The mandate for public participation in governance
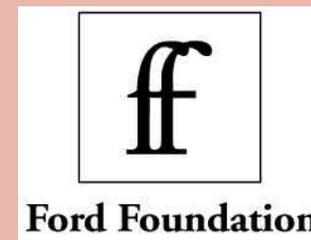
Built Environment Support Group

Deepening Democracy Project

27 July 2011

financially supported by

Why is BESG co-hosting this event?

- BESG is an NGO that has worked in the field of promoting good governance for over 10 years.
- Through the Good Governance Learning Network, it acts as a civil society informant to the National Department of CoGTA and SALGA.
- It developed the Deepening Democracy Project in response to the wave of service delivery protests that sporadically flared up across the country after the 2006 local elections.
- UMDM has adopted BESG as a strategic partner in the promotion of public participation in the affairs of the District and its underlying local municipalities.
- BESG leveraged funding from the Canadian International Development Agency to support Prof. Giovanni Allegretti's visit to share international best practice in participatory planning and budgeting.

The mandate (1) – The Constitution

Section 152: Objects of local government

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

The mandate (1 cont'd) – The Constitution

- **Section 153. Developmental duties of municipalities.-**

A municipality must-

- *(a)* structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and

- *(b)* participate in national and provincial development programmes (e.g., housing subsidy programme, rural water and sanitation)

The mandate (2)
The Municipal Systems Act (32 of 2000)

16. (1) A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, and must for this purpose-

(a) encourage, and create conditions for, the local community to participate in the affairs of the municipality, including in—
  (i) the preparation. implementation and review of its integrated development plan in terms of Chapter 5;
  (ii) the establishment, implementation and review of its performance management system in terms of Chapter 6:
  (iii) the monitoring and review of its performance, including the outcomes and impact of such performance:
  (iv) the preparation of its budget; and
  (v) strategic decisions relating to the provision of municipal services in terms of Chapter 8;

(b) contribute to building the capacity of—
  (i) the local community to enable it to participate in the affairs of the municipality; and
  (ii) councillors and staff to foster community participation; and

(c) use its resources, and annually allocate funds in its budget, as may be appropriate for the purpose of implementing paragraphs (a) and (b).

The mandate (2 cont'd)

17 (2) A municipality must establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality.

18. (1) A municipality must communicate to its community information concerning—

– (a) the available mechanisms, processes and procedures to encourage and facilitate community participation;

– (b) the matters with regard to which community participation is encouraged;

– (c) the rights and duties of members of the local community; and

– (d) municipal governance, management and development.

Who is "the community"?

- The general public, via Ward Councillors and Ward Committees…..and block and street committees? (CoGTA, Dec 2009)

- Residents and businesses (as ratepayers and consumers) who have common issues (i.e., not-ward bound)

- Other sectors who have common interests, e.g., NGOs, FBOs, CBOs -- both collectively and within specific service sectors

The mandate (3) – national intervention

CoGTA State of local government overview report November 2009:

- In instances where it was found that there was a lack of a genuine participatory process, due to political instability, corruption and undue interference in the administration, then it can be said that there is a failure to provide democratic and accountable government.

- Service failures by municipalities may be attributed to elements of uneven and unstable governance. There is evidence of a high incidence of irregular or inappropriate appointments, coupled with low capacities, poor skills development programmes and weak institutional management….They generally lack the financial and human resources to deliver on their constitutional and legal mandate and on citizen expectations.

- A culture of patronage and nepotism is now so widespread in many municipalities that the formal municipal accountability system is ineffective and inaccessible to many citizens.

The mandate (3 cont'd)

The Local Government Turn-Around Strategy (CoGTA December 2009):

- Five strategic objectives are identified that will guide the LGTAS interventions and support framework. These are aimed at **restoring the confidence of the majority of our people** in our municipalities, as the primary expression of the developmental state at a local level. These are:
  1. Ensure that municipalities meet the **basic service needs** of communities
  2. Build clean, effective, efficient, **responsive and accountable** local government
  3. Improve performance and **professionalism** in municipalities
  4. Improve **national and provincial policy, oversight and support**
  5. Strengthen **partnerships** between local government, communities and civil society

- These objectives have been identified as the key drivers in order to **rebuild and improve the basic requirements for a functional, responsive, effective, efficient, and accountable developmental local government**. In achieving these objectives we will **mobilise government and society** to protect and enhance the Local Government system by addressing the forces undermining the system and addressing relevant areas for improvement.

Where lies the future?

**The Dinokeng Scenarios (Dr. Mamphela Ramphele +34 others) 2008
Three futures for South Africa:**

WALK APART

- There is a breakdown in trust and relationship between government and the public. Evidenced by action or threats of action – petitions, angry letters in the press, rates boycotts, marches, street protests.

WALK BEHIND

- In this scenario where the state assumes the role of leader and manager -- find the problem and fix it. Citizens are passive vessels who pay for and (sometimes) receive services.

WALK TOGETHER

- This is a scenario of active citizen engagement with a government that is effective and that listens.

Civil society and its relationship to the state (1)

Prof. Steven Friedman, former Director of IDASA and currently Head of the Centre for the Study of Democracy at Rhodes and the University of Johannesburg (Witness 30 December 2010)

- Experience has shown that, in African conditions, a more democratic government is also a more effective government….The key to this is greater accountability to citizens. Unless citizens are able to act collectively with people who share their interests and values to hold the government to account and to press it to respond to their concerns, there is little or no incentive for people in the government to make public service a priority.

- If democracy is to deepen and the government is to become more accountable to citizens, it is crucial that every effort be made to move beyond purely middle-class concerns and to highlight the impact of government actions on grass-root citizens.

Civil society and its relationship to the state (2)

- **Richard Baloyi, Minister of Public Service & Administration, commenting on the African Peer Review Mechanism (APRM) review process of good governance within the African Union (Daily News 27 Jan 2011):**

  - "Civil society…is arguably the most important component of the APRM process…without active participation from our civil society sector this process would be devoid of any legitimacy."

Restoring confidence

- The public want transparency and accountability
- The public need confidence that there is a realisable plan for service delivery, not a quick fix of potholes before the elections, and not a wish list of projects with no budget or timeframe.
- Municipalities need to strengthen the relationship of Ward Councillors and Ward Committees to communities, as prescribed in the Municipal Systems Act and envisaged in the NTAS.
- Additionally, municipalities need to develop strategies for engaging with organised stakeholder groups and marginalised or socially excluded sectors of society across ward boundaries.

A final word for our elected representatives

Municipal Systems Act 32 of 2000

SCHEDULE 1

CODE OF CONDUCT FOR COUNCILLORS

Preamble

- Councillors are elected to represent local communities on municipal councils, to ensure that municipalities have structured mechanisms of accountability to local communities, and to meet the priority needs of communities by providing services equitably, effectively and sustainably within the means of the municipality.

- In fulfilling this role councillors must be accountable to local communities and report back at least quarterly to constituencies on council matters, including the performance of the municipality in terms of established indicators.

Siyabonga!

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