

*The shape of things to come:
Towards a more accountable,
responsive and people-centred
local government?*

*Discussion Paper and Roundtable Report
prepared by Isandla Institute*

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Discussion Paper



Introduction

South Africa's system of local government, and local democracy more broadly, is at a critical juncture. Recent assessments have highlighted numerous failings and dysfunctionalities, much of which points to the governance dimension underpinning local governance (Van Donk 2012). Recurring, and increasing, community-based protests are possibly the starkest indicator of challenges and failings in the governance dimension. According to Municipal IQ, the period January till June 2012 saw the highest number of community-based protests ever recorded per annum since 2004. An increasing number of these are characterised by violence, as the Municipal IQ data shows, which is indicative of deep levels of frustration and exasperation (and may also be suggestive of a public perception that government and the media is more responsive to violence).

There has been a noticeable shift in discourse, evident not only in the more honest assessments of the failings in the system of local government, but also in the admission that, by and large, people have been the missing ingredient in government-driven development and the government-dominated governance process. South Africa's first-ever National Development Plan (NDP) and the 2012 policy recommendations made at the 4th National Policy Conference of the African National Congress (ANC) held in June 2012 both reflect this perspective. While the NDP and ANC Policy Recommendations clearly reflect different perspectives and approaches to address the identified weaknesses, they seemingly have in common a commitment to shift the system of local government onto a trajectory that instils more robust accountability, responsiveness and people-centred development. The NDP has been

endorsed by Cabinet and is therefore now regarded as the strategic framework for future government planning. The ANC's policy recommendations will be discussed, modified and adopted in the party's national conference to be held in December 2012. Read together, these documents are suggestive of the future shape and functioning of local government in South Africa.

The purpose of this discussion document is to critically review the perspectives and proposals related to local government as contained in both documents. Isandla Institute's particular interest is in examining whether the proposed reforms will indeed bring about a more accountable, responsive and people-centred local government system and what the implications are for the interface between the local state, political parties, elected leadership and citizens.

Reconfiguring governance relationships: state, communities, leadership

As intimated earlier, the NDP and the ANC Policy Recommendations concur about the need to reconfigure governance relationships. Both documents argue that South Africa's approach to changing the current trajectory should be based on three things: a capable and developmental state, active citizenry and strong leadership. The NDP in particular states that changing the current trajectory requires, firstly, a focus on citizens being active in their development and holding government accountable for its actions. Secondly, it advocates for a capable and developmental state that is able to intervene to correct the country's historical inequities and, most importantly, to support and

guide development so that the benefits accrue across society. Lastly, it calls for strong leadership that is able to build consensus and create sound and consistent policies to solve the country's problems (Presidency 2012b:54).

A capable, developmental state

For the NDP, building the capability of the state to play a developmental, transformative role is one of the key priorities to ensure that the objectives contained therein are achieved (Presidency 2012b:27). The *raison d'être* of a developmental state is to address the root causes of poverty and inequality. The NDP adds "a South African developmental state will intervene to support and guide development so that the benefits accrue to society (especially to the poor), and build consensus so that long-term national interest trumps short-term, sectional concerns" (Presidency 2012b:54). The NDP further notes:

A developmental state needs to be capable, but a capable state does not materialise by decree, nor can it be legislated or waved into existence by declarations. It has to be built, brick by brick, institution by institution, and sustained and rejuvenated over time. It requires leadership, sound policies, skilled managers and workers, clear lines of accountability, appropriate systems, and consistent and fair application of rules (Presidency 2012b:54).

It recommends a host of institutional reforms to address the uneven and poor performance of the public service and local government and redirect these to becoming more developmental.

The ANC's view on a developmental state resonates with the one reflected in the NDP,

although it shies away from using the term 'capable state'. The party defines a uniquely South African developmental state as one:

- "with capacity to intervene in the economy in the interest of higher rates of growth and sustainable development;
- with effective and sustainable programmes that address challenges of unemployment, poverty and underdevelopment with requisite emphasis on vulnerable groups; and
- that mobilises the people as a whole, especially the poor, to act as their own liberators through participatory and representative democracy" (ANC 2012b:15).

While the NDP asserts the key role of the state in development, it also emphasises the importance of the people and other institutions. It thereby criticises and discourages a state-centric approach to development and democracy. It argues, for example, that "the state cannot merely act on behalf of the people – it has to act with the people, working together with other institutions to provide opportunities for the advancement of all communities" (Presidency 2012b:37). Although the ANC Policy Recommendations also highlight the importance of mobilising people as key actors/agents in participatory and representative democracy, it comes out in strong support for state driven development in the country, with the party guiding the path of development together with the state. Thus, it projects an image of the party as the main catalyst behind state transformation. The party refers to itself as the 'strategic centre of power' and thereby confidently asserts itself as the true representative voice of 'the people' (ANC 2012b:11).

Leadership

On the issue of leadership, the NDP refers to leadership in all sectors of society, in government, business, labour and civil society. It emphasises that strong and collective leadership in all sectors of the society is fundamental in order to improve government performance. It calls for a firm and focussed leadership on the part of government, a unifying leadership that will help build trust in state institutions. It notes that “leaders, especially in government, must face up to difficult decisions and trade-offs” (Presidency 2012b:57). It adds that this requires a willingness to work with others to solve problems and to communicate with honesty and integrity. It notes that the state sets the ethical standards and serves as a point of reference for other sectors. It specifically refers to corruption in this respect. Beyond this, however, the NDP seemingly seeks to tread carefully as far as party politics and political culture are concerned, and more especially how these impact on governance and service delivery.

As far as leadership is concerned, the ANC Policy Recommendations pay significant attention to the role and performance of ‘cadres’ as public representatives. The document goes into great detail on this, arguing for a tightening of the party’s internal systems and control around cadre deployment which includes introducing a rigorous system of monitoring and evaluation of the performance of deployed cadres and those elected to leadership positions. The party concedes that the neglect of cadre policy is at the centre of most of the current weaknesses and challenges faced by the organisation post-1994. Hence, it proposes to declare the next ten years the ‘Decade of the

Cadre’. In this regard it has developed a cadre policy aimed at producing “a contingent of cadres who are conscious, competent, committed, disciplined and conscientious” (ANC 2012a:3). It declares that cadre deployment should now consider academic qualifications as opposed to just political credentials, a point echoed by the NDP.

Active citizenry

By (re-)introducing the notion of an ‘active citizenry’, the NDP has infused a new dynamic into debates about the state of governance more broadly, and of local governance in particular. As the NDP notes:

In many respects, South Africa has an active and vocal citizenry, but an unintended outcome of government actions has been to reduce the incentive for citizens to be direct participants in their own development. To prevent this practice from being entrenched, the state must actively support and incentivise citizen engagement... (Presidency 2012b:37).

This echoes much of what civil society organisations in particular have been highlighting, particularly with reference to participatory processes being state-driven and –determined (also referred to as ‘invited spaces’ – see GGLN 2011 and 2012). The NDP identifies two key dimensions of giving expression of, and recognition of, active citizenship. The first relates to routine accountability and citizen oversight, whereas the second relates to mainstreaming public participation by making the IDP more deliberative. These are further discussed below.

The ANC, while avoiding the reference to active citizenry, does highlight the notion of agency, as

the previous quote on the developmental state highlights (mobilise people as a whole, especially the poor, to act as their own liberators through participatory and representative democracy). Its view on how to channel that agency is also further elaborated on below.

Mainstreaming public participation

The ANC and the NDP concur that public participation structures and processes have not yielded the democratic benefits as envisaged, and that the state has been inflexible to engage people in their own structures and forums created to self-organise and formulate community-led responses to issues (often referred to as ‘invented spaces’ – see GGLN 2011). According to the NDP, public participation is ‘often a formulaic exercise run by consultants and [that] citizens have little confidence in the value of engagement’ (Presidency 2012b:437).

In responding to this challenge, both documents advocate for the state to engage people in their own forums and to actively support citizen engagement. The NDP specifically highlights the need for the state to incentivise public participation outside state-provided structures and processes.

A particularly valuable contribution from the NDP is to make a strong recommendation for Integrated Development Plans (IDPs) to be municipality-led (rather than consultant-driven, as is the current practice in many municipalities), to be focused on the core priorities of local government, and for communities to be involved in the process of prioritisation and making trade-offs (i.e. making IDP processes deliberative, Presidency 2012b:437-8). The explicit emphasis on deliberation and joint

decision-making reflects a significant departure from current practices. Beyond this, however, the NDP gives little guidance on how to make this happen.

In contrast, the ANC proposes interventions to mend the current institutions of public participation, most notably the ward committee system. Besides advocating for broadening the representation and additional financing of these, it recommends that the mandate of ward committees be broadened. It argues that municipalities should delegate, within an incremental framework, some powers and planning functions to more effective ward committees so that they begin to have additional responsibilities like fixing potholes, pavements, street lights, etc (ANC 2012a:30). The party further states that municipalities should be more accountable and responsive to ward committees and that it be mandatory for municipalities to consider proposals from ward committees and inform them of their responses.

The ward committee system has always been a cornerstone of ANC policy on participatory local government and as such it is not surprising that its Policy Recommendations reinforce its centrality. What is disconcerting, though, is that it does not provide concrete proposals on how the ‘revamped’ ward committee system will be insulated from party-political tensions and interference, which damage the integrity of the party and destabilise the functioning of the state as eloquently identified in the party’s documents (including in the 2012 Policy Recommendations). The ward committee system has become highly contested, with many observers and civil society organisations questioning whether it can be ‘fixed’ or ‘revamped’ to make it

more effective and inclusive. Thus, questions remain whether it is appropriate to enhance the mandate of ward committees to include planning functions and give additional resources to these structures. In light of party-political wrangling and encroachment, this may actually exacerbate, rather than ameliorate, current problems with the ward committees.

While both the NDP and the ANC Policy Recommendations make reference to other forms of public participation and social mobilisation (outside of state structures) there is little detail on how to incentivise, support or sustain this. The 2011 draft NDP did suggest an institutional response to this effect. It had recommended that:

‘every municipality should promote citizenship education and training to strengthen community organisation, planning and project management skills and competencies, perhaps through some kind of ‘citizenship academy’ run by a nongovernmental organisation or educational institution’ (Presidency 2011b:258).

However, the specific reference to a ‘citizenship academy’ has subsequently been dropped in the 2012 final draft although the analysis and most of the component parts are retained. While there is a need to support and strengthen processes that aim to increase citizen participation in democratic decision-making and those that seek to strengthen the capacity of the state to act responsively, it is unlikely that this will be realised in the absence of a structured and well-thought institutional mechanism to generate and sustain this. There may well be merit in the country revisiting the idea of the establishment of citizenship academies; these may help mediate the tensions that arise at the interface

between the capable state and active citizens. The academies could help build ‘communities of practice’ between officials, professionals, civil-society representatives and community members by structuring ongoing processes of reflection and learning and to address specific social problems – a missing link in the country’s participatory discourse (Masiko-Kambala, Görgens and van Donk 2012:69).

Institutionalising routine accountability and citizen oversight

Accountability as a theme features prominently in the analysis of the NDP and the ANC Policy Recommendations and both concur that it remains a challenge in the entire system of governance. Currently, it is mainly steered by the national sphere of government and it is usually upwards and compliance driven. Outwards, or downwards, accountability by government (and public servants) to citizens and communities has not been a strong feature of South Africa’s democracy to date.

The NDP views these two main approaches of accountability as mutually reinforcing and has recognised the need to strengthen the accountability between the state and citizens. To strengthen delegation, accountability and oversight, the NDP calls for mechanisms to be put in place to make it easier for citizens to hold public servants and politicians accountable, particularly for the quality of service delivery (Presidency 2012b:410). These are in the realm of transparency and information provision. For example, information needs to be available at the point of delivery; citizens need to be able to see what service they can expect when entering a public institution; information on where,

how and to whom they should provide feedback on the standard of service received should be readily available (Presidency 2012b:410). This is in line with the Constitution's Section 195 reinforcing the basic values and principles governing public administration.

As mentioned earlier, the ANC Policy Recommendations call for the party to introduce measures to ensure oversight of and accountability of both elected leaders and deployed cadres in the administration (ANC 2012a: 48). Thus, it seeks to strengthen outwards (or internal) accountability towards the political party.

There is also the recognition that the attitude and mindset of public servants is central to enhancing the values of accountability, responsiveness and openness as enshrined in the Constitution. For example, the ANC makes a specific mention of the need for teachers and school Principals to be assessed and evaluated with the intention of improving their skills and accountability, highlighting that they ought to be held accountable by the Department of Education for poor management, poor discipline and poor outcomes (ANC 2012a:50-51). The NDP references and emphasise the need to adhere to the Batho Pele principles formulated in 1997 in this regard.

Clearly, professionalising local government, skilling and employing quality officials alone is unlikely to result in a more engaged citizenry or substantially increased accountability to (especially poor) communities. This reinforces points made earlier around the need to devise meaningful mechanisms to generate accountability and responsiveness to communities while the state needs to support and finance concrete measures

to increase the ability of citizens to participate in, and provide oversight to, local government. The NDP and ANC Policy Recommendations do not elaborate further on how to concretise this. The strategic planning documents of the Presidency's Department of Performance, Monitoring and Evaluation focus on establishing and implementing a range of performance monitoring mechanisms of service delivery by institutions that interact directly with the public, including municipalities (Presidency 2011c:8). This includes the monitoring of frontline service delivery, including citizen-based monitoring and evaluation mechanisms, with a process currently underway to develop a framework for strengthening citizen involvement in monitoring.

Municipal governance, leadership and political-administrative interface

The Local Government: Municipal Systems Amendment Act (MSA) of 2011 aims to address some of the barriers to a capable and responsive local state. The Act aims to remove undue influence of political parties and political office-bearers over the administrative functions of a municipality. While the Act has been welcomed by many different stakeholders as an imperative intervention to professionalise local government, stakeholders also acknowledge that there is a limitation to the extent to which legislative provisions can address matters related to political culture and behaviour (SALGA submission, 2010; GGLN submission, 2010). Therefore additional and harmonised incentives are required in order to safeguard the integrity of the administrative and political structures in local government. Some of these are in the realm of

role clarification, awareness raising and capacity building whereas others fall within the domain of political education (Isandla Institute 2011).

Calls have also been made for the clarification of roles and functions of Mayors and Speakers in municipalities (SALGA 2007; de Visser and Akintan 2008). The NDP and the 2012 ANC Policy Recommendations concur with this view. As a result, they call for the clarification and separation of roles and functions of the legislative and executive arms of municipal Councils in order to strengthen municipal governance further. The NDP further recommends that Council should lead this process and develop a clearer understanding of these different roles and how they can best be managed (Presidency 2012b: 428). The NDP also echoes a long standing view of other stakeholders (see SALGA 2010 and GGLN 2010), that the involvement of mayors and members of mayoral committees in the recruitment process of senior managers who report to the municipal manager is problematic. The NDP notes that this gets more complicated when regional party structures seek to influence appointments, as senior managers in this case are then effectively accountable to neither the municipal manager nor the Mayor (Presidency 2012b:415). Halting this practice, the NDP argues, will go a long way in insulating municipalities from political tussles and patronage politics.

The NDP, with its emphasis on a 'capable state' and professionalisation of local government and the public sector in general, holds the view that wresting the employment process of public servants away from political interference is the starting point. It advocates strongly that the employment processes in the public service, especially at senior

level, should be based largely on skills and expertise, a matter that the ANC echoes in its document. Apart from advocating for tightening the ANC's internal systems and control over cadres deployed in the public service (as mentioned earlier), the party deals with undue political interference of party structures in municipal affairs. It cautions against party structures micro-managing municipalities under the guise of exercising political and strategic oversight over municipalities (ANC 2012a:32). The party intends to develop a policy framework on how its internal structures should relate to municipalities, Councillors and officials. While these recommendations are commendable, it remains to be seen how political leadership in particular ensures that this becomes standard practice.

Differentiation: powers and functions

The performance of municipalities has been a concern for quite some time, as highlighted in many of the government documents quoted earlier (e.g. COGTA 2009, NT 2012, etc.), with significant attention given to the uneven performance across municipalities. The NDP argues that the unevenness in performance is "caused by a complex set of factors, including tensions in the political-administrative interface, instability of the administrative leadership, skills deficits, the erosion of accountability and authority, poor organisational design and low staff morale" (Presidency 2012b: 408). Equally, the Municipal Demarcation Board's (MDB) recently published State of Municipal Capacity Assessment 2012/2012 report offers a similar view. It argues that the performance of municipalities is determined by three interdependent but distinct sets of issues:

- "The context in which a municipality finds itself

- representative of the socio-geographic and legacy factors that constrain the ability of a municipality to perform,
- the capacity that it employs which includes resources such as staffing and financial resources, skills and competencies, systems and processes, and
 - the leadership behaviours of councillors and heads of the executive, which play a less measurable and ethereal but very significant role in determining the ability of a municipality to perform well” (MDB, 2012:1).

Recognising this, the NDP calls for a differentiation approach to the local government model based on institutional capability and functioning. It argues that the following five issues have to be addressed if the country is to have a meaningful intergovernmental relations and cooperative governance: 1) improve clarity in a differentiated system, 2) regionalisation as a response to capacity constraints, 3) a coherent set of powers for metropolitan municipalities, 4) a more focused role for provinces and 5) a proactive approach to identifying and resolving problems” (Presidency 2012b:435). In essence, it argues that a coherent approach to local government cannot be a one-size-fits-all approach.

The ANC also supports this call. Their recommendations state that differentiation should include:

- “Municipalities exercising different powers and functions from a common list, with differences based on such criteria as human settlement types; spatial characteristics; economic activity; revenue base; finances; and capacity,

- Differentiation in scope of IDPs, funding support and capacity building,
- Devolution of certain provincial functions to stronger municipalities,
- New revenue raising powers for some municipalities,
- Strong local municipalities should not be located in Districts” (ANC 2012a:30).

The perspectives of the NDP and the ANC are by no means a radical departure from recurring debates and calls for greater differentiation in the system of local government. There are already initiatives underway to make this a reality (take, for example, the issue of housing accreditation or the introduction of the Urban Settlements Development Grant). It is, however, highly significant for the ruling party to support this (assuming that the recommendation is adopted in the 2012 National Conference) as it has thus far resisted greater differentiation in the local government system. Given that there have been a number of inconclusive reviews of powers and functions since 2007, it can only be hoped that the views of the NDP and the ANC will make their impact felt and result in a differentiated system of local government.

A differentiated system of local government has clear implications for the powers and functions of other spheres of government, particularly provincial government. In this regard, it is worth noting that the NDP and the ANC document come to markedly different conclusions with regards to the future and role of provinces. Without giving much analysis or motivation, the ANC proposes that provinces be reformed, reduced and strengthened. It further asks for a Presidential Commission to be

appointed in order to review the provinces and make proposals regarding their role, number and possible boundaries (ANC 2012a:30). In contrast, the NDP takes a more pragmatic approach, focusing on 'how best to improve performance within the existing system' (Presidency 2012b:431). It cautions against major system reform, arguing instead for more focused attention on provinces as a prerequisite to strengthening cooperative governance and intergovernmental relations (Presidency 2012b:432).

Conclusion

On the face of it, the NDP and the 2012 ANC Policy Recommendations advocate for more accountable, responsive and people-centred local government. The differences in focus and emphasis between the two documents can be expected and are appropriate to some extent. The ANC's Policy Recommendations, for example, are inward-looking and are directed at strengthening intra-party and party-state relations while the NDP emphasises the key role of the state, the citizens and other institutions in harnessing development. But there are also contradictions between the two documents especially in their take on how to mainstream public participation (i.e. through the revamped ward committee system and a deliberative IDP respectively).

The NDP lacks detail, which to a certain extent is fitting for a plan of this nature. Preparing a

detailed plan may be perceived as encroaching on the work of sector departments or local government, for example, or it could lead to greater levels of contestation by various interest groups. Yet, concrete recommendations such as the establishment of a citizenship academy as proposed in the 2011 draft NDP could have been helpful as it could potentially deal with some of the 'how to' questions. While the emphasis on deliberation in the IDP process denotes a positive shift, the NDP – perhaps inadvertently – seems to limit deliberative democracy to the IDP process. It lacks specificity about how to incentivise forums and processes of public participation outside the state, even though it urges the state to engage with these.

The ANC sticks with its previous positions on cadre development and the centrality of the ward committee system. Arguably, the Policy Recommendations reflect a greater degree of self-critique about problems and failings, particularly within the ANC's 'own house', and it puts forward a number of concrete proposals on how to change this. However, its continued preoccupation with ward committees (admittedly, better connected to other modes of public participation and social mobilisation than is currently the case) is not shared by other stakeholders other than the Department of Corporate Governance and Traditional Affairs whose emerging thinking on ward committees literally echoes the position put forward in the ANC Policy Recommendations.

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Endnotes

- 1 See, among others, the Auditor-General's 2010/2011 Local Government Audit Outcomes (released in 2012), National Treasury's 2011 Local Government Budget and Expenditure Review, and the Department of Cooperative Governance and Traditional Affairs' State of Local Government in South Africa and the Local Government Turnaround Strategy, both published in 2009.
- 2 Municipal IQ's Municipal Hotspots results: Press Release, 06 August 2012. www.municipaliq.co.za (Accessed, 10 October 2012)
- 3 See Post-Cabinet Lekgotla statement of 07 September 2012 available at <http://www.info.gov.za/speech/DynamicAction?pageid=461&sid=30462&tid=82677>
- 4 See Isandla Institute's Comment on the National Development Plan submitted in March 2012 accessible at www.isandla.org.za/publications/155/
- 5 This process is being led by the Department of Performance Monitoring and Evaluation in the Presidency, which is working towards submitting a final framework to Cabinet by March 2013.
- 6 The Good Governance Learning Network makes a similar conclusion in its policy brief titled "The role and functioning of provincial government in South Africa", March 2012 which is accessible at www.ggln.org.za/publications/submissions/
- 7 The point of inconclusive policy review and reform processes pertaining to local government is further elaborated on in Pieterse E and van Donk M (forthcoming), Local government and poverty reduction, chapter in The State of the Nation, Pretoria: HSRC.
- 8 The department has been in the process of drafting a new framework on ward committees since 2011. It shared its perspective at a meeting with civil society organisations, coordinated under the banner of the Good Governance Learning Network, in October 2011. It indicated that a discussion document would be finalised before the end of the year. However, it appears the process has come to a halt with no discussion document or draft framework being circulated in the public realm.

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*Report of the Roundtable
dialogue, Cape Town*

7 November 2012



Programme for the Roundtable dialogue- 07 November 2012

- 08.30-09.00 REGISTRATION (Tea & Coffee)**
- 09.00-09.45 OPENING:**
 Welcome, Mirjam van Donk, Director, Isandla Institute
 Presentation of discussion paper: The shape of things to come: Towards a more accountable, responsive and people-centred local government? Pamela Masiko Kambala, Policy Researcher, Isandla Institute
- 09.45-11.10 SESSION ONE: PERSPECTIVES ON LEADERSHIP, DEMOCRATIC ACTION AND POLITICAL CULTURE IN LOCAL GOVERNANCE:**
 Paul Graham, Executive Director, Institute for Democracy in Africa (IDASA)
 Somadoda Fikeni, Political Analyst and Activist
 Nishendra Moodley, Managing Director, Palmer Development Group
DISCUSSION
- 11.10-11.30 TEA**
- 11.30-12.45 SESSION TWO: PEOPLE-CENTRED DEVELOPMENT, LEADERSHIP AND GOVERNANCE- EXPERIENCES AND LESSONS FROM BRAZIL:**
 Eduardo Tadeu Pereira, Mayor: Várzea Paulista Municipality and President: Brazilian Association of Mayors, Sao Paulo (Brazil)
DISCUSSION
- 12.45-13.45 LUNCH**
- 13.45-15.30 SESSION THREE: PANEL DISCUSSION:**
 John Steenhuisen MP, Shadow Minister: Cooperative Governance and Traditional Affairs, Democratic Alliance
 Shanaaz Majiet, Deputy Director General: Provincial and Municipal Governance Support, Department of Cooperative Governance and Traditional Affairs
DISCUSSION
- 15.30-15.45 WRAP UP AND CLOSE**

About the Roundtable

On 7 November 2012 Isandla Institute hosted a national Roundtable dialogue titled “The shape of things to come: Towards a more accountable, responsive and people-centred local government?” The purpose of the Roundtable was to critically engage with the perspectives and proposals related to local government as contained in the National Development Plan (2012) and the African National Congress 2012 Policy Recommendations made at the party’s 4th National Policy Conference held in June 2012.

Opening

Mirjam van Donk, Director of Isandla Institute, opened the meeting and welcomed participants. She extended a particular welcome to Eduardo Pereira, Mayor of the Várzea Paulista Municipality in Sao Paulo, Brazil, and President of the Brazilian Association of Mayors, Dr Nelson Saulé Jr, General Coordinator of the Polis Institute in Brazil, John Steenhuisen MP, the Democratic Alliance’s Shadow Minister of Cooperative Governance and Traditional Affairs (COGTA) and Shanaaz Majiet, Deputy Director-General: Provincial and Municipal Governance Support in the national Department of COGTA. She added that apologies had been received from the South African Local Government Association (SALGA), the National Planning Commission (NPC) and the African National Congress (ANC), all of whom had been invited to be part of the panel discussion taking place later in the day.

In introducing the topic of discussion, Van Donk observed that recent years have seen a number of official and other reports identifying

various failings and dysfunctionalities of local government. These include, amongst others, COGTA’s Local Government Turnaround Strategy, the Auditor-General Report on Local Government Audit Outcomes and National Treasury’s Local Government Budget and Expenditure Review.

She commented that the NDP and the ANC Policy Recommendations each propose a number of reforms and interventions to address some of the fundamental fault lines in the system of local government and local democracy. Read together, these documents are suggestive of the future shape and functioning of local government in South Africa.

While the NDP and ANC Policy Recommendations clearly reflect different perspectives and approaches to address the identified weaknesses, Van Donk suggested that both seem to be underpinned by a commitment to shift the system of local government onto a trajectory that instils more robust accountability, responsiveness and participatory development.

She mentioned that the key focus of the Roundtable was whether the proposed reforms will indeed bring about a more accountable, responsive and people-centred local government system and what the implications are for the three-way interface between public representatives, political parties and citizens. More especially, she called on participants to carefully review the following:

- Do the NDP and the ANC Policy Recommendations adequately respond to the problems identified?
- Do these documents offer workable and concrete solutions or ways forward to embed greater accountability, responsiveness and

people-centredness in the system of local government?

- How can these recommendations be further concretised or enacted by relevant stakeholders, like COGTA or SALGA?

Pamela Masiko-Kambala, Policy Researcher in Isandla Institute's Politics of Local Governance Project presented the discussion paper titled "The shape of things to come: Towards a more accountable, responsive and people-centred local government?" (See part A of this report or www.isandla.org.za.)

Perspectives on leadership, democratic action and political culture in local governance

Paul Graham, Executive Director of IDASA, Somadoda Fikeni, Political Analyst and Activist, and Nishendra Moodley, outgoing Managing Director of Palmer Development Group (PDG) shared their perspectives on this topic.

Graham started his input by pointing out that local government is unlikely to be more democratic, responsive and effective, simply because it is the sphere of government 'closer to the people'. He acknowledged that municipalities are not trusted by people; they fail to meet their service delivery obligations and are often involved in corruption. Of more concern to him is the fact that the experience of citizens with municipalities is not uniform, it is based on mundane and unfortunate circumstances such as the (bad) luck of being born in one or the other part of the country or side of the road. This, according to him, undermines the equality clauses of the Constitution.

With regards to the electoral system, Graham argued that there is little evidence that the mixed system (combining direct elections of ward representatives with a proportional representation system) currently used for local elections has improved accountability and responsiveness of local politicians, nor can citizens easily identify their local representatives. He cautioned that electoral reform will not necessarily be a panacea as there is a 'symptomatic democratic decay' in the country, regardless of the nature of the electoral system.

Graham noted that the vision remains that of a social organisation developing accountable leaders, and those leaders becoming part of representative councils overseeing responsible and competent public servants in coherent, viable and manageable municipalities where boundaries enable sound intergovernmental relations and rational communication with those sections of national and provincial government whose services determine the quality of life of citizens. He argued that people will have to become a lot more hard-headed in facing personal flaws and flaws in policies. The alternative, he suggested, is one based on trusting the people. He concluded that it would be a great pity if, having come so far, South Africa lost its faith in the people and replaced this with fearful control.

Fikeni started his input by questioning whether the tripartite alliance has taken ownership of the NDP or whether it views it, first and foremost, as a government plan. He reflected on what could be summed up as 'various contestations in local government'- from tensions in the political-administration interface, growing intolerance between and within political parties, corruption,

patronage, and so forth. He also reflected on what he sees as the creeping elitism at local government where municipalities often splurge on non-essential expenses, such as luxury and spacious offices, municipal buildings and cars. This for him illustrates the growing social distance between municipal officials, political representatives and the communities they are meant to serve. Fikeni also weighed in on Graham's earlier point about the mixed electoral system used for local elections. He concurred that it made little difference in encouraging accountability in the system.

Fikeni remarked that the word 'integrated' always seems to invoke the opposite in the system of governance, like competition, silo mentality, etc. He ended his input by pointing out that, compared to other spheres of government, local government represents the lowest level in terms of a 'hierarchy of aspiration'. It follows therefore that the best skilled individuals are deployed at national and provincial government. He argued that there is a need to reverse this trend by deploying more skilled personnel in municipalities in order to bolster the system of local government which has so far been unable to deliver on its developmental mandate.

Moodley started his presentation by pointing out that local government often 'gets a bad rap' compared to other spheres of government. By way of illustration, he noted the manner in which the Auditor General's (AG's) report was captured in the media, which unfairly projected the performance of municipalities. He noted that, analysed thoroughly, the AG's report actually showed more improvement than regression of municipalities as far as their financial management is concerned. He further implied that local government could probably fair

better compared to other spheres of government in this regard. On the NDP, he noted that it affirms the need for differentiation while also appraising national government oversight and national funding mechanisms for redistribution. He argued that the country has little experience of devolution but more experience around differentiation with the three spheres of government being an example. He then called for differentiation through a set of criteria that should be based on a triangle (Illustrated in diagram below) consisting of: 1. Performance, 2. Institutional and individual capacities, 3. Context (environmental capacity). The piece in the middle, which tends to be missing from the analysis and discussion, represents 'leadership' which is vital in order to engage with the difficult context municipalities often find themselves in.



Reflecting on the recent findings of the Municipal Demarcation Board's 'State of Municipal Capacity Assessment 2011/2012' report, Moodley highlighted a number of critical points:

- There is a chronic shortage of engineers and other key professionals

- 72% of funded posts are not filled (majority of these in rural areas)
- District municipalities are particularly weak and unable to attract skills (ironically these are expected to play oversight role on local municipalities)

Moodley then talked about accountability in the system, arguing that the focus tends to be on 'long-route accountability' (typically between Councillors and their constituencies) instead of 'short-route accountability' (between communities and municipal administration). He concluded that there is no real discussion about participatory mechanisms that reflect the three-way interface between the state (municipality), communities and political parties.

After his input, the floor was opened for reflections from the participants attending the event. Participants agreed with Moodley's point that the AG's report provides a snapshot and not an entire story on the state of municipalities. It was pointed out for example that it hardly deals with 'value for money' expenditure by municipalities, nor does it look at performance monitoring. A particular point was raised that the analysis is often void of reflections on the economic policies in the country and industrial relations at local government level. Participants also pointed out that the problems in local government are symptomatic and arise out of a leadership deficit in political parties, municipalities (including administration) and in communities, yet the effects are institutional and usually impact negatively on communities. A concern was raised that sometimes municipalities make too much profits on services they provide

and that this amounts to another form of violence and violation of citizens by the (local) state.

Others questioned whether it is realistic to have autonomous municipalities throughout the country given the current reality. This they argued was linked to questions around the size and function of municipalities. There was consensus that there is an over-complication of solutions at local government and that this often results in over-compliance in the system. In this regard, a point was made that the compliance culture often directed at national and provincial level is problematic as it reinforces the perception that local government is subservient to other spheres of government.

Participants also pointed out that the formal, state-led structures of public participation are not functioning well. Ward committees in particular were singled out; they were referred to as 'extensions of political parties, drowned out by political voices'. The common view was that the country would be setting itself up for failure if it were to solely focus on ward committees as the legitimate structures for generating genuine public participation as their views/ outcomes hardly translate to anything meaningful. In fact, a firm suggestion was that an alternative to ward committees is needed.

People-centred development, leadership and governance-experiences and lessons from Brazil

Eduardo Tadeu Pereira, Mayor of Várzea Paulista Municipality and President of the Brazilian Association of Mayors, was the main speaker in this session. Mayor Pereira opened his presentation by thanking Isandla Institute for inviting him and his Brazilian colleague, Dr. Nelson Saule Jr, to the

country and congratulated the organisation for hosting this event.

He briefly presented Várzea Paulista Municipality to participants, highlighting its location, the number of inhabitants, duties and mandate of a municipality, size of municipal budget, sources of funding, and so forth. He then reflected on what he regards as the 'crises of democracy worldwide', arguing that democracy is under threat throughout the world as the private sector, rather than people, is increasingly directly involved in determining local policies or selecting political leaders. He called for the return of 'high intensity democracy' where people are directly involved in decision making and in popular participation spaces.

He shared information about 'Várzea 2022', a participatory visioning project run by his municipality to inform its strategic vision and its planning processes. Through this project, the idea is to democratise local government even more despite weakness and challenges in the system. He identified three preconditions for the successful implementation of the project, namely: political will, capacity of mobilisation, and organisation of people on the ground. Political leadership that distrusts the people, that has no faith in popular participation and popular decision making, is basically a leadership out of touch with its people, he argued.

He then reflected on how public participation is structured in the Brazilian system of local government - mainly through local Councils composed by members of various civil society organisations (business, NGOs, churches, social movements, etc) and representatives of local government. These councils are organised on

thematic issues, e.g. health, education and urban reform. The Councils are mandatory; national government does not transfer funds to local government for the execution of certain mandates if the relevant local Council is not constituted.

A vibrant discussion ensued as participants were very interested to hear more about public participation structures in Brazil, with Mayor Pereira and Dr. Saule Jr explaining the Brazilian model further. In the end, the general consensus in the room was that Brazil had managed to reduce the country's levels of poverty and unemployment and to increase its economic growth largely due to the 'political will' of its ruling party. Under the leadership of its former president, Lula da Silva, Brazil invested heavily in public participation structures and processes at a massive scale. This, it was concluded, signifies a vast difference between South Africa and Brazil.

Panel discussion

The panel discussion consisted of John Steenhuisen MP, the Democratic Alliance's Shadow Minister of Cooperative Governance and Traditional Affairs (COGTA) and Shanaaz Majiet, Deputy Director-General: Provincial and Municipal Governance Support at COGTA. Unfortunately, representatives of the South African Local Government Association (SALGA), National Planning Commission (NPC) and the African National Congress (ANC) could not partake in this session.

Steenhuisen kicked off his input by stating that "local government is everyone's big business" a slogan that was often used by the late Minister of COGTA, Sicelo Shiceka. He cautioned against scrapping ward committees as these are already

part of the system of local government. Instead, he called for them to be reformed and strengthened and to wrestle them away from the control of ward Councillors.

He also talked about the need to attract the 'right people for the right job' in municipalities. The Municipal Systems Amendment Act (2011) sought to do this by determining procedures and regulations for the appointment of Municipal Managers and senior staff members, amongst others. He criticised the delay in implementing this provision in the Act as people continue to be appointed in senior positions without requisite skills while the regulations in the Act will not be implemented retrospectively. To illustrate the problems and implications brought by employing unqualified people in senior positions, he gave the example of OR Tambo district municipality which under-spent on its budget by R222 Million despite its residents being among the most deprived as far as service delivery is concerned. He also talked about how corruption is endemic in this municipality and yet not a single official has been dismissed or jailed for corruption. He painted a picture of a system riddled with corrupt municipal officials whose main interest is to be adjudicators of tenders. He questioned whether the ANC will indeed adopt the recommendations of the NDP.

He also weighed in on points made earlier in the roundtable. He argued for example that there is no point in having non-viable municipalities being autonomous; Moodley had raised this point earlier while Fikeni had also touched on it. On the issue of the mixed electoral system raised by Graham and Fikeni, Steenhuisen argued to the contrary - basically that the system works but it just needs

to be strengthened further. However, he did not elaborate on this.

In the beginning of her presentation, Majiet passed greetings on behalf of COGTA's newly appointed Director-General, Vusi Madonsela, who unfortunately could not attend the meeting. She first posed a question on the social inclusion (theory) emphasised by themes like the 'Right to the City' and the 'Right to Participation', asking what the optimum objects are that one can use in order to achieve these.

Having listened to the discussions at the roundtable, she was left wondering what South Africa needed to do in order to complement current practice and whether there are ways for the country to experiment with new models. She wondered whether conservatism has not crept in the system as people often chose to stick with what they know, what she referred to as 'policy stubbornness'. She argued that there may be merit and need for new deliberation and means to generating fresh dialogue. She added that the tendency is to place our hopes on the structures of governance and public participation (and their functioning) while evidence suggests that political practice undermines their effective functioning. She also questioned whether the governance system allows for CSOs to engage effectively with broader policy debates and to influence debates and national dialogue.

With regards to the NDP's proposal that IDPs should be more deliberative, Majiet noted that this requires a different *modus operandi* with sector departments only getting involved once discussions have already begun in communities. She agreed with Moodley's point regarding the need to incentivise and institutionalise 'short

route accountability', adding that accountability measures of senior officials need to be strengthened as currently only Councillors feel the wrath of communities (sometimes with their houses and other assets targeted).

In response to Steenhuisen, she acknowledged that there were indeed delays in the implementation of the MSA regulations pertaining to the appointment of skilled senior personnel in municipalities. She noted that COGTA intends to subject these MSA provisions for public comment by the end of December 2012. In addition, she informed participants that the Monitoring Support Bill will be introduced in Parliament in 2013 which will effectively change the behaviour of leaders from compliance to discipline.

She mooted the introduction of a performance model linked to salaries for Councillors and Mayors so that there are punitive measures for those that do not perform. She also posed a question on what constitutes 'political will' for a government official or a team of capable officials. She wondered whether officials do not simply 'play it safe' by pleasing politicians and this becomes a comfort zone. Lastly, she affirmed the need for citizen education which should constitute informing citizens about the IDP processes, civic education and other forms of learning. She thanked the Brazilian visitors for reflecting on the concept of 'learning through practice' and/or 'learning by doing' in order to support public participation processes.

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