

**Assessing the role of councillors in
service delivery at local government
level in South Africa**

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Assessing the Role of Councillors in Service Delivery in South Africa

Research report 125

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Centre for Policy Studies
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1. INTRODUCTION

This research report presents the findings of a study that explores the role of elected public representatives (local councillors) in service delivery. According to the Handbook for Municipal Councillors¹, the broad mandate of local government officials is to promote developmental local government and facilitate socio-economic development at the local municipal level.

The study uses four municipal case studies to examine the role of councillors in municipal service delivery. The research findings highlight the experiences of elected leaders in facilitating local government service delivery. The research project was carried out in 2009/2010. The project was well timed in the light of the increasing incidence of sometimes violent service delivery protests in South Africa. It was also relevant because of the forthcoming 2011 local government elections, which will throw the spotlight onto the performance of local government councillors as political competition increases.

Local government in South Africa has, since the transition to democracy, undergone a series of changes to meet the needs of a consolidating democracy and the development of the country's citizens. The challenges include: addressing apartheid-legacy underdevelopment of the regions and municipalities, fostering participatory governance at the local level, consolidating local government to facilitate sustainable development and improving service delivery. The developments at local government level have been supported by appropriate legislative responses to facilitate service delivery. The responses include the 1998 White Paper on local government, which recommended a policy of developmental local government which placed greater emphasis on participatory planning. The White Paper called on councillors to work with the institutions of civil society to foster community participation and consensus around development and find local solutions to problems². In 2001, municipal boundaries were redrawn in a delimitation initiative that resulted in the reduction of the total number of municipalities from nearly 1000 to 284 municipalities. In 2007, The Department of Provincial and Local Government undertook a local government policy review which, among other findings, acknowledged the need for an examination of existing participatory mechanisms to improve the quality of citizen participation in local government decision-making. In 2009/2010, following a review of the State of Local Governance in South Africa, the Ministry of Co-operative Governance and Traditional Affairs launched the Municipal Turnaround Strategy. The strategy attributed municipal service delivery problems to external and internal factors. The internal factors related to issues over which the municipality could exercise a direct influence, such as the quality of decision-making by councillors, the quality of appointments within the municipal administration, procurement and financial governance. The external issues were those over which municipalities exercised little control and included its revenue base, the legislative environment, demographic and prevailing macroeconomic conditions and also inter-governmental relations (IGR). At the time of writing, the municipalities were implementing the Turnaround Strategy.

¹ SALGA, GTZ. 2006. Councillor Induction Program. Handbook for Municipal Councillors

² Watson V 20001: Conflicting rationalities: implications for planning theory and ethics. *Planning Theory* 7 Practice 4:4, 395-407 URL: <http://dx.doi.org/10.1080/1464935032000146318>. downloaded on 9 June 2009

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This research project aims to contribute to the debate and increase policy-makers' understanding of the dynamics of local government service delivery, with the ultimate goal of strengthening service delivery in South Africa. The motivation for the research came from a realization that policy interrogation efforts into local governance have largely focused on the role of the citizenry and/or the appointed municipal officials. There is a dearth of research on elected officials who are a fundamental part of the local governance system and whose role has a policy-shaping influence. Political leadership and its effectiveness at local government level is an important but often neglected aspect of governance. Although the South African Constitution makes elaborate provision for the vertical and horizontal integration of local, provincial and national government, it does not provide guidance on the models of leadership to guide local governance structures. As a result, various municipalities have different leadership styles which have a bearing on the specific municipal dynamics. The project aims to:

- enhance the quality of public debate on the role of councillors in developmental local government;
- influence policy by contributing to the debate on the impact of local government leadership on service delivery;
- facilitate the quality of interaction between citizens and their elected representatives and;
- improve service delivery by making a contribution towards the development of the system of local government by proposing alternative models of public representation and accountability at the local level.

The project activities included a literature review; primary field data collection; analysis of interviews; the development of a research report on the findings of the research; and dissemination of findings through a workshop and other forums.

1.1 Methodology

The study investigated the views and experiences of elected council officials in local government. The research was qualitative and the selection of the case study municipalities was guided by a number of factors. One of these was an initial scan of the literature on South African municipalities, in addition to practical resource limitations such as a limited budget to undertake the primary data collection phase of the research. The researchers also tried as far as possible to select municipalities in the same category. Category B (otherwise known as smaller local municipalities, defined by the Municipal Structures Act (1998) were selected for the purposes of study and comparison. The four municipalities were: Khara Hais in the Northern Cape Province; Randfontein Municipality in Gauteng Province; Phumelela Municipality in the Free State Province and Madibeng municipality in the North-West Province.

In addition, the selection of municipalities was also based on targeting municipalities which incorporated a range of different settlement types. The representation covered a scope from the more sparsely settled

municipalities in rural areas to more densely settled ones in urban settings. The interviews were carried out between September and December 2009.

The primary data was obtained through one-on-one interviews and group discussions with the councillors and officials. The aim of the individual interviews was to collect information on individual attributes of councillors and to assess their experiences and opinions of the work they do. All the participants were asked the same questions which were drawn from an interview guide that was developed for the purpose of this study. The councillors were selected in consultation with the office of the Speaker in each municipality. In selecting the respondents, the researchers had initially planned to interview councillors from the different political parties as well as male and female public representatives. However, owing to the difficulties in securing appointments before planned field trips, the researchers interviewed only those councillors who were available and accessible at the time of municipal visits. The researchers spoke to the Ward Councillors, Proportional Representation (PR) Councillors, Members of the Mayoral Committee (MMC) councillors and Mayors and Speakers where possible. Forty-three councillors representing various political parties were interviewed.

The individual councillor interviews were complemented by individual interviews with municipal officials. Thirteen municipal officials were interviewed in this research. The aim of the interviews was to generate informed opinions about the municipal context and the work of the councillors. The municipal officials served as key informants as they interacted with the councillors in their various duties.

One group discussion was held in each municipality. The group discussions were held with councillors after the individual interviews had been undertaken. The aims of the group discussions were to further interrogate some of the issues which had been raised in individual councillor interviews and to give an opportunity to councillors who had not participated in one-on-one interviews to participate in the study. There was a need to factually verify findings obtained from interviews and the literature review. The group discussions also gave the councillors an opportunity to interact in a different forum where they were able to discuss issues and reflect on their work. The discussions in the groups were guided by the feedback from the floor and issues raised in the individual interviews. The group discussions also gave the researchers an opportunity to observe councillor interaction and the dynamics which formed the conclusions. Telephonic interviews were carried out during the report writing stage to fill the gaps that emerged during the analysis. The Centre for Policy Studies held a dissemination workshop on 13 April 2010, which was used to disseminate the results of the research and to verify the findings from the field visits.

The research team has, in analyzing and reporting on the findings of the study, endeavoured to reflect the broad perspectives and opinions of the respondents and the factual information on the municipalities as honestly and accurately as possible. In some instances, direct quotes are used. In others, the sensitive nature of the situation in the municipalities negated the use of direct quotes as this would betray the anonymity of councillors who volunteered this information. The research team relied on interviews, print and electronic media to collect factual information on the state of service delivery in municipalities. Where possible, this information was verified with the relevant municipalities. The qualitative nature of the research makes its findings more subjective but the

researchers believe the findings of this report are indicative of the situation on the ground and can be used as a basis for policy making around the role of councillors in service delivery.

1.2 Structure of the report

Chapter 1 provides an introduction and context of the study as well as laying out the purpose of the research and the methodology. Chapter 2 focuses on the review of the literature which involved a scoping of the key issues including service delivery challenges and the role of elected public representatives in service delivery at local government level in South Africa. The literature review also identified some best practices on the role of political leadership at the level of local government in various countries and city-regions around the world. Chapter 3 presents the case study findings. The four case studies are presented individually to illustrate how specific local contexts shape councillors' effectiveness and their roles played in municipal service delivery. Chapter 4 draws conclusions derived from the findings of the municipal case studies and suggests recommendations based on 'lessons learned' from the case studies.

2. SCOPING OF THE LITERATURE

2.1 Introduction

The purpose of this literature scan is to scope key issues, including service delivery challenges and constraints as well as the role of elected public representatives in service delivery at local government level in South Africa. The scan of the literature is also meant to identify models of the roles and functions of elected public officials in other selected countries for purposes of comparison with South Africa, in order to draw some lessons from these comparisons.

The first section of the review highlights briefly the major transition phases in local government in South Africa, from the 1990s until the late 2000s. This brief description sets the scene for the scan by indicating the challenges that the local government system has experienced since the early 1990s as it tackled transformational issues and the need to fulfil its mandate guided by the framework of Developmental Local Government in which it must function³.

The literature scan then describes the roles of functions of local, elected councillors in South Africa and the framework within which they operate as well as some of the weaknesses of the current institutional and legislative pillars that guide the functioning and activities of local councillors. A summary of some recent key research

³ The model adopted by the South African government to achieve the provisions set out in the Constitution was Developmental Local Government. This model is underpinned by a key value of working together with local communities to find sustainable ways of meeting their needs. Developmental Local Government has a number of characteristics, including the promotion of social and economic development; a coordinated and integrated approach to development; active citizen participation in the development of communities and effective leadership. See the White Paper on Local Government (1998).

undertaken on councillor and ward committee performance is also provided as a counterpoint against which to contrast legislative expectations of councillors with the reality on the ground.

The final section of the scan of the literature looks at some of the alternative models and roles of elected local government officials in selected countries for the purposes of comparison and to draw lessons from them for the improvement of the South African system of public representation at local government level.

2.2 The policy context: key transitional stages in local government

This section highlights the key policy changes in local government over the last decade as a background against which to explore the challenges faced by local government. It also examines the role of councillors in the process of facilitating the objectives of municipalities to ensure that citizens have their needs addressed.

Three phases in local government transition in South Africa have been identified⁴. These are: first generation issues, focusing on political concerns of the amalgamation of Transitional Local and Regional Councils. A second phase or second generation issues focus on developing a model for local government in accordance with the provisions set out in the Constitution⁵ (Chapter 7) and third generation issues are those that concern the practicalities in the provision of services and development management. The model of Developmental Local Government adopted in 1998 was concretised through legislation in the form of the Municipal Structures Act (1998) and the Municipal Systems Act (2000). In 2001 municipal entities were rationalised from 1 000 to 284 municipalities. This was aimed at promoting effective local government in order to make better use of limited development resources, including finances. To facilitate participative democracy outlined in the Municipal Systems and Structures Acts, the Ward Committee system was introduced. By 2004, this system had become the main form of community participation in local government. The major structural and policy changes to local government between the late 1990s and early 2000s placed an additional strain on this poorly-resourced third tier of government and service delivery problems over this period did not end. In accordance with the Constitution, obligating National and Provincial government to strengthen and support municipalities through legislative and other measures, a review of local government began in 2007. The review was aimed at addressing the ongoing service delivery challenges facing local government. The purpose of the review was, among other issues, to focus on examining existing systems of participatory governance to improve the quality of citizen participation in decision-making at the local municipal level, in determining the content of Integrated Development Planning. The outcome of this process was meant to lead to the development of a White Paper on Provincial Government as well as a review of the existing White Paper on Local Government⁶.

⁴ Atkinson, D. A passion to govern: third-generation issues facing local government in South Africa. Democracy and Governance Programme, Human Sciences Research Council, 2002.

⁵ South African Constitution of the Republic of South Africa, 1996

⁶ At the time of writing, the 2007 Review had not been concluded, but there are new parallel processes underway, including the development of a Green Paper for the newly established Department of Cooperative Government and Traditional Affairs (CoGTA) as well as other policy development processes such as the Turnaround Strategy for Local Government being implemented by CoGTA.

2.3 The role of councillors in the South African system of local government

The work of councillors is guided by the framework set out in the White Paper on Local Government (1998) that proposes a developmental model of local government. Developmental local government espouses the philosophy of sustainable ways to meet the socio-economic needs of residents and improve the quality of life, particularly targeting the most marginalised and poorest members of society.

There are two broad categories of councillors: ward councillors and PR councillors. The PR councillor is elected through the Party lists and is primarily accountable to the party⁷. The PR Councillor may interact with local and provincial party structures and may sometimes serve as a substitute chairperson on Ward Committees in cases where Ward Councillors cannot be present. PR Councillors are also allocated to wards to improve their accountability to communities⁸.

Ward Councillors⁹, on the other hand, are expected to make sure that the concerns related to the wards they serve in, and are chairpersons of, are represented in Council. Apart from the articulation of residents' needs in council, Ward Councillors are responsible for:

- giving ward residents a progress report, explaining the decisions of the council in committing resources to development projects and programmes affecting them;
- assessing whether the municipalities' programmes and plans are having their intended impact;
- assessing whether services are being delivered fairly, effectively and in a sustainable way;
- determining whether capital projects are being committed in accordance with the IPD Plan;
- staying in close contact with their constituencies to ensure that council is informed of all issues on the ground and
- conveying important information from council to residents.

Councillors therefore serve as the interface between the citizens they represent and the municipal officials who design and implement development policies. The councillor's job is not just to serve as the voice of the people, for the expression of their community needs, but also to act as a watchdog and ensure the municipality implements policies to address the needs of citizens. The Ward Councillor as chairperson of his or her ward must also raise concerns to council on behalf of ward members when residents experience problems relating to the

⁷ Councillor Induction Programme: Handbook for Municipal Councillors, South African Local Government Association (Salga) and the German Technical Cooperation (GTZ), 2006. p 54

⁸ Jossel, L. Local Government. Fiscal Management and Accountability Handbook. Open Society Foundation for South Africa, 2005

⁹ Ward councillors are elected by a specific, geographically-defined ward

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financial management of a council¹⁰. Councillors are also required to make recommendations to municipalities for the improvement of policies and programmes within the broad framework of developmental local government.

2.3.1 Councillors' roles in committees and oversight

Councillors also serve as members of committees within Council. These committees are usually charged with the development of new policies. Committees include the Executive Committee, which decides what policies and proposals are put before Council to be discussed and subsequently enacted as municipal policy¹¹. Section 33 of the Municipal Structures Act provides that a municipality may establish committees detailing the specific powers of such committees and the need for delegation and commitment of resources to such committees. Section 79 Committees are established by the Council and its members for the efficient and effective performance of the Council. Members of the Committee comprise members of the Council, which determines the powers and functions of these committees. Municipalities are not obliged to establish Section 79 Committees and the general trend is for municipalities to establish Section 80 Committees rather than Section 79 Committees¹². Section 80 Committees are also established by the Council, specifically to support the Mayor. The Executive Mayor may appoint a person from the Mayoral Committee or Executive Committee to chair each committee (Section 79 Committees) and may also delegate powers and duties to these Committees if necessary.¹³

Figure 1 below summarises the functions and main characteristics of Section 79 and 80 Committees:

Figure 1: Functions of Committees

Section 79 Committees	Section 80 Committees
Council determines functions and may delegate powers and duties	Executive Mayor delegates powers and duties
Council appoints chairperson	Chairperson appointed by Mayor
Committee may co-opt non-councillors	Committee comprises only councillors
Committee plays an oversight role for the effective performance of functions of Council	Committee is established to assist the Mayor only

(Source: City of Johannesburg, Integrated Development Plan 2004/2005)

¹⁰ This is in terms of the Municipal Finance Management Act, Section 17 (f).

¹¹ Ibid. , p 50

¹² De Visser, J., Steytler, N., May. A., 2009. The Quality of Local Democracies: A Study into the Functionality of Municipal Governance Arrangements. Community Law Centre for SALGA and GTZ.

¹³ Municipal Structures Act. Section 80., 1998.

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To promote inclusive, participatory governance, municipalities should be encouraged to use the committee system, with preference given to Section 79 Committees rather than Section 80 Committees, that serve to support the Executive in the Council¹⁴. De Visser et al. (2009) argue that where Section 79 Committees do exist, the trend, especially in larger municipal entities, is to relegate them to a management function covering more generic areas rather than those which specifically deal with oversight¹⁵. This renders Section 79 Committees ‘toothless’ in respect of the effective oversight role they should be playing through the Portfolio Committees¹⁶ (for example see Figure 2 below). Quarterly Council meetings are not conducive forums for raising sector specific issues. By restricting Portfolio Committees to Section 80 Committees, ordinary councillors are excluded from discussions on plans and policies to be implemented:

The deliberations and recommendations of a Section 80 committee meeting are conveyed to the executive through a member of the executive in a meeting that may well be behind closed doors. This also means that councillors who have a seat in Section 80 committees have no knowledge of how the recommendation of the latter was delivered to the mayoral committees. In a municipality that is dominated by Section 80 committees, the room for an ordinary councillor to exercise oversight is therefore limited¹⁷.

Despite these weaknesses, councillors have the responsibility to make important decisions by voting in Council on issues such as resolutions of Council, policy changes, the Integrated Development Plan and the annual budget. Councillors therefore need to be informed about the content of plans, but for many councillors, especially opposition councillors, it appears that they are excluded from key discussions revealing the content of policies and plans.

Once decisions have been taken in the Party’s caucus, Party members are expected to vote in the Council sitting according to that decision. PR Councillors are usually responsible for this¹⁸.

- Figure 2 illustrates that in many municipalities, Section 79 Committees are used more for generic municipal management functions rather than specific oversight functions in key portfolios responsible for specific Service Units, such as, for example, Health and Sanitation. Section 80 Committees appointed to serve the municipal Mayor only, are very often where these key Portfolio Committees are located.

¹⁴ Local Government Bulletin, Debating the Turnaround. Formulating the Pillars of the Turnaround Strategy Vol., 11, Issue 5, p12-14.

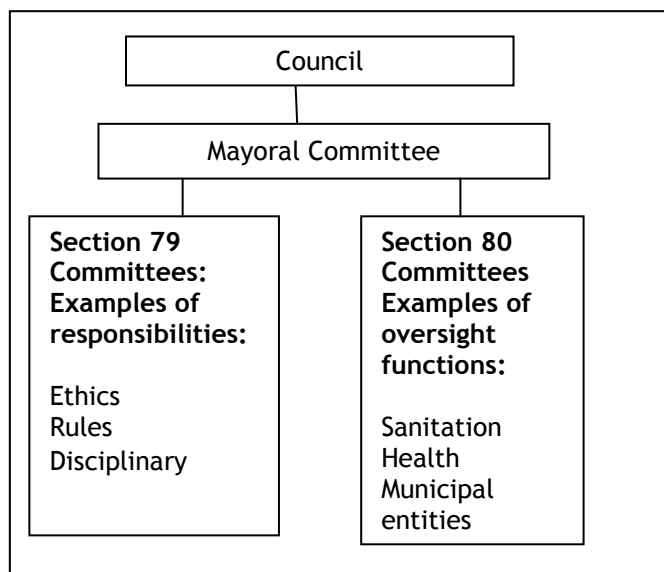
¹⁵ Op.cit. J.de Visser et al.2009

¹⁶ Portfolio Committees are responsible for oversight in specific sectors such as Water and Sanitation, Roads and Parks etc.

¹⁷ Op. cit., de Visser et al. 2009, p. 25

¹⁸ Op.cit., Handbook for Municipal Councillors., p.50

Figure 2: Illustration of a typical political governance structure in a municipality



2.3.2 Enforcing councillor accountability

A local accountability framework has been established to ensure municipalities are accountable to their citizens. This framework is enshrined in the Code of Conduct incorporated into the Municipal Systems Act (2000) that is meant to ensure councillors and Council abide by the principle of accountable local government. Briefly the Councillors' Code of Conduct stipulates that councillors must:

perform their duties in good faith, honestly and in a transparent manner;

attend meetings of Council or Committees they are members of, and if they do not attend such meetings they are required to obtain a leave of absence;

not stand to acquire any direct benefit from a contract concluded with the municipality;

not engage in any other paid work without the consent of council if they are full time councillors;

not use their privilege or confidential information for private gain or for themselves;

not request, solicit or accept rewards, gifts or favours for ... voting (or not voting) in a particular manner; for persuading Council or any committee "to act in a certain way" and "without consent...to disclose privileged or

confidential information of the Council to unauthorised persons."¹⁹ Finally, councillors are also prohibited from interfering with municipal administration, not to enforce an obligation in terms of the Systems Act²⁰.

The Code of Conduct is enforced through the intervention of a number of parties including the Speaker²¹, the Council and the MEC for local government. The Speaker plays a key role in the enforcement of the Code of Conduct. Where alleged breaches to the Code of Conduct have occurred, the Speaker must ensure that these are investigated. Council meets at least four times a month and the Speaker is responsible for the maintenance of discipline in Council²².

Despite the provisions in the Structures and Systems Acts, de Visser (2006) notes that there may be weaknesses as to which body investigates councillor misconduct, as well as to whom councillors are actually accountable, with respect to the Code. These issues are important when there is a need to ensure rapid action, following a contravention of the Code by a councillor. Since councillors are the first point of contact with citizens, when there is a suspicion that a councillor is not performing his or her duties in accordance with the Code, this may fuel further anger amongst citizens, especially when they feel that the municipality is not addressing their needs adequately.

There are a number of potential problem areas with respect to the legislation concerning the Councillor Code of Conduct misdemeanours and subsequent disciplinary action. These can be summarised as follows²³:

- While investigations of councillor conduct rest with the local Council, the MEC for Provincial Government also has the authority to investigate misconduct of councillors, especially in cases where Council proceedings following an enquiry appear to be inadequate. Communities may feel that this is an unsatisfactory solution, since accountability should be at the local level and local internal disciplinary procedures at Council level should be where cases of this nature rest, rather than at provincial level.
- The organizational hierarchy within a municipality can also cloud the disciplinary procedure and the action that should be taken against councillors contravening the Code. The Speaker is the guardian of the Council, tasked with protecting its integrity and is accountable to Council. The Speaker and Mayoral offices therefore need to respect each other's authority in relation to the upholding of the Code. All councillors (including the Speaker, Mayor and Executive Mayor) must abide by the Code. The Speaker is tasked with being responsible for the actions and the behaviour of councillors and is responsible for the monitoring and compliance with respect to the Code of Conduct. However, in reality, within many municipalities, the Mayor heads the organizational hierarchy and in such instances the Speaker may ultimately be accountable to the Mayor and not the Council.

¹⁹ Municipal Systems Act, 2000. Schedule 1, Items 2-11

²⁰ These obligations are the duties specified in Section 6 of the Municipal Systems Act(2002) and include for example taking measures to prevent corruption

²¹ The Speaker is a councillor elected by the municipal Council to preside over Council meetings.

²² Municipal Structures Act, Section 37, 1998

²³ de Visser, J. Local Accountability: Enforcing the Code of Conduct for Councillors. Local Government Working Paper Series. No.2, 2006. Community Law Centre, University of the Western Cape.

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- A political hierarchy within parties may also exist, which compromises the authority of the Speaker. For example where the Speaker is junior in the party hierarchy to the Mayor of a municipality, dominated by a single party, the Speaker may be politically controlled by the Mayor, compromising his/her ability to supervise compliance of the Code of Conduct.
- Finally, in respect of the legislation, the Speaker does not have final authority to sanction a councillor. This rests with the Council and the MEC for Local government.

2.4 The reality on the ground: councillor performance and service delivery dissatisfaction

A number of studies have highlighted key weaknesses and challenges facing public representatives at the local government level in South Africa. Some of the findings of these studies are highlighted below.

In case study research on the performance of councillors in the Northern Cape and Free State, a number of issues that negatively impact on the performance of councillors were identified²⁴. These include high councillor turnover on the one hand and work-overload on the other, as councillors attempt to meet the requirements of their positions as specified in the Municipal Systems Act (2000). Another issue is a virtual collapse of municipal administration, with key appointments not being filled, making it impossible to continue with the daily functions of the municipality. This affects things like the implementation of development projects in municipalities.

In addition, a range of problems between the Executive Structure (decision-making structure) in the municipality and ordinary councillors²⁵. These include poor channels of communication from the municipal administration, non-functional ward committees, the centralisation of decision-making to the Executive Committee under the Mayor and the lack of a meaningful mechanism for councillors to influence decision-making, amongst others. A specific subset of problems that further affects the performance of councillors is the dysfunctionality of Ward Committees in many municipalities. Ward Committees are beset by a number of practical infrastructural problems such as a lack of constituency offices from which to operate, as well as a lack of administrative support. Some Ward Committees also experience a spillover, so that members begin to take over some of the work that poorly-staffed municipalities should otherwise be doing.²⁶ Finally, some Ward Committees can also be used by councillors for political patronage purposes.

A study²⁷ of 12 municipalities in the Western Cape, Northern Cape, Free State and KwaZulu-Natal to understand the impact of HIV/AIDS on Ward Councillors the researchers found that between 2001 and 2007, of the 589 by-elections that were held nationally, some 48% of these became necessary as a result of deaths of

²⁴ Op.cit. D. Atkinson, p. 18

²⁵ Ibid.

²⁶ This may result in the blurring of the boundaries and compromise the function of Ward committees, diverting them from serving as representatives of communities towards functioning as 'employees' of a municipality (Ibid.)

²⁷ Chirambo, K., Steyn, J. Aids and local government in South Africa: Examining the impact of an epidemic on ward councillors. Aids, Security and Conflict Initiative (ASCI). ASCI Research Report No. 25, February, 2009

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councillors, confirming the high rate of councillor turnover in earlier studies. The life expectancy of councillors is estimated at 51 years, with the largest %age-share of deaths (21% in 2001) in the age-range of 25-29 years and 35-39 years. The researchers argue that AIDS may be the major cause of death amongst councillors, because the life expectancy of councillors mirrors the life expectancy of South Africans in general and the main reason for the low life expectancy of South Africans in these age cohorts is attributed to HIV/AIDS infections. The loss of councillors from the local government sphere depletes the local leadership structure and disrupts the relationship between local political leaders and residents and accentuates the perceptions of non-delivery²⁸. AIDS-related illnesses may also affect the productivity of councillors as long periods away from their constituencies affects their ability to represent them effectively. In addition, frequent changes of councillors due to illness or death may also impact on the training of new councillors with the attendant loss of institutional memory of councillor work²⁹.

An in-depth analysis of 14 community protests from 2007 onwards, highlighted the poor performance of public representation as well as the dysfunctionality of local government administrative structures as being the main focal points of anger, directing community protests over service delivery³⁰. The author argues that it was a sense of desperation over the disconnection of local councillors as well as a dearth of hearings from public officials that were the main causes for service delivery protests over this period. In this period, protest reasons concerned not only local issues but broader national ones, overlapping with the national government jurisdiction, including policies such as addressing the needs of the poor and their desperation and failure to change their poverty-stricken circumstances. In the period preceding the 2006 local government elections, protests were used as the main instrument to focus government's attention on poor service delivery. These protests bore fruit because a large number of new candidates were brought into the elections to replace the under-performing incumbent councillors. In addition, the ANC candidates were required to sign a pledge of service and representation and the ANC election campaign promised to make local government work. However, despite these pledges, the campaign was not very effective and problems persisted after 2006 with poor representation of citizens' interests and poorly-performing municipal bureaucracies featuring as the main reasons for community protests in 2007 and 2008³¹.

The National Ward Committee Survey 2004/2005³² indicated that the percentage of municipal respondents who reported that their municipality had formulated municipal policy to structure the roles and functions of Ward Committees, ranged from highs of 100% in the Eastern Cape and Gauteng, to lows of 41% and 50% respectively for the Northern Cape and KwaZulu-Natal. With respect to the actual functioning of Ward Committees, the study reported that Ward Committee documents that were meant to guide the roles and functions of Ward Committees were very often contained in Council guideline documents, but that policy documents at the municipal level were

²⁸ Ibid., Chirambo, K., and Steyn, J. 2009. , p. 13

²⁹ Ibid., p45

³⁰ Booyesen, S. 2009. Beyond the Ballot and the Brick: Continuous dual Repertoires in the Politics of Attaining Service Delivery in South Africa. In the Politics of Service Delivery. Eds. Mc Lennon, A., Munslow, B. 2009. Wits University Press.

³¹ Ibid. p, 113

³² National Ward Committee Survey, March 2005. Department of Provincial and Local Government and the gtz German Technical Cooperation

frequently only copies of DPLG and SALGA guidelines³³. This may suggest that despite the importance of Ward Committees in facilitating participatory democracy, the lack of guidelines limits the effectiveness of the structures. Further, where guidelines do exist, these are not legislated in the form of the passing of a by-law. The report concluded that avenues for reporting back from the Ward Committee to Council varied widely between municipalities. For example, some municipalities require that Ward Councillors submit items for consideration through the Mayor or Municipal Manager, whilst others provide a secretary at Ward Committee meetings and these officers are responsible for ensuring that notes of these meetings reach the Speaker. Avenues for reporting back from the Ward Committee to the Council are therefore confused and the report notes that “the common assumption that the Ward Councillor has the opportunity to raise matters from ward-level³⁴ at Council meetings may be misplaced.”

Less than half (47%) of respondents were of the view that Ward Committee decisions had an impact on Council decisions. Reasons cited for the lack of impact included that the roles of Ward Committees were still being finalised, that some Ward Committees had collapsed at the time of the study and also that Ward Committee members suffered from low morale because of a lack of remuneration³⁵.

The Afrobarometer³⁶ Round 4 Survey findings (2008) illustrated key weaknesses with the current performance of local councillors nationally. When respondents (South African citizens) were asked how often they had been contacted by a range of public representatives during that year, more than two-thirds (72%) reported that they had never been contacted and a further 10% reported being contacted only once by their local councillor. When respondents were asked how much trust they had in local government, just under half (49%), indicated they had no trust or very little in local government. Belief in the ‘cleanness’³⁷ of local councillors is also an indicator of trust in local leadership. Slightly less than two-thirds believed that some or most of the councillors were involved in corruption (62%) and a further 10% of respondents believed that all of them were involved. Being in touch with local residents on the ground also appeared to present a challenge to councillors, with some 64% of respondents believing that councillors never, or only sometimes, listen to what ordinary people have to say. Councillors’ roles as the intermediaries between residents and the municipal administration could also be strengthened. When respondents were asked how well or badly they thought their local council was making the council’s programme of work known to ordinary people, only 6% reported ‘very well’, whilst 57% of respondents reported such communication to be very or fairly bad. Finally, when respondents were asked how well or badly their local council was allowing citizens to participate in council decisions, only 7% reported ‘very well,’ whereas some 64% reported either very or fairly badly.

³³ Ibid., p 17

³⁴ Ibid., p 32

³⁵ Ibid., p 38

³⁶ The Afrobarometer is an independent research instrument that measures the social political and economic environments in Africa. www.afrobarometer.org

³⁷ Untainted by corruption

Other researchers³⁸ highlight high expectations of councillor performance juxtaposed against the reality of low levels of trust and disillusionment, towards local political leaders and municipal officials³⁹. It was found that local political leaders and officials were requested to assist residents on a wide range of social and economic issues, from helping with fighting alcohol abuse to advice and assistance with starting up a business and assisting with problems relating to unemployment. Despite these diverse requests for assistance from the authorities, widespread disillusionment with the local council was reported and perceptions were expressed that the Council and local government, although supposedly being ‘closest to the people’, is rather ‘government that is far away’. Residents also accused the local political leadership of nepotism and racial discrimination in the appointment of municipal officials. Some of these practices were partly attributed to corruption and demonstrated a lack of trust in the local sphere of governance and leadership.

In a Quality of Life Survey⁴⁰ in three low-income areas in the City of Johannesburg, explored the role that local government, including local councillors, play in improving the quality of life of residents. The researchers found that the level of contact residents had with local government officials was low. Less than half of the residents surveyed in Joubert Park, Zandspruit and Dieplsoot reported attending ward councillor meetings; less than a third reported knowing their councillor’s name and less than a quarter of respondents reported being able to contact local government officials if they needed to. Respondents were also more likely to contact friends and family (51%) than their Ward Councillor or the local municipality (12%) if they needed to resolve a problem in their residential area.

2.5 Turning Things Around? Getting to Grips with Service Delivery Dissatisfaction

The incidence of municipal service delivery protests rose from 27 in 2008 to a high of 104 protests in 2009⁴¹. This significant increase is symptomatic of growing dissatisfaction with that sphere of government (local government) closest to the people and responsible for addressing the needs of citizens within municipalities. To restore the diminishing confidence in local government, the Department of Cooperative Government and Traditional Affairs (CoGTA) undertook a comprehensive review of local government. The assessment was undertaken to determine the current problems experienced by municipalities. The review resulted in the publishing of an Overview Report on the State of Local Government in South Africa⁴². The overview was used as a basis for drawing up the Local Government Turnaround Strategy launched by CoGTA in December 2009. The national assessment identified five

³⁸ Bekker, L., Liédé, A.. Residents’ Perceptions of Developmental local government: Exit, Voice and Loyalty in South African Towns. *Politeia*. Vol. 22, No. 1, 2003. p. 144-165

³⁹ The researchers undertook a qualitative study, via a series of focus groups with local residents in small towns in the Western Cape.

⁴⁰ Richards, R., Ismail, Z., Mutsonziswa, K., Kimmie, Z., Wildschutt, A., Moloi, T. (2006). A Quality of Life Survey in low-income areas in the City of Johannesburg. Community Agency for Social Enquiry (CASE)

⁴¹ Municipal IQ Briefing # 176 December, 2009

⁴² State of Local Government in South Africa: Overview Report, November 2009. Department Cooperative Governance and Traditional Affairs.

clusters of problems⁴³. One of the key issues identified was the large number of poorly governed and dysfunctional municipalities. Many of these were those that fell under Project Consolidate, designed to support poorly performing municipalities. Issues of dysfunctionality identified in the report included: “role confusion, and conflict amongst key political office bearers or between politicians and administrators..”⁴⁴ In addition, the Overview Report noted that “Internal Problems are generally matched by a low level of community trust in the municipality, due to poor communication between Councils and their local citizenry...”⁴⁵ Other key problems identified in the report included a lack of accountability by local government and a collapse of the rule of law, plus problems with uniformity in the functional arrangements in municipalities⁴⁶. Weaknesses in the State’s capacity to provide support and to monitor local government and policy failures, were also contributory factors. Besides identifying the clusters of problems, the assessment also reviewed the support programmes that had been put in place earlier to support municipalities and the strengths and weaknesses of these programmes. The two key programmes in this regard were Project Consolidate (2004-2006) and the five-year Strategic Agenda, 2005-2011 (LGSA).

2.5.1 *The implementation of the Local Government Turnaround Strategy*

The Local Government Turnaround Strategy is a comprehensive strategy to address structural and functional problems facing local government. The Implementation Plan for the LGTAS envisages a National Command Centre as the overarching monitoring institution to ensure that the plans proposed under the LGTAS are implemented and that five key strategic objectives are met through the LGTAS. These include:

*To ensure that municipalities meet the basic service needs of communities; build efficient, effective and accountable local government; improve performance and professionalism in municipalities; improve national policy oversight and support and strengthen partnerships between local government and communities and civil society*⁴⁷.

The LGTAS envisages specific roles for each tier of government to support the implementation of the Turnaround Strategy. With respect to municipal roles and responsibilities, the Plan lists the establishment in each municipality of “stable Councils with visionary and accountable leadership”⁴⁸ as one of the key objectives in Local Municipal Turnaround Strategies (TASs).

With respect to the role of political parties in the establishment of the LGTAS, parties are meant to promote effective municipalities by ensuring that amongst other measures, a “performance management system for

⁴³ The other identified problem areas: municipalities where the rule of law has collapsed or is collapsing; an ineffective ‘one-size-fits-all’ approach to municipal governance; weak State capacity to supervise and support local government; policy failures. Ibid., p9-p11

⁴⁴ Ibid., p 9

⁴⁵ Ibid., p10

⁴⁶ The need to move away from a ‘one-size-fits-all’ approach to large and small municipal entities, with the same targets, and financial management frameworks in place across the spectrum of categories of municipality (Ibid.).

⁴⁷ Implementation Plan: Local Government Turnaround Strategy. Cooperative Governance and Traditional Affairs, January 2010

⁴⁸ Ibid., p14.

councillors is established and managed”⁴⁹ and that, “councillors are responsive and accountable to local communities”⁵⁰

2.6 Models of Political Leadership: International Practice

This section summarises a selection of international case studies of elected political leadership and participatory governance structures and the impact and role of locally elected public representatives in service delivery and development. The case studies highlight key lessons to inform the South African system of local government

With the exception of participatory budgeting, in Porto Alegre, Brazil which has received considerable international scholarly attention, it is very often not possible to find multiple authors with different perspectives on the same model of local governance in different countries and cities around the world ⁵¹. Moreover, the literature on the specific roles that elected local public representatives (councillors) play in service delivery, is scarce. The following cases are presented: Mexico City, Kerala in India, Participatory Budgeting in Porto Alegre, Brazil and local governance reform in Vietnam.

2.6.1 Mexico City

Since 1997 Mexico City has been governed by a left-leaning reformist party (Partido de la Revolucion Democratica (PRD)⁵². Mexico City is also the political centre of the country and 11% (numbering some 17.5 million⁵³) of the electorate reside in the Federal District even though the capital only occupies 0.1% of the surface area of the country⁵⁴. The PRD aimed to reshape the nature of the relationship between citizens and government through the promotion of citizens’ participation in decision- and policy-making. To this effect the PRD passed the Citizen Participation Law (LPC)⁵⁵ in 1998. Neighbourhood Committees were set up as one of the main pillars of formalised participation at the local level. These committees comprised a coordinator and up to 14 members. The purpose of the committees was to serve as a link between residents and authorities, communicating residents’ expressed needs to district authorities and also to disseminate information about government activities and programmes that concern local residents. Despite the intended aims of the Neighbourhood Committees to promote public participation, these institutions were not well developed in respect of their legal framework in which they were meant to operate and the PRD did not provide adequate resources or vested-authority to the Committees for them to genuinely facilitate participatory governance. For example, City-government and District Authorities were not obligated to involve Committees in decision-making or even consult with them⁵⁶. The legislative weaknesses inherent in the Committees affected the popularity of representatives serving on them. In the first elections of the

⁴⁹ Ibid., p6

⁵⁰ Ibid., p6

⁵¹ John, L Promoting Citizen Participation in South Africa and Beyond. April 2006.

⁵² Imke Harbers. Democratic Deepening in Third Wave Democracies: Experiments with participation in Mexico. Political Studies: 2007 Vol. 55, 38-58

⁵³ <http://www.citymayors.com/statistics/largest-cities-density-125.html>

⁵⁴ Op.cit. I.Harbers, p. 44

⁵⁵ Ibid. p. 45

⁵⁶ Ibid., p 46

Neighbourhood Committees in 1999, the results were poor, with the low turn-out being an indicator of citizens' lack of interest in the process, and three years later many of the initial Committee members had become inactive and many of the Committees suffered from declining membership⁵⁷.

Apart from the Neighbourhood Committees, the second pillar of public participation devised by the PRD included plebiscites and referenda. However, these mechanisms also shared the same fate as the Neighbourhood Committees⁵⁸. Following the failures to establish formal structures to promote public participation, under the LPC, an informal approach to citizen participation was adopted by the PRD.⁵⁹ This included telephone consultations and neighbourhood assemblies. Consultations were given a legal framework in 2002, called the Special Programme for Public Consultations by Telephone. The Special Programme was set up without the involvement of the National Assembly and the leader of the PRD was the sole convener and organiser of the consultations. In addition, the electoral body responsible for all electoral processes was excluded from the consultation process. Various other concerns were raised about this initiative, including the low participation in the consultation process and concerns raised over the bias among participants⁶⁰.

Neighbourhood Assemblies were the second informal mechanism attempted by the ruling party to improve participatory governance. The structures were meant to establish more regular contact between government and citizens. The LPC law stipulated that Neighbourhood Committees would be required to call Neighbourhood Assemblies to discuss issues of concern to ordinary citizens. However, the leader of the ruling Party included these assemblies into his social programme and centralised their organisation.⁶¹ Opposition parties criticised the assemblies as partisan. Neighbourhood Assemblies reportedly performed no better than Neighbourhood Committees in establishing linkages with civil society, including members of NGOs and community organisations. The major problem with the establishment of assemblies concerned the bone fides of these institutions as legitimate, representative bodies of residents and citizens⁶². Furthermore, these structures were constituted in a non-consultative way and their actual functioning was not participatory.

Lessons:

- The attempts by the Federal District to establish both formal and informal structures to promote public participation appeared to be undermined by a top-down approach to setting up these structures. There was no community participation in the process of setting up such structures.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid., p 48

⁶⁰ It was established that participants showed a bias towards the leader of the ruling party, the convener of these consultations. Ibid., p 49

⁶¹ Ibid., p 50

⁶² Citizens and social movements had become distrustful of similar structures as a result of the practice of co-optation by the previous party in power, characterised by authoritarian rule, the Partido Revolucionario Institucional (PRI). Ibid., p. 52

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- Citizens did not trust the structures/institutions that were set up to promote participatory governance. This was in part because of the history of co-optation of such structures which took place under the previous party in power, but was also due to the way citizens were consulted on issues that affected them. For example, the exclusion of the elections-agency in consultation-processes weakened the legitimacy of such processes and there were claims that there was a bias towards pro-government citizens in consultation processes.
- Representatives of Neighbourhood Committees and People's Assemblies operated in a weak legislative framework and had no authoritative and decision-making powers.
- Both of the above institutions that were established had little funding to establish contacts and networks with civil society organizations and social movements, making grass roots support for such structures weak.

2.6.2 Vietnam Decree 29

Vietnam is a single party state and has a population of some 84 million⁶³. In 1992 the country endorsed a new state constitution but only those political organizations endorsed by the Communist Party are permitted to contest elections⁶⁴. Vietnam has 61 provinces⁶⁵ and there are five centrally-controlled municipalities. The provinces are further subdivided into provincial municipalities, townships and counties, and lower down the spatial-administrative hierarchy, there are towns and communes. The centrally-controlled municipalities are subdivided into districts, counties and then wards. At each administrative level, People's Committees⁶⁶ represent the Executive Branch of government, which are controlled by party structures.

Reform to the governance structures has been under way in Vietnam, responding to demands for change and civil unrest and protests over dissatisfaction with local government. Vietnam, however, remains a centrally-controlled, one-party state. One of the key reformist developments introduced in 1998 was Decree 29. This Decree allowed for direct participation in decision-making at the local level. Decree 29 introduced four categories of direct, popular participation:

The provision of information to citizens: local governments are required to provide information about a range of issues from national laws to development projects. This covers information about decisions taken at

⁶³ <http://en.wikipedia.org/wiki/vietnam>

⁶⁴ Ibid.

⁶⁵ Mattner, M. Power to the People? Local Government and Politics in Vietnam. Environment and Urbanization. Vol .16 No1 April 2004

⁶⁶ The People's Committee is the executive organ of the People's Council. See . Vis. B.C., (date of publication unknown) Decentralised Government in Vietnam. <http://www.jus.unitn.it/cardoza/Review/vietnam.htm>

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Commune People's Councils⁶⁷, commune budgets, land use plans and the results of investigations on corrupt officials. This information is disseminated at public meetings.

Consultation: these are local government initiatives before they are decided on by Commune People's Councils. The views of local residents are gathered through questionnaires, feedback boxes and public meetings.

Approval: Officials are required to seek majority approval by citizens for public development projects and if decisions are not consistent with state laws, issues can be referred to the District People's Committee.

Supervision: ordinary citizens are also required to supervise local projects and plans, including the commune budget, land management and the results of investigations of corrupt officials. Supervision also includes the work of People's Committees and the implementation of decisions.

Where Decree 29 has been implemented and funded properly, residents were of the opinion that it improved the quality of local government and participatory planning, resulting in improved services and economic development⁶⁸. For example, residents in the Cao Thuong Commune⁶⁹ receive funding from the Swiss Agency for Development and Cooperation, which supports their development planning activities. One of the important things which the fund has financed is the establishment of a local monitoring and auditing group (LMAG), to track commune and village activities and to facilitate high-level participation from the villagers. This group comprised different mass organizations such as the Women's Union and the Farmer's Union and representatives from the People's Council⁷⁰. However, residents in this commune noted that despite the funding there were still challenges, including coordinating and funding the planned activities of service providers, insufficient staff, high staff turnover, inadequate training and inexperience in development procedures⁷¹.

Implementation of Decree 29 has been uneven across the country. Some residents have claimed that local officials appear to be poorly informed about the provisions in Decree 29. In addition, in some of the more remote rural areas, officials responsible for implementing transparency and participation do not do so properly because of their vested interest in maintaining the political status quo. Participation just becomes a formal requirement in this context⁷².

The efforts by central government to introduce participatory government at the local level have been construed as a mechanism of central government to maintain control over local populations by "allowing narrowly circumscribed space for local-level negotiations"⁷³. Therefore residents may still not have fully accepted the newly created structures and may not perceive them to be the legitimate representatives of local communities and interests.

⁶⁷ The People's Council is the local organ of state power, elected by local residents. Ibid.

⁶⁸ Op. cit, Mattner, M, p 125

⁶⁹ This Commune comprises 13 villages with an estimated population of 3,600.

http://www.helvetas.ch/Vietnam/wEnglish/Documents/Commune_Development_Fund_-_Brochure-EN.pdf

⁷⁰ Ibid., p 4

⁷¹ Ibid., p 8

⁷² Op. cit, Mattner, M. p. 125

⁷³ Ibid., p 126

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The implementation of Decree 29 has not resulted in the complete resolution of resident dissatisfaction with local governance, even though citizens have perceived positive improvement in delivery of services at the local level. Rural unrest in the highland provinces of Vietnam continue and this is illustrative of continued disaffection with local government in parts of the country⁷⁴.

Lessons:

- The political context in which Decree 29 exists is a one-party state, where there is no political competition from opposition parties and therefore some party officials of the ruling Communist Party attempt to block the reformist aims of the Decree and retain local power over decision-making.
- The attempts to implement participatory decision-making at the local government level is still met with suspicion because of the top-down approach to the reform measures and the continuing limited space that civil society has to participate in local governance. Discretionary power of local governance structures remains very restricted in the centralised state.
- In order to overcome the inequality in the implementation of Decree 29 across the country, more resources are needed, especially in rural areas.
- More resources/funding are needed to ensure that training of state-officials is undertaken to improve their knowledge and understanding of Decree 29.
- More training is needed at the local level to improve coordination of development projects and service providers implementing the projects.

2.6.3 Kerala, India

The State of Kerala is located on the southern-most tip of India. The State comprises a population of 31 million people and it reportedly has the highest indicators of development in the developing world⁷⁵. Kerala consists of 1214 local self-governing bodies, broken down into 991 Grama Panchayats (wards), 152 block Panchayats, 14 district Panchayats, 54 municipalities and five municipal corporations⁷⁶. Since the State was formed in 1956, successive governments have introduced aggressive development projects. These included land reform and universal education and health care. The reason for such an aggressive approach towards development has been attributed to the existence of organised opposition parties. Another contributing factor is the existence of mass-based organizations of landless labourers and workers as well as a vibrant civil society that have an effective

⁷⁴ Ibid., p 127

⁷⁵ Chaudhuri, S. , Heller, P., The Plasticity of Participation: evidence from a participatory governance experiment. Unpublished paper, July 2002

⁷⁶ <http://www.mapsofindia.com/maps/kerala/government-and-politics/local-self-government.html>

demand-making ‘energy’ to ensure development⁷⁷. The State of Kerala has successfully carried out decentralization of local government, within the framework of the 73rd and 74 Constitutional Amendment Acts⁷⁸. In 1996 the Left Democratic Front (LDF) returned to power in Kerala and fulfilled one of its election pledges, by launching the People’s Campaign to spearhead a move to decentralised planning. To this effect, all 1214 local governments in Kerala were given decision-making powers and increased functions as well as a discretionary budgeting authority⁷⁹. This was referred to as the ‘big bang’ approach rather than as a technical incremental approach towards participatory governance and decentralization⁸⁰. Decentralization of functions and decision-making power therefore was a parallel activity alongside capacity-building initiatives of elected local representatives and officials of local governments.⁸¹ Rapid decentralization initially placed an enormous strain on local governments; it was therefore realised that there should be capacity-building initiatives to equip local officials as well as citizens on a massive scale⁸². This holistic approach to training was conceptualised as a long-term strategy to deepen participatory government at the local level. Ramakantan (2009) highlights the scale of the programmes and the ‘big-bang’ approach to improving participatory governance at the local level:

These programmes covered tens of thousands of elected representatives, officials, experts and representatives of numerous mass-based organizations...massive awareness building for the ordinary people as well as competence-building for elected representatives and the leaders of associations and of local governments⁸³

These structures had previously operated as State-controlled arms of government, particularly in rural local governments at district and village levels and municipalities. They had no real decision-making control and therefore the biggest challenge that faced this decentralised model was to equip local public representatives and officials with skills to sustain decentralization, and to exercise their new powers as provided under the Constitution and legislation⁸⁴.

Participatory structures for decentralization are multi-layered and comprise ward level structures and General Assemblies (Grama Sabhas) which are controlled by elected officials⁸⁵. In these forums, citizens express and define their own developmental needs and then elect Sectoral Developmental Committees to prepare a developmental

⁷⁷ Op.cit, Chaudri, S. p. 5

⁷⁸ Ramakantan, N. Democratic Decentralisation and Empowerment of Local Government Associations in Kerala. Commonwealth Journal of Local Governance. Issue 2: January 2009

⁷⁹ Op.cit, Chaudhuri, S and Heller, . p 5

⁸⁰ Heller, P. Moving the State: The Politics of Democratic Decentralisation in Kerala, South Africa and Porto Alegre. Politics and Society, Vol 29 No 1. March 2001, 131-163,

⁸¹ Op.cit., Ramakantan, N. p 129

⁸² Ibid.

⁸³ Ibid., p 130

⁸⁴ Ibid., p 131

⁸⁵ Op.cit., Heller, P. p 141

report. Specialised task forces, comprising elected representatives, municipal officials and community activists then design a range of projects in line with citizens' expressed development needs⁸⁶.

A cadre of trained volunteers (more than 100 000) have also been developed to support the devolved system by playing an active role in development committees and other bodies. These volunteers support the linkage between citizen participation in decision-making and the roll-out of government projects⁸⁷.

With the devolution of budgeting authority down to the ward-level, the types of decisions that have been made about community development projects have also changed to a more tailored approach, with a better match to community needs at the local level. Budgeting priorities have therefore shifted towards more money for housing schemes, sanitation and drinking water⁸⁸.

Lessons

- The decentralization project in Kerala was successful because of the existence of powerful social movements; mass-based organizations as well as well organised opposition parties, that helped to sustain the campaign in two important ways: ordinary people were mobilised to participate in planning processes for development projects and, secondly the existence of a healthy opposition enabled citizens to make effective demands for development either through normal channels such as parliament and/or by using extra-parliamentary vehicles including the mobilisation grass-roots support via social movements to bring about development.
- Devolution of power to the local government level was successful because of a massive training programme aimed at all participants, from citizens, elected public representatives and officials in local authorities.
- Local residents are able to influence local development projects and policies directly through ward level structures and general assemblies. Citizen participation is continuous, from the identification of priorities through to the allocation of the budget at ward level to address their needs.
- Devolution is supported by a network of trained volunteers who support the various bodies and associations in the development of plans and serve as a link between citizens and government agencies who implement projects.
- Development projects are tailor-made to address local ward level needs.

⁸⁶ Ibid., p. 142

⁸⁷ Ibid.

⁸⁸ Ibid., p 143

2.6.4 Participatory Budgeting in Porto Alegre

Porto Alegre is the capital city of Rio Grande do Sul, the southern-most state of Brazil. Roughly 4 million people live in this urban region and it is one of the most populated cities in Brazil⁸⁹.

Participatory Budgeting (PB) in the city was an innovative reform programme to overcome severe inequality in the city and improve living standards. PB came into effect in 1990 a year after the Popular Alliance led by the local Partido dos Trabalhadores (PT)⁹⁰ came into power⁹¹. Participatory budgeting had its origins in the 1970s when residents expressed dissatisfaction with the provision of services and the apparent lack of interest of the authorities to address their concerns⁹². In the poorer and disadvantaged areas, neighbourhood movements emerged and began to demand better services and the autonomy of neighbourhood initiatives. These movements organised into neighbourhood associations and engaged in public demonstrations to highlight their concerns and frustrations over service delivery issues.

One third of the city's residents live in slums on the outskirts of the city but PB has resulted in the rapid improvement of living standards for the poorest inhabitants of the city. For example, the access to the sewerage network increased from 46% in 1989 to 85% in 1996.⁹³ The City's health and education budget increased from 13% in 1985 to 40% in 1996⁹⁴. A measurable success of PB is to be found in the city's Human Development score of 0.865, which is the highest of all Brazilian capital cities.⁹⁵

According to Novy and Leubolt (2005) PB avoids the problem of spatial fragmentation in the distribution of resources for development. The city is the only local authority that oversees local revenue collection. However, the city is divided administratively into 16 districts/neighbourhoods that form decentralised units for PB⁹⁶.

PB is based on district and thematic assemblies that meet throughout the year to participate in the budget-writing process. Preceding the meetings at the assembly level are smaller-scale preparatory meetings. At the assembly meetings, local government officials present participants with information about the size of the city budget. Following this meeting, neighbourhood meetings are then held so that residents can draw up a list of priorities for infrastructure investment⁹⁷. After this, a further round of assembly meetings are convened at which each district elects two representatives and two alternatives to serve on the city-wide municipal budget council

⁸⁹ http://siteresources.worldbank.org/INTEMPowerment/Resources/14657_Particip-Budg-Brazil-web.pdf

Empowerment Case Studies: Participatory Budgeting in Brazil

⁹⁰ Otherwise known as the Workers Party

⁹¹ Koonings, K. Strengthening citizenship in Brazil's democracy: Local participatory governance in Porto Alegre. *Bulletin of Latin American Research*. Vol 23, No.1, pp79-99, 2004

⁹² Novy, A., Leubolt, B. Participatory budgeting in Porto Alegre: Social Innovation and the Dialectical Relationship of State and Civil Society. *Urban Studies*, vol. 42, No. 11 2023-2036, October 2005.

⁹³ *Ibid.*, p. 2028

⁹⁴ *Op.cit.*, http://siteresources.worldbank.org/INTEMPowerment/Resources/14657_Particip-Budg-Brazil-web.pdf, p. 3

⁹⁵ . PNUD (2003) *Atlas do Desenvolvimento Humano no Brazil*. CD Rom. PNUDIPEA, IBGE. Cited in Novy, A and Leubolt, B, 2005, p. 2029.

⁹⁶ *Op.cit.* A .Novy and B. Leubolt, p, 2028

⁹⁷ . http://www.citiesalliance.org/ca/sites/citiesalliance.org/files/CA_Docs/resources/cds/liveable/porto-alegre.pdf

(COP)⁹⁸. This institution is responsible for putting together the final budget for the city. Negotiations then take place between delegates of various districts to create 'priority lists' of projects. The municipal budget council then decides how the funds will be spent per priority for each district.

One of the key reasons for the success of PB is the continuous interface between council representatives and the municipal administration. According to Heller (2001), this has helped to bridge the gap between technical expertise and participation of residents in the process of budgeting. Council participants are educated and equipped with the necessary technical skills and expertise and the details of the budget are the responsibility of council representatives⁹⁹.

Other important elements contributing to the success of PB are the following:

Access to information: public meetings equip residents with the necessary information and knowledge to enable them to interrogate public officials on the allocation of public resources¹⁰⁰.

Active participation of the poor: PB allows for the participation of the poor in the budgeting process, for example by encouraging various and diverse segments of civil society to participate in the budgeting process. In the allocation of resources, the needs of the poor are prioritised. PB also includes participation of other opposition parties besides the Workers Party¹⁰¹.

Accountability: Transparency is an important ingredient of PB. A full report to residents on the economic and financial position of the city is a requirement and the residents have to accept that their developmental demands cannot exceed the financial resources of the city. In addition, residents are able to know the progress that has been made on projects, for which funds were committed in the budget for the previous year. The election of public representatives is based on performance, measured by their involvement and the quality of their participation in neighbourhood meetings. In addition, their presentation of local issues and demands and their image in the area that they are representing are also factors determining whether they are elected¹⁰². Delegates can be held accountable and lose support if there are delays in public projects that have been agreed upon by Council.

Lessons

- The process of participatory budgeting has improved the lives of the poor in Porto Alegre by increasing access to basic services as well improving health and educational services. The system enables citizens to directly contribute to decisions on the developmental projects that are their priorities in their areas.

⁹⁸ Ibid. , p.3

⁹⁹ Op. cit. P. Heller, p. 140

¹⁰⁰ Op. cit. http://siteresources.worldbank.org/INTEMPowerment/Resources/14657_Participatory-Budgeting-Brazil-web.pdf.

p. 2

¹⁰¹ Ibid.

¹⁰² Ibid.

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- Citizen participation in the PB process has increased over the years, from 1 000 people per year to more than 40 000 residents in 1999. Participation is broad-based and not just restricted to middle income groups. The budgetary allocations for PB have also increased over the years, indicating that the system is growing and increasing in popularity as a strategy for participatory governance at the local level.
- The principles of transparency and accountability that are part of the process of PB have resulted in less of a top down approach to decision-making about developmental projects and budget allocations. Residents are able to contribute directly to the process of choosing projects and challenging the administration, through regular meetings with officials throughout the year.
- Residents elect their own representatives to serve on the municipal budgetary council that makes decisions on budgetary allocations for the 16 districts. In addition, the election of public representatives is based on the quality of their performance, including criteria such as how representatives have presented residents' cases for needs in their neighbourhoods, their frequency of participation in public meetings and their local standing in the areas they represent etc.
- There is a feedback loop in the system that allows for the monitoring of progress with development projects and investments. The annual cycle of PB (and associated meetings and assemblies) enables citizens to track the progress of projects budgeted for in the previous cycle. In addition, delegates/representatives (of residents) are held accountable and can lose support if sufficient progress has not been made on approved projects.

3. CASE STUDY FINDINGS

This section explores the findings of the four municipal case studies in the present study.

3.1 Case Study One: Randfontein Municipality

3.1.1 *A municipal profile*

This municipality is located in the Gauteng Province on the West Rand. There are five directorates in the Randfontein Municipality. These are: Corporate Support Services, Finance, Infrastructure Development, Development Planning, Social Services, Public Safety and the Municipal Manager's Office. The municipality's population is estimated to be 138 713 people¹⁰³. The 2009/2010 Integrated Development Plan estimated the Randfontein population at 117 261¹⁰⁴. This comprises approximately 80% Africans, 10% Coloureds and 10% Whites. The settlement was established on the back of the mining industry. The Randfontein economy has since diversified into the manufacturing industry, construction, retail sector and agriculture. The municipality has a diversified resource base which, if exploited to the full, would contribute to the growth of the local economy. The global economic recession has had a negative impact on the economy of the municipality, which has witnessed a

¹⁰³ Interview Municipal IDP Manager

¹⁰⁴ <http://www.randfontein.gov.za/wp-content/themes/randfontein/docs/idp910.pdf>

decline in the economic performance of key economic sectors. This includes the mining, manufacturing and agricultural sectors. The contribution of the retail sector to the local economy increased from 14 to 21%¹⁰⁵. The specific economic sectors that need to be revived include the underutilised agricultural farms and underutilised space in the industrial area of the municipality. In an effort to stimulate the economic growth of the town, the municipality is trying to link itself with relevant provincial departments to support farmers and increase agricultural production.

A large percentage of the Randfontein population is unemployed and indigent. The municipal officials estimated the employment rate to be around 30-35% of the population at the time of the interview¹⁰⁶. The 2009/2010 Integrated Development Plan put the unemployment rate of Randfontein at 41% in 2005.¹⁰⁷ A high proportion of the labour force in the municipality is unskilled. The high proportion of unskilled residents and immigration of people seeking employment in the mines and manufacturing sector compounds the unemployment problem in the municipality. Randfontein comprises a range of housing types and settlements, including informal settlements, formal housing, hostels, peri-urban and farming settlements. The demarcation of municipal wards does not necessarily coincide with the settlement patterns. It is not unusual to have a ward that encompasses both suburban and informal housing in the municipality.

This municipal analysis draws from interviews held with ten councillors, the Speaker, two municipal officials and a group discussion held with the councillors. The councillors interviewed in the research were identified through direct telephonic contacts with individual councillors and later through the Speaker's Office. As the interviews were confined to willing and available councillors, it was not possible to systematically represent the various political parties. It was also not possible to interview the Mayor although the municipal Speaker participated in the interview¹⁰⁸. Given the qualitative nature of the research, all findings are indicative. Nevertheless, the information collected through interviews gives a good insight into the role of councillors in service delivery in Randfontein municipality.

This case study is organised into four sections. The first part describes the background of the municipality, and the profile of councillors in the municipality. The second section focuses on the perceptions of municipal officials and councillors on the issue of service delivery in Randfontein. This will form the basis for the discussions that follow which explore the effectiveness of councillors in service delivery. The third section focuses on the role of councillors in the community, in their interaction with the municipal officials and in performing their oversight role in Randfontein. The third section also focuses on the influence of the relevant political party on the work of councillors in the municipality. The final section concludes the research by highlighting implications for councillor effectiveness in the municipality.

¹⁰⁵ Interview development Planning Manager

¹⁰⁶ September 2009

¹⁰⁷ <http://www.randfontein.gov.za/wp-content/themes/randfontein/docs/idp910.pdf>

¹⁰⁸ The interviews were carried out in September 2009. At the time of writing in February 2010, the Speaker had been dismissed for misconduct

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There are 37 councillors, including the Mayor and the Speaker. Nineteen of the councillors are PR Councillors and the rest are Ward Councillors¹⁰⁹. The ANC is the ruling party whilst the DA is the official opposition in this Municipality. There are 19 wards in the municipality. Nineteen of the councillors are Ward Councillors. Twenty three councillors represent the African National Congress. There are 12 Democratic Alliance party councillors. The Freedom Front Plus¹¹⁰, Independent Democrats and the African People's Congress have one councillor each in the municipality. There are 12 ANC Ward Councillors and seven DA Ward Councillors. The table below summarises the profiles of councillors who participated in the face-to-face interviews.

Table 1: Profile of councillors interviewed

Party Membership			
Respondent	ANC	DA	APC
Ward Councillor	3	4	-
PR Councillor	3	1	1

Five male and 7 female councillors participated in the interviews in the Randfontein Municipality. Councillors interviewed ranged between 36 to 74 years of age. The councillors in the sample were relatively well educated with the majority of them having a post Matric qualification. The councillors were relatively inexperienced (as councillors) with 8 of the 11 councillors interviewed serving their first term of office. Despite this, most councillors had some work experience and/or served as community activists. Councillors from all parties continued to engage in other income-generating activities while they served in Council. Councillors who were engaged in their own business ventures felt that their work was flexible enough to enable them to pursue both Council and other personal income-generating activities. The councillors who were in full-time employment sometimes failed to attend Council meetings as they could not take time off work. The councillors who previously worked in the teaching, municipal, public relations and banking professions drew from their work experience to enhance the performance of their roles. For example, a former city engineer felt his understanding of municipal managers enhanced his interaction with municipal management, whilst a councillor who had previously worked as an administrator in the provincial government felt the experience increased her capacity to understand municipal structures. The councillors had received varied exposure to capacity building courses including training through SALGA, the Wits Business School and the Development Bank of Southern Africa. It is important to note that the people who had received the most training were not necessarily those who had served the longest in the municipality. Councillors who were not engaged in other income-generating activities also appeared to be more likely to receive training opportunities. It was claimed that access to training opportunities was determined on a political party basis, the preference biased towards ANC members. The councillors who had received minimal

¹⁰⁹ <http://www.randfontein.gov.za/>

¹¹⁰ The FF+ councillor and two other councillors had resigned from the municipality at the time of the research

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training indicated that they had not been able to access such opportunities, while others explained that they could not attend the courses because they were in full time employment and therefore did not have the time to do so. Not surprisingly, the Speaker and municipal officials interviewed generally felt that the councillors' low literacy levels undermined their effectiveness in performing their roles¹¹¹. Seen in this context, the idea of councillors being able to access training to improve performance is even more important. Courses to meet the diverse needs of councillors should be specifically designed, especially for those councillors who lack basic literacy and computer skills. The next section focuses on perceptions of service delivery in Randfontein, drawing on the opinions of municipal officials and councillors.

3.1.2 Access to services and perceptions of service delivery

This section explores the findings relating to access to services as well as respondents' perceptions of service delivery in the municipality. The table below compares residents' access to select key basic services between 2001 and 2007. The table highlights the fact that although more than three-quarters of residents have access to full flush toilets, in 2007 many residents still relied on more basic sanitation services including pit-latrines, while a smaller percentage still used the bucket system. More than two-thirds of residents had access to piped water in their dwellings in 2007, a large improvement from 2001. In addition, more than three-quarters of residents had access to electricity.

Table 2: Randfontein: access to select basic services

Level of basic service	Sanitation		Access to water		Access to energy for cooking	
	*2001	**2007	*2001	**2007	*2001	**2007
Full Flush toilet	79	78	-	-	-	-
Pit Latrine: no vent	13	4	-	-	-	-
Bucket Latrine	2	1	-	-	-	-
Piped water in dwelling	-	-	25	71	-	-
Piped water in yard	-	-	18	19	-	-
Borehole	-	-	7	5	-	-
Electricity	-	-	-	-	72	76
Paraffin	-	-	-	-	23	21
Wood	-	-	-	-	2	1
Coal	-	-	-	-	1	0.3
Statistics South Africa: *Census 2001 Community Survey 2007**						

¹¹¹ It may be that the more educated councillors were over-represented among the councillors who participated in the interviews.

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This section highlights the research findings on what the municipal officials and councillors perceived to be the main service delivery challenges facing the municipality. This description helps to contextualise the councillor's working environment. When municipal officials were asked to assess their municipality's service delivery performance using a self-assessment scale,¹¹² officials who were of the opinion that their municipality had performed fairly well, gave themselves a rating of 3 out of 5 for service delivery. Despite this rating, they acknowledged that service delivery and socio-economic problems did exist in the municipality. These included high unemployment, infrastructural shortages (including the lack of waste management infrastructure) and housing backlogs, the shortage of land to accommodate housing, delays in disbursement of funding from the central government and a high municipal staff turnover that compounded service delivery problems.

According to the IDP 2009/10, the municipality's housing backlog was 4 240 units. The government's slow roll-out of public housing is complicated by the shortage of land for the construction of housing in the municipality. This shortage is caused by the concentration of the land in private ownership and the geological constraints (for building purposes) on some of the land that the municipality has at its disposal. The Randfontein Municipality faces a high demand for electricity from people who cannot afford to pay these costs. This means that the municipality has to subsidise the poor, which in turn undermines the council's ability to generate revenue. According to municipal officials and councillors, ESKOM's reported limited capacity to generate electricity poses another challenge to Randfontein Municipality's capacity to provide access to electricity for all its residents.

With respect to councillors' opinions on the major challenges facing the municipality, they identified basic service delivery (including a shortage of electricity supply) as well as a shortage of housing as the main challenges. With respect to electricity supply, councillors also reported that residents faced problems of frequent disruptions to their supply. This was attributed to the overloading of the existing electricity infrastructure caused by illegal connections.

In addition, councillors also identified the lack of toilets in the informal settlements as a service delivery problem. All councillors identified the illegal dumping of waste on vacant land in the municipality as an environmental problem that posed health risks to residents. Councillors also believed that the municipality's failure to provide community services such as street lighting in the existing and in newly proclaimed streets¹¹³ in commercial farming areas compromised ratepayers' safety. All councillors interviewed also complained about the lack of safety and adequate policing in the municipality which resulted in the theft and vandalism of public infrastructure such as taps, water pipes and electricity meters.

Councillors also reported as a major problem the poor water supply (shortage) which affected some of the public schools. The wastage of water due to ageing infrastructure and leaking pipes in the municipality was another problem cited by councillors. In addition, the failure by Council to maintain storm water drainage systems

¹¹² Researchers asked the municipal officials to rate their municipal service delivery performance. The officials were asked to use a score of 1-5. One being the lowest score and five the highest score, indicating service delivery excellence.

¹¹³ Proclaimed streets have been incorporated into the municipal boundary

in the municipality has led to flooding of residents' housing and damage to property. The failure by Council to maintain road infrastructure and pavements was cited as another service delivery challenge. In addition to the shortage of housing (mentioned already), councillors also cited the problems ratepayers had in securing title deeds to their properties in the town as another municipal administration failing.

The inability to communicate effectively with all residents in the municipality was also cited as a municipal weakness that indirectly affected service delivery. A councillor complained that the municipality's use of English as a medium of communication marginalised some residents, such as sectors of the Afrikaans-speaking population in the municipality. As a result, it was reported that councillors spent a lot of time translating documents and communicating with the residents to update them on developments in the municipality. The marginalisation of some residents was also attributed to the large population sizes in some of the wards which made it difficult for councillors to effectively interact with their constituencies and regularly serve them with information and feedback.

The councillors also highlighted the shortage of qualified staff in the municipality as a challenge to service delivery. According to the 2009/2010 IDP¹¹⁴, there were 17 vacant positions in the municipal administration management structures. The high number of vacancies also limited councillors' access to administrative and technical information. In order to cope with the shortage of skilled staff, the municipality sometimes appointed officials in temporary or 'acting' capacities and it was reported that these temporary appointees had limited decision-making powers. This delayed decision-making and inevitably undermined service delivery efforts. Councillors' limited access to administrative and technical information from municipal officials made it difficult for them to make informed decisions and provide accurate and up-to-date information to residents about service delivery programmes. This also undermined councillors' capacity to perform their oversight function with respect to the performance of municipal officials.

Both councillors and officials also cited the high turnover of municipal administrative staff as a problem. The high staff turnover was attributed to political interference affecting municipal officials' ability to perform their functions. The councillors also complained that municipal staff and managers spent too much time away from the municipality on training courses and attending to provincial and national government business. Councillors from the various political parties complained that they were not informed of the new staff appointments and movement of staff in the municipality. This highlights a communication breakdown between councillors and the municipal administration. This problem exacerbates the inability of councillors to effectively perform their duties, including those in the area of municipal oversight of development programmes being implemented.

Councillors also identified the high and growing number of residents in need of services as a challenge to municipal service delivery. The increasing population demand for services in this municipality was attributed to rural migration into the municipality. It was suggested by opposition councillors that this influx of new residents was politically engineered as politicians sought to increase their support-base to improve their position during

¹¹⁴ <http://www.randfontein.gov.za/wp-content/themes/randfontein/docs/idp910.pdf>

election times. The 2009/10 IDP identified farm evictions as another driver of population-increase into the municipality.¹¹⁵

Many of the councillors interviewed in the municipality singled out 'red-tape' as a factor affecting their ability to perform their work. The municipality had put in place a series of procedures and regulations to manage the councillor/administrator interface. However, councillors in both individual interviews and the group discussions voiced their frustration with these regulations and reporting procedures. They believed that these constraints negatively affected their interaction with municipal administrators by increasing the time it took for councillors to relay residents' concerns to the municipality. It was also reported that these bureaucratic processes contributed to the delays residents experienced in receiving services.

Some councillors from across the political spectrum were of the opinion that their term of office (five years), was too short a time period for them to be able to successfully deliver on their election mandate. It was their opinion that this short term of office imposed unrealistic expectations and had an impact on service delivery goals and targets.

Another factor affecting service delivery and community expectations about service delivery was the lack of information and community awareness about the roles and functions of councillors and provincial and national officials. There was also ignorance relating to municipal processes at the local government level, such as development planning, budgeting and decision-making at Council level. Residents' limited understanding of these municipal processes and awareness of the functional jurisdiction of local government officials, in the opinion of some councillors, resulted in residents making unrealistic demands on them. Councillors and officials also cited ineffective public participation mechanisms in the municipality as an obstacle to service delivery. This factor compounded poor communication between residents and councillors and also led to residents making unrealistic demands in relation to their needs, directed at both the municipal officials and councillors.

A related point, linked to weaknesses in public participation processes and poor communication between residents and officials, is the perceived way decisions are taken about development projects within the municipality. Residents from different wards may have different development needs and priorities. This factor is compounded by pressure from political parties on the prioritisation of some development projects over others. Thus when residents of a particular ward do not have their issues addressed in a particular financial year, they become frustrated and believe that they are being neglected and marginalised. These communication issues relating to how municipal decisions are taken around budgeting and the prioritization of development projects complicates service delivery by creating the impression that nothing is being done to address residents' needs. An ANC Ward Councillor gave the following example to illustrate this:

The ward wants the rain-damaged road to be resurfaced. Instead, the Council prioritised the RDP housing street upgrading

¹¹⁵ <http://www.randfontein.gov.za/wp-content/themes/randfontein/docs/idp910.pdf>

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Councillors also identified another factor relating to communication that promotes the perception amongst residents that officials are not delivering services. An example of this is when technicians switch off the electricity to undertake maintenance work on the system, without prior warning to residents about the impending power cut. Sometimes it is alleged that municipal officers make promises to address residents' service delivery issues by a certain date and then fail to meet these deadlines, leaving residents disillusioned and councillors with the task of bearing the brunt of their wrath. In a group discussion councillors cited an example of waste management (the issuing of dustbins to residents) that had not been resolved since 2006. Municipal officials had not informed councillors of progress with this project and why it was taking so long to deal with the problem and councillors were left with the task of dealing with residents' frustrations over this issue.

Opposition councillors believed service delivery was failing because the municipality largely ignored their IDP submissions. These councillors also alleged that the Speaker did not give equal infrastructural support to the councillors from the opposition political parties. They were especially vociferous in relation to information about council meeting times and changes to schedules, the allocation of financial resources, access to training opportunities and general operational support to councillors. Some opposition councillors also claimed a racial bias in the municipality's distribution of services. It was alleged that the municipality service delivery was biased in favour of the formerly disadvantaged areas to the detriment of maintaining existing services in more affluent suburbs. Councillors claimed that some community services such as roads, storm water drains, signage, street lighting, the cutting of grass on road verges and waste management had been neglected in these areas.

The perceptions of councillors and municipal officials highlighted the structural and functional challenges that the Randfontein Municipality faces in delivering services to the residents. They also emphasised the importance of good communication between councillors and municipal officials on the one hand, and councillors and residents on the other. Good communication can play a mitigating role in service delivery challenges relating to a shortage of resources in the municipality. Informed residents who are aware of municipal weaknesses and challenges and what officials are doing to address these challenges, are less likely to be frustrated with poor service delivery.

3.1.3 *The role of councillors in the community*

The previous section highlighted some of the challenges which negatively affected municipal service delivery. This section focuses on the role that councillors play in the communities they serve as well as the achievements and the challenges that councillors face in the performance of their community service role. Councillors are the link between the public and the municipality. In order to perform this role effectively, councillors have the task of ensuring that the public participates in council initiatives. They do this by encouraging the residents to participate in municipal initiatives. Councillors encourage the public to pay their rates; they educate the public on municipal business and part of their job is to facilitate community participation in municipal policy-making. In order to fulfil their various mandates in the community, the councillors have to understand both the municipality and the communities which they serve. The capacity of a councillor to do this depends on their experience, personal attributes and their ability to mobilise the community.

The Randfontein Municipality uses several strategies to facilitate public participation. These include monthly meetings, mayoral *imbizos*, people's assemblies, public suggestion boxes, press releases, sectoral meetings, IDP meetings, road shows and ward committee meetings. The municipality also uses its website to disseminate information. The various approaches are intended to ensure that the municipality reaches all ratepayers and residents. The municipality holds two *imbizos* annually. The municipality distributes 10 000 copies of its newsletter monthly, which are distributed through councillors, Ward Committees and the municipality's satellite offices.

In terms of the Municipal Systems Act, councillors are expected to hold regular quarterly meetings in their wards. They are supposed to relay council deliberations to the community through the various participatory structures. In order to perform this role effectively, councillors should have a level of competency in literacy, and the ability to analyse documents and interpret and communicate information to residents, relating to municipal issues and projects. In order to perform the function of communicating with the public, councillors rely on structures such as the Ward Committees and the Municipal Office of the Speaker for support.

The councillors use community halls, schools or public libraries for the community meetings in Randfontein. They have to book the hall through the Office of the Speaker which is supposed to facilitate access and arrange the facilities at the venue for the meeting. Findings from interviews with some councillors highlighted the fact that the Speaker's office has not consistently provided equal support across the parties for the usage of this venue. For example, while some councillors received support with flyers advertising the meeting etc, others cited lack of co-operation by the Speaker's office to arrange this venue. The double-booking of meetings at the venue and the failure of invited municipal officials to attend such meetings on time were some of the problems highlighted. The lack of co-operation from the Speaker's office embarrassed councillors and discouraged the public from participating in poorly organised public meetings. The 2009/2010 IDP¹¹⁶ showed that as few as three public meetings were held between 2008 and 2009. In some cases councillors have not been able to hold a single community meeting for three years. The infrequent convening of such community meetings further discouraged residents from participating in these important events and the activities of the municipalities.

All the councillors and officials interviewed expressed dissatisfaction with the levels of public participation in community meetings. They were dissatisfied with both the numbers and the quality of engagement. The attendance at public meetings ranged between 10 and 200 people, yet the number of registered voters in the municipal wards was between 2 500 and 5 000 people. Officials and councillors in the group discussions believed that residents also stayed away from meetings because they were misinformed by councillors regarding service delivery progress at these meetings. It was alleged that some councillors manipulated information to avoid delivering negative news to residents.

It is claimed by some councillors that others manipulated information to maintain their support-base amongst residents in their wards. Residents are left with raised expectations after attending such meetings and when

¹¹⁶ <http://www.randfontein.gov.za/wp-content/themes/randfontein/docs/idp910.pdf>

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promises made are not realised, they become disillusioned with officials and apathy sets in, resulting in poor meeting-attendance. Some councillors believed people stopped attending meetings to show their disillusionment with a councillor who had failed to deliver on past promises. Besides the lack of numbers of people who attend meetings, officials and councillors also registered concern about the quality of public participation into strategic documents, such as the budget and the IDP process. Instead of interrogating these processes and making quality inputs, residents and councillors focused on generating ‘shopping lists’ of often unrealistic projects and needs. These factors together with other more technical aspects such as the poor quality of minute-taking at community meetings undermined residents’ ability to effectively participate in the Council policy-making processes.

Ward Committees are one of the participatory structures that have been put in place to assist councillors with their work in the wards. The Ward Committees are supposed to be made up of the various representatives of different interest groups in the ward. They are chaired by a Ward Councillor who is also responsible for establishing the Committee. Ward Committee members make recommendations to the councillor on matters affecting the ward, they interact with other community-based organisations and mobilise the ward community to participate in the budget formulation and IDP processes. Ward Committees are also expected to make inputs on strategic decisions relating to the provision of municipal services. The 2009/2010 IDP highlighted that between 2008/2009, councillors held between two and nine Ward Committee meetings. The variance in the number of these meetings as well as the low frequency of these meetings during a year, may contribute towards the explanation of the problems faced by councillors in encouraging public participation in local governance structures in the municipalities. The lack of regular meetings and differences in the frequency of the meetings within wards suggests that the level of communication between councillors and residents is poor and that there is no standardised practice that is uniformly applied across all wards for the frequency of these meetings. The next table summarises some of the councillors’ experiences with ward committees:

Table 3: Councillors’ perceptions of the functionality of wards

Councillor interviewed and Party Affiliation	Status of ward committee	Councillor views
ANC	Not functional	Ward committees are badly structured, they lack resources. Without training, it was difficult for Ward Committee members to fulfil their mandates and work meaningfully with the ward councillor and the community
DA	Functional	The Ward Committee meets monthly to discuss Council minutes and ward-based problems
ANC	Functional	Ward committee members are in full time employment. Poorly attended meetings
DA PR councillor	Functional	The councillor attended the Ward Committee in the suburb where he lived as an ordinary resident. Sometimes he was asked to contribute to discussions

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APC	Not functional	Branch of ANC sidelined the opposition, used to reward patronage by giving posts and jobs to ANC members
ANC	Functional	Meet monthly but few people participated. People from wealthier suburbs are not interested in Ward Committees
DA	Does not recognise the ward committee imposed by the Speaker	The councillor tried and failed several times to establish a Ward Committee. This was because every time she gathered the residents, the Speaker's Office did not turn up. The Speaker's Office then constituted a Ward Committee without the participation of the councillor. The Committee included people from the neighbouring mine's informal settlement who according to the councillor resided outside the municipal boundary
DA	Not functional	No meeting was held for a year. Hall was double-booked by Speaker's Office and /or not available for meetings
DA	Functional	Meets every month

The table above shows that councillors had different experiences with Ward Committees in the municipality. This was in spite of the fact that all ward councillors faced the same resource-constraints, including the lack of equipment, a lack of training for ward committee members and a lack of resources for transport and other costs. The political party affiliation of a councillor was found to be not an important variable for determining the functionality of Ward Committees in Randfontein Municipality. Some of the reasons given for the Ward Committee dysfunctionality pointed towards inefficiency in the Office of the Speaker. It seems that the main factor that determined the functionality of ward committees was an individual councillor's persistence, commitment and resourcefulness to deal with the existing resource constraints. Those councillors who had functional ward committees appeared to be more persistent and determined to ensure that their committees worked; they appeared to be more 'politically mature' and embraced the diversity of the communities they lived in. It is also interesting to note that some of the functional Ward Committees which met regularly were run by councillors who were employed full time and/or running their own business. Time limitations of Ward Councillors therefore also did not appear to be a factor determining functionality. The general record of poor public participation in the Ward Committees raises concerns about the legitimacy of the issues/concerns and needs raised by attendees who are meant to be representing the interests of all residents.

The opposition councillors who had established ward committees alleged that functioning was compromised by political party interference in the establishment and running of the committees. Allegations were levelled mainly at ANC councillors who politicise the wards which results in the exclusion and marginalization of ratepayers from other parties. It was alleged that some of the ANC-led ward committee meetings were turned into political party gatherings. In some instances, the ward committee composition was exactly the same as the branch executive committee of the ANC. Residents living in the more affluent areas of the municipality did not participate in the ward committees. This was because they either preferred to directly approach the municipality or because they felt that Ward Committees focused on basic service delivery needs which were not relevant to these residents. Councillors and managers also confirmed that the more affluent residents in the municipality had established a

ratepayers' association which enabled them to engage the municipality on matters that concerned them. The issues they raised included the marginalisation of their suburbs by the municipality and their own specific development needs.

While the role of the Ward Councillor was to chair committee meetings and supervise elections of members, the role of PR Councillors in the Ward Committee structures was not clear in Randfontein Municipality. The PR Councillors either attended these meetings as ordinary residents or were invited to complement the ward councillor by either the ward councillor or the Speaker. In some cases parties that were not in control of the ward appointed their own PR Councillors to play a watchdog role over the Ward Councillor and to ensure that their political party affiliates were also catered for in the ward. PR Councillors from the various parties accused ward councillors from different parties of marginalizing them. The Ward Councillors did not invite PR Councillors to ward meetings. This was confirmed in a group discussion which was attended by both ANC and DA councillors. The councillors in the group discussion confirmed that ward councillors who had PR councillors in their ward from the same party were able to work together and complement each other in their wards. However, this was not necessarily the case where Ward and PR Councillors came from different parties in a ward. Political interference clearly undermines the effectiveness of both councillors and community-based structures in the municipality. In the absence of clear guidelines either from the government or legislation, councillors have a difficult task in overcoming political interference in the performance of their duties in the municipality.

It was also established that more affluent residents who did not see the importance and value in participating in ward committee meetings used other forums such as the public gallery in the council meetings to participate in municipal affairs. A manager noted that the public gallery in the Randfontein Municipal Chamber was always full during Council meetings. The residents who participated in municipal affairs by attending Council meetings and listening to the meeting from the public gallery were exercising their constitutional right to attend meetings and access information.

In addition to formal structures of the ward committees and mayoral *imbizos*, councillors interacted with community-based organisations in their wards. These included business associations, youth forums, the church, the SPCA and organizations that protect the vulnerable groups in the community like the elderly, the youth, environmental groups and those working with community policing, women's rights issues and protection of vulnerable groups.

The councillors established that in addition to attending and calling meetings, the residents in Randfontein expect councillors to attend to their personal problems. These included counselling, sorting out family disputes, assistance with documentation, pensions, translating documents from English to Afrikaans and solving social problems. Councillors who perform such good works obviously establish rapport with community members. However, such community expectations overwhelm councillors as they are expected to be available at all hours to assist with these personal problems as well as performing their everyday jobs. Councillors are not necessarily trained to perform some of the tasks that the community expects them to. A councillor's willingness and capacity to perform such extra-curricular community work depends on their experience, age and professional background.

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The councillors in Randfontein Municipality also experienced practical challenges in carrying out their work at the community level. These included inadequate resources such as stationery, transport, phone and administrative support. Councillors pointed out that the failure by the municipality to provide them with offices made it difficult for them to protect their privacy as they had to conduct council business from their homes and in their motor vehicles.

A manager emphasised that an effective participatory process should empower both the community and the councillor instead of nurturing dependency. However, in Randfontein councillors use the community meetings to generate shopping lists of residents' needs for submission to the municipality and residents were not involved in the analysis of ward problems and formulating solutions. These meetings therefore inflate residents' expectations about what will be done for them in terms of development in the municipality and ultimately there is disappointment when these expectations are not met.

Service delivery protests are a gauge of the effectiveness of a municipality's communication mechanisms and their success in delivering services. Protesting residents generally cite frustration with municipalities that fail to deliver services and/or politicians who fail to fulfil election promises. Randfontein has experienced several service delivery protests. Councillors cited several explanations for these. Some councillors attributed protests to the slow pace of delivery of housing¹¹⁷ as well as poor access to electricity and the general lack of development in their wards. Other councillors believed that the community protests are a result of misinformation among the residents, spread by political opportunists who use people's genuine concerns to fuel dissent. This was a common strategy during election periods. Some councillors also attributed resident protests and violence to political tensions that exist, especially around election times. It was claimed that protestors burnt down a councillor's house and damaged property due to political tensions and frustrations with poor service delivery. Examples of the causes of protests are highlighted below in the comments extracted from the councillors' group discussion:

The community has been waiting for ten years

The Mayor held a couple of meetings with the community and explained that the area had geological limitations but somebody else informed the residents the area was geologically sound

The findings on perceptions of public participation highlight the need for the municipality to educate its residents and ratepayers on the role of the Council and the councillors. This will serve to mitigate the unrealistic expectations residents may have about the provision of services. Individual attributes of a councillor also influences councillor effectiveness in public participation and community service.

¹¹⁷ Residents protested about the slow pace of delivery of housing, even though provincial government is responsible for the delivery of housing and this is not within the jurisdiction of the municipality. However, the municipality is perceived by residents to be the closest government representative to them and therefore the easiest representatives to access to express their frustrations. Because residents do not have a contact person at provincial level to address their housing frustrations, councillors are the natural targets of their frustrations.

3.1.4 *The relationship between councillors and municipal officials*

Councillors are the intermediaries between the municipality and the residents. In order to perform the role they have to interact with both residents and municipal officials. The last section focused on the roles of councillors in relation to their interaction with residents. This section focuses on the councillors' interaction with municipal administrators. According to an official in the municipality, councillors and municipal officials have different conditions of service. The officials have permanent contracts while councillors' terms are divided into five-year periods. These different conditions influence the work-relationship of the two groups as councillors respond to the electorate while municipal staff report to their supervisors in the municipality. The officials explained that whenever a new electoral term starts, councillors and officials take time to get to know each other and establish a rapport. The relationship becomes clearer as the two sides know their boundaries and establish mutual respect. Although both councillors and managers claimed that they worked well together, it was clear that personal differences contributed to poor working relationships between some councillors and some managers.

Previously in Randfontein, councillors were at liberty to visit individual manager's offices to make inquiries about service delivery issues. The system was replaced with one where councillors are required to submit their concerns to the managers in writing via the Speaker's Office. It was reported that this was because councillors constantly interfered with municipal managers' work. In addition the councillors were supposed to make submissions for items to be discussed in the Council seven days before the Council meetings. This additional bureaucratic process is alleged to cause delays in service delivery. In addition, the failure by the municipality to stick to the agreed dates for Council meetings made it difficult for councillors to adhere to this regulation and participate in Council meetings. It was reported that since 2004, the municipality had not adhered to the meeting schedule which was set at the beginning of each year.

Councillors complained that while staff turnover was relatively high in some departments, they were not formally informed when new appointments were made and/or when acting staff were appointed in the municipality. Some of the opposition party councillors were of the opinion that the managers only co-operated with the ruling party councillors. The councillors alleged their requests were ignored, they were denied access to copies of the municipality's IDP draft document and they were unable to extract information from the managers about the resources that had been allocated to their ward. Some of the councillors' concerns are reflected below:

Last time I asked questions in Council but you have to submit a written request, seven days before the meeting. They call meetings when they like which makes it difficult for a councillor to submit questions on time

The municipality takes a long time to respond to reports from councillors. We are pushed from pillar to post leading to poor relationships between councillors and officials. Officials try to use technical language to dismiss councillors

It is difficult to access most of the departments as people there do not return calls and ignore emails, which is frustrating for councillors

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Every year we have to submit our draft IDP. We submitted ours. When the IDP draft was circulated, our submissions were not included. Since then we have been asking for a copy of the final IDP to check but nobody has a copy of the IDP in the whole municipality. The IDP should be available for everyone to see it...

Councillors in the group discussion singled out the following challenges they faced with respect to their working with the municipal officers which undermined their capacity to perform their role:

- The failure by the municipality to perform routine tasks, like maintaining storm water drains and cleaning of streets. The councillors also cited the lack of a system in the municipality to manage routine tasks like maintaining street lighting. As a result, individual councillors wasted valuable time and resources to monitor and report such issues to the managers. This was in spite of numerous reports and complaints from both residents and councillors about these services. Both councillors and residents were frustrated as they received neither service nor feedback on these issues. Councillors also identified other issues that hindered them in the performance of their work. These included:
- failure by the municipality to inform councillors of the work programme in their ward. As a result, councillors cannot monitor the work of managers;
- council bias towards the previously disadvantaged communities to the exclusion of the others;
- short notice given for councillors to attend council meetings;
- failure by the Council to deal with the waste management problem;
- long absences by managers who attend capacity building courses and
- officials who miss appointments with councillors.

In respect of missed appointments, a frustrated councillor voiced her concern:

I made an appointment with the Municipal manager on 10 October 2009. I arrived at my meeting only to be informed by the Municipal Manager's personal assistant that the Municipal Manager had gone away without informing me. The secretary told me that the Municipal Manager left while I was waiting for my appointment. She informed me that they would make another appointment for me. I am still waiting for that appointment two months later.

- High turnover of officials and their replacement by acting officials who lack confidence and experience and may not be empowered to make decisions affecting service delivery.

The councillors expressed frustration with officials who do not fulfil their roles and failed to communicate with the councillors. Councillors complained that officials missed appointments with them and ignored requests

submitted by councillors¹¹⁸. While some councillors gave up in frustration some used their personal attributes and/or previous experience of working in the municipality to extract information from the Municipal Managers. An innovative councillor employed various strategies to highlight his concerns about poor service delivery. These included the taking of photographs of unfinished work and poor workmanship and presenting this as evidence of poor performance at council meetings; and inviting individual directors to undertake site-visits and holding one-on-one meetings with key figures in the municipality to ensure that they carried out their work. Other councillors went directly to the directors of the municipality or relied on portfolio meetings to extract information from municipal management. Another councillor reported resorting to 'self-help' interventions to improve the situation and mobilised people to clean the streets in their ward, whilst others resorted to the Speaker's Office to report non-performing managers. Sometimes the frustrated councillors refused to follow procedure and exerted pressure on the officials to short-circuit the existing regulations. An example was given by councillors who use the Party caucus or the full Council to force managers to respond. An official explained that councillors who are frustrated by the complicated and unresponsive reporting system sometimes stormed into managers' offices to demand that their issues be attended to.

The MMC councillors and officials blamed councillors' ignorance for the breakdown in communication. They also blamed councillors who had fulltime jobs as they failed to attend meetings and devote time to residents in their wards. Officials also revealed that in-fighting amongst councillors¹¹⁹ paralysed effective decision-making.

Councillors also cited examples where the municipality had made promises to the councillors and/or communities but had failed to follow through with implementation. These instances were:

- The Speaker's Office requested all councillors to submit their training needs but no training had been authorised once these needs had been submitted
- Each ward was promised R100 000 to spend on their priorities. The wards were asked to submit their budgets which they did but the money was not allocated
- Supply of dustbins in 2006 which at the time of the present study¹²⁰ had still not been delivered

In each of these instances, the municipality had not proffered an explanation to the councillors or residents. These practices diminish citizen trust and confidence in the ability of local government to deliver services. It also makes it difficult for councillors to perform their roles effectively. This is because the councillors lack information to explain the reasons for non-delivery to the communities and as a result lose their credibility as representatives of residents and their ability to play the effective oversight role required of them.

¹¹⁸ A councillor was of the opinion that municipal staff did no work but rather used their offices to "shuffle papers around".

¹¹⁹ Racial tension, personal differences, inter and intra-political party differences

¹²⁰ December 2009

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The lack of a clear system and procedures to regulate the interaction between councillors and administrators impedes service delivery and results in frustration on the part of councillors wishing to access information about progress with the implementation of development projects. Findings from the group discussion indicated that councillors had differing understandings of the procedures to be followed to communicate with municipal managers. The comments below highlight this confusion:

We must go to the Office of the Speaker it is difficult. We have to submit forms to the Office of the Speaker and they take time to respond

They (officials) normally respond to motions submitted direct to Council

Councillors are supposed to send their requests to the MMC but they prefer to work with the directors

If you have a complaints form, you submit it to the Speaker's Office, who must take it to the Mayor and Mayor to MMC.. It does not work that way.. we think the forms stay in the Speaker's Office, that is why we do not follow that procedure..

This finding underscores the importance of the establishment of clear communication channels, functional systems and accountable municipal officials as prerequisites for councillors to fulfil their roles. In order to improve the system, the Municipality has to establish simple channels of communication between the managers and elected councillors. The Office of the Speaker should facilitate rather than impede communication between these two groups and the system for information feedback to councillors should have time-limits and checking mechanisms to ensure that officials respond to councillors' concerns and remain accountable.

3.1.5 *The role of councillors in oversight*

The last section explored councillors' relationships with the municipal administrative officials. This section focuses on the councillors' execution of their oversight role.

Councillors use the interaction in administrators' meetings and participation in committees to hold municipal officials accountable. The last section showed that councillors face considerable challenges in their day-to-day interactions with municipal officials. The Municipality uses the Mayoral Committee which is made up of councillors who work fulltime in the Council to hold bureaucrats accountable. In Randfontein Municipality, all mayoral committee councillors are ANC councillors. The party appoints councillors to the Mayoral Committee using its own criteria¹²¹. The MMC councillors are drawn from both the ward and the PR councillors. Members of the Mayoral Committee have offices in the municipality and infrastructural support such as access to a telephone, a transport allowance as well as secretarial support. The exclusion of other political parties from the Mayoral Committee undermines democracy and transparency in council business. Opposition party members are not privy to Mayoral Committee decisions and have no input into Executive Committee decisions since only members of the Mayoral

¹²¹ The Party makes these decisions in its caucus to which researchers were not privy to

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Committee and Directors of municipal departments sit on the Executive Committee to discuss and finalise policy and to evaluate input from the Portfolio Committees.

Section 80 Committees are established to monitor administrators' performance of their work. Unlike the Mayoral Committee which is exclusively staffed by ANC councillors, councillors from other political parties sit in the Section 80 Committees. All Section 80 Committees are chaired by a member of the Mayoral Committee who is in this municipality. Councillors are also deployed to the Portfolio Committees according to the proportion of the electorate that they represent. The Chief Whip assigns councillors to the specific Portfolio Committees. Though all councillors who were interviewed were all members of the Section 80 committees, some councillors belonged to more than one committee. Councillors and officials use the portfolio meetings to discuss policy. Councillors take their ward complaints to the portfolio meetings. The councillors also use the IDP as a tool to monitor the implementation of policy. The Committees are politicised which undermines the councillor's capacity to influence policy. When there is a disagreement at committee level, this is resolved through voting on issues and the minority parties are always outvoted. As one councillor summed it up:

if DA councillors make a proposal, they are outvoted as everything is politicised and it is not for the good of the town

In addition to these obstacles affecting oversight, councillors lack support from the Speaker's Office and municipal managers, which reduces their capacity to perform an oversight role. According to the council procedures, the Council must set dates for the meetings at the beginning of each calendar year and inform all the councillors and interested parties. While Council does plan the dates at the beginning of the year in line with the regulations, councillors across the board and municipal officials reported that the Council never sticks to the initial timetable. According to the councillors, meetings are cancelled or rescheduled at short notice¹²². As a result, councillors fail to submit concerns from residents and attend meetings without adequate preparation or even miss these important meetings. This frustrates the councillors as they often fail to make their submissions to the relevant offices (for example, to the Municipal Manager etc) or infrastructure within the stipulated seven days. As a consequence, the councillors have to wait for the next meeting to submit their information requests and follow up on progress or queries. Councillors therefore face delays in receiving feedback and reports they urgently require to do their work and make decisions and/or inform residents in their wards properly. This delays service delivery and undermines residents' confidence in local government institutions and the councillors.

According to a municipal service unit manager, although the municipality has literate councillors, different councillors vary in their capacity to engage the public. As there are no minimum qualifications for councillors, it is assumed that councillors can read, understand and analyse the large reports that they are presented with before the Portfolio Committee meetings. The councillors have to learn the procedures and protocols of the committees on the job. Interaction with councillors indicated that councillors who have served more than one term in the municipality would be more familiar with the procedures than others. The Randfontein Municipal Speaker was of

¹²² Councillors in the group discussion said that they received only 24 hours' notice before a meeting

the opinion that councillors with lower educational qualifications than other officials have limited capacity to interrogate officials, scrutinise their work and hold them accountable. The limited capacity of councillors to engage officials undermines their capacity to monitor the progress of projects implemented by officials. Councillors with limited literacy struggle to comprehend documents and legislation required to perform their work. This undermines councillors' capacity to use the documents to hold municipal officials accountable. The councillors complained of poorly developed institutional processes which made it difficult for them to execute their mandate. For example, there were reportedly no time frames guiding the IDP implementation. Most councillors interviewed were of the opinion that the system would be improved if municipal directors apportioned responsibilities to officials and set timelines which councillors could use to monitor the progress of officials.

3.1.6 The influence of political parties on the role of councillors

At the community level, councillors also have to represent their respective political parties. This is undertaken through upholding and enforcing the party manifesto, recruiting new members, campaigning for their political party and convening caucus and community meetings. The councillors also represent their parties by assuming a watchdog role over the position and activities of other political parties. In the case of the ruling party councillors interviewed, more often than not these councillors held positions in their political parties as well as their post as councillors.

Ideally, the diversity of political parties in Randfontein should facilitate healthy democratic participation by a broad range of citizens. Councillors have to balance their obligations to the Party they represent with their professional role as municipal councillors presenting the needs of residents. However, political parties increase demands on a councillor's time and resources. The councillors are placed in a difficult position as the municipal work-load and demands of the political parties do not always coincide.

Councillors from the DA and the ANC revealed that they made regular reports to their respective political parties on their work. In turn, the parties provide guidance to councillors where possible.

The political parties also use the reports from councillors to monitor councillors' performance. The councillors have to submit minutes of their meetings and report progress to their party. This monitoring could potentially be used to improve the effectiveness of the councillors. At the time of writing, the Speaker and a councillor have been dismissed by the ANC for misconduct. This illustrates that political parties also play a role in facilitating good service delivery.

Councillors from the two major political parties also indicated that they benefited from mentorship programmes within their respective parties. Senior and more experienced councillors mentored the new and inexperienced councillors on the municipal procedures and other roles. The ANC councillors are trained on how to balance the competing demands from the party and the municipality. The party also has courses for women councillors in which the women receive training, mentorship and networking opportunities. A Municipal official and ANC councillors reported that the ANC has a political school for councillors where they receive instruction in various courses. The DA provides some induction courses of a practical work-specific nature. For example,

councillors attend ‘dry-run’ sessions for councillors who have just been elected into office. This enables them to learn about their jobs and roles in Council meetings and committees. Evidence of the need for this type of training was found in the views of a municipal official who blamed the incompetence of some councillors on the failure by political parties to prepare their candidates for councillor roles and responsibilities.

The deployment practices of the ANC complicates procedures and accountability systems for both political parties and municipalities. The ANC deployment should be based on some criterion that is formed by the work and responsibilities of a councillor. In Randfontein, the DA requests potential councillors to submit CVs to the party to assess their suitability to become councillors. The candidates are short-listed on the basis of their community work and also competence to work in at least one of the specific municipality’s Portfolio Committees.

The ruling party and the DA use the caucus structure to decide on agendas before Council meetings. The ANC caucus sometimes includes members of their branch committees who are not necessarily councillors. This broadens the scope for the community to participate in municipal decision-making. Findings show that the ANC caucus structure is a powerful body through which important decisions about the municipality are made. Although the opposition parties hold their own caucus meetings, opposition councillors felt that the caucus system has a negative impact on service delivery because ANC councillors only support the ideas that they generate. As a result, the suggestions from the opposition councillors always lose the vote even if they are good suggestions. The opposition councillors also abstained from voting to record their discontent with ANC-led decisions. Another strategy that the opposition used to influence the ruling party councillors was to caucus with individual (ANC) councillors before council meetings to try and lobby them to support their position on an issue.

Although councillors participating in a group discussion revealed that they worked together well in the municipality, individual interviews with councillors revealed that opposition councillors felt marginalised, for example with respect to accessing resources, information and training opportunities. Municipal officials may also be members of political parties in Randfontein which reportedly leads to a conflict of interests because these managers allegedly co-operate with councillors on the basis of their party loyalty. In this regard, managers claim that individual councillors try to exert political pressure on them and this was a common problem in the procurement process.

3.1.7 Conclusions

In Randfontein councillors are trying to perform their role in a relatively well-resourced municipality. However, the specific context in councillors’ work poses several challenges which have been identified through the case study findings. At the political level, the municipality is divided along political party lines. This has a negative impact on the functioning of the municipality and the Council itself. The political leaders who are supposed to lead the municipality are not immune to the ‘politicking’ and at times they politicise the allocation of resources required for effective council work. This is apparent in their treatment of councillors, giving preference to the ruling party in the distribution of training opportunities and in allocation of information and resources to councillors. This does not augur well for the functionality of the municipality. The consequence is that councillors

appear to be focused on serving the political party rather than serving the common good of the municipality and the residents. The municipality should develop clear guidelines in the allocation of responsibilities and decision-making, to ensure that the needs of the residents rather than the interests of the political party and self-enrichment are the primary criteria for development and the allocation of resources in the municipality. Strategic offices like that of the Speaker should accommodate all political parties in the allocation of resources and administrative support. In order to achieve this, the appointment of politically mature and experienced councillors to key strategic posts, such as the Office of the Speaker, is essential.

Some of the problems that councillors raised as obstacles in dealing with municipal staff concern three central issues:

The need for the municipality to develop a clear communication framework to guide the councillor-municipal manager interface as well as the municipal-staff-public interface. Interventions focusing on fostering more open communication and informal exchange between municipal officials and councillors are needed to improve the information flow and enable councillors to work more effectively in their monitoring and oversight roles. Information pertinent to residents' development needs should be fed to the municipality who should then be in a position to effectively inform residents on progress in key municipal development projects.

Secondly, case study findings highlighted that councillors have limited opportunities to effectively engage with municipal managers. Managers do not respond to councillor queries effectively and this is compounded by the apparent lack of enforceable accounting procedures for municipal staff. As a result, neither the councillors nor the residents are able to hold the municipal officials accountable. Senior party leaders at the local level and municipal managers need to effectively deal with councillors' complaints and revise the current reporting systems to make them more responsive, flexible and less bureaucratic. The current system does not appear to challenge the managers in the performance of their responsibilities. An alternative system with penalties for managers who do not respond to councillors' concerns should be put in place.

Municipal strategic development plans such as IDPs need to be broken down into smaller development objectives with role-responsibility for the implementation of these objectives specified together with time-frames to guide implementation and monitoring of such plans.

The findings showed that instead of their engaging in strategic policy formulation and oversight roles, councillors are preoccupied with relatively minor issues in the municipality. This is because many councillors in Randfontein have limited capacity to engage at an advanced level in policy-making, owing to a lack of adequate training and preparedness to perform their functions effectively. The municipality should use the needs assessments which they have carried out to target councillors in training programmes so that they can build capacity to engage in policy-making and oversight more effectively. A service delivery monitoring and evaluation course would greatly increase councillors' capacity to play an effective oversight role.

The findings revealed that the municipality is not drawing effectively on the various skills and competencies among its crop of serving councillors. The anomalies that result in relatively inexperienced councillors being

appointed to senior posts like the Speaker and Mayoral Committees at the expense of more experienced councillors highlight the ineffectiveness of councillor selection systems within the municipality. The political parties, the Chief Whip and the municipal council should balance councillors' experience and other criteria when making such important appointments. The level of maturity, work and life-experience that responsible councillors would bring to the municipality if utilised effectively, can improve the municipality's ability to deliver services effectively.

The findings highlighted that councillors face various constraints in engaging with residents effectively. These included the lack of office space and other resources, such as better remuneration. These kinds of resources need to be supplied to councillors to make them more effective in their work. The municipality also needs to formulate public mobilisation and information strategies to ensure that citizens take part in public activities, including ward committee meetings. In addition, efforts to 'depoliticise' the municipal administration should be actively promoted so that residents become less cynical about ward committee participation and other efforts to involve them in participatory decision making. All councillors should be trained to run Ward Committees as developmental rather than political structures.

3.2 Case Study Two: Khara Hais Municipality

3.2.1 A municipal profile

The municipality of Khara Hais encompasses the town of Upington in the Northern Cape Province. The municipality was formerly known as the Upington District Municipality. In the Nama language, Khara Hais means 'place of trees'. The Municipality is 3444.2240 sq kilometres in size¹²³ and has a mixed population of 76,000 people comprising Coloureds (64%), Africans (24%) and Whites (12%). The population fluctuates with the agricultural season, because of the migrant labour that seasonally settles in the area to take advantage of employment opportunities on the commercial farms in Khara Hais. There are seven main settlements in the municipality, which are spread across rural, peri-urban-mixed-agricultural and urban areas. The main types of housing in the municipality are formal housing (73 %) and informal housing (18 %) ¹²⁴. The economy of Khara Hais is based on agriculture, salt-mining and tourism. The municipality also has cattle farmers and a growing tourism sector. The factories that support the agricultural activities are also a source of employment in Khara Hais. The rest of the population is employed in the municipality. The municipality suffers from high unemployment¹²⁵ and a large indigent population who are dependent on government grants and subsidies.

The municipality has 23 councillors. With the exception of four, the others are members of the ANC. There are twelve wards in Khara Hais and all are controlled by the ANC. Interviews were undertaken with seven councillors, the Mayor, the Speaker and two municipal officials. The first section of this case study describes the profile of councillors who participated in the study. The second section focuses on the perceptions of service delivery. This

¹²³ [http://www.Khara Hais.gov.za/](http://www.KharaHais.gov.za/)

¹²⁴ Statistics South Africa, Census 2001

¹²⁵ The unemployment rate was estimated at 60% by the Municipal Officials during the interviews. Census 2001 indicates that 62% of the population is unemployed or not economically active

is followed by the findings on the role of councillors in the municipality and councillors' relationships with municipal officials and their role in oversight of the municipal administration. This is followed by the findings on the influence of the political party on councillor effectiveness and the final section explores the achievements of the councillors in facilitating service delivery.

The Table below highlights the profile of councillors who were interviewed during the research. The councillors ranged between 38 to 61 years of age. Five of them were from the ruling party, two represented the DA, five were PR councillors and four were ward councillors. The councillors in the study represented a range of experience from public representatives who had served more than two terms, to those who had joined the municipality only in 2009. Two councillors who were interviewed had joined the council after by-elections to fill vacant posts and had served for less than a calendar year. At least two of the councillors had joined the municipality from the national government structures. These councillors brought a wealth of experience and technical knowledge to the municipality of Khara Hais. The Mayor was serving his third term of office in addition to having substantial experience in local government.

Table 4: Profile of councillors interviewed

Profile of councillors		
Respondent	ANC	DA
Ward Councillor	4	-
PR Councillor	1	2
Mayor	1	-
Speaker	1	-

More than half of the councillors interviewed had some tertiary education qualifications and most had substantial working experience. The majority of them had worked in administration before joining Council. In addition to their basic educational qualifications, the councillors had attended councillor orientation and induction courses from SALGA. Some had also received training on the IDP, executive leadership, governance and service delivery. The training was offered by various institutions including SALGA, tertiary institutions and the Treasury. The relatively high literacy levels among the councillors made it easier for them to follow Council procedures. The Municipality of Khara Hais had arranged in-house courses for the councillors to improve their effectiveness. The courses trained councillors in their various roles in the community and Council. The municipality also trained

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councillors on protocol and business etiquette. The latter was important to groom councillors to interact with the private sector. Some of the councillors earned extra income through receiving a State pension or running their own business. The activities did not interfere with the councillors' capacity to perform their work. For example, a councillor who worked as a minister in the church felt his Council work complemented his church work in the municipality as the church gave him an opportunity to interact with residents in a different environment and increased his insight into the community issues. However, most of the councillors were employed full-time as public representatives.

With the exception of the member of the Mayoral Committee, all councillors interviewed worked from home. They did not have offices in Council or in the ward and they received a telephone allowance from the municipality. The Council also provided the councillors with some office space and computers which they could use while they were at the municipality. The Office of the Speaker facilitated councillors' access to emails and the internet. All councillors had a municipality email address.

3.2.2 Access to services and perceptions of service delivery in the municipality

Table 5: Access to select basic services

Level of basic service	Sanitation		Access to water		Access to energy: cooking	
	*2001	**2007	*2001	**2007	*2001	**2007
Full Flush toilet	71	75	-	-	-	-
Pit Latrine: no vent	3	2	-	-	-	-
Bucket Latrine	7	9	-	-	-	-
Piped water in dwelling	-	-	19	55	-	-
Piped water in yard	-	-	20	37	-	-
Borehole	-	-	2	1	-	-
Electricity for cooking	-	-	-	-	66	88
Paraffin for cooking	-	-	-	-	14	3

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Wood for cooking	-	-	-	-	11	5
Coal for cooking	-	-	-	-	.1	-
Statistics South Africa: *Census 2001 Community Survey 2007**						

The table above highlights the access Khara Hais residents have to select basic services. Three-quarters of residents in the municipality had access to full flush toilets in 2007, with slightly less than 9% of residents making use of the bucket system for sanitation. Khara Hais appeared to have made significant progress with respect to access to water in dwellings, with more than half of the residents reporting having access to this level of service in 2007. More than three-quarters had access to electricity for cooking purposes in 2007.

When municipal officials were asked to assess their municipality's service delivery performance using a self-assessment scale¹²⁶ officials were of the opinion that their municipality had performed very well and gave themselves a rating of four out of five. The municipality is largely litter-free and has won the Northern Cape's Cleanest Town competition several times.¹²⁷ Approximately 90% of the population in Khara Hais have access to clean water and electricity. In addition, the Council received the Blue Drop award for the high quality of the water they deliver to residents. The award, given by the DWAF, certifies that the municipal tap water is safe for residents to drink¹²⁸. The officials interviewed blamed the service delivery shortfall on national government delays in delivering services, funding problems and the growing population of Khara Hais.

The councillors cited problems of unemployment, infrastructure provision and human resources in the municipality. It was felt that the reason some residents did not have access to basic services was because of factors outside the municipality's control. For example ESKOM was reported to not have sufficient capacity to deliver electricity to all residents in Khara Hais. The municipality has a housing backlog of between 6 000 - 7 000 houses but the Provincial Government which is responsible for housing, delivers 200 housing units per year¹²⁹. The Council also has limited funds to maintain the road infrastructure. In addition, some residents in the municipality still rely on Ventilated Pit Latrines and were in need of upgraded sanitation facilities. The municipality's extensive spatial spread made it difficult for all residents to access services, especially those living in rural areas, far from

¹²⁶ Researchers asked the municipal officials to rate their municipal service delivery performance. The officials were asked to use a score of 1-5. One being the lowest score and five the highest score, indicating service delivery excellence.

¹²⁷ The cleanest Town competition is a national environmental and waste management initiative with the overall aim of contributing to the efforts of the National Waste Management Strategy.

<http://www.info.gov.za/speeches/2003/03070214461002.htm>

¹²⁸ <http://www.dwa.gov.za/events/MunicipalIndaba/Regulatory/Documentation/WDQBlueGreenDropStatusDraft.pdf>

¹²⁹ Interview with the Executive Mayor

towns. A further challenge was the high proportion of the resident population¹³⁰ that was dependent on grants and pensions for a household income, affecting their ability to pay for municipal services. This, coupled with the limited funding from central government, increased Khara Hais municipality's financial burden which had a direct impact on its capacity to deliver services.

With respect to human resource challenges, the municipality has a shortage of skilled staff. The distance from wealthier urban areas, coupled with lower wages offered by local authorities, made it difficult for the municipality to attract and retain skilled personnel¹³¹.

3.2.3 *The role of councillors in the community*

The nature of the relationship between residents and the municipality determines the extent to which a councillor can play a mediating role between residents and the municipality. Since councillors are drawn from political parties, the relationship between the municipality and residents is sensitive to external politics. According to the councillors and the municipal officials interviewed, the relationship between the municipality and residents in Khara Hais has improved over the last five years. This was attributed to the efforts of the Mayor and the Speaker.

The important role councillors play as intermediaries, conveying information between residents and the municipal administration and the Council, is recognised by officials within Khara Hais. Municipal officials and councillors in Khara Hais believe that an informed community would be less likely to make unrealistic demands or engage in protest action. To this end, the municipality uses public meetings, ward committee meetings and the radio service to communicate with the public and the municipality has a public participation policy¹³² that pledges to achieve the following:

- Genuinely empower communities
- Not engage in token consultation or manipulation
- Give priority and support to ward committees
- Assist ward committees to plan at the local level
- Implement ward-based planning using a range of working groups and community-based organisations
- Improve the accountability of ward and municipal structures to each other and to the communities they serve
- Improve the linkages between provincial and national departments to their clients.

¹³⁰ Interviews with councillors, the Mayor and the Speaker

¹³¹ Interviews with the Speaker, council officials and councillors

¹³² Khara Hais Municipality Policy Framework Participatory Ward Committee System (unpublished document)

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The Speaker and Mayor are the senior councillors in the municipality and these two officials are instrumental in setting the tone for resident-councillor interactions.

An internal survey carried out in 2009 by the Khara Hais municipality to assess the ratepayers' opinion of councillors, established that 70% of the community was satisfied with the performance of councillors generally. Findings from the survey therefore suggested that municipal councillors are playing an effective role in service delivery in the community. According to the Khara Hais Public Participation Officer, Khara Hais has an effective public participation system in place and this was attributable to a number of reasons:

- Councillors hold regular meetings with the community;
- There are no service delivery protests in Khara Hais municipality;
- People attend meetings;
- The public makes quality inputs into the Integrated Development Plan (IDP);
- There is good attendance at IDP meetings.

The municipal Council convenes regular *Mayoral imbizos* to facilitate interaction between the municipality and the residents. The Mayor, councillors, municipal and technical staff interact with the public at these meetings. Councillors play a role in mobilising people to attend the meetings. The *imbizos* in Khara Hais enable the senior councillors, including the Mayor, to have direct interaction with the community. In this way, the senior officials can appreciate community problems.

The ward committee structures in Khara Hais were also used to distribute temporary employment opportunities provided by the Department of Public Works to residents. The ward councillors also use the ward committees to encourage public participation. The various councillors' roles differed in the ward committees. The ward councillors were responsible for chairing and convening ward committees, while the PR Councillors in Khara Hais only participated on the Ward Committee on the instruction of the Speaker or on invitation from the Ward Councillor. The ANC controls all twelve wards and consequently all Ward Committees in Khara Hais' municipality. The Mayor and the Speaker monitor the work of councillors in the community through monthly reports which the councillors submit to the Mayor.

Although Khara Hais has relatively well-functioning and effective public participation mechanisms, this was not always the case. Khara Hais councillors cited various challenges they faced earlier in facilitating community participation in the municipality. The public participation officer noted that the quality of the minutes from the ward meetings revealed that the ward committees were dysfunctional for a number of reasons:

- the councillors lacked support from the ward committee members who did not receive any remuneration for their work;

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- the ward committee members were not fully conversant with their roles;
- the councillors lacked offices to hold meetings with Ward Committees;
- some members complained about a lack of support from the different sectors and departments from which they required information¹³³;
- a further problem identified was that some wards were too big for a single ward committee to operate effectively. The big wards posed mobility challenges for councillors who did not have transport to get around the wards;
- some officials reported that people did not participate in the ward committees because some of the councillors were ineffective and this discouraged the public. For example, some councillors failed to answer questions posed by members of the community in the committees. Others believed that the community did not attend meetings as an expression of their disappointment in the council's failure to deliver on their needs, such as providing employment and housing. Even though this was not a municipal mandate, it shows the failure of the Khara Hais Municipality and the councillors to explain their mandates in terms of the provision of services to the public.

Party politics also undermined the potential of councillors to perform their functions in Khara Hais. The opposition councillors alleged that the politicisation of employment opportunities and the allocation of housing in the municipality undermined the effectiveness of public participation in municipal processes. In some cases the ward committee members were the same as those of the ANC branch executive. This for example, marginalised residents from other parties and limited their participation. This also undermined the effectiveness of ward committees, the ward councillor and marginalised PR councillors in the service delivery chain.

Two opposition councillors cited the following case as an example:

The ANC councillor invited the DA PR councillors to a ward committee meeting. The meeting was organised to select a ward committee. The opposition councillors turned up with their party members. After outlining the procedure for the selection of ward committee members, the ANC councillor appointed members to the ward committee. He did not elect them from the floor as provided for in the legislation. The opposition councillors protested but they were ignored. They suggested that they deputise the ruling party ward committee chair. This suggestion was ignored as well.

As a result of the incident highlighted in the quote above, the opposition councillors reported this to the Speaker's Office. The Speaker's Office in consultation with the municipality hired a professional Public

¹³³ The Speaker's Office in Khara Hais increased councillor's effectiveness in this sphere by encouraging councillors to submit their concerns in writing to his office. The Office of the Speaker undertook to respond to concerns within seven days

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Participation Officer¹³⁴ in Council to deal exclusively with the public participation portfolio in Khara Hais Municipality. In its public participation policy, the Khara Hais municipality undertook to support and strengthen ward committees. The municipality also acknowledged that in order to be effective, ward committees had to be impartial. The municipality pledged to render support to the ward committees through the following interventions:

- rendering administrative support;
- facilitating ward committee elections;
- providing accommodation for ward committee meetings in the Council offices;
- providing office equipment like fax machines, photocopiers, telephones and computers;
- reimbursing ward committee members for out-of-pocket expenses to the tune of R50 per meeting;
- reimbursing ward committee members for subsistence;
- providing facilitation support;
- promoting ward committees in the community by informing the communities of the roles and responsibilities of the ward committees;
- making administrative staff permanently available to assist with all scheduled and ad-hoc ward committee meetings to assist the ward councillor and ward committee members to fulfil their clerical, administrative functions, like booking the venue and taking minutes of the proceedings;
- providing appropriate training for councillors, the community and ward committee members;
- providing municipal transport to ward councillors and ward members at the request of the councillor.

The Khara Hais Municipality's Public Participation Policy Framework clearly spelled out the roles and responsibilities of ward councillors. In addition, the framework specified the following key aspects relating to the functioning of ward committees: the composition of ward committees, election procedures, the issue of a quorum at committee meetings and the conduct of ward committee members.

The efforts of the municipality in addressing the weaknesses with the ward committee structures is a recognition of the importance of these structures in public participation. It facilitates the ability of councillors to perform their functions properly, functioning as the link between committees and the municipal administration and Council. In addition to the ward committees, other residents like commercial farmers, do not participate in ward committee structures. They prefer to hold their own meetings and invite the councillors to these meetings.

¹³⁴ The public participation officer assumed the post in 2009 at the time of this research. It was therefore too early for this official to assess progress in public participation practices.

These 'invited' spaces enable councillors to increase their effectiveness in the community by allowing them to reach groups that are outside the formalised participatory structures. The councillors also interact with other community-based organisations such as church organisations, the ratepayers association, the business sector, pensioners, community support forums, Women Against Crime, the Small Farmers Association and other interested groups operating in the municipality. The Mayor and Speaker of Khara Hais have an 'open-door' policy where ratepayers are able to approach the senior officials within the municipality directly. The senior elected political leaders recognise the strategic role played by the business sector and wealthier segments of the residential population in the municipality. They recognise that the bulk of the municipal revenue is derived from wealthier ratepayers who are not in the majority, neither may they be ANC members. The municipality also acknowledges the need to take care of basic and existing services so that they maintain service delivery standards in the whole municipality.

Even the people who are not ANC voters, we listen to them. We give service to everybody because the taxes are paid by that side of town and the business centres. If you don't they relocate or put their money in a separate account..

Widespread poverty in Khara Hais increases the dependency of the indigent population on Council support through grants. For example, the reportedly high incidence of HIV/AIDS in the municipality has increased the mortality rate in this area. The municipality has stepped in to assist residents by brokering agreements with undertakers to provide coffins to the bereaved families and these are subsidised by the municipality. This service makes a difference to the community and was much appreciated by councillors. In order to make sure some non-deserving residents do not take advantage of this assistance, the Municipality enlisted the help of the councillors and ward committee members to identify the genuinely indigent families for targeted poverty-relief assistance. Examples of other civic-engagement and assistance activities include a councillor who works with Thembelihle, an organisation that cares for the aged in the municipality. The councillor meets with them every month to discuss their concerns. Most of the problems that concern the Thembelihle residents relate to other spheres of government not situated at the local municipal level. This councillor deals with these issues and problems by facilitating contact with relevant government departments through the Office of the Speaker.

Councillors were of the opinion that in order to communicate effectively with the different sections of their community and the municipality, they should be able to speak at least two languages. Khara Hais has a predominantly Afrikaans-speaking population. Residents struggle to communicate effectively with the police from the North West province who use English as their main medium of communication. Neither the Council nor the training institutions have taken steps to solve these problems. All councillors interviewed were able to speak English and Afrikaans and some were able to speak four languages.

The Khara Hais municipality introduced an initiative aimed at building the financial management and planning skills of ward councillors. Each ward councillor is allocated R200 000 by the municipality to address community needs and community development plans. Besides building community confidence and increasing a councillor's financial management skills and ward-based planning, this initiative enables a councillor to participate directly in

the implementation of projects. This experience in planning and implementation of activities increases ward councillors' insight into municipal decision-making processes and their capacity to supervise municipal officials in an oversight role.

The Khara Hais municipality and councillors have done a lot of work towards raising communities' awareness and understanding of the municipal mandate and areas falling within the municipality's jurisdiction in respect of service provision. As a result, the community makes "informed demands"¹³⁵ on the councillors and the municipality. This means that residents make demands guided by a full understanding of problems in delivery, that form the backdrop to municipal mandates and budgets.

The municipality has also adopted a customer-oriented approach in its operations. Ratepayers are treated like customers and there is a customer services desk at the reception of the municipality where people can lodge complaints about poor services. The Mayor, Speaker and councillors also regularly communicate with the community through the community radio service. This keeps communication lines open and information flowing between the municipality, councillors and the community. The efforts by the Mayor and Speaker to continuously be available to residents, complements the work of the councillors and enables these senior officials to monitor councillors' work effectively. This improves councillors' performance and effectiveness.

Although residents have divergent interests, depending on the area they come from, their occupations and income-levels, they share the same basic expectations that the municipality should deliver on the basic services, including the provision of water and electricity and sanitation. Councillors communicate the broader interests and needs of all residents to enable residents to make "an informed demand."

The council's public participation policy aims at building the community's capacity to participate in council processes effectively, with the aim of reducing the burden on councillors and contributing to their effectiveness in playing the role of facilitator in the process of development.

The municipality's strategy to be inclusive and participatory has built trust between officials and residents. Such an environment makes it easier for councillors to perform their roles and functions effectively. The group discussion revealed that in spite of all these initiatives, councillors still faced challenges in mobilising the community to attend meetings and participate in community-based participatory mechanisms.

3.2.4 The relationship between councillors and municipal officials

Councillors have to facilitate the interrelationship between the municipality and the community. They do this through interactions with the municipal staff, the senior politicians and by serving on the various committees. The relationship between councillors and municipal officials in Khara Hais is functional and has been improving over the last five years. Generally both councillors and municipal officers reported that they interacted well and there are no tensions between them. According to the Mayor, the relations between the councillors and municipal officials have improved from the situation of five years ago. In the past there was a lot of mistrust and everyone

¹³⁵ Councillor interview

protected their own turf. The Mayor is of the opinion that because of the trust that has been developed and nurtured between the two groups over the years, as well as the open lines of communication that are now in existence, a good working environment is now in evidence.

Nevertheless, some residual tensions between councillors and municipal officials still reportedly exist. For example, some ANC councillors claim that managers in the municipal administration are unfriendly and are of the opinion that this is because the managers feel threatened by the councillors or are irritated by the councillors' demands¹³⁶. This issue was referred to the Mayor, Speaker and party caucus where it has been discussed. The open communication systems and effective management in Khara Hais mean that councillors' problems are speedily resolved, which makes it easier for them to focus on their work.

All of the councillors interviewed indicated that they mostly interacted with the infrastructure department and the technical information department as well as the housing and finance departments in their day-to-day functions. The departments cited are the ones responsible for the service delivery problems, and most cited by the councillors in an earlier section of this case study. Although councillors are not supposed to give instructions to the managers in the municipal administration, Khara Hais municipality has taken measures to facilitate necessary interaction between administrators and politicians to expedite service delivery. These measures are as follows:

- The politicians try as far as possible to communicate with the municipal staff through the Office of the Director. However, if there is a minor problem, the councillor can resolve it by direct interaction with the department concerned. The councillors have to submit their concerns in writing. The official is obliged to respond to the query within seven days.
- The councillors can also submit their queries to the Mayor who will pass these on to the respective manager.
- There is a forum where the Speaker and Mayor interact with management, and at times the Mayor will interact with the municipality when there are certain issues that he would like to have the administration focus on.
- Councillors can also request ward sessions with the municipal managers to have their issues clarified. This is in the form of an informal meeting.
- The council also organises executive meetings between councillors and managers. In these working sessions, which are organised by departments, councillors interact with staff from the municipal departments. For example, the rates and taxes working session brought together the Chief Financial Officers and the councillors. Such processes help councillors to understand Council procedures and are informative. In these sessions, councillors are given an opportunity to interrogate the officials. This process nurtures trust and increases good governance in the municipality.

¹³⁶ Councillor interview

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- Councillors are obliged to make follow-ups in both the municipality and the ward to ensure that municipal workers do their work.

The example of the indigent policy decision-making illustrates how the municipal officials and councillors in Khara Hais municipality resolve their disputes. As mentioned earlier Khara Hais has a high proportion of people who cannot pay for basic services. However, the council is obliged to extend services to all residents. The officials and councillors had to agree on the level of free basic services to provide to the indigent population. A cost-benefit analysis was undertaken and the budgetary implications of the provision of free basic services to the indigent in the municipality were assessed. This process resulted in an effective solution that balanced the political and technical mandates of the municipality.

The municipality has also found creative ways to deal with ratepayers who have not paid for basic services. For example, a councillor cited a problem where the councillors objected to the way in which the credit department went about recovering money owed by ratepayers. After discussions, it was agreed that instead of taking people to court or making use of debt collectors, at great cost to both council and residents, a more effective solution was to reach an agreement with the rate payers on a payment plan. The agreement was to give the debtors three years over which to clear their debt. If they agreed to clear their debt within three years, they would get 50% of their debt written off. These examples show how political leaders and municipal officials manage their relations in the interest of residents. The use of both formal and informal consultation processes opens up space for debate and enables the politicians and professionals to nurture a working relationship.

Although provincial and central government activities impact on the work of councillors and municipalities, there are no formal structures to facilitate interaction between these different tiers of government. Residents generally are not aware of these poor lines of communication and approach their councillor when they have a problem because councillors represent the tier of government closest to them. During the group discussion it emerged that, although the provincial offices were responsible for delivering housing, the Khara Hais municipality was responsible for the allocation of the housing site. People who wanted a house had to register for a site with the municipality and for a housing subsidy with the Provincial Office. However, the focus group discussion revealed that the public did not understand this process. As a result of this lack of knowledge, some residents registered with only one of these offices in their application for housing, causing a delay in their application.

A further problem is that the provincial office responsible for the allocation of the housing subsidy does so using its own set of criteria which do not necessarily correspond with the criteria used by the Khara Hais municipality in their allocation of housing sites. A consequence of this is that people who had applied for and been allocated a housing site do not necessarily receive a housing grant first, to enable them to develop the site. This leads to frustrations and residents blame the municipality for unfair allocation of housing infrastructure. Partly in response to this, some residents claimed housing sites for themselves in Khara Hais. Their settlement was an extension of the formally sanctioned Khara Hais New Haven settlement area. The residents used this non-violent protest to express their frustration with what they perceived as unfair council housing allocation procedures. The residents in some informal settlements also allege that the councillors allocated land unfairly only to card-carrying

ANC members. They also charged that when they went to the ward meetings, their concerns were ignored by the councillors.

To some extent the Speaker mitigates the above-mentioned problems. The Speaker uses his previous experience in central government to facilitate intergovernmental interaction at the municipal level. Every first Thursday of the month the Speaker meets with all government entities in Uppington including the parastatals and all the heads or representatives of the government institutions with decision-making powers. This enables councillors to pass on requests from the public to central government and also to receive information about government projects. The interactions also allow the municipality through the Speaker's office to follow up on government mandates that are delivered at local level. These include the sectors of housing, health and education which are community services which enforce interaction between councillors and residents on a regular basis. This increases councillors' effectiveness to explain project delays to their constituencies. The innovation enables Khara Hais municipality to tackle the intergovernmental relations which are cited as one of the major stumbling blocks to local government service delivery in South Africa.¹³⁷

The challenges relating to municipal officials and councillor interaction also include the lack of technical skills in the IDP development process, Engineering and Finance Departments of Khara Hais. The municipality tries to fill vacant posts but it has to compete with the private sector that offers better remuneration packages. In this regard, the municipality has decided to head-hunt for appropriate candidates. The municipality also decided against hiring people on the basis of their colour or BEE policy, but to appoint officials on the basis of their experience and expertise. A senior elected official in the municipality had this to say about finding suitable candidates for municipal positions:

We started seeing what is going on in the rest of the country. We agreed that we cannot compromise service delivery because consultants are very expensive. We held a caucus meeting with all our branches and told them we could not build a bridge because we don't have engineers. So we agreed to find someone who can do the job. We are the politicians, we are the branches, we are the ones who have to deal with the community when we go to meetings; we cannot suffer because there is no-one to do the job. We agreed to hire the most competent people regardless of their race

The municipality also uses the strategy of mentorship to develop skilled manpower. Young university graduates with limited experience are mentored by senior experienced staff so that they can take over when the senior staff retire.

The section illustrated how strategic decision-making and negotiation by the elected leadership can assist the municipality in addressing human resource challenges. Experienced political leadership is also able to facilitate channels of communication with other tiers of government to coordinate the delivery of services effectively. It is also clear how the use of diverse formal and informal communication channels and simple reporting procedures

¹³⁷ Department of Cooperative Governance and Traditional Affairs 2009: State of Local government in South Africa. Overview Report.

can build trust and forge a good working relationship between the elected officials and appointed officials. The resultant atmosphere is one in which councillors can focus on the more fundamental work in the municipality which is performing an oversight and policy-making role.

3.2.5 *The role of councillors in oversight*

Councillors in Khara Hais utilise the Executive Committee and Portfolio Committees to perform their oversight role in the municipality. Different councillors serve on different committees. This determines the type of oversight that they can perform. Legally, the Mayoral Committee Councillors work full time in the Council and have offices. The Mayoral Committee Councillors also chair the Portfolio Committees. The councillors must prepare for all the committee meetings, to improve their effectiveness. The Mayoral Committee meets once a month to look at and prepare the work of different committees. The Mayoral Committee directly supervises the municipal officials through their interaction with the directors.

Portfolio Committees are made up of the other councillors who do not serve on the Mayoral Committee. The municipal managers and ordinary councillors sit on the Portfolio Committees. The Mayoral Committee councillors chair the Portfolio Committee Meetings. The municipality tries to nurture trust and co-operation between the councillors and managers by holding informal meetings with the municipal staff before a full Council meeting so that the officials can prepare for the meetings.

The appointment of councillors to the various committees is carried out through the Office of the Speaker. Unlike the other municipalities where the mayoral committees are staffed by ruling party councillors only, the Khara Hais Mayoral Committee has a member of the opposition on their Executive Committee. The Khara Hais Council does this to ensure democracy, representation and transparency. In addition to ensuring party representation on the committee, the other criteria which are used to appoint councillors to committees are their experience, knowledge and passion. The composition of committees is made up to ensure that officials do not dominate and dismiss Ward Councillors. Khara Hais is a small municipality and some councillors therefore serve on more than one Portfolio Committee. The councillors are also regularly rotated between committees to increase their understanding of the various portfolios. The municipality also trains councillors in the duties they are expected to perform in the respective Portfolio Committees after they assume office in these committees. The presence of former municipal workers in the Council enhances the councillors' understanding of the municipal processes. This increases the efficiency and quality of councillor participation in oversight roles.

The councillors also use a performance management system to compel the municipal staff to report on projects and developments in the municipality. The councillors use indicators derived from the IDP to follow up on the development plan. The indicators used to monitor the managers were developed by the councillors and the managers through a process of consultation. In addition to the indicators, the managers have to report to the full Council. The reports have time-frames which councillors use to monitor administrators. In order to be effective, councillors have to read, understand and analyze the reports in order to pose questions to the officials. The political parties and various tertiary institutions train councillors on committee procedures. The new councillors

initially struggled with this oversight-role as they had not grasped the procedures, but they have learnt through their daily work how the committees run.

3.2.6 *The influence of political parties on the role of councillors*

The way in which political parties interact in a municipality influences the way in which the councillors can perform their roles. Politics sets the tone and influences relations between the various interest groups. The ANC has a majority of councillors in the municipality of Khara Hais. The intra- and inter- political party dynamics influence the way in which councillors work by determining their access to opportunities and resources that they need to perform effectively. An ANC councillor had the following to say on the positive orientation of councillors of the governing party towards serving residents in this municipality:

.. the ANC is in government but the government is not the ANC and government is for all the citizens and if someone has a problem you try and address it.

Some of the ANC councillors hold posts in their party as well as working as councillors for the municipality. This increases demands on their time and may sometimes result in a conflict of interests. An ANC councillor in Khara Hais tried to resign from his party post to focus on Council business, but his party would not release him. ANC councillors submit monthly reports to their party and also report to the party through the caucus structure. The caucus includes other people who are not councillors; it enables the Party to understand the views and needs of residents. The party caucus discusses the council agenda and problems in the municipality and how they can assist in solving them. The party uses the monthly reports to monitor the progress of the councillors in carrying out their various mandates.

The Party deploys people to positions in the Council and to councillor posts. The ANC officials in Khara Hais decided to suspend deployment of unqualified staff to council and decided to recruit skilled and experienced staff to positions, regardless of their political party affiliation. This is an example of how the ANC can and does make decisions for the good of the ratepayers instead of populist decisions that not only undermine service delivery but threaten the Party's interests. The opposition councillors interviewed play an oversight role in the ANC-dominated Council. They received support from their party which has a local government desk at the provincial level. However, opposition councillors also serve the whole of the Northern Cape and this increases demand on their limited time and makes them less effective in oversight.

Councillors from both the opposition and ruling party commented on the excellent working relationship between the different political parties in the Khara Hais Municipality and reportedly all work together for the good of the residents of Khara Hais. The ANC Mayor caucuses with opposition party councillors to get their views. The opposition councillors are represented on all the Council committees in Khara Hais. The ANC also works with all the other interest groups in the municipality. When it comes to making council decisions, the municipality tries as far as possible to make decisions through negotiations and consensus, rather than voting. The levels of political maturity enable the councillors to be focused on the common goal of delivering services rather than focusing on 'petty-politics' arising from party competition. The municipal staff complimented the Speaker and Mayor's ability

to run an 'apolitical' council. All parties unite to serve all residents in the municipality. The following quote by an opposition councillor sums up the inter-party relationship in Khara Hais municipality:

Some of the ANC councillors will go out of their way to help us but there are also the others - most of them, you can go to them. With the Speaker, it is a pleasure because he does not protect anyone. The beautiful thing is that if you come to work in the morning for you he is not an ID, DA or ANC councillor - for you he is the councillor and your boss. After hours you can decide that I am ANC and he is ID but when you come to work he is boss. Not everything is negative but the most is positive

Although the councillors work well together in the municipality, the opposition identified problems of working with some ANC councillors in the community, particularly in some wards where it was reported that the ANC claim credit for municipal achievements and also prefer card-carrying ANC members in the allocation of jobs. Some opposition councillors claimed that the ANC use patronage to reward people with jobs, and the ANC turn ward meetings into ANC branch meetings. Earlier in the case study, it was shown how the municipality had intervened to democratise ward committees. The Khara Hais municipality has a database of unemployed residents at the council offices which they use to allocate employment opportunities. All the unemployed people are supposed to register in this database to be considered for employment. An ANC councillor described the manner in which the council allocates employment opportunities:

.... in the community meeting, people are informed about jobs. All the unemployed are verified. They look at the needs of the households when they decide on the individuals to benefit from the employment opportunities. That is transparent and keeps people happy

An opposition councillor supported this claim by blaming people from his party for failing to respond to calls to register for employment with the municipality. As a result, he concluded it was not always fair to blame the ANC as the communities also failed to co-operate with the institutions.

The move by the Khara Hais Municipality to run community structures professionally is an effort at addressing some of the tensions between political parties.

3.2.7 Conclusion

The councillors who were interviewed reflected on their challenges and achievements in performing their roles and functions. The achievements were that they had managed to build and maintain a cohesive Council over time. This was a useful environment within which both councillors and managers could work to deliver services to residents. A further significant achievement was that the councillors had managed to build trust between residents and the municipality. Besides this, councillors also reflected on their other service delivery achievements, including the development of a park for children in the ward, repairing damaged housing, being recognised as the cleanest ward, assisting the community in securing grants and the extension of services to disadvantaged groups in the community.

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The municipality of Khara Hais has established a conducive environment within which councillors can play an effective role in service delivery. This is due to the politically mature and community-driven leadership style which fosters open formal and informal interaction between all the interested parties. Experienced and politically mature councillors also add to a working environment that facilitates the delivery of services and the promotion of broader developmental objectives within the municipality. Councillors execute their work in a supportive and responsive environment. The municipality makes an extra effort to offer councillors political and resource support, which increases the councillors' capacity to perform and also builds their confidence in the community and the municipality.

The existence of many open formal and informal communication channels together with a system of continuous engagement between councillors and residents, further promotes the goal of developmental local government in this municipality where councillors play an effective role to achieve this. The municipality's 'community-focused' vision and its efforts to embrace all communities within the municipality foster a good working environment for the councillors. The support which councillors receive from the municipality and the community increase the councillors' capacity to perform their role.

The mutual respect which the municipality has fostered between the communities and councillors from different political parties also increases the opportunities for councillors to have a positive impact on service delivery.

A lot of progress has been made in the municipality itself as reflected in the relationship between councillors and officials. However, more attention needs to be focused on the residents' relationships with councillors. This is because party politics can sometimes be an obstacle to effective service delivery. The decision to formalise support for ward committees was a step in the right direction and the impact and sustainability of this intervention remains to be seen. The municipality should also provide some formal training and capacity building opportunities for councillors who join the Council due to bi-elections, so that they can be equipped to participate in the municipality effectively.

Khara Hais municipality's experience shows how strategic intervention by the municipality can increase the effectiveness of not only councillors but all stakeholders in the municipality.

3.3 Case Study Three: Phumelela Local Municipality

The Phumelela local municipality is a small municipality in the Free State province. This case study provides insights into the important role that councillors can and should play in helping to rebuild healthy and non-conflicting relations between a municipality and its residents, particularly where the recent history of the municipality was characterised by a break-down of relations both internally and between the municipality and its residents. This case study also highlights that the geo-political and administrative characteristics of a municipality can have a significant bearing on the connectivity between residents, councillors and municipal officials, thereby affecting the cost of providing important basic services to residents and possibly also affecting the levels of public participation in municipal processes.

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The table below shows the number of councillors who were interviewed in this municipality. The municipality has a total of 15 councillors, seven of whom are Ward Councillors.

Table 6: Profile of Councillors Interviewed

Respondent	Party membership				
	ANC	DA	Freedom Front	Ratepayers Association	ID
Ward Councillor	5	-	-	-	-
PR Councillor	1	-	1	1	-

The Municipal Manager, Housing Director, Public Participation Officer and the Credit Controller were also interviewed as representatives of the municipal administration.

3.3.1 A municipal profile

Phumelela is a semi-rural local municipality (one of the six local municipalities that fall within the Thabo Mofutshanyane District Municipality) in the north-eastern part of the Free State province. The municipality has approximately 6 000 households, and incorporates the three towns of Memel, Vrede and Warden, with Vrede being the largest. These three towns were historically separate local administrative units. Phumelela also has four main townships, namely: Ezenzeleni, Lindelani, Thembalihle and Zamani. Given the population size of the municipality (approximately 54 000 residents in 2009)¹³⁸, Phumelela has a plenary executive system, i.e. a system whereby executive decision-making powers are vested in the Council as a collective and not in the Mayor¹³⁹. The main responsibility of the Mayor, therefore, is to chair and facilitate council meetings as opposed to an executive function¹⁴⁰.

¹³⁸http://www.dwa.gov.za/dir_ws/wsnis/default.asp?nStn=pg_Reports&SAID=206&SASID=455&curPerspectiveID=2&cid=4&Prov=FS&curlevelid=1&TreeNodeID=3&p_intLevel=-1&linkAct=Folder2.x&vd=1&curSystemID=20
¹³⁹http://www.dwa.gov.za/dir_ws/wsnis/default.asp?nStn=pg_Reports&SAID=206&SASID=456&curPerspectiveID=2&cid=4&Prov=FS&curlevelid=1&TreeNodeID=3&p_intLevel=-1&linkAct=Folder2.x&vd=1&curSystemID=20
¹³⁹ <http://www.etu.org.za/toolbox/docs/localgov/webundrstdlocgov.html>

¹⁴⁰ Unlike a system where the Mayor, together with the Mayoral Council (which is essentially an Executive/steering committee in Council) fulfils the executive function, the plenary executive system depends more on a degree of cooperation among all the councillors (irrespective of political affiliation) since they all have to be in agreement

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As with many other rural and semi-rural municipalities in South Africa, the municipality is characterised by significant levels of unemployment¹⁴¹, a situation that is exacerbated by the municipality's limited economic base. The local economy relies mainly on agricultural activities. While councillors and municipal officials alike realised that the development of a manufacturing sector was unlikely, they were generally emphatic about tourism as a potential growth sector within the province, and within the municipality's boundaries more specifically. In keeping with these observations, numerous farms can be observed along the main highway and main roads leading to Phumelela, some of which advertise game farm or lodge facilities.

Although one would expect that a municipality with the population of Phumelela would be easier to govern compared with a metropolitan municipality, this municipality has been characterised by severe governance, administrative and fiscal challenges, which are arguably exacerbated by the spatial-administrative spread of the municipality. The following sections will look at these challenges in greater detail and interrogate the various institutional and other challenges that affect municipal and councillor effectiveness in service delivery.

(and not just the Executive/Mayoral Committee) in order for decisions to be passed. While in any system of administration, cooperation among the various participants is critical, the need for such cooperation is even more so where the ultimate decision-making power rests with the entire collective as opposed to a smaller Executive Committee.

¹⁴¹ In 2001, some 18% of residents in Phumelela were unemployed. Census 2001, Statistics South Africa. The Quarterly Labour Force Surveys undertaken by Statistics South Africa indicates that the Free State as a whole had an unemployment rate of 26% in final quarter of 2009.

3.3.2 Access to basic services and perceptions of service delivery

Table 7: Access to select basic services

Level of Basic Service	Sanitation		Access to water		Access to energy: cooking	
	*2001	**2007	*2001	**2007	*2001	**2007
Full Flush toilet	30	78	-	-	-	-
Pit Latrine: no vent	18	4	-	-	-	-
Bucket Latrine	27	2	-	-	-	-
Piped water in dwelling	-	-	7	71	-	-
Piped water in yard	-	-	30	19	-	-
Borehole	-	-	10	5	-	-
Electricity	-	-	-	-	25	76
Paraffin	-	-	-	-	8	21
Wood	-	-	-	-	25	1
Coal	-	-	-	-	35	.3
Statistics South Africa: *Census 2001 Community Survey 2007**						

The table above compares access to select basic services between 2001 and 2007. Basic services to Phumelela residents improved considerably between 2001 and 2007. More than three-quarters of residents have access to flush toilets and electricity for cooking purposes and more than two-thirds have access to piped water inside their dwellings. However in 2007, some residents were still using the bucket system for sanitation and almost 10% of residents reported having no sanitation.

The main service delivery backlogs identified by respondents include:

- (a) **Water provisioning:** On the one hand, Phumelela is faced with the challenge of extending the existing infrastructure of reticulated water to the townships, as well as making some water provision for the informal settlements that have increased due to in-migration of farm labourers as well as migrants from Lesotho.

The second challenge with regards to water provisioning has to do with maintaining the quality of potable water. One councillor noted that owing to the constant droughts that the province faces¹⁴², the water level in the reservoir often also declines to the point where the quality of water that residents receive is poor, brown in colour, and laced with some of the mud sedimentation from the bottom of the reservoir. Similarly challenging, regarding the provision of clean potable water, is the difficulty the municipality has in maintaining its water purification plant¹⁴³.

- (b) **Basic sanitation:** the municipality had aimed for the total eradication of the bucket system as well as upgrading the existing sanitation infrastructure to reduce the constant pipe blockages

When [the former] President, Thabo Mbeki, announced that the bucket system was to be eradicated, we all rushed to do so, forgetting that the plumbing pipes in use were narrow. Now we are stuck with a problem where the existing pipes cannot handle the amount of waste [that passes through them]¹⁴⁴.

- (c) **Housing:** The housing problem in Phumelela seems to be exacerbated by the inflow of farm workers to the towns and townships, as well as increasing numbers of migrants from Lesotho. Of the latter, some in-migrants arrived after being recruited by Free State farmers to work as cheap labour on the farms. As noted by a councillor:

[The one service delivery issue in Phumelela] is housing. People want houses for their children [and yet] there is a problem of land.¹⁴⁵

- (d) **Road infrastructure:** Potholes and a deteriorating road infrastructure were also mentioned as a key service area that was seemingly being neglected by the municipality. A view was expressed that the low level of technical competence necessary to plan routine road maintenance projects and proactively address infrastructural problems, was an important administrative gap that required urgent attention. The following comment highlights this perceived problem:

¹⁴² Interview with Councillor T Tshabalala

¹⁴³ Thabo Mofutsanyana District Municipality (2005) 'Presentation on IDP Alignment'

¹⁴⁴ Interview with Ms. Joyce Mthembu (Municipal Manager)

¹⁴⁵ Interview with Councillor Kolatsoeu (ANC)

Infrastructure is going backwards ... in Phumelela ... what worries us is that if you neglect maintenance then it gets worse and worse... Lack of capacity in the municipality causes the delay in maintenance... if they had started to fix the potholes early then [fixing them now] would not have such a financial impact [on the municipality]¹⁴⁶.

Interestingly, in a separate study conducted by the Johannesburg-based Centre for Democracy and Enterprise (CDE)¹⁴⁷ on the causes of violent protest in Phumelela and Khutsong in 2007, researchers in Phumelela similarly highlighted two basic services, namely water and sanitation, as the main issues that were mentioned in residents' grievances with their municipality.

One of the main issues underlying these service delivery problems in Phumelela is the issue of financial resources. All the interviewees, both elected representatives and public officials, were emphatic about the need to increase the municipality's financial resources. While councillors and officials were in general agreement about the limited financial resources, two councillors in particular highlighted that poor financial management on the part of public officials exacerbated the overall financial problems that the municipality faced. Two councillors from the opposition (one from the Ratepayers' Association and the other from the Freedom Front), both of whom serve on the Finance Committee, gave an example of money being spent by the municipality on the development of the municipality's website. At the time of the interview, the councillors pointed out that the entire amount for the website had been paid in advance and yet Phumelela did not have a functioning website (and still does not)¹⁴⁸. A report prepared by the Centre for Development Support (University of the Free State)¹⁴⁹ similarly highlighted a lack of effective financial management and fiscal controls as an important contributing factor to the dismal performance of the municipality with regard to service delivery.

3.3.3 *Key factors that limit the performance of councillors as intermediaries in service delivery*

There are two main factors in Phumelela that negatively impact on councillors' roles in service delivery. The one is a structural factor, vis-à-vis the spatial profile of Phumelela and the geographical spread between the various settlements in the municipality, in the light of the amalgamation of historically distinct administrative blocs. The second relates to the general competence of councillors who operate in an administrative context where Council as a whole is responsible for fulfilling a collective executive role. In the case of Phumelela, which only has 15 councillors, skills and competencies are already thinly spread, thereby requiring an even greater competence in the skill levels among the few councillors in Council. These two factors are analysed in greater detail in the sections that follow.

¹⁴⁶ Interview with Councillors Van Niekerk and Schols

¹⁴⁷ CDE Focus (2007) 'Voices of Anger: Protest and Conflict in Two Municipalities', Occasional Paper No.10

¹⁴⁸ Interview with councillors Schols and Van Niekerk

¹⁴⁹ Botes L. et al, 'The Cauldron of Local Protest: Reasons, Impacts, and Lessons Learned', Conflict and Governance Facility Conference, Sheraton Hotel, Pretoria, November 2007

3.3.4 *The spatial profile of Phumelela*

As noted above, where historically the towns of Vrede, Memel and Warden were three distinct administrative blocs, following the rationalisation of local government in post-apartheid South Africa, these three towns now fall under one administrative bloc (which includes various townships and farms). Unfortunately, this administrative rationalization, which saw the amalgamation of these distinct towns into one municipality, has not been accompanied by a similar road network or general infrastructural reconfiguration. This means that while much has been done to consolidate the separate administrations into a single unit, this consolidation has not gone far enough. There is a need for a similar process of consolidating the road infrastructure and ensuring the separate parts of the municipality are within easy reach of the administrative centre. This has been an obstacle in the consolidation of these disparate geographical parts into a coherent administrative whole. This is an important consideration that sheds light on how the geographical distance between residents and their municipal offices, together with the size of a municipality affects residents' ability to access municipal offices and the key officials in these offices. While the administrative consolidation of the municipality has been the primary concern of officials, the implications of administrative centralization in relation to residents' ability to access officials has not received as much attention by institutional planners.

A case in point can be extracted from the experience that the CPS research team had during fieldwork, where even after explanations had been made by the Public Participation Officer (PPO) at Phumelela, it was unclear how the activities of the department responsible for facilitating the delivery of housing in Phumelela was coordinated between Warden, Vrede and Memel. While the Housing Director could be found in Vrede at the main municipal office, it seemed that the Housing Administrator was actually stationed in Warden, which was a forty-five minute drive away from Vrede. In fact, as explained by the Housing Director, the 'headquarters' where all the Unit Directors work is Vrede, while Warden and Memel have specific Unit Managers stationed there. In this administrative context, it was not clear how the functions across these administrative blocs are coordinated and how unit superiors exercise their oversight roles over their subordinate staff members. Here then, councillors have to be particularly vigilant and skilled in exercising their oversight role in the regional offices of the municipality.

This spatial spread notwithstanding, when asked how she regularly communicated with residents, the Municipal Manager highlighted that she had a weekly slot on the local (Vrede) newspaper, which, she admitted, did not reach other areas, particularly the farms where farm workers reside.

I'm assuming that councillors are the ones who communicate ...with residents [about the challenges that the municipality faces regarding service delivery]¹⁵⁰

The geographical distance between the various municipal offices also poses significant challenges for councillors in their attempts to facilitate public participation in local governance and planning processes. This very real problem curtails the scope for councillors to fulfil the important function of encouraging public participation

¹⁵⁰ Interview with the Municipal Manager

as well as the function of councillors as effective intermediaries between the local state and the community it serves.

3.3.5 *Inherited institutional weaknesses and structural challenges*

Phumelela's governance challenges are not, however, solely a function of the specific spatial characteristics of the municipality. Added to the municipality's administrative challenges is the legacy of the systemic failure of the municipality's administration leading up to 2004¹⁵¹, which culminated in the application of Section 139 of the South African Constitution. This meant that municipal executive authority was suspended and the province became the administrative custodian of the municipality from 2004 until 2006. Although the immediate trigger for this constitutional action has been attributed to the service delivery protest of 2004, speculation about the actual causes of the suspension among those interviewed for the purposes of this research project include:

- infighting between the then Mayor and Municipal Manager, which led to a total collapse of the administration¹⁵²
- rampant corruption
- general incompetence among municipal officials
- violent protests initiated by residents in the light of dissatisfaction with the provision of water and sanitation services¹⁵³

In the aftermath of such drastic constitutional interventions, an important role that councillors have to play is one of helping to build trust among residents, and the ability of the municipality and its officials to deliver on their mandates of effective governance and service delivery. It is therefore important to interrogate to what extent councillors in Phumelela saw this as an aspect of their work and actively facilitated a rebuilding of the relationship between the municipality and its residents. It was noted by two opposition councillors that opportunistic political practices in Phumelela were utilised in the run-up to elections in order to eliminate potential sources of dissatisfaction or tension between residents and the municipality. Two councillors noted that prior to the 2009 general elections, Phumelela had introduced an important initiative aimed at encouraging residents to pay their rates and taxes to increase the municipality's revenue. This initiative, they said, had been established with the help of Deloitte and Touche (an auditing firm). These two councillors noted, however, that in the run-up to the elections, the rate-collection initiative that was facilitated by councillors was disbanded. This, the two councillors argued, was an action to attract votes for the ruling Party by avoiding the implementation of a potentially contentious policy.

¹⁵¹ Marais L. et. al. (2008) 'Municipal Unrest in the Free State (South Africa): A New Form of Social Movement?', *Politeia* Vol.27 No.2, pp51 - 69

¹⁵² Interview with Municipal Manager - Ms. Joice Mthembu

¹⁵³ Centre for Development and Enterprise (2007) 'Voices of Anger - Phumelela and Khutsong: Protest and Conflict in Two Municipalities', Occasional Paper No.10

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There is a lot of politics involved, especially just before the elections [when] everything tends to stand still. Nobody wants to step on anybody's toes ... just before the elections, the guys [officials/elected representatives] were told to stop [the debt collection campaign] and after elections they could start again. This was a political move and it happens all over the world¹⁵⁴.

The Municipal Manager made a similar point, noting that:

The councillors are comfortable when they talk about the indigents' policy, but when it comes to talking about councillors going out to their communities to encourage people to pay for their services, you find a situation where that initiative won't take place. This affects how you work as a manager. At the end of the day when there is a problem with the municipal finances then the councillors who come to ask why there has not been proper debt collection only to find that they are not playing their role

This kind of political opportunism does not, however, lead to stable relations between the municipality and its residents. If anything, it represents a potential source of frustration for residents where politicians are seen to behave or make promises during election periods that they cannot or do not keep once in power. Policy coherence, particularly at the point of policy implementation, is very important in a municipality like Phumelela, which has a plenary executive system since all the councillors are jointly responsible for undertaking an executive role in the municipality. As such, there is a need to clarify how councillors balance their political functions against their executive ones. Unlike larger municipalities, where members of the Mayoral Council (MMCs) are full-time, paid, executive municipal staff and elected representatives, councillors in a plenary executive system fulfil the same executive function as MMCs in other municipalities without being fulltime municipal staff. Arguably, this presents greater challenges for these councillors in distinguishing how to represent the interests of their constituency without compromising on their individual political aspirations. There is therefore a need to further clarify the representative and executive roles that councillors fulfil, especially in a plenary executive administrative context such as Phumelela's. This needs to be done in order that councillors might maintain their political relevance to their constituency without abrogating their executive functions. These important functions cover the developing and implementing of policies that will see to the long-term financial and overall institutional sustainability of the municipality, which includes rebuilding constructive relations between the municipality and residents.

It was not clear from the interviews conducted with councillors whether and to what extent councillors saw this constructive intermediation and proactive relationship-building as a core component of their work in Phumelela. Fulfilling this role does not necessarily lead to improved service delivery nor does it in and of itself represent the principal role that councillors ought to play in facilitating service delivery. The role of constructive intermediation is essential for maintaining a peaceful environment within which councillors and public officials work together in meeting the needs of communities.

Given the recent history of Phumelela, it is not just the trust of communities that councillors have to build, but councillors, in their joint executive function, have to rebuild and complete the process of establishing a

¹⁵⁴ Interview with councillors Schols and Van Niekerk

functional and effective municipal system in Phumelela. Both tasks require that councillors have the requisite technical and professional skills to oversee the organizational development of their municipality. This includes being able to oversee the recruitment of qualified candidates for municipal posts as well as the performance of officials in executing their administrative tasks and providing services to communities. Asked about the capacity of councillors in Phumelela to function at this level, the Municipal Manager decried the lack of skills, such as basic numeracy and literacy, arguing that political parties should not only bear some of the responsibility for training their electoral candidates in preparation for public office as elected representatives, but she also argued that political parties set minimum qualifying standards for their candidates (for example, that candidates should have a matriculation certificate in order to qualify to run for public office). This, she pointed out, would help with ensuring that there could be as many councillors as possible who would be in a position to benefit from all the training that is made available for councillors by the municipality and also by provincial government, the Development Bank of South Africa (DBSA), the South African Local Government Association (SALGA) and other sources of training that are made available for councillor development.

3.3.6 Conclusion

Phumelela provides interesting insights into some of the complex roles that councillors have to play, which range from being community representatives to assisting with the process of institution-building and consolidation in a municipal context. The introduction of democratic local government, and its attendant institutional reshuffling, has met with significant challenges. Seemingly, the main institutional obstacles that resulted in the eruption of violent local protest and the application of far-reaching Constitutional provisions vis-à-vis the suspension of municipal executive power, still remain; i.e. significant fiscal challenges and limited municipal capacity to deliver basic services.

That no protest action has occurred since the resumption of normal municipal operations in 2006 might be due to the improved role played by both councillors and public officials alike in normalising local administration at Phumelela. That said, to the extent that the service delivery concerns highlighted in this analysis remain unchanged, it is likely that such protest action will once again emerge. One cannot ignore the current tensions and levels of dissatisfaction among South Africans with regards to local government provisioning of basic services. It is therefore important that councillors not only manage the expectations residents have of their local authority, but also simultaneously attempt to deal with the needs of the poor through their registration onto the indigent list to receive free services etc. However, councillors should simultaneously see to the recruitment and retention of competent officials who will manage municipal resources effectively and meet demands for basic services. The competencies required for such oversight are both experiential and technical, and require that political parties think carefully about the quality of candidates that they put forward to compete for votes in local government elections.

3.4 Case Study Four: Madibeng Municipality

3.4.1 A Municipal profile

Madibeng local municipality is one of the twenty local municipalities in the North West Province. It has an approximate population size of 450 000 residents spread across 31 wards (approximately 20 out of the 30 wards are located in rural areas (900 farm portions) and 43 villages). It is estimated that approximately 93% of the municipality's total population consists of historically disadvantaged groups (i.e. Africans, Indians and Coloureds), while the remaining 7% comprises Whites¹⁵⁵. The municipality has two main towns, namely Brits and Hartebeespoort. Among its key economic activities are agriculture, mining, the automotive industry and tourism, which is largely situated in the Hartebeespoort Dam area. These economic activities notwithstanding, the municipality is nonetheless faced with significant fiscal constraints partly as a result of the high unemployment level¹⁵⁶, which has a significant impact on the municipality's capacity to collect rates and taxes. According to the Municipal Manager, this situation of rampant unemployment has been exacerbated by the general economic recession of 2009 as well as by the relocation of some industries from Brits to Roslyn. Not surprisingly then, both councillors and municipal officials alike generally cited the lack of sufficient funds as one of the main challenges to accelerated service delivery in the municipality. While the dire economic situation in Madibeng is not peculiar to this municipality, with the other three municipalities having raised similar concerns about their specific fiscal challenges, Madibeng stands out as an interesting case of divisive politics that limit the capacity of councillors to perform their role as intermediaries in service delivery. As noted by a councillor from within the ruling Party, which is the ANC:

Even if I report problems to the party ... the system is undermined by infighting and political polarization ... from 2006 to the end of 2007, the Council was running smoothly. [Now] the Chief Whip, the Speaker and some councillors do not see eye-to-eye.

While it was not possible for this study to ascertain the exact extent to which the divisions within the ruling party undermine the performance of the councillors as well as that of the municipality as a whole, discussions and interviews with councillors from both the opposition and the ruling party highlighted this as a key factor that had a bearing on the running and overall administrative effectiveness of Madibeng. This segment of the research report considers these claims in the sections of the report that follow based on the interviews that were conducted with municipal staff and councillors who availed themselves to take part in this research in October 2009.

¹⁵⁵ <http://www.madibeng.gov.za/>

¹⁵⁶ Figures for the unemployment level within the municipality were not available. Census 2001 indicates that the unemployment level was 25% within this municipality. The fourth quarter results of the Labour Survey conducted by Statistics South Africa pointed to a 27% unemployment level in the North West province as a whole for the final quarter of 2009.

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The table below shows the profile of respondents interviewed for this research.

Table 8: Profile of Councillors Interviewed

Respondent	Party Membership					
	ANC	DA	Freedom Front	Independent Democrats	UCDP	ACDP
Ward Councillor	4					
PR Councillor	3	4	1	1	1	1

Three municipal officials were interviewed, namely the Municipal Manager, the Housing Manager, and the IDP Manager. Although countless attempts were made to include the Speaker of the municipality as one of the interviewees prior to going to Madibeng and while in Madibeng, it was not possible to meet this official.

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3.4.2 Access to basic services and perceptions of service delivery

Table 9: access to select basic services

Level of Basic Service (percentage)	Sanitation		Access to water		Access to energy: cooking	
	*2001	**2007	*2001	**2007	*2001	**2007
Full Flush toilet	23	34	-	-	-	-
Pit Latrine: no vent	58	51	-	-	-	-
Bucket Latrine	1	.1	-	-	-	-
Piped water in dwelling	-	-	7	29	-	-
Piped water in yard	-	-	22	43	-	-
Borehole	-	-	11	4	-	-
Electricity	-	-	-	-	47	71
Paraffin	-	-	-	-	40	21
Wood	-	-	-	-	10	6
Coal	-	-	-	-	2	1
Statistics South Africa: *Census 2001 Community Survey 2007**						

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The table above highlights residents' access to select key basic services in Madibeng. Residents are worst off with respect to access to sanitation and water. In 2007 just over a third of residents in Madibeng had access to full flush toilets with the largest percentage share of residents making use of pit latrines without ventilation. The largest share of residents also had access to water that was piped into their yards (29%). With respect to energy for cooking, there was a substantial improvement between 2001 and 2007, with slightly less than three-quarters of residents having access to electricity.

Findings presented above from Statistics South Africa are confirmed by perceptions of respondents interviewed.

There was also general agreement among councillors and officials alike that the following represented the main service delivery issues faced by the municipality:

- (a) Housing provision and land reform: while there seems to be an overall demand for housing, the municipality's Housing Manager attributed the increase in housing demand in Madibeng to the in-migration of people from other parts of the province and from outside South Africa:

Internal migration within the province, in-migration by people who live outside the province, and in-migration from people coming from outside South Africa... there has been a growth of informal settlements in Haartebeespoort Dam because of all the up-market [property] development that has been happening there [which creates employment but it is short-term employment and contract-based].¹⁵⁷

- (b) The extension and maintenance of the water infrastructure;
- (c) Electricity provision;
- (d) Expanding the municipality's road network to facilitate greater connectivity between the various parts of the municipality, particularly the rural areas and villages and the town centres¹⁵⁸, as well as general road maintenance to avoid the development of potholes etc;
- (e) The provision of proper sanitation through the eradication of the bucket system;
- (f) Ensuring the timely and regular removal of refuse.

These service delivery priorities were similarly highlighted in the municipality's Draft Annual Report for 2006¹⁵⁹, which highlighted some of the municipality's achievements but nonetheless noted that at the start of 2007, 17 000 yard connections for water provisioning were yet to be completed and although some progress had

¹⁵⁷ Interview with the municipality's Housing and Land Administrator

¹⁵⁸ This was similarly highlighted in a presentation by the Speaker of the Bojanala District Municipality, which is the district municipality that oversees Madibeng: [http://www.lahti-bojanala.net/material_bank/Ward%20committees%20and%20participatory%20democracy%20\(Kate%20Surty\).pdf](http://www.lahti-bojanala.net/material_bank/Ward%20committees%20and%20participatory%20democracy%20(Kate%20Surty).pdf)

¹⁵⁹ Madibeng Local Municipality (2007) Draft Annual Report

been made towards addressing the housing backlog of 67 000 houses, the municipality had managed to reduce this backlog through the provisioning of 20 000 houses between 2007 and 2009¹⁶⁰.

It is important to note that councillors are not the direct implementers of the service delivery plans that are outlined in the various municipal Integrated Development Plans (IDPs). The role of councillors in service delivery is an indirect one. It is their task to monitor the performance of the municipality and its officials in service delivery and act as a conduit of communication and interaction between the municipality and residents. As such, challenges faced by councillors in the execution of their indirect function in service delivery can and often do have a serious impact on the pace, scope and quality of service delivery. As the case of Madibeng demonstrates (in much the same way that other municipalities analysed in this study similarly do), where councillors are unable to effect their role either as informed evaluators of municipal performance or as the chief mechanisms of municipality-resident interaction and communication, communities not only feel distant from their municipal officials, but they also become disheartened by the perceived failure of the municipality to deliver basic services and the lack of accountability by municipal officials for these failures.

*The municipality has not provided good service delivery. The main problem is poor planning. The list of priorities developed by communities is not properly handled: communities identify their priorities but then officials change these and go with something else. The community ends up not being happy.*¹⁶¹

Furthermore, and with particular reference to Madibeng, where the internal coherence of the ruling Party (in this instance the ANC) is eroded or under threat, withholding service delivery in some areas becomes a political tool. It is used to discredit those councillors who are aligned with specific factions and critiques dealing with the general quality of governance. That some of these might be legitimate is easily dismissed within the context of factional party politics. The following section will outline some of the factors that in the case of Madibeng, are important contributing factors to the ability of councillors to perform their indirect role in service delivery.

3.4.3 Key factors that limit the performance of councillors as intermediaries in service delivery

This section considers the main factors in Madibeng that limit councillors' ability to facilitate the effective provision of services by the municipality to its residents. Councillors in Madibeng are faced with the following sets of challenges: (a) divisive party politics in the municipality and in the province more generally; (b) unclear information flows and limitations in terms of access to information; (c) lack of skills and portfolio-specific competencies; and (d) ward demarcation and the geographical spread of constituencies. Each of these will be discussed in greater detail below. It is envisaged that where these challenges are addressed over time, there is a possibility to establish an environment that is more conducive to improved performance of councillors in service delivery. For this municipality, however, the most pressing governance intervention currently relates to the overall political situation in the North West. This is an intervention that is clearly exogenous to the municipality itself but nonetheless introduces complex governance dynamics that affect the day-to-day running of the

¹⁶⁰ Interview with the municipality's Housing and Land Administrator

¹⁶¹ Interview with ANC Councillor

municipality and hence its performance. Although in all the municipalities visited, there were varying degrees of institutional or structural impediments to service delivery, these party-specific weaknesses seemed to be significantly more pronounced in the case of Madibeng. These impediments referred to, could be attributed to processes within the Party (for instance, in the case of candidate selection processes for local government elections, or the utilization of Ward Committees as an extension of the ruling party). **Divisive party politics**

Arguably the most important factor accounting not only for the dismal performance of councillors in service delivery but also for the general state of dysfunctionality of local and provincial governance in many parts of the North West province, is the internal division within the ANC and the faction fighting among party members and officials. This fracturing of the ANC in the North West has not only been the subject of public debate and media attention, but it has also been a source of concern among the national leadership of the Party itself, and a source of discussion among opposition parties as well in the Province. Without doubt, the internal unity of the ANC is important not just for the political stability of the country, but also for the effectiveness as the ruling Party.

The ANC is a big party. As you can see, this entire ward is an ANC ward like most wards - there are only a few that are not held by the ANC. I think that maybe they must sort out their political and personal problems because our people out there need service delivery

A similar observation was made by an ANC councillor, who noted that:

Cliques in the ANC have stopped Portfolio Committee meetings from functioning - the Chief Whip, Mayor and the Speaker's office are at each other's throats

In the group discussion, participants from both opposition parties and from the ruling Party agreed that the disintegration of the ANC in the North West has had a negative impact on the municipality.

Intra-party unity, especially within the ruling Party, provides policy coherence, which is important in terms of the development planning and service delivery implementation of the municipality as a whole. This is in turn necessary in terms of the political leadership of the municipality that there should be clarity among municipal officials about the administrative and political sites of power and accountability.

Moreover, one of the consequences of this kind of factional politics, some councillors argued, is politics of punishment and 'delegitimation,' which can invariably affect the performance of councillors in their work. According to these councillors, depending on the faction to which a councillor belongs or is perceived to belong to, withholding service delivery or other beneficial municipal projects in the ward could be used as a tool to punish and discredit a councillor among his/her constituency.

There is a perception among those of us who might come from powerful organisations that whatever those who are in a position [of power] within the municipality tell us to do we must do without asking whether we will be complying with legislation or not. [when we raise debates on the basis of local government legislative

provisions], people do not like that so they will make you sweat for the things [that you need to accomplish for your ward as a ward councillor]

This situation is then likely to engender community dissatisfaction with their elected representative and a possible outcome of this could be the replacement of the ward councillor through a by-election. Where a constituency exercises its constitutional right and replaces under-performing elected representatives, it is clear from the Madibeng example that political, and even constitutional, processes can at times be manipulated to serve the short-term political interests of some ruling party elites. In this context, the fear of being replaced and losing office can conceivably affect the willingness of some councillors to voice their dissatisfaction or concerns with some aspects of how the municipality is run. Ultimately, this can compromise service delivery outcomes, where the scope for councillors to exercise their function of monitoring and evaluating municipal performance is compromised out of fear of being marginalised within the party and in Council.

For example, some councillors from the ruling party highlighted that the Portfolio Committees themselves, specifically the composition thereof, were occasionally and arbitrarily reshuffled. This, they argued, was a way through which to silence the critical observations made by some portfolio members, thereby shielding the incompetence/maladministration of municipal officials or MMCs.

Other councillors, particularly from the opposition parties, noted that the failure to clearly separate Party and State, which led to a situation where some senior local government officials retained their active involvement in party politics, presented significant problems with regards to political and administrative lines of accountability. In this regard, an opposition party member noted that while the Mayor was the political superior to the Municipal Manager in terms of the municipal structure, the latter was nonetheless the Mayor's political superior within the party structure. According to this councillor, this created a situation in which the Mayor's capacity and willingness to objectively and openly assess the performance of the Municipal Manager was directly curtailed by the ambiguity of the political and administrative relationship between the two. Not only does this complex politics-administration interface pose challenges for senior municipal officials, but it can also have a negative impact on line staff, who at times struggle to understand to whom and how they account for their work. Municipal officials highlighted this dilemma:

The only area that still needs attention is when there are political instructions to do certain things and it is unclear whether or not as an official, I report to a political party or municipal officials

That said, however, this internal division can have unexpected spin-offs which, if channelled and leveraged appropriately, have the potential to strengthen opposition politics and hopefully also the mechanisms by which to hold both elected and administrative representatives accountable to the electorate. As pointed out by some of the opposition party councillors who were interviewed, while the internal divisions within the ANC can at times compromise the institutional stability of the municipality and hence its general administrative performance, it has also created new institutional channels through which to open up policy debates within Council and explore alternative policies. While historically the ANC's political dominance, coupled with its internal coherence made it

virtually impossible to do this, increasingly, with the diffusion of power and consensus within the party, opposition party representatives have become emboldened to raise contrary policy positions, knowing that they might be able to garner the support of one of the factions within the party. In fact, as mentioned by one opposition party representative, opposition parties increasingly resort to having informal discussions with ruling party councillors who then raise these issues in Council:

If one of the minority parties makes a policy suggestion, it is difficult to get agreement from the ruling party. If it is their idea, they will push for it. What we do know is that we speak to one of their people and let them raise the issue in council and then there might be some progress because it will seem like the proposal came from them. We do not have a problem with this. It is easier now to do this because of their faction fighting...

Thus, the possibility of having alternative policy prescriptions being outvoted by the ruling Party majority is significantly minimised, thereby increasing the chance of introducing policy and governance alternatives. This makes it possible to move away from purely 'majoritarian' politics to hopefully more robust, substantive politics to foster better governance and hence service delivery.

The extent to which these policy gains can also be replicated outside Council to strengthen the bargaining power of opposition parties in the broader provincial and local electoral politics, is unclear. It will be important to see how - if at all - opposition parties in the North West take advantage of the internal weakness of the ANC to increase their votes in the upcoming 2011 local government elections. In a context where political alternatives (i.e. electoral politics) are unlikely to shift in favour of the opposition, this can continue to strengthen the relative dominance of the ruling Party, thereby rendering the possibility for more vibrant local politics somewhat unlikely. Furthermore, the failure to convert the internal weakness of the ANC into general electoral weakness at the polls is unlikely to incentivise the ruling Party to become more accountable and transparent, and hence better able to deliver the goods and services that citizens need.

a. Unclear information flows and limited access to information

As with councillors in the other municipalities researched, councillors in Madibeng generally felt that they should be able to readily access information from the various municipal departments. This, they felt, was an important aspect of the role they have to fulfil as elected representatives of communities. While some councillors pointed to a general ease of access to information and key officials in some departments, others pointed out that they did not have unfettered access to the information that they needed.

For instance, the general impression of one of the councillors serving on the Technical Services Portfolio Committee was that accessing information about the state of repair or level of maintenance in the municipal sewage plant was virtually impossible. When asked why he thought he experienced resistance to getting information, he argued that not only was he an opposition party representative, but owing to his technical training and work experience, he was more qualified and more experienced than employees in the department. Limiting access to information was therefore a kind of defence mechanism to hide the incompetence of municipal

employees. Similar observations were generally made by other councillors, who highlighted that the skills levels of many of the employees of the municipality were either inappropriate for the positions that they filled or were so low as to render them grossly incompetent.

The technical services director has refused to give me any information ... he insists that he has never received any such request from me and that whatever information I want I can get on the municipal website... they know that I am a specialist in this field and that's why they keep me out.

Officials (i.e. the housing administrator), on the other hand, while sympathetic to the councillors' need and perceived value of the information that they sought from municipal staff, felt that councillors ignored protocol and tended to interfere with the work of employees in the various departments. In terms of protocol, the first step that councillors ought to take in registering residents' complaints would be to direct such queries/complaints to the Speaker's Office or the relevant MMC, who would then bring the matter to the relevant municipal official. Instead, councillors were described as disregarding this procedure and going directly to the relevant official. As a consequence, officials argued, this was not only a disruption but also often led to a situation where councillors would prescribe to officials how the latter ought to do their work.

b. Lack of skills and portfolio-specific competencies

Perhaps one of the main weaknesses in terms of councillor capacity to fulfil their municipal oversight and evaluative roles is the lack of core competencies in the areas pertinent to the Portfolio Committees on which they serve. As noted by a UCDP councillor, the skills levels of many of the councillors were not such as would be adequate to perform optimally in the committees in which some councillors served (i.e. technical services). This limitation in councillor competence speaks to the core political and administrative processes by which candidates are selected for party lists in preparation for local government elections. Understandably, different political parties have adopted different qualifying criteria¹⁶² for their electoral candidates. While it is unlikely that such processes and criteria will be standardised across the political parties, it might be useful for such criteria to be clearly stipulated in the legislation governing local government representatives. Currently, the Municipal Structures Act (1998) only sets a minimum age of eighteen (18) years as the only criterion for candidacy in local government elections, with no mention of the educational level or work experience of the ideal candidate, for instance. This situation is not particular to South Africa; as Rahat (2008)¹⁶³ points out, most countries do not specify what the criteria for candidate selection ought to be, save for setting the minimum qualifying age of candidates.

Ideally, councillors as the elected functionaries in a system of representative democracy, not only represent the interests of specific political constituencies in specific geographical locations/wards, but they should also be

¹⁶² There is a need to undertake an in-depth study into the selection criteria adopted by the various political parties. This is important for analysing the relationship between the method of candidate selection and the relative performance of the candidate once in his/her elected position.

¹⁶³ Rahat G. (2008) 'Which Candidate Selection Method is more Democratic', UC Irvine, Centre for the Study of Democracy. Retrieved from: <http://escholarship.org/uc/item/05n9f4bn>

the most competent persons to do so. And here, the concern is not only that they should be able to communicate with their constituencies and act as intermediaries between municipal authorities and the said constituencies. Issues relating to the *quality* of the representation that the candidate affords are also key considerations for determining the individual councillor's capacity to meaningfully represent and work towards the realisation of the interests of the constituency he/she serves. This latter consideration requires that firstly, residents in a municipality have a representative in Council and secondly that this representative should have the capacity to pressure the institution or individuals in the institution to "be responsive to the needs and grievances of the public"¹⁶⁴. It is arguable in this regard that both the soft skills of a councillor (i.e. a councillor's capacity to empathise with his/her constituency and to communicate effectively and regularly with the community, the party, and with municipal officials) as well as the hard skills (that is, professional experience and educational training) become critical in determining how valuable representative democracy really is. Ultimately, democracy is about processes of political selection *and*, importantly, about outcomes that are commensurate with the stated needs and aspirations of citizens.

With regard to service delivery, it is clear that where citizens do not see delivery, there is a deficit in terms of the democratic dividend; that is, a deficit to the extent that formal electoral processes do not necessarily yield the desired/expected outcomes of service delivery for those who participate in electoral processes. While this deficit can be seen as a function of structural weaknesses that impede the capacity of institutions to deliver on their governance and service delivery mandates, this deficit is also a result of weaknesses in the competence levels of elected representatives to facilitate the necessary implementation processes for the progressive realisation of citizens' demands. It is in light of these weaknesses/limitations in councillor competencies that the Housing and Land Administration Manager resolved the following:

Councillors need more training to be able to (i) interpret council decisions better; (ii) be able to have a better understanding of certain pieces of legislation, and (iii) to be able to understand submissions made by administrators ... councillors should have some basic literacy and numeracy skills. I do not think that councillors without Matric should be nominated because they have to interact with officials, some of whom are very well educated and can therefore take advantage of the ignorance of councillors

Candidate selection processes are therefore important not merely as "a litmus test of how democratically [political parties] conduct their internal affairs", but importantly as a critical determinant of the nature of the politics in a specific location and the governance (including service delivery) outcomes that result from these political processes (Gallagher, 1988)¹⁶⁵. Political parties will increasingly have to find a way of ensuring that their candidate selection processes are representative and democratic, on the one hand, and that they enhance the performance capability of candidates (and hence the political party) by selecting the most technically, experientially, and educationally competent candidates available on the other. Currently the situation looks rather bleak with one opposition councillor noting that:

¹⁶⁴ Ibid: 3

¹⁶⁵ Gallagher M. and Marsh M. (eds) (1988) *Candidate Selection in Comparative Perspective: The Secret Garden of Politics* (SAGE Modern Politics Series: London)

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Effective councillors are marginalised, some councillors are here to gain their own benefit. There are some knowledgeable and experienced councillors who have not been given a chance. There are better people even in the ruling party than all the people currently on the Mayoral Committee.

While it is not clear what the various party candidate selection processes are, it would appear that in the case of this municipality, candidate selection in Council, and specifically in the Mayoral Committee, is a matter of control and perhaps even dispensing patronage rather than ensuring optimum performance on the part of the MMCs and the municipality as a whole. As noted by the IDP Manager:

It is very rare when you find a ward electing someone on resourcefulness. Most of the time the ruling party will look at how many times someone has been involved in the activities of the party and how honestly they have been attending their meetings... at the end of the day the person who is appointed is not appropriate ... this undermines service delivery and weakens those who are competent and have been over-looked. At the end of the day, it is these things that cause conflict [within the ANC]

Councillors who participated in the group discussion after the one-on-one interviews with councillors and municipal officials made similar allegations to the one outlined above:

MMCs are supposed to oversee all the departments in the municipality but they are unable to do so because they are hand-picked by the Mayor on the basis of favouritism and in the light of the factional fighting in the municipality. They are not chosen for their competence and ability

c. Geographical dispersion of human settlements and ward demarcation

Madibeng local municipality is the product of the amalgamation of the two historically distinct municipalities of Brits and Haartebeespoort. This amalgamation, like others initiated in the wake of democratic local government, was undertaken in keeping with, *inter alia*, the redistributive priorities of the Municipal Demarcation Board, which include pooling scarce financial, human and technical resources between what were formerly racially distinct municipal authorities.

Laudable and necessary as this initiative has been, it has unfortunately created a situation where the actual geographical reach of the municipal area is substantially larger than it was previously. Furthermore, the population requirements in terms of which ward demarcations are made, have, in the case of the largely rural character of Madibeng, resulted in the consolidation of ward villages and townships that are widely dispersed and often far from each other, into a single ward. This has seemingly had a negative impact on effective, regular and sustained community-councillor engagement. The Ward Councillor for Ward 1, for instance, highlighted that she could not really convene ward meetings given the size of her ward (approximately 6 000 residents), spread across thirteen villages and one township that are far from each other with bad road connections between them. To address this logistical challenge, her Ward Committee structure is composed of representatives from the various villages who are in charge of communicating with her and their communities regularly. The Ward Committee members therefore act as regional representatives of sorts, collating information and grievances from their

constituencies and transmitting these to her as the ward councillor. Asked about the regularity of Ward Committee meetings, the councillor conceded that even these do not happen regularly enough given that Ward Committee members would need to use their own resources to get to these meetings, and in a context where most, if not all, are unemployed, it is not possible for them to cover these logistical costs from their own pockets. Spatially, the relative size of a ward, and the spatial dispersion of the different localities within the ward is important since it has a significant bearing on the level and frequency of interaction between the councillor and citizens on the one hand, and citizens and the municipality on the other. In a context such as this it is no surprise that there is often a mismatch between the priority areas identified by communities and those identified in municipal plans like the IDP, as well as increasing levels of anger and frustration directed at local government. A councillor had this to say on the growing frustrations:

Currently, it looks like things are reaching boiling point because when we go out to community consultations there are certain wards that are not happy at all. They have started to lose faith in the IDP saying that it does not do any good for them and why would they participate in something that does not better their lives.

3.4.4 Conclusions

Based on the preceding discussion, it is clear that when analysing the role of councillors in service delivery, it is important to consider the personal attributes and competencies of councillors as well as the institutional environments within which they operate. In the case of Madibeng, the overarching factor that has contributed to the dismal performance of the municipality and to some of the frustrations that councillors have regarding fulfilling their electoral mandate, is the polarised political environment that stems from divisions within the ruling Party. In the light of the concerns raised by the councillors interviewed regarding the mismanagement of municipal resources and the divisive nature of the politics, it comes as little surprise that Madibeng has, since March 2010, been placed under provincial executive authority in terms of Section 139 of the Constitution. While there is a need to maintain debate within and across party political lines, when these debates fall outside the boundaries of constructive policy engagement towards effective service delivery, in a context of administrative dysfunctionality, serious impediments to councillors' and officials' effectiveness emerge. These ultimately have a devastating impact on citizens and therefore compromise their enjoyment of the democratic dividend. It is therefore crucial that political parties take responsibility for the candidates that they appoint for deployment and for electoral representation, as well as develop mechanisms through which to address and contain intra-party power, ideological, and other internal contestations.

4. CONCLUSIONS

4.1 Learning from the Case Studies: Recommendations for More Effective Local Councillor Leadership

The impact of councillors on service delivery and the relationship between councillors and the community:

- **Key finding:** All the case study municipalities were found to have service delivery shortfalls in basic and community services. Whilst not directly involved in service delivery, councillors play an essential role as the interface between residents and the municipal administration. Where there is effective and transparent oversight by councillors of municipal progress with service delivery, combined with feedback to residents on progress, residents appear to be more satisfied with service delivery, because they are aware of the challenges facing the municipality and what is being done to address the situation. The municipal administration is also held to account and this appears to improve service delivery performance. In this context, residents are also more aware of municipal achievements in respect of service delivery targets set by the municipality. For example, the Khara Hais municipality has won various service delivery awards, such as for providing clean domestic water. Unlike the other case study municipalities, Khara Hais has not experienced any significant service delivery protests in recent years, despite having its own service delivery obstacles to overcome.
- **Key finding:** Where there is an effectively functioning public participation system in place for residents to express their needs and for these needs and concerns to be heard and acted upon by the municipal administration, residents appear to have more trust in the ability of local government to address their needs and appear to be less frustrated with service delivery shortfalls that exist.
- **Recommendation:** Residents' trust in the ability of local government to deliver services needs to be restored via a number of measures, including a regular assessment of councillor performance, undertaken in a systematic and transparent way and based on a set of standardised indicators applied across all municipalities. These indicators should include for example: level of attendance at Ward Committee and Council meetings and the level of participation in such meetings; the level and frequency of contact with residents in the municipality as well as the effectiveness of councillors in having residents' needs conveyed in Council and addressed by the municipality.
- **Recommendation:** The link between decisions taken at Ward Committee meetings and Council needs to be stronger, so that resolutions taken in these committees are reflected in Council meetings and citizens can see that their voices are being heard at Council level. In Kerala India, the success of this system of local government has been attributed to the continuous citizen participation from ward-level structures and general assemblies. Citizens identify their priority needs and have a direct influence on the allocation of budgets for development projects at the ward level in their areas.

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- **Key finding:** Ward Councillors have poor access to information on progress with service delivery programmes, and are therefore unable to play an effective municipal oversight role. In this regard, the example of the Khara Hais municipality is instructive. For example, councillors are able to request ward-sessions with municipal administrators in charge of service delivery units and regular executive meetings are also arranged between the councillors and managers to clarify issues and obtain feedback on service delivery progress.
- **Recommendation:** There is a need to institutionalise a feedback-loop between councillors and the municipal administration, to monitor progress in development projects. This enables citizens to track progress in council decisions that have been taken. In this way, public representatives are held accountable and can lose support if sufficient progress has not been made on approved projects. In Porto Alegre, this feedback loop is part of the system of participatory government through the process of Participatory Budgeting. Public representatives are required to report on project progress in annual meetings and in People's Assemblies.
- **Key finding:** Ward councillors (for example in Phumelela) are under-capacitated both in terms of numbers and 'voice' in representing the needs of residents at Council level.
- **Recommendation:** PR Councillors should be utilised more effectively by drawing them into ward activities thereby strengthening the voice of the ward within Council.

Councillors' relationship with municipal officials and their role in oversight:

- **Key finding:** With the exception of Khara Hais, ward councillors were found to lack basic resources to enable them to perform their roles and functions effectively.
- **Recommendation:** Municipalities should ensure that councillors have access to basic resources to enable them to perform their functions. These include office space and basic equipment, some funding to cover costs of ward committee meetings, etc.

The need for councillor training, mentorship and stricter selection criteria for the appointment of councillors:

- **Key finding:** Many councillors in the case studies lacked basic core skills to enable them to perform their functions effectively. These included basic literacy and numeracy. They were therefore unable to read council documents, policies and plans in preparation for Council meetings and some were even forced to rely on municipal administrators to assist them, in so doing compromising their ability to exercise effective oversight.

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- **Recommendation:** The selection criteria for the appointment of councillors should be reviewed and tightened to ensure that the quality of councillors is improved. The minimum educational standard should be a matric qualification, and prospective councillors with a track record of community work in the ward they are representing should be given preference in the selection criteria, as should relevant work experience, including experience in local government. The case of Porto Alegre (discussed in the literature overview) highlighted that public representatives are elected based on criteria such as how they have represented residents' needs their frequency of participation in public meetings and their local standing in the areas they represent.
- **Key finding:** Some councillors appeared unaware of the Councillor Handbook produced by SALGA for the purposes of guiding councillors in their roles and functions and the local government framework within which they are operating. Many residents also appear to be unaware of the roles and functions of councillors and request assistance from councillors in the domain of resolving personal family crises and other matters. These requests for assistance overwhelm councillors who are already stretched in their roles as service delivery intermediaries between Council and residents.
- **Recommendation:** Councillors need to familiarise themselves thoroughly with the Councillor Handbook on the roles and functions of councillors. SALGA, together with municipalities, should create awareness of the need for this handbook to support councillors in their duties and responsibilities. The use of the Councillor Handbook should be encouraged alongside the need for comprehensive and large-scale training of councillors and citizens. This would ensure councillors are aware of their roles and responsibilities and citizens are informed about what they can and should expect from councillors, especially in respect of the functional jurisdictions of councillors within the framework of local government service delivery. Lessons can be learned from the case study of local governance in Kerala, India (presented in the Literature Scan). In this state, a massive training programme aimed to capacitate all actors, including citizens, in the local government chain was initiated. Capacity building and training included the development of the skills of local councillors and government officials. This approach achieved the goal of deepening participatory government at local level.
- **Key finding:** Councillors are sometimes accused of not performing their duties honestly and in good faith in the interests of residents and the municipality. For example in Phumelela, it was established that councillors failed to assist with the implementation of municipal policy relating to rates collection in the interests of their political party in the run up to the 2009 elections.
- **Recommendation:** Councillors should receive more education and training on the Disciplinary Code of Conduct. This would encourage them to be accountable and to abide by the rules that govern their actions and behaviour. Through this emphasis, the performance of councillors would be improved, and residents they are representing would begin to place more trust and faith in the ability of their public representatives to serve their interests honestly and in a transparent manner.

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- **Key finding:** New councillors, including those who are elected mid-term, are often not well acquainted with rules and procedures of council meetings and committees and therefore cannot perform an effective oversight role.
- **Recommendation:** New councillors (elected for the first time) should receive some training-support from their political parties on the rules and procedures of council meetings and committees, to make them more effective in their roles within these structures.
- **Recommendation:** Municipalities should support councillors in various ways to assist them in performing their oversight function. This can be achieved through introducing a mentoring system involving more experienced senior councillors mentoring the inexperienced ones. In addition, municipalities should invest in committee-specific capacity building courses for the councillors such as those offered by the DBSA.
- **Key finding:** Some councillors lack basic literacy skills, and therefore may not be able to read documents such as the Councillor Handbook to inform themselves, and traditional training methods relying on the use of reading material may not be useful to these councillors
- **Recommendation:** Training support programmes to build councillor capacity should be developed in a way to accommodate councillors who lack basic literacy (for example through the use of audio and visual material).
- **Key finding:** Residents appeared to have a very poor understanding of the mandates of councillors and jurisdiction of local government as a tier of government that is responsible for the provision of particular services. Residents, for example, blamed local government for poor housing delivery (as a provisional department mandate) and requested assistance from councillors on a range of personal and family issues that require the support of social workers rather than councillors.
- **Recommendation:** A holistic approach to training and education in local governance needs to be adopted to promote true participatory democracy and accountable, locally-elected political leaders. For example in Kerala, India, training and education campaigns to improve their system included training of elected local representatives, local associations and civic bodies to ensure that all citizens are aware of the roles and functions of their elected local leaders.
- **Key finding:** Councillors are very often appointed onto oversight committees without adequate knowledge and/or insights into the technical aspects of service delivery in particular sectors; such as for example water and sanitation services.
- **Recommendation:** With respect to the oversight Portfolio Committees (located within Section 79 or 80 Committees), councillors with track-records and technical expertise in specific service units should be included in these committees. All councillors serving on such committees should receive specific training on oversight to make them more effective.

Longer term recommendations and strategic decisions

- **Key finding:** With the exception of Khara Hais, ward councillors have no decision-making power on the development projects for the wards they represent. Municipal service delivery projects and development programmes are decided upon centrally within Council and at the level of the executive authority structure in the municipal administration. This weakens participatory democracy at the local level because residents often do not see the implementation of development projects they have expressed a need for in their own wards.
- **Recommendation:** Consideration should be given to empowering ward councillors with discretionary budgets to enable them to allocate development projects within their wards. This is reportedly the case in Khara Hais and also this approach has been used internationally for example in Kerala, India. The cases of Mexico City and Vietnam, where attempts were made to promote participatory democracy, as a response to citizens' frustrations with poor delivery, illustrate the failures with a purely top down approach in attempting to facilitate this model. By devolving decisions down to the local ward level, through allowing local councillors some discretionary powers over the allocation of money in their wards, participatory democracy may be promoted and citizens should be able to see development projects specific to their own wards, that they have identified as needs, realised.
- **Key finding:** Most councillors only receive basic councillor induction training, relating to their broad roles and functions as councillors. Some receive other types of training such as in the fields of leadership and management, but training in the area of developing budgets and financial management is lacking.
- **Recommendation:** There is a need to equip councillors with the technical skills needed for developing budgets as well as their implementation, to ensure that they are able to manage finances pertaining to ward level development.
- **Key finding:** As the case studies have shown, lessons can be learned from municipalities as to how best to utilise councillors to facilitate service delivery, the challenges they face in the execution of their responsibilities and the solutions to these challenges.
- **Recommendation:** There is a need to develop learning networks between elected local leaders and officials in municipal administrations. Learning networks could extend across municipalities. This would enable lessons to be learned between municipalities that are struggling with service delivery challenges and those that are performing well, facilitated by effective political leaderships. Examples in the present study are Khara Hais and Madibeng. Khara Hais emerged as a successful model of a municipality that is accountable and delivers services to benefit all residents. Whereas, Madibeng was a municipality that was dysfunctional. The local political leadership in that municipality, could learn valuable lessons from Khara Hais if such a learning network was in place. Presently the South African Cities Network together with the Good Governance Learning Network seem to be the only structures that facilitate communication

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between municipalities. However, these structures do not have the resources of the scale needed to facilitate inter-municipal communication. Perhaps the South African Local Government Association could play more of an active role in this regard.

- **Key finding:** There is poor coordination between different municipal service delivery departments, especially in municipalities such as Phumelela where service delivery units may be geographically spread between several towns. This makes councillor oversight more demanding.
- **Recommendation:** Effective coordination of service delivery between the widely distanced administrative units can be achieved through proper ICT structures. These could include functioning emails and teleconferencing facilities etc. In this way councillors would be able to access information about all service units centrally, without the need to physically travel to these departments located in other towns.