POST-CONFLICT PARTICIPATION:
SOCIAL DIALOGUES IN THE DEMOCRATIC REPUBLIC OF CONGO

After a decade of political crises and wars that left more than 5 million people dead from violence, famine and disease – one of the greatest disasters in human history – the warring factions in the Democratic Republic of Congo signed a power-sharing agreement and peace deal in 2002. The violence, however, continues, especially for women of eastern Congo, who have suffered immeasurable harm at the cruel hands of the remaining militias.

PIONEERS OF PARTICIPATION

CASE STUD

How can citizens participate politically in such a traumatized and fractured society? Indeed, *should* experiments in citizen participation be encouraged while the legacy of fear and hatred remains so strong?

Vincent Tohbi, from the Johannesburg-based Electoral Institute for Southern Africa, claims that when the fighting ends, not only should transportation, commerce, and basic services be a priority – but that citizen participation must be an essential aspect of reconstruction. The deep political divides, he says, will not be overcome through elections alone.

Over the past three years, he and his organisation have worked to establish "Social Dialogues" in every province of the country. These forums – which convene every three months – bring together hundreds of citizens to meet elected representatives and government officials. So far, they have provided a invaluable channel for governments to communicate, increased public scrutiny of policies and politicians, and ultimately might help to cultivate a culture of participation in a country that has long suffered tyranny.

Beyond elections

In 2005, EISA – an organisation dedicated to promoting credible elections and democratic governance in Africa – anticipated that elections the following year, the first elections in four decades, would not settle the country's deep divisions. The election and its run-off, which maintained incumbent Joseph Kabila in power, were marred by violence, but received the approval of international monitors.

Voter turn-out in the elections exceeded 80 percent, and the results were accompanied by dancing in the streets.

EISA, however, was correct; the initial optimism was fleeting. Disillusionment began with the formation of the government. Expectations that the government would be entirely inclusive were not met. One prominent political leader refused to take his seat in parliament; one political party – with a strong constituency in the east – garnered so few votes nationally that it was not invited into the government.

The culture of leadership presented another problem, as Tohbi explains.

> *"How do you give meaning to grassroots democracy in a country that has emerged from years and years of crisis? When the gap between elected officials, official institutions and the people has grown? Politicians don't understand that being elected does not give you the right to make decisions alone. They must learn to connect with their constituencies."*

Many foreign organizations dedicated to governance left the country after assisting with the elections. EISA has stayed, trying to build the links between people, politicians and officials that it believes will make the country's democracy truly meaningful.

Opening dialogue

With funding from foreign donors, EISA first began with elected officials at the provincial level, beginning in the province of Kivu.

> *"The elected officials by this point were hated by the population, which was fed up by the lack of delivery," Tohbi said. "So you had to reassure the elected officials that it was good for them to come and talk to the people."*

Once the Governor, MPs and Minister of the state agreed, EISA approached civil society organisations (CSOs) in the province. In the absence of the state over several decades, CSOs in Congo have filled the gaps in basic services. Consequently, across the country, in nearly every town, a vocal, dynamic and active set of CSOs can be found, according to Tohbi.

EISA carried out two trainings: one for the politicians on how to host and chair a public dialogue with the electorate, and one for CSOs on how to effectively engage with officials at such an event. The trainings focused on encouraging a way of speaking that would allow for respectful debate. As a final preparation, participants from both trainings were brought together to practice their skills.

> *"The first sessions were very heated. They were insulting each other. The CSOs were saying: 'You are a thief. You are taking our money.' Today it's very technical. They discuss agriculture, they discuss decentralization and they discuss security. It's much more focused."*

EISA has repeated the process in 11 provinces, and now supports the hosting of social dialogues every three months in those provinces. Each locality has a coordination team that includes a provincial parliamentarian, local representatives from political parties and two civil society representatives. The coordination team oversees the selection of participants, taking care that different interest groups are represented. Additionally, ordinary citizens are given transportation from provincial areas to participate. The dialogues now attract as many as 300 people, filling some the country's largest meeting venues. Each social dialogue has a few key elements: reading of the minutes from the previous meeting, presentations by officials and, of course, open discussion.

> *"We don't only want civil society people from a high level. We want the people who are sitting there in the street to come. And during the break, to eat at the same table with the officials."*

The social forum in North Kivu, one of the most beleaguered provinces, has been especially critical. When the Congolese government signed an agreement with the Rwandese army to cooperate to eliminate the rebel group led by Laurent Nkunda, national officials travelled to North Kivu to explain the agreement at the dialogue. The troubled and complex history between Congo, Nkunda (a former Rwandan general) and the government of Rwanda made the agreement dubious in the eyes of many North Kivu residents; the face-to-face meeting helped to dispel potentially explosive rumours.

And for residents, the dialogues have been an important way to hold leaders to account. Promises are recorded in the minutes, and when these go unmet, leaders are frequently reminded. Cases of corruption have been raised repeatedly.

From dialogue to decisions

While the social dialogues have been well subscribed, according to Tohbi, much more work remains to make them meaningful and sustainable.

The cost of the dialogues has been high – supported until recently only by foreign resources. Some provinces have begun to contribute, but scarce revenues must compete with basic services. For now, the dialogues are only held at the provincial level. Extending to the local level will require a herculean effort and even greater resources. And the national level – where the most important policy decisions are made – still lacks any such forum. Perhaps most importantly, the dialogues themselves are purely "consultative." Officials are in no way obliged to head the recommendations from the public, and as a result, public enthusiasm for the dia-

logues may quickly wane in areas where officials choose to politely attend, but later dismiss the proceedings. Tohbi hopes to resolve some of these challenges by lobbying for a law that would institutionalize the dialogues, and incorporate them officially into the policy process.

Yet another set of challenges concerns the respect for basic human rights; without which, democratic participation is endangered. Outspoken journalists and activists have been killed in Congo in recent years. There have been accounts of threats made to vocal participants at the dialogues. EISA encourages civil society groups to engage carefully in contentious issues. The tension between the ethics of protecting citizens from harm, and the imperative for open and honest discussion, requires a delicate and scrupulous balance in Congo.

> *"We find people that are bold enough to talk, but certain issues are simply not discussed."*

Contact
Vincent Tohbi, EISA: tohbi@eisa.org.za

SEEING THE BIG PICTURE:
THE IMAGINE DURBAN PROJECT

South Africa's first multi-racial elections in 1994 brought an end to apartheid and ushered in black majority rule, but democracy has not erased the legacy of inequality left behind. According to the World Bank, South Africa's Gini coefficient, a measure of inequality that can be compared across countries, was 62.3 in 1993 - possibly the highest in the world at the time. The residents of the township, a left-over of from the regime of segregation, still endure precarious housing, a lack of running water, and rampant crime. The conditions in these settlements contrast sharply with the prosperous city centres and affluent suburbs, which have enjoyed the benefits of Africa's largest economy.

CASE STUD

During the 15 years, the African National Congress (ANC) has made great strides to provide services to marginalized areas, but the urge to expand has been tempered by a need to maintain the country's aging infrastructure. In 2007, state-owned power supplier Eskom was forced to begin "load-shedding" cuts to residents and businesses in the major cities because of problems with aging plants.

And in the last two years, patience is growing thin among the country's poorer residents. Independently and often spontaneously, thousands of protests have erupted around the country in the past two years in response to the lack of services. According to South African Police Service figures, the number of peaceful public protests rose from 5130 in 1997 to 9230 in 2005. But not all the reactions have been peaceful. Over the same time, the number of violent protest also rose from 880 to 932: figures that have kindled national debate about how local government can be more effectively equipped to tolerate disagreement and dissent.

More spending, less satisfaction

In South Africa's eastern coast city of Durban, local government leaders felt it was their responsibility to resolve the legacy of injustice left by apartheid. When in 1996 the 48 distinct local councils were unified into six local councils and one municipal council (eThekwini Municipality), they thought they had their chance.

In the next four years, the municipality made massive increases to spending in black African neighbourhoods on basic services such as water, roads, clinics, libraries and schools. In spite of the increased spending, however, satisfaction with government services among the city's black African residents actually declined. The number of black Africans *satisfied* with government services fell from 29 percent in 1998/99 to 22 percent in 2001/02.

The figures caused some reflection among the city's political leaders. How would they know in the future if they were doing the right things and doing them in the right way?

At a three-day retreat of political officials, it was decided that the city's planning must be participatory and outcome focused. A new role was envisioned for local government - not as provider of services to passive recipients - but as a facilitator of social action.

In this spirit, the Imagine Durban project was conceived.

Capturing Durban's imagination

From 2007 to 2009, Imagine Durban sought to engage Durban's 3.5 million residents in an integrated, long-term look at the city. The project was implemented by the municipality in conjunction with Sustainable Cities, an NGO from Vancouver, Canada; and the PLUS Network (a network of 35 cities sharing experiences in sustainability planning) who had received funding from the Canadian International Development Agency to support the project.

The main purpose of the Imagine Durban project was to develop a visionary plan that could inspire citizens, non-governmental organisations, business and government to work together to make Durban a better city. In addition to developing this plan, the Imagine Durban project promoted the availability of information regarding long-term sustainability in Durban and supported initiatives to showcase sustainability in action.

In order to develop this plan the Imagine Durban project asked a cross section of citizens within Durban questions regarding what they liked about Durban, what they did not like, what changes they would like to see, what their hopes and dreams were for the future of Durban and what they could do to make their dreams a reality. Using these answers as a starting point, six key theme areas were identified that citizens highlighted as the most important areas for collective action:

1. Creating a SAFE city
2. Promoting an ACCESSIBLE city
3. Creating a prosperous city where all enjoy SUSTAINABLE LIVELIHOODS
4. Celebrating our CULTURAL DIVERSITY, ARTS AND HERITAGE
5. Ensuring a more ENVIRONMENTALLY SUSTAINABLE City
6. Fostering a CARING AND EMPOWERING City

The Imagine Durban project then held workshops, invited citizens to post on its blog, and hosted competitions on the best solutions to the city's problems. Based on all the creative ideas this garnered, a final draft Imagine Durban plan was developed. The plan outlines specific actions that all sectors of society can take to achieve a better city.

For each of the themes above, the plan articulates a goal. Each goal corresponds to a set of short, medium and long-term targets to provide measurable indicators of success. Finally, each theme also has corresponding strategies for achieving the targets and a set of actions to implement the strategies. These actions are tabulated according to the respective actions expected from key stakeholder groups: individuals, civil society, businesses, local government and provincial and national government. In that respect, Imagine Durban has created a radically new approach to government in Durban by recognising that all sectors are responsible for the future of the city. No longer is the municipality looking narrowly at its spending programmes; it now sees itself as a facilitator of action by others.

"We all changed by doing the Imagine Durban project," says Sogen Moodley, an urban planner at eThekwini Municipality who helped to lead the project.

Over the next two years, eThekwini Municipality will take its first steps in its new role as facilitator. The Imagine Durban team will work with the various stakeholders to get their *buy in* - to convince them to collaborate on achieving the goals set out in the Imagine Durban Plan.

Partnerships, taking time and courage

Whilst implementation is only just commencing, Imagine Durban has learned a number of lessons on how to create a collective vision for a city.

Don't go at it alone: Partnering with a non-governmental organization has made a big difference. Imagine Durban was always very warmly received, even by formerly combative groups. The mainstream press, which can be very sceptical of city initiatives, was uniquely cooperative. Even the municipal council's main opposition party gave the project its full support.

Focus on the here and now: In a context such as South Africa where residents are aggrieved about a lack of basic services, discussing "long-term" planning can cause irritation. The team instead asked respondents about their own hopes and dreams, and focused on the actions that could be implemented immediately.

Make sure your process is politically supported: Building on a tradition of community consultation, the team worked very hard from the outset to create a range of structures that gave all sectors a sense of ownership. Still, members of the project now recognize that they could have done more to engage with political leaders, and to make them ambassadors of the plan.

Mobilize young people: The experience of Imagine Durban has show that young people inject enthusiasm and excitement into a project. And young people are naturals at long-term planning since they are already so focused on the future.

Be bold and don't be afraid to experiment: As one Imagine Durban Ambassador put it: "It is often easer to apologize than to get permission!" Working a government bureaucracy with rigid procedures can sometimes limit the creative spirit. Having the courage to do things differently in such an environment is an essential asset.

Take time to critique and evaluate: Do not wait until the end of a process to take stock. Make sure that you take time continually to evaluate what has worked, and what has not. This does not have to be formal or scientific. Imagine Durban would merely get the team out of the office for a day and use a strong facilitator to ask the hard questions.

Follow through: Do not underestimate the power of keeping your word. Just doing what you said you would can help bring credibility to your process.

Communicate, communicate, communicate: Having the right set of tools for effective communication cannot be emphasized enough; it can make or break a project. Imagine Durban spared no expense to reach its stakeholders and had a senior-level communication officer who employed multiple mediums to reach a broad array of audiences.

Embrace new opportunities: Keep your eyes open for initiatives that support your outcomes. You will be amazed at how harnessing these opportunities can help create great synergies. Imagine Durban teamed up with local schools, a township renewal project and with a youth centre, to name just a few examples.

Contact

Sogen Moodley, eThekwini Municipality: moodleyso@durban.gov.za
For more information, visit www.imaginedurban.org

INTERNATIONAL SUCCESS STORIES OF PUBLIC PARTICIPATION:
UNDERSTANDING BEST PRACTICE

The Pioneers of Participation workshop highlighted the importance of recognising country context. Yet international experiences shared by participants also highlight the gains of recognising and adapting Public Participation Best Practice. Om Prakash from PRIA in India, Tricia Zipfel from the UK and Nina Best from Polis in Brazil emphasised how both the state and civil society 'learn' effective participatory strategies through ongoing engagement and the adaptation of legislation and policies. This emphasises a recurring theme of the workshop: innovation is as important as legislation, and legislation needs to be flexible enough to allow adaptation.

PIONEERS OF PARTICIPATION

CASE STUD

Each of the international examples flags a key aspect of the workshop discussions held, namely:

» the importance of lessons from international experience and necessity of adaptable government policies;

» the importance of civil society organisations as mediators; and,

» the role of national and international social movements and social activists in ensuring meaningful participation.

Tricia Zipfel emphasised the importance of learning from other contexts, as has been the case in the UK with the ongoing attention from government to the legal framework and national infrastructure to support participation. This framework has been modified both by learning from other contexts – Participatory Budgeting has been adapted from Brazilian examples to suit local public participation initiatives. In India, NGOs like PRIA have adapted their strategies to act as effective mediators between poor uneducated communities and government to ensure effective Development Planning. In Brazil, the importance of strong social movements to lobby for effective public participation over the allocation of resources is underlined in the sphere of Participatory Budgeting, Health and Housing.

The importance of context

The three international cases illustrate how historical, geographic and cultural differences have an impact on participation, particularly at the grassroots level. Each of the cases emphasises the interplay between government and society to achieve effective participation, it is never a 'one way street', nor purely about cooperation versus conflict.

In the UK case, even while there is much longer history of democratic practice, there is no constitution and no constitutional commitment to participation. Effective participation as a way of alleviating poverty has been recognised by government, and over the past ten years the Labour government has been trying to tackle poverty through local neighbourhood renewal programmes and to simultaneously reform local government in order to strengthen their role and encourage more accountability between elected representatives and the communities they serve.

In India, civil society organisations like PRIA have played a critical mediating role between government and poorer communities in Development Planning initiatives. As mediators or intermediaries, organisations like PRIA have helped to give local meaning to national policies like India's Five Year Plans. These Plans led to the devolution of development planning into National, State, District and Local levels and the establishment of district Panchayats aimed at encouraging local participation. The Panchayats were not assigned any meaningful role or resources even though there have been national policy adaptations to the role of Panchayats to allow for power to manage all development programmes. For a number of reasons including poverty and lack of education, many local communities have not been able to play a meaningful role in the Panchayats without the assistance of NGOs.

In Brazil, since the end of dictatorship in the mid 1980s and democratic elections in 1989, social movements have played an important role in ensuring the more equitable allocation of resources especially for development planning, and in ensuring state accountability. Participatory Budgeting highlights the role of communities in ensuring they get their needs met through participation. Social movements have ensured that communities are mobilised through a variety of measures including door to door campaigns where necessary. Strong social movements like the Health and Housing movements in Brazil, provide an effective conduit for ensuring more robust and representative forms of public participation.

Understanding the dynamics

In the UK, the efforts of the Labour government to strengthen local government has included a policy commitment to participation, outlined in a government White Paper entitled "Communities in Control – Real People, Real Power' (see http://www.communities.gov.uk). New legal requirements make it a statutory 'duty to involve' citizens and communities, albeit on the terms of the local authority, and ward councillors now have greater power to raise local issues and initiate 'calls for action'. A new 'duty to promote democracy' is also being introduced and to ensure appropriate local services, community contracts are being introduced at local level, clearly outlining the obligations of service providers as well as local residents. Government has also provided infrastructure in the forms of regional empowerment partnerships (REPs) and local authorities are also being encouraged to transfer public assets (buildings/land) to community organisations so as to establish a network of community anchor organisations that will be able to generate their own income and support community initiatives. Due to strong support for Participatory Budgeting, there are now 82 local authorities adopting some form of devolution of budgetary decisions.

In India, although development planning has long been recognised as an area that required the input of communities, it was only in 1992-93 that the 73rd and 74th Amendments gave constitutional status to local self-government and provided a new and universalised platform for decentralised planning. The comprehensive district plan integrates multiple programmes that are in operation in the District concerned and therefore address backwardness through ensuring that multiple resources flow to the District. PRIA has ensured that communities are actively involved through organising 'stakeholder workshops'. Om Prakash gives the example of the state of Bihar, where the main form of income is agriculture and 42.6% of the population live below the poverty line against India's national average of 26.1%. Literacy levels are 42%, a factor that also hampers participation. Ensuring participation is critical in this state, but mediation has been vital. PRIA has acted as the intermediary, through the organisation of stakeholder workshops that include communities as well as government and others (such as the media). PRIA also assists drawing up of development plans attuned to the needs of very poor communities. To ensure effective planning, PRIA has been instrumental in conducting local service delivery audits to assess what the real needs and priorities are in specific cases such as Bihar.

In Brazil, since democratisation there has been a lack of state accountability on resource expenditure to poor communities in urban communities as well as in towns outside the Sao Paulo city, such as Diadema in the state of Sao Paulo. This has given rise to strong workers, housing and health movements that actively engage with government through formal participatory spaces such as Public Policy Councils. Other forms of non violent pressure such as demonstrations and the occupation of public land have proven effective in the Diadema case. The implementation of a people centred housing and services policy took place in Diadema as a result of the various forms of pressure brought to bear by the Housing Movement and the networks it formed with neighbourhood associations and other stakeholders (including the state owned Housing and Urban Development Company and one of the state owned Federal Banks). These networks were actively encouraged by government under pressure from the Councils, and this ensured a wide basis of consensus and agreement at grassroots level, despite political tensions that arose between the housing movement and the workers movement that became the Workers Party in the 1980s. The strength of social movements in Brazil in relation to the state at different levels emphasises the porousness of the state to the inclusion of key societal actors. This underlines that state and civil society networks are mutually constitutive.

Key issues and challenges

In all three examples, even though the challenges may be contextually somewhat different, there is the question of real political will on the part of government to devolve power for participatory decision-making over resources.

The cases also highlight that policies do not always allow for effective power sharing. The importance of mobilisation, organisation and lobbying on the part of communities is critical.

Ensuring non-partisan representation at community level and in social movements is an issue of particular importance in the UK and Brazilian examples.

The Brazilian case emphasises that keeping networks going and ensuring ongoing mobilisation after key struggles have been settled satisfactorily is a key challenge.

The Indian case also refers to the importance of action after participatory decision-making, especially in relation to the allocation of resources. Failure to deliver on promises makes it harder to encourage public participation in the future.

Key areas of success

Flexible legislation and policies allow for contextual and stakeholder adaptation. Government plays the lead role in 'setting the participatory scene' and determining how stakeholders will perceive the legitimacy of the public space.

Effective citizen leadership, especially through strong networked social movements and organisations, is vital to ensuring accountability and effective public participation.

The UK case shows it is possible to adapt models of public participation best practice (in this case drawn from examples in the South) and make it work in different local contexts if there is flexibility and commitment in all spheres of government.

The Indian case shows how intermediaries can help to make public participation meaningful for the very poor.

Contact

Om Prakash, PRIA: omprakash@pria.org

Tricia Zipfel, tricia@zipfel.uk.com

Nina Best, LogoLink International/Polis: nina@polis.org.br

REINVENTING POLITICS:
NEIGHBOURHOOD ASSEMBLIES IN KENYA

The rejection of the draft constitution in the November 2005 referendum shelved the first attempt at comprehensive reform of local government in Kenya. In the absence of a comprehensive framework on the management of local affairs, efforts to enhance citizen participation have had to rely on the piecemeal administrative reforms carried out since the late 1990s. These reforms, however, have been insufficient to deliver meaningful citizen participation and downward accountability.

Examples of such piecemeal reforms include a 1999 directive to establish the Local Authorities Transfer Fund (LATF), which transfers five percent of national income tax to the country's 174 local authorities (LAs). The release of 40 per cent of a local authority's allocation under the LATF is contingent on the involvement of local residents in drawing up a Local Authority Service Delivery Action Plan (LASDAP).

Experience so far, however, suggests that without a change in the culture of local governance, the participatory processes created through these reforms have been pigeon-holed; there is no indication that they have the potential to gradually transform mainstream local government toward a culture of transparency and answerability to local residents. The culture of opacity remains entrenched. Most municipal decision-making in Kenya does not involve the public, and budgetary and expenditure information is seldom available to the public.

Still, with the growing frustration has also come increased efforts by civil society to ensure that local government remains responsive and transparent. One notable example of a civil society-led initiative to carve a space for citizen participation is the Neighbourhood Assemblies.

Assembling in Vihiga

In 1998, the government of Kenya advertised a call for proposals for community-based projects. Financed by the European Union, the Community Development Fund expected community-based organizations to raise 25 percent of the proposed budget.

One self-help group based in the town of Vihiga (which bears the same name as the district in which it is located) was interested to apply, but could not raise the necessary funds from among its members. The group of women sought advise on the matter from the Christian Partners Development Agency, which suggested they approach the MP for their district.

At the MPs office, the women were told that he was not in, but as they discussed their next step, the MP walked through the office. The group was disappointed by the lie, but also inspired. They ultimately raised their own money, and partly in disgust with the state of politics, decided to reconfigure their group as a Neighbourhood Assembly, a parliament of villagers.

The concept of Neighbourhood Assemblies has since been adopted by the Christian Partners Development Agency. At the end of 2008, there were over 100 neighbourhood assemblies established in Vihiga and Kakamega Districts, and the organization is currently looking for resources that would allow them to expand the model even further.

One idea, many issues

Neighbourhood Assemblies are forms of village level parliaments, intended to address common concerns such as poverty, food security, local leadership and governance. The assemblies have an elected convenor, who is expected to represent the neighbourhood's interests in other forums.

In essence, the assemblies are sites for cultivating alternative forms of leadership. They are not affiliated with any political party; in fact, open party affiliation is discouraged. The remit of the assemblies is determined by the members themselves, though each is operated with a similar governance structure. As a new assembly is established, the Christian Partners Development Agency provides training for assembly members on the procedures and principles of operating one.

The assemblies rely on public deliberation, careful recording of minutes and democratic voting. They have tackled an array of different issues.

In Vihiga and Kakamega districts, Neighbourhood Assemblies have been directly involved in the prioritization, implementation and monitoring of community-funded projects identified through the LASDAP.

In the town of Magui, the Neighbourhood Assembly uncovered the mismanagement of relief food supplies by the area Assistant Chief. They forwarded their complaint to the District Commissioner and copied to the Division Officer. As a result of this, the Assistant Chief was suspended and eventually terminated.

The joints efforts of Neighbourhood Assemblies in Evojo, Chavakali and Lisaswa have addressed incidences of sexual abuse at a local school that involved a headmaster who had bribed the children's guardians in an attempted cover up.

Another Neighbourhood Assembly helped to get the National Constituency Development Fund Management Committee and Kenya Anti-Corruption Commission to investigate a number of ghost projects in the area. The Assembly discovered the irregularity when they noticed the local government had referred to a number of projects on its website that in fact had never been carried out.

Challenges

Establishing Neighbourhood Assemblies has not been easy. It has required sustained efforts by capable community organizers. And even with proper facilitation, not all cases have been successful.

In each instance, winning the trust and cooperation of external actors has been difficult. Local administrators, civic leaders and MPs have all been fearful that Neighbourhood Assemblies were being created to fight them. Overcoming this apprehension has required investments in sensitization activities.

The Neighbourhood Assemblies have often built upon existing self-help groups in the communities. As a result, membership is often still dominated by women. New National Assemblies are making more deliberate efforts to ensure a 50-50 representation, and to encourage youth involvement.

Sustainability has been a major challenge to many Neighbourhood Assemblies. Those that have overcome this challenge have integrated sustainability schemes into their operations, such as *merry-go-round* savings, fund raising and income generation activities, among others. Furthermore, Christian Partners Development Agency has discovered that it is essential to ensure that all established Neighbourhood Assemblies are registered as Community-Based Organizations so that they can more effectively access public and foundation funding.

Contact

Alice Kirambi, Christian Partners Development Agency: alice.kirambi@cpda.or.ke
For more information, visit www.cpda.or.ke or www.cpda.or.ke/pdfs/NA%20successes.pdf

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WATER RIGHTS:
THE SOWETO CRISIS COMMITTEE

In 2002, the Uited Nations Economic, Social and Cultural Council issued General Comment No. 15, a non-binding document intended to be the authoritative interpretation of the 1966 International Covenant on Economic, Social and Cultural Rights. In it, the Council stated that the right to water is a human right and that responsibility for the provision of sufficient, safe and affordable water to everyone, without discrimination, rests with the state.

PIONEERS OF PARTICIPATION

CASE STUD

South Africa has since become the only country with a constitutional right to water. In line with the Constitution, the 1997 Water Services Act stated that a basic level of water should be provided to those who cannot pay. Four years later, South Africa announced that it was going to provide a basic supply of 6,000 litres of safe water per month to all households free of charge (based on an average household size of eight people). Yet in spite of South Africa's efforts, a lack of financial resources and poor institutional capacity has hampered the government's efforts to extend water service universally, and so the country has increasingly relied on private companies, and pursued a strategy of cost-recovery. According to data from the Human Sciences Research Council, millions of people have had their water service cut off as part of the cost-recovery strategy.[1]

The cut-offs have been resisted in court, and also through more direct action. Independently and often spontaneously, thousands of protests have erupted around the country in the past two years in response to the lack of services, including water. According to South African Police Service figures, the number of peaceful public protests rose from 5130 in 1997 to 9230 in 2005. But not all the reactions have been peaceful. Over the same time, the number of violent protest also rose from 880 to 932: figures that have kindled national debate about how local government can be more effectively equipped to tolerate disagreement and dissent.

A legacy of activism

Soweto, a former township that has since been incorporated into Johannesburg, has a famous and tragic history of direct action. In the Soweto Uprising of 1976, thousands of students took to the streets there to protest a government policy to require education in Afrikaans. Police opened fire on the march; hundreds were killed in the violent clashes that followed. In spite of the crackdown, popular resistance to Apartheid continued in Soweto in various forms until South Africa's first multi-racial elections in 1994 ushered in black majority rule.

Parts of Soweto, however, have remained among the poorest in Johannesburg, and the community's activists have redirected their methods of resistance at the privatisation of services.

Direct action

The Soweto Crisis Committee was originally known as the Soweto Electricity Crisis Committee when it formed in 2002 in response to cut-offs for non-payment by Eskom, the public electricity commission. Eskom was cutting off as many as 300 customers per day in the community of 1.5 million. According to Zodwa Madiba, a member of the Crisis Committee and a Johannesburg city councillor, residents where unable to pay because Eskom hiked its rates as part of its new cost-recovery strategy. On repeated occasions, Eskom was invited by local councillors to meet with the community to explain the price fluctuations; the company only sent more engineers to read meters and cut off those in arrears.

With support from Operation Khanyisa - a larger movement which takes its name from the Zulu word for "to light" - the Soweto Crisis Committee began to restore electricity to homes that had been cut off.

"Fortunately, in this community we had technicians, who know electricity. When Eskom switched off the electricity, then the technicians switched it on for you, free of charge, no payment," Madiba said. "So then everyone in Soweto was saying, you must join this organisation because they will reconnect your electricity."

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[1] For more on South Africa's right to water, see: Mehta, Lyla (2005) "Unpacking Rights and Wrongs: Do Human Rights Make a Difference? The Case of Water Rights in India and South Africa." IDS Working Paper No. 260, The Institute of Development Studies: Brighton.

To make their point to the city's politicians, the Crisis Committee marched to Mayor Amos Masondo's house in 2005 to shut off his electricity. A security guard opened fire on the group, shooting one protester.

The Crisis Committee has challenged other attempts to deny basic services on account of non-payment, including school fees and health services. But most recently, the group has fought against the installation of pre-paid water meters in Soweto.

Lyonnaise des Eaux, a subsidiary of a French multinational corporation, entered into an agreement with the city of Johannesburg in 2000 to manage water and wastewater services for the city's 3.5 million inhabitants. Lyonnaise soon after began installing pre-paid water meters. To get water from your tap, a token would have to be purchased and inserted into the meter.

Court battles

In addition to removing the meters, the Crisis Committee challenged the company in court and won; the court ruled that pre-paid meters were illegal. The Mayor of Johannesburg, however, appealed the ruling to a higher court in Pretoria, which concurred that pre-paid meters were illegal, but nonetheless gave the city two years to adjust its laws to accommodate the payment modality. Again, residents appealed to the Constitutional Court, which ruled that pre-paid meters do not violate the constitutional right to water. It was a devastating blow to the movement.

"It feels terrible, but we said the struggle will continue," said Madiba. "We'll fight for our water, because it's our right. We'll mobilise people on the ground and go door to door and we'll explain why water is important."

Contact

Zodwa Madiba, Operation Khanyisa Movement: zodwamadiba@joburg.org.za

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POLITICS ASIDE:
PURSUING DEVELOPMENT IN ZIMBABWE'S BIGGEST SLUM

"The economic situation in Zimbabwe is not very conducive to building good relationships between those in office and those expecting services," says Kizito Muhomba, Secretary of the Local Board of Epworth, a peri-urban area on the outskirts of Harare and the site of the country's largest informal settlement.

Amid social unrest, political instability and hyperinflation, the Zimbabwean economy has shrunk for ten straight years (1999-2008), and with it, the government's ability to provide education, water, sewerage, roads and other basic necessities.

The crisis was heightened when electoral authorities in 2008 announced that the opposition Movement for Democratic Change (MDC) had not won enough votes to avoid a run-off in the presidential elections. Denouncing the run-off as a "violent sham," opposition candidate Morgan Tsvangirai withdrew from the election, leaving incumbent President Robert Mugabe uncontested. Many foreign nations condemned the process and tightened sanctions against the country's leaders. The official inflation rate rose above 100,000 percent that year.

Early the following year, in a negotiation efforts led by South Africa, incumbent Robert Mugabe and opposition candidate Morgan Tsvangirai singed a power-sharing agreement that left Mugabe as President and made Tsvangirai Prime Minister. Later that year, with no funds to pay health workers, and struck by a cholera epidemic, Zimbabwe declared a national emergency.

Though the cholera epidemic and hyperinflation have since been contained, the unity government has been beleaguered by in-fighting between Mugabe and Tsvangirai and their respective parties: the Zimbabwe African National Front-Patriotic Front (ZANU-PF) and the MDC. The distrust and anger created by the political situation continues to fuel local violence. In this context, local participation requires a special brand of leadership.

Informal settlements and formal politics

During Zimbabwe's long War of Liberation against white-minority rule, thousands of displaced people settled in Epworth, which was then the site of a Methodist Church Mission. With the influx unabated, even after the end of the conflict in 1980, the Methodist Church later ceded the land to the government.

Kizito, whose job is comparable to city manager in Epworth, estimates Epworth's population is now 300,000, about 70 percent of which have settled informally: with no title to the land. Epworth grew so quickly and with so little planning, that much of the area still lacks basic infrastructure such as water, sewerage and roads. The informal dwellings themselves are often precariously constructed.

In 1986, a local board of commissioners - the equivalent of a municipal council - was appointed with two mandates: to facilitate the registration of land titles and to promote the local economy. Formalizing land titles in Epworth, however, posed a threat to the use of empty plots for grazing by many residents. Many of the informal settlers hence refused to cooperate with the local board and even opposed the proposal to hold local elections.

In an attempt to break the deadlock and to facilitate dialogue between the board and residents, Ward Development Committees were established, one in each of Epworth's seven wards. Residents were asked to appoint locally respected individuals to the committee. Ward Committees are not provided for in the Zimbabwean legal framework for urban local government, so the decision veered Epworth into slightly uncharted territory. The arrangement seemed ideal at the time in the absence of elected councillors, but because development committee members had no legal power, their input was by and large ignored (often only taken into account where it was not in variance with council's position).

"We are talking about poor people, and when a poor person enters the office, the impression you might have about them is negative. You might not listen."

The relationship was further strained when elections for board councillors were eventually held for the first time in 2008, giving control of the board to the MDC. Ward Committees, on the other hand, were almost all in the hands of Zanu-PF supporters. Both sides refused to even meet, Kizito recalls. Complicating matters, financial transfers from central government - which finance most of local spending on infrastructural development - stopped coming three years ago.

Bridging the divide

Kizito took the first step to ending the impasse. He went to each of the wards to explain the situation. All but one of the wards responded by selecting a more politically balanced ward committee. The one ward that refused to shuffle its committee was Ward 7, also known in Shona as *Gada*, which translates as 'free rider' - the ward where informal settlements are concentrated.

Another challenge to the relationship between the local board councillors and the communities was the attitude toward the poor. Kizito worked to communicate the position of the settlers as fairly and accurately as possible to the board councillors.

Communication between the board council and the committees was eventually re-established, but Epworth still had no funds to carry out a significant programme of formalization of the housing. Kizito turned to Dialogue on Shelter for the Homeless, the technical partner of the Zimbabwe Homeless People's Federation, a network of community savings schemes made up of households living in poor urban communities across the country.

In the current climate in Zimbabwe, it's easy to get branded as a political conspirator, and any objection from the provincial, district or local authorities can prevent a civil society organization from operating in a community, so the Homeless People's Federation makes great efforts to remain politically neutral. At its meetings, no political banners, slogans or t-shirts are allowed.

Such policies have earned the organization trust in Epworth's Ward 7, but the process has been gradual, and facilitated in part by Kizito. According to one Federation activist, Kizito helped to organize community meetings when the Federation began to recruit members in the area. Civil society is returning the favour now.

Dialogue for the Homeless first helped Epworth to carry out a topographical survey of the area, and it is carrying out an enumeration exercise that is crucial to planning. The cooperation is opening the possibility for the long-postponed formalization of the settlements.

Residents have long been reluctant to contribute taxes to fund neighbourhood improvements, but through the Federation's savings schemes, which are managed transparently by members, communities have begun to pay for their own roads and pipes. Some residents have become more open to the idea of formalizing.

The procedure of formalization has also become easier after Epworth granted permission for members of the Federation to use their savings booklets as a valid identification to register on the waiting list for plots.

It takes two

Huge infrastructural challenges remain in Epworth, and political acrimony continues to trouble the relationship between the Epworth board council and ward committees. Still, given the constraints, the progress has been remarkable.

Much of the credit is owed to the presence of a pioneer within the local authority who was able to win enough trust to broker a dialogue among the various stakeholders: the board councillors, the ward committees and civil society leaders.

The Epworth board council, however, would have equally been powerless without the capabilities of the Homeless People's Federation and Dialogue on Shelter for the Homeless. Their community-based development approach gave residents the confidence to engage with formalization projects as they set their own agenda for development.

Epworth, like so many of the other cases, reiterates the need for pioneers on both sides of the government-public divide.

Contact

Kizito Muhomba, Epworth Local Board: kizitomm@yahoo.com