimed at bringing government, labour, business and community organisations together to cooperate, in a problem-solving manner and negotiation. NEDLAC was meant to conduct its work in four broad areas, covering,

public finance and monetary policy; labour market policy; trade and industrial policy; and development policy.

All laws that have a bearing on the above-mentioned areas are discussed in NEDLAC before they are presented by the government for adoption in parliament. The ANC government further passed laws like the Development Facilitation Act (DFA) (1995) that is aimed at facilitating and speeding up the implementation of the reconstruction and development programmes with regard to land and it put in the requirement for the active participation of community members who are affected by land development. In providing houses to those the apartheid state excluded the ANC government passed the Housing Act (1997) that also required that the beneficiaries of those housing projects have to be meaningfully consulted in the process. Furthermore, in setting up a developmental local government system that is committed to working with citizens the ANC government introduced the White Paper on Local Government. It committed itself to maximising social development and economic growth, integrating and coordinating, democratising development, empowering and redistributing (RSA, 1998).

A number of other laws were passed and many of them emphasised that the ANC views the state as playing a developmental role and it has to play that role in a people-centric way. Commentary on the ANC efforts at governing has been that it has progressive policies but lack proper implementation of these (Ramaphosa, 2019). This has been a challenge to the ANC 's leadership of the state as it is doing reasonably well in what Ross (2007) refers to as the 'what' or objective setting element of statecraft but fails in the 'how' one and thus it struggles to achieve Bulpitt's (1986, p.21) 'necessary degree of governing competence'. This is still a challenge beside the fact that the state's strategic planning process, as outlined in National Treasury's *Framework for Strategic Plans and Annual Performance Plans* (2010), seek to ensure that planning and implementation is coordinated and monitored, at all levels in a way that is linked to national objectives and it is measurable. The state's strategic planning starts with a consideration of the ruling party's manifesto as this is the document that is the ruling party's mandate from the electorate. It is the promises that it makes to the electorate. After elections, a five-year *Medium-Term Strategic Framework* (MTSF) is developed from the ruling Party's manifesto by Government. This MTSF turns the manifesto into a Government

Program and it takes the *National Development Plan* (NDP) into account. This process is normally led from the Presidency by a unit known as the Department of Planning, Monitoring and Evaluation and the Treasury also plays a role. The MTSF has to be adopted by the cabinet. It then becomes binding on all state institutions. All government departments have got to find where they fit in that MTSF. They each develop a departmental five-year Strategic Plan. This plan is basically the Department's response to the MTSF which is, in turn, a response to the ruling Party's manifesto.

In that period of five years on an annual basis each state department has to plan on how it will achieve its Strategic Plan. It produces what is known as the *Annual Performance Plan* (APP). The APP outlines things that the department is going to do in that particular year to move towards achieving what is in the strategic plan. The APP is linked to the budget as it has to be more concrete than the Strategic Plan. Units (like HR, Finance, and so on) within the Department have got to produce operational plans that speak to the *Annual Performance Plan*. The Finance unit has got to say these are the things that we are going to do on our side to ensure the achievement of what is in the *Annual Performance Plan*. This is then monitored quarterly. Quarterly reports are produced on whether what is in the operational plans is being met because that will mean the department is in line for meeting its promises that are captured in the APP. If the APPs are achieved the departmental five-year Strategic Plan is achieved. If all Government Departments achieve on their Strategic Plans then the Government-wide *Medium-Term Strategic Framework* is achieved. If the MTSF is achieved then the ruling Party has achieved on its election manifesto promises. The reality is that this has not worked well, as the state president confirmed in an election rally.

We have the most wonderful policies that anyone can think of, but it is in implementing those policies that we are slow; we get stuck and we delay. Now, in this next term of office, leading government once again, we want to make sure that we hasten the pace of implementation – and more importantly, that we begin to see how we change our execution model. (Ramaphosa, cited in News24 of 16 February 2019)



Still, the ANC committed itself to a democracy that must not end with formal rights and periodic one person, one vote elections but the people's involvement in governance must be achieved without undermining the authority and responsibilities of elected representative bodies like the national assembly, provincial legislatures and local councils. At the local level there were reconstruction and development (RDP) forums that were set up (See Chapter 1).

### *Internal Democracy and Policy Development in the ANC and State*

There is an argument that there is a lack of internal party democracy within the ANC and efficiency and cohesion are valued more than allowing freedom in deliberations and thus there is no influence of Party policies by members as decisions are taken within the National Executive Committee (NEC) (Lotshwalo, 2009). It is true that the organisation places a premium on cohesion but it is not accurate to claim that policy decisions are taken by the national leadership, in exclusion of the general membership. The NEC of the ANC has all nine provinces represented by both provincial chairpersons and secretaries. The ANC Women's League and Youth League are also represented by their Presidents and Secretaries and so is the veteran's league. All these representatives participate fully in the deliberations and are not excluded in any decision that is being taken.

ANC branches have proven to be capable of forcing national leaders to change decisions. They make up no less than 90% of the delegates in all ANC conferences. This is inclusive of the five yearly policy conference, elective conference and the mid-term National Consultative Conference that evaluates the performance of the National Executive Committee (ANC Constitution). It was in such a conference that members forced Jacob Zuma and the NEC to rescind a decision of having Zuma stepping down from the organisation's NEC when there were possibilities of him being charged for corruption. This indicates that it is not true that ANC conference delegates do nothing but 'endorse leadership positions' (Lotshwalo, p.904). More recently, in the December 2017 national conference, branch delegates forced the leadership to adopt policies that it did not favour with regard to the nationalisation of the Reserve Bank and on expropriation of land without compensation. These are positions that the ANC has historically avoided, and they are a big departure from

the ANC's historical position. It is, however, unfair to blame those who are analysing the ANC as being outsiders as the organisation has, for a long time, maintained an image of a united force that follows the line. A debate that is allowed happens within the structures and in the true nature of democratic centralism a decision that is taken has to be defended by all, including those who differed with it behind closed doors. This is influenced by the belief that the struggle continues and it needs maximum unity to defeat counter-revolutionary forces who are viewed as being still strong and waiting for an opportunity to reverse the gains of the revolution (Mackinley, 2001). This aversion to public dissent does not mean that members do not debate issues internally. Given that the ANC have taken a number of bad decisions, with its members participating, a question that should arise because is whether broad participation always leads to good decisions.

The ANC constitution outlines the process of policy development. In April 2019, the former ANC and state president, Jacob Zuma, answered a criticism that there was policy uncertainty during his term by summarizing the process that is contained in the ANC constitution.

The [ANC] policy development process is transparent and comprehensive. Towards the five-yearly Policy Conference the policy discussion documents are sent to the branches for a thorough discussion and are also made available to the broader public for comments. The documents are extensively discussed by all the members of our movement. These discussions are undertaken at the following structures of our movement: at branch, regional, and provincial councils. This means that the delegates going to the National Conference have the benefit of the wisdom of all the active members of the organization. The resolutions of the National Conference are the basis for the development of the programme of the government of our ruling party (ANC). (Zuma, 2019)

Left critics of the ANC, some among its alliance partners, argue that there are times when it seems like the state want to usurp the policy-making role from the ANC as an organisation (Cronin, 2002; Sikwebu, 2002). Contrary to the official ANC position, Sikwebu (2002), an official in one of the trade unions that, at the time, were affiliated to the ANC aligned COSATU pointed out in 2002 that ANC branches were weak if

not non-existent and this meant that organisation is no longer dependent on working class bodies and branches to drive policy formulation. He decried the relationship between the ANC as an organisation and the state as the organisation was transforming to mirror the state and that at the centre of disagreements in the ANC-led alliance was the fact that policy formulation no longer resided in the ANC but in the state. The argument was that Ministers and bureaucrats formulated laws that were not in line with the policy that members had approved at the policy conference.

Every time this allegation is made the ANC point back to the policy development mechanism that is found in the ANC constitution and outlined by Zuma above. They argue that most of the laws are based on the conference-decided policies and are, then, initiated by the various government departments and 'after extensive deliberations', and then adopted by the Cabinet and then they get released for public comment before being finalised by the Cabinet for submission to Parliament (Zuma, 2019). This is supposed to be the process for all policies that the party introduces and implements in all tiers of government, including local government. Therefore, what can be gleaned from ANC policies on its position or attitude to participation in local government is, theoretically, not limited to that of the leadership but extends to the party faithful. This position is, however, tempered by the reality that not all state policy changes, in-between conferences have followed this route. ANC left allies like COSATU and the SACP strongly lamented what they saw as the dumping of the RDP in favour of GEAR without the involvement of ANC structures and its allies (SACP, 1997a, COSATU, 2010). The SACP wrote that it fully appreciated the pressure on the government from financial markets but still felt that it was 'not helpful to declare any policy, particularly one that has not emerged out of an effective internal consultation process, 'non-negotiable' (SACP, 1997, p.1).

### *Deployment and Disciplining of ANC Public Representatives*

ANC leaders do not have a free hand in choosing the Party's public representatives. The organisation holds what it calls list conferences at local branch level for members to nominate people that they want to be public representatives. They also chose delegates to the regional list conference and that process of distilling the list continues from the region to the province and finally to the national list conference

(ANC Constitution). However, the leadership have a right to make a final decision after the completion of all the list conferences. This stage can be used to weed out those that the leadership is not happy about, but reasons have to be provided to the membership (Mckinley, 2001). This is more so at the national and provincial level. At the local government level, it is not that easy when it comes to ward councillors as these are nominated by the communities themselves and local leaders cannot change them without good reasons. Local leaders have the final say on the party representational list in municipalities and this can be easily manipulated (See Chapters 6 and 7). Like in a number of instances that this study deals with, it is a reality that the processes that are meant to ensure the participation of the general membership in the selection of the organisation's candidates for being public representatives can and do get corrupted for nefarious reasons. A senior leader of the ANC, who had served in a number of cabinet positions, deals with this in his memoirs.

There have been many complaints across the country about how ANC processes were subverted leading to the general elections in 2009 and 2014, as well as local government polls in 2011 and 2016. The factionalists substituted members of their own groupings, who had not been selected, on the candidates' list for members whose names came through the proper process. They wanted their own people to occupy public office, and the changes had nothing to do with merit. (Nqakula, 2017, p.371)

This situation gets worse at the local government sphere. An ANC Task Team report on the manipulation of party nomination processes in the Western Cape found that 'people who were not nominated by branches were put on the list at the expense of the nominated comrades. In some cases, lists that were adopted by the Regional Lists Conferences were changed during the registration with IEC' (ANC NEC, 2018, p.2). The process that is in the policy and guidelines does get violated.

When they are elected, ANC councillors are expected to take part in party caucuses at the municipal level and to advocate for whatever decision the caucus agrees on. Councillors can debate in caucus but when a decision has been taken all councillors are expected to stick with it. This is in line with the ANC's belief in democratic centralism. However, even parties that do not claim democratic centralism behave

this way in South Africa. Sticking to a caucus position is the way to go for the ANC whether it governs the municipality or is in opposition. The party's chief whip is responsible for maintaining party discipline and ensuring that caucus positions are adhered to. A councillor cannot argue or vote against a position that has been agreed to in the caucus. Such behaviour is dealt with in the sternest of ways. Councillors have lost their positions because of defying the party position as the system is such that if one loses the membership of the party they were representing in council they lose their seat. All it takes for local leaders is to suspend the membership of a councillor and a vacancy will be declared in council. Decisions can also come from the party bosses in the region or province to the caucus. These are not meant to be discussed but to be adopted and implemented by the ANC caucus. An example of such a decision would be one that determines who the ANC caucus will elect as a mayor and as a speaker. The mayor is also instructed by the regional structure on whom to appoint as part of the mayoral committee [local cabinet].

This top-down culture when it comes to public representatives is enabled by the country's electoral system as it places the fate of these representatives in the hands of party bosses (see Chapter 7). Because individual politicians do not campaign for themselves but the party, no government ministry or municipality can be as independent as to go against policy positions of that sphere's governing party. Presidents can be recalled by the party as it happened to President Thabo Mbeki in 2008 and to President Jacob Zuma in 2018. A number of provincial premiers from different provinces have also been recalled since 1994. Provincial premiers are allowed to serve two five- year terms but many served a period that is far less than that because the ANC head office had one problem or another with regard to their term of office. Ibrahim Rasool was recalled from the premiership of the Western Cape Province by the ANC because of infighting within that provincial ANC in 2008. Sometimes premiers were not recalled in the middle of a term but were not allowed to serve a second term and this has happened in many provinces. Among these were Mosioua Lekota (Free State), Mathole Motshekga (Gauteng), Dipuo Peters (Nothern Cape), Cassius Matale (Limpopo) and the latest one was the North West's Supra Mahumapelo. The recall of Supra Mahumapelo as a premier of the North West, in 2018, has implications for participatory democracy under the ANC in South Africa. There were widespread protests that were fuelled by the demand for the

premier to resign. A number of government buildings and other property were burnt down. It is easy to sympathise with these and see them as an expression of people's will in the invented mode of participation. What was later alleged was that ANC factional infighting was behind what seemed to be a spontaneous popular uprising. This is, at times, an issue in the recalling of municipal mayors that happens a lot depending on the strength of local and regional factions. In such situations the public get used and this is not limited to *invited spaces* of participation as even *invented spaces* can be used to fight battles that are aimed at accessing power at different levels of the ANC (see Chapters 2, 6 and 7). This power opens doors to state positions.

The power of party bosses has contributed to a weakening of parliament as a body that is supposed to keep checks and balance on the executive. The parliament is divided into two houses, namely, the National Assembly (NA) and the National Council of Provinces (NCOP). The NA is made up of 400 members while the NCOP is made up of 90 representatives of the nine provinces and organised local government. The supposed representatives of the different provinces are, in reality, representatives of their national parties as they debate and vote based on party mandates. Ten seats are reserved for organised local government in the NCOP and they are taken up by the leadership of SALGA although they do not have voting rights as these are reserved for provinces.

The ANC governs eight of the nine provinces and the Democratic Alliance (DA) governs the Western Cape and these provincial representatives follow caucus positions that are similar to the ones taken by their respective parties in the NA. The ANC dominates the NCOP as it has a majority of 66.6%. Unlike the situation of different states in Germany where they are known to protect the interests of their states across party affiliations (Schneider, Pitlik, Schmid and Strotmann, 2000), in South Africa, the party mandate trumps provincial interests. The reason for this relates to the fact that Members of Parliament are chosen by their political parties and are thus responsible to the party. This is a weakness in the South African democracy and it affects all political parties. There are examples of members of parliament being removed by their parties for disagreeing with the party line in all South African political parties. There are many incidents where parties have banished their MPs away from parliament when they cross the leaders and threaten

party cohesion and discipline. This show that the current electoral system in South Africa could be a challenge to the 'consolidation of democracy in South Africa' (Lotshwalo, p.903).

In the case of the ANC, all its members from the two houses belong to the same caucus with one chief whip responsible for their overall discipline and reporting to the ANC head office. Another controversial system of the ANC, when it comes to holding the Executive to account, is that of the study groups. ANC members of parliament (MPs) from different portfolio committees of parliament form a study group that meets, discuss and prepare positions on matters that will serve before that committee. Ministers are also part of these study groups. This means that, for an example, the Minister of COGTA (local government) meets with his/her ANC parliamentary comrades who serve in that parliamentary portfolio committee, in a study group, before appearing in front of the COGTA portfolio committee. It goes without saying that these portfolio committees are dominated by the ANC MPs as they are constituted according to the rule of proportional representation. Only one out of 51 portfolio committee is not chaired by an ANC MP as the party has accepted the tradition of choosing a member of the opposition to head the Standing Committee on Public Accounts. There have been examples of ANC MPs in select committees not playing their oversight role and holding ministers to account (Lotshwalo, 2009). This renders parliament weak as a body that has to hold the executive to account.

The weakness of parliament in holding the government to account makes is more imperative to have a strong public participation system in South Africa. However, the creation of spaces to participate is not enough, on its own, to ensure effective public participation but the quality of that participation also counts. By 1997 the ANC and its alliance partners were already concerned that people were not participating in the process of transforming the country. They lamented the fact that their constituencies have largely tended to be spectators in the transformation process. They, therefore, highlighted a need for the alliance to inspire and mobilize a mass movement for transformation that would unleash people's energies in taking forward programmes which concretely improves their lives. Although they see such a movement going beyond the alliance by incorporating all key sectors and strata of the popular forces they still argue that it needs to be driven by the alliance (SACP, 1997b).

This is a public declaration by the ANC and its allies that they want to involve people in transforming the country from an apartheid state to one that is democratic and values human rights. The above statement seems to suggest that they do not want the people to just wait and be beneficiaries of the state's goodness and wisdom in as far as the direction that the country takes. What is more concerning is that this alliance wants to be the centre and the motive force of that popular participation. It does not seem like it does countenance or, even, imagine a situation of people who organise independently of the governing ANC and its allies. This kind of thinking does not lend itself to a positive approach to invented spaces of participation and it is, unfortunately, a thread that runs through how the ANC and its allies, even at the level of the state, views participation. Popular participation is encouraged as long as it can be led and controlled by ANC-related structures. Furthermore, this statement of the alliance also gives to this planned popular movement the task of openly mobilising and defending government transformation programmes that are resisted by conservative elements in the country (SACP, 1997b). This seems to want to determine the leadership of popular campaigns and also their agenda. It, again, raises concerns for invented participatory spaces as these are independently organised and place no premium in being part of or defending government programmes and systems. This also seems to be a continuation of the ANC movement attitude, displayed during the struggle against apartheid, in that it valued mass mobilization and democratic participation as long as it happened within its sphere of influence.

For effective and independent participation to take place thought should also be given to the empowerment of participants with the hope to improve the quality and effectiveness of participation. Setting up of structures may go some way but they are not enough. At an organisational level, the ANC has admitted to weak political education initiatives that are aimed at empowering its members to contribute to 'the battle of ideas' (ANC Secretary General Report, 2012, para 2.3.12). These members are representatives of the ANC at the local level, whether they are councillors or branch members outside of councils. The quality of their engagement within the ANC and also within their local communities is important to public participation. The dominance of the South African political landscape by the ANC makes it foolish to ignore the quality of input from its members as this and other challenges affect public



participation in both invited and invented spaces. What seems to be the problem is also the perversion of structures and processes within the ANC itself. Organisational reports lament a situation where branch processes are perverted by people who want to pursue certain agendas. Money is also used in this process and thus the genuine democratic will of the members does not always get expressed (ANC Secretary General Report, 2012).

These internal ANC challenges and how these affected and were influenced by running the state have been widely reported and are captured, even in the party's own documents. In the 2017 Policy conference the then secretary general, Gwede Mantashe, on behalf of the National Executive Committee (NEC) broke with the tradition of having this conference discuss only policy matters when he presented an *Organisational Diagnostic Report*. This was occasioned by internal and external criticism of the state of the organisation and also its worst performance in elections as it dipped, for the first time, way below 60% in the local government elections and lost three of the Metros it used to govern (Mantashe, 2017). For the first time, there was talk of the organisation being vulnerable to losing power as the opposition was united in forming a coalition government if the ANC failed to get an overall majority and fell to below 50% in the 2019 national elections. The 2016 local government elections have shown that opposition parties were willing to forget even stark ideological differences among themselves just to punish the ANC. Disgust at the perceived corruption of the ANC and state president, Jacob Zuma, saw a Marxist-Leninist Economic Freedom Fighter party (EFF) backing a free-market, neo-liberal Democratic Alliance (DA) to ascend to power in the Johannesburg, Tshwane and Nelson Mandela Bay Metros. This was also occasioned by the frustration of not being able to dislodge the behemoth that is the ANC from state power. Chapter 7 also reflects on this phenomenon in as far as the civil society organisations are concerned. This cooperation of political parties, in the urban metros, had the potential of pushing the ANC into being a rural party. This dire situation prompted the Secretary-General's diagnostic report. Although the report mentioned external attacks that were hoping to escalate a push for a regime change by using 'colour revolution' tactics it went further and focused on aspects that were internal to the party. In this regard, it raised issues around the behaviour of its cadres, both in party structures and in government (Mantashe, 2017, p.3).

The ANC noted the growing trust deficit between itself and the people and it attributed this to how it does things and to the behaviour of those it deploys in government. This was said to be caused by the decline in the ethics and values and also the abandonment of its traditions as a movement. All this effectively led to the organisation being perceived as being entirely corrupt. The report points to the poor quality of ANC branches and membership in general. Discipline is also noted as having rapidly collapsed and there are serious internal fights for the selfish interests of individuals that relate to access to government positions and the resources they avail.

Being in power is rapidly becoming a source of political bankruptcy, in that members of the ANC fight for deployment either as councillors, MPLs and MPs – respectively, as if there is no tomorrow. In the last Local Government Elections, infighting was a common factor everywhere - be it in the Nelson Mandela Bay Metro, Tshwane or with the political killings in KZN, or in some parts of the Eastern Cape -where our electoral support decreased.

(Mantashe, 2017, p.13)

The organisation acknowledged that these fights within its structures turn the interest of the people off, and push them away from the ANC. Still, these divisions and factional fights have become a seemingly permanent feature of the organisation as there are low levels of trust among its members. The report also pointed to a blurring of the common purpose for the organisation's members that is accompanied by a decline in the movement's ideological outlook.

#### **4.4. Coherence and Discord within the *Tripartite Alliance* about Public Participation**

The ANC as a movement has worked closely with other like-minded formations as shown above. In its exile years, it developed what is known as the *tripartite alliance* with the South African Communist Party (SACP) and the labour federation the South African Congress of Trade Unions (SACTU) that was later replaced by the Congress of South African Trade Unions (COSATU) after 1990. Shared membership is allowed within this tripartite alliance. Organisations that are in the alliance base their

cooperation on medium to long terms goals of the National Democratic Revolution. These are the establishment of a democratic and non-racial South Africa, economic transformation and continuous process of political and economic democratisation (COSATU website, na). This alliance is viewed by the SACP as an important condition enabling the majority of the population to be mobilised for the achievement of the national democratic revolution and ultimately, socialism (SACP, 1997b).

The alliance has continued beyond the days of the fight against the apartheid state. Its members campaign side by side for the election of the ANC into power and they get to represent the movement in parliament and in the cabinet. These allies sometimes have public squabbles but still work together when it comes to election time. One of the allies, COSATU, came into being when trade unions came together in 1985 to form a nation-wide federation. Like its predecessor the South African Congress of Trade Unions (SACTU) it became close to the banned ANC as its leaders held consultative meetings with the organisation outside the country. Since its formation COSATU became a colossus within civil society formations. It became involved with other social movements in the invented spaces of participation and citizenship and fought against apartheid. COSATU entered into a formal alliance with the ANC and the South African Communist Party (SACP) after the unbanning their unbanning. Its support for the ANC was based on the federation's adoption of the Freedom Charter, after heated debates, in 1987. After the unbanning of the ANC and going towards the first democratic elections COSATU agreed to endorse and campaign for the ANC only after the latter agreed to and adopted the COSATU initiated Reconstruction and Development Programme (RDP) (Saul, 2005). The adoption of the RDP by the ANC as the basis for building a new future was viewed as a measure of COSATU's influence and it provided the federation with a yardstick to measure the ANC government's performance in government and also for the federation to get backing for its key objectives (Buhlungu, 1994).

Twenty key COSATU leaders, including the general secretary, were also accommodated, by agreement, on the ANC's list for parliament. This list grew to be more than twenty as many COSATU leaders were elected on the ANC list even at a provincial level as they were already involved in the ANC in their own right. There was a belief that this inclusion of worker leaders on the ANC list will influence the government to be one that is accountable to the workers and the electorate.

It was believed that COSATU nominees on the ANC list for parliament come from a tradition which respects principles of accountability that encompasses taking mandates and reporting back. They viewed themselves as having a role of influencing the policy of the ANC to remain pro-poor and accountable. The former COSATU general secretary, Jay Naidoo, even went as far as publicly declaring that he would seriously consider resigning his seat if the ANC government became unaccountable or did not honour the RDP and worker rights (Buhlungu, 1994; Collins, 1994).

COSATU wanted to ensure that it was not being co-opted and it put these measures as means of continually exerting some form of influence on the ANC. It was, however, not long before COSATU learnt that their measures were not fool-proof in influencing the ANC government to remain accountable. COSATU started to be vocal against some of the ANC government practices while it continually sent its leaders to parliament on the ANC ticket and continued to be part of the ANC election campaigns. While COSATU's influence on government policy seemed to be decreasing, it is indicative of its worker participatory culture that its criticism of the ANC always reveals a concern for popular participation.

In response to the Minister of Safety and Security's report that there were over 5000 legal protests and almost a thousand public protests in the 2004/5 financial year the COSATU secretariat argued that the trend reflected 'the fact that many people feel excluded from state decisions, and can only use power to make their needs heard' (COSATU, 2006, p.6). The labour federation blamed what it called a shift to neo-liberal policies within the ANC-government and it termed this 'the 1996 class project'. According to COSATU, this class project depended on low-intensity democracy and brutal suppression of alternative views within the ANC as a movement and also in society as it labelled independent voices and closed the democratic space down (COSATU, 2010).

COSATU continued to accuse its alliance partner, the ANC, of pursuing an anti-participation neo-liberal agenda in government. In his opening address to the COSATU congress in 2015, the federation's then president, Sdumo Dlamini, repeated the assertion that neo-liberalism survived and thrived under conditions of low-intensity democracy and it insulated political leaders from popular pressure so

that they can drive unpopular economic policies. He claimed that this was the background to the ANC movement having 'over the years abandoned the people driven and people-centred approach to development' (Dlamini, 2015). This was a serious indictment from an ANC ally and Dlamini is also a member of the ANC's National Executive Committee.

COSATU, at some point, also believed that its allies in the ANC and the South African Communist Party were not immune to subjecting trade unions to an imposition of policies and turning the trade union federation into an ANC labour desk (Vavi, 2014). So, ANC allies do not only accuse the ANC government of being elitist and adopting neo-liberal policies that remove it away from popular influences but they go further and accuse the ANC of muzzling even the voices of its allies. COSATU expressed a concern that there seemed to be an expectation that what the ANC has decided upon has to be supported without debate. Even with this concern, ANC allies continue to believe that the shortcomings of their alliance relationship are outweighed by the necessity of such an alliance and thus they continue to call for greater electoral support for the ANC.

## **Conclusion**

The African National Congress progressed from being a party of elites to being a mass-based organisation that eventually formed a government in South Africa. There is evidence of the organisation encouraging participation by its members before its banning in 1960. This tolerance of debate and participation seem to have been affected by its exile existence and security considerations took centre stage. The commitment to participation that was there in its policy documents could be undermined in the name of security. There is also a belief that security reasons were at times used to silence critics of the leadership and thus closing the space for free speech (Ellis et al, 1992, Greene, 2014). This researcher is also wary of minimising the real security risk that ANC members lived with daily in dealing with an enemy that used spies to poison food in the camps and also provide information that leads to cross-border raids that maimed and killed scores of ANC members (Greene, 2014). Decision making for someone on the ground in that kind of situation might be far more different than that of a person who is analysing the situation from afar.

ANC documents within the time of exile also focus more on the objective of reaching a non-racial South Africa with universal suffrage. Not much attention is paid to developing the electoral democracy to a participatory one. This is different from the participatory rhetoric and practice of the ANC surrogate organisations inside the country. They openly advocated for participatory democracy, both in their declarations and practice. They seem to have influenced the ANC after its unbanning as ANC policy documents started paying attention to participation beyond elections.

The ANC's insistence on being a party and a government that is still pursuing the national democratic revolution whilst in power might call to doubt its commitment to a society that encourages participatory governance. This is because this preferred role of the ANC, that it pursues even in government, is still seen as being achievable through maintaining hegemony over society and containing party debates internally. This has the danger of cultivating a culture where individual ANC members take part in any participatory forum to defend the government and the party. They might do this believing that they will get a chance to be critical with the party structures. Citizens who are not part of these ANC structures might be viewed as enemies of the NDR and therefore silenced.

The ANC has proven adept at building a movement and a formal alliance that backs it when it goes into elections. Disagreements between the ANC and its allies can be as public as they get but still, there is the belief that an alternative to an ANC government will be bad for the majority of South Africans. This view of ANC allies seems to be held by the South African electorate also as there is no shortage of popular complaints against the ANC government but still a reduction in ANC electoral support is not really dramatic as in its worst electoral performance, in the 2016 local government elections, the ANC got an overall support of 54% and lost three of the cities/ metros that it was governing and yet, remained the most powerful political party in South Africa. Still, for the ANC as an organisation, this seems to have jolted it to do a self-introspection and look for ways to get back to its days of being the trusted party for two-thirds of the population.

The ANC talks the language of public participation in governance but its comments reveal that it prefers participation that it can control. This leads to it embracing invited spaces and mistrusting invented spaces of participation.

## **Chapter 5: Background and Transformation of Local Government and the Boland Region.**

This chapter introduces the Boland region/ Cape Winelands district as our focus in this case study on participation in South African local government. This deals with a brief history of the area and its characteristics. This is not an easy task as the apartheid government did not allow black residential areas to develop on their own as it sought to centrally control all areas of people's life. It determined where they live, go to school and work. Governance structures were also centrally determined and there was no possibility of variations except those that were based on racial classifications. It, therefore, takes a general point about the apartheid residential set up and, where possible, provides evidence of how the Boland region was not different. It does mention the few unique characteristics of Boland from other regions, like that of being numerically dominated by a national racial minority. This is significant in a country that has had race at the centre of its socio-economic and political life for a long time. The level and nature of participation by the public was also influenced by race.

This chapter also considers the Boland region's governance context, with the proviso that African areas were planned to be camps that looked the same and the situation was the same with the areas of Coloured people although their areas had to be better than those of Africans. In placing the region within the apartheid governance milieu, the researcher nonetheless refers to instances that prove conformity and also a divergence from the national norm. The socio-economic conditions of the Boland are briefly discussed.

The second section explores the links and culture of the ANC in the Boland region, from its early days up until the period of its unbanning and assuming political power. That section deals with how people from the Boland played important roles in the ANC. It also reflects on the ANC links with local civic organisations and trade unions and how these later influenced local government elections outcomes. The civic and political culture of the area is, therefore, reflected in this section. The experience of the area in terms of *invited* and *invented* spaces is also examined.

This is also the situation when post-apartheid local governance structures are considered. A subsection on post-apartheid local government deals with the

transformation and challenges of local government in South Africa and also continues from Chapter 4 in dealing with the ANC's practise as a government and its use of scalar practices. It also introduces the changes in local government structures in the Boland region. Names of Boland towns that are introduced in the first section are linked to different local municipalities in this subsection. This is to give a geographic coherence to the reader as only one of the local municipalities is named after a town, Stellenbosch. In the case of Stellenbosch, the name refers to both the town and the political institution.

### 5.1. The Boland Region Characteristics and Historical Context



**Figure 5: The Six Western Cape Regions.**

South Africa used to be divided into four provinces: the Cape, Natal, Transvaal and Orange Free State provinces. The post-apartheid dispensation settled for nine provinces as part of a political compromise to woo the Zulu nationalist and confederalist Inkatha Freedom Party (IFP) into the negotiation process and to take part in the country's first democratic elections (Saul, 2005). The provinces were provisionally based on the Development Bank of Southern Africa's nine planning regions that it used for its work since 1982 (Nel, Krygsman and De Jong, 2008). This is a clear example of what Pemberton (2016) refers to as path dependency in the use of scalar practices. In the South African case it was forced by circumstances



as the compromise on having these provinces was reached at the last minute and there was no time for the negotiators to conduct their own research on other boundary possibilities for the new provinces. The belief of the smaller parties at the time was that this rescaling exercise provided them with better opportunities for gaining provincial power (ibid). This political use of scalar practices saw national minority parties running two provinces after the first democratic elections while the ANC governed seven.

The original Cape Province was divided into four and one of these is the Western Cape and it is the only province where the black African majority who makes up 80.8 per cent of the country's 56.5 million people is not numerically dominant. Close to half of the Western Cape's population is made up of the Coloured people.



**Figure 6: The Five Municipalities within the Cape Winelands District/ Boland Region**

The Western Cape Province has six regions/ districts and one of them is the Boland/ Cape Winelands. The Boland region is made up of the towns of Worcester, Paarl, Wellington, Stellenbosch, Ceres and Ashton. It also has a number of small agricultural villages. The majority Coloured people are a 'phenotypically diverse group of people' descended largely from Cape slaves, the indigenous Khoisan population and a range of other people of African and Asian origin who had been assimilated into Cape colonial society by the late nineteenth century' (Adhikari, 2006, p.143). This group that is also 'partly descended from European settlers' and thus

has popularly been regarded as being of 'mixed race' and have held an 'intermediate status in the South African racial hierarchy, distinct from the historically dominant white minority and the numerically preponderant African population' (ibid). The majority status of the Coloured people in the Boland is, partly, because as early as 1924, under the successive racist governments, the Western Cape was declared a 'Coloured labour preferential' area and it was almost impossible for Africans to stay and get jobs in that side of the country. It was part of the apartheid strategy to create racialized categories of citizens so as to ensure that there would never be a unified opposition to apartheid. The different groups all had to serve the white population with the Coloureds having a superior status to Africans.

This was given 'expression on the economic level by colour-bar and other regulations which allowed Coloureds to enter occupations barred to Africans. Many crafts and skilled occupations were regulated by closed-shop and apprenticeship controls which served to entrench the position of relative privilege of Coloureds but served equally to prevent Coloureds competing with Whites for skilled jobs. The legislation served to reproduce, for Coloureds, an intermediate position in employment between Africans and Whites'. (Adhikari, 2006, p.110)

Boland also became predominantly Coloured as the apartheid government made exceptions for this group as it wanted to ensure that Africans are not resident in the urban areas that it considered the 'White' South Africa. It allowed only a few Africans to work and serve the white people in urban areas. This was to be the African male that has to go back to his family in what was known as the 'native reserves' or homelands, far away from the urban areas, as soon as he has finished serving the white man. (O'Meara, 1996). In 1970 the government passed the Bantu Homelands Citizenship Act that condemned all black people to the citizenship of tribal-based 'homelands' even if they have never lived in these (Platzky and Walker, 1985).

The government introduced pass laws that were meant to control the movement of Africans and to make sure they are in the urban areas legally and are always in the service of a white person. These servants could not live with in the same area with their masters and thus accommodation had to be found for them outside of the boundaries of what were the white areas. Thus many African townships in the urban

areas developed as male single-sex hostels as families were discouraged in urban areas (O'Meara 1996). Coloured and white people in the Boland had their own segregated areas to live in. Some African people lived in the Coloured areas until the introduction of the Group Areas Act of 1950. This had the effect of making it illegal for Africans to live among Coloureds and African townships developed in the Boland. In Worcester, there was to be a Zwelethemba township; in Paarl, a Mbekweni; in Ceres, a Nduli; in Stellenbosch, a Khayamandi township and in Ashton, a Zolani township. Of these townships, a Boland resident wrote that their town planning of was nothing but an extension of control by the Apartheid authorities. They were designed in a way that made it easy for the authorities to monitor and control people's movement. There would be a limited number of entrance and exit points, some like Mbekweni [Paarl], would have their dwellings spread in such a way that it would not take long to restrict movements (Kabanyane, 2013).

The apartheid spatial planning ensured that even those Africans allowed in the urban areas of 'white South Africa' were furthest from the central business districts (CBD) and their workplaces. The white areas were the closest to the CBD and the Coloured areas were between the two. Although there were not many people of Indian origin in Boland but where they could be found in South Africa they were ranked second only to the white population. This segregation hierarchy was reflected in all areas of life in apartheid South Africa and thus the apartheid state was 'extraordinarily bureaucratic' as it sought to centrally control all the racially segregated structures (O'Meara, 1996, p.351). Apartheid South Africa had four different departments for all services as these were catering for the four racial groups. This was also the case with municipalities and this system had to be strictly controlled from the centre. What is important for participation is also the reality that racial segregation was sometimes engineered by local organised associations. White residents associations pressured local municipalities to be strict when enforcing racial laws (Kinkead-Weekes, 1992). This was to protect their own privileges and they had internalised the superiority complex. The deracialisation of boundaries process after 1994 would later lead to expectations for these people to participate in the same municipal meetings with those they had viewed as being inferior to them.

The Coloured community was governed through the Coloured Management Committee, a structure that was forced on them although many people boycotted its elections and did not take part (Seekings, 2000). This was to be the case until the official scrapping of apartheid statutes. This was different from the government's approach to dealing with the African minority in the Boland. By the time the government started allowing Africans in urban areas, under strict conditions, it did not allow them to set up structures of governance. African townships were governed by the white municipalities and later by central government boards (Price, 1991). The local government system in the townships consisted of some committees of African people being advisory without any powers. These Advisory Boards were created in 1945 and in 1961 the Urban Bantu Councils (UBC) were introduced and these were mere advisory bodies also and they were discredited and collapsed in 1977 when their members were forced by communities to resign (Mare and Hamilton 1987, Price 1991). In such cases, the communities created their own structures (Mare et al 1987), these were earlier versions of *invented spaces* of participation. After the Soweto riots, the first elected Community Councils were introduced by the government in 1977 (Price 1991). This was an attempt at elected local authority structures with 'executive power' although they had to depend on the national minister and the administration boards for access to that power (Price 1991, p.130). The Minister of Native Affairs could also dissolve them. These structures were criticised for this dependence and there was very low voter turnout for them. There was then the introduction of the Black Local Authorities Act in 1982. This Act distanced the hated Administration Boards from the local authorities (Price 1991, p.132). The Minister could still dissolve them if they did not exercise their power to his satisfaction. The Black Local Authorities (BLAs) that were supposed to be voted for in 1983 did not have a tax base (O'Meara 1996). They lacked credibility and only 16% of black people turned out to vote for them (Mare et al 1987, O'Meara 1996; Seekings, 2000). Violent opposition to BLAs in South Africa led to 12 Community Councillors killed by 1985, homes of more than 300 damaged and 240 resigned during a period of riots that affected 155 townships after the ANC called for townships to be made ungovernable and apartheid unworkable (O'Meara 1996). The BLA system fell apart and communities again set up their own governance systems. This involved the election of street committees on every street. Representatives of a number of these street committees formed area committees and they kept order in

the townships (Mayekiso, 1996, Seekings, 2000). This trend of activism and the development of *invented* spaces of participation and self-governance could also be found in the Boland (Kabanyane, 2013).

These street committees had to take control and lead the community into providing services that, at times, were not provided by the collapsing municipalities. They were meant to ensure that the streets were kept clean, there was no crime and residents helped each other when there was a need like when a member of one family dies. General planning of street and community life was also done by the community jointly. The street committees were also tasked with leading the fight against apartheid by ensuring ongoing political education (Kabanyane, 2013). People's courts were also set up to resolve issues and dispense justice when the communities reached a point of wanting nothing to do with institutions of the apartheid state. The whole idea of street committees was based on what was known as the M-Plan. It was a plan that was developed by Nelson Mandela before he went to prison and for Mandela this was a strategy to involve as many people as possible in an uprising as Mandela's friend and the longest serving ANC president, Oliver Tambo, attests that they 'had to organise the people, in town and countryside, as an instrument for struggle' (Oliver Tambo, cited in Mandela, 1965, p. xii). Mandela then drafted the "M" plan, 'a simple common-sense plan for organisation on a street basis, so that Congress volunteers would be in daily touch with the people, alert to their needs and able to mobilise them' (Ibid). There is no evidence that in the years after the banning of the ANC and the imprisonment of Mandela and other national leaders there was ever thinking, within the ANC, of using the M-Plan as a model for local governance as the organisation was, for a long time, preoccupied with waging a struggle than to further theorise about its preferred system of local governance. In this regard the ANC developed four pillars in their execution of the struggle and among them was mass mobilization. The M-Plan was seen as serving the purpose of such mobilization just like Mandela had envisaged. In the 1980s activists, inside the country, used it to ensure that people take over and run their townships on their own as they refused to have anything to do with the apartheid state and its local structures. Local representatives of the apartheid states were driven out of the townships and its symbols, like offices and such, were destroyed. The people ran the townships through elected street committees. Several street committee leaders

would meet and form an area committee with its own area commander. Area Committees met to form zonal committees of the township as the experience of Mbekweni in the Boland shows (Kabanyane, 2013). What were initially meant to be structures of resistance against apartheid local structures ended up, for a while, inheriting the task of offering what resembled a form of governance. These structures became the local civic movement that the apartheid state had to grudgingly acknowledge as representing the community while, simultaneously, using security measures to try and crush them. Many of these local leaders would be arrested but at times the authorities would talk to them in trying to reach communities that saw themselves as being led by the civic organisations.

Such structures were developed by local communities themselves and section three of this chapter addresses how an organisation like the ANC tapped into such initiatives. The importance of this history of *invented* spaces of participation is in comparing the attitude of the ANC to these when it was a liberation movement and now that it is a governing party. What this research later addresses, in Chapter 6 and 7, is whether the spirit of dynamic civil society organisations and the setting up of invented structures by communities is still prevalent or local activists have ceded the initiative to a 'democratic' government after the fall of apartheid.

### *Socio-economic conditions in the Boland*

South Africa has a high unemployment rate of 27.2% and it is not better in the Boland region. The Boland is mostly an agricultural economy with grape farming being the major economic activity. The seasonal nature of this farming creates a seasonal economy with employment rates increasing during the harvest season. After the grapes have been harvested and processed many are laid off from work and this creates high rates of unemployment in the region. This is becoming worse with the closing down of the few factories that used to operate in the Boland. Those that are not closed have significantly scaled down their operations. An example of these will be Langeberg, a fruit and canning company that gave its name to the Langeberg municipality. Its factories used to employ many people both in the towns of Ashton and Robertson in the Langeberg municipal area and also in the towns of Paarl and Wellington in the Drakenstein municipality as the operation is labour

intensive. They also contributed to creating and maintaining jobs in the agricultural sector where they sourced fruit and vegetables. Globalization contributed to the scaling down of operations and in some cases the closing down of these factories. In a presentation to a parliamentary committee, in 2010, the South African Fruit and Vegetables Canners Association (SAFVCA) mentioned global recession, exchange rate, market access and input costs as their four main challenges. The advent of globalisation has worsened South African firms' struggle for survival. SAFVCA also bemoaned the surge of imports into the local market and that because of this the South African industry cannot compete as some products are coming from countries that are enjoying duty-free access into South Africa, countries like those that are part of the European Union (EU bloc). It also does not help that the South African industry is largely price followers in global markets (SAFVCA, 2010). All these factors and more lead to non-competitiveness of the South African industry. Factories then close and workers lose jobs.

The influx of foreign products and their impact on South African jobs have been worse in the textile industry. China has been accused of being the worst offender in dumping its products in South Africa and thus negatively affecting the South African textile industry. Boland has not been immune to these negative effects. The Wellington Industries (WI) and Berg River Textiles (BRT) in the towns of Wellington and Paarl in the Drakenstein municipal area used to employ many people but they both closed down as they could not compete with the influx of foreign products to the country. This contributed to the dire employment situation in these towns and the region.

This leaves the agricultural sector as the backbone of the Boland economy. According to the Cape Winelands District Municipality 'wine and table grapes score first and second respectively in the ten highest ranking income activities in the sector, as approximately 68% of wine grapes and almost 70% of South Africa's wines are found in the Cape Winelands' (CWDM IDP). This region is also a member of the global network of the Great Wines Capital, an organisation that includes Bilbao / Rioja (Spain), Bordeaux (France), Mainz / Rheinhessen (Germany), Mendoza (Argentina), Porto (Portugal), San Francisco / Napa Valley (USA), Valparaíso / Casablanca Valley (Chile), and Verona (Italy). Its then ANC mayor, Clarence Johnson, was the Great Wines Capital leader for some time.

The glamorous side of the agricultural industry is not known by farm workers as the industry is notorious for ignoring labour and human rights in dealing with both its core staff and the seasonal one. It is such inhumane treatment that has caused farmworkers in South Africa to feel that the democratic change of 1994 had left them behind as their conditions did not change and their rights continued to be ignored as they continued to be the Subaltern. In 2012 Boland farmworkers went on the biggest farmworkers strike that South Africa has ever seen. Those in the most disempowered and vulnerable sector of South Africa's labour market who historically, have lacked the unity, power and coordination to stage concerted and successful strike action stood up. This time it was not just small flare-ups that would normally be easily broken up by employers with threats and intimidation (IOL, 18 September 2012). This forced the ANC government to intervene and increased the minimum wage for farmworkers from R69 [£3.70] to R128.26 [£6.87] per day. There are still problems that are linked to working conditions.

The permanent employees on farms were traditionally accommodated on the farms but at some point there was an increase in evictions of worker families by the farm owners. While permanent workers generally live on the farms where they work, tens of thousands of workers and their families have been evicted from farms since the end of apartheid. Indeed, a national study on farmworker evictions found that 942,303 people had been evicted from farms in the first post-apartheid decade between 1994 and 2004; significantly, 99 per cent did not involve a legal process (Wegerif, Russell and Grundling, 2005). Seasonal and casual workers, especially those who have been evicted from the farms, live in informal settlements and townships in towns near the farms to which they are transported daily to work during the season. In 2011, the non-governmental organisation (NGO), Women on Farms, undertook research in the informal settlement of Spooky Town, in Rawsonville [a settlement in the Boland]. The study found that 68% of Spooky Town residents were evicted farm workers; 93% of evictions had not followed the legal process and were, thus, illegal (Women on Farms, 2017). The way these evictions are carried out is callous as families and their belongings are dumped just outside of the farm and they have to fend for themselves. An International Labour Organization (ILO) commissioned report also records other ways of evicting employees from the farms. It records the spike in constructive dismissals that involved making accommodation



conditions of farm residents so unbearable, that they left of their own accord. An example is made of a case where raw sewage was left to spill out on the ground and surrounding a pensioner's house. In many cases, farm residents' supply to water and electricity got simply cut by the farmer (Visser, 2015).

This is a huge problem for municipalities who are saddled with a large number of homeless people and in such situations, it is them who have to try and find emergency accommodation for these evicted families. This happens in a situation where there are, already, many people who need houses because of the apartheid government's deliberate refusal to build houses for certain communities. This explains the ANC government's investment in creating what is known as RDP houses a priority. In the RDP document the ANC had promised to build a million houses in the first 5 years of it being in government (1994-1999). By 2016 it had provided about 3.7 million subsidised housing opportunities and thus provided a home to about 12.5 million South Africans (ANC manifesto, 2016). This is, however, far from enough and many people get housed on informal settlements with housing structures that are made out of corrugated sheet. This presents its own challenges as in the rainy Western Cape seasons these get flooded. They are also prone to burning down as they use candle sticks and paraffin stoves to light, heat and cook. Summer fires also create huge problems. The burning down affected many shacks at a time as in these informal settlements there is hardly space between dwellings. It is common to hear that tens, and at times hundreds, of families have been left homeless by fire that was started by a candle or paraffin stove in one shack but ended up burning many shacks down.

Many of those that depend on farms, for full time or seasonal work, do not have much education. The Boland region is not well resourced with educational institutions, especially those that cater to post-high school students. The region has 274 schools and there is a high teacher-learner ratio with the worst being 40.6 in the Langeberg Municipal area (Western Cape Government, 2017). There is also a high level of dropout from schools in this region. High school drop-out rates in the Cape Winelands District are concerning. In Langeberg, the drop-out rate was 46.8 in 2016 meaning that 46.8 per cent of all learners that enrolled in Grade 10 in Langeberg in 2014 dropped out of school by the time they reached Grade 12 in 2016. The rate for Witzenberg was 35.5 per cent whilst Stellenbosch was the lowest at 23.0 per cent.

These high levels of drop-outs are influenced by a wide array of economic factors including parents' unemployment, poverty, indigent households, high levels of households with no income or rely on less than R515 [27.59 Pounds] a month and teenage pregnancies.

Those who do not drop out have to struggle to continue with education beyond high school as there are very few higher education institutions in the region/ district. The Stellenbosch University is the only university that is based in the Boland region and for a long time, it had been catering to Afrikaans speaking South Africans. It has been known as the intellectual home of the apartheid government as many key apartheid role players came from the University. It has recently agreed to have some courses taught in English and thus enabling students who do not have Afrikaans as their first language to study there. There is also the Boland College that has campuses in Stellenbosch, Paarl and Worcester. In the towns that are covered by the Langeberg and Witzenberg municipalities there are no tertiary education institutions and people have to leave for other areas, mainly Cape Town, to study beyond high school.

## **5.2. The links and culture of the ANC in the Boland Region.**

The Boland region has a long relationship with the African National Congress. The first known branch of the ANC in the region was formed in Paarl in December 1927 (Lodge, 1984). Branches in the Boland became very active to the extent that in that region 'during the late 1920s and early 1930s the ANC had been untypically energetic and had begun to resemble a mass movement' (Lodge, 1984, p.283).

Given that the ANC was originally organising Africans, who were in the minority in the Boland, what seems to have cemented its presence was its working alliances with organisations of other racial groups and with trade unions. This assisted the ANC to create and maintain links with people on the ground.

In the Boland, the political consciousness of many who were to be anti-apartheid activists developed through trade union activity. There was no need for hard work in convincing the workers in the agriculture and related industries that they had a raw deal. This agricultural labour force was 'highly proletarianised, probably more than

elsewhere in the country' (Lodge, 1984, p.283). Many of these workers internalized the South African Congress of Trade Unions' (SACTU) position that the ultimate betterment of their shop-floor position lay in achieving a fair and inclusive political system. Boland workers became the backbone of ANC campaigns against national oppression, including the national campaign against the imposition of Pass laws (Luckhardt and Wall, 1980). All these campaigns were part of the invented spaces of participation.

Some people who started as worker leaders in the Boland were to later serve as national anti-apartheid leaders. Among these were people like Liz Abrahams, who was to become the General Secretary of the Food and Canning Workers Union in 1956 and an ANC Member of Parliament after its unbanning and Elizabeth Mafekeng, who was the President of the African Food and Canning Workers Union, a founder member and leader of the Federation of South African Women (FEDSAW) and also a national deputy president of the ANC Women's league (Luckhardt and Wall, 1980). Boland was not spared from the government's attitude of dealing harshly with any opposition to apartheid. Activists from the region had to endure years of executions, banning orders, imprisonment and banishment from their homes.

The above-mentioned people were not isolated individuals but trusted leaders of their communities with a lot of followers. Their story is one that reflects a region that was committed to the struggle for national liberation. In the late 1950s, the ANC was weak in the Western Cape and its 'stronger branches were outside the metropolis, in the agricultural centres of the Boland where the SACTU-affiliated Food and Canning Workers' Union had its greatest support' (Lodge, 1984, p.156). Many young people from the region also died in running battles with apartheid security forces in the 1970s and 1980s. ANC aligned activists always found ways to use local struggles to keep the banned ANC in the minds of the people of Boland. Others from Boland left to join the banned organisations, like the ANC and PAC in exile. The involvement of ANC underground activists in legal organisations that were formed in the 1980s maintained a link between the ANC and South African communities. Local struggles around civic matters led to the formation of community organisations to address these. These are the structures to which political activists added a political flavour. Local civic organisations became vehicles for politicisation. The ANC tapped into

these structures in the country and in the Boland region itself. A Boland activist who was secretly recruited by the ANC while studying in Lesotho and was tasked with playing a coordinating role for community struggles and linking them with the exiled ANC explains how they linked up with people with a history of activism to form a civic structure in one of the Boland townships. He says that it should be recalled that the people they approached were activists in their own rights and so it became easier to put together the organization. Some of them brought along experience in trade unionism, some had a strategic connection with resources that were going to be needed in the running of the organization, some of them were part of both women and youth formations in and around Paarl. He reckons that these ingredients were crucial as the ultimate goal was to revive and strengthen trade unionism, youth and women structures (Kabanyane, 2013).

Many of these local organisations became part of the United Democratic Front (UDF). The UDF's formation in 1983 and its adoption of the Freedom Charter ensured that the exiled ANC remained in people's minds. Many youth organisations in the Boland region became part of the UDF and played a leading role. What also assisted the link with the ANC was that in the Boland there were still old people who were in the ANC before it was banned. The youth turned to them for advice in leading their own organisations. The ANC's political broadcasts from its exile headquarters in Zambia could be clandestinely listened to by young people in the country and the Boland region. All this ensured a continuous link with the exiled ANC. This does not mean that the ANC had no political competition in the Boland throughout the years of the struggle against apartheid. After the PAC was formed by a splinter group from the ANC it set itself as a serious rival for the oppressed people's attention. One of the PAC's most remembered campaigns was the Paarl uprising of 1963. This shows that there was competition for people's attention. In the Coloured areas, the apartheid government's reforms that were targeted at that community convinced some of them. Some became members and followers of parties that participated in structures like the Coloured Management Committees and the tri-cameral parliament of 1983. All these show that political loyalties were never homogeneous in the Boland. What they also show is that the Boland region has been an active ground for recruitment and mobilization by different groupings. People were eager to participate.

The ANC was not guaranteed support but still, it continued to enjoy decent support in the Boland even after its unbanning in 1990. Many of the people from the region who went into exile came back as heroes after 1990 and continued to work for the ANC in their communities. Since the new dispensation of democratic local government, the ANC has governed the district municipality for two terms and this was the situation with the Witzenberg and Langeberg local municipalities. It governed the Drakenstein, Breede Valley and Stellenbosch local municipalities for three terms. Wherever it is not the governing party in local, district and metro municipalities throughout South Africa and in the Boland, the ANC is always the biggest opposition party. In terms of wards, there is a definite racial element to the wards it wins. The ANC is still dominant when it contests the wards in the African areas and its councillors still win by an average of 70%, they struggle but win some wards in the Coloured areas and never win in the areas that are still dominated by white people. In wards that cover areas that have different racial groups the situation is never easy to predict. These are mainly determined by which racial group is the biggest and whether they come out to vote on the election day. One of these is Ward 2 in Langeberg that the ANC won.

The current state of the ANC in the Boland region is not good. It is dysfunctional as it is riven by infighting for positions. After the 2016 local government elections the ANC's NEC set up a task team to investigate and gather 'facts on the manipulation of the ANC Candidates selection process in the Western Cape' (ANC Task Team report, 2018, p.1). The report found that the Boland region was the worst in violating ANC election guidelines (ANC Task Team report, 2018). These included the failure to register candidates with the Independent Election Commission due to disorganisation. There was also a tempering with names of properly nominated candidates and replacing them with the regional secretary's favourites. Some cases are discussed in Chapter 6 of this thesis.

In 2018 the elected structure of the ANC Boland region, the REC, was dissolved by the Western Cape Provincial Executive Committee (PEC) in 2018 and the affairs of region are now handled by an interim committee that has been chosen by the PEC. The dissolution came about because the regional leadership was so dysfunctional to the extent that it could not build branches and could not convene a regional conference (ANC PEC, 2018).

### **5.3. Transformation and the Post-apartheid Local Government System**

After the unbanning of the ANC in 1990, the process of negotiating for a democratic South Africa and dismantling apartheid and its system of separate development started. During this period of the constitutional negotiations, there was a low-key forum that was working on thrashing out a new local government system, away from public scrutiny and the media attention. Beside this, there were some tentative negotiations already taking place in most cities and in some towns as municipal governance had broken down due to local struggles. The net-effect of this was that township residents were left without basic services by bankrupt black councils, white municipalities were also feeling the strain as the bulk supplies they sold to the townships were not paid for (Ottaway, 1993, Marbin, 2002). In many townships the hated black councillors had been forced to resign and local civic organisations were regarded as the legitimate representatives of the people that the provincial administrators had to deal with (Mayekiso, 1996, Seekings, 2000). Key demands for local activists in these negotiations included calls for changes in the law, in the municipalities and how they carried out their work, and most importantly, for the 'widening of participation to the whole citizenry of the country' (Marbin, 2002, p.44).

The negotiation process ultimately led to the ending of the racially based municipalities and the segregated residential areas were put under joint municipalities. This meant a grouping together of areas that had apartheid-socially engineered differences of socio-economic standards and literacy levels. This process was facilitated through the 1993 Local Government Transition Act (LGTA). It established a phased-in transition process that was meant to end segregated local authorities (Andrews, 2003). The pre-interim phase was about how to establish and also recognise negotiating forums. It ended with the election of transitional councils. The interim phase was about the delimitation of areas of jurisdiction and the establishment of transitional councils. It covered the period commencing on the day after elections are held for transitional councils and ending with the 'implementation of final arrangements to be enacted by a competent legislative authority' (LGTA, 1993). A transitional local council (TLC) was to be the first council that included all races in a specifically determined geographical area. This was ending the apartheid

division of municipalities but it had its own challenges that included the reality of extending municipal services to areas that were grossly under-serviced and having low infrastructure, were semi-rural and on the outskirts of town (Andrews, 2003). The effects of apartheid legislation were also still experienced as within the same new municipalities there were areas where Africans, Coloureds, Indians and whites lived on their own and with infrastructure that was of varying quality levels. Although there was no longer a law stopping people from buying property in any area, the racialized economic reality of the situation meant that these apartheid-created settlement patterns will take time to end. South Africa had adopted an interim constitution (1993) that protected property rights and this was not changed in the final constitution of 1996.

This effectively maintained the apartheid-created living standards and other policies were to be developed later to try and address these. For the purposes of participation, it should be noted that apartheid also engineered a situation where the different groups had to access education that was of different quality from each other. Another problem is that in the Boland region there were no high schools built for Africans until in the mid-1980s. Africans who wanted to study beyond primary school had to travel to another province and come back to the province during school holidays and poorer families could not afford this and therefore many kids had to drop out of school.

Decades later, those who were educated to be masters and those who were educated to serve them were brought together by legislation to participate in the governance of their newly created integrated municipalities. Still, the long-term social effect of apartheid segregation and the inequitable investment to the development of different racial groups could not be immediately wiped off by an Act of parliament. This study reflects on how these persist and affect the style and quality of public participation in South Africa and in the Boland region.

The ANC's governance strategy and its use of scalar practices has to consider these realities and the apartheid legacy. In pursuance of some of its transformation objectives, the state has had to engage in processes of rescaling in provinces, municipalities and wards. In this process, the ANC was to deal with contestation and resistance from others. Chapter 4 dealt with how the state's rescaling of

municipalities ended up in the South African high court. This was to be the case with the rescaling of provinces also.

This happened as parliament adopted a constitutional amendment that changed the basis for determining provincial boundaries in 2007 and its effect was that these were no longer based on magisterial districts, but were to be determined on the basis of municipal areas. It resulted in the changing of the boundary between the provinces of KwaZulu-Natal and the Eastern Cape. It effectively relocated the area previously known as Matatiele Municipality from Sisonke District Municipality in KwaZulu-Natal and incorporated it into Alfred Nzo District Municipality in the Eastern Cape; and relocated Umzimkhulu Local Municipality from Alfred Nzo District Municipality in the Eastern Cape into Sisonke District Municipality in KwaZulu-Natal. The former municipality of Matatiele and civil society groupings that included, among others, non-governmental organisations, business associations, farmers association and a number of other non-party political groupings from Matatiele challenged this redrawing of the boundary and the moving of their town to a new province in a court of law. They argued that the constitutional amendment is unconstitutional in that it re-determined municipal boundaries in a manner that usurped the authority reserved for the Municipal Demarcation Board (*Matatiele Municipality and Others v President of the Republic of South Africa and Others*, 2006)

They also argued that there should have been broader participation by the affected parties. On the eve of the second day of the court hearing, the new municipality of Matatiele withdrew from the case. Although no explanation was provided for the withdrawal, it is suspected that it could have been because of instructions from higher structures of the ANC as the municipality was ANC-governed.

When people from Matatiele could not win their legal battle, they formed a political party called the African Independent Congress (AIC) and its main objective was to fight to get the provincial boundaries redrawn so as to get the town back into KwaZulu-Natal. Its name and colours are very similar to those of the ANC and it is accused of taking some of the ANC votes in this way. What is more important for this study is that its relationship with the ANC exposes that the state's rescaling is not always considered with the good of the country in mind but, at times, with the ANC's survival and hold to state power. After the ANC's relatively poor performance in the



2016 local government elections it got into a coalition with the AIC after promising them that it will work on reversing the move of Matatiele from KZN to the Eastern Cape (News24, 25/04/2017). The move has not, as yet, happened but the fact that the ANC has signed a memorandum of understanding with the AIC to this effect exposes the Demarcation Board as not being independent, but it rescales at the whim of the ANC government both at provincial and local government level.

### *Transformation of Local Government Structures in the Cape Winelands/Boland*

The post-apartheid South Africa's rescaling initiatives led to a redrawing of provincial, municipal and ward boundaries. The initial aim was the creation of municipalities that were not segregated according to race. New municipalities were created and given new names as part of this scalar process. The Boland District Municipality was renamed the Cape Winelands in April 2005 as winemaking is the biggest economic activity with many people working in the vineyards. It became one of 44 district municipalities in South Africa and it is the biggest district, outside of the Cape Town Metro, in the Western Cape Province.

The five local municipalities within the Cape Winelands district cover an area of 22 309 square kilometres with a population of 692 291 people (Cape Winelands IDP 2015 Review). As mentioned in at the beginning of this chapter, the local municipalities within this district are Drakenstein municipality, centred around the town of Paarl; Stellenbosch municipality, centred around the town of Stellenbosch and its current boundaries were gazetted in 2000 (Ward, 2001). There is also the Breede Valley municipality, centred around the town of Worcester; Witzenberg local municipality, centred around the town of Ceres and the Langeberg local municipality, formerly known as Breede River Winelands and centred around the towns of Ashton and Robertson. Many of the households in the Cape Winelands can be classified as rural, due to the high number of farms around them (Africa, 2001).

### *Organized Local Government Structures and Public Participation*

Municipalities in South Africa are organised into the South African Local Government Association (SALGA). It was formed in 1997 and is made up of councillors from all municipalities. Before there was a national structure, municipalities had provincial structures. In the Western Cape, there was the Western Cape Local Government Association (WECLOGA). The former Mayor of the CWDM, Clarence Johnson, was once the chairperson of this structure and he later served on the national executive committee of SALGA when it was created out of all the provincial structures. Beside the national structure, there is now SALGA Western Cape and all the other provinces have a provincialized SALGA structure. SALGA is said to represent the interests of local government and it has ten representatives in the NCOP.

The poor performance of the ANC, by its standards, in the 2016 local government elections, also affected SALGA. The biggest and richest municipality in South Africa, the City of Johannesburg that the ANC has lost to a coalition that is led by the DA, has decided to terminate its membership of SALGA. It claims that SALGA is politicised and the fact that all municipalities have equal representation in SALGA, regardless of their size, leads to it being dominated by the ANC (News24, 2018). This was the first time that the structure and legitimacy of SALGA as the only representative of organised local government was ever questioned. There is no ruling out the possibility of other municipalities that are led by opposition parties, especially the DA, adopting the City of Johannesburg position and resigning from SALGA as local government is highly party-politicised in South Africa. This situation forces party representatives in municipalities to follow decisions that are taken by their national or central leadership structures. If this happen, it could have definite implications as the ANC dominance at the local government sphere is lesser than in other spheres of government. Having opposition municipalities leaving might lead to SALGA being a structure of municipalities from the ruling party only and might bring to question its status as the legitimate representatives of organised local government. In that case, it could be possible to bring a constitutional court challenge on whether SALGA is entitled to all the local government seats in the NCOP.

SALGA have been actively trying to influence public participation since its formation. It has produced guidelines and a code of conduct for ward committees. Many municipalities have, mistakenly, treated these as if they were legally binding documents and thus they structured their relationship with ward committees having these SALGA documents in mind (DPLG and GTZ, 2005b). The danger in this situation is that although SALGA is treated as a representative of organised local government, it really represents local politicians (councillors). Municipalities can only be represented by councillors in SALGA while the Municipal Structures Act's definition of a municipality includes also the bureaucrats and the community. There is no national group that lobbies for participants in invited spaces like the ward committees. As a well-resourced structure that lobbies for councillors and councils SALGA has taken positions that seek to limit community effectiveness and deny popular control in the invited spaces of participation.

The Local Government: Municipal Structures Act, 1998 provides that a council may also delegate specific municipal duties and powers to a ward committee (Section 74(b)). The official standpoint is that 'It is difficult to conceive what functions a ward committee should be entrusted with'. Therefore SALGA and its legal advisors have generally advised against delegations to ward committees. (DPLG and GTZ, 2005b, p.37)

This position of discouraging municipalities from delegating to ward committees in line with legislation exposes SALGA's attitudes to spaces of participation, whether invited or invented. SALGA's code of conduct for ward committees limits the functions of ward committees to a mainly administrative one as they have to organise and attend meetings, submit and table reports, distribute publications and to keep records and attend to all complaints, queries and requests from the ward community through the councillor. They are also supposed to assist the councillor to provide feedback on the functions of the municipality that impacts on the ward (SALGA website,na). Participation in plans and programmes of municipalities a government impacting on the ward development. This reveal a mentality that views the ward committees as being no more than secretaries of ward councillors. When a national structure of councillors takes such a position it is not surprising when councils do not take ward committees serious as representatives of the ward

community. Furthermore, SALGA leaves no room for entertaining invented spaces of participation.

### **Programmes and Challenges of Local Government Transformation and democratization**

The introduction of new democratic local government structures has been dealt with above. One of the things that have to be noted when it comes to democratisation, in particular, is the population's understanding and what it values when it comes to democracy. The population in South Africa understands and values democracy as being the improvement of their socio-economic conditions. They are far more likely to see economic or substantive considerations, rather than procedural ones, as the non-negotiable aspects of a democracy' (Butler, 2005, p.723). This is understandable in a society where the majority has been deprived not only of democratic rights but bare socio-economic necessities. Democracy becomes meaningless to them without the improvement in their lives. This is raised by many participants in this study especially when it comes to IDP meetings being turned, by the poor communities, into forums for demanding that the government provide them with free houses and such.

Unemployment was a huge problem when I was a ward committee member and people had a lot of grievances. We tried to the extent that we suggested that maybe four people should be employed per block of houses and employment be spread in a way that also allowed a minimum number from other blocks so that by the end of the year at-least many people would have tasted employment but that was difficult because Langeberg [the biggest employer in the area] is in other towns as well and it has to employ people even from those towns. That was a huge problem. Housing was another huge problem and people kept on raising it as their need (Respondent 28: former ward committee member, Langeberg interview).

The importance of linking the people's understanding of democracy as meaning liberation and their valuing of its substantive aspects more than just the procedural ones is because the danger of a popular loss of confidence in a new democratic

regime's model of governance is quite significant (Zuern, 2009). The democratic state that is led by the ANC has a responsibility to avoid a situation where ordinary people lose faith in what their democracy actually offers them and become alienated from a regime, institutions and processes that fail to fully include them because of the barriers placed in their way by poverty as this leads to a slower undermining of the legitimacy of democratic institutions. When this happens, what arises is the danger of an increasing lack of participation by the people (Zuern, 2009). The process of transforming local government in South Africa had to be cognisant of this reality and be alive to this danger.

Still, the noble ideal of a transformed post-apartheid local government system has proven not to be an easy one as it has been fraught with its own set of challenges as argued with the example of participation in previous chapters. The government's own *State of Local Government Review Report* (2009) noted that 'from evidence to date, it is clear that much of local government is indeed in distress, and that this state of affairs has become deeply-rooted within our system of governance' (COGTA 2009, p.4). It identified a number of 'stubborn service delivery and governance problems' that remain consistently at the forefront of government's developmental challenges. These were problems with the political-administrative interface; corruption and fraud; poor financial management, e.g. negative audit opinions; intra - and inter-political party issues negatively affecting governance and delivery; insufficient municipal capacity due to lack of scarce skills and huge service delivery backlog challenges, e.g. housing, water and sanitation (ibid).

Poor communication by municipalities and accountability relationships with communities were also highlighted as huge challenges in the report. This was the government's admission that municipalities are not succeeding in fostering a culture of public participation through the building and proper utilization of available spaces. There was an acknowledgement that communication and accountability relationships are key to building trust on which invited participatory spaces thrive. The rate of success of participatory institutions is affected by whether there is a history of cooperation or conflict in that area before they are even established as more work is needed for success where there has been conflict than where there is a history of cooperation (Ansell and Gash, 2007). In a case like that of South Africa where the recent past saw a serious trust-deficit between the people and the government it is

important that the post-apartheid state distinguish itself as one that can be trusted. It has to empathise with the people and this cannot happen if it does not communicate well and build accountability relationships with communities. There is a definite connection between levels of political trust and the public's willingness to participate and make a success of invited participatory designs (Astrom et al, 2016; Christensen et al, 2016). This trust can be eroded by the treatment of participatory structures by local politicians and municipal officials and the *State of Local Government Review Report*, 2009, found that this negatively affected the functionality of these structures.

With respect to functionality, some assessment reports revealed that many ward councillors do not even attend ward committee meetings, and poorly resourced ward committees are failing to comply with expectations. Further, ward committee issues often do not find their way into, or are not prioritised in council meetings, and thus fail to become reflected in the Integrated Development Plans of municipalities. Furthermore, it was found that project implementation for basic services can be non-consultative, biased or ad-hoc (COGTA, 2009, p.15).

It is, therefore, no surprise that the report noted an increase in the number of (violent) service delivery protests. In Chapter 1 there is a reference to a report that was commissioned by SALGA on the causes of community protests. This survey report concluded that, among others, communities' lack of information on what municipalities can legally provide and what they have planned is a cause of some of the protests. SALGA attributed this lack of information to communities not participating (SALGA, 2015). The setting up of invited structures of participation is a responsibility of government and yet the *State of Local Government report*, 2009, raised a concern that tensions between participatory structures like the ward committees and community development workers (CDWs) on the one hand and municipal councillors on the other one, could also be fuelling violent service delivery protests. Chapters 2, 4, 6 and 7 highlight the abuse of both invited spaces and participatory protests to fight political battles.

The report also identified the weakness of civil society formations as one of those difficulties that bedevil the development of a dynamic local governance system in South Africa. This should be worrying for any democrat in the country as the existence of dynamic civil society formations is one of the minimum conditions for the

flourishing of participatory democracy, alongside institutional reforms that enable electorally based democracy to be supplemented by other modes of political participation, and a reduced scale of government (Yanez, 2004, p.820).

This research keeps on coming back to the question of civil society, more so in Chapter 4, 6, 7 and 8 as it also addresses itself to whether the spirit of dynamic civil society organisations and the inventing of participatory spaces by communities is still prevalent or local activists have ceded the initiative to a 'democratic' government after the fall of apartheid. It also deals with how the governing ANC relates to and influence the existence and dynamism of civil society formations in South Africa.

It has to be noted that the ANC government has been battling with these challenges and has introduced a number of intergovernmental initiatives and programmes to improve service delivery and institutional support. These had and, in some cases, continue to assist to produce varied impact. A few of these interventions are dealt with in this chapter.

### *Community Development Workers (CDWs)*

The CDWs program is an intergovernmental project as it is the provincial government that appoints professionals and deploy them in local municipalities as explained in Chapter 1. These CDWs are trained to assist local communities with any query that involves the state although they are supposed to be a responsibility of the Speaker of Council. This is because of their task of being a bridge between the entire government and the community by getting the two to listen to each other. They inform the community of government programs and get the state to intervene when members of the public have problems. Central to the CDW programme was priority area number ten of the MTSF [*Medium Term Strategic Framework* - see Chapter 4]. Programme number ten aims to 'strengthen the capacity of the state to enable it to improve delivery and quality public services; to build partnerships with society for equitable development and to strengthen democratic institutions; and to promote a culture of transparent, honest and compassionate public service' (Padayachie, 2009).

Local government is supposed to accommodate CDWs and also task them according to the municipality's needs in accessing and informing its community, but this does not always happen. Although they are meant to work with councillors and ward committees but there, at times, tensions. A CDW reported that the bulk of their work is to help local community members in their engagements with other spheres of government.

We feel side-lined by the municipality. The politics of the Western Cape affect us negatively as our utilization depends on which party is running council. Councillors don't utilize us, and they do not even inform us when they will be meeting with the community. We used to assist ward committees but that has changed because of certain attitudes. As Community Development Workers we should be working with the office of the Speaker of Council, but we only met the Speaker once when he was introducing himself after he was elected to the position [in 2016] (Respondent 45: CDW, Drakenstein municipality interview).

Some of the tensions relate to their different terms and conditions of service. The ward councillors and ward committees are elected and the CDWs are professionals who are employed through a human resources recruitment process. Unlike councillors and ward committees they are permanently employed and do not change every five years. CDWs earn salaries while ward committees depend on a little stipend. In some areas power plays that are fuelled by jealousy and inability to work together occur. The national and provincial spheres of government are not always sensitive when handling this situation of their employees that are deployed into communities. Although they help community members, this does not assist in fostering a good working relationship between the ward councillor, ward committee and the CDWs as mentioned more than once in this study. On the other hand, CDWs claim that municipalities are not treating them right and feel that some councillors are not professional enough.



### *Project Consolidate*

The ANC government undertook a profiling and an analytical exercise that looked at critical service delivery indicators of all of the country's municipalities. The resultant diagnosis of the capacity challenges in these municipalities led to the adoption of *Project Consolidate*, an intervention that was to give hands-on support and engagement to municipalities, in 2004. The national government believed that it already had good policies whose impact was not being felt because municipalities lacked internal capacity to implement and carry out their responsibilities (Mufamadi, 2006). This intervention was to bring in support from both national, provincial government and the private sector.

It allowed the national and provincial government, to work with the private sector and engage experienced individuals who were called Service Delivery Facilitators (SDFs) to assist municipalities that were identified as needing such intervention. It is worth noting that while this was about technical functions in the municipality, the government did not envisage a situation where experts will do things on their own. It listed one of the objectives of *Project Consolidate* as to 'entrench a people-centred orientation in the entire public sector and a new approach to local government's mode of operation' (DPLG, 2006a). The inclusion of such an objective was important as it is easy for experts to ride roughshod over the public when it wants to participate, especially in a case, like that of Project Consolidate, where they were approached because the identified municipalities were failing and needed their skills and experience to turn them around.

Witzenberg in the Cape Winelands District was one of those 136 municipalities that were prioritised for project consolidate intervention. Witzenberg was prioritised for assistance with the development of 'strategies in respect of improving municipal financial management, institutional capacity and service delivery' (Witzenberg Municipality 2007-2011 IDP, p.8). A 2006 report on the impact of *Project Consolidate* reported glowingly on the intervention in a number of municipalities in areas that included basic service delivery, municipal financial viability, local economic development, institutional development and good governance. It listed, among others, basic service delivery successes like provision of electricity to 1030 households in one municipal area, unblocking of housing delivery bottlenecks

resulting in thousands of housing opportunities delivered in another. With regard to municipal financial viability, reported successes were in increased payment of municipal levies by the community and improvement in financial management and reporting that saw one municipality completing and submitting Annual Financial Statements to the office of the Auditor General for the first time in a period of five years. While admitting that 'most municipalities' do not know what to do to effectively carry out the responsibility of development that has been given to municipalities in the new dispensation, as covered in Chapter 1, the report, however, points to these and other successes of *Project Consolidate* (DPLG, 2006a, p.17). In one municipality Project Consolidate intervention led to the release of farming land to groups of community members to farm and develop themselves and those around them. This is after Council took such a decision three years earlier but could not implement it. Within few months, the SDF in this case ensured mobilization of stakeholders, including government departments to assist the would-be farmers, facilitated sessions to empower the beneficiaries, facilitated the drafting of contracts and the handing over of the land to the intended beneficiaries (DPLG, 2006a). There has also been the empowerment of small and medium enterprises as part of local economic development. In improving what the report saw as poor institutional capacity in municipalities SDFs had to assist the selected municipalities to reach a level of good governance in, among others, developing policies, filling critical vacancies and working closely with the community through having managers from the municipality providing technical and administrative support to ward committees.

Two years into *Project Consolidate*, the DPLG launched the Local Government Anti-Corruption Strategy and claimed that it was mainly influenced by the lessons learned over the past with the Project Consolidate Municipalities (DPLG press statement, 18/10/2006). It was said to be part of the effort to 'promote good governance practices and create a culture that is intolerant of unethical conduct, fraud and corruption in municipalities' and it was aimed at stamping this out as it undermined the 'integrity and public confidence in the system of local government' (ibid).

By 2011 *Project Consolidate* was terminated with the new minister's spokesperson quoted in the media as saying one of the weaknesses of *Project Consolidate* was that it was not sustainable and that in the last two years of its implementation (2004 and 2006), symptoms of fatigue had emerged. She also said *Project Consolidate*

'could not resolve persistent internal challenges such as high staff turnover of the municipal management, corruption and noncompliance in practices," (News24, 12 March 2011). This contradicts the deposed state president, Thabo Mbeki, who, in 2005, reported to the NCOP that 'Project Consolidate has made the impact we sought, opening the road towards the empowerment of our system of local government to properly discharge its responsibilities' (Mbeki, 2005, speech to the NCOP). The contradictory statements can be explained as being related to ANC factional battles which saw Mbeki replaced by Zuma from the ANC and the state presidency in 2007 and 2008, respectively. Official documents, however, argue that there were objective reasons for replacing Project Consolidate with the *Local Government Turn-Around Strategy*.

### *The Local Government Turn-Around Strategy (LGTAS)*

The *Local Government Turn-Around Strategy* (LGTAS) was developed as a response to the challenges that were identified in the 2009 Local Government Review. Its aims were, broadly, to restore the confidence of the majority of South Africans in municipalities, 'as the primary delivery machine of the developmental state at local level' and make municipalities the pride of the people (COGTA, 2009, p.3). It was also to build a 'functional, accountable, responsive, effective, efficient developmental local government' (ibid).

As part of the LGTAS, five flagship projects were approved with the aim of - accelerating service delivery. Among these were the involvement of institutions and stakeholders such as business owners and residents in the management of service delivery and to implement a business adopt-a-municipality project. It was hoped that this would foster a closer working relationship between government and the private sector. Unlike the Project Consolidate program that focused on a limited number of municipalities, the LGTA was formulated with the hope that all municipalities would be adopted by the private sector although it prioritised the adoption of the 66 most vulnerable municipalities out of the 243.

One of the interventions that were part of the LGTAS was meant to 'deepen People-Centred Government through a Refined Model of ward committees' (COGTA, 2009b,

p. 36). It called for a system where priorities of the three spheres of government feature prominently in the work of ward committees and it also called on ward committees to establish street, block and village committees. This has not been widely implemented and regardless of the talk about a 'refined model' of ward committees the legislation has not been amended to make them less dependent and a more effective participatory design.

Assessments that followed the launch of LGTAS continued to report that the public, still does not see the promised improvement in municipal service delivery and, just like in the case of Project Consolidate, LGTAS were not the panacea they were billed to be. The challenge of good policies that are failed by lack of implementation continues in local government. There are wins, here and there, but there is no massive improvement in service delivery, and in people's lives. The participants in this study, in comments that are mainly captured in Chapter 6, keep on raising issues that reflect failures in service delivery in their communities.

### *Siyenza Manje (We are doing it now!)*

Running alongside Project consolidate was a programme called *Siyenza Manje* (We are doing it now). This programme was managed by the Development Bank of Southern Africa's Development Fund in partnership with government. It was aimed at providing municipalities with the capacity to disburse their Municipal Infrastructure Grants (MIG) and achieve related service delivery and it was also seen as a response to the shortage of properly qualified technical personnel in a number of municipalities. It has to be remembered that considerations of the use of scalar practices in the post-apartheid era concentrated mainly on disrupting apartheid municipal boundaries and thus the focus was on the structural dimension and ignored what Pemberton (2016) deems as other important aspects of the use of scalar practices like the functional, managerial and financial dimensions. This led to the creation of many municipalities that were not properly capacitated to implement technical projects. The *Siyenza Manje* programme saw technical experts deployed in municipalities to provide professional support for project and programme implementation to unlock service delivery bottlenecks and to also to sustain the Project Consolidate thrust. *Siyenza Manje* also assisted with the Bucket Eradication

Programme that was aimed at ending the bucket sanitary system. This sanitary system is the crudest manifestation of the South Africa that colonialism and apartheid created to have pockets of both, the first world and those of the third world in the same country. The ANC had to act on this as the party, led by Nelson Mandela, had campaigned under the slogan 'a better life for all'.

All these programmes, and a number of others, are attempts at intergovernmental and multi-stakeholder interventions to assist and capacitate municipalities to deliver services. They are, however, failed by lack of proper implementation and the ANC's factional politics.

## **Conclusion**

The Boland region is like any other region in South Africa and this makes studying it not very much different from studying any other South African region. Its only difference is that it is in a province where the country's African majority is a minority. The region has a high unemployment rate and its socio-economic development trajectory mirrors that of many regions in South Africa with low literacy rates. Globalization also negatively affected the viability of firms that could provide many jobs and thus compounded the unemployment situation. The predominance of agriculture is not easing the unemployment situation as it has created a seasonal economy with the numbers of those who are employed fluctuating according to seasons.

The ANC has managed to have a strong following in the region through its relationship with other organisations and the trade union movement. The emergence of its Movement character after the defiance campaign of 1952 ensured it broad support even in the Boland. After its banning in the 1960s, internal organisations that continued to organise in that region kept the name and memory of the ANC alive. After its unbanning, the ANC won elections in almost all the municipalities in the Boland region although it later lost some of these. The ANC continues its dominance of wards that are in the African townships but is struggling in the Coloured areas and never wins in the white areas. The apartheid divisions are proving stubborn and they

are assisted by the scandals that accompanied leaders like the former ANC and country President Jacob Zuma.

Attempts of the ANC to transform local government have met with some successes and some challenges. Several good programmes were adopted and implementation, at times, proved to be a challenge. This is a thread that has been noticed by both external observers and ANC insiders running throughout a lot of the ANC government programmes in all spheres of government. There is a lot of good policies and planning but there are also implementation challenges.

## Chapter 6: Experiencing Public Participation in the Boland

This Chapter presents the findings of this study after utilising the methodology that is captured in Chapter 3. These findings refer to both government structures and ANC political structures and the figure below indicates how parallel the structures are.

This is because the ANC has sought to have its constitutional structures existing throughout the country and it contests elections in all spheres of government. There are three levels that are relevant here, as shown in Figure 4.



**Figure 4: Hierarchy of ANC Leadership Structures**

The terminology changes a bit when one gets to the local government level whereas the structures still mirror those of government. Within the provinces, there are metro and district municipalities like the Cape Town Metro (City of Cape Town) and the Cape Winelands District Municipality. In terms of the ANC constitutional structures, they are referred to as regions. The area that is covered by the Cape Winelands District Municipality has the ANC Boland region. The metros and local municipalities are divided into wards that are led by a ward councillor who is also a chairperson of a ward committee. At this level, you have the ANC branch that is led by its executive committee (BEC). The need to understand this is necessitated by the interplay between the local government structures and the ANC local political structures. Most of the people who are elected into ANC local structures tend to serve in the local government structures. A regional leader of the ANC, who himself is a proportional representative councillor says 'it's natural that at some point some

people see ascending to being a councillor as a shortcut to acquiring wealth' (Respondent 11: Councillor, Langeberg Municipality interview). The councillor might be exaggerating slightly about getting wealth through being a councillor but it definitely makes a difference in a country with high unemployment rates and it catapults one into middle-class status. Being a councillor might also mean influencing the employment as well as business opportunities for others.

In South Africa, about half of local government positions are not directly elected as in the case of ward councillors. These are filled through proportional representation. This gives power to local party leaders to determine who is on the party representation list. These are chosen, mostly, from the local political structures and a consequence is that people contest for positions in local party political structures with the aim of getting into local government or determining who gets into it. Section 6.3, in this chapter, shows how the use of leadership positions in local ANC structures affect wards and participatory spaces. This regular crossover between organisational and government positions is the cause of why a number of participants in this study will be referred to with both their organisational and government titles. This chapter is organised thematically around general findings, those findings that relate specifically to ward committees and also those that relate to the Integrated Development Plans.

### **6.1. General Participatory Governance Experience**

This section deals with findings that can be generalized and are relevant to the entire system of local participatory governance in South Africa. These are not separate from findings on the democratic innovations like ward committees and the integrated development planning process but they include general findings on these and the entire process of local public participation under the ANC government. What becomes clear is that many municipalities have an instrumental rationale approach to participation as they expect it to legitimise and get a buy-in for municipal decisions. As explained in Chapter 2, this rationale supports incumbent interests in that it does not allow for the discussion of policy goals but only the details (Paavola et al, 2011). All the findings on invited spaces that are discussed in this chapter are within the limits of an instrumentalist approach that seeks to allow the public to make



suggestions and support projects and programmes that are underpinned by a policy framework that they cannot do much to change.

### *Good Design Weak Implementation.*

A lot of literature on public participation in South African local government acknowledges that the system is good on paper but that the policy is failed by a weak implementation (Friedman, 2006; Brooks, 2017). This is backed up by the findings of this study as evidenced by the following comment from a former Deputy Minister of Cooperative Governance and Traditional Affairs [includes local government] and later a Minister of Communications.

The problem isn't the model, the problem isn't the law or the policy, the problem is implementation. Often consultation is minimal and formal, it's compliance-driven, it's tick box approaches. For an example, in theory, a municipality can argue it has consulted, if it advertises its IDP on the website, now how many people, especially in the rural areas that I work in, look at the website. This is English and IsiZulu in my province, but still, how many of them look at it, in theory, that's consultation. You could go to one public meeting and say that's consultation, we do not prescribe. We cannot in the legislation and quite frankly most municipalities don't consult sufficiently (Respondent 21: MP interview).

Implementation is as important as the policy itself. Therefore the ANC-led government has a responsibility of ensuring that representatives at different levels of government do not do as they please but stick to the letter and intent of the participation legislation. The ANC has a general understanding of this and as early as 1985 defined its cadre as someone who is not only involved in the development but also the practical implementation of the organisation's policy and carry out all assigned tasks (ANC, 1985). After twenty-one years in power, the organisation confirmed its conviction about the importance of policy implementation.

The implementation of various ANC policies is crucial to realising the broader objectives of building a capable developmental state. The state transformation

resolutions are located at the heart of service delivery and are informed by a consistent ANC agenda of a better life for all. (ANC, 2015, p.35)

In this regard, the ANC continues to hold a general council of its members' in-between its five-year national conferences for accountability purposes (see Chapter 4). In the general council, the leadership reports on the implementation of resolutions that were taken in the last conference and the members can interrogate them on that. The remaining years before the next conference are for speeding up the implementation, taking into consideration inputs of the general council participants. This process also takes place in-between the four- year provincial and three- year regional conferences. The most recent ANC national general council confirmed the weakness in the implementation of public participation and also in the organisation's monitoring of the implementation of its policies. It reported that the implementation of National Conference resolutions on mechanisms to strengthen participatory democracy, community participation and an activist parliament has been lacking. Furthermore, on-going assessments, by ANC structures and government monitoring and evaluation, highlighted difficulties in attaining the organisation's objectives (ANC, 2015).

This is an old challenge of the organisation as the Western Cape provincial general council also noted as far back as 2000 that there was a disjuncture between the state and the ANC as an organisation at the level of policy and implementation and also that there was a problem with regard to the role and responsibilities of its deployed people at different levels of the state. That provincial general council, subsequently, resolved to monitor and support the performance of deployed cadres in governance (ANC, 2000). This does not seem to have worked well as the 2015 national general council notes in the quote above. Some of the findings in this chapter point to some possible reasons for this situation.

#### *Lack of Uniform Understanding between ANC Public Representatives at Different Spheres of government.*

One of this study's research questions related to the understanding of ANC politicians and officials in all spheres of government about the necessity and scope

of public participation in local government. Another question related, partly, to accounting for any discrepancy in understanding and assessing local participatory governance between ANC policy documents, its politicians and officials. Findings are that there is no uniform understanding of the need and process of participation between ANC public representatives at different spheres of government.

Those of us who've been in parliament since 1994 and especially people like myself who helped prepare the model, we pass the policies, the green papers, white papers, and the bills into law, we obviously understand the system and what was intended, as I give you the example of a ward committee system. So we had intentions that are not necessarily fulfilled by councillors on the ground, and maybe even the South African Local Government Association. This is not to be critical of them, it's understandable, If I was in their position my vantage point would be from a point of view of the councillors, the councillors' needs and interest, the constituencies we represent where that's appropriately internalised by us as public representatives in the local government sphere but the point is as a councillor you have different impulses, different imperatives, different needs from a national assembly MP (Respondent 21: MP interview).

This difference in understanding and to a certain extent, commitment to public participation is apparent in most of the interviews held with current and former ANC public representatives. They all purport to understand and support the need for public participation but many local councillors and ANC leaders below the national level advocates and behave in a way that limits its space. When a direct question is asked as to their understanding and commitment to public participation almost all of them purport to accept the need for it and they claim to support it. It is when questions relating to certain scenarios and local experiences are posed that one gets responses that start to negate what is in the ANC policy and the country's legislation. This becomes clear when one examines responses to the specific thematic findings that are dealt with in the rest of this chapter. This situation of the different understandings of ANC policy on participation can also be attributed to a lack of regular mutually beneficial contact and working relationships between ANC public representatives at different spheres. This is said to be the case even if there are MPs and Members of Provincial Legislatures (MPL) who reside within these municipal

boundaries. ANC Councillors complain that their comrades who serve in national and provincial legislatures do not get involved and assist councillors as they do not view those areas as their constituencies. An ANC ward councillor in Stellenbosch expressed this as part of her frustration. She stated that there is absolutely no working relationship with their ANC colleagues who are MPLs. She emphasises that there is 'none at all' as she does not even know who serves on what provincial legislature committee. She says that she sometimes wonders whom she can contact at that level when there is a community need that a provincial parliamentarian can assist with. This lack of a working relationship between ANC public representatives at different spheres of government leads her to emphasize that her provincial legislature colleagues 'work on their own and they behave as if they are superior and better than councillors but it is us, councillors who are closest to the people and work very hard and painful without resources, I can say that. They have an outreach budget that we cannot access in serving our communities (Respondent 7: Councillor, Stellenbosch Municipality interview).

So what I am saying is that our organisation is not being fair to us somehow as we can't even access the MPLs' outreach fund. After the January 8th, ANC birthday celebrations, we normally convene as Western Cape public representatives in one room but we don't discuss the working relationship, it just becomes politics. We do not get an opportunity to raise this frustration with the organisation's leadership. I think it is one of the things on which the organisation is failing here in the Western Cape because it is the opposition, and our MPLs are too stuck up, they find it impossible to come to the ground, they cannot come to the ground, so if you are councillor you have to sort yourself out and see how you are going to handle your community or at times ask that one national minister that you can access and he or she might assist [with funding community projects] if they have funds (Respondent 7: Councillor, Stellenbosch Municipality interview).

This situation contributes to the gap in knowledge as members of national and provincial legislatures have a lot of training opportunities than councillors and there does not seem to be a situation of working together and sharing ideas. Political education and grasp of policy are therefore uneven.

ANC secretary generals' reports have been calling for increased political education and awareness about the organisation's policies for both ANC members and public representatives. The organisation argues that being a party of government has attracted all sorts of characters and not everyone is committed to what the organisation stands for. It refers to this as 'sins of incumbency' and its former deputy president and post-apartheid South Africa's third state president, Kgalema Motlanthe explain these as dangers that are attendant to accession to power, and they are reflected in the misuse and abuse of power. He says sins of incumbency are 'invariably marked by a betrayal of the ideals of freedom, where a former liberation movement turns into a monster that devours the very principles of freedom that sustained it over the ages, and that it is supposed to uphold, (Motlanthe, 2011b). He admits that the post - 1994 period threw up such challenges for the governing ANC.

Such challenges manifested themselves in the emergent strains on the values, culture and character of the national liberation movement. Among some of these challenges are issues such as the social distance between the governors and the governed; bureaucratic elitism; the arrogance of power, careerism; venality and corruption; moral and ideological degeneration among rank and file; and use of state institutions to fight inner-party battles (Motlanthe, 2011b).

Having said that, there does not seem to be an appetite within the ANC to call its councillors into order for not displaying a commitment to public participation in the business of local government. Some leaders who are not living the values of the organisation and are not displaying its claimed commitment to participation are allowed to continue because of being close to a dominant faction in that area. A local community tasked its leaders to engage the ANC as a political organisation about its councillor that was not serving them well. One of the community leaders recalls their efforts in getting the ANC's assistance.

Before we approached the municipality we decided to write to the ANC regional office. [Regional Secretary] was the person who was at that office then. He set a date for the meeting but he never honoured it and we stayed at the office till about 7 PM [The distance between the office and where they

stay is about 38 miles]. (Respondent 10: Public Activist, Drakenstein interview)

The ANC provincial office was also not helpful as the community leader reports of their meeting that was in an office that is about 42 Miles from where they stay. They approached the ANC provincial office to intervene as the ward councillor is their employee and the ANC called them into a meeting. After explaining that they are not happy about how they were being treated by the councillor [CM2], the ANC promised to call them back into another meeting with the councillor present and 'they never called us back' (Respondent 10: Public Activist, Drakenstein interview).

This is a strange situation as the ANC conceded as far back as the 2000 local government elections that voters had problems with the behaviour of some of its councillors and it promised to intervene on the side of the public. Reporting to the 2002 conference of the organisation, its then secretary general, Kgalema Motlanthe, reported that they approached the 2000 local government elections with widespread concerns from their support base about the performance of local councillors. He mentioned that the nation-wide audit of all ANC local councillors also pointed to a number of challenges the party faced in this sphere of government. The ANC's key message in the 2000 elections campaign was, therefore, 'speeding up change at the local level, ensuring accountability and local participation, and a commitment that the ANC will monitor councillors and remove anyone not in keeping with the organisation's values of service to the people' (Motlanthe, 2002).

He repeated such concerns in an ANC local government strategy workshop where he noted the 'competition for positions within structures' and how it played itself out through the abuse of other members and had a result of weakening ANC branches and causing tensions within the alliance (Motlanthe, 2005, p.1). The Boland region was also not immune from such problems as this study shows.

In the case of regions like Boland the problem could also lie in the lack of leadership capacity. A former ANC chief whip at Drakenstein municipality complained that while he was responsible for ANC councillors' discipline in the municipality he got no joy from the regional office when he reported the untoward behaviour of some of these councillors.

The region can do nothing. At some point, I reported [local ANC councillor CM1] and he confessed to the transgression. I went to the regional office in Worcester as they called me. They admitted that it was wrong to insist on my attendance as [local ANC councillor CM1] had agreed to what I was reporting about him. I do not know whether they were scared of him or what. Those people are stupid in that regional office. They are a collection of fools. When I write to the region I would copy Skhwatsha [ANC provincial secretary] in the province. I know that the regional office will just file the communication and not involve the province. They did not do anything about [local ANC councillor CM1], (Respondent 25: Former Councillor, Drakenstein Municipality interview).

It should also be noted that the ANC admits that it is a highly factionalized organisation and this gets worse when one deal with lower structures (ANC, 2002) and intervention in cases of discipline by local representatives could also be influenced by considerations of whom the offending party is aligned to. Dominant factions would not deal decisively with an offence if it is committed by one of their own members and CM1 shortly thereafter rose to become the Western Cape deputy chairperson of the ANC, backed by the Boland regional leadership. This makes clear that he was earmarked for provincial leadership by a faction that the local chief whip was not part of and this influenced the blasé response to assisting the chief whip in addressing CM1's misdemeanour. The public then becomes a victim of these ANC factions' internal power battles. A former ANC regional secretary confirms this as he says in his case what led to the collapse of a programme they had of getting councillors to fully account to the ANC regional office was factionalism within the ANC. He mentioned that if he asked for a report from a councillor who is not in his faction he would never get that report and 'there is nothing I could do about it because the regions have no powers to suspend or dismiss a councillor but can recommend to the provincial structure and you would get much frustrated if the provincial leadership is not aligned to your faction'. He makes examples of a time when the province was led by people from a different faction from the regional leadership and 'there were factional matters. I could do nothing as I would submit a report and it would just be ignored at the provincial level. That was the challenge. That's what collapsed that process' (Respondent 34: ANC Leader, Boland,

interview). As mentioned above, public participation in both invited and invented spaces get affected by these ANC internal challenges, especially in areas where this organisation is very dominant.

### *Internal ANC Dynamics Affect Public Participation Structures.*

Because of the ANC dominance in wards that it has won and the politicisation of structures like ward committees, this leads to a situation where these structures are affected by ANC internal dynamics. Internal conflicts of the ANC spill over to the function of these participatory structures.

A ward committee member explained that ANC internal differences affect the ward committees a lot. He said 'a certain ANC faction does not accept us as a ward committee, up until today they challenge us when we call community meetings and ask who we are and disrupt the meetings'. This happened in a ward where two factions of the ANC are fighting and the local branch leadership of the ANC is not happy with the elected ANC ward councillor. Such occurrences are not uncommon in the Boland and this particular conflict raises possibilities of electoral process manipulation. The councillor, who was initially part of the BEC and the deal to hoodwink voters explained that this was planned to have a discredited branch leader and councillor continuing in that position but there were concerns that the community would be against this. Another member of the BEC was asked to stand as the ward community still supported the ANC as an organisation. The plan was that the stand-in person would then resign shortly 'before the closing date of the Independent Electoral Commission (IEC) candidate registration process'. This would leave the ANC without a candidate and the BEC would register the unpopular guy as there would be no time to reconvene a community meeting. Unfortunately for the scheming BEC their stand-in candidate also had ambitions to be a councillor so she 'did not resign and that is what caused the conflict' (Respondent 16: Councillor, Witzenberg Municipality interview). This was one of the cases that the national leadership of the ANC national leadership was investigating in the Boland region. The NEC Task Team found that the whole candidates' selection in that ward was 'manipulated and deviated from the requirements of the ANC guidelines to the Candidates Selection Process' (ANC NEC report, 2018, p.4). It ruled that the whole Candidate Selection



Process must be redone according to the ANC guidelines to candidates' selection process.

In a Case where a new Candidate emerges other than the one who is the current councillor if she stands for nomination, the ANC will have to declare a vacancy in the ward leading to a by-election where we will field a new candidate. If the current councillor Comrade [RESPONDENT 16: COUNCILLOR, WITZENBERG MUNICIPALITY] emerges as the candidate the status quo will remain and no vacancy will be declared. (ANC NEC report, 2018, p.4)

This is but one case where there are conflicts about being a councillor and the resultant negative impact on public participation. There can be no discussion of a ward committee that completely ignores the ward councillor as the legislation has made the ward councillor the chairperson of a ward. These councillors come with their political baggage that relates, among others, to their election into those councillor positions. It is not realistic to think that one can completely ignore electoral politics when discussing participatory governance. At times, it also happens that the public itself and the spaces of participation are used to fight political and factional battles.

Community participation has also been mobilized for the wrong reasons. For example, a person stands in a ward, let's say from an ANC branch, he or she does not get nominated for council elections, elections take place and you spend a lot of your time, even using council structures, even the ward committees to mobilize against the councillor, to undermine him or her so that you can take over the position, and often you know its power struggles within the ANC and alliance that get reflected in the issues around, more often, more than it should happen, you get a situation where the fights within the regional executive committee or the branch executive committee or provincial executive committee become reflected in conflicts between the municipality, the councillor sometimes and the ward committee leaders (Respondent 21: MP interview).

This was confirmed by the then Minister of Local Government in 2005 when he told an ANC workshop that 'many of the weaknesses at local government level were due

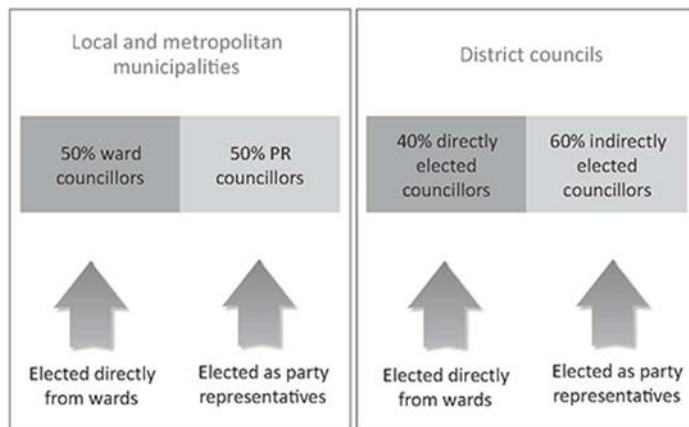
to ANC problems, including the distance (and sometimes conflict) between ANC structures and councillors' (Mufumadi, 2005, p.1). The infighting for positions within ANC structures and against the local state is driven by the high levels of unemployment and the fact that people easily find themselves parachuted into a middle-class economic status when they become councillors. The only currency they need for this to happen is to be popular in their wards and they become ward councillors. For others, all it takes is to hold a leadership position in the local ANC political structures as this makes it easier to be deployed into the proportional representation list of the party. The electoral system in South Africa is not constituency based at the national and provincial level but is based on political party representation list. People vote for the party and not for an individual. The ANC handle the process by holding what it calls list conferences (see Chapter 4). However, the leadership have a right to make a final decision after the list conferences.

There is a different process at local government level where fifty per cent of the councillors are elected through the political party list and the other fifty per cent is voted for directly by ward voters and is thus constituency-based as illustrated in Figure 5 below. At the local government level, it is not that easy for party leaders to do as they wish when it comes to ward councillors but local and regional party leaders have the final say on the party representational list. Even being elected by a ward constituency as a ward councillor does not entirely protect a councillor from the control of party leaders. The system makes it impossible for a councillor who initially stood on a political party ticket to resign or lose his party membership without losing the seat. In such a situation party bosses can just end the councillor's party membership and he/she cannot continue as a councillor. This is easily done in wards that a political party considers as 'safe' in that it can easily win when there are by-elections.

In this process, local democratic processes can be manipulated and perverted. An investigation of the ANC national executive committee into the Boland region election processes for the 2016 local government elections has been finalised and it paints a situation where local leaders undermined community preferences in the final selection of both ward candidates and those who were meant to represent the party

in the proportional representation list. These fights for councillor positions make it difficult for community structures to operate.

### *ANC Branch Leadership Positions as Springboards to Local Councillor Positions*



**Figure 5: Electoral System for Municipal Councillor Positions**

Leadership positions in the ANC are used as springboards to get into government positions. In the introduction to this chapter, we dealt with how the party representation list in South African local government elections ends up full of local party leaders. The figure above, from the Local Government Action website, depicts that besides the party representation list, about half the seats in local government are directly elected as ward councillors (no date). The ANC developed a system where its candidates for ward councillor positions are first voted for by the majority of its members in a ward. An ANC ward conference is convened where all members in good standing are allowed to participate (these are people whose membership has not lapsed). Possible ward candidates are then nominated and when there is more than one candidate the ward conference vote for who will be the ward candidate for the ANC in that ward. People do not volunteer themselves but they wait to be voted for by the members. The situation used to be that the name is submitted to the regional structure of the ANC and an election campaign is designed and implemented around that particular candidate. Recently the ANC has introduced a further step in this process. It now calls for the ANC ward conference to choose a

maximum of three ANC members and present them to the entire ward community in a mass meeting. These candidates would then have the responsibility of trying to convince the community to pick a candidate for that ward. A candidate that is finally chosen by community members, who includes non-ANC people in what resembles a primary system, would then be a candidate for the ANC. The whole ANC election machinery is then galvanised to get that candidate elected as a ward councillor. This is meant to get the public endorsing an ANC candidate even before the elections. So, the ANC candidate becomes the community ward candidate as the community was involved in the selection. When that councillor is elected he then reports to the ANC and to the community. They report to the ANC through its chief whip in that council and they report to the community by convening at least one community meeting every three months as required in the legislation (MSA, 1998).

This system can be undermined, however, by people who get elected as local ANC branch leaders who mobilise members against their own ward councillor as they want to be the one elected in the next elections. In the township of Mbekweni, in the Drakenstein Municipality, two-thirds of ANC branch chairpersons are currently ward councillors. A former ANC regional secretary said this becomes a campaign of branch chairpersons to make the life of the ward councillor difficult while they set themselves up as the alternative in preparation for the next local government elections. In such a situation the councillor cannot work well and at times is put at loggerheads with the community. The ANC has found that the fight for positions and its effect on structures of governance affect a number of leadership levels in the organisation. In the organisational reports that are delivered by the secretary-general in its conferences this issue keeps on being raised as a concern. In 2002 the secretary general again noted this.

We found that the issues dividing the leadership of some of our provinces are not of a political nature, but have mainly revolved around access to resources, positioning themselves or others to access resources, dispensing patronage and in the process using organisational structures to further these goals. This often lies at the heart of conflicts between constitutional and governance structures, especially at the local level and is reflected in contestations around lists, deployment and internal elections process of the movement. (Motlanthe, 2002)

Ten years later, in 2012, a different secretary general pointed to similar problems and singled out the Western Cape Province as one of three provinces that were worse in this regard as in the main, the most serious problem was that the majority of ANC branches have little or no political life. He said that branches get revived when the ANC is heading for conferences and elections and therefore, these branches are driven by the need to either nominate delegates or candidates for local government elections in the main. The secretary-general viewed this as being at the centre of a membership that is not politically conscious and therefore susceptible to manipulation. An effect is that these branches have no 'capacity to lead campaigns in their respective wards, creating space for other formations to lead these campaigns that end up being violent protests that reinforce the theme that nothing is happening. This has killed the culture of activism at the branch level, making the ANC almost absent in community activities' (Mantashe, 2012). The ANC also realises that there is limited or at-least variable capacity at different levels of the organisation to deal with some of its challenges.

### *Civil society pliability and contestation*

South Africa has a history of dynamic organs of civil society. During the apartheid period, many progressive civil society organisations (CSOs) opposed apartheid and some were part of umbrella-structures like the United Democratic Front (UDF) and later the Mass Democratic Movement (MDM). After 1990 structures like the UDF folded into the ANC (see Chapter 4). Many non-governmental organisations continued to operate independently while still viewing the ANC as the leader of progressive forces. The post-apartheid period impacted the civil society sector in several ways. Some of civil society's leading cadres were drawn into parliament and government, while others became state employees. Beside them getting salaries there was also the belief that there is now an opportunity to influence a democratic state and further the causes they have been fighting for in CSOs 'during a period of racist authoritarianism when progressive state politics was impossible' (Leonard, 2014, p.380). Among those who reasoned this way are many local civic associations' activists. Local civic associations were a key component of the fight against

apartheid in the local sphere of government and they ensured representation of communities in their dealings with the local authorities.

A national organisation was formed to unite all the civic organisations after 1990 and it was called the South African National Civics Organisation (SANCO). It informally aligned itself to the ANC. The Congress of Trade Unions (COSATU), the biggest trade union federation in South Africa got onto a formal alliance with the ANC and the South African Communist Party (SACP). This alliance got to be known as the South African Tripartite alliance. SANCO was later added and the alliance was known as the tripartite alliance plus one. This influenced the functioning of the civic organisation as it saw a change in its role.

When the organisations were unbanned the civic organisation became SANCO. I became its local chairperson and at some point its secretary. At some point, SANCO started not to function well when the ANC took over. Even SANCO, the Western Cape Civic Association then, was formed because our political leaders were in prison and banned. We formed this structure and said it was non-political so as to be able to engage with local government structures and the special branch of the police then. It enabled us to deal with local government issues like rent increases and refuse removal and such. We did a lot then and the civic association got a lot of recognition (Respondent 5: Former Councillor, Breede Valley Municipality interview)

What is now becoming clear is that these structures no longer exist in some areas and even in areas where they can be found they are no longer strong and dynamic. Many of its leaders have become part of the government. The national president of SANCO is an ANC member of parliament and he is not the only leader of the organisation to serve as the ANC's public representative. SANCO president in 1997, Mlungisi Hlongwane, became an ANC mayor of Sedibeng Municipality, SANCO's Deputy President in 2006, Ruth Bhengu, was an ANC MP. This trend is found in SANCO provinces, regions and local areas. SANCO has completely succumbed to what being an ANC politician provides. A former SANCO leader believes that another thing that 'killed' SANCO, from his point of view, is that there are people who came to SANCO because they wanted to benefit and it did not have the same resources as the ANC and then 'you would find that meetings are not called and that

kills the organisation' (Respondent 5: Former Councillor, Breede Valley Municipality interview).

This leads to SANCO being used to get certain people deployment in the list of political parties like the ANC. At the local government level, they seem to exist to serve the interests of people who want to be councillors. A regional leader of the ANC and their Mayoral candidate in the last election in one local municipality believes that SANCO is not active.

There are members but it has not launched [There are only individuals who call themselves SANCO but there is no formal structure]. There are only members who when they do not get space in the ANC, although they know that it is the same thing, others don't that, they then say they are SANCO. They think that SANCO is countering the ANC and don't know that people can have a dual membership for SANCO and the ANC. Many people do not know that. There is no SANCO. One exists when there are people who feel hurt after elections or just before the elections when they do not make it into the ANC candidates list' (Respondent 14: Councillor, Witzenberg Municipality interview)

This seems to have been the situation even in Mbekweni as some ANC supporters formed 'SANCO squatters' and said they represent people who are in the informal settlements. That structure was dissolved when its leadership was absorbed into the ANC electoral list. Some of its prominent leaders became ANC councillors. These structures were said to be formed to represent the interests of these particular social groups. However, those who formed them immediately lost sight of this objective when they were promised the possibility of being ANC councillors.

Another reason that is advanced for the weakening of SANCO in particular, is that it failed to adapt to changing conditions and it could not adapt to the rearrangements in communities and boundary changes. A trade union leader who served on the ANC Regional executive committee confirmed that the problem arose when communities started being organised according to wards and as there was a realignment of ANC according to wards but there was no such for the civics. They remained a structure for the whole township and found it difficult to engage at the ward level. He says the civics failed because 'they don't realign according to wards and they could have

subdivided but they say their policy does not allow them to do that' (Respondent 26: Former ANC Leader, Boland interview). A former Boland region SANCO chairperson who also serves in their provincial structure does not see this as a problem as community issues cannot be neatly divided into ward boundaries so SANCO needs to cover the whole township even if, because of distance, it can divide it into two when it calls meetings (Respondent 43: Public Activist, Boland Regional interview).

Some members of civil society structures are using their community-given power to create clientelist, and even corrupt relationships that abuse poor communities. This is especially so when it comes to housing and employment opportunities. Being leaders of some of these structures give some people leverage in dealing with local municipalities and this is used to either create a loyal followership or to corruptly fleece poor communities.

It does not matter which party is in power here, they are all the same. They must have been told that we people from Mbekweni are ignorant. Even those who lead us do not fight for us, they continue to suppress us especially when they see that one does not know much or one is elderly. Instead of bringing light to the people they bring darkness. There are shacks on the other side that are not legal as people were given that land by the likes of Mr [Chairperson of housing project beneficiary committee CSM1] and are paying rent money to them..(Sighs) It is just corruption. This was when he was part of the Ncedolethu committee. [This was a committee that was chosen by the housing beneficiary community to represent it in dealing with the municipality in the process of new houses being built by the government for them] I was also part of that committee. I always fight corruption. I disagreed when they said people must buy their own material. I told them that the government's houses are free and they said I am coming with wrong things. They took people's monies and built big houses for themselves. There it is his wife stays in it. They robbed people. (Respondent 10: Public Activist, Drakenstein interview)

What this demonstrates is that not everything that is done by those who are elected to represent communities is good. It is not only being in government structures and wielding state power that can corrupt but having some kind of influence that gets



things done can also corrupt. This happens even when that influence is derived from being a legitimate representative of the community outside of state structures. It is ironic that the committee that Respondent 10 mentions is called Ncedolethu and that means, in Isixhosa, 'that or those who exist to help us'. The local community believed that they had a voice and representation from their own against the state but the allegations that are made by respondent 10, who was part of that committee, paints a different picture. This proved to be not an isolated case as one former ward councillor in Langeburg related how her ward committee members used the power they gained by being community representatives to benefit themselves and those close to them. She mentioned that companies and contractors from outside the community would be appointed by government to build houses or roads. In such instances they would meet with the ward councillor and her ward committee to discuss how they are going to work and they would need local labourers. Her ward committee members would make private deals with the contractors and promise to provide the labourers for them without following a process that would try to assist everyone in a community that had a huge unemployment rate. The councillor says she 'later heard that my ward committee members were heavily involved in the project and some were site managers and others doing other functions and their friends were also given positions in the project' (Respondent 20: Former Councillor, Langeberg Municipality interview). Members of this ward committee 'wanted everything to be done by them, especially things that relate to construction as they wanted to control these by being leading people or appointing their friends' (Respondent 20: Former Councillor, Langeberg Municipality interview).

Community leaders are known, also, to sometimes strike deals with councillors to either benefit their communities or themselves as individuals. In this clientelist relationship, these community leaders promise the continued support of their constituency to that politician, in many cases a ward councillor. The example that is cited above is one of those where the community leader takes advantage of the distance between government structures and the community by providing land for some individuals to put up residential structures and appropriating the rental fees. In such a case the leader remains 'the man of the people' and continues to lead community struggles against local government structures while looking after his or her own interests.

### *Civil Society Organisations (CSOs) in invented spaces of participation*

There are organs of civil society that have sprung up and are operating in the *invented spaces* of participation in South Africa. These organisations demand various things 'on behalf of the community'. SANCO demands, like the ward committee that was dealt with above, that when outside contractors come to work in the townships they should request a labour officer from SANCO as it 'knows community members' who need to be employed (Respondent 43: Public Activist, Boland Regional). Just like those from invited spaces who want to play this role there is a hidden agenda even when this is demanded from invented spaces actors. The ability to provide people with jobs in societies that suffer from high unemployment gives one power and popularity and these can be cashed when a need arises, sometimes during local government elections.

Another example of organisations that operate in the invented spaces is the Mbekweni Backyarders Association. This organisation is advocating for people who are not in formalised shacks areas to be given houses. Their actions are not limited to ward committee participation. Although they do attend IDP meetings they do not confine their participation to such structures. They meet with the local government structure to demand that a certain percentage of every housing project that is being developed must be allocated to people who have shacks in other people's backyards (Respondent 22: Public Activist, Drakenstein interview). Backyarders can also operate outside of the law as they occupy land and houses. In Mbekweni people who argued that they were born in the township and are now stuck at their parents' backyards illegally occupied houses that were built by the municipality to accommodate an excess of hostel dwellers. They referred to themselves as the 'borners'. An ANC-led council started by negotiating with them to vacate the houses but to no avail and it then approached the court for an eviction order. The council won a court interdict against them but it was never enforced because by that time the local leadership of the ANC had changed to those who sympathised with the action (Respondent 34: ANC Leader, Boland interview, Provincial Government of the Western Cape, 2003). The new local ANC leaders and councillors started talking to the illegal occupiers and they were never removed from the houses.

The new leaders sympathised with the occupiers and they argued against their removal from those houses regardless of the money that the council had spent to win the case about evicting those guys. So the position of the ANC changed when the new [local] leadership took over (Respondent 34: ANC Leader, Boland, interview).

Unseating of ANC councillors from their positions in the ANC BEC meant that the new local leaders could out-rule councillors on almost everything. This is because power resides in the ANC constitutional structures and not with public representatives (ANC constitution).

The dynamic that was at play with the 'borners' related to the phenomenon that is explained in Chapter 5 as the apartheid government wanted to ensure that Africans are not resident in the urban areas as it considered these 'white' South Africa. Only a few Africans were allowed to work and serve the white people in the urban areas and townships were grudgingly developed for these few accommodated Africans. When apartheid legislation was scrapped with the new democracy many Africans moved to the urban areas as they were no longer prohibited. Today's 'borners' are descendants of those Africans who were allowed to settle in the Boland during the apartheid times. This new local leadership of the ANC also belonged to this group and they understood the plight of those who occupied the houses and sympathised with them and that is why they stopped Council's action against the 'borners' who occupied the houses.

They are now the legal owners of those houses in a section of a township they Christened Dube. Council had to accommodate the previous intended beneficiaries of the project in housing projects that were later developed. What seems to have happened here is that the 'borners' were losing the battle when dealing with the municipality. The ANC-led Drakenstein Municipality had already won the case in court and was granted an eviction order and all that was left was for the illegal occupiers of houses to be removed (Respondent 34: ANC Leader, Boland, interview, Provincial Government of the Western Cape, 2003). The 'borners' had lost the case as the court had made it clear that 'the absence of alternative accommodation is not a bar to the granting of an eviction order' (Provincial Government of the Western Cape, 2003).

Those who were born in Paarl organised themselves and ensured an election of a leadership of the local ANC that was dominated by the 'borners' sympathisers. This local ANC leadership, although not in council, had the authority to summon ANC councillors as the organisation believes that the ANC is the centre of power. As mentioned above, the employees of the ANC at all levels of the state have got to take instructions from the organisation's constitutional structures. The councillors were summoned by the new branch leadership and they were pressured to forget about the court interdict and drop the action against the 'borners' (Respondent 34: ANC Leader, Boland, interview). This was a costly about turn and fell under what the MFMA (2003) defines as fruitless and wasteful expenditure in that it was made in vain and could 'have been avoided had reasonable care been exercised' (Section 1). In this case, politics triumphed over good governance and the ANC remained popular in that township. It happens that involvement in invented spaces is used by some as means of increasing their popularity with community members so as to be able to be elected in the ANC and council leadership positions (see Chapter 7).

Another example of *invented spaces* participation that test legal boundaries relates to the Mbekweni Development Forum. This is a group of small local business people, mainly in the construction industry, who believe that construction opportunities are only given to big companies who are from outside the area. They, therefore, organise and stop construction projects in the area until they get a certain percentage, about 20%, of the project allocated to them. They do not believe that participating in government organised structures at the municipal level is helping them and therefore resort to blocking projects that do not benefit them. This trend is growing in South Africa and has been politicised by arguing that there is a need for local radical economic transformation. Because the ANC no longer governs the Drakenstein Municipality, its voice is not heard but in the KZN province its leaders have condemned this and it refers to it as 'mafia-style business forums who have disrupted several projects with demands for stakes in government tenders' in their province. It has promised that harsh action will be taken against these 'disruptive' forums whose actions are said to 'cost the province investment potential and are causing 'panic in the industry'. The province's Economic Development, Tourism and Environmental Affairs MEC who is also the ANC's provincial chairperson, Sihle

Zikalala, spoke out against this and distanced the ANC from the actions of many of these participants, who have a history of being current and former ANC activists.

The ruling party, the ANC, has resolved that no sphere of government should continue to engage with formations that are hell-bent in pursuing criminal activities under the guise of economic transformation. As the provincial government and the ruling party, we have reached a conclusion that the state of illegality will not be tolerated. We have activated law enforcement agencies not to tolerate disruption, extortion and violence to disrupt business. [...] All legitimate concerns will be addressed but no act of criminality will ever be allowed. (Zikalala, in News24, 24-08-2018)

These actions that borders on being illegal are not tolerated within the *invited* spaces and some of them, though done in the name of the community, are meant to benefit few individuals. Some of the *invented spaces* groups are used by people of different political persuasions but because of the dominance of the ANC in the townships of black people, many of these are ANC sympathisers. CSOs that are in *invented spaces* are, however, issue-based and are focused on that particular issue with not much consideration of political party loyalties. In a number of communities, these structures are playing the role that civics, that are now organised in SANCO, used to play as they are not always affected by ANC politics. The use of 'not always' in the preceding sentence is important in that there have been social movements who, after some time, either chose to contest local government elections. Others chose to endorse the ANC or its opponents like the Democratic Alliance in elections. Many, however, chose to remain independent of political party influence although their members are, as individuals, involved in party politics with varying intensity.

## **6.2. Ward Committees as Participatory Structures**

Ward committees are invited participatory structures whose objectives are to enhance participation in local government (MSA, 1998). They are meant to be community representative structures that the ANC view as vehicles that are designed to ensure municipal responsiveness to local demand and the accountability of councillors to the communities they represent (ANC, 2002). These committees are

elected in public meetings to serve for a period of five years and in that way, their term of operation corresponds with that of municipal councillors. They must be chaired by the ward councillor and are made up of nine community members who are voted for by the ward community members in a mass meeting. The ward councillor has to consult with them on an ongoing basis.

The government's *Ward Committee Resource Book* (DPLG and GTZ, 2005b) sums up ward committees as being:

- The primary vehicle for public participation in municipal affairs
- The most feasible and pragmatic base for civic representation
- Forming the link between the community and ward councillors
- They can function independently of the constraints that are imposed by party affiliation and alliances by virtue of being a function of civil society and not party political.

The understanding of an independent ward committee is shared by ANC lawmakers who were involved at the beginning of the process. They admit that it is currently not what it was meant to be and they define that as being a civil society representative structure.

The ward committee system is not meant to be another SANCO local executive committee, ANC or party [SACP] structure. Actually, the intention was, and we've been asking, when I was serving in the executive, Sicelo [Sicelo Shiceka, Minister of Cooperative Governance and Traditional Affairs from 2009 to 2011] delegated legislation to me and we had agreed to tighten the legislation on ward committees to make it clear that we want a diversity of interests represented in a ward committee. So, for example, it would be the cultural organisation, the taxi association, the sports organisation, ahh, maybe women's organisations and not those that are linked to the party structures, like the ANC women's league. [...] In short, it's not meant to be a structure that is made up of political activists. You might have an odd activist who could be a high-profile member in the taxi association, that's fine, but he or she will be representing the taxi association. The idea was to reach out to people

beyond party political structures who will be mobilized and see the municipality as belonging to them. It's a very progressive model (Respondent 21: MP interview).

In the Western Cape Province, the ward committees were only introduced in 2003 when the ANC took the province over in a coalition government after the junior partner in the previous coalition government shifted loyalties. The previous coalition government was not in favour of ward committees and claimed that the province's municipalities were not ready for ward committees (Davids, 2005). The legislation that dealt with ward committees was crafted in a way that did not make it mandatory to have ward committees as the government got legal advice that it would be unconstitutional to prescribe to municipalities about these committees (Carrim, 2011b). Municipalities in the Western Cape, the only province not governed by the ANC at the time, attempted public participation through other forums. For an example, Stellenbosch municipality divided the municipal area into nine development areas with an overarching umbrella body that they called an area forum for each area. Organisations and groupings from each area would make up the forum (Ward, 2001).

The Brede Valley council under the ANC mayor, Linda Sibeko, adopted one of the first ward committee policies in the Boland region in 2007. This, as many later ward committee policies, mainly reproduced what is captured in the Local Government: Municipal Systems Act (2000). Although this policy allows ward committees to express dissatisfaction with non-performance of councillors it states that ward committees are merely advisory structures with no decision-making powers (BVM, 2007)

The actual process of choosing ward committees has since evolved from a situation where people could just be nominated in a community meeting and get voted for on the basis of popularity. That was not a perfect situation, but it was still within the ambit of the law, unlike what a person who has been a councillor for almost twenty years painted as what used to happen in the past. She said 'as a councillor you used to pinpoint people based on your knowledge of them being active in those sectors and of course, you would choose people from your political organisation (Respondent 14: Councillor, Witzenberg Municipality interview). She is emphatic

that they were not voted for but would be endorsed after the councillor has ascertained that they belong to existing structures. This has been confirmed as having been the position even in other South African municipalities (Bénit-Gbaffou, 2006).

The current situation is that of individuals fill in application forms upfront and without an interview, they get to be on the ballot paper when the electoral ward meeting is called. The community can only vote for those names and no one can be nominated from the floor. What seems to have stood the test of time is the element of choosing people according to political party affiliation.

### *The politicisation of ward committees*

The interviews confirm that there is political mobilization that takes place before the election of the ward committees. All the participants in the study agree that there is such political interference in the election of ward committees. Political parties ensure that as many of their party members, as possible, attend the meeting and vote for their fellow party members. In a ward that is dominated by the Democratic Alliance, you will find that the ward committee is dominated by that party's members and the same in a ward that is dominated by the ANC. A ward councillor who previously served in a ward committee in Stellenbosch says political interference in the election of ward committees manifests itself through pieces of paper that are secretly circulated in meetings urging party members to vote for identified fellow party members' names on that paper (Respondent 8: Councillor, Stellenbosch Municipality interview). A national leader of the ANC acknowledges that this happens and argues against it. He argues that 'the people that are in the ward committee are political activists in some or other structure'. In the townships or any African areas it would be somebody who is linked to the ANC alliance, in the non-African areas its someone who is linked to the DA and now, of course, there's also EFF' (Respondent 21: MP interview). Regardless of the national ANC leaders' condemnation of these practices, one finds people in lower structures of the organisation and government justifying them.



While some ANC municipal areas in the Boland region have been behaving this way for a long time, the ANC in Langeberg claims that it has only started with the local elections of 2016 to focus on getting their members to be elected and dominate ward committees. A ward councillor who has served in the provincial executive committee of the ANC articulated this.

We previously did not interfere when ward committees were elected and we did not bring party politics into the process, we allowed people to just be elected. But in the past term, we have realised it is not a wise move. People who work in the ward committee are politicians in most cases. Instead of focusing on service delivery they would spend time attacking the councillor of the ANC and that would delay service delivery. So this time around we said no, the branch executive committee (BEC) of the ANC cannot just watch this, they must contest space because the ward committee elections are conducted by the Independent Electoral Commission (IEC). So we said they must contest space because we have the same vision here whereas you have people who are not ANC going there to attack the councillor of the ANC instead of focusing on service delivery. So this time we did encourage ANC people and we even approached church leaders who are not necessarily ANC people but are credible people in the community to contest space'

(Respondent 12: Councillor, Langeberg Municipality interview)

This view is confirmed by a regional leader of the ANC who also serves as a chief whip of the organisation in the Langeberg Municipality as he said they realised that it was high time that the ANC took charge of the process and understand that to proceed with the ANC programme they also needed to 'strengthen the wings that actually works around the ward councillor' because a ward committee plays an important role with regard to influencing the community in a particular ward. He criticised another ANC ward councillor from another township as not being in charge of his community 'because he thought that we were playing when we said mobilize and get people who understand the tone and tune of the ANC. Now he is sitting with a ward committee that is opposing him'. He does admit that it is democratically elected and it is 'representative, you have BLF, EFF etc., but you don't want that in a ward committee, you want a sound proper working relationship with your ward committee, people who don't bring political agendas, but unfortunately people have

political beliefs, even if it is independent, that's your political belief' (Respondent 11: Councillor, Langeberg Municipality interview).

This focus on political party membership ignores 'competency or local network in the area' and 'ability to voice people's concerns' (Bénit-Gbaffou, 2006, p. 34). This politicisation also affects the operation of the ward committee as, at times, it rears its head and affects positions that are taken by members when issues are being discussed as evidenced by the experience of a ward committee member who said that party political allegiances influence discussions in her ward committee as they agree or disagree in discussions based on party allegiances. She made an example of something that seemed not party political but the participants grouped themselves according to political party allegiances. The issue related to transport and it 'became apparent that the other members, those from the EFF and the ones from the ANC could not agree' (Respondent 18: Ward Committee Member, Witzenberg Municipality Interview). When asked whether the EFF comes with its own position and the ANC likewise, the ward committee member responded 'that is how it happens'. This happened in two meetings, and 'our councillor said we should no longer discuss the transport issue as he did not want to appear as being on the side of the ANC and not on the side of the EFF. So, we stopped discussing transport' (Respondent 18: Ward Committee Member, Witzenberg Municipality Interview). It is counter-productive to have issues that cannot be discussed in a ward committee meeting, even if they are important, so as to preserve peace.

Another ward councillor agrees that there is a lot of party-political influence in the work of the ward committee and says she tries to stop it when she notices it happening. She says she handles it by reminding them that when she was still campaigning she would tell them that she was an ANC candidate and now that she is a councillor she is one for all people and not only the ANC. In doing this she also reminds them that in a ward committee they do not 'focus on party politics but on service delivery' (Respondent 8: Councillor, Stellenbosch Municipality interview).

One reported case where ward committees appeared to have exercised power is said to have been influenced by party politics. The ANC's Councillor Lungile Magala of Mbekweni was removed after his ward committee complained to the Speaker of Drakenstein Municipality that the committee is not functioning well because of him.

They accused the councillor of not listening to them and also prioritising his political party. They alleged that benefits that accrue from the ward budget like food parcels and Job opportunities tend to go to his party's supporters (Drakenstein Gazette, 2013). There was also an allegation that a portion of the ward budget was not spent and thus depriving the community of benefits. The money would normally go back to the council at the end of the financial year if it was not spent. This is the only reported case in the entire country where a ward committee complaint led to the removal of a councillor and it could be claimed as an example of a ward committee that was taken seriously by politicians. There are however allegations that this was not a victory for ward committees but for party politics and the abuse of political power. The ward committee members who complained to the Speaker of the council were Democratic Alliance (DA) members and the municipality is run by this party. The Speaker who considered the matter was a DA speaker and he made a recommendation to a DA provincial Member of Executive Council (MEC) and a decision was taken to fire the councillor thus creating a vacancy in that ward. This was regardless of the many complaints that many claims are brought to the speaker about councillors and they are not acted upon (Respondent 29: Public Activist, Drakenstein interview).

The [Democratic Alliance] speaker took up the thing, they took him [ANC Councillor Magala] to a disciplinary hearing and in the meantime, they changed the rules of order for councillors and they got space to remove him after sending a letter to the [Democratic Alliance] MEC who agreed with them and he was removed. I was of the view from the start that they did not have legal reasons to remove him as ward committees are only advisory bodies. But because of our own internal fights, we messed up that thing of his (Respondent 29: Public Activist, Drakenstein interview).

It appears that the ANC did not do much to protect its councillor because of its own factional fights and the ward was considered 'safe'. Magala won the ward in 2011 with 88.6%. After his removal, a by-election was held and another ANC candidate, Zukiswa Nomana, won by 71.9% defeating a DA and an independent candidate (Drakenstein Gazette, 2013).

### *No links between 'sectoral' representatives and represented sectors*

Ward committees can be made up of smaller area representatives within the ward or sectoral representatives. In the five local municipalities that make up the Cape Winelands district in the Boland region only the Langeberg Municipality, with the towns of Robertson and Ashton, has ward committees that are representatives of smaller areas that are called blocks. Langeberg initially started with the sectoral representation ward committee in 2006 and changed to the current block representation system in 2011.

The other four municipal areas have opted for ward committees that are based on sectoral representation. These ward committee members are meant to represent different sectors like the youth, women, sport, business, education, religious groups and such. The *Ward Committee Resource Book* (DPLG and GTZ, 2005b) sees this system as not only ensuring that each member has a specific role to play, but members are allocated to sectors that they are already active in as civil society members.

The reality is that these municipalities do not check whether people really belong to a particular sector and whether they have any link with people who are in that sector. It is, of course, ensured that you have to be a young person to represent the youth and a woman to represent women but beyond that, there is no means of checking people's involvement with a sector that they plan to represent. This results in a situation where, in some cases, people attend meetings and raise whatever they think a certain sector wants. There is a possibility for a fraudulent process of representation. A ward councillor who has served more than one term in Stellenbosch bemoans a change in the system that has affected accountability as there used to be a system where 'people who will represent churches would get something like a testimonial document from a church that confirms the person as representing a church'. (Respondent 7: Councillor, Stellenbosch Municipality interview) The situation now is that anyone can apply to represent a sector, as long as they are registered in that ward and they get allowed to stand for elections into the ward committee. This creates a 'problem that a person sees the advert and apply and it is not easy to recall such a person because previously we knew that you were nominated by a certain church or I knew that you were nominated by the youth,

youth in sport. I would approach the structures who nominated you. Now we don't know your background.' (Respondent 7: Councillor, Stellenbosch Municipality interview)

The lack of a verifiable link to structures within a sector that ward committee members represent leads to ward committee members who attend meetings for themselves. One ward committee member who had been serving for almost a year responded to a question on whether he is linked or whether there is a working relationship with the sector he was representing responded in the negative.

I don't think there is that link currently. We have a problem in bringing the sector and the people who are in these structures together. It is not that they don't recognise the ward committee but there is no working relationship with these sectoral organisations. Only when there is a crisis can that situation arise. In that situation, people can start thinking that they have a sectoral representative like a sports one and think about how they can utilize him, but currently there is no such working relationship '. (Respondent 17: Ward Committee Member, Witzenberg Municipality interview)

In one ward there was a representative of the education sector whose claim of being part of the sector is that she works as a cleaner at one school. She believes that she is representative of the sector because when she goes to work she informally talks to teachers and therefore knows what is needed in the education sector.

This situation seems to have persisted throughout the existence of ward committees as a person who served on the very first ward committees in a different municipality within the Boland region confirms the importance that was attached to political affiliation as opposed to sectoral affinity. A former ward committee member confirms that from the early days of ward committees they ensured that, at the end of the day, most of the people elected in a ward committee would be from their party. Party membership remained the only criteria for election as they 'didn't consider how involved that person is and how clued up they were about their portfolio. That remains a challenge even today.' (Respondent 27: Public Activist, Langeberg interview)

### *Ward committees and independence*

There is literature to the effect that the fact that ward committees are chaired by a ward councillor makes them less independent. It is argued that the councillor calls the shots and determines the pace and the activeness of the ward committee as a lazy councillor would not convene ward committee meetings (Piper, 2009). The findings of this research confirm that dependence. One former ward councillor went as far as to say the ward committee 'is elected in your ward but you as a councillor you become its chairperson so that it can be controllable' (Respondent 5: Former Councillor, BVM interview). Another former ward councillor told of once dissolving a ward committee as he felt that the ward committee members were 'misbehaving' (Respondent 23: former Councillor, Langeberg Municipality interview). The matter was not discussed with the community that had elected this ward committee. In fact, all ward councillors who were interviewed displayed a paternalistic attitude towards ward committees. There was no sense of participation that is recognised as being on an equivalent footing between the councillor and the ward committee members. When asked whether ward committees have any semblance of power a ward councillor who had served the last five years as a ward committee member confirmed that they are powerless.

No, they do not have power, they only have to advise the ward councillor. But they do not know that they do not have power. You find that in some instances they question how things happened without their knowledge, but they get to a stage where they realise that they cannot stop or reverse things' (Respondent 8: Councillor, Stellenbosch Municipality interview).

It looks like ward committees who start questioning somethings are quickly put in their place and reminded that they are 'advisors' to the councillor. This is a far cry from the claims found in the legislation and ANC policy documents that ward committees are representatives of the community (MSA, 2000; ANC, 2002).

Ward committee members also cannot convene a ward committee meeting without the ward councillor present and they cannot convene a community meeting unless, in rare occasions, the councillor permits them (Respondent 5: former Councillor, BVM interview). This dependence on the councillor seems to be endorsed by other communities. One ward councillor recalls that she sent her ward committee

members to go meet the community in a public meeting as she was busy in another meeting. These committee members were sent back by the ward community from that meeting as the community demanded that the ward councillor be present in that meeting. The councillor told the author that she thought that was an example of 'ward committee members who lack knowledge because they were elected by the people and were not supposed to be chased away by the same people. They have never worked with people before.' (Respondent 8: Councillor, Stellenbosch Municipality interview)

This kind of situation could have arisen because the ward committee members did not have the answers that the ward community wanted in that meeting but it does reinforce the mentality that ward committees are mere 'advisors' of the councillor. You find a situation where ward committees are, in some cases, not trusted as representatives of the ward community as they do not interact with those who voted them into the committee in the first place and some councillors just ignore them. An example is made of a ward committee that was elected about a year ago and had not convened a ward community meeting. The participant says she does not even think that they know their portfolios, 'I asked [current ward committee member, WCM 1] the other day what was his portfolio. He said he does not have one and he complained that the councillor works alone.' (Respondent 10: Public Activist, Drakenstein interview)

Another form of dependence by ward councillors relates to the stipend that they are being paid by municipalities. Some municipalities pay a stipend based on meetings that are attended by the ward committee members but there are those who pay a monthly amount. These may be small amounts but in the context of high unemployment levels, they mean a lot as explained in the section of Chapter 5 that deals with socio-economic conditions in the Boland region. This region has a seasonal economy and employment tend to be scarce. For people who work on the vineyards, there is unemployment at the end of the grapes harvest season. In such cases any amount of money become important. There is an argument that these days people are attracted by the stipend that is being paid to ward committee members and 'others realise while they are already in the committee that being a ward committee member is not for them as they had previously focused on the

stipend that they would get without knowing what was expected of them’.

(Respondent 7: Councillor, Stellenbosch Municipality interview)

One business person who is a former deputy mayor says this ‘payment’ causes both councillors and ward committee members to view themselves as employees of the municipality (Respondent 23: Former Councillor, Langeberg Municipality interview). Thus, you get many people applying to be on the ballot for the position even if they have no links with sectors they claim they will be representing.

Initially, ward committees were supposed to work for the community, but there’s is now the issue of money. Ward committee members can’t be vocal about the community needs or the needs of the people that they are representing because these days they view themselves as being employed by the municipality. That’s the frustration that we are dealing with. People go and occupy these positions not because of the interests of the institutions that they are in. They do it because of money now. In the past it was difficult to get ward committee members. Now you find that it is easier to get ward committees and people even fight to be part of these committees because of the money that comes with it now. It does really cripple the system because even if your capacity does not allow you to be part of the committee you force matters because of the payment at the end of the month and the issue of poverty plays a big role in the setup (Respondent 23: Former Councillor, Langeberg Municipality, interview).

Another serious consequence of this employee mentality is that they become subservient and would rather not risk their ‘employment’ by raising uncomfortable issues. Political parties that run councils also mobilize for their members to be part of ward committees for political reasons and for their members to benefit by having income (Respondent 43: Public Activist, Boland Regional interview). Of course, this ‘employment’ is sought as second glamorous and beneficial to that of being a councillor.



#### *6.2.4. Ward committees as springboards to ward councillor positions*

In some of the municipalities it was argued that it is acceptable and encouraged that ward committees are a route to becoming a ward councillor. Examples are given in Kayamandi in the Stellenbosch municipal area and a number of those that are ANC ward councillors were ward committee members in the previous term. An ANC regional leader who is also a councillor in a different municipality actually called for such a situation as he called for the capacitation of ward committees to be a 'training ground for being a ward councillor. COGTA must have a regulation that people must have gone through that route to be ward councillors'. (Respondent 11: Councillor, Langeberg Municipality interview)

This might work well as ward committee members continue to learn council issues while representing the community. There is also a danger of ward committee members who might spend their term agitating against the councillor so as to be seen as a better candidate for the next local government elections. An administrator in the Speakers' office remembers that such situations occurred a lot as 'people would always think that if I serve in the ward committee now and I undermine the ward councillor enough and then I can become the next ward councillor (Respondent 29: Public Activist, Drakenstein interview).

This tends to affect the ANC more than other big parties as, unlike the biggest opposition party in the country, the Democratic Alliance, the ANC does not require people to undergo a selection process where they submit CVs but it relies on the popularity of the candidate. It happens that some ward committee members spend their term in office undermining the ward councillor and mobilizing support for themselves in preparation for the next local government elections.

### **6.3. Participation in the Integrated Development Planning Process**

The Integrated Development Plan (IDP) is a 'single, inclusive and strategic plan' for the development of a municipal area that has to be developed every five years and reviewed annually with the participation of the public. Section 35, subsection 1 of the Municipal Systems Act (MSA) (2000), as quoted in Chapter 2 of this study, explains the IDP status as being that of a strategic planning instrument that guides and

informs all planning and development in the municipality. An illustration of the importance of the IDP is in that section 35, subsection 2 of MSA, 2000 states that 'a spatial development framework [that is] contained in an integrated development plan prevails over a plan as defined in section 1 of the Physical Planning Act, 1991 (Act 125 of 1991)'. That act defines a plan as meaning a 'national development plan, a regional development plan, a regional structure plan or an urban structure plan'. This means that all other spheres of government must negotiate their plans with a spatial development framework that is part of a municipality's IDP.

The IDP is, therefore a very important and authoritative document in the life and development of a municipality. The fact that the community has to play a role in the formulation and reviewing of this document is quite progressive. The community needs that are reflected in the IDP have to be addressed through projects that will be catered for in the municipal budget. Therefore, the IDP has to influence the final budget of a municipality as one of the architects of the South African local government system states that 'you can't get an IDP legally passed unless you've consulted with the community. With the IDP you have the budget; you can't pass the budget without some measure of consultation' (NM1 interview).

Findings indicate that the process is not as smooth as anticipated in the policy documents and in the views of those who drafted the legislation. Firstly, when the IDPs were introduced it was to municipalities who were not accustomed to planning for socio-development as in the highly centralised apartheid state this was done by the national government. Many appointed outsiders as consultants and this led to an expert-centred process that largely left the community out of the process. As time moved on many municipalities developed an internal administrative capacity to lead the IDP process without a lot of reliance on consultants. The Mayoral remarks to the Brede Valley draft IDP for 2005-2012 confirm this.

My experience of the IDP process of the Breede Valley Municipality is that the IDP has advanced from a consultant-driven data compilation exercise to a process in which key role players are actively involved and through which key decisions on the budget and business plans are determined. This is a tremendous historical step forward towards democratic and developmental local governance, in which local development becomes much more than the

delivery of a set of goals to a passive citizenry, but about growing involvement and active empowerment (Draft BVM IDP 2007-2011).

It is interesting to note that in the final 2007-2011 IDP the mayor's statement has been edited and a reference to an IDP that was consultant-driven was removed. The above paragraph was replaced with one that had no reference to consultants but emphasised that the IDP was people driven. It stated that the municipality 'traversed the length and breadth of the Breede Valley in consultation' with many different stakeholders in ward meetings and other communication interventions'. The municipality said it found these interactions 'most informing' and it was through that process that it realised that its reason for existence is the people (Final BVM IDP 2007-2011). Both versions can be found on the internet.

The meetings with the communities are appreciated but issues that these communities raise about public participation in the IDP process relate to whether their inputs actually influence the final IDP product and through it the municipal budget. The cry seems to be for a process that sees the public voice carrying weight as it did in the participatory budget process of Porto Alegre, Brazil, under the Workers Party. Therefore, findings around the IDP process relate, mainly, to its ability to realise the democratic good of popular control with only one ANC councillor accused of limiting participation.

### *Improving communication and participation*

What ANC councils are recognised for doing right is investing in getting people to understand in proceedings in IDP meetings. Unlike a situation where Afrikaans was a language of government for a long time and the apartheid government believed that everyone had to learn the language or get left behind. Many of the people who were left behind were those in the ANC constituencies. When the organisation got into power it ensured that there would be a translation into indigenous African languages in public meetings. This went a long way into bringing the majority into the participatory process as one ANC ward councillor in a municipality that is no longer governed by the ANC says 'there was a difference under the ANC in this municipality, people would attend meetings but the IDP is a thick document that is

put together by the officials so under the ANC there would be a black official who comes and explain this document and people would understand but now you get a white official from the municipality and then there would be translation' (Respondent 7: Councillor, Stellenbosch Municipality interview).

It is unfortunate that while the ANC understood the need to translate into indigenous languages in meetings, it does not see the need to translate the documents themselves into these indigenous African languages. IDP documents remain in English and in Afrikaans in a situation where many who participate do not have advanced schooling. The costs of this process might be an inhibiting factor but it gives an advantage to those who can read English or Afrikaans. They are the ones who send in written submissions to the IDP process and it is this researcher's belief that these submissions get more attention than a comment made in a mass meeting and has to be captured by a municipal official who is taking notes. The official can summarise the point, but a written submission allows the author enough space to make out a clear argument. Those who cannot read IDP documents cannot write submissions and depend on the explanation they get in meetings. This has the effect of disadvantaging those who cannot read and write English or Afrikaans.

### *Limiting participation in IDP meetings*

The ANC policies and its communication paint a picture of commitment to having the public participating in local government matters where it governs. It also advocates for same where it is in opposition. It is, however, not always possible to get all their local representatives to display this commitment, as explained by a public activist.

Now dagga [marijuana] sellers have jumped on the bandwagon and they are leading the local ANC. There are people who are scared of them. I tell you an example just now, it was yesterday, Monday, I was in a meeting, and I was chased away by the ward councillor, from an IDP meeting. He literally tried to chase me away from the meeting. I told him I am going nowhere because the meeting was not his and he did not call it, his work is to be a councillor, I am not a doll, I am not operated by any circumstances. He wanted to chase me out of the meeting because there are questions that he does not want raised,

and I was even not asking those questions to him, I was directing them at the municipal officials (Respondent 22: Public Activist, Drakenstein interview)

Another community leader raised the same sentiments about this one councillor as she said he opens a meeting and then controls it. She claimed that even when people want to ask questions he would control the municipal official chairing the meeting and tell him or her to 'allow that one to talk and do not allow that one as people indicate by lifting hands that they want to contribute in the meeting and ask questions. He controls the meeting' (Respondent 10: Public Activist, Drakenstein interview).

### *IDP participation process being used to tick boxes*

IDP meetings are mostly used for compliance purposes as they are demanded by law. Councils go through the motions to be able to report to provincial and national government structures that they have held public meetings for participation in the IDP and budget process. This seems to be the case regardless of which political party is in power in councils.

You see there is this thing called compliance. Institutions of government do things because they are forced by law, now that is compliance. The mere fact that the community in the IDP meeting propose that they want a swimming pool and you come back after 12 months and tell them that the swimming pool was taken out of the budget shows that you just came for compliance and you had your own program. It is still happening now that municipalities run around during the time of IDP compilation in order to satisfy the requirements of the law and not because they want to do what the communities want. This happened when I was a ward councillor of the ANC and also when I was a deputy mayor for the Congress of the People (COPE) under a DA-led coalition council and it's still happening now. In this municipality, it is made a Municipal Manager's responsibility while the legislation says it is a responsibility of the mayor. That shows that if the law was not requiring these meetings, they would not be taking place. Because if you're saying to me this money belongs to me you just come to me for the sake that you want me to

unlock the spending of this money otherwise you don't care about how I want this money to be spent. (Respondent 23: Former Councillor, Langeberg Municipality interview)

The importance of an IDP for the community is influenced by the apartheid past and its legacy. Chapter 5 gives the context of urban areas in South Africa and uses Boland as an example of these. Apartheid South Africa did not consider black people as being part of the urban areas as they were viewed as offering services and then going back to settle in what was known as their 'homelands'. The apartheid government did not see a need to invest in public amenities for these communities. This led to a situation where the post-1994 government became under pressure to provide very basic services to ensure shelter, employment, address poverty and other socio-economic challenges. The IDP was seen by both the public and government as a tool that will plan for dealing with these at the local government level as it was to be the basis for budgeting.

It, however, appears that the structure of budget that was formulated to address the needs of the minority white local authorities was not overhauled as these authorities swallowed the black local areas around them. There are budget votes that have been inherited from the old government and these are used as a structure that the entire budget should fit into. Officials draft the budget in accordance with these and it is taken to the public. They tend to accommodate some public demands as long as these do not necessitate the creation of new budget votes. This is because they find that the current budget votes help for easier administration purposes. The Municipal Finance Management Act defines a vote as one of the main segments into which a budget of a municipality is divided for the appropriation of money for different departments or functional areas of the municipality (MFMA, 2003). The danger to public participation in the IDP process is that if a certain bureaucrat decides that what the community wants cannot be accommodated in any of the available votes they can just ignore it instead of arguing for a creation of a new vote in the budget. A person who has been a senior municipal official for over twenty years explains that this is how it happens.

But generally, the budget is driven by the officials, the legislation and the budget votes, because we have inherited votes, and the public does not

change these votes anyway. You budget as per the vote as it comes. So generally, I agree that it is driven by officials, what the law says and the votes and so on. Let us talk about the housing budget as well, even the housing budget, although the community would say we want houses in a certain area, because it is in the vote it will be budgeted for, a priority might not be the one you want. The community might say that they want houses in a particular area while, maybe, the municipality has determined that they will build houses elsewhere. That's my view about the budget, generally, officials play a role. (Respondent 2: Former Municipal Official, Drakenstein And Stellenbosch interview)

This situation can be amended by local politicians who understand their mandate and are serious about allowing the public to influence the budget. Some have done it but there are situations where the politicians follow the lead of municipal officials. This is a serious shortcoming, especially when one is dealing with municipal officials who do not share the vision of the governing party. The ANC and its allies noted, in a 1997 discussion paper, that the state machinery remained 'considerably unreformed' and this often undermined the ANC-led government's capacity to intervene through the state and transform people's lives for the better (SACP, 1997b, p.17).

The situation of not catering to the needs that are identified by communities is frustrating to ward committee members who are trying to ensure consistent participation by the communities. They complain of this situation as all they experience is a situation where they repeatedly tell the council, during IDP participation meetings of the community's needs and what they want to be prioritised in the IDP document and the budget but a lot of it is not implemented. Ward committee members keep repeating these needs and priorities year in and out but the municipality is not swayed, 'we told them to change the sewerage pipes because the township has grown to be big. They have not done that. They keep on coming back asking us to state our needs and we keep on giving it to them and nothing happens' (Respondent 28: former ward committee member, Langeberg interview).

This dispels the notion that ward committees can have some kind of influence in getting people's need met. On the other hand, a view of politicians who have a final say on the budget is that there are other realities that the public does not know about

when raising issues to be catered for in the IDP and the final budget. It is not explained to the community that what they are supposed to try and influence is not the entire budget as there are things that they cannot change. The total budget is divided into an operational and capital budget. The operational budget is entirely determined from within the municipality and the public participation in the IDP process is for the capital budget. A former mayor and ANC regional leader says these realities affect the final budget and therefore curtail the free will and wishes of both the politicians and the public.

The IDPs are problematic because they have difficult things that they come with, the hidden budget; do you know the hidden budget? These are things like the infrastructure [maintenance of existing infrastructure], things like the electricity that has to be bought from Eskom [South Africa's only electricity supplier] and such. By the time you go with that budget to the people for the participatory process so that people can identify issues that will address their needs, you go really with a limited budget. Now it creates big expectations on the side of the people as they believe that they can influence the entire budget so as to address all their needs, without knowing that there are other things that the money is earmarked for already, before the long-term projects that they as the people identify. But also, when you are involved in these processes, you find that people raise issues that are not within the competency of the municipality, one example is housing, it is not a competency of the local government [...]. Sometimes you get violent protests for things that are not the competency of the municipality (Respondent 19: Former Mayor, Local Municipality interview).

What this shows is that sometimes it is not the local politicians that are ignoring the public but they themselves have to contend with realities that are beyond their control. The understanding of such issues by the community is sometimes wanting as the DPLG also noted in 2007 that communities often prioritise visible delivery needs and have no understanding that there are also important service delivery needs, like bulk infrastructure (Carrim, 2011b). This creates tensions as this misunderstanding might lead to the councillors being viewed as not being responsive to the community.



It is also a fact that the biggest things that previously disadvantaged communities tend to raise are housing and jobs and both of these are not the primary functions of local government. In many cases, municipalities can only apply for a new housing project to a provincial government. Although provincial authorities get the funding as part of the division of revenue, from the national government, they might politicise the approval of housing projects and prioritise municipalities that are governed by their political party colleagues.

If one goes a level down, there is also a challenge that is faced by ward councillors when it comes to the delivery of visible projects. In the highly politicised South African local government, a party that is governing a municipality might be reluctant to budget for a project that will be in a ward that it does not control. The budget is ultimately decided through a majority vote in the council. After all the public participation processes the political executive structure of the council, the mayoral committee (Mayco), works with officials to prepare a budget. Mayco is made up of the governing party and the councillors that serve in Mayco interact with their fellow party councillors in caucus to win support for the draft budget. When the Mayco has agreed on the budget it then presents it to the council for adoption. This has to be adopted by, latest, June of every year as the new financial year starts in July. The strict party discipline in South Africa does not allow a free vote and the budget gets adopted by a majority of the governing party or with its coalition partners where there is no one party majority. In this scenario opposition ward councillors do not have much to present to their constituencies. There is a minimal ward budget that is allocated every year for all the wards, besides the big budget that contains capital items and the one that looks broadly into the municipal community. In some of the municipalities in the Cape Winelands the amount is R150 000 (£8208.23) and at Stellenbosch it is R200 000 (£10579.46). A Stellenbosch councillor explains that she has this 'budget of only R200 000 (£10579.46) and from that money, I've got R80 000 (£4231.79) that I have to use for projects that are directly beneficial to the people and the R120 000 (£6347.68) is capital as it is the municipality's budget and with that money you can't satisfy everyone' (Respondent 7: Councillor, Stellenbosch Municipality interview).

Some wards develop community-based plans to help with the allocation of this money. In almost all communities, whether there are plans or not, ward councillors

are supposed to be accompanied by the ward committee to convene a ward community meeting to discuss about what to do with the ward allocation of that financial year. This does not always happen as others do as they wish. The findings point strongly to this one councillor in a ward that is in Mbekweni, Drakenstein Municipality.

There is that money of the ward budget allocation and the councillor this year formed a soccer club and gave the money to it. He does not decide with the ward community. He does things on his own. There is no action that is taken against him, we write letters and report him but we get no response, as a result in the next elections we will not vote because they do not respond when we report this person who is adamant about killing the nation with no one intervening. There is nothing that he discusses with us. I was just having a discussion with another lady who told me that elderly people's Christmas parcels have arrived and he sells them, threatening that his gang will shoot people who go and claim what they believe belongs to them. This ward's Christmas parcels were given to him as a councillor. [...] We are not after his position of being a councillor but all we want is development (Respondent 10: Public Activist, Drakenstein interview).

In the case of this particular councillor, the ANC has not intervened as shown in 6.2 above. The question of handling discipline in a factionalized way within the ANC is addressed in 6.2 of this chapter. This councillor is known to be protected by the regional secretary of the structure that was disbanded in September 2018.

### *The Improving quality of community input*

There have been different levels of maturity in participation that takes place in different communities. In some communities in the early days of democracy, there was dynamic participation while in others people surrendered their fate to the political leadership and not utilised the participation space that was provided. This is more so in the very rural areas like those of Langeberg. This is confirmed by a person who was a ward committee member in the early days. He says that even in the process of raising priorities for the IDP community members would reduce

themselves to being listeners rather than participants because they were not clued up about participatory democracy (Respondent 27: Public Activist, Langeberg interview). A former deputy minister of local government raised this concern about communities who do not effectively use the community participation space (Carrim, 2011b). This could be linked to the attitude of seeing the ANC public representatives as liberators and as being on the side of the people and this belief has led to the folding of many non-governmental organisations, as covered in Chapter 4 and it is further discussed in the next chapter.

While many communities used IDP meetings to only push the government to deliver services and meet their needs, the evidence is also provided of communities who kept on improving their use of IDP meetings. They moved from being complainant to a point where they pushed for partnership with local government in addressing what they saw as their needs. A former Mayor of the CWDM explained that one of the comments in their first IDP meeting that was recurring was 'sitsala kanzima' [we are suffering] although the poor did not elaborate on this 'we are suffering'. Then people raised issues that they needed to be done like they would, in a meeting, say they want a graveyard etc. When these municipal councillors and officials came back the next year the people no longer said 'sitsala kanzima' [we are suffering] but they reminded these officials of the list of needs they communicated to them in the previous year and then added more issues for the municipality to do for them. In the third year, it was again the same thing as they reminded them of the list of things but went further to inform the municipal representatives of what they, as the community, have done and demanded that council should partner with them and be part of what the community have already started.

You could see a change in how citizens respond. Because we had ward committees in place and we educated them on how government work and it was no longer a citizenry that was just expecting things from government. The citizenry was capacitated to the extent that even if you could remove the entire group of councillors and still there would not be a lack of capacity in running the council. [...] When citizens say we have collected R50 000 [£2644.87] for this cleaning project and now put your own R50 000. Then the power relations change because it is now a Rand for Rand basis. They say we have already done this and so your participation has to be in doing that.

So to answer your question, today we have seen a decline in the capacitation of civil society. [...] I refer to those three examples of the evolution of communities' responses from 'sitsala kanzima' [we are suffering], to 'we're watching you', and then to "we have done this so as the government you must also contribute" (Respondent 9: former Mayor, CWDM interview)

This kind of community response and taking initiatives without solely relying on government empowers the community and makes it difficult for the government to avoid contributing and partnering with the community. It must be said that this kind of initiative-taking spirit is not evident in many municipalities and towns.

## **Conclusion**

The findings agree with what is in the literature in as far as the politicisation of ward committees is concerned. It is also the same with public inputs in the IDPs not being taken seriously as a basis for municipal budgeting. There are also findings that are not covered in the available literature, like the extent to which ANC factional fights affect both invited and invented spaces of participation. This has not been widely researched and it is important for the largely black residential areas where the ANC is dominant. Another one relates to how contests to get into ANC political leadership are actually about access and control of local government positions and the extent to which this starts to blur the divide between the party and the local state. The manipulation of local democratic processes in the process is also a serious problem.

ANC councillors seem to have learnt the language of emphasising the importance of public participation in local governance, except for one councillor who is accused of not even pretending to believe in it as he blatantly limits the space for participation. Findings point to a factionalized ANC at the regional and local level that is not acting to stop such behaviour.

The data presented in this chapter has as much significance for civil society as it does for the local state and its representatives. It shows that it is not always the case that the state is bad and civil society is good. The participants in this study point to instances of clientelism and blatant corruption that involve leaders of civil society.

Furthermore, individual members of the public have also allowed themselves to be pawns in political games as long as they get personal benefits like stipends.

While there is evidence of the improving use of participatory processes like the IDP meetings, these are rare as these meetings continue to be used by the public to agitate for their socio-economic conditions to be improved, regardless of which sphere of governance has the competency to deal with these. Furthermore, councils continue to use these meetings to satisfy a legislative requirement for them to get public inputs. There is no evidence of councils taking IDP meetings seriously as they make it an annual ritual to come and ask for public inputs without much attempt at using these to influence the IDP and the budgeting process.

## **Chapter 7: Prospects for Realising *Democratic Goods* in South African Participatory Designs**

This chapter continues the presentation, contextualisation and analyses of the findings that are presented in Chapter 6. The democratic goods that are found in Smith's (2009) are used in assessing the opportunities for participation that are provided for in South African local government, focusing on ward committees and the IDP. This chapter also further highlights contextual issues that affect public participation in South Africa. It discusses civil society organisations' struggles and conflicts as they operate in the invented spaces of participation. It also discusses civil society organisations' dynamics within the invented spaces of participation.

### **7.1. South Africa's Invited Participatory Spaces and *Democratic Goods***

Democratic innovations are designed to increase and deepen public participation in a democracy. They go beyond the normal democratic processes that are normally associated with electoral democracy. This study uses the four *democratic goods*, which were outlined in the theoretical framework in Chapter 2 to guide the analysis of the invited spaces of participation. These four desirable qualities or *democratic goods* that must be realised by the participatory designs are inclusiveness, popular control, considered judgement and transparency. The integrated development plan process and the ward committee system are, therefore, tested against these four *democratic goods* based on the findings of this study.

#### **Inclusiveness of South African Invited Spaces**

Inclusiveness refers, at one level, to who can be part of the participatory design institutions and who is excluded (Michels, 2011). It is not limited to the selection of participants but also addresses valuing the continued participation of all stakeholders through removing obstacles to that participation and their voice. This is more so for those participants who tend to be marginalised.

With regard to the IDP process, the findings indicate inclusiveness in that both the legislation and practice indicate a largely open process where all citizens are invited

to participate. The noted exception has been the behaviour of one ANC ward councillor, CM2. In many wards and municipalities, the invitation to participate in IDP meetings is extended to everyone. There could be an issue in Langeberg Municipality where the Democratic Alliance council at times uses the local newspaper as the only way of informing the public about ward committee meetings. This has the potential of excluding the African communities of Nkqubela and Zolani as many of them cannot read Afrikaans, the language that is used to publish the newspaper. This community is mostly the constituency of the ANC as the party has won all the wards there. Nonetheless, ANC councillors know when these meetings are due to take place and they can take the extra step of informing the community themselves. It was easy for the ANC to argue that the Democratic Alliance council deliberately tried to exclude their constituency, of Nkqubela and Zolani. The ANC felt that it had to challenge that and also ensure that they found ways to get these people into the meetings.

In addition to local newspaper adverts, in many municipalities there is also loud-hailing that is done in the Black communities. The reason for this is because of the different cultures that had developed throughout the apartheid period with the White community having been accustomed to newspapers while the Black communities, especially Africans, are used to loud-hailing as an invitation to meetings. The high level of illiteracy in the Black community leads to low levels of newspaper readership. Furthermore, the Western Cape as a province, and Boland (Cape Winelands) as a region/district is dominantly an Afrikaans-language dominated area. There is no newspaper that is published in the local African language, Isixhosa, in the region. In the entire country, there could be very few newspapers that are published in the African indigenous languages while these languages are spoken by about 80% of the population.

The lingering effect of apartheid and segregation, that is dealt with in Chapters 1, 2, 4, 5 and 6 further affect participation in the IDP by class as well-off people [overwhelmingly white] do not see the IDP as relevant to them and thus do not attend meetings. They might find other ways of participating like contacting political representatives and municipal officials directly. This shows that there is a number of ways of impacting IDPs even if they are not recorded as such. This is 'participation on the back of privilege' (Everatt et al, 2010, p.243). Race also affects participation in

IDP meetings as many white people do not participate as they distrust the democratic state and processes like those of the IDP (Ibid). Although apartheid is no longer in South Africa's statute books its legacy is still felt in a number of areas.

On whether the voice of everyone is heard and is valued in the IDP meetings, there is a belief that everyone who attends the meeting can have his or her say and it gets recorded, with the CM2 ward IDP meetings being the exception as in these meetings the councillor is said to instruct municipal officials on whom to allow to speak and also intervene to stop people from making contributions that he does not like in IDP meetings (Respondents 22 and 10: Public Activists, Drakenstein interviews). This situation represents an extreme and it is not recorded anywhere else in the Boland region. What is more disturbing is that this kind of behaviour has been reported to the ANC regional and provincial offices but to no avail. It was also reported to the speaker of the council who belongs to another party, but, again, no action was taken. In the end, this remains a situation where people in that ward have no voice as to be heard still depends on whether the councillor likes the issues that are being raised and the people that are raising them.

#### *Possible elite capture of the IDP participatory process.*

The danger of elite capture by stronger or better-resourced NGOs or CBOs is real and should be guarded against as such organisations can crowd out the truly poor, marginalized and alienated whose needs should be very loudly heard in the public participation process (Everatt et al, 2010). This happens because 'multi-stakeholder fora for planning', like those of the IDP process, tend to favour highly organised and resourced' groups (Winkler, 2011, p. 259). In the Boland region, there are instances that could amount to, possibly, such elite capture of the IDP participatory process. An example of this relates to what can be perceived as good initiatives of organised stakeholder engagement between the Stellenbosch municipality and the University and also the Stellenbosch Ratepayers Association as covered in the section that deals with considered judgement in this chapter. While they could be examples of laudable stakeholder interaction platforms but they also present a real danger of crowding out the poor and unorganised and this can be a process of an elite group capturing the participation process.



The top management of the University of Stellenbosch have access to the elite of the municipality and can raise issues that affect them and their constituency at any time, they are not limited by the annual timetable of participation that affects the rest of the town's citizens. Their ability and investment into research enable them to develop well-thought position papers that, at times, bamboozle the councillors, especially when one remembers that, political parties like the ANC choose their councillors based on popularity. The CWDM, at some point, had an ANC Speaker of council that only had an equivalent of year six education. An ANC-led council in Stellenbosch had a lot of political leaders who did not have post-high school education. These included people who occupied the offices of the mayor and the deputy mayor. The relationship between the mayor and his team, on the one hand, and the rector and his, on the other, was never on the same footing in as far knowledge is concerned. This had the effect of giving the university more influence than other stakeholders.

The same situation pertains when it comes to groups like the SRA. For a long time, this has been an exclusively white and privileged group. This is because of the persistent spatial apartheid that is no longer maintained through racial segregation legislation but by class and affordability. The areas that they represent are traditional 'white areas' and are affluent. The majority, that shares the town boundaries with them are still hidden in the poor townships, far away from the CBD and the suburbs, as addressed in Chapter 5. Even the black middle class that the ANC's policies of black economic empowerment created cannot access the areas that are represented by the SRA as property prices are very high. The leadership is, mostly, a highly educated elite that has a keen interest in the work of the municipality (that is, town planners and lawyers). The documents they write to influence the IDP cannot be lost in the process like the inputs that the majority make in IDP meetings. The only person of colour that serves in the SRA committee is a university student that this researcher was referred to when he made contact and requested an interview with the SRA. This could have been deliberate as when I eventually met her at the university she revealed that she had been recently co-opted into the committee and this came about because she had an issue that she approached the SRA about. She was given the title of secretary but she is not necessarily representing her community and she mentions the privileged relationship that their chairman has with the municipality's mayor. The only projects she mentioned that the SRA was dealing

with concerned skirmishes between the middle class and rich people some of whom she reckons bully the municipality (Respondent 42: Public Activist, Stellenbosch interview). These issues are not the priority of the community that she comes from as it is mainly a working-class area that keeps on prioritising housing and jobs in its IDP submissions.

### *Inclusiveness in Ward Committees*

With regard to ward committees, there is inclusivity that is demanded by the policy as everyone within the ward is allowed to stand for elections and be a member of a ward committee. For example, in Stellenbosch Municipality those who nominate and those that are elected must be registered voters for that particular ward and it, therefore, excludes those who are not registered.

As a result, we have situations like that of a person who stays in Ward 12 but does not vote in Ward 12. We had such problems and in such situations, people would be turned away while they are already here because they are not registered to vote in this ward (Respondent 7: Councillor, Stellenbosch Municipality interview).

It is debatable whether this is a justifiable exclusion as those who support the system can claim that it merely verifies that a person is a citizen of that ward. It can be argued, from another perspective, that people know each other in a ward and can easily expose those who are not part of the ward and therefore it is not necessary to turn people away only because they do not appear in the ward's voters' roll. The fact that a person is not a registered voter does not mean that they are not interested in participating in the life of their community and municipality in other ways. This is, hence, a case where the community is forced into a commitment to electoral democracy if they want to participate. This limitation is not in the legislation but is found in the practice of this one municipality.

The acknowledged practice of people belonging to the dominant political party in that ward being elected to ward committees limits access to these committees and therefore leads to them not being inclusive. This is done in ANC and DA-controlled wards in the Boland. A study that was conducted in KwaZulu Natal, a province where

the IFP is strong points to the same practices in wards that are led by both the ANC and IFP councillors (Piper and Deacon, 2009). This is the practice in many municipalities in South Africa, regardless of which party is in control. Local government is highly politicised in South Africa and this affects even structures that are meant to provide space for public participation. A ward councillor from a particular party can ensure that members of his party or his favourites dominate a ward committee by not informing every one of the meeting for choosing a committee as no quorum is specified for meetings to elect ward committees (Everatt et al, 2010). This politicisation has the potential of leading to a marginalisation of other voices even if they manage to make it into ward committees. The fact that there is an expectation from some quarters that ward committees have to protect a ward councillor who belongs to their party and fight one that is from a different party leads to a situation of domination by a political majority group and a silencing of those who are in the minority. This seems to be widespread in South Africa as there is literature that claim that ward committees remain under the influence of local party agendas (Everatt et al, 2010) and this party dominance erodes their capacity to keep party councillors accountable (Piper and Deacon, 2008, Piper and Deacon, 2009). Piper and Deacon (2008), however, make it clear that being under political party influence does not make ward committees obsolete for extending participation as they can still facilitate that many people's voices get heard in municipal decision making. The problem lies in that the participation will reflect views that are consistent with the political party than views that emanate from the local community (Piper and Deacon, 2008).

This cannot be said to be inclusive. Ward committees are meant to follow a selection mechanism that makes it possible for anyone to serve on them and have their voice heard and not be marginalised based on political party loyalty as this defeats the objective of inclusivity. Furthermore, the democratic good of inclusiveness does not limit itself to physical presence in a particular participatory design but advocates for equality of voices. A structure that does not allow for equality of voices but considers political party membership is not inclusive.

Invented spaces of participation have proven more inclusive than these invited spaces when it relates to political inclusivity as they have included and listened to all members of the community regardless of political party affiliation. Political party

loyalty tends to be an issue when the community has already been heard and their grievances addressed. They go back to their everyday lives and value party affiliations. Grassroots in South Africa mobilize as people who are affected by the issue they are addressing and go on later to vote for different political parties, mainly the governing ANC. Invited spaces, however, might trump invented spaces with regard to inclusivity that relates to the accommodation of different social groups and demographics. Invited spaces like the ward committees are forced by law to include people from different sectors, including women, in leadership. This is done in order to create a situation where the voice of such sectors is heard and considered, especially in a patriarchal society like that of South Africa, as even in the Mandela quotation in Chapter 2 women were not seen as equal participants in traditional African governance. These societal patriarchal attitudes are carried into both invited and invented participatory spaces. In some social movements, women are part of campaigns but not in their leadership (Miraftab, 2006). Invited spaces are also susceptible to various social groups and demographics but without having them leading or having a significant voice and contribution as legislation on structures like the ward committees only require that all these groups must be represented. Both invited and invented spaces of participation are not known for enabling participation of social groups, like women and others, through actively removing obstacles to that participation.

### **South African *Invited* Spaces and the *Good* of Popular control**

For popular control to be achieved there must be involvement of the public in the stages of 'problem definition, option analysis, option selection and implementation, (Smith, 2009, p.23). The findings of this study point to a lack of popular control in the IDP meetings. Participants point to a situation where the public's wishes are overruled by councillors and officials. This is enabled by the fact that the final draft of the IDP document is prepared by municipal officials for the adoption of councillors. When the council have finally agreed on the IDP they then model a budget on it. This budget is adopted by, at the latest, June of every year. The Council does not go back to the public to explain which of the projects it has finally decided on or to give reasons for its choice. Public meetings will then be called to review the IDP when it is

time to prepare the next budget. In these meetings, the communities are again asked to indicate what they see as priorities and the process continues in that fashion. This is different from the participatory budgeting process of Porto Alegre, Brazil, under the Workers Party. In Porto Alegre, the Mayor could not tamper with the community's identified and prioritised projects that were meant to address their self-identified needs. The Council only had to budget for those selected (Piper, 2014). This does not happen in the Boland and in the entirety of South Africa. Participation in the IDP process discourages other people because the public does not seem to have an impact on the final plan. Everatt et al (2010) found that participation in Integrated Development Planning in Gauteng municipalities is at the lower rungs of Arnstein's (1969) ladder of public participation. The public is participating without having the power to effect changes to the plans of the local municipalities and this is raised as a reason for some people's rejection of invited spaces and opting for invented spaces of participation. Those who choose invented spaces are not happy that the municipal councillors and bureaucrats have a right to decide what to take and what to leave from what the public have raised as its priorities for development. People stay away from IDP meetings because they need to see the tangible pay-off of their participation and it is not clear in the current IDP participation process as the process does not realise the popular control good of democracy. Linked to this is the challenge of community-based planning that is not accompanied by devolved financial resources and dynamic councillors with strong political will. Chapter 6 deals with how the ANC picks the most popular person as a ward councillor candidate and the political fights and manoeuvres that accompany the selection of these local representatives and that competency is not a primary consideration (Thompson et al, 2014). The same chapter also deals with how only a tiny fraction of the council budget is allowed for ward councillors to decide on and spend in their wards with the input of the ward community. This is the situation although ward-based plans are determined at the ward level where there is not much of a budget for their implementation. This plays-off trust issues between the community on the one hand and councillors and municipal officials on the other.

There is also the disjuncture of expectations between the municipal establishment and the public. Councillors and municipal officials expect strategic discussion on the IDP but the public raise service delivery issues. This is confirming Zuern's (2009)

assertion that democracy means liberation for the African public as people go into IDP meetings to discuss their socio-economic plight.

### *Popular Control in Ward Committees*

There is also no popular control in the ward committees. Findings from the fieldwork undertaken for this thesis indicate that the public wants to have more control but are regularly reminded of what is contained in the legislation. One person who considers himself as having played a huge role in developing the current South African local government system admits that trust in ward committees is undermined by the fact that there is no clarity as to the value of their decisions as there is 'no legal obligation for the municipality to consider these decisions' (Carrim, 2011b, p.7). The legislation states that ward committees are merely advisory structures to ward councillors. They, ward committees, do not play a role in defining and analysing problems, option selection and in the implementation of agreed upon options. This is also set out in the only legislation that defines the functions of a ward committee:

A ward committee- (a) may make recommendations on any matter affecting its ward- (i) to the ward councillor; or  
(ii) through the ward councillor, to the metro or local council, the executive committee, the executive mayor or the relevant metropolitan subcouncil; and  
(b) has such duties and powers as the metro or local council may delegate to it in terms of section 32 (Section 74, Municipal Structures Act, 1998).

Regardless of what can be claimed about ward committees being a structure of people power, the reality is that they can only recommend to the council. Therefore, a council has got no obligation to implement the recommendations from ward committees. In as far as delegations are concerned they must not conflict with the constitution or the Municipal Structures Act (1998) and the Municipal Systems Act (2000). Given that the Municipal System Act limits ward committees to only making 'recommendations', municipalities are bound to never delegate any power to ward committees that affords more authority than that of recommending to the council. There is not a single government document that grants authority to ward committees regardless of the claims made in speeches. The 'Handbook for Ward Committees'

(2005) confirms this. It states that ward committees are elected to raise issues of concern about the local ward to the ward councillor and to have a say in decisions, planning and projects that the council or municipality undertakes which have an impact on their ward (DPLG & GTZ, 2005a). They are called upon to help the ward councillor in consulting people who have a stake in a particular issue. This paints a picture of a structure that has no authority and power but the ANC and its leaders paint a picture of a very important structure. As reflected in Chapter 1, the ANC policy documents view ward committees as instruments for councillor accountability to the community and they 'are vehicles designed to ensure municipal responsiveness to local demand and the accountability of councillors to the communities they represent' (ANC, 2002). The organisation also refers to them as instruments of strengthening the democratisation of municipal governance and decision-making (Ibid). This line of thinking is also found in speeches of the organisation's leaders. The former state and ANC president, Thabo Mbeki, referred to them as an important institution in the country's system of governance (Mbeki, 2005). In 2011, the then deputy president of the country and the ANC, Kgalema Motlanthe, while addressing the NCOP lamented that some ward committees remain excluded from decision-making processes and for this he blamed municipalities for not investing in these committees and also a lack of capacity of ward committee members that is due to levels of education, skills and expertise (Mothlanthe, 2011a). These speeches might convey a sense that government takes ward committees seriously but it does not change the fact that these committees do not realise the good of popular control. The legislation remains unchanged and the Handbook on Ward Committees (2005) removes any confusion about the powers of ward committees in its 'frequently asked questions' section on page 10:

Questions: Are decisions made by ward committees binding on Council?

Answer: No. Decisions made by ward committees are not legally binding on the council and the municipality. However, because of the commitment to public participation, the views of ward committees will be given serious consideration (DPLG & GTZ, 2005a).

The above answer leaves the responsibility of giving 'serious considerations' to different municipalities in a heavily party politicised South African local government

environment. This is an environment where speakers of council remain senior party leaders and ward committees are called upon to report their ward councillors to the speaker when they feel that the ward councillor does not take them seriously. There is evidence that Speakers treat members of different political parties unfavourably and this leads to situations like the removal of the ANC's councillor Magala by a DA speaker in the Drakenstein municipality.

What is happening in South Africa's invited spaces of participation is what Arnstein (1969) would refer to as higher-level tokenism that can be placed in rung five of her ladder of participation as the public can advise but still, the councillors and bureaucrats decide what to implement as they continue to hold all the power.

Lack of popular control in the invited spaces of participation is the main reason cited for people opting for invented spaces. It is only in invented spaces that Arnstein's (1969: p.217) levels of citizen power can be achieved as citizens gain 'increasing degrees of decision-making clout'. This happens when their actions have forced the authorities into an engagement between partners who both have more or less equal leverage. This partnership enables the public to engage and bargain with local politicians. This is enabled by the fact that in invented spaces the participants are less restricted in engaging in actions. They are not bound by council rules and thus they have the flexibility to vary their tactics and put maximum pressure until their demands are met. However, as Miraftab has observed and as the South African situation proves, the grassroots cross over to engaging and negotiating with councils when this is necessary. It is a reality that actions of invented spaces that do not heavily disrupt council operations can be ignored. That is why the local participatory protests aim to shut down a city in order to ensure that life does not go on as usual. The actions they use, as mentioned in chapter 2 are aimed at making sure that they do not get ignored and they gain some form of access to power and influence.

### **Considered Judgement in Invited Spaces of Participation**

Participatory designs have to ensure that they counter the criticism that the public cannot participate in a considered manner because they lack the knowledge and each person is limited to arguing from their personal point of view without the ability



to consider other views and facts. They have to counter it by coming up with ways of empowering the participants with subject-matter knowledge and also expose them to the views and perspectives of others (Smith, 2009).

A key weakness of the IDP process, from a democratic goods perspective, is that it does not focus on the participants' knowledge and capacity building. In some municipalities, like Langeberg, it consists of only one open community meeting a year. In other municipalities, like Stellenbosch the community participates in two public meetings.

In this process, there is no emphasis on the empowerment of participants with respect to building their knowledge. The meeting normally lasts between one and two hours and mostly consists of PowerPoint presentations on what the municipality did in the previous financial year and its broad objectives in the upcoming financial year. People, at times, do not even respond to the presentations but they raise what they consider as priorities, from their standpoint. These are recorded by council employees and councillors and senior managers would answer questions and clarify a few things and the meeting ends. What the community is likely to learn is that some of the things they are demanding are not handled by local government but by provincial and/ or national government. This does not change the attitude of people as they would come and raise the same issue in the following year. This has been the case with regard to housing provision as it dominates IDP meetings in African and Coloured areas although it is a competence of provincial and national government. In municipalities that hold two rounds of IDP meetings, the second one is for presenting the draft budget before it is finally adopted by the council.

IDP meetings are not meetings that discuss abstract and theoretical issues. They are about how to develop the municipal area in the next one to five years. They are mainly about practical issues. In affluent areas, one finds that the priorities become different issues from those of the poorer areas. For instance, in the Stellenbosch municipality IDP while all the wards in the African and Coloured areas list the number one priority as being 'housing and land for housing', the more affluent areas have priorities like 'traffic calming', 'densification infringing upon the character of residential areas' and traffic flows and parking problems. In the South African context, with the apartheid history and its continuing effect, affluent areas are

inhabited by the white community (as explained in Chapter 5). In the IDP meetings, there are, mainly, no discussions that are aimed at convincing and persuading people to change their minds. The civil society organisations that participate in such processes tend- to do their research and follow up by making further written submissions to the municipality on IDP-related issues. For instance, the Stellenbosch Ratepayers Association (SRA) is an equivalent of a SANCO Stellenbosch but is more professional. The SRA is in the affluent area of Stellenbosch which is still occupied by white people whereas SANCO is operating in the poor black township of Kayamandi and there are also a number of civic organisations in the Colored areas. The SRA is led by highly educated professionals and has access to a lot of other resources like funding. These are retired town planners, lawyers and others who are still active in business and other professions. The treasurer of the association is a Chief Executive Officer of an information technology and service company, although he is a lawyer by training. The association's website has got a section that contains all its correspondence to the municipality dating from 2014 and these include inputs on different issues. An example of these documents is their written input to the latest IDP document (2017/18- 2021/2022). In this five-page document, the SRA raised a number of issues in a way that it could not have had an opportunity to raise in an IDP meeting. In fact, the SRA was able to have a say at the public meeting but also had a second opportunity to influence the process through this well-thought five-page contribution. This is not something other, not well-resourced organisations, can do as effectively. In its submission, the SRA highlighted its dissatisfaction about how the municipality handles public participation in the IDP process:

As should be evident from the minutes of the above-mentioned meeting (which we have not yet seen) the few members of the ward committees present (apart from Ward 22, which was well represented), strongly disapproved of the way public participation in the IDP process has been dealt with to date - holidays severely curtailed the time for participation and a two-hour meeting is not nearly enough to deal with an IDP, SDF [Spatial Development Framework] and budget in any detail. The limitation of the presentations to matters deemed only to affect the ward committees involved is irrational and unsatisfactory. The key principle of a humanitarian, rather

than a bureaucratic approach to town planning, is to; “Engage the Community; they know best what they need.” Contrary to the contents of paragraph 3 on page 11 of the Special Report which served before Council on 25 August 2016, no public consultation that the SRA (and other community organisations) are aware of took place during the second half of 2016. We were informed at the above-mentioned meeting, that there were meetings with 40 “focus groups” in the Stellenbosch area and have enquired who these groups were. Why were recognised community organisations excluded from these meetings and not informed of the discussions that took place? (SRA, September 2017)

The SRA document then proceeds to put forward its position on a number of issues that are linked to the IDP. Some of these issues are quite technical and the SRA addresses these in a detailed manner and put forward quite elaborate proposals. This is an opportunity that is either not afforded to or not taken up by individual community members as they limit their input to the public meeting of up to two hours. The technical aspect could also prove daunting for ordinary members of the community, especially those from the previously disadvantaged communities. This is a reality of the ongoing effect of South Africa's past. One former ANC leader in Paarl raised a point about how technical issues decreased the enthusiasm of many township residents in actively participating during the setting up of the transitional local government councils in the early nineties (See Chapter 4 and 5 on the TLC process). He explained how the townships had the township coordinating committee but still the representatives of the non-statutory side [African and Coloured] in the transitional council had to come back and report to the broader community. However, as the issues that were discussed in the transitional council became more technical and people had to respond to documents, public participation decreased. He maintained that people liked to raise their views in meetings and take action like marching. They had mastered invented spaces participation and the stuttered when invited to be part of birthing the new local government as the process got technical for many.

When it came to this stage of commenting and preparing documents you would find that participation became lesser and lesser. It had to be dealt with largely in committee style. It was quite a different process from what

communities were used to (Respondent 32: Former ANC leader, Drakenstein interview).

### *Town and Gown as an example of a participatory forum*

Besides the contribution of professionally organised civil society structures like the SRA, another clear example of a forum where considered judgement can attain is the Mayor/Rector forum in Stellenbosch. This started in February 2005 as a forum and a meeting between the Mayor of the town and his senior officials with the rector of Stellenbosch University, accompanied by senior academics. This arrangement that is also known as the 'Town and Gown' initiative used to be a monthly meeting but later changed to sitting bi-monthly and its aim was to reinvent Stellenbosch through high-level, strategic interaction between these two organisations. In the earlier days the forum produced a its strategic framework that explained the premise of the relationship between the two institutions.

The essence of the Reinventing Stellenbosch idea is the desire to chart a new history for a town and a University which share a colonial and apartheid past. Neither can do without the other. Both share a commitment to greater social equity and well-being, increased levels of economic development, and a deeper commitment to ecological sustainability. Whereas the past was about 'all for some for now', the future should be about 'some for all forever'. In a globalised knowledge-based economy and a rapidly changing South Africa, the University provides the key to the future, namely knowledge. The municipality is the institution that expresses the will of the citizens of Stellenbosch to build a new town that leads the way by showing that the problems of the past provide the challenges for creative innovation and change. Inspired by the inclusive vision that Stellenbosch could become a 'sustainable home for all', a key role of the University is to become a partner in the realisation of this vision. The end result is of benefit to all: the municipality delivers on its mandate to the citizens of Stellenbosch, and the University repositions itself as a 'University for all' within a 'University Town' that can stand proudly on the global stage as a model of knowledge-based sustainable development. (Swilling, 2005, p.2)

Sub-committees consisting of representatives from both the university and the town council were formed and they consider, amongst other things, issues that relate to the town's urban development strategy, safety, as well as promoting Stellenbosch as the Innovation Capital of South Africa. These meet regularly to address challenges and propose solutions. One of the goals of the Forum is that academics and municipal officials share knowledge and best practice to take projects forward (Stellenbosch Municipality, 2018). The university can, therefore, raise issues that affect the IDP and these get discussed in these subcommittees and are later presented in the mayor/rector forum. This presents the University with a clear route to influence the development of the town's development plan while there is limited public scrutiny of this process.

The Town and Gown, as well as the SRA's example of participation can be seen as examples of effective participation. They, however, pose a threat of possible elite capture of participation in Stellenbosch as explained in the section that deals with inclusiveness in this chapter.

### *Participant Training*

In the case of ward committees and considered judgement one finds that after their election, the committee members are trained in preparation for their roles. This training normally takes a week and it is conducted by the provincial government. The Ward Committee Handbook emphasises that ward committee members have to be inducted after their election. Among the things covered in the inductions is legislation that is relevant to ward committees, council's standing rules and orders, how the council operates and how to run a meeting. The powers and functions of ward committees as well as the code of conduct are also covered in the training.

This training is said to be helpful because committee members who do not know the relevant legislation, may do illegal things. It also helps them to learn more about ward committee functions. This is the one-week training that is also confirmed by participants in this study. Since during their five-year terms ward committees deal with different issues that affect their communities it would be much more useful for further training to be given on those issues from time to time. The lack of continuity in

the training was also blamed by trainees who felt that it contributed to the training not being effective. According to a survey conducted on behalf of the government, this constituted about 50% of that survey's participants (DPLG and GTZ, 2000).

Continuity in training could help empower all ward committees with knowledge and make them more effective. In the case of sectoral representatives, further induction on how local government impacts their sectors and how they can take advantage of available opportunities for the sector in municipalities could be helpful. This is more so in the environment where the guaranteed stipend for ward committee involvement has attracted even people who have no experience in the sectors that they represent.

Unlike in invited spaces, invented spaces of participation have the reputation of having high levels of participation and meetings that are held in these spaces are focussed on resolving issues by means of 'discussion and consensus, rather than by means of voting or by leaders making unilateral decisions' (Thompson et al, 2014, p.398).

### **The *Good* of Transparency in South African *Invited* Spaces**

A key quality that democratic innovation must have is to be transparent to the participants and to the community that they serve. Participants should have access to all necessary information about the process so as to be empowered to participate (Smith, 2009). As pointed out when addressing popular control, the IDP process has got limitations in transparency. Those public members who participate only get to know about what they are discussing in the meeting itself and their involvement is limited to being informed of what was done and also raise priorities that can be ignored. They are not involved or informed about how these will be addressed or whether they will be included in the IDP document and the budget. There is no feedback that is meant to enable the public to continually influence the process. Municipalities tend to leave the bulky IDP and budget documents at public places like libraries for interested parties to view but the public cannot advocate with the view of amending an IDP or budget that has been passed by a municipal council. There is hence extremely limited transparency in key stages of the IDP process.

### *Transparency in Ward Committees*

The election of ward committees is a transparent process in as far as it is done in an open meeting and people get to know who is elected. Some municipalities also list the names of their ward committees on their websites and ward committees are supposed to call community meetings to introduce the committee members' portfolios.

The findings in this study reveal that ward committees largely do not call meetings and only attend meetings that are arranged by the ward councillor. In such meetings, they attend as part of the councillor's entourage and not as people who are champions of community issues. In exceptional cases, when they call ward community meetings, these are mandated and sanctioned by the ward councillor. This system is not good for public participation as it leaves the councillor in control and ward committees dependent on him or her. In Langeberg, where the committees are organised around blocks, there is a different culture as bloc representatives on the ward committee call block meetings even when the councillor is not there. The community appreciated this as they could freely mandate their representatives. It is not helpful that the demand for rotation so that new people get the stipend has resulted in the area having new block ward committee members who do not call such meetings. The competition for the stipend as some form of income in a poor area has resulted in having block ward committee members who are not passionate about representing the community and meeting with it. This means that the community struggle to mandate the ward committees and to get feedback.

The situation is worse in the other four municipalities that follow the sectoral representation model. Findings from the fieldwork for this thesis are that the people who represent some of the sectors have no discernible link with those sectors as they were elected in a public meeting without verification from actors in that sector. As shown in the previous chapter, the introduction of the stipend has led to a stampede towards being a member of the ward committee as the level of unemployment and poverty is high. Many of these supposed sector representatives attend meetings of the committee itself that are called by the ward councillor. They do not call meetings to consult with people in these sectors as they do not know the

sector and are not passionate about issues that are relevant to the sector. This is possible even in sectors that relate to social groups like those of women and youth. These representatives are not drawn from structures that are already dealing with issues of these particular sectors.

## **7.2. Civil Society and the ANC: Co-option and Frustration**

South Africa has a history of a dynamic civil society. This was confirmed by an ANC leader Cheryl Carolus in 1993 when addressing a gathering at the University of Cape Town. Carolus said South Africans should not worry as there was no prospect of a South African democracy going the dictatorial and corruption-based way of many African post-independence societies. She said this would be because South Africa has a culture of dynamic civil societies and they would never allow any government to do as it wills (Author's contemporary notes). The dynamism of civil society in South Africa came about because the apartheid government banned political parties that opposed the system and CSOs filled the gap. The current general secretary of COSATU, the biggest trade union federation in South Africa, Bheki Ntshalintshali, also alluded to this in 2013 when he cited the important role that labour played in shaping the final Constitution. He said that COSATU's objective was to ensure that they attain a system where 'people are at the centre of governance as opposed to being mere voting cattle, which expresses its will every five years' (Ntshalintshali, 2001, speech). He also alluded to the role of the broader civil society movement as he stated that during the struggle for emancipation 'there was a social movement galvanised against the oppressive system. As a result, South Africa has one of the most vibrant civil society which is essential to ensure people's participation and accountable governance' (ibid).

The ANC managed to bring a number of civil society structures under its sphere of influence. The relationship of the ANC with these structures is addressed in Chapter 4. It has to be pointed out that some of them participate in government-created forums, although they sometimes raise unhappiness with the way the ANC government treats them and their inputs. Organisations like the trade union federation COSATU complain about the ANC and still work hard to keep it in power. COSATU's unhappiness with its ANC ally got to a point where it resorted to tactics



that it used against the apartheid government before 1994. These strains were first shown in 1999 when COSATU called for a general strike in 1999 to protest against policies that it saw as being neo-liberal and their impact on workers and the working class in general (Vavi, 2014). This was a public testament of the changed relationship between the ANC and its labour federation ally and it led to COSATU being called 'populist, economistic, ultra-left, or agents of imperialism' (ibid). COSATU's reaction and the actions it took in dealing with the ANC government is important for understanding the actions of many people and structures in South Africa. More evidence of their unhappiness with the ANC government will be presented but all of it did not change its stance on backing the ANC in the elections: There have been five elections since the dawn of democracy in South Africa and COSATU continued to back the ANC in all of them. It can call protest actions and general strikes against the ANC but still call on its members, not only to vote but also to campaign for an ANC victory in all elections. This kind of behaviour is pervasive among the majority of South Africans and organisations within the country. They would criticise or even act against the ANC but back it when elections come around.

The national civic movement, in the form of SANCO, also got to work with the ANC government and this resulted in a number of its leaders going to parliament and municipalities as ANC politicians. Although SANCO did not develop a policy document, like COSATU's RDP, for the ANC to take into government, it influenced ANC positions on local government and housing through bilateral meetings (Mayekiso, 1996).

After the ANC got into power there were almost no independent civil society structures as many aligned themselves with or folded and looked up to the government to address their concerns. Many international funders of NGOs also chose to channel funds through the state. The ANC was seen as some kind of a 'messiah' that was to provide everything that the people wanted. This led to a demobilisation amongst the communities. In a televised interview in 2017, the former ANC and state president Thabo Mbeki made the point that one of the unintended consequences of liberation was the demobilization of civil society (Mbeki, 2017, Power FM interview). However, as some people realised that the ANC government was not what they had hoped for, independent civil society organisations re-emerged and became active again. These organisations have largely chosen to operate in

their own *invented spaces* rather than the ones where they are invited by the state. They do not always restrict themselves to actions that are legal. Some of these operate at the national level but others are local structures that developed to deal with local situations in the tradition of the old civics and some organise for one thing and after achieving that they demobilise. The 'borners' of Mbekweni are an example of this. This group claimed that they were born in the urban areas and because houses were not being built by the apartheid government where they grew up, they built shacks in their parents' backyards. They claim that the ANC government has been responding more quickly to those who migrated from the former homeland areas because they might establish squatter settlements that become an eyesore while the borners are hidden in the backyards. These 'borners' in the backyards have then vowed to illegally occupy these houses as they have done in Mbekweni (Dube). These are not nationally organised but they are springing up in many urban areas. Despite this, many of these people vote for the ANC and in their protests some wear ANC regalia. They do not trust the local structures that are set up by the government as they do not see them as the only way to achieve what they want (Respondent 24: former Councillor, Langeberg Municipality interview).

Many ANC activists play a key role in the civil society organisations that are operating in the *invented spaces* of participation, and they have no qualms in calling the ANC government out as they are students and veterans of a struggle that promised that the people shall govern. Regardless of this, some ANC leaders in government and the party's headquarters have warned of attempts of 'regime change' that they claim is sponsored by foreign governments and they associate some civil society organisations with such agenda (Mahlobo, 2016, 2017). Still, a number of civil society organisations that positioned themselves squarely on the left of the ANC to the extent of being hostile to the ANC government emerged in the late 90s. Among these are the Landless People's Movement, the Unemployment People's Movement, the Anti-Privatisation Forum, the Anti-Eviction Forum and Abahlali Base Mjondolo (ABM) [shack-dwellers association]. These continuously call the ANC government to account on adopting what they view as neo-liberal policies. An apt description that can be generalised to many of these organisations in illustrating their relationship to the ANC as an organisation and also as a government is captured by the former secretary of the Anti-privatisation Forum (APF) when

writing about the APF, a structure that was formed by a diverse collection of Johannesburg-based political activists, students, unionists and community organisations/residents. It developed in response to what it viewed as 'the combined impact of government's neo-liberal inspired privatisation onslaught and the closing down of space for practical anti-capitalist opposition and dissent within the ANC and its Alliance partners' (McKinley, 2012, p.1). Because the APF was on the left of the ANC and was made up mostly of former members and supporters the ANC-Alliance, it became a 'contested symbol of liberation struggle progeny, an unwanted reminder for the ANC, its Alliance partners and the new political and economic elites of the potential power and reach of independent grassroots struggles. The "worst" kind of post-apartheid 'enemy' had been born, a "child" who simply would not obey the "parent" (ibid).

What McKinley (2012) paints is disillusionment with the direction the ANC government took that led to some starting social movements that challenged the organisation regardless of these activists' previous involvement with the ANC. It should be noted that they did not opt to join or form other political parties but opted to continue in social movements. Many argued that there were no viable political parties on the scene and they also knew that it would be very difficult to dislodge the image of the ANC as a liberator and a people's movement from the minds of the majority through forming a political party. McKinley's own political trajectory is an example of this. He is a Marxist-Leninist who was active within the ANC alliance who later served on the central committee of the South African Communist Party (SACP), becoming its spokesperson. In 2000 he was charged and expelled by the SACP for 'publicly and consistently attacking the leadership of the ANC, and also publicly attacked, but less frequently, the leadership of COSATU and the SACP' (SACP, 2000). The other charge levelled against him was that of 'publicly and consistently promoting positions that undermine the SACP'. What gave rise to these charges was his criticism of what he and a number of others saw as a turn towards neo-liberalism by the ANC government. Many activists who could no longer tolerate what they perceived to be a shift of the ANC to the right suspended their participation in the organisation. Some can be found in academia where they continue to research and publish articles, some are critical of the direction taken by the ANC now that it is in power, and others went on to form a number of social movements and continue their

activism outside of the ANC alliance umbrella (Gibson, 2004; Saul, 2005). These movements are characterised by public opposition to the system and the ANC alliance refers to them as 'ultra-leftist' formations. The historical attitude and expectation of the ANC and its allies to popular participation has been analysed in Chapter 4 and, to recap, it is one of being tolerant of such participation as long it is within the ANC's sphere of influence. It, therefore, prefers *invited* spaces to *invented* spaces of participation as the former can be controlled and is limited to what the state set as boundaries for engagement. Social movements who opt for the *invented* spaces of participation reject this kind of control by both the government and the ANC movement.

The social movements that balk at the ANC's influence do not see much value in engaging with the government in the *invited spaces* like the IDP meetings and ward committees. They do not trust the intentions of the government, as Abahlali Basemjondolo's leader Sbu Zikode claimed that not all engagements between the state and the people are meant to be meaningful. He believes that what is called 'engagement' or 'public participation' is often just a kind of instruction and sometimes even a threat. According to him the way this is done closes down all possibilities for 'real discussion' and a possibility to reach an understanding as what is called 'engagement is really just a way for the state to pretend to be democratic when in reality all decisions are already taken and taken far away from poor people' (Sbu Zikode, 2009, ABM website).

### *Independence and Battles in Invented Spaces*

Independent social movements invent their own spaces of participation and tend to resort to public protests like marches, pickets and even actions that break the law to get the local government to listen to them. There are many such movements that are mushrooming after disappointment with the ANC government and only a few of them are discussed in this section. These civil society organisations that are operating in the *invented spaces* of participation might have avoided the co-option that is prevalent in the *invited spaces* of participation but they also face challenges that are embedded in South African contextual realities. One of them is that the ANC is seen as a movement that played a leading role in the liberation of the majority in South

Africa and thus it is linked with progressive politics in people's imagination. The current generation of South African adults is caught up in the 'family' tradition of anti-apartheid struggles and easily forgive ANC failures as mistakes that can be fixed within the 'family'. The attitude of the trade union federation, COSATU that was discussed in Chapter 4 and briefly in this chapter displays this symptom. Just like analyses in groupings like COSATU can pinpoint the wrongs of the ANC but still see no alternative to supporting and trying to change it from inside, so is the thinking of the majority of South Africans. The ghost of apartheid still haunts the political landscape and can be used as something that might make a possible return if the ANC loses power. People are, therefore, fixated in finding hope from within the ANC to address problems that arose under the ANC. At times, problems are blamed on individual leaders and the organisation is exonerated with the hope that a new set of leaders will fix the way government does things. This makes it difficult for social movements that do not see the solution as that of reforming the ANC but a complete change of the system to become truly mass-based. McKinley's (2012) analysis of the demise of the Anti-Privatisation Forum when Jacob Zuma replaced Thabo Mbeki as the president of the ANC and government points to this phenomenon as he says Zuma rose to power using pseudo-left-populist rhetoric to masquerade as a saviour of the 'poor'.

Besides the more generalised and deleterious impact on the state, the ANC and its Alliance partners as well as on society as a whole, the experience of the APF at the community level was that Zuma's politics created both short-term confusion and a variegated 'turn' away from independent movement-community politics and struggle towards institutionalised party politics and a creeping (Zuma-inspired) social conservatism. Together with the failures of the Zuma government to deliver on its legion of promises to the poor, this forced much of the APF's constituency/ membership (even more so than before) into a narrower survivalist mode and engendered a politics that easily gravitated towards a mode of individualism and entrepreneurial engagement. (McKinley, 2012, p.19).

The huge influence that the ANC has on the constituency that these social movements are targeting has resulted in some of them taking decisions out of frustration and desperation that have not benefitted their constituencies but further

complicated their relationships and alliances. It happens that involvement in invented spaces is used by some as means of increasing their popularity with community members so as to be able to be elected in the ANC and council leadership positions (see Chapter 7). An example in this regard is the case of Ses'khona People's Rights Movement. This organisation organised people who lived in informal settlements around Khayelitsha, in Cape Town. They got well known for leading marches against what they viewed as the City of Cape Town's inappropriate dealing with the issue of sanitation in informal settlements. At times they would march to the city centre and even the Cape Town international Airport to throw faeces around so that those who are far removed from the poor people of informal settlements get confronted with what their constituency was faced with on daily bases. This group negotiated and agreed to back the ANC in exchange for their leaders being put in prominent positions on the ANC Western Cape list of candidates. The chairperson, Andile Lili, managed to be put in an electable position on the ANC list and is now the party's MPL in the Western Cape legislature. The secretary of Ses'khona, Loyiso Nkohla, could not get a good position on the list and this led to a split as he took some of the organisation's supporters and pledged support to the Democratic Alliance in the Western Cape and he was rewarded with a job in the DA mayor's office (Eye Witness News, 24/06/2016).

Another example relates to Abahlali basemjondolo (ABM) [Shack-dwellers Association], a left leaning poor people's organisation whose actions in the invented spaces has led to a tumultuous, and sometimes violent, relationship with ANC-led councils (Bénit -Gbaffou, 2012) decided to endorse the free-market supporting Democratic Alliance (DA) in the 2014 general elections. This led to harsh criticism from other groupings on the left of the ANC. Abahlali's explanation of their decision made it clear that it just wanted to get back at the ANC as the DA was the second biggest party and was the only other party that was governing a province. The ABM claimed that their members were suffering under the ANC government as the state did not take the poor seriously. In an emotional statement, the ABM compared being a shack dweller to being imprisoned with the only difference being that 'a prison sentence can be short-lived, but when you're poor and have no guarantee of upward mobility, living in a shack can be a life sentence. How long should we, the poor, be confined to this shack sentence?' (Zikode, 2014). The ABM claimed that many of

their comrades continued to be assaulted by the ANC and they feared for their lives as there were assassination attempts on them.

Seeing itself as a movement of the urban poor, the ABM believed that its priority is to vote out the ANC. It admitted that it does not agree with the DA fundamentally on many core issues, but its decision was not based on ideology. Its position was that 'poor people do not eat ideology, nor do they live in houses that are made out of ideology. So for this decision, we have decided to suspend ideology for a clear goal: weaken the ANC, guarantee the security and protection of the shack dwellers' (Zikode, 2014). This phenomenon of abandoning ideological considerations when faced with the frustration of failing to make an impact on the dominant ANC was also dealt with in Chapter 4 insofar as the cooperation of opposition political parties is concerned. The ABM's view found support in other social movements who, while calling the decision unfortunate, refused to out-rightly condemn it. The Unemployed People's Movement (UPM) used the debate to accuse South African left intellectuals of knowing nothing about how community struggles really work. The UPM argue that these intellectuals 'only want to talk about neoliberalism and socialism whereas many of our members need to talk about councillors, corruption, evictions and dignity as well as neoliberalism and socialism'. The UPM leader argue that community organisations like them and the ABM have learnt through experience that their struggles come first and 'then theory, not the other way round'. (Ayanda Kota, 2014) This is one example of how the dominant position of the ANC in the South African political landscape affects, to the extent of dividing, even those who are its avowed enemies and are operating in invented spaces.

It is worth noting that before this position to endorse the DA, Abahlali's slogan was No House, No Vote. This was reflective of many black people's position in that they would rather not vote than vote against the ANC. Abahlali's departure from this position and vote for what is seen in the left as being a party of the rich caused a lot of consternation among its allies and exposed the fragility of solidarity within those that reject *invited spaces* of participation. The fallout revealed how the racism linked with the country's apartheid past continued to be a factor, even amongst the left that rejected invited and opted for invented participatory spaces. It also revealed a fissure between the highly educated left-leaning academics and the grassroots members. The left intellectuals supported these social movements and provided ideological

clarity whereas the membership of these movements mainly responded to their own conditions. It does not help matters that the continuing effects of apartheid tucked these two groups almost neatly into certain racial and class categories. The grassroots membership is mostly black and working class and the supporting intellectual voice is mostly white and middle class. The president of the Unemployed People's Movement pointed these out in an article that defended Abahlali Basemjondolo against the criticism from their left allies.

Many of the so-called political experts have no interest in the lives of ordinary people, and their thinking about politics. All their knowledge comes from books. In some cases, they who are middle class (and sometimes white too) expect us (who are poor and black) to remain the perpetual pupils while they remain the perpetual teachers. This cannot be solidarity. This cannot be emancipation. Yet it remains so common. [...] We have learnt that we should be a community organisation first rather than a social movement first. We are a community organisation first because movements emerge from the community struggles and as soon as they lose touch with the community they stop existing. In fact, the South African left is full of so-called 'organisations' that have no real members, no real support and have never had an election. (Ayanda Kota, 2014, Groundup website).

These divisions on the left continue to reflect the legacy of apartheid, even in organisations that claim to be non-racial. Differences are approached in a racialized manner out of frustration. Community organisations are based mostly in the townships and react to situations that are around them in areas where, at times, about 90% of the population vote for the ANC. Saul (2005) quotes an African activist scholar who spent a lot of time challenging the ANC through a number of social movements, who sadly suggested that 'there is no doubt, there are millions of workers who still believe in the ANC as both the liberator and guarantor of a better life, now and in the future' (Saul, 2005, p.172). This situation is frustrating to the working-class activists who are anti-ANC government in the African townships. Their middle-class comrades, regardless of their struggle credentials, are based in areas where there is still political plurality and the ANC can be challenged. The township activists are about survival even if it is not in line with Marxist literature, as for them the ANC has to be dealt with. These divisions within the social movements, who



operate in the *invented spaces*, undermine prospects of solidarity and engaging in long term united struggles against the ANC and the state that it leads. More localised actions tend to gain sympathy as indicated with the case of the *borners*. This is because, in many cases, those who are involved in local protest participation make it known that their fight is not against the ANC but a specific municipality, councillors or just about service delivery issues. In such cases local ANC activists tend to intervene and at times get the attention of higher ANC structures.

### **7.3. Party Bosses and the Electoral system**

The electoral system in South Africa plays a role in limiting spaces of participation as it creates incentives for party machines to frustrate democratic reform at all levels of the state. As highlighted in previous chapters the electoral system in South Africa is not constituency based at national and provincial levels but is based on political party representation lists so people vote for the party and not for an individual. Therefore, the current electoral system makes party bosses powerful as they can decide who gets to parliament, provincial legislatures and local councils. They can also remove people from their parties who are in these institutions. In a country with a high unemployment rate and a very thin black middle class, this has the potential of creating sycophantic public representatives.

The alternative electoral system would also have its own challenges in the South African context. There are currently twelve political parties represented in South Africa's parliament as the current electoral system allows for representation even of small parties. Only a small percentage is needed for a party to get a seat in parliament. With a constituency-based system, only a few parties would be able to be represented in parliament. If one considers the outcome of the 2016 local government elections, with the assumption that a municipal area would be a constituency, then only three parties would be represented in parliament. These would be the ANC, the DA and the fourth biggest party in parliament, Inkatha Freedom Party. These are the only parties that have won municipalities and if those could be converted into a parliamentary constituency then the third biggest party with its current seven per cent of votes would not be represented as it has not won any

constituency (municipal). Many small political parties will disappear as electoral politics players and the ANC seems to have been against this.

The ANC always wanted a simple electoral system to ensure that all the country's communities, where possible, are represented in parliament. Its negotiators were instructed to design a model that would allow representation even by parties whose electoral support fell below one per cent. The operative concept was broad participation in the creation of a new democratic dispensation. (Nqakula, 2017, p.324)

Still, even with this noble intention, getting onto the political party list for parliament is controlled by the party leadership. The ANC has more potential for patronage than other parties, and the electoral system allows it to be in a strong position to exercise this. The current political system does not only give party bosses power over politicians only, as this extends to the civil service as well. Deployment into senior civil service positions is also highly politicised and entry and progress in these positions can also be influenced by whether one is in the good or bad books of the party bosses. The ANC has what it calls a deployment committee that discusses the filling of top state positions. In South Africa this is not limited to the ANC as other parties like the Democratic Alliance (DA) that governs one of the eight provinces and a number of municipalities and the Inkatha Freedom Party (IFP) that used to govern a province but is now in charge of a number of municipalities, have been accused of behaving in the same manner where they govern.

What has been raised above has sought to show that the electoral system in South Africa plays a role in limiting spaces of participation because it creates incentives for party machines to frustrate democratic reform, including, at the local level. There are several other dimensions to this. First of all, politicians cannot raise issues that they feel strongly about if the party forbids them and they have to toe the line as they are not elected into parliament on their own ticket, but that of the party; they hence serve at the behest of the party. This also affects senior civil servants as political party bosses play a huge role in deployment in senior civil service positions. This is known to happen in all levels of government and all parties that run government whether it is in the national, provincial and local sphere are reported to behave in this way. The public's confidence and liberty to participate is affected in that in an area of high

unemployment like South Africa and where the government is also a big employer; people do not want to offend those in power so as not to limit their chances of employment. This is worse in local government as local power-holders are known to be vindictive and clientelism is rife and it goes beyond affecting employment opportunities to other public goods. Both invited and invented spaces, at times, can be abused to influence party bosses, either to appoint or fire a politician (see Chapters 4 and 5 on mayors and provincial premiers).

#### **7.4 Participation commitment versus implementation realities**

It is important to note that although there was a negotiated settlement in South Africa and that led to the adoption of the interim constitution of 1993 and the government of national unity from 1994, the African National Congress became an absolutely dominant party in the national legislature. From 1994 to 2019 it held between 62.4% to 69.9% of seats in the NA and has also governed between seven and eight of the nine provincial legislatures since 1994. The importance of the party's dominance of provincial governments is in that there is legislation that, in addition to a majority vote in the national assembly, has to be supported by a majority of seven provinces in the country's second of house of parliament, the NCOP. All this have been easily achieved by the ANC and it is, therefore, fair to treat legislation that is passed in this period as that of the African National Congress as South African legislators are compelled by party whips to vote in line with the mandate of the caucus or risk losing their seats. This makes it possible for the ANC to use scalar practices to achieve its objectives. Only one provincial government, the Western Cape, is expected to raise objections to what the ANC does as part of its governing strategy and its use of scalar practices and this is not enough as the ANC numbers, in both the national and provincial legislatures, put it within the realm of constitutional protection.

Nonetheless, the African National Congress has publicly stated its commitment to public participation in the work of all spheres of government although implementation does not always follow the intent. The government that it leads introduced public participation requirements on almost everything that the government does in transforming the country.

The DFA (1995) that aimed at facilitating and speeding up the implementation of the reconstruction and development programmes with regard to land requires that community members who are affected by land development must actively participate in the process. The ANC government did not only commit itself to prioritise the provision of housing for the poor but further required that the beneficiaries of those housing projects have to be meaningfully consulted in the process. Although housing is not a municipal competence in the South African constitution, the Housing Act 1997 compels all municipalities, as part of their IDP process to take all reasonable and necessary steps within the configuration of national and provincial policy to, among others, ensure that their citizens have access to adequate housing. The involvement of municipalities in national housing projects has to include the role of facilitating and supporting the participation of role players.

Subsequent legislation, as covered in Chapter 5, continued emphasizing the importance of participation. Like in many policy areas in South Africa the implementation of public participation policy is proving to be a challenge. One shortcoming is that there is not a lot of resources that are invested in developing public skills for participating and also the politicians and municipal officials' skills in managing and encouraging it. Municipalities seem to believe that the five days training of nine community members per ward in a space of five years is sufficient. More investment is needed to capacitate all these role-players in the participation process. What is also needed is for the proper implementation of public participation by municipalities to be rewarded and lack of commitment to be punished. This happens in many other areas that municipalities are supposed to perform but there are no consequences with regard to the implementation of public participation in local government. This is an urgent matter and the ANC government's willingness to continually engage in policy discussions on how to improve their experiment of participatory governance is encouraging. One hopes that it will not end with just discussions but action will be taken to improve implementation.

## **Conclusion**

The character of the ANC as a broad mass democratic movement has had an effect on the expected dynamism of civil society organisations. It has co-opted and

weakened those close to it while frustrating others through occupying, in the majority's imagination, a space of being a 'people's movement' while being a governing party. This causes a situation where citizens simultaneously raise grievances against the government and still trust that the ANC is best placed to be their advocate. Some argue that it is because there is no viable alternative to the ANC and others see that the ANC still represent a difference from what they went through in the past. The fear of going back to what they were under apartheid keeps them voting ANC and tolerating it regardless of their complaints about it.

There are similarities and differences in complaints that are raised by those who use the *invited spaces* about these spaces and those who completely reject these spaces in favour of invented ones. Individuals and organised civil society organisations that take part in IDP processes and in ward committees complain about the quality of participation in these structures but are still hopeful that they can be fixed. Those organisations that choose the *invented spaces* reject the IDP process and ward committees as being inadequate to assist in changing the underlying socio-economic system itself. Although the invented spaces are an improvement to the invited spaces, especially in as far as popular control and political inclusiveness, they are also not perfect. There is also the spectre of a dominant ANC that looms large in the processes of public participation, in both the *invited* and *invented spaces*.

## **Chapter 8: The ANC's Wavering Commitment to Participatory Governance.**

This research has sought to characterise the ANC's approach to public participation. It has done this principally by analysing its overall governance strategy and use of scalar practices and the implementation of policies associated with public participation in South Africa. To this end, the research has identified various factors which have impacted on the implementation of public participation. One which stands out is the politicised nature of intergovernmental relations and the desire, for the national state, to drive transformation from the centre while devolving little power to the sub-national state. This can, partly, be understood by bearing in mind that the introduction of participatory governance in South Africa did not happen in a vacuum. It was introduced at a time when the post-apartheid state had to lead a complete social reengineering of the apartheid state and transform society. Although labour allies of the ANC like COSATU influenced it to put emphasis on participatory governance, there were also other influences on the state. The reforms it sought to implement were influenced by its search for best practice around the world; and thinking within international and multi-lateral organisations. The principles underlying some of the reforms that they emphasized were different and sometimes had contradictory objectives to public participation while this policy was expressed in ANC alliance documents like the RDP. This and other influences on the ANC is one of the reasons that there is policy commitment to public participation but there is a lack of urgency in the implementation of the concept.

There can be no denying that the ANC dominates the political space in South Africa as it continues to win elections by unassailable majorities and it thus sets the political agenda. The data presented in this thesis shows that politics and political parties, like the ANC, seek to control invited participatory spaces and structures like the ward committees and the IDP processes. Through considering its overall strategy and use of scalar practices, this study confirms the influence of the ANC in seeking to manage and re-engineer the South African polity so as to achieve its hegemony and to achieve its desired policy outcomes. This study, however, goes further in its findings. It found that the influence of the ANC, in some instances, goes further than the *invited spaces* to also influencing *invented spaces* of participation. The ANC's ability to permeate all levels and spheres of democracy has significant consequences for the quality of democracy in South Africa. South Africa needs a

situation where elections are more competitive and more people, in all spheres and walks of life, will start appreciating that there are alternatives to an essentially one-party hegemony.

The ANC's approach to participatory governance is characterised by the desire to have as many people as possible being part of the consultative process and airing their views, but this is limited to speech which is non-threatening to the organisation and its hegemony. It, therefore, seeks to have some form of control as an assurance that the process will not be harmful to its prospects. Party organizational and state means are used to control processes, involving actions like isolating and defeating those that are uncontrollable. This stems from a long ANC history, as outlined in Chapter 4, of allowing participation and dissent within the organisation's sphere of influence and being sceptical of independent voices outside of the organisation's control. The key findings of this study are the following:

- The ANC supports public participation as long as it does not threaten its hold over the state and society.
- ANC politics and factional battles affect public participation in both *invented* and *invited spaces*.
- The ANC is unitary in its policy but there is no uniform understanding, commitment and implementation of participatory policies at all levels of the organisation and government spheres. The knowledge gap between ANC public representatives at different state levels is real.
- The dilemma of the ANC when it comes to devolution of power is whether there is justification for devolution of more powers to what has proven to be a corrupt and ineffective local state that is beset by infighting and failure to deliver services.
- Civil society leaders can behave in a corrupt and self-serving manner, especially when they are involved in clientelist relationships with representatives of the local state.

### **8.1. ANC's Conditional Support for Public Participation.**

The ANC's support for public participation in local government is conditional to the process not being a threat to its hegemony. This raises questions about 'its ability to tolerate different, oppositional views' (Bénit -Gbaffou, 2012, p. 178) while, simultaneously, adopting policies that encourage broad participation. It has to be borne in mind that South Africa comes from a recent history of a very low base when it comes to participation as Chapter 4 has reflected on the fact the apartheid state did not only exclude black people but it felt that it had to protect its white citizenry by centralising and running almost everything from the centre. Whatever was implemented post-apartheid was bound to be different. For an example, a study commissioned by the independent research group, FCR, on the first ten years of democracy asserts that 'it cannot be disputed that the IDP process generated more public participation in municipal planning than ever before in the history of South Africa' (Davids, 2005, p.63). This study does not disagree with that but finds that the ANC supports public participation as long as it does not threaten its hold over the state and society. The ANC feels it has to, always, have a way of influencing the process. It resents what it cannot control. An observer is confronted with the tension of a government that promotes democracy and participatory governance efforts as long as they do not threaten the hold of the ANC on the state and the nation's loyalty. In the process, public participation itself is used to enhance ANC hegemony by generating public confidence in the party and the government that it leads (Winkler, 2011). This, therefore, leads to an obsession, by the state, with mapping the scope and depth of participation and input to the extent of demonising and working against those participants who threaten the ruling party. The latter becomes the fate of participants in *invented spaces* and some have been labelled agents of foreign powers that are involved in regime-change manoeuvres.

#### *The ANC's Character, Internal Politics and the Impact on Participation*

The ANC's history with democratic practice is not linear but nuanced and it is an organisation that has both adopted policies that support democracy and has been found to violate democratic principles from time to time. It continues to operate as a movement that has links to a number of civil society structures. This comes from the



period of the struggle against apartheid when it led what was known as the national democratic movement in pursuance of the national democratic revolution. In addition to this, it is in a formal alliance with other organisations that include a communist party, a national civic association and the biggest trade union federation in the country. All this has the effect of the ANC being a colossus on the South African political stage to the extent that its detractors and the opposition parties only hope that it drops its electoral support to less than fifty per cent as that might give others a chance of building a coalition against it. One party cannot hope to defeat the ANC on its own.

The ANC's insistence on being a national liberation movement (NLM) that is running the state has consequences for participation in South Africa. A positive is that NLMs often insist on the continuous involvement of their followers or 'the masses', in driving the processes of change. The negative is that NLMs in Africa see themselves as being the legitimate representatives of the entire nation because of their leading role in the anti-colonialism struggle (Suttner, 2004, p.759). This explains the ANC's push for the participation of the public in the development and implementation of the state's programmes while it views those who are outside of its sphere of influence as being counter-revolutionaries and not really part of the 'nation' that it represents. Invented spaces of participation are, by their nature, independent of the NLM and state control and are, therefore, not embraced by the ANC. This character of the ANC as a national liberation movement which leads a broad alliance has had an effect on the expected dynamism of civil society organisations. Some of these have been co-opted and weakened while others have been frustrated by the ANC's occupying, in the majority's imagination, a space of being a 'people's movement' while being a party that runs a state. In this way the ANC's character and structures and its alliances help it to continually ground itself as leaders of most poor, black settlements (Piper and Von Lieres, 2016). This is enabled by the use of 'the ideology of liberation nationalism that privileges the ANC and its allies as the champion of the oppressed black majority' ((Piper and Von Lieres, 2016, p.323). This causes a situation where citizens simultaneously raise grievances against the state and yet still trust that the ANC is best placed to be their advocate.

The relationship of the people and their national liberation movement is strengthened by a recent memory of oppression. Of the thirteen parties that are represented in

parliament, the third biggest party (EFF), sixth (United Democratic Movement (UDM) and eighth biggest (Congress of the People) parties are recent breakaways from the ANC. Two of these, EFF and the UDM, are a result of expulsions from the ANC. This confirms Suttner's (2004) assertion that as the memory of the brutality of colonialism recedes, the loyalty to liberation movements like the ANC will decrease. This is also the case when one deals with young people who did not experience colonialism or apartheid. The EFF is, overwhelmingly, a party of young people. Although it has the potential of growing, it has only 6% of the seats in parliament as compared to the 62% of the ANC. Some argue that there is no viable alternative to the ANC. They see the ANC as representing something better than what they recently went through under apartheid. It is this fear of going back to what they experienced under apartheid that keeps them voting ANC and tolerating it regardless of their complaints about it.

### *Contextual Issues that Affect the ANC Approach*

The ANC presides over a state where citizens still have to contend with the stubborn and lingering effect of apartheid, a system that condemned over 80% of the population to a desperate socio-economic reality. As explained in Chapters 1, 4 and 5, apartheid was a system that divided and ranked citizens into four different national groups. This is still evident in the Boland region, and in the entire South Africa, where in terms of socio-economic development, the White population is still far better off than all other nationalities and Indians are better than the Coloured communities and the Africans are worse-off. The ANC state is still grappling with undoing this legacy as it has not disappeared with the repealing of apartheid laws. The lingering spatial legacy of apartheid is relevant for this study as race still affects socio-economic and electoral outcomes. It also affects participation in IDP meetings as many white people do not participate as they distrust the state and processes like those of the IDP (Everatt et al, 2010, p.243). In those very rare situations where a ward boundary covers an area that is still occupied by a white community and another racial group, you get people asking about the whereabouts of their white compatriots and how do they get to submit their demands to government as they do not see them in ward meetings. Even issues that the communities raise where they

participate in different wards are influenced by their racially-engineered socio-economic conditions.

This poses challenges for the process of building social cohesion and, at times, leads to a situation where public inputs can be treated with suspicion based on where they emanate from. What would be considered a normal process of healthy disagreement in mature democracies and societies turns to suspicions about attempts to enact regime change. Mature democracies, however, do not have a recent memory of ethnic difference-based privileges and deprivations permeating every facet of their lives. This has affected the approach of the post-apartheid state as it tries to maintain the first world standards of one side of South Africa while trying to improve the lives of those who are left in third world living conditions. The overall governance strategy of the ANC is, partly, trying to undo this situation.

When the organisation took over state power it put together policies and plans to 'create a better life for all'. The socio-economic situation of South Africa has affected the attitudes of its citizens towards the state and the system of democracy to mean freedom (Zuern, 2009). As a result, South Africa is a country where only a third of the population 'consider the procedural and political components of democracy – majority rule, regular elections, freedom to criticise government, and multiparty competition' as being indispensable for a political system to be characterised as democratic (Butler, 2005, p.723). They are 'far more likely to see economic or substantive considerations, rather than procedural ones, as the non-negotiable aspects of a democracy' (ibid). The ANC-led post-apartheid state has the responsibility of focusing on providing, even if it is the bare minimum, socio-economic improvements to South Africans so as to avoid popular alienation that could result when the majority start perceiving democracy as not meeting their needs and not effectively providing for and engaging with them (Zuern, 2009). Its overall governance strategy and use of scalar practices have to focus on achieving the National Democratic Revolution's strategic objective of 'a non-racial, non-sexist, democratic, united and prosperous society based on the vision of the Freedom Charter' (ANC, 2005). It has to try and bridge the divide between the first and third world communities of South Africa and to put an end to a situation where race is a proxy for privilege or underdevelopment. The ANC understood this even before it got into government, as captured in the RDP that was its bases for campaigning in 1994.

The RDP stated that 'no political democracy can survive and flourish if the mass of our people remains in poverty, without land, without tangible prospects for a better life. Attacking poverty and deprivation must, therefore, be the first priority of a democratic government' (RDP, 1994, para 1.2.9). The state that is led by the ANC took this into account in determining its governance strategy.

Apartheid's appalling treatment of black people is, somehow, playing a role in keeping the ANC in power. All it takes is for the ANC to invest, even minimally, to impact and change the socio-economic situations of the majority and many of its failings are ignored. The building of many houses for poor people in all the Boland towns and the electrification of both formal and informal houses ensures that the African areas vote overwhelmingly for the ANC, although they still complain about the lack of employment opportunities. The ANC has capitalised on this as its leaders emphasise that 'today is better than yesterday and tomorrow will bring more joy than today' Mbeki, 2007). The apartheid government had ensured that the ANC has to move from a very low base for it to be recognised. When the ANC attained power in 1994, only 21% of South Africans had access to piped water; in 2014 that figure was at 90% and there was also a dramatic increase of households that receive free basic water services (Khosa, 2000; ANC, 2016). In a country that saw a majority of black people living in conditions of the third world while their white counterparts were enjoying first world lifestyles, the state under the ANC increased the percentage of households that are connected to electricity supply to 86% by 2014. About four million houses were built for poor people without any payment expected from them. There is increased access to electricity, services like primary health care, basic sanitation and many others. Although it has not had much success in job creation the state has increased the social security net so that many families do not go to bed hungry. The ANC's governance strategy has helped its regular re-election as the beneficiaries of the improving socio-economic conditions are the African majority. This is in line with the theory of NLM that sees itself as being the nation and some kind of a father-figure (Suttner, 2004). There is evidence that some of those who are active participants in the *invited spaces* are people who have been beneficiaries of the state's programmes. This was acknowledged by someone who is a harsh critic of ward meetings when he said people in those meetings are there 'because they

benefit from the EPWP [Economic Public Works Programme that also provides temporary jobs]' (Respondent 41: Former ANC leader, Boland interview).

People in South Africa see government as one single block across all spheres and they express their needs and demands to whichever government door is nearest to them, regardless of spheres and the neat separation of duties in the country's constitution. Their expectations remain high in the post-apartheid state and thus it remains at the core of representations and expectations especially for poor people. The mass protests covered in Chapter 1 are, partly, an indication of people's disappointment when these expectations are not met but they are not disregarding or shunning the State (Bénit-Gbaffou and Oldfield, 2011). Low-income residents are desperate to access the state and their experience is that both local democracy and clientelism serve them in this regard. Chapter 2 dealt with how the poor view clientelism and local democracy as serving the same purpose of helping them access the state as both are based on 'personalization of relationships between citizens and the State' and policies can be flexible and adaptable to local conditions (Bénit-Gbaffou, 2011, p.456). Party politics also lie at the core of both and the ANC looms large in the areas that are inhabited by the vast majority of South Africans.

Most ANC councillors seem to have learned the language about the importance of public participation in local governance and, at times, they listen even if they will not meet people's needs.

## **8.2. ANC Politics Affect Public Participation in both *Invented* and *Invited spaces*.**

While the findings of the research confirm what is in the South African literature, as covered in Chapter 2, insofar as politicisation of ward committees and the IDPs not being taken seriously as a basis for municipal budgeting (Piper et al, 2008; Piper et al, 2009; Everatt et al, 2010, Bénit-Gbaffou, 2011), there are also findings that are not covered in the available literature. These relate to the extent to which ANC factional fights affect public participation. This has not been widely researched and it is important for the largely black residential areas where the ANC is dominant. A theoretical generalisation, therefore, from this case study material is that whereas it

is believed that state initiated participatory forums temper with the independence of civil society organs (Stoke, 2004), there is no guarantee that in a dominant party democracy the state can not reach and influence independently developed spaces of participation. This research shows that the dominance of the ANC allows it to influence both invited and invented spaces of public participation, both as a party and as government.

Another one relates to how contests to get into local ANC political leadership is actually about access and control of local government positions and the extent to which this starts to blur the divide between the party and the local state. The manipulation of local democratic processes by a dominant party, as it happens in this case study, poses a serious problem to the consolidation of democracy.

#### *ANC Influence in Invited Spaces of Participation*

One form of participation that the state embarked on is referred to as corporatism or 'concertation', reflected in the establishment of the multi-stakeholder NEDLAC. This was established because the government recognized that to achieve its goals it needed organized private constituencies whose acceptance of, or active support for, government objectives is important. These groups were therefore allowed to have representatives in structures that are consulted when policy is made so as to secure their co-operation. Friedman (2006) posits that in such a model, those who are afforded a role in governance are not being given a voice as they already have one because they are organized but they are, rather, 'offered an opportunity to express that voice directly to the government and other key interests in officially sanctioned channels and in ways which give them a stronger say in policy. The intent is not to broaden and deepen democracy but to ensure smoother government' (Friedman, 2006, p.4).

As earlier stated that although this study has referred to structures like NEDLAC, its focus has been on democratic innovations that seek to involve the broader public and not only the representatives of the organised. The broader public is 'invited' into participation through the ward committees and the integrated development plans (IDP) participation process. ANC policy documents view these participatory spaces

as important instruments for councillor accountability to the community and they are 'vehicles designed to ensure municipal responsiveness to local demand and the accountability of councillors to the communities they represent' (ANC, 2002). The organisation also refers to them as instruments for strengthening the democratisation of municipal governance and decision-making (Ibid). This line of thinking is also found in speeches of the organisation's leaders like former state presidents Mbeki and Motlhante.

There is research that found the composition and operation of such *invited spaces* of participation is highly politicised, by all political parties, especially the party that is dominant in that particular municipality (Piper, 2014). This study confirms that this is true in regard to the ANC, the ward committees and IDP participatory process. Individuals and organised civil society organisations that take part in IDP processes and in ward committees complain about the quality of participation in these structures but are still hopeful that they can be fixed. The research also shows that both the ward committee system and the IDP participatory process fail as democratic innovations when measured against Smith's (2009) test of realising the four desirable qualities or *democratic goods* of inclusiveness, popular control, considered judgement and transparency. Chapter Seven analyses these in detail.

The approach of municipalities to public participation is based on the instrumental rationale that seeks to gain public credibility for policies and projects while denying the public the possibility to discuss and possibly change policy goals (Paavola et al, 2011). Meanwhile, the public is sceptical of the ANC's commitment to allowing participation that goes beyond what it views as acceptable. It also claims that where the public is allowed to participate, its views are not taken seriously as municipal budgets do not reflect allocations that are meant to address the needs that it, the public, raise in IDP meetings. Ward committees are also tolerated as structures that are only meant to assist the councillor to pass his/her message to the people. They are, therefore, little more than pacifiers of the communities that elected them. Even people who have been involved with the ANC, and some who are still loyal to the organisation, raise concerns and doubts about the organisation's commitment to having functional invited structures and to using these for genuine public participation. A community activist who was once the ANC's regional organiser after its unbanning echoes these sentiments:

I do not think ANC deployees in local government still value public participation as they did before 1994. I honestly don't think so. I think the distance has been growing between ANC councillors and the people. In the initial stages, you found that [when] there were ward committees at least there was that semblance of accountability, getting a mandate from the people. Remember, even before that, there were street committees and all those things. Each and every street was contributing to the decision that was actually taken but that distance has progressively grown in our communities in fact to a stage where you only become part of ward meetings if you support positions that are adopted by the ward councillor. If you don't, and if you're known to be an engaging person, you're immediately marginalised (Respondent 41: Former ANC leader, Boland interview).

Major factors that inhibit public participation within the *invited spaces* range from the manner in which these structures were set up to the disregard to which they are treated by politicians and government officials. Although participation in IDP meetings is open and there is no exclusion and the process of choosing a ward committee is opened to ward members, there still remains manipulation of these 'open' processes for political purposes. This political interference is also found to limit certain voices and value others more. Dominant political parties in a ward ensure that they pack these structures with their members and that views that are considered are those that favour these political parties. The ANC cannot be solely blamed for this as it is the practice in many municipalities in the highly politicised South African local government environment and it negatively affects public participation. Some voices get marginalised in the process and this defeats the purpose of deepening participation as a way of remedying a deficiency in the democratic system.

The post-apartheid state refuses to go beyond granting advisory powers to these *invited spaces* of participation. Regardless of what the state claims about ward committees being structures of people's power, the reality is that they can only recommend to the council and municipal councils have got no obligation to implement their recommendations. There is, still, not a single government document that grants authority to ward committees regardless of the claims made in ANC politicians' speeches. Ward committees remain structures that have no authority and



power. The situation is not different when one deals with the IDP process as there is no public involvement either in defining the problem, analysing available options, selecting and implementing the best options in the IDP process. In short, councillors and municipal officials still control the process and have a final say on what ends up in the IDP and the budget.

This has led to a situation where some municipalities are content with just making sure that they focus on showing that they have a register of attendance for their consultation meetings without paying much attention to community input. IDP documents list these meetings without reporting on the content of their discussions; such practices are treated as being sufficient for public participation. The dates of meetings and attendance registers are kept as evidence for the auditor general and other provincial and national government structures who are tasked with reporting on municipal public participation. The state has included reporting on public participation as part of its structures' oversight on municipal performance. This is a welcome move as previously municipalities were not required to complete reports on their participation processes. It still, however, falls short of ensuring effective public participation as it only demonstrates that sessions were held; it is procedural rather than substantive in nature and is weak even on procedural grounds. What is missing is a requirement that municipalities must report on issues that are raised by the communities and the percentage of these that actually ended up in the final integrated development plan. This would go a long way to ensuring that municipalities consider what the communities have raised when participating in these processes.

### *ANC Influence in Invented Spaces of Participation*

In response to the permeation of state control in invited space, there are community members and organisations that choose to operate in *invented spaces*. These actors, at times, reject the IDP process and ward committees as being inadequate to assist in changing the underlying socio-economic system itself. The rejection of *invited spaces* of participation is directly linked to the perception of their usefulness to the participants.

You must remember that the way that these structures [*invited spaces*] are put together is not helpful. If you're talking to someone like me about public participation I expect it to be something that allows me some influence. Now the ones of the municipality are like a report-back meeting where they [government representatives] come to report what they have structured for you at the municipality. So it is a report-back meeting in a way about a plan where the public was not involved in the first place. And then they ask you to prioritise issues while they have reported to you about all the priorities that have never materialised before. That is not public participation. That is why we end up on the streets protesting and others in courts of law. That is the challenge. (Respondent 27: Public Activist, Langeberg interview)

In Mbekweni, after SANCO had joined the ANC alliance, an independent body called SANCO Squatters developed and it claimed to represent those who were staying in informal settlements. It had the potential of dividing the informal area residents from those who are in the formal residential areas. This threatened the ANC and it co-opted some of its leading members and accommodated them on its representatives' list to the council. That led to the death of that structure and the ANC was elected into council with an overwhelming majority. These participants of the *invented spaces* got co-opted by the ANC. It happens, in a number of cases, that some of these structures are formed by people with the objective of being recognised by the ANC and jump the queue of 'cadres' who are waiting to be deployed in government positions. These people do not join other political parties but form civil society organisations who can make deals with the one party that is likely to be elected to councils, the ANC. This is linked to the fact that being a councillor does, in some cases, make the difference between being unemployed and being part of the middle class. Such situations have led a number of civil society organisations to pronounce, like Abahlali Basemjondolo, that 'Poor people do not eat ideology, nor do they live in houses that are made out of ideology' (Zikode, 2014, Groundup Interview). This, partly, accounts for why 'many civic leaders, after decades of voluntary commitment and struggle for the community, shifts towards party politics (standing as ward candidates)' and see nothing wrong in standing as candidates of parties that are in 'ideological contradiction (or at least, in disconnection) with issues they have spent their lives fighting for' (Bénit-Gbaffou, 2006, p. 38)

Those who are affected are both those who succumb to the control of the ANC and those who resent it and claim to have been victimised for their stance. There are some in the latter category that are prepared to forfeit their independence as civil society organisations by joining forces with political parties that are opposed to the ANC. An example was covered in Chapter 7 with the case of the Abahlali base Mjondolo (Shackdwellers Association) who were frustrated by their inability to get their grievances taken seriously by the ANC council. It gave up its independence and backed a neo-liberal party even though it is on the left. It did this after the protest actions it engaged in, like marches and occupations of properties, were not successful. ABM claimed that suppression rendered their mode of participation difficult, frustrating and dangerous.

Other organisations that participate in the *invited spaces* tend not to survive because what happens in the ANC often affects them as evidenced by the fate of the Anti-Privatisation Forum that is also covered in Chapter 7. The happenings in the ANC generally affect even these participants of the *invited spaces* as they cannot ignore this colossus that still has the support of the masses that they are interested in organising.

The task of growing independent civil society organisations that effectively participate in *invented spaces* is also made difficult by the negative labelling that the state has engaged in as some of these movements have been called agents of foreign powers that are involved in regime-change manoeuvres. A state security minister, David Mahlobo, has, on numerous occasions, publicly made the claim of a link between civil society organisations and the agenda of 'external powers' to undermine the state to the extent of supporting an agenda of illegally toppling the government. In his department budget speech to parliament in 2016 and 2017, then minister Mahlobo said non-governmental organisations play an important part in South Africa but there are those who work to destabilise the state. He said these are just security agents that are being used for covert operations. He came out against those who participate in *invented spaces* like public protests and said some of these are 'undermining the authority of the state by engaging in acts that seek to provoke the law enforcement agencies, hence some people have acted with impunity by killing members of the security agencies' (Mahlobo, 2016, parliamentary appropriation bill speech). This is a different take to that of some ANC leaders who

view these protests as having 'structural, systemic, political, economic, governance, psychological, emotional, and other dimensions' (Carrim, 2011b, p. 8)

It would be naive to assume that there is no foreign interest in South Africa, but statements like the one by the minister have the potential of creating a backlash against *invented spaces* participants and create suspicions and hostility against legitimate actions and actors in a democracy. This can lead to a situation where those who engage in government-approved activities are viewed as being part of the 'good' civil society, and those who invent spaces being viewed as puppets that are being used in as part of a foreign regime-change agenda. In a country that has been recently liberated like South Africa, anyone that is perceived as threatening that freedom is not viewed in a good light by the population and this limits their growth potential and effectiveness.

### *The Strategy of the ANC in Power and its Approach to Participation*

The ANC's overall governance strategy is characterised by sound policies on what is to be done, based on its guiding vision of a national democratic revolution (NDR) with its vision of creating a non-racial, non-sexist, democratic, united and prosperous society based on the vision of the Freedom Charter. The adoption of the NDP in 2012 was the ANC's way of openly determining the direction of the country from the centre. As covered in Chapter 4 and 5, the NDP is a long-term plan to have, by 2030, all government departments developing and implementing programmes that are, first and foremost, aimed at eliminating poverty and reducing inequality in South Africa. It seeks to ensure that there is consistency and coherence in the state's policy direction. This then makes the NDP a plan for the whole country as it enjoins the state to engage with all sectors to 'understand how they are contributing to implementation, and particularly to identify any obstacles to them fulfilling their role effectively' (National Planning Commission, 2012, Introduction). The state's budget allocation is to be shaped by the NDP throughout the years up to 2030. The Plan identifies the improvement of the quality of public services as essential to achieving transformation and tasks provinces with identifying and overcoming the obstacles to achieving improved outcomes, including the need to strengthen the ability of local government to fulfil its developmental role (ibid).

The national government acknowledges that there have been a lot of shortcomings when it comes to implementation of its policies, although the NDP says planning and implementation should be informed by evidence-based monitoring and evaluation so as to mitigate the risks of policy failure. The relevance of the NDP to this thesis lies in its objective of permeating all areas and levels of governance. In essence, the level of state-directed control by national government of all spheres of government through the NDP shows once again the ANC's approach to state power and its use of scalar practices in action as it effectively ties subnational state levels into agreeing and marching in step with the national state, especially, when they are all governed by the ANC. IDPs have to be conscious of the presence and authority of the NDP as municipalities engage in public participation for local development.

The South African constitution (1996) creates a co-operative government that is constituted as national, provincial and local spheres of government which are 'distinctive, interdependent and interrelated' (Chapter 3). While the ANC is a unitary party, it has become savvy in using scalar practices to achieve its overall governing strategy. The initial demarcation of the provinces was as a result of compromise but there has been continual tinkering with those boundaries, as happened in the case of some towns and their movement between the Eastern Cape and the KwaZulu-Natal province. This is at a small scale compared to massive scalar changes that have been directed at the local government level more generally. New boundaries of municipalities have been introduced and this has also been the case with municipal wards. This has not been an uncontested process as these scalar practices have been challenged and the governing party's moves are watched very closely by the opposition and civil society. The official opposition has accused the ANC of demarcating municipal boundary to solely achieve its party-political objectives. A political party, the African Independent Congress (AIC), was born out of one town's refusal to be moved from one province to another and this saw some local ANC supporters rebelling against their party (Mail and Guardian, 30/10/2007). This also saw non-governmental formations standing up against the ruling party as they challenged the movement of their town from one province to another, as dealt with in Chapter 5. Some of these legal challenges were based on failure to allow for public participation as required in legislation.

The ANC's political dominance allows its government to force its way and implement whatever scalar activities it deems necessary within its overall governance strategy. In such situations, those who oppose it can either approach the courts or live with whatever the ruling party wants. South African courts have proven to be independent and jealously guard the country's constitutional sovereignty and have ruled against the state when they were convinced that it was violating the constitution.

### **8.3. The Knowledge, Commitment and Implementation Gap.**

The ANC is a unitary structure in its policy but this research has found a lack of uniformity in understanding, commitment and implementation of participatory policies at different levels of the organisation and government spheres. At times, the actions of some of those the ANC has deployed in local government do not conform to its policy positions. Examples of this are presented in Chapter 6 and 7.

Some deployed public representatives work to advance themselves and their factions, at the expense of the ANC and the communities they are supposed to be leading. In such a situation, the community is unwittingly used to pursue such nefarious objectives with community members often being organised to fight factional ANC battles. The organising is done outside of formal ANC structures as doing so from within the organisation might attract the attention of the organisation's higher structures. Such protests are organised under names of existing civil society structures or new ones are set up for such purposes. These are, at times, accompanied by violence and government property is burnt down. The case of former Northwest premier, Supra Mahumapelo, which is discussed in Chapter 4 is an example of this. It was the first one that took place at a level that is higher than local government as this type of regime-change through the manipulation of popular sentiments is much more common with mayors and ward councillors.

When such campaigns succeed they are falsely viewed as a victory for local democracy and popular participation, but in a number of cases it is part of the ANC's factional battles. The ANC plays a large role in both the invited and *invented spaces* of participation as its members and supporters are local activists and the high unemployment levels can turn people into being pawns in games they did not invent.

The ANC higher structures are not known to have taken action against its local public representatives when they fail to properly implement or violate its public participation policies. This can be interpreted as the organisation not viewing the lack of implementation of public participation policies as serious enough to warrant disciplinary measures. This study shows that there is also a situation of discipline and enforcement of the organisation's rules is applied in a factional way and some get away with a lot because of their link to a dominant faction. This happens regardless of the ANC itself subscribing to democratic centralism that holds that a decision that is taken by the majority of participants after a discussion in a meeting is binding on everyone who was in that meeting and, furthermore, a decision of a higher structure is binding on lower ones. To go against these two principles of democratic centralism is viewed as ill-discipline and bringing the organisation into disrepute but at local level, at times, this depends on the strength of one's faction.

Chapter 6 opened with a diagram that depicts the ANC structures that are meant to observe the principles of democratic centralism from national, provincial, regional down to the local level. It also shows how these relate to state structures. The hierarchical relationship between the ANC's levels is more pronounced and stricter than that of spheres of government. While higher structures can easily discipline lower ANC structures, there is no such relationship between spheres of government.

In as far as the state is concerned, there is no proper coordination between different spheres of the government, as stated in Chapter 1. The government's own *State of Local Government Review Report* (2009) points out that ward councillors are supposed to also serve as a link between the ward community and the rest of government. This is to ensure that there is proper consultation with local communities with respect to the planning and implementation of provincial and national programmes that are impacting on that particular ward. The report admits that in practice sector departments do not consult or involve ward councillors in plans and projects. This marginalisation of local government leaders by higher government spheres is not only limited to ward councillors as at times even the mayors of municipalities do not know what provincial and national sector departments are planning to invest in their areas. Municipalities are sometimes involved when they are expected to mobilize communities when projects are launched by another sphere of government. This defeats the objective of having integrated planning throughout

the state. This attitude of undermining each other and not working in an integrated and coherent manner cannot be linked to political differences as the ANC has been governing at the national level and in all but one province for many years. This can be attributed to egos and incompetence. Those who are mainly complaining of being undermined by their comrades and colleagues at different state levels are, mainly, local government councillors.

In line with the ANC's ethos of democratic centralism and its belief in a strong unitary state its statecraft and use of scalar practices are based on all subnational states toeing the line of the national one. Policy decisions are taken at the central level and provincial and local governments are not allowed to deviate from it. In this context, even the IDP, which is an instrument to be used by local government is a concept that was designed by national government as a way of 'directing local government towards certain nationally defined objectives' (Harrison et al, 2008, p. 64). The only two provinces (Kwazulu-Natal and the Western Cape) that have ever been governed by parties other than the ANC had to go to courts to fight to deviate from some provisions of national government policy. This is not the case with provinces and municipalities that are governed by the ANC. They just have to implement, at their respective levels, the policies of the national state as that is how the ANC uses scale to achieve its statecraft. ANC deployees in subnational states (provincial and local) who disagree with national state policies are warned to desist or face redeployment out of their positions or they just get dumped from all government positions. The electoral system in South Africa makes this easy to achieve. A former ANC district mayor who had strong views with regard to policies that were adopted by higher spheres of government recalls how he got into trouble for disagreeing with some of these. He disagreed with how the ANC housing policy affect local government. His other disagreement with ANC policy and a state level that was above the district related to Health policy and it pitted them against an ANC-led provincial government. As he recalled these issues, during the interview, he nervously chuckled and declared 'I went against ANC policy' (Respondent 9: Former Mayor, CWDM interview). This mayor was admonished in all these instances and made to withdraw his opposition to implementing ANC policy in his municipality and he was ultimately removed from his position to accommodate an ANC coalition partner. This is one example of how ANC cadres who are deployed at different levels



of the state sometimes clash in implementing policies at their levels. The ANC's Cape Winelands district mayor and his then-counterpart as the ANC premier of the Western Cape Province fought about which level of the state should be responsible for primary health care.

The mayor also recalled that he also was not happy and opposed the then minister of finance, Trevor Manuel, when he 'unilaterally' stripped district municipalities of revenue collection powers in 2005. The mayor believed that decision did not make sense in terms of both the ANC policy that advocates for a 'strong local government and strong national government' (Respondent 9: Former Mayor, CWDM interview). Even in this one he had to give in and follow party direction. This is an example of how subnational levels of state are tied to agreeing with the national state, especially if they are all governed by the ANC. This is handled in line with the principles of democratic centralism, that is, lower structures submit to higher structures. In the ANC, national leaders are normally deployed at national parliament or national government. Provincial party leaders are mainly found in provincial government and legislature. Regional and local leaders mainly serve at the district and local municipality level. Chapter 6 and 7 dealt with how wanting to access state and government positions influence battles for ANC organisational leadership positions. These 'sins of incumbency' are wreaking havoc in the operation of the ANC as a party and at the state level. Public participation is, then, a victim of these internal fights for power and through it, income and wealth.

This study also finds that ANC factional battles at regional and local level prevent party structures from acting decisively to force its councillors to put more effort into meeting people's needs or affording them space to participate. At times, these councillors are also limited by a lack of resources to deal with the needs and demands of local communities.

#### **8.4. Devolution of Power and the Dilemma of the ANC**

The statecraft of the ANC involves a lot of social re-engineering and it is understood that such huge endeavours of change require strong central leadership. The

movement believes that it has to imbue South Africa with a new value system that is based on non-racialism. Add to that the fact that the apartheid government negotiators wanted to force semi-autonomous wards with the hope that they could retain power in those local areas (Piccard and Mogale, 2015). As late as 1991 the apartheid government also sought to maintain racial segregation through the principle of neighbourhood control. The Abolition of Racially-Based Land Measures Act of 1991 contained clauses that gave homeowners in each neighbourhood the right to set 'norms and standards'; it was a 'barely disguised attempt to maintain racial segregation' (Ottaway, 1993, p.119). When the ANC works on using scale it is bound to consider all of these factors and is wary of what it deems 'counter-revolution' from below and a push-back against the non-racial society that it attempts to build. Furthermore, the ANC government also has to contend with the reality of a local state that is ineffective and corrupt. It is faced with a dilemma of whether to devolve more powers to what has proven to be a corrupt and ineffective local state that is riven by infighting and neglect of service delivery.

This study has reflected on a local government that is the weakest link in the implementation of the ANC's statecraft. ANC documents, participants in this study and other commentators have painted the South African local government sphere as one that is beset by challenges that are both a legacy of the past and those that are created post-apartheid, including lack of requisite skills, wide-scale corruption and nepotism. In 2005, the then ANC and state president, Thabo Mbeki informed the NCOP of their unhappiness with the inability of local government to contribute to the achievement of the country's objectives.

We need municipalities that serve all our people and have the requisite capacity to provide regular and reliable services to citizens as well as being at the forefront of the reconstruction and development of our country. We cannot build such a system of municipal government by electing councillors driven by criminally selfish motives, who have absolutely no interest in serving the people and who do not belong among those determined to occupy the forward trenches in the difficult and complex struggle for the reconstruction and development of our country, focused on the achievement of the goal of a better life for all. (Mbeki, 2005)

Chapter 4 deals mainly with these local government challenges from the perspective of the ANC as a movement and introduces the ANC's Organisational Diagnostic Report (2017) while Chapter 5 focuses on a diagnosis that comes from the state, namely, the *State of Local Government Review Report* (2009a).

Wide-spread lack of commitment to the ideals of service to the people and clean governance that are contained in ANC and state policy documents have seen a practice chasm between the national and local state. ANC documents and some of its leaders point to ill-discipline and lack of understanding and commitment to the organisation's principles as being the primary cause of this. They believe that the ANC has attracted to the organisation people who want to use its power to access wealth and many resources for themselves.

The use of money to buy votes for elections into positions within the party is seen as being at the heart of the decline of the quality of structures across the board. The ANC itself confirms that money has replaced commitment as a basis for being elected into leadership positions at all levels of the organisation (Mantashe, 2017). It says that the ethical behaviour of leaders is no longer an issue, as it has been replaced by status. In this environment 'ethics is seen as an elitist approach to politics and has developed social distance as an effect. Social distance accelerates the growth of the trust deficit between leaders and society, leading to the decline of support for our movement' (Mantashe, 2017, p.5).

The ANC that was once the vehicle for many who wanted to fight apartheid, is being used, by some, as a vehicle for accessing state positions and wealth through tenders and senior government positions. A former ANC mayor in the Boland recalls how after they were elected to the municipal council, the focus shifted from the 'better life for all' promise on to money and 'there was a silent war on who could take up which position' (Respondent 4: Former Mayor, local municipality interview). There developed a situation of secret caucuses that sat and lies that were spread against party opponents and rivals to the extent of turning the community against their own comrades. In her case, all these came about because her comrades and colleagues wanted her to approve unethical deals. It became a situation where those who wanted to do good within the ANC were under siege from their local comrades. There is evidence that local ANC leaders are not averse to harming and even killing

each other for positions. Two ANC mayors in the province of KwaZulu Natal were standing trial in March 2019, as they were alleged to have bought people to kill other ANC politicians.

#### **8.5. Civil Society Leaders can be Corrupt in Clientelist Relationships.**

This study finds that clientelist practices, at times, arise both from the local councillors' side and also from local community leaders. The literature on clientelism in South Africa does not deal with local community leaders engaging as more than clients in such practices (Van de Walle, 2007, Bénit-Gbaffou and Oldfield, 2011, Bénit-Gbaffou, 2011). The focus is, understandably, on local councillors as the understanding of clientelism is that of a direct exchange of public goods, like housing, jobs and access to social services (given as favours), between a politician and a voter for political support (Van de Walle, 2007, Everatt et al, 2010, Bénit-Gbaffou, 2011). This case study challenges the theoretical belief that civil society is always good while only the state can be bad. While a 'robust, strong, and vibrant civil society strengthens and enhances liberal democracy' (Chambers and Kopstein, 2016, p.837), there are elements within the civil society that behaves in ways that can threaten democracy (Katsaura, 2011, Piper & Von Lieres, 2016). The Boland case study material points to instances of negative involvement of individuals who are active in organised civil society in corruption and clientelism.

While corruption is condemned in literature there is a positive spin around clientelism as it is, at times, reflected as a conscious political strategy to generate development and also as a means of helping the poor access the state (Bénit-Gbaffou, 2011, Anciano, 2018). What this study found is that in some areas the local leaders who negotiate with state representatives on behalf of the community gain some form of power for themselves, even if it is not formalised through laws and regulations. The fact that politicians and other representatives of the local state need the support of the community in carrying out their work in that area and this leads to them feeling that they need to get the support of local leaders who are trusted by the community. They are prepared to overlook some of the unacceptable things that these local

leaders do. In the case of the Chris Hani settlement in Mbekweni, Paarl that is covered in Chapter 6 and 7, the local leaders would take some of the building materials that were meant for some community members for themselves. This happened in the process of the ANC state's massive housing campaign for poor South Africans. Local leaders would also, without state authority, give people open plots to build on as long as they pay the rent to them, as they gained some form of power. Leaders who were meant to be representatives of the local community also started dispensing patronage and building their power base. In the hybridity of governance that is found in the rural areas, this is understood as being the power of the local traditional chief that gets tolerated by the local state. This is, however, quite strange when such things happen in urban areas that are supposed to be governed by the local state only. This evidence disputes arguments that limit the negativity of clientelist practices to the state (Van de Walle, 2007) as it shows that local civil society is not always only the victim of politicians as local leaders can use the same methods to build their own power base and dispense patronage and also engage in corruption. This led one community member to lament that 'even those who lead us do not fight for us, they continue to suppress us especially when they see that one does not know much or one is elderly. Instead of bringing light to the people they bring darkness' (Respondent 10: Public Activist, Drakenstein interview). Further research on the prevalence of this phenomenon in South African urban areas is needed as the current literature accepts that urban areas are the sole domain of the local state and its councillors, while it accepts that in rural areas there is an element of hybridity that is linked to the institutions of traditional leadership, within the limits of constitutional provision.

As for this study, it contributes to addressing the gap in the literature on democratic innovations in the Global South as a lot of research has focused on the West. It adds to these empirical studies by focusing on democratic innovations in a country that is part of the global South. It is, also, the first to use the democratic goods framework to analyse democratic innovations in South Africa. The realisation that participation does not only take place through invited spaces but invented spaces are also an important avenue broadens the understanding of participation. The findings of this study can also help improve the implementation of local participatory governance in South Africa as the country still grapples with how to get it right.

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## Annexure 1: Interview Participants

<b><i>Participants Code</i></b>	<b><i>Relevance</i></b>	<b><i>Interview Date</i></b>
Respondent 1: Public Activist, Witzenberg	Public activist and former civic leader	15/04/2018
Respondent 2: Former Municipal Official, Drakenstein and Stellenbosch	Former Municipal senior manager	14/04/2018
Respondent 3: Former Municipal Official, Breede Valley	Former Municipal Senior Manager	3/05/2018
Respondent 4: Former Mayor, Local Municipality	Former Mayor	03/05/2018
Respondent 5: Former Councillor, Breede Valley Municipality	Former Mayoral Committee member	03/05/2018
Respondent 1: Public Activist, Breede Valley	Public activist	03/05/2018
Respondent 7: Councillor, Stellenbosch Municipality	Serving second term as a ward councillor	17/04/2018
Respondent 8: Councillor, Stellenbosch Municipality	Former ward committee member and current ward councillor	17/04/2018
Respondent 9: Former Mayor, District Municipality	Former District Executive Mayor, Western Cape Local Government Association chairperson, South	03/05/2018

	African Local Government Association Executive Committee member.	
Respondent 10: Public Activist, Drakenstein	Public activist	18/04/2018
Respondent 11: Councillor, Langeberg Municipality	ANC Regional Executive Committee (REC) Member and a current Municipal Councillor and ANC chief whip	19/04/2018
Respondent 12: Councillor, Langeberg Municipality	Former ANC Provincial Executive Committee (PEC) member and a current Municipal ward Councillor	19/04/2018
Respondent 13: Councillor, Langeberg Municipality	Ward Councillor	19/04/2018
Respondent 14: Councillor, Witzenberg Municipality	ANC Regional Executive Committee member, first female speaker of her municipality. Current Party Representative (PR) councillor.	16/04/2018
Respondent 15: Ward Committee Member, Witzenberg Municipality	Ward Committee member and ANC activist	16/04/2018
Respondent 16: Councillor, Witzenberg Municipality	Ward councillor	16/04/2018
Respondent 17: Ward Committee Member, Witzenberg Municipality	Ward 12 Committee member in Witzenberg	16/04/2018

Respondent 18: Ward Committee Member, Witzenberg Municipality	Ward 1 Committee member in Witzenberg	16/04/2018
Respondent 19: Former Mayor, Local Municipality	Former ANC Regional leader and Executive Mayor	17/04/2018
Respondent 20: Former Councillor, Langeberg Municipality	Development activist and former ward councillor	17/04/2018
RESPONDENT 21: MP	Former Communications Minister, Deputy Minister for Local Government and current Parliamentary Chair for Finance.	21/04/2018
Respondent 22: Public Activist, Drakenstein	Public Activist, Chairperson of Mbekweni Backyarders Association	19/04/2018
Respondent 23: Former Councillor, Langeberg Municipality	Former ward councillor for the ANC and later a deputy mayor for another party	20-Apr-18
Respondent 24: Former Councillor, Langeberg Municipality	Former ANC Chief whip and ward councillor	20/04/2018
Respondent 25: Former Councillor, Drakenstein Municipality	Former Municipal Chief Whip, ward councillor	17/04/2018
Respondent 26: Former ANC Leader, Boland	Former ANC Regional Executive Committee member and trade union leader	18/04/2018

Respondent 27: Public Activist, Langeberg	Former ward committee member, municipal official in the deputy mayor's office and current public activist	20/04/2018
Respondent 28: Former Ward Committee Member, Langeberg	Public activist and former ward committee member	20/04/2018
Respondent 29: Public Activist, Drakenstein	Public Activist who worked for a non-governmental organisation that coordinated the election of the first ward committees and drafted the first IDP document for Drakenstein Municipality. Former Municipal administrator in the speaker's office	06-Apr-18
Respondent 30: Public Activist, Drakenstein	Public activist and former trade union leader	16/04/2018
Respondent 31: Public Activist, Drakenstein	Public activist. Former civic association leader	10/04/2018
Respondent 32: Former ANC Leader, Drakenstein	Former ANC branch chairperson	07/03/2018
Respondent 33: Councillor, Stellenbosch	Former speaker of Council, Former Mayoral Committee member responsible for Integrated human settlements. Current ward councillor	12/04/2018
Respondent 34: ANC Leader, Boland	Former Paarl Municipality Deputy mayor. Former Regional Organiser and later Regional Secretary of the ANC.	22/04/2018

Respondent 35: Municipal Official, Drakenstein	Municipal official in the IDP office.	14/05/2018
Respondent 36: Former Councillor, Stellenbosch	Former Mayoral committee member	12/05/2018
Respondent 37: Former Councillor, BVM	ANC and Communist Party local leadership, Former ANC councillor and Mayoral Committee Member.	12/05/2018
Respondent 37: Public Activist, Drakenstein	Public activist. Regional Soccer structure leader	18/04/2018
Respondent 39: Former Municipal Official, CWDM	Municipal IDP Coordinator	
Respondent 40: Former Councillor, Drakenstein	ANC Women's League provincial leadership, Former ward councillor and Mayoral Committee member	20/04/2018
Respondent 41: Former ANC Leader, Boland	Former UDF leader. Former ANC Boland Regional Organiser	21/04/2018
Respondent 42: Councillor, Stellenbosch Municipality	Current ward councillor, former ward committee member	09/04/2018
Respondent 42: Public Activist, Stellenbosch	SRA Secretary	17/04/2018
Respondent 43: Public Activist, Boland Regional	Former SANCO Boland Chairperson, current SANCO Western Cape executive committee member and former ANC CWDM councillor.	21/04/2018

Respondent 45: CDW Member, Drakenstein Municipality	Community Development Worker	20/04/2018
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