

## A CIVIC ACADEMY

Transforming Cities and Neighbourhoods through Community Activism



PROPOSAL REGARDING METHODOLOGY, CURRICULUM AND INSTITUTIONAL FORM

#### **ACKNOWLEDGEMENTS**

Isandla Institute would like to thank Solange Rosa and Dr Kirsten Harrison, the authors of this paper and the accompanying research paper (see Annexure 1).

The Open Society Foundation for South Africa has supported Isandla Institute's Civic Academy project since 2013. The Foundation Open Society Institute (FOSI) has supported the activities and processes culminating in this paper and the accompanying research paper.

Published by Isandla Institute (2016)

Cover Picture: Isandla Institute / Anotherlove Productions

# Table of contents

Introduction	04
Purpose, scope and principles of a Civic Academy	05
Methodology	06
Curriculum	07
1) Collaborative engagement and deliberation in spatial planning	08
2) Spatial justice	08
3) Spatial quality	08
4) Spatial efficiency	08
Target participants and admission criteria	08
Partnerships for civic participation and urban governance	09
Institutional form and resource requirements	10
Conclusion	10
Bibliography	11
Annexure 1	12
Annexure 2	30

## INTRODUCTION

This paper constitutes a proposal for the establishment of a Civic Academy under the auspices of Isandla Institute. It outlines the purpose, scope, principles, institutional form and offerings of the Civic Academy, in order to provide the basis for the practical implementation of a model to strengthen civil society organisations and improve spatial outcomes for urban poor communities.

This document is accompanied by a research paper (see Annexure 1), which elaborates on the conceptual framework, including the constitutional principles of participatory and deliberative democracy and the civic engagement and governance challenges in the arena of urban spatial development; and motivates for the establishment of a Civic Academy in South Africa.

Both papers build on the wealth of prior work done by Isandla Institute, broadly on participatory governance and urban development in South Africa, and specifically on the concept of the Civic Academy.<sup>1</sup> The concept of the Civic Academy in South Africa originally arose out of the diagnostic of the National Development Plan 2030, as an approach to building deliberative engagement between community activists and municipalities. Isandla Institute describes it as follows:

**‘The intention is to create structured spaces where community groups, civil society organisations, state officials, politicians and progressive professionals can be equipped with the relevant skills and information and have the opportunity to debate possible solutions to social and technical problems thereby deepening their understanding of the motivations and positions of other stakeholders’. (Görgens et al, 2013: 40)**

Görgens et al (2013: 35) argue that the current national policy guidelines support ‘a capable and developmental state, active citizenry and strong leadership’. The Civic Academy will be able to positively feed into these objectives and can support knowledge sharing and collaboration to:

- Promote good urban governance;
- Encourage active citizenry through improved influence over the allocation of resources and the building of key spatial planning skills;
- Build strong leadership through the empowerment of local leaders in poor urban communities and more meaningful and equitable partnerships.

The Civic Academy is premised upon creating productive partnerships between civil society groups, government officials and politicians, or as it is termed creating ‘deliberative engagement’. In order to do this, the Civic Academy will act as a spatial educator and convener of different interest groups. The Civic Academy will bring something new to existing training initiatives through its spatial focus, its learning methodology, and its longer term mentoring commitment, amongst others. Pieterse (2012) proposes the following themes as pivotal to what he terms ‘spatial literacy’. These are:

- Skills to conduct neighbourhood visioning;
- Providing communities with the know-how to state priorities and exercise leverage;
- Empowering communities so as to effectively access public infrastructure;
- Giving communities the skills to build their own neighbourhoods and recognise what strategic advantage they might have;
- Ensure the accountability of the state and community representatives.

Neighbourhoods in large South African cities will be the focus of the Civic Academy. Work done on the Civic Academy to date reaffirms the difficulties that poor urban communities experience in attempting to influence local development. In part, the complexity of the institutions of local municipalities and embedded power dynamics makes truly interactive and meaningful participation difficult to achieve. So too does the relative dysfunction of the current institutionalised community governance structures that are intended to facilitate a participatory relationship between government and communities.

To move from the conceptual to realising the form that the Civic Academy will take, desk-top research and key informant interviews were conducted, and a national roundtable discussion<sup>2</sup> was held in order to understand existing initiatives, potential

<sup>1</sup> See, amongst others, Görgens et al (2013), Isandla Institute (2012) and (2015), and Kitching and Muzondo (2016).

<sup>2</sup> The research paper in Annexure 1 summarises the findings of the research. Isandla Institute hosted a national roundtable on 7 June 2016 to discuss the research findings and draft proposal regarding the Civic Academy. The roundtable was held in Cape Town and brought together representatives from civil society organisations, local government, COGTA, SALGA, National Treasury, the National Planning Commission and academic institutions.

partnerships as well as how best to structure the Civic Academy and its learning curriculum in order to meet the objectives of the academy. The subsequent sections of this paper propose a model for how the Civic Academy should be institutionalised and what it should offer in order to meet the objectives set out above. It is based on the conceptual framework, principles, research and feedback on an initial proposal presented at the Civic Academy Roundtable in June 2016.

## PURPOSE, SCOPE AND PRINCIPLES OF A CIVIC ACADEMY

Isandla Institute's Civic Academy seeks to empower community activists to catalyse the conditions required to achieve spatial transformation in poor urban areas through collaboration and deliberation with local government and civil society.

This will be done through:

- Developing a training academy for community activists;
- Developing a mentorship programme for participants;
- Developing a knowledge hub that acts as a resource bank and collaboration tool for community activists; and
- Growing a network of community activists in metros and other municipalities in South Africa.

The Civic Academy takes the institutional form that best serves its objectives to enable and strengthen collaborative engagement. The Academy will differ from, but also complement, existing programmes offered by other institutions and organisations (see Annexure 2 for a list of potential partners and their offerings). Its niche, or value-add, will be building capacity and processes for constructive engagement, both within communities and between civil society and local government, for improved spatial outcomes. A social compact requires capacitated communities and civil society for meaningful engagement with the state. This will be realised through building an institution that is both collaborative and activist in nature.

The institution will thus take a two-pronged approach namely as:

- **The collaborative academy**, where it will operate

in conjunction with municipalities and other institutions to facilitate skills development of both officials and civic actors, and to encourage practical application of skills in real-life spatial and urban governance challenges; and,

- **The activist academy**, where the focus of the Civic Academy will be on upskilling community organisations and leaders to engage with local government, and to retain a level of independence in the power dynamics that sometimes ensue.

Both objectives will be pursued concurrently. Along with this, a knowledge bank of virtual resources will be developed and made available to participants in the Civic Academy, as part of its sustained offering. This will include relevant knowledge products and materials developed by other organisations, in addition to the materials developed in the context of the Civic Academy. As such, Isandla Institute will seek to collaborate with partners both in civil society and local government. Data and technology platforms will also be strategically deployed to support information gathering and sharing.

Isandla Institute will develop the requisite context-specific and general curriculum (outlined below), which it will deliver with the support of local municipalities, allowing deliberative spaces between community activists and local government. It will also form part of a broader umbrella of NGOs who deliver training to community activists (for example, the Centre for Activist Education, the International Budget Partnership, and the Seriti Institute). As such, the Civic Academy's courses will be available for delivery to complement the work of a broader activist network.

There are eight principles that guide the institutional approach adopted by Isandla Institute (see Kitching and Muzondo, 2016: 17-19). These are summarised as follows:

### 1) Implement through collaborative partnerships

A partnership between community organisations, NGOs and local government is key for the effective implementation of the initiative.

### 2) Make adequate resources available

In order for the institution to work, there must be sufficient funding available.

**3) Ensure diversity amongst participants**

The Civic Academy will work with a diverse group of participants that are already involved in community structures, community-based organisations or NGOs.

**4) Adopt a varied, content-sensitive learning methodology**

The Civic Academy will use interactive, play-based and action-learning methodologies that are relevant to participants' experiences.

**5) Ensure good, objective facilitation**

The facilitators will be unbiased and professional in their approach.

**6) Create opportunities for shared learning prior to engaging government**

An important part of the Civic Academy is to ensure that participants are adequately prepared (with knowledge, skills, confidence and other know-how) to engage meaningfully and as capable partners with local government.

**7) Make outcome-driven moments of engagement.**

While deliberation is central to the methodology and process of the Civic Academy, ultimately these engagements need to be geared towards achieving clearly specified outcomes or results.

**8) Establish clear rules of engagement for moments of engagement**

Participants should agree on the rules of engagement with each other and local government.

Each of these principles needs to be reflected in the methodology, curriculum, approach and institutional form of the Civic Academy.

**METHODOLOGY**

The Civic Academy curriculum will be structured around an introduction to spatial planning, based on the premise that most community activists and civil society organisations will benefit from specific training, relevant at a neighbourhood level.

Participants and facilitators will be embedded in context-specific material. Curriculum development should be structured around how best to optimise

knowledge, understanding, participation and interaction. This requires the skilling of the professional facilitators and communities.

The course participants will be drawn from existing community structures, civil society associations and NGOs. The spatial learning provided by the Civic Academy will empower these groups to engage with each other and local government more strategically. The participants will represent their neighbourhoods in various capacities, be it sectorally or through existing committees. The Civic Academy's spatial learning will empower these activists to better engage, collaborate and influence spatial planning.

It is envisaged that there be four core modules and one elective module initially (see below, under curriculum), although the number will be contingent on the budget. Given that the participants will be existing members of civil society organisations, the modules will be delivered during the workweek as part of a work-place learning system. This will ensure that participants are able to attend a four-day input per module. International best practice suggests that long courses are often difficult to sustain.

The methodology will allow the core material to be delivered to all participants whilst being flexible enough to deliver context-specific modules. It is important that there is context-specific material for each metro and municipality that is shaped together with participants, thereby allowing participants the opportunity to engage with relevant material.<sup>3</sup> There should be sufficient internal capacity to allow communities to approach the Civic Academy for a tailor-made module, if required.

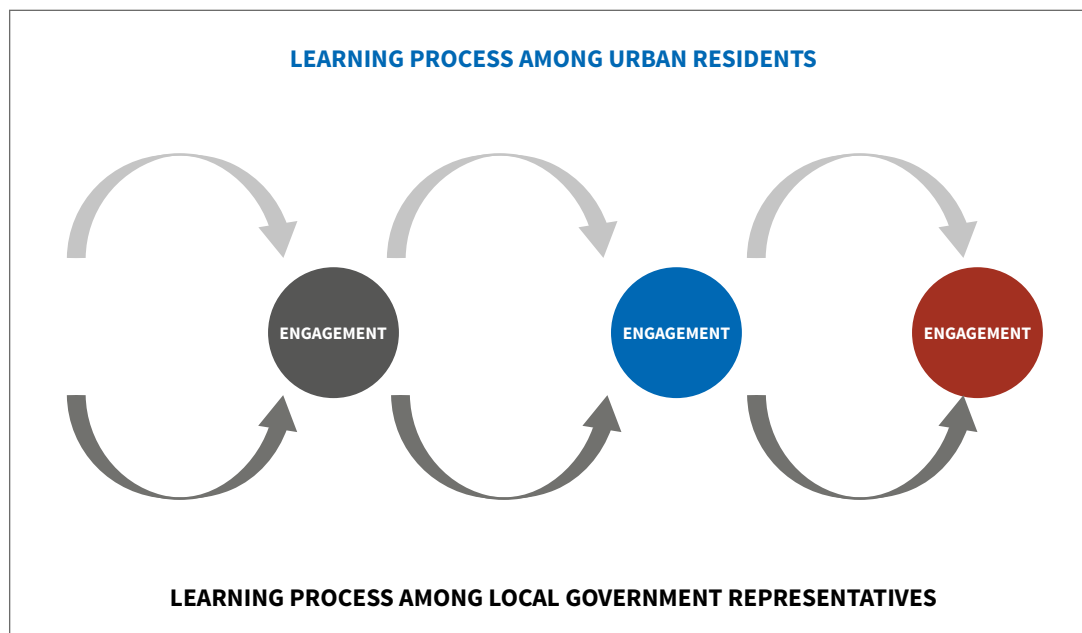
The courses will thus include the delivery of broader 'lectures' and practical learning in relation to context specific issues, as well as opportunities for engagement with municipal representatives on particular projects. At the end of each module, it is envisaged that there will be structured engagement opportunities with the municipality to apply the learnings (content and deliberation skills) in practice (see Figure 1).

The structured learning opportunities through the delivery of the curriculum (see below) are further supported by an online knowledge hub offering useful resources to community activists. The knowledge hub also offers the possibility of acting

<sup>3</sup> Interview with Shaamela Cassiem, previously International Budget Partnership, 18 April 2016.



**Figure 1: Learning processes and engagement between communities and local government**



Learning processes among urban residents (shown in light grey) and among municipal representatives (shown in dark grey), interspersed with moments of deliberative and collaborative engagement between communities and local government. Source: Isandla Institute (2015)

as an online collaboration tool, which can be fine-tuned over time.

## CURRICULUM

The Civic Academy curriculum will be structured around an introduction to spatial planning, based on the premise that most community activists and civil society organisations will benefit from specific training, relevant at a neighbourhood level.

The curriculum will offer participants knowledge and practical skills that they can apply to their context. Content needs to be multi-layered and should cover a range of scales from neighbourhood level information pertaining to basic services to metro-level Integrated Development Plans.<sup>4</sup> Neighbourhoods should look at inclusivity, connectivity, sustainability and increasing the number of public facilities. At a metro-level, community activists should understand how their neighbourhood is connected to the broader context and how local level problems reflect a broader city-wide narrative.

In line with the proposals of the National Development Plan there are a number of key spatial planning areas that could be addressed, namely:

- Spatial justice
- Spatial quality
- Spatial efficiency

Isandla Institute will develop a curriculum and pedagogy around these concepts. Given the scope of the Civic Academy and its intent it will be critical to include participatory practices and deliberative engagement as a main thread through all the modules.

It is suggested that four modules that address collaborative engagement and deliberation, spatial justice, spatial quality and spatial efficiency are critical to supplying the fundamentals of spatial learning. A fifth module would allow for participants to possibly focus on a practical issue linked to specific practices or initiatives within the municipality, thus informing how the theoretical models learnt during the four modules can be applied in specific local communities and/or with reference to specific issues.

<sup>4</sup> Interview with Tanya Zack, 19 April 2016.

### 1) Collaborative engagement and deliberation in spatial planning

An emphasis on meaningful engagement and deliberation will form the meta-narrative of the curriculum as this defines the spatial learning of the Civic Academy. The introductory module deals with issues of leadership, conflict resolution, negotiation and deliberative engagement. It will also outline points of engagement with local municipalities and strategies and tactics for effecting optimum influence and change, including social accountability mechanisms. The module will introduce the 'institution' of local government and its functioning as well as define spatial planning.

### 2) Spatial justice

Spatial justice encompasses all the issues pertaining to the right to the city and socio-economic rights. The module will cover what communities can and should expect, successful socio-economic campaigns to date and mechanisms for meaningful engagement. This module provides scope for introductory discussions on land, neighbourhood development and city planning.

### 3) Spatial quality

Spatial quality is about neighbourhoods and what to expect from a sustainable neighbourhood. The module will focus on basic services, infrastructure and environment. It will include discussions on public spaces, integrated inter-governmental planning and alignment. It also provides scope for an introduction to municipal budgeting processes, which reflect capital investments in infrastructure and their geographical configuration.

### 4) Spatial efficiency

Spatial efficiency speaks to the neighbourhood's integration into the city. This module will highlight the role of transportation, economic opportunities and how to optimize existing assets to achieve improved spatial integration.

In addition to the four core modules, the curriculum will aim to provide the option for either a fifth tailor-made elective course, which addresses issues faced by each neighbourhood, or a group project addressing a specific issue

or concern (e.g. educare, youth development, safety, etc.). There will be some flexibility in the curriculum to allow for this.

As illustrated in Figure 1, the intention is to provide for a collaborative component to the training modules, which enables community activists to interact directly with municipal officials on specific issues and projects. Such interactions offer a mutual learning process that has the potential to be an important step towards collective spatial planning.

## TARGET PARTICIPANTS AND ADMISSION CRITERIA

The Civic Academy will invite applications from community activists involved in local organisations, community structures or NGOs to attend the training course. To be eligible, applicants need to live in urban areas, be at least 18 years old, and be actively involved in a neighbourhood or community organisation.

Applications need to be supported by the organisation to which the person is affiliated, either in the form of a nomination process or a letter to support the application. It will be a subsidised program that gives participants the opportunity to educate themselves about spatial planning and local government so that they can improve their communities, as well as to interact with local government staff and elected officials in ways that mutually enhance their learning too.

Up to 25 applicants will be selected per cohort for the Civic Academy each year, with one cohort to be trained in Johannesburg or Pretoria and one in Cape Town, as the first pilots. Special consideration will be given to applicants who actively participate in urban initiatives and who are already leading community revitalisation efforts in their neighbourhood. Ideally, to facilitate cross-learning and practical collaboration, participants should be clustered around specific urban issues and/or geographic locations, but it is possible to consider an offering for participants from different metros and municipalities to share learnings.



## **PARTNERSHIPS FOR CIVIC PARTICIPATION AND URBAN GOVERNANCE**

There are numerous South African institutions that provide training or technical support for enhancing meaningful collaboration between local government and civil society, including in the area of spatial planning and urban development (see Annexure 2).

These initiatives mostly target municipal officials or a wider set of built environment and planning professionals, but there may be opportunities for synergy or collaboration with some of these initiatives, or alternatively opportunities to influence the curriculum so that government officials are 're-tooled' to work collaboratively with community activists. Such initiatives would complement the underlying intent and approach of the Civic Academy, which has identified community activists as its primary target group.

Various South African academic institutions provide training courses aimed at strengthening governance and public sector skills. These include the School of Governance at Wits University, the African Centre for Cities and the School of Development Policy and Practice at the University of Cape Town, the School of Public Leadership, the Centre for Local Governance and the Sustainability Institute at Stellenbosch University. They are mostly targeted at post-graduate level and require a certain level of work experience. It appears that amongst these, there is not much in the way of methodologies for facilitating community participation in local government processes. There is thus an opportunity here for training public sector (including municipal) officials in participatory planning methodologies, as it seems to be a gap in their offerings. The expertise already exists there and it could just be a matter of tailor-making specific short certificate or executive courses aimed at improving skills in spatial planning and strengthening community participation.

Each of the above institutions could potentially become partners in a network to support the enhancement of skills and knowledge of civic

participation and urban governance, aimed at government officials, community organisations and NGOs. Some institutions are focused on supporting government and government processes, others are focused on communities and NGO capacity-building, whilst others train all actors and players in the field. If the Civic Academy is to be successful in this enterprise, it will need to build a community of practice with all those involved in this sector as the area is evolving and new methodologies and tools are constantly being developed. Collaboration amongst all stakeholders, with an understanding of specific political contexts, will be required to take it forward.

Another important envisaged partnership in the implementation of the Civic Academy is with the local municipality. While the Civic Academy will be independent from government, it will seek to develop a Memorandum of Understanding with the relevant municipality where it will be implemented. This is important for a number of reasons. For one, the intended moments of collaborative engagement between participants and municipal representatives are unlikely to be effective unless the municipality formally supports the process. Secondly, the municipality will be expected to make a financial and/or non-monetary contribution (e.g. by making its venues available for meetings) to the Civic Academy. The rationale for this is that the Civic Academy can offer the municipality a useful avenue to put into effect its legal requirement to build the capacity of community representatives to enable them to participate in municipal affairs. The Civic Academy could also potentially enhance skills of municipal representatives through the provision of information as well as the methodologies and techniques of deliberation and co-creation of projects. This opens up the prospect of expanding the scope and offering of the Civic Academy over time to incorporate a curriculum and learning process that is more directly relevant to municipal representatives.

## INSTITUTIONAL FORM AND RESOURCE REQUIREMENTS

Isandla Institute will play an important role in conceptualising the long-term functioning of the Civic Academy, adopting the role of Project Manager to ensure that the project is successfully piloted and that lessons emanating from the pilot are taken into account.

In doing so, Isandla Institute will identify partners in local, provincial and national government and non-government sectors to co-convene and implement the Civic Academy, resulting in a multiplicity of invested role players.

The Civic Academy will move beyond just being a training academy to playing an important mentorship role post-training. The Civic Academy will comprise a small permanent team of four people (Programme Manager, Administrative Assistant, Curriculum Developer, Knowledge Hub Manager) to manage the Academy. It will be led by an urbanist who is familiar with spatial realities of South African cities, is knowledgeable about local, provincial and national policy and planning frameworks and has insight into community participation processes. An Administrator and Curriculum Developer will support the Civic Academy Programme Manager. The Knowledge Hub Manager will be responsible for the design and management of the virtual resource centre and collaboration tool, which includes the brokering of partnerships with other organisations regarding the inclusion of useful resources. A small but strategic staff complement will ensure that the Civic Academy maintains its flexibility and strategic focus. The Civic Academy staff will report directly to the Executive Director of Isandla Institute and will be aligned to Isandla Institute and its Board of Directors.

The Civic Academy will maintain copyright, under a Creative Commons license, of its curriculum. This will apply whether it is collaborating with local government partners or community activists and NGOs. However, the delivery of the training courses will be outsourced to a core group of part-time facilitators aligned to NGOs or academic institutions. This will ensure that there is an unbiased delivery of course material. Using part-time facilitators will also allow flexibility in determining which facilitator is the most

appropriate for the selected group. It is envisaged that the outsourced facilitation role will take the form of a partnership with one or more relevant organisations skilled in community facilitation.

Funding is required for the establishment of the Civic Academy, including resources for its core staff capacity outlined above, expert facilitators, training materials, equipment and costs for participants. Isandla Institute will seek to secure the required funding from government and donor organisations and through co-funding partnerships. A detailed budget has been developed for this purpose.

## CONCLUSION

This paper outlined the purpose, scope, principles, offerings and institutional form of the Civic Academy, in order to provide the basis for the practical implementation of a model to strengthen civil society organisations and improve spatial outcomes for urban poor communities.

It has built upon the prior research and conceptualisation done by Isandla Institute. The model of the Civic Academy proposed here is premised upon creating constructive partnerships between civil society groups, government officials and politicians, or as it is termed creating 'deliberative engagement', to solve urban and spatial development problems. In order to do this, the Civic Academy will act as a spatial educator and convener of different interest groups. The Civic Academy will bring something new to a network of existing training institutes through its spatial focus, its learning methodology and its longer term commitment to mentoring, as well as through the development of a virtual knowledge platform. Isandla Institute's Civic Academy seeks to empower community activists to catalyse the conditions required to achieve spatial transformation in poor urban areas through collaboration and deliberation with local government and civil society.

Much work lies ahead, not least of which is to assemble the partnerships and resources required to co-design and pilot a more refined institutional model. Isandla Institute has been heartened by the ongoing interest in, and support for, the Civic Academy from civil society

organisations and government structures alike since the organisation's first public engagement with the concept in 2012. The iterative process of consultation and research that has underpinned the conceptualisation of Isandla Institute's Civic Academy to date has been immensely valuable and has laid a good foundation for the emergence of a community of practice to make the Civic Academy real and successful.

## BIBLIOGRAPHY

Görgens T, Masiko-Kambala P and van Donk M (2013) 'Establishing Citizenship Academies to cultivate 'cunning intelligence' and 'practical wisdom' in local governance in South Africa'. In GGLN (Good Governance Learning Network) *Active Citizenship*. Cape Town: GGLN.

Isandla Institute (2012) *Advancing active citizenship: A Citizenship Academy as a means to strengthen local democracy?* Cape Town: Isandla Institute.

Isandla Institute (2015) *A Civic Academy: Towards better spatial outcomes through enhanced civic activism and deliberative local democracy*. Cape Town: Isandla Institute.

Isandla Institute (2016). *A Civic Academy to strengthen civil society organisations and improve spatial outcomes for urban poor communities*. Research Paper. Cape Town: Isandla Institute. (see Annexure 1)

Kitching A and Muzondo C (2016) *Realising spatial transformation through the Civic Academy*. Paper prepared for the Urban Innovation project of The Presidency.

Pieterse E (2012) *Citizenship Academy: Some Working Ideas*. Presentation made at the seminar 'Advancing Active Citizenship: A Citizenship Academy as a Means to Strengthen Local Democracy?', organised by Isandla Institute, Cape Town, 21 June 2012.

*For a list of interviews and personal communication, see the research paper (Annexure 1).*

## **ANNEXURE 1**

# A Civic Academy to strengthen civil society organisations and improve spatial outcomes for urban poor communities: A Research Paper

This research paper was written by Solange Rosa and Dr Kirsten Harrison on behalf of Isandla Institute and accompanies the document *"A Civic Academy to strengthen civil society organisations and improve spatial outcomes for urban poor communities: Proposal regarding its methodology, curriculum and institutional form"*, produced by Isandla Institute in 2016. Both papers (and the associated activities and processes) were made possible through financial support provided by the Foundation Open Society Institute (FOSI).

# Table of contents

<b>Introduction</b>	<b>14</b>
<b>Participatory and deliberative democracy in the South African Constitution</b>	<b>15</b>
<b>Analytical summary of community governance structures</b>	<b>17</b>
The Municipal Systems Act	19
Integrated Development Planning	20
Ward Committees	21
Community Health Forums	22
Community Policing Forums	23
Democratic Structures	25
<b>Conclusion</b>	<b>26</b>
<b>Bibliography</b>	<b>27</b>
<b>Interviews and Personal Communication</b>	<b>29</b>
<b>Legislation</b>	<b>29</b>
<b>Cases</b>	<b>29</b>

## INTRODUCTION

Isandla Institute has long been involved in contributing to the intellectual discourse around participatory governance in South Africa. As part of this discourse, Isandla Institute has developed the concept of the Civic Academy - a new approach to building deliberative engagement between community activists and municipalities. Isandla Institute describes it as follows:

‘The intention is to create structured spaces where community groups, civil society organisations, state officials, politicians and progressive professionals can be equipped with the relevant skills and information and have the opportunity to debate possible solutions to social and technical problems thereby deepening their understanding of the motivations and positions of other stakeholders’ (Görgens et al, 2013: 40).

This paper forms part of a larger and long-running initiative that endeavours to contribute towards creating constructive dialogue, one that recognises that the input, knowledge and experiences of impoverished and excluded local communities are crucial for the successful transformation of South African cities. Much of the conceptual work on the Civic Academy has already been completed. Görgens et al (2013) provide a rich foundation for the project and Kitching and Muzondo (2016) further develop the Civic Academy concept. Building on this substantial body of work, this paper is the next step in the practical realisation of a Civic Academy. The origins of the idea of a Civic Academy lie in the language of citizen academies, which are explained as follows:

**‘[C]itizenship academies are conceptualised as deliberative and learning spaces initiated by a municipality in partnership with local civil society or learning institutions. The intention is to create structured spaces where community groups, civil society organisations, state officials, politicians and progressive professionals can be equipped with the relevant skills and information and have the opportunity to debate possible solutions to social and technical problems thereby deepening their understanding of the motivations and positions of other stakeholders’ (Görgens et al, 2013: 35).**

This initiative comes at a time when the South African government acknowledges that despite legislated instruments for community engagement and good urban governance practices, poor urban communities have a very limited impact on how resources are allocated and how projects

are decided on at a local level. The National Development Plan (NDP) calls for improved governance as existing structures are largely deemed dysfunctional. As South Africa urbanises, the spatial transformation of towns and cities is fundamental to re-shaping the urban landscape to create more just, equitable and functional settlements. In this process, the ‘neighbourhood’ has become increasingly significant in the pursuit of integrated towns and cities.

Görgens et al (2013: 35) argue that the current national policy guidelines support ‘a capable and developmental state, active citizenry and strong leadership’. The Civic Academy will be able to positively feed into these objectives and can support knowledge sharing and collaboration.

The Civic Academy is premised upon creating productive partnerships between civil society groups, government officials and politicians, or as it is termed creating ‘deliberative engagement’. In order to do this, the Civic Academy will act as a spatial educator and convener of different interest groups. The Civic Academy will bring something new to existing training institutes through its spatial focus, but also its longer term mentoring commitment. Pieterse (2012: page unknown) proposes the following themes as pivotal to what he terms ‘spatial literacy’. These are:

- ‘Skills to conduct neighbourhood visioning;
- Providing communities with the know-how to state priorities and exercise leverage;
- Empowering communities so as to effectively access public infrastructure;
- Giving communities the skills to build their own neighbourhoods and recognise what strategic advantage they might have;
- Ensure the accountability of the state and community representatives.’

Neighbourhoods in large South African cities will be the focus of the Civic Academy. Work done on the Civic Academy to date reaffirms the difficulties that poor urban communities experience in



attempting to influence local development. In part, the complexity of the institutions of local municipalities makes truly interactive and meaningful participation difficult to achieve. So too does the relative dysfunction of the current institutionalised community governance structures that are intended to facilitate a participatory relationship between government and communities. This dysfunction is evident in the number of service delivery protests with the Civic Protest Barometer recording a record number of 214 protests in 2014. The majority of these were in response to the crisis of municipal service delivery and municipal governance (Powell et al, 2014: 11).

To move from the conceptual to realising the form that the Civic Academy will take, desk-top research and key informant interviews were conducted, in order to understand existing initiatives, as well as how best to structure the Civic Academy and its learning curriculum in order to meet the objectives of the academy. This paper presents three sections:

- Section one is a brief introduction to the scope of work;
- Section two is a discussion of the nature of democracy framed by the South African Constitution and requirement of meaningful engagement developed by the Constitutional Court;
- Section three presents a summary of existing community governance structures and their functioning.

## **PARTICIPATORY AND DELIBERATIVE DEMOCRACY IN THE SOUTH AFRICAN CONSTITUTION**

The existing community governance structures are embedded within a broader Constitutional framework. The South African Constitution is said to recognise three forms of democracy: representative democracy, participatory democracy and direct democracy.

The heart of South Africa's transformative Constitution lies in a participatory democratic culture that is integral to the achievement of social justice and development for all. This is immanent

both in the legal text of the Constitution and the judgments of the Constitutional Court over the past 22 years,<sup>2</sup> as well as in the culture of social, economic and political activism and debate that has grown and thrived since the advent of democracy in South Africa.

'Active debate and contestation concerning the nature of social change, and the political and legal reforms necessary for achieving it, should not be viewed as antithetical to transformation, but rather as integral to its achievement.'

Liebenberg (2010)

Public debate and activism around issues of poverty, inequality and development in South Africa spans the work of research organisations, trade unions, civil society organisations, the media, and academia; it is even more vividly seen in the service delivery protests of poor communities and demonstrations of mass movements. All of this exchange has contributed to an ongoing policy debate in the country concerning government's macro-economic and distributional policies. Chief Justice Langa elaborates the view of transformation envisaged by the Constitution, as a process of constant dialogue and contestation in the pursuit of a more just society as follows:

'[T]ransformation is not a temporary phenomenon that ends when we all have equal access to resources and basic services and when lawyers and judges embrace a culture of justification. Transformation is a permanent ideal, a way of looking at the world that creates a space in which dialogue and contestation are truly possible, in which new ways of being are constantly explored and created, accepted and rejected and in which change is unpredictable but the idea of change is constant. This is perhaps the ultimate vision of a transformative, rather than a transitional Constitution. This is the perspective that sees the Constitution as not transformative because of its peculiar historical position or its particular socio-economic goals but because it envisions a

<sup>2</sup> Cases dealing with participatory democracy that have come before the courts include: *Affordable Medicines Trust and Others v Minister of Health and Others* 2006 (3) SA 247 (CC); 2005 (6) BCLR 529 (CC); *Doctors for Life International v The Speaker of the National Assembly and Others* 2006 (6) SA 416 (CC); and *Poverty Alleviation Network and Others v President of the Republic of South Africa and Others* [2010] ZACC 5 (judgment of 24 February 2010).

society that will always be open to change and contestation, a society that will always be defined by transformation' (Langa 2006: 354).

This is the notion of deliberative democracy, as a particular form of participatory democracy that will aid in the transformation of the current status quo and achievement of a more just society. Deliberative democracy can contribute to making participatory democracy more meaningful, where all actors/participants are open to changing their views and there are no fixed or pre-conceived policy positions.

Besides the value of general discussion and debate in the public arena, public participation in the processes of government is also an integral part of our Constitutional democracy. One of the founding Constitutional values is a multi-party system of democratic government based on accountability, responsiveness and openness.<sup>3</sup> The Constitution expressly provides for public access to and participation in legislative processes, as well as the executive processes<sup>4</sup> by providing that among the 'basic values and principles governing public administration' is that 'people's needs must be responded to, and the public must be encouraged to participate in policy-making'.<sup>5</sup> Sections 50 and 51 of the Municipal Systems Act No. 32 of 2000 affirm the application of the constitutional principles governing public administration to the provision of municipal services.

The Constitutional Court has in several cases underscored the centrality of participatory democracy to the achievement of constitutional goals and values, the necessity of this participation for purposes of informed decision-making<sup>6</sup> and affirmed the duty of the State to take positive measures to ensure that the public has the effective capacity and opportunity to participate in decision-making processes.<sup>7</sup> In particular, it has highlighted the need to listen to the voices of the poor and marginalised in society.<sup>8</sup> In *Masetlha v. President of the Republic of South Africa and Another*, the Constitutional Court elaborated upon the goals and values of the Constitution in relation to democracy and participation: '[I]t is apparent from the Constitution that the democratic government that is contemplated is a participatory democracy which is accountable, transparent and requires participation in decision-making'.<sup>9</sup>

'A major factor contributing to a sense of powerlessness and lack of autonomy is the absence of the opportunity to voice our concerns in relation to decisions which have a major impact on our lives.

Meaningful participation in decisions that affect our lives affirms the close relationship between freedom and human dignity... It not only gives people a sense of control over their lives, but it affirms their equal worth as members of a political society.

Participation in public and private processes of decision-making is not only an affirmation of individual dignity and freedom, but gives substance to a participatory and deliberative concept of democracy. This is the best reading of the value of accountable, responsive and open democracy in the Constitution.'

Liebenberg (2010)

The Constitutional Court has affirmed that the participation of the poor in the determination of their access to benefits and services serves the values of dignity and freedom as well as gives substance to the deliberative and participatory democracy envisaged in the Constitution.<sup>10</sup> A number of cases have gone before the courts in relation to administrative justice and access to material benefits, which have asserted the importance of the participation of those affected by the decisions.

These cases have affirmed the importance of administrative justice rights of affected persons in relation to the rights of access to housing, water, education and social security.<sup>11</sup> For instance, in *Leon Joseph and City of Johannesburg*, the Constitutional Court stressed the importance of participation within the executive branch of government, at the level of local government. The Court asserted the right to procedural fairness

<sup>3</sup> See section 1(d).

<sup>4</sup> See sections 57, 59, 70, 72, 74, 116, 118, 160.

<sup>5</sup> See section 195(1)(e).

<sup>6</sup> Based on research conducted for doctoral thesis, S Rosa, *'The Means and Ends of Justice'*, unpublished and not yet submitted for final examination.

<sup>7</sup> *Poverty Alleviation Network* para 33 and *Doctors for Life* paras 108, 112-117.

<sup>8</sup> *Ibid* para 115.

<sup>9</sup> *Masetlha v President of the Republic of South Africa and Another* 2008 (1) SA 566 (CC); 2008 (1) BCLR 1 para 181; *Doctors for Life* para 121; and *Poverty Alleviation Network* para 40.

<sup>10</sup> *Doctors for Life* paras 115, 234 and *New Clicks* para 627 where Sachs J writes of the importance of dialogue and having a voice in public affairs, to the right to dignity: 'The right to speak and to be listened to is part of the right to be a citizen in the full sense of the word. In a constitutional democracy dialogue and the right to have a voice on public affairs is constitutive of dignity.'

of tenants whose electricity was disconnected by the municipality due to non-payment by the landlord. As the Constitutional Court expressed: 'Compliance by local government with its procedural fairness obligations is crucial therefore, not only for the protection of citizens' rights, but also to facilitate trust in the public administration and in our participatory democracy.'<sup>12</sup>

The courts have also begun to develop a body of jurisprudence on the requirement of 'meaningful engagement' with communities potentially affected by evictions. 'Meaningful engagement' refers to the requirement on the part of municipalities to hold consultations with communities potentially affected by evictions. The Court's reading of this requirement from section 26(3) of the Constitution has also been extended to decision-making on other socio-economic rights.

The South African courts in responding to socio-economic rights violations, within the wide range of remedial options which are available under the Constitution, can promote the notions of participatory and deliberative democracy in order not only to effectively change the material and structural causes of poverty, but also to provide an opportunity for empowerment of the poor by changing the power dynamics between the state and citizens. The use of participatory and transformative remedies such as 'meaningful engagement' and structural remedies will go a long way to achieving this ultimate purpose.

The Courts have over the years fashioned some creative and participatory remedies for poor communities to realise their socio-economic rights. In the more recent socio-economic rights cases, in particular in relation to eviction and education cases,<sup>13</sup> the Courts have created a constructive remedy in the form of a mandatory order requiring the parties involved to 'engage meaningfully' with the purpose of reaching a 'mutually satisfactory and specific resolution' (Liebenberg, 2010: 423). These types of remedies can facilitate the participatory and deliberative values of the Constitution, but must do so in such a way that the rights themselves are capable of being realised.

Where they work to the benefit of all parties concerned, litigants, civil society organisations, lawyers and government have welcomed engagement orders. Their value in facilitating

participatory and deliberative democratic processes and empowerment of those affected by poverty is widely acknowledged. But engagement does not need to be precipitated by litigation and court orders - it should be built into government decision-making processes such as spatial planning and settlement upgrades from the outset. The Constitutional Court has repeatedly affirmed that deliberative and participatory democracy seeks to enhance and deepen representative democracy and the values of freedom and dignity, by expanding the opportunities for people's active participation in decision-making processes, including in relation to cases dealing with their access to public goods (socio-economic rights).

It is about more than merely 'participating in periodic elections and in the formal mechanisms created for allowing citizens input in the institutions of representative democracy' (Liebenberg, 2010: 30), but also going beyond to creating numerous fora for dialogue and mechanisms for participation. The aim is to promote greater participation in the public and private institutions that affect diverse aspects of people's lives. Those particularly disadvantaged groups who are not easily able to participate in deliberative processes as peers or political equals, must be given real and 'meaningful' opportunities for participation and must be supported to do so.

## ANALYTICAL SUMMARY OF COMMUNITY GOVERNANCE STRUCTURES

The Constitutional obligations granting South Africans socio-economic rights converges with the broader discourse around the right to the city. Isandla Institute's work on the right to the city supports the notion of collective power and emphasizes the issue of voice and participation in urban governance (Isandla Institute 2011: 1-16).

Marie Huchzermeyer captures David Harvey's thoughts on the right to the city as follows: **'far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city. It is, moreover, a common rather than an individual right since this transformation inevitably depends upon the exercise of a collective power to reshape the processes of urbanisation'** (Huchzermeyer, 2013:2).

<sup>11</sup> *Occupiers of 51 Olivia Road, Berea Township and 197 Main Street, Johannesburg v City of Johannesburg* 2008 (3) SA 208 (CC), 2008 (5) BCLR 475 (CC) ('Olivia Road') (housing); *Residents of Joe Slovo Community, Western Cape v Thubelisha Homes* [2009] ZACC 16, 2009 (9) BCLR 847 (CC) ('Joe Slovo') (housing); *Mazibuko v City of Johannesburg* [2009] ZACC 28 ('Mazibuko') (water); *Leon Joseph & Others v City of Johannesburg & Others* Case CCT 43/09 [2009] ZACC 30 ('Leon Joseph') (housing); *Abahlali Basemjondolo Movement SA and Another v Premier of the Province of Kwazulu-Natal and Others* [2009] ZACC 31; 2010 (2) BCLR 99 (CC) ('Abahlali') (housing); *Head of Department: Mpumalanga Department of Education v Hoërskool Ermelo* [2009] ZACC 32 ('Hoerskool Ermelo') (education); *Nokotyana v Ekurhuleni Metropolitan Municipality* [2009] ZACC 33 ('Nkotyana') (housing); *Governing Body of the Juma Masjid Primary School and Another v Ahmed Asruff Essay NO and Others* [2011] ZACC 13 ('Juma Masjid') (education).

<sup>12</sup> See Leon Joseph para 46.

<sup>13</sup> PE Municipality, Olivia Road, Joe Slovo, Leon Joseph, Welkom and Rivonia.

This is echoed in the words of Justice Langa above, where he advocates for substantial participatory and deliberative democracy. The right to the city is about more than participation - it is premised on owning and shaping the city. It is an intention. To date the right to the South African city has not been realised despite institutionalised community participatory structures. This has been recognised and the influential National Development Plan (NDP) argues for a deeper form of participation and community influence:

**‘Legislation provides numerous avenues for citizens to participate in governance beyond elections. Forums such as school governing bodies, ward committees, community policing forums and clinic committees provide voice to citizens and opportunities to shape the institutions closest to them. Communities can also participate in drafting local government plans. Despite these avenues, there is growing distance between citizens and the government. Outbreaks of violence in some community protests reflect frustration not only over the pace of service delivery, but also concerns that communities are not being listened to sincerely. Better communication, more honesty and a greater degree of humility by those in power would go a long way towards building a society that can solve problems collectively and peacefully’ (NDP 2012:37).**

The NDP acknowledges the problems communities experience in accessing and influencing government. This paradigm shift emerges in light of a number of urban governance shortcomings. Worryingly, the main ‘institutionalised’ community governance structures are largely dysfunctional. Instruments of deliberative democracy such as the Integrated Development Planning process and ward committees have failed to deliver in post-apartheid South African cities especially to poor urban communities (NDP 2012).

In line with the Constitution, the last 20 years in South Africa has seen a vastly different governance framework that is structured in such a way as to realise the obligations of local government’s participatory functions. Community participation has been an intrinsic part of post-apartheid South African local government objectives and dates back to the African National Congress’s Freedom Charter

of 1912. As argued in Section 2, South Africans can claim the right to participation through the Constitution.

At the national level, community planning or community-based planning is legislated through the Municipal Systems Act of 2000 and the Local Government Act 1998. It is through the planning function at a municipal level that Integrated Development Plan (IDP) participation is most visibly articulated. Community participation at a local level is legislated and its requirements are well documented.

An assessment of local government done by the Department of Cooperative Governance and Traditional Affairs (COGTA) in 2009 found a range of shortcomings, including:

- ‘the breakdown of local democracy
- poor communication and accountability with communities
- weak community participation
- community alienation caused by not giving enough attention to ‘bottom up planning’ and consultative processes’ (COGTA 2009:4).

In response to these and other participatory failures, the National Development Plan prioritises the idea of the direct engagement of ‘citizens’ in their own development emphasising the importance of a constructive relationship between state and society (NDP 2012:11). In Chapter 8, which speaks to human settlements, the important role of participation is stressed and two key thrusts for realizing better participation are proposed:

- 1. Developing neighbourhood spatial compacts to bring together civil society, business and the state together to solve problems.**
- 2. Enabling citizens to participate in spatial visioning and planning processes’ (NDP 2012: 47).**

The re-emphasis of the central role of participation in urban governance<sup>14</sup> comes about in response to existing failures and is indicative of a broader trend in post-apartheid South Africa - namely the disjuncture between policy and practice. Despite much debate regarding how best to achieve meaningful state-society engagement, in many towns and cities, urban communities are dissatisfied. They feel that local government is no longer accountable or accessible and healing

<sup>14</sup> The Integrated Urban Development Framework released in 2016 takes this up and identifies empowered active communities as one of the policy levers to bring about inclusive, resilient and liveable urban settlements (see COGTA 2016).

## BOX 1. OBLIGATIONS OF THE MUNICIPAL COUNCIL

**Chapter 2 of the Local Government: Municipal Systems Act (2000) articulates the following obligations of the Municipal Council:**

- 2) The council of a municipality, within the municipality's financial and administrative capacity having regard to practical considerations, has the duty to:
  - c) encourage the involvement of the local community;
  - d) strive to ensure that municipal services are provided to the local community in a financially and environmentally sustainable manner;
  - e) consult the local community about
    - (i) the level, quality, range and impact of municipal services provided by the municipality, either directly or through another service provider: and
    - (ii) the available options for service delivery:
  - f) give members of the local community equitable access to the municipal services to which they are entitled.

these fractures will not be an easy process (NDP 2012:11). The participatory instruments that have been used for community planning at local level and which have been largely rejected as inadequate are:

- Ward Committees (outlined in the Local Government Act of 1998); and
- Integrated Development Planning process (outlined in the Municipal Systems Act 2000).

In addition, there are sector-specific community-led committees and forums such as Community Health Committees and Community Policing Forums. The efficacy of these forums is specific to each community, but certainly the national debate on the utility of these forums has tapered out in the past five years. While information is available regarding these structures in specific communities, it is difficult to know if these are generalizable. The details will be discussed later in this section.

The focus of the Civic Academy is deliberative engagement. The next section will provide a brief overview of the existing structures and their legislative requirements, with the objective of determining their effectiveness in enabling community participation and deliberative engagement. This analysis will serve to highlight areas where points of deliberation between local government and civil society can be focused.

## The Municipal Systems Act

The Municipal Systems Act (2000) is the document of the most consequence when outlining municipal obligations regarding participation. References to the role of community participation are detailed throughout the Act. A review of the language of the Municipal Systems Act is important as it offers multiple forms of engagement between local government and the communities it serves.

This engagement is not restricted to ward committees or IDPs, but supports broader and more far-reaching interactions. Yet, despite the opportunity to pursue direct participation, metros have largely chosen to distill their participatory functions to a minimum. In the context of spatial transformation and poor urban communities, the role and responsibilities of the municipal council in terms of informing local communities as to what level of service they can expect is important. Municipal councils are required to communicate their functions and disaggregate the municipal services on offer allowing communities to distinguish between transportation, water, sanitation and housing which are key municipal functions and a significant part of the municipal budget (see box 1).

Chapters 4 and 5 further speak to Community Participation and the Integrated Development Planning process and are adopted in all

## BOX 2. DEVELOPMENT OF CULTURE OF COMMUNITY PARTICIPATION

The Local Government: Municipal Systems Act (2000) requires municipalities not only to put in place mechanisms, processes and procedures to enable community participation in municipal affairs, but also to develop a culture of community participation.

**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).
- (2) Subsection (1) must not be interpreted as permitting interference with a municipal council's right to govern and to exercise the executive and legislative authority of the municipality.

municipalities. Yet in the past twenty years, these processes have become more lip service and less transformational. The requirements outlined in the Act are thorough and deal with a wide array of participatory obligations. Yet, in the day-to-day actioning of this legislation, these requirements can and have been lost.

Chapter 4 deals expressly with community participation and lays down in some detail the obligations of the Municipality with regard to the community participation process, including the requirement on municipalities to develop a culture of community participation (see box 2). Yet despite this, municipalities have been able to filter participatory processes. In doing so, local communities have chosen to articulate their discontent in less collaborative ways.

## Integrated Development Planning

In Chapter 5, the Integrated Development Planning (IDP) process is outlined in great detail. IDPs are the most well-known community-planning tool and they serve as the primary mechanism for communities to input into strategic planning processes.

IDP processes are important because they oblige participation on an annual basis and the IDP cannot be passed without evidence of participatory input. The IDP also compels local government to provide opportunities for local communities to actively influence an important strategic planning process. The IDP is a local-level process that facilitates community planning on a ward-by-ward basis within all municipalities.



The planning process is initiated and coordinated by the municipality, but each ward (a local level political jurisdiction) owns the process. However, as with most local level political processes, power dynamics and patronage can undermine a truly participatory process (Malefane cited in Van Rooyen and Moekena 2013).

The IDP process requires communities to engage with pre-existing strategic documents generated by the city. The NDP contends that many municipalities use the IDP as the only form of strategic engagement while some cities have developed their own strategic plans in addition to the IDP. In the City of Johannesburg for instance, local community input is sought on a series of City-generated strategies and plans.<sup>15</sup>

The City often presents a set of priorities and requests input on the basis of the strategic plans. Empirical insights into some of these processes suggest that it is often the case that city planners present issues that are not of concern to the communities and in fact the community-planning processes raise completely different issues. Also, participatory processes are often tick-box exercises. Van Donk argues further ‘substantive decision-making about the nature, pace, sequencing and location of development are taken in “closed spaces” [...] which are impermeable to local citizens and communities’ (Van Donk 2012: 13). Or, as Buccus et al contend in their study of Kwazulu/Natal: ‘The overwhelming impression created, however, was that municipalities realise that public participation is constitutionally and legislatively provided for, and therefore must be undertaken: generally after high-level planning has been undertaken and budgets set’ (Buccus, et al 2008: 302). The success of this form of community planning is contingent upon the responsiveness and receptiveness of city officials and politicians to inputs. It also requires engaged urban residents that will be able to influence the outcomes.

Claire Benit-Gbaffou, based on her work on community participation in South African cities, argues that the IDP planning processes are largely technical and not empowering for communities and residents. She contends that because there are no fixed budgets allocated per ward and because the priority projects might never in fact happen, residents are not invested in the process. She suggests further that in mobilized

communities, councillors do attempt to organize real debates but that the discussions are brief and there is largely no follow up.<sup>16</sup> This analysis is echoed in the NDP, which suggests that community participation and spatial planning would be strengthened through the development of structures to deal with and address conflictual issues that arise (NDP 2012: 275).

## Ward Committees

Ward Committees are the most direct conduit between local government and communities. The ward committee is also an existing forum that can be enhanced as part of an improved participatory process. The African Institute for Community-driven Development (AICDD) and Development Works Manual on Community Planning provides a useful overview of the role of ward committees.

They list the following:

- Ward committees are required to bring matters of importance to the ward councilor who can then report them to the municipality;
- Ward committees are officially recognised participatory structures;
- Ward committees should facilitate an engaged partnership between municipalities and the broader communities; and
- Ward committees should spearhead local involvement in the IDP process (AICDD and Development Works, 2005: 4).

In Katsaura’s analysis of community participation he points out that the South African government’s conception of participation is focused on the neighbourhood level. The thrust of Katsaura’s critique is the legitimisation of certain civil society groups in institutional governance structures to the detriment of other groups. Katsaura suggests that the structure of ward committees in fact aligns them more to the state than the community, which is clearly problematic for achieving meaningful participation (Katsaura 2011: 326).

The ward committee system has also been shown to favour the most powerful interest groups and in many instances relationships between ward councilors and community members are fraught. Malefane, cited in Van Rooyen and Moekena’s study of ward committee in Mpumalanga, argues that the ward committee system is often manipulated to favour local councilors (Van Rooyen and Moekena, 2013: 767). Given the

<sup>15</sup> These include: The Growth and Development Strategy; The Integrated Development Plan; The Growth Management Strategy; The Spatial Development Framework; The Regional Spatial Development Frameworks and Urban Development Frameworks; The Land Use Management Plan (or Town Planning Scheme); Regional Urban Management Plans; Area-based plans and programmes; and Local precinct plans for specific local areas. (Personal communication with Dr Tanya Zack, 10 April 2015.)

<sup>16</sup> Electronic interview with Claire Bénit-Gbaffou, 18 April 2016. For a more detailed analysis please refer to: Claire Bénit-Gbaffou, 2012, “Party politics, civil society and local democracy – Reflections from Johannesburg”, *Geoforum*, 43(2), pp. 178-189. Claire Bénit-Gbaffou, 2008, “Practices of local participation in Johannesburg – side-lining the institutional participatory channels?”, Transformation: critical perspectives on Southern Africa, on Local government in South Africa, 66-67, pp. 1-34.

number of service delivery protests (many of which are focused on the ineptitude of local councillors and local government) it appears that ward committees are no longer trusted or viewed as an important part of the participatory system in some communities. Buccus et al contend that communities are increasingly engaged in 'claimed spaces' as per Cornwall's framework (2008: 298). In the study of four municipalities in KwaZulu-Natal, they report that all of the municipal officials interviewed understood and supported their participatory obligations (2008: 302). This is echoed in many other studies.<sup>17</sup> Yet, the actual democratic functionality of ward committees has been largely questioned.

In an evaluation of the Ward Committee System initiated by the Department of Performance, Monitoring and Evaluation (DPME) and undertaken by the GFA and Partners, they established that successful ward committees shared the following operational characteristics:

- They are strong teams;
- They function well;
- They are empowered (DPME, GFA and Partners 2011: 8).

Essentially ward committees need to be resourced if they are to be effective. Successful ward committees also have an effective ward councillor, regular meetings, good document management and comprehensive issue discussion (DPME, GFA and Partners 2011: 7). The report highlights the importance of the support of the local municipality for the effective functioning of the ward committee. The study revealed further that the understanding of the role of ward committees varied substantially between different groups. For instance, local government officials viewed the role of ward committees as advisory and as a conduit for communicating to their constituencies, ward committees themselves considered their role as a developmental one, and the public considered ward committees as developmental and as communicators (DPME, GFA and Partners 2011: 19). This suggests that until there is a shared understanding of their role and functions, it is unlikely that the engagement process will be optimal.

In Claire Bénit-Gbaffou's work on ward committees she views them as important sites of discussion around the councillor. <sup>18</sup> Previously, ward

committee members were elected directly by the community, which ensured that there was a sense of accountability and choice. However, the technicisation of the votes for ward committee members has undermined the democratic potential. Bénit-Gbaffou argues further that there is a general structural disempowerment of local councillors, which undermines ward committees and IDP planning processes. She suggests that giving councillors a greater voice in council structures will encourage better spaces of participation as it will enable ward councillors to truly reflect their constituency at a municipal level<sup>19</sup>. The ability of ward councillors to provide feedback to their wards will strengthen participatory intent.

### Community Health Forums

Community participation is recognised in The National Health Act 61 of 2003 through provisions for the establishment of health committees, hospital boards and district health councils. Health committees are intended to serve as a link between the health services and the communities within which they are situated.<sup>20</sup> The Act stipulates that each clinic/community health centre or a cluster of these should have a health committee. The Act further states that health committees should be made up of one or more local government councillors, the head of the health facility, and one or more members of the community in the area served by the health facility. The Act furthermore requires that the provincial governments must develop legislation that guides the functioning of health committees in the provinces.

A study into the functioning of Health Committees and community participation in the Cape Metro (2011) concluded that these committees have the potential to impact positively on health and health care services and on the right to health, but the indication is that health committees in South Africa are not functioning optimally.<sup>21</sup> The researchers found that there were four key challenges faced by health committees as structures for community participation:

- **Reach:** health committees only existed in approximately 55 percent of the municipal and provincial clinics and health care centres. The study found that many communities struggled to establish health committees; and many committees struggle to survive.

<sup>17</sup> See for instance, DPME and GFA and Partners, 2011.

<sup>18</sup> Electronic interview with Claire Bénit-Gbaffou, 18 April 2016.

<sup>19</sup> Ibid.

<sup>20</sup> The National Health Act 61 of 2003. Department of Health, 'The Primary Health Care Package for South Africa – a set of norms and standards' 2000.

<sup>21</sup> See also H Haricharan, 2011 and A Padarath & I Friedman, 2008

### BOX 3. PROVISIONS FOR THE ESTABLISHMENT OF COMMUNITY POLICING FORUMS IN THE WESTERN CAPE

The Western Cape Community Safety Act (2013) includes the following directives for establishment of community police forums and boards:

5. (1) In order to promote good relations between the South African Police Service 35 and the community, the Provincial Minister may issue directives regarding the establishment of community police forums and boards in terms of sections 19(1), 20(1) and 21(1) of the South African Police Service Act, 1995, including directives relating to—
  - (a) the requirements for identifying relevant community organisations, institutions and interest groups to form part of a community police forum or board;
  - (b) the procedures for the establishment of a community police forum or board;
  - (c) the term of office of members of a community police forum or board;
  - (d) the adoption of a constitution for a community police forum or board and the minimum content thereof;
  - (e) dispute resolution procedures applicable to any dispute in respect of the establishment of a community police forum or board.
- ...
- (3) The Head of the Department may assist community police forums and boards by providing funding, training or resources.

- **Sustainability and functionality:** huge variations in the functionality of committees, reflected in irregular meetings, meetings being cancelled, poor attendance at meetings, and difficulties in retaining members.
- **Representivity and legitimacy:** committees struggle to become representative structures for community participation, citing lack of community awareness of health committees as one of the reasons.
- **Role:** health committees played a limited participatory role and struggled to understand their mandate clearly. Health committees became involved in tasks where they supported the clinic in the capacity of being 'auxiliary' health or social workers or raising health awareness. "They rarely provided an oversight function, and their involvement in providing governance was limited. Their activities were mostly directed at patients, rather than at the health system" (Haricharan 2011).

The report, however, stated that: "there are signs of an emerging vision of health committees taking on a more meaningful understanding of community participation (ibid.)"

A study by the Health Systems Trust into the functioning of health clinic committees in the primary level public health sector facilities across the nine provinces, also suggested that while most clinic committees meet on a monthly basis, the activities of the clinic committees appear to be mostly confined to problem solving between the community and the health facility, health education and volunteering their services in the facility. The issue of the roles and responsibilities of clinic committee members' needs attention as the research highlighted a gap in this regard. The results from the study showed that while national legislation had created a platform for community participation, a lack of provincial guidelines, inadequate resource allocation, and the limited capacity of committees constrained their abilities to actively fulfil their intended roles and responsibilities.<sup>22</sup>

### Community Policing Forums

'Community police forums' was a key dimension of the reform of the police service in the early 1990's as reflected in policing provisions of the Interim Constitution (Act 200 of 1993). The possible functions of these forums indicated in the

<sup>22</sup> See, amongst others, Görgens et al (2013), Isandla Institute (2012) and (2015), and Kitching and Muzondo (2016).

Interim Constitution, was to be ‘the promotion of accountability of the Service to local communities and cooperation of communities with the Service’ (Bruce 2011). David Bruce explains that this suggested that “CPFs would be instruments of accountability in the fuller sense of the word, that through CPFs the local policing agenda would be community driven and community ‘owned’, and that CPFs themselves were therefore an instrument for civilian control over the police” (Bruce 2011:4).

With the passing of the SAPS Act in early 1995 there appears to have been a diminished importance attached to the ‘accountability’ function of CPFs. The SAPS Act emphasises ‘partnership’, ‘cooperation’ and ‘communication’ as the key functions of CPFs. CPFs are thus institutionalised by means of the SAPS Act and by provincial legislation. The Western Cape Community Safety Act 2013 provides for the establishment of community police forums in terms of sections 19 to 21 of the South African Police Service Act 1995 (see box 3).

**Community Policing Forums are formal committee structures whose objectives and responsibilities are to:**

- Establish and maintain a partnership between the community and South African Police Service (SAPS);
- Promote communication between the community and SAPS;
- Promote cooperation between the community and SAPS in fulfilling the needs of the community regarding policing;
- Improve the rendering of Police Services to the community;
- Promote transparency and accountability of the Service to the community;
- Promote joint problem identification and problem solving with SAPS and the community;
- Promote respect for human rights;
- Mobilise the community and organisations to join the relevant Forums and Structures;
- Assist with the initiation and co-ordinations of social crime prevention programmes and projects.

All policing, safety, and security organisations are meant to report into the CPF, this includes SAPS, Metro, Neighbourhood Watch, Community Crime Prevention, Private security companies, individuals and businesses. This provides a

singular platform for all the role-players to share information and collaborate in security measures.<sup>23</sup> General Meetings (AGMs) take place to elect the committee, where all organisational members registered are allowed to vote.

A report by Maroga (2005) on community policing forums, states that they were initially established so as to improve local level police accountability. However, based on three case studies of police stations and their CPFs in Johannesburg, he found that CPF’s understanding of accountability was limited to communication about decision-making and resource utilisation of the police station. The CPFs in the case studies did engage in a wider range of activities such as fund-raising, victim support and crime awareness campaigns. The report argued that there is scope to enhance local level police accountability through the CPFs. However, it is recognised that CPFs lack capacity and additional resources. The report concludes that over time the primary objectives of CPFs have changed to focus more on mobilising community-based resources towards partnerships with the police to address crime problems, but recommends an enhanced focus on accountability mechanisms (Maroga, 2005).

The Khayelitsha Commission of Inquiry into allegations of police inefficiency and a breakdown in relations between SAPS and the community, found that “CPFs in Khayelitsha had not played a valuable role in promoting good relations between the community and SAPS”. The Commission concluded that there was a range of reasons for this. It said that CPFs had not been a success. The Commission recommended that the Civilian Secretariat commission conduct research into the efficacy of CPFs. In particular, the Commission suggested that the research be done on the attitudes of members of the public, as well as the attitudes of SAPS members, to CPFs, the most appropriate role of CPFs, and what constraints there may be on CPFs efficiently performing such role, including resource constraints.<sup>24</sup> The Western Cape Government introduced a programme that provides resources to CPFs in return for the CPFs performing certain functions. The programme is new and the Commission recommended that its effectiveness be monitored carefully. In particular, the Commission recommended that the needs of CPFs in socially and economically disadvantaged areas be considered for grants to provide basic facilities.

<sup>23</sup> Personal communication with Ashley Newell, May 2016.

<sup>24</sup> Khayelitsha Commission of Inquiry Report, August 2014. See also Rudolph Zinn ‘Framework for an Effective Community Safety Network’ *Acta Criminologica* 25(2) 2012 Southern African Journal Of Criminology.

Although it is not clear if these findings are generalisable, Catherine Moat suggests that CPFs function differently depending on the station and she advises that in some stations, there are powerful interest groups that dominate the CPFs including taxi associations. Runciman's work (2014) on insurgent citizenship covers the case of policing in Protea Court in Pretoria. She contends that due to the ineffective democratic citizenship that is offered by state institutions, communities are organizing as 'insurgent citizens'. Runciman recounts in her article her experience of a Community Policing Forum in Winterveld doling out its own justice to a resident caught stealing (Runciman 2014: 34). This seems to be the case in other communities such as Orange Farm where CPFs have been found acting in contravention of the justice system.<sup>25</sup> So while commentators argue that in poor communities, CPFs have largely been ineffective, there are also instances of CPFs playing a community role, even if not the one envisaged by SAPS. This 'vigilante role' is certainly a reflection of the distrust between SAPS and communities.

Bruce (2011) argues that in well-resourced communities, CPFs play a much more prominent role. These same communities are also in a position to use other mechanisms for monitoring and fighting neighbourhood crime. As with Ward Committees, and found by the Khayelitsha Commission, in less-resourced areas, CPFs depend on SAPS resourcing in order to function at least somewhat effectively.<sup>26</sup>

## Democratic structures

An exploration of urban governance cannot be limited to understanding what the legislation requires and what the institutions deliver. There are also numerous community-based organisations that are active in the spatial realm and are not formally engaged with local government. Communities are increasingly diverse and as a result carve out new modes of engagement and more flexible governance structures – those that address formal and informal forms of community engagement and also sectoral interests. Local government needs to understand the communities they serve better in order to improve engagement and this raises the prospect of how to include other democratic structures into the planning processes.

Further, the experiences and input of poor urban communities needs to be acknowledged as valuable to the process.

Context is an important factor because institutions and systems of governance differ accordingly, as does the state of civil society and the functioning of the local metro. Thinking through the impact of participatory processes at a more sectoral level might enable better participatory processes. Issues-based participatory processes seem to have been the most successful to date. For example, the work of the Socio-Economic Rights Institute of South Africa (SERI) on housing rights, or the organizing around a specific sectoral interest has been effective.

Bénil-Gbaffou shares insights on her work in inner cities. She argues that in her experience litigation works effectively on the basis of single buildings but that the development of a broader discourse to challenge policies has thus far not been completely successful. She has a similar experience on the mobilization and participation of street traders. Bénil-Gbaffou explains further: "another inner city mobilisation/ participation I have researched is the street traders' mobilisation for their right to trade in the inner city. Street trader organisations use both antagonism and cooperation to engage with the City. The formal participatory processes I attended (or took part in) so far, initiated by the City, were sedative and used to divide and rule - disempowering and often contemptuous for the traders."<sup>27</sup>

The NDP proposes social compacts as an instrument for coordinating engagement for sector-specific projects and issues. It envisages that these social compacts will deal with 'matters of direct concern where there are competing interests, such as, the development of a new public transport systems, the upgrading of informal settlements, the management of informal trading, inner-city regeneration, neighbourhood safety, measures towards environmental sustainability and infrastructure maintenance.' These social compacts will facilitate constructive engagement and ensure that all interests are heard in the process' (NDP 2012:282). This shows that there is recognition of all the issues that are not adequately dealt with through existing structures and instruments and also

<sup>25</sup> Electronic communication with Catherine Moat, Wits School of Governance, 6 June 2016.

<sup>26</sup> Ibid.

<sup>27</sup> Electronic interview with Claire Bénil-Gbaffou, 18 April 2016.

the importance of conflict resolution in the participatory process.

This brings the narrative back to the fact that cities such as Johannesburg position themselves as pro-poor, yet mostly fail to deliver to the poorest urban communities. In response to the status quo, a new form of engagement has emerged in the fight for the right to the city and that is through the legal avenue. As discussed in Section 2, the fact that the Constitution grants all citizens socio-economic rights has meant that in instances such as housing, community groups have chosen to channel participation through the courts. Some of the most noteworthy cases have been about inner city housing in Johannesburg.

Chenwi and Tissington use engagement as the standard for interaction between the state and civil society. They describe it thus:

**‘Engagement... is a process of constant interchange between citizens (or non-citizens) and the state. It is about designing and implementing socio-economic programmes that affect particular communities or groups of people. So it is not simply an act that must happen before a valid legal decision is taken. It is a practice made up of a range of decisions that are necessary to design and implement a socio-economic programme’ (2010:11).**

This definition is important because local government and other state actors are being legally held to this as a standard in the participation domain. The unenforceable participatory processes outlined in legislation are being challenged on a case-by-case basis. These rulings will have a far-reaching impact on how local government and communities communicate and collaborate with each other.

Participatory democracy is further undermined by municipal officials who are largely ill-equipped for running participation and consultation processes. There is no standard participatory approach and urban planners are often unable to understand, mediate, let alone resolve conflicts with communities. A true understanding of neighbourhood dynamics requires municipal officials to tap into local knowledge through face-to-face interactions

## CONCLUSION

The analysis presented above highlights the failure of the existing institutionalised community governance structures to effectively represent the interests of poor urban communities. This is attributable to the inability of most municipalities to engage in truly participative planning processes.

This inability, and in many cases lack of will, has the greatest impact on the poorest communities who are unable to make their voices heard through democratic processes. The state-sanctioned community governance structures that are in place have failed to actualise in the way in which they were conceived - as important tools of deliberative democracy. This failure has been acknowledged by national government and culminated in the National Development Plan stating the need to build social compacts to strengthen engagement between government and communities they serve. It is here that the work of Isandla Institute on the Civic Academy can be meaningful.

The analysis highlights that the existing points of deliberation are ineffective and what is required is a mechanism to better align the obligations of the state with the needs of local communities. It is the view of Isandla Institute that the Civic Academy's role could be most effective through bringing together and training neighbourhood-based sectoral community activists. Instead of relying only on the current institutionalised forms of engagement such as ward committees, the Civic Academy will train and mentor an umbrella of organisations in a neighbourhood. This will allow them to empower all community groups and not rely on ward committees as the sole neighbourhood representation. Further, the Civic Academy will actively seek to train neighbourhood activists in spatial literacy thereby allowing them to engage more effectively with municipalities as well as potentially in the IDP process.

However, the work of the Civic Academy will not be limited to the once-a-year IDP engagement process but will rather allow community activists to be more proactive in their relationship with local government. Unless there is a significant shift in the on-the-ground participatory processes of municipalities, the emphasis should fall to building the capacity of neighbourhoods to take the initiative in spatial transformation.



Isandla Institute views the Civic Academy as one important instrument for building a social compact – one that acts to create collaborative spaces between the state and civil society. This suggests two main points of interaction namely:

- a) Better participatory processes by municipalities
- b) Building a more in-depth knowledge of spatial planning and socio-economic rights in urban poor communities.

The Civic Academy can play a significant role in spearheading a number of improvements to participatory processes. These include:

- Better access to information by building the knowledge base of community activists through training and mentorship;
- More active citizenship be encouraged by all democratic structures through highlighting the socio-economic rights of all communities;
- The realization of true deliberative democracy by working with and empowering existing neighbourhood activists;
- Meaningful collaboration between local government and civil society through creating deliberative spaces of engagement and a shared vision;
- A commitment to a public sector ethos by engaging with local government and holding them to their participatory obligations; and
- A culture of shared learning between municipalities and communities, which allows for a greater shared understanding of neighbourhoods (Isandla Institute 2015: 3).

These objectives can be best achieved by creating the Civic Academy as an institution with a mandate and funding. The Civic Academy needs to be able to assist neighbourhood activists to collaborate with each other and with local government in order to achieve the best spatial results. Through training and mentorship, this collaboration will be in the best position to maximize results. However, in order to have the greatest impact, the Civic Academy will need to collaborate with existing activist organisations as well as with local government itself.

## BIBLIOGRAPHY

AICDD and Development Works for Department of Provincial and Local Government (2005) Community Based Planning and the IDP. Facilitators Guide for Community Based Planning. Available from the Department of Provincial and Local Government.

Arnstein S (1969) A ladder of citizen participation. *Journal of the American Planning Association* 35(4): 216-224.

Bénit-Gbaffou C (2008) Practices of local participation in Johannesburg – side-lining the institutional participatory channels? *Transformation: critical perspectives on Southern Africa, on Local government in South Africa* (66-67): 1-34.

Bénit-Gbaffou C (2012) Party politics, civil society and local democracy – Reflections from Johannesburg. *Geoforum* 43(2): 178-189.

Bénit-Gbaffou C and Katsaura O (2014) Community leaders and the construction of political legitimacy. Unpacking Bourdieu's political capital in post-apartheid Johannesburg. *International Journal of Urban and Regional Research* 38(5): 1807-1832.

Bruce D (2011) Unfinished Business: The architecture of police accountability in South Africa. Policy Paper. African Policing Civilian Oversight Forum (APCOF)

Buccus I, Hemson D, Hicks J and Piper L (2008) Community development and engagement with local governance in South Africa. *Community Development Journal* 43(3): 297-311.

Chenwi L and Tissington K (2010) Engaging meaningfully with government on socio-economic rights. SERI. Community Law Centre: University of the Western Cape.

Coggin T and Pieterse M (2012) Rights and the City: An Exploration of the Interaction Between Socio-economic Rights and the City. *Urban Forum* 23: 257-278.

Cornwall A (2008) Unpacking participation: models, meanings and practices. *Community Development Journal* 43(3): 269-283.

- DPME with GFA Consortium (2011) Evaluation of the Ward Committee System in South Africa. Prepared for the European Communities CBP Programme for 'South Africa'.
- Department of Cooperative Governance and Traditional Affairs (2009) State of Local Government in South Africa. <http://www.gov.za/sites/www.gov.za/files/state-local-gov-rpt1.pdf>
- Department of Cooperative Governance and Traditional Affairs (2016) *Integrated Urban Development Framework*. Pretoria: COGTA.
- Department of Health (2000) The Primary Health Care Package for South Africa – a set of norms and standards. Pretoria: Department of Health.
- Görgens, T, Masiko-Kambala, P and van Donk, M (2013) Establishing Citizenship Academies to cultivate 'cunning intelligence' and 'practical wisdom' in local governance in South Africa. In GGLN (Good Governance Learning Network) *Active Citizenship*. Cape Town: GGLN.
- Haricharan H (2011) Extending Participation: Challenges of Health Committees as Meaningful Structures for Community Participation. Human Rights Division, School of Public Health, University of Cape Town and The Learning Network on Health and Human Rights
- Harrison P (2014) Making Planning Theory Real. *Planning Theory* 13(1): 65-81.
- Huchzermeyer M (2013) Humanism, creativity and rights: invoking Henri Lefebvre's right to the city in the tension presented by informal settlements in South Africa today. Inaugural Lecture. School of Architecture and Planning, University of the Witwatersrand.
- Isandla Institute (2011) Realising the right to the city in the South African context. Report on the National Roundtable. Cape Town: Isandla Institute.
- Isandla Institute (2015) A Civic Academy. Towards better spatial outcomes through enhanced civic activism and deliberative local democracy. Cape Town: Isandla Institute.
- Katsaura O (2011) Community Governance in Urban South Africa: Spaces of Political Contestation and Coalition. *Urban Forum* 23(3): 319-342.
- Kitching A and Muzondo C (2016) Realising spatial transformation through the Civic Academy. Paper prepared for the Urban Innovation project of The Presidency.
- Langa P (2006) Transformative constitutionalism. *Stellenbosch Law Review* 17(3): 351-60, 354.
- Liebenberg S (2010) *Socio-Economic Rights - Adjudication under a Transformative Constitution*. Claremont: Juta Press.
- Maroga M (2005) Community Policing and Accountability at Station Level. Research report for the Centre for the Study of Violence and Reconciliation. Johannesburg: CSVr.
- Miraftab F (2004) Making Neo-liberal Governance: The Disempowering Work of Empowerment. *International Planning Studies* 9(4): 239-259.
- National Planning Commission (2012) *National Development Plan*. Pretoria: NPC.
- Padarath A and Friedman I (2008) The Status of Clinic Committees in Primary Level Public Health Sector Facilities in South Africa. Cape Town: Health Systems Trust.
- Pieterse E (2012) Citizenship Academy: Some Working Ideas. Presentation made at the seminar 'Advancing Active Citizenship: A Citizenship Academy as a Means to Strengthen Local Democracy?', organised by Isandla Institute, Cape Town, 21 June 2012.
- Powell DM, O'Donovan M & De Visser J (2014) Civic Protests Barometer 2007-2014. <http://www.mlgi.org.za/> [accessed on 21 March 2016]
- Runciman C (2014) Mobilising insurgent citizenship: Forging local authority and everyday policing in Protea Court. *South African Review of Sociology* 45(1): 27-44.
- Van Donk M (2012) Tackling the 'governance deficit' to reinvigorate participatory local governance. In GGLN (Good Governance Learning Network) *Putting Participation at the Heart of Development/Putting Development at the Heart of Participation*. Cape Town: GGLN.
- Van Rooyen E and Mokoena S (2013) The Role of Ward Committees towards Enhancing Public Participation: The Case of the Mpumalanga Province, South Africa. *Journal of Business and Economics* 4(8): 761-770.
- Van Wyk J and Oranje M (2013) The post-1994

South African spatial planning system and Bill of Rights: A meaningful and mutually beneficial fit? *Planning Theory* 2014 13(4): 349–369.

Wates N (2000) *The Community Planning Handbook*. Earthscan: London.

## INTERVIEWS AND PERSONAL COMMUNICATION

Interview with Claire Bénit-Gbaffou, 18 April 2016

Interview with Shaamela Cassiem, previously International Budget Partnership, 18 April 2016.

Interview with Shaakira Chohan, 26 May 2016

Interview with Paula Ensor, Director, Centre for Activist Education, 7 April 2016.

Interview with Nishendra Moodley, City Support Programme, National Treasury, 15 April 2016.

Interview with David Savage, City Support Programme, National Treasury, 15 April 2016.

Interview with Alison Tshangana, SALGA, 5 April 2016.

Interview with Gavin Silber, Ndifuna Ukwazi, 12 April 2016.

Interview with Tanya Zack, 19 April 2016.

Personal communication with Ashely Newell, Hout Bay Partnership, 6 May 2016.

Personal communication with Dr Tanya Zack, 10 April 2015.

Electronic communication with Catherine Moat, Wits School of Governance, 6 June 2016.

## LEGISLATION

The Constitution of the Republic of South Africa Act, 1996.

Local Government: Municipal Systems Act 32 of 2000.

Local Government: Municipal Structures Act 117 of 1998.

The Western Cape Community Safety Act 2013.

South African Police Service Act 1995.

The National Health Act 61 of 2003.

## CASES

Affordable Medicines Trust and Others v Minister of Health and Others 2006 (3) SA 247 (CC); 2005 (6) BCLR 529 (CC). Doctors for Life International v The Speaker of the National Assembly and Others 2006 (6) SA 416 (CC).

Poverty Alleviation Network and Others v President of the Republic of South Africa and Others [2010] ZACC 5 (judgment of 24 February 2010).

Masetlha v President of the Republic of South Africa and Another 2008 (1) SA 566 (CC); 2008 (1) BCLR 1.

Occupiers of 51 Olivia Road, Berea Township and 197 Main Street, Johannesburg v City of Johannesburg 2008 (3) SA 208 (CC); 2008 (5) BCLR 475 (CC).

Residents of Joe Slovo Community, Western Cape v Thubelisha Homes [2009] ZACC 16, 2009 (9) BCLR 847 (CC).

Mazibuko v City of Johannesburg [2009] ZACC 28.

Leon Joseph & Others v City of Johannesburg & Others Case CCT 43/09 [2009] ZACC 30.

Abahlali Basemjondolo Movement SA and Another v Premier of the Province of Kwazulu-Natal and Others [2009] ZACC 31; 2010 (2) BCLR 99 (CC).

Head of Department: Mpumalanga Department of Education v Hoërskool Ermelo [2009] ZACC 32.

Nokotyana v Ekurhuleni Metropolitan Municipality [2009] ZACC 33.

Governing Body of the Juma Musjid Primary School and Another v Ahmed Asruff Essay NO and Others [2011] ZACC 13.

## **ANNEXURE 2**

Potential Civic Academy partners  
& their offerings

In the course of the research, Isandla Institute reviewed existing capacity development and training programmes offered by (and/or supported by) various stakeholders. In particular, there are many non-profit organisations that offer a range of programmes and opportunities in this regard. This is however not a comprehensive list. The description here is limited to two non-profit organisations whose work shows the most direct correlation with Isandla Institute's Civic Academy in terms of intent, scope and scale. This does not preclude the prospect of alignment and collaboration with other organisations that share the aim and objectives of the Civic Academy.

## **GOVERNMENT ENTITIES** **THE NATIONAL SCHOOL OF GOVERNMENT (NSG)**

The NSG was a response to the call in the National Development Plan (NDP) to build a capable and developmental state that will assist in correcting some of the inefficiencies in the public service. The National Development Plan states that the uneven performance at national, provincial and local government results from 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, inappropriate staffing and low staff morale. The NSG has a significant role to play in addressing the systemic challenges of public service delivery, through the learning and development of public officials. In doing so, the NSG has to integrate lessons and experiences from the past to develop and improve on current skills and empower the current generation of public servants; and determining a conduit for producing future public servants with a competencies and abilities to innovate.<sup>1</sup>

## **SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION (SALGA)<sup>2</sup>**

Alison Tshangana, Human Settlements Specialist at SALGA, in her role supports National Policy that is more suited to community engagement, for example, through Project Steering Committees for housing allocation. There is potential for these structures to be applied more broadly for human settlement projects. SALGA could also play a direct role in training or support of participatory mechanisms in relation to spatial planning and urban governance, but targeted at building the capacity of local government officials.

## **ACADEMIC INSTITUTIONS** **SCHOOL OF GOVERNANCE, UNIVERSITY OF THE WITWATERSRAND**

The Wits School of Governance is considered the leading regional institution in the arena of governance, policy and development management for the public sector.<sup>3</sup> Since its inception in 1993, the Wits School of Governance has been at the forefront of public and development management, and currently produces the largest number of postgraduates in its field in Southern Africa. It provides quality management education for leaders and decision-makers in the public sector and development fields in South Africa and beyond, by offering a wide range of specialised courses designed to meet the needs of practising public and development managers. The courses are available in the following management areas: Health, Education, Development, Housing, Public and Development Finance, Public and Development Management, Humanitarian Assistance, Social Security, Defense and Peacekeeping, Policy, Governance, Leadership, Monitoring and Evaluation.

Short courses are also delivered in a variety of modes, which include single blocks of study, block-release sessions over a number of months, workshops, breakfast seminars, or a combination of these. The courses are targeted at the following professionals in the public and development sectors:

- Middle- to senior-level managers in the public sector
- Practitioners in non-governmental organisations
- Technical staff of multilateral agencies that support governments or civil society.

<sup>1</sup> <http://www.thensg.gov.za>

<sup>2</sup> This section is based on an interview with Alison Tshangana, 5 April 2016, and on information drawn from <http://www.salga.org.za/pages/Knowledge--Hub/Knowledge-Portals>.

<sup>3</sup> <http://www.wsg.wits.ac.za>

They also offer certificate courses in *Housing Development Management* and *Development and Management of Local Government*. The former is designed to teach individuals how to effectively understand and implement the country's housing goals while developing sustainable human settlements. It is aimed at housing and planning officials in national, provincial and local government, housing actors operating in a variety of housing-related institutions, the private and NGO sector and municipal councillors involved in housing-related issues. Participants must have a post matric qualification, and a three-year minimum work experience.

### **AFRICAN CENTRE FOR CITIES (ACC), UNIVERSITY OF CAPE TOWN**

The ACC aims to provide critique and alternatives in relation to urban issues in Africa. They do this by partnering closely with policy-making centres in the public sector in South Africa (national, provincial, local); providing an intellectual base for interdisciplinary, urban-related research at UCT. They offer an Annual ACC Seminar and PhD Course on Democratic Practices for 16-18 people.<sup>4</sup>

### **SCHOOL OF DEVELOPMENT POLICY AND PRACTICE, UNIVERSITY OF CAPE TOWN**

The Graduate School of Development Policy and Practice (GSDPP) provides professional and academic training for senior public officials and those engaged in public policy in South Africa and other African countries. The School promotes the development of strategic public leadership, including a strong emphasis on accountability and trust in governance.<sup>5</sup> The School also trains top graduates to prepare them for public leadership positions and provides executive training for senior managers and elected office bearers. Some of its programmes are also designed for international organisations, non-profit organisations, think-tanks and the private sector.

One of the School's new initiatives brings together policy makers, experts and other leaders in society around key policy issues to engage with so-called "wicked problems" with the view to establishing new networks to solve such problems. The GSDPP's Building Bridges programme is run as an intensive leadership training programme (two-week residential short course) with 25 emerging

African leaders. Participants who were selected following a competitive nomination process include, amongst others, media practitioners, social justice activists, public servants and civil society advocates from Kenya, Ghana, Nigeria, South Africa, Uganda and Zimbabwe. The early- to mid-career participants discuss a range of topics, undertake educational field trips and engage with influential speakers. Their theme for 2016/2017 was 'Governance Activism for Inclusive Democratic Development' where they looked at ways in which social and rights-based movements can promote development through collective action and ways in which authorities responsible for the delivery of public services can respond and engage more constructively with citizens.

### **SCHOOL OF PUBLIC LEADERSHIP (SPL), UNIVERSITY OF STELLENBOSCH**

The name of the School was changed from the School of Public Management and Planning to the School of Public Leadership. They offer both undergraduate and post-graduate degree programmes. A number of academic institutions were created and linked to the School, including the Sustainability Institute, the trans-disciplinary doctoral Tsama Hub programme and the Centre for Local Governance. They are also building an innovation ecosystem including expertise in areas such as health, justice, peace, safety and security, property, innovative governance. They have practiced social laboratories in jurisdictions such as the Hessequa Municipality, Saldanha Municipality and the Greater Tygerberg Partnership, which provided spaces for innovative governance action learning and research. Further laboratories may be added to these. Partnerships are also pursued with National and Provincial government institutions as well as with the private sector in this innovation ecosystem.

### **CENTER FOR LOCAL GOVERNANCE (CLG), UNIVERSITY OF STELLENBOSCH**

The SPL through its various academic programmes and the provision of a range of degree training and consultancy services to all three spheres of government, has developed a keen insight into the challenges that face local government in South Africa. It is apparent from these engagements that there are significant skills deficits in the sphere of local government. In this regard, the Centre for

<sup>4</sup> <http://www.africancentreforcities.net/about/>

<sup>5</sup> <http://www.gsdpp.uct.ac.za>

Local Governance at SPL offers specifically focused and customised training programmes to enhance the performance of elected and appointed officials in local and provincial government.

Extensive consultation is taking place with local government officials and councillors to ensure that the programmes to be offered by the CLG address demand and are appropriately targeted. The objective of the CLG is to improve the performance of local government through research, innovation, training and community interaction.

The CLG seeks to:

- Provide opportunities for world-class research on local and provincial government challenges, locally, nationally, in Africa and internationally.
- Be a repository for access to state of the art resources and a knowledge hub for local government academics, researchers, officials, councillors and non-governmental agencies.
- Provide opportunities for learning and growth and to develop a new generation of thought leaders in the field of local government.

## NON-PROFIT ORGANISATIONS

### CENTRE FOR ACTIVIST EDUCATION<sup>6</sup>

The Bertha Foundation has established a new school of activism to provide an opportunity for structured and reflective learning to complement the organisational experience of social justice activists. It is based in Cape Town, South Africa, but has nation-wide coverage and potential for connections with the rest of Africa. The school is independent, with its own governing board. The school aims to attract those engaged in struggles to advance justice and equality, mainly in poor and marginalised communities. While seeking to integrate theory and practice, the school plans to offer courses in political economy, struggle case studies, strategies and tactics, community organising and practical skills. It will also seek to support active movements, and to be a place where contemporary struggles can be reflected upon and shared. They are currently planning their curriculum for 2017, which will be their first year of operation. They are very eager to include courses on spatial planning, community engagement and urban governance and flexible about the methodology of course delivery. They are fully funded and are looking for partners to implement their vision.

## THE SERITI INSTITUTE<sup>7</sup>

The Seriti Institute is a non-profit organisation, established in 2009, that aims to promote the use of community organisation methodologies to create socially healthy and economically vibrant communities, and thereby promote sustainable livelihoods and prosperity. The organisation has a strong focus on learning and capacitation at community level. One of its successful methodologies in this respect is its Organisation Workshop, which facilitates local development through training large groups of people. The exercise takes the form of a workshop that runs over six weeks, and between 150 and 350 participants can attend a session. The Organization Workshop process begins with the identification of local priority issues and the establishment of a local structure called the participants' enterprise, which has delegated responsibilities on behalf of the community. Participants work a minimum of six hours a day on locally identified projects, and are also required to attend daily lectures that relate their local issues to global issues as well as to the necessary theoretical underpinnings of community organisation.

## LOCAL GOVERNMENT INITIATIVES

### JOHANNESBURG DEVELOPMENT AGENCY<sup>8</sup>

Truly collaborative engagement projects require municipal officials to spend time in communities to really understand the dynamics. There are innovative projects that have been done in some municipalities and these include the work of the Johannesburg Development Agency in its precinct in Noordgesig. The development manager responsible for the project has spent six months doing community engagement using a number of interactive techniques. The precinct plan process began with a roadshow in the area where community members were asked what they would like to see happen in their neighbourhood. This was done using mapping, 3-dimensional models and conversations. Further sector engagements were also held with businesses, heritage forums and schools. During the first public meeting to discuss the draft precinct plan, community attendees were broken into focus workshops to discuss a number of specific local issues. This process generated rich material, which was

<sup>6</sup> This section is based on an interview with Paula Ensor, Executive Director, Centre for Activist Education, 7 April 2016.

<sup>7</sup> This section is based on prior research conducted by Isandla Institute, including an interview with Dr Gavin Andersson, the Executive Director of the Seriti Institute (see Kitching and Muzondo 2016).

<sup>8</sup> This section is based on an interview with Shaakira Chohan, 26 May 2016.



used in the planning process. The JDA and the professional team guided the discussions and spatially unpacked the interventions to highlight their importance in building a long-term urban strategy for the area. The precinct plan now incorporates concerns, suggestions and learnings. The final precinct plan will be presented on 3 June 2016 at an Open Day, with additional time being allowed for further comments. For the JDA, success will be measured by long-term community ownership of the interventions, as the outcomes. The process has also been documented and filmed for feedback to community members. Further, all documentation will be available in the local library for review.

### CITY SUPPORT PROGRAMME, NATIONAL TREASURY<sup>9</sup>

National Treasury (NT) has an agreement with the Metros to pilot different mechanisms and tools for participatory planning and budgeting. The City Support Programme at NT partnered with the International Budget Partnership (IBP) to conduct social audits in Kayelitsha in collaboration with the Utilities Department in the City of Cape Town in 2015. They ran a pilot community school in an informal settlement in Cape Town. Together the community and local government officials identified sets of issues that concerned the community and a common set of indicators - for example water quality - for monitoring service delivery. Facilitators and researchers from the Human Sciences Research Council were contracted to work through the process with the City and the community. The idea was to help strengthen the capacity of the state to do problem-solving together with communities. NT is looking at conducting similar pilots in other municipalities like Ethekewini, Nelson Mandela Bay and to conduct more such exercises across Cape Town.

NT is exploring various mechanisms for 'short-route accountability'. In other words, instead of further regulatory change, because we already have an over-regulated spatial planning environment, they are looking at developing a framework for what cities should be doing to improve community engagement in spatial development and assessing tools for urban development like the Violence Prevention Urban Upgrade methodology, community scorecards, social auditing, precinct plans, street audits etc. The City Support Programme wants to better understand an urban restructuring agenda and how to do it using a broader range of tools beyond planning regulation. Their theory of change is about involving citizens in bringing about urban change. Their focus is on what to do to support local government capacity for civic engagement, through grant funding, technical capacity support and building communities of practice.

---

<sup>9</sup> This section is based on an interview with David Savage and Nishendra Moodley, City Support Programme, National Treasury, 15 April 2016.



**The intelligence of change**

**E** [admin@isandla.org.za](mailto:admin@isandla.org.za)  
**T** +27 (0)21 683 7903  
[www.isandla.org.za](http://www.isandla.org.za)

Ubunye House | Rosmead Avenue | Kenilworth 7708 | Cape Town | South Africa